

ORDINANCE NO. 20-46

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA,
REGARDING PROPERTY MAINTENANCE AND
STRUCTURAL STANDARDS; AMENDING ARTICLE VI OF
CHAPTER 2-9 OF THE MANATEE COUNTY CODE OF
ORDINANCES; RELETTERING/RENUMBERING CERTAIN
PROVISIONS AND CORRECTING NON-SUBSTANTIVE
SCRIVENER'S ERRORS FROM ORDINANCE 20-41;
PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Manatee County, Florida (the Board), to exercise powers that are not inconsistent with general or special law; and

WHEREAS, the Board found that it was in the best interests of protecting the health, safety and welfare of the citizens of Manatee County (the County) by amending Article VI of Chapter 2-9 of the Code, via Ordinance 20-41, on September 3, 2020; and

WHEREAS, Ordinance 20-41 implemented property maintenance and structural standards directed at minimizing fire hazards, other calamities, or other conditions which render buildings, structures and accessory structures unsafe, unsanitary, dangerous or otherwise detrimental to the health, safety and general welfare of the community; and

WHEREAS, this Ordinance amends relevant provisions of Article VI, Chapter 2-9, Manatee County Code of Ordinances by relettering/renumbering the following provisions within said chapter and correcting non-substantive scrivener's errors from Ordinance 20-41, making the maintenance and structural standards clearer to understand; and

WHEREAS, the Board finds that adopting Ordinance 20-46 is in the best interests of the County, its citizens, taxpayers and business community.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Section 2-9-105 of the Manatee County Code of Ordinances is hereby amended as follows, where the underlined text constitutes an addition and the ~~stricken~~ text constitutes a deletion:

Sec. 2-9-105. - Property maintenance standards.

- (a) All property, structures and buildings shall be maintained in compliance with the requirements specified in this Article. A person shall not occupy as owner-occupant or permit another person to occupy any property or premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Article.--

* * *

- ~~(g)~~(m) Commercial fishing equipment, including crab traps, rollers, nets, coolers or similar equipment usually associated with commercial fishing, may be stored on lots and in required yards in the Cortez Fishing Village Overlay District without the necessity to screen the equipment from view.
- ~~(h)~~(n) Garage sales on residential property shall be limited to one sale, not to exceed three (3) consecutive days, every three (3) months per residential lot.
- ~~(i)~~(o) Outdoor display, sales, or storage of merchandise, equipment may be allowed on nonresidential property in compliance with the Land Development Code. Outdoor display, service, sales or storage of merchandise, equipment or materials shall be prohibited in any of the following areas:
- (1) Required yards;
 - (2) Fire lanes;
 - (3) Designated loading zones;
 - (4) Designated parking areas;
 - (5) Driveways;
 - (6) Visibility triangles;
 - (7) Storm water conveyances;
 - (8) Drainage and utility easements; and
 - (9) Public rights-of-way.
- ~~(j)~~(p) Clotheslines shall be maintained in a safe condition and shall be prohibited in the front yard of any residential property.
- ~~(k)~~(q) No paint or hazardous materials shall be spilled or dumped on any property, right-of-way, roadway or waterway.
- ~~(l)~~(r) Minor service or repair work on motor vehicles and restricted vehicles may take place on residential property in compliance with all of the following requirements:
- (1) The property owner or tenant shall own the motor vehicle or restricted vehicle being serviced or repaired;
 - (2) Minor service or repair work shall be limited to minor work such as changing or adding oil or other fluids, changing a battery, a tire or spark plugs, or tuning up the engine.
 - (3) Except for emergency repairs, no service or work shall take place on any right-of-way or public property.
 - (4) No oil, gas or other fluids shall be discharged or allowed to drain, leak or run off onto any grass, sod, soil, non-impervious surface, right-of-way or public property.
 - (5) All other service and repair work on motor vehicles or restricted vehicles shall take place at a location that complies with the Land Development Code.

~~(m)~~(s) All private sidewalks, walkways, driveways, drive isles, roadway, parking spaces and similar areas shall be kept in good repair and maintained free from hazardous conditions.

Section 2. Section 2-9-107 of the Manatee County Code of Ordinances is hereby amended as follows, where the underlined text constitutes an addition and the ~~stricken~~ text constitutes a deletion:

Sec. 2-9-107. - Accessory structures and uses.

* * *

~~(d)~~(e) *Barriers.*

- (1) Private swimming pools, hot tubs and spas shall be completely surrounded by an effective barrier or fence that complies with the requirements of the building code and Chapter 515, Florida Statutes.
- (2) Public swimming pools shall be enclosed by an effective barrier that complies with the requirements of the building code and Chapter 515, Florida Statutes.
- (3) During all swimming pool construction, the contractor shall install and maintain a temporary or permanent barrier that complies with the requirements of the building code and Chapter 515, Florida Statutes. No temporary enclosure may be removed until a permanent barrier has been properly installed.
- (4) Enclosures, fences and barriers required for swimming pools, hot tubs and spas shall be maintained in compliance with the applicable building code and Chapter 515, Florida Statutes. No existing enclosure or fence shall be replaced or changed in a manner that reduces its effectiveness as a safety barrier.
- (5) Exit alarms shall be maintained in compliance with the applicable building code and Chapter 515, Florida Statutes. No exit alarm shall be removed, disabled or changed in a manner that interferes with its proper operation.

~~(e)~~(f) Where required by the building code, permits shall be obtained for all storage structures and sheds. Portable storage units, trailers, semitrailers, marine cargo containers and other transport containers are prohibited except those that meet one of the following descriptions:

- (1) Temporary storage on active permitted construction sites;
- (2) Temporary storage on residential property for a maximum of thirty (30) days in any twelve-month period to be loaded or unloaded;
- (3) In compliance with applicable requirements of the building code and the Land Development Code;
- (4) Portable storage units, trailers, semitrailers, marine cargo containers and other transport containers may be allowed on A zoned properties of five (5) acres or more and must comply with the setbacks in that zoning district and be placed at the rear of the property. The underlying property around them must be maintained at all times; or

(5) On properties with a bona fide farm operation on land classified as agricultural land pursuant to Section 193.461, Florida Statutes.

(f)(g) No mobile home shall be used for storage of materials, parts, equipment or any other items.

Section 3. Section 2-9-108 of the Manatee County Code of Ordinances is hereby amended as follows, where the underlined text constitutes an addition and the ~~stricken~~ text constitutes a deletion:

Sec. 2-9-108. - Motor vehicles.

* * *

(b) *Restricted vehicles.*

* * *

(4) Restricted vehicles may be parked on a paved driveway of a front yard:

- a. On property located within (i) the General Agricultural District (A) , (ii) the Agricultural Suburban District (A-1), or (iii) the Residential Single-Family District with a maximum density of one dwelling per acre (RSF-1) as described in the Land Development Code; or
- b. When permitted for vehicle sales in compliance with the Land Development Code and approved plans.
- c. ~~This section shall not apply to properties with a bona fide farm operation as set forth in Section 823.14(6), Florida Statutes.~~

(5) Restricted vehicles shall not be parked or located in any utility or drainage easement, visibility triangle, right-of-way, fire lane, walkway, exit way, drive aisle, maneuvering area or landscape area.

* * *

(10) Boats may be parked on property located in the Cortez Fishing Village Overlay District. Boats may be parked in the front yard and side yard of residential property in such district in compliance with the following requirements:

- a. Non-commercial boats, such as pleasure boats, may be stored in side yards when the boat is owned by the resident of the premises, but only if the lot size or building configuration makes storage in the rear yard physically impossible.
- b. Commercial fishing boats owned by the property owner may be stored in the side yard or rear yard.
- c. Historical or commercial or non-commercial fishing boats titled in the name of a non-profit organization may be stored on property owned by such organization for a period not to exceed three (3) years.

- d. Commercial fishing boats and commercial fishing equipment may be stored on vacant lots adjacent to residential structures which are under the same ownership, provided such storage is located at least fifteen (15) feet from the front property line.

(11) This section shall not apply to properties with a bona fide farm operation as set forth in Section 823.14(6), Florida Statutes.

Section 4. Pursuant to Section 125.68(1), F.S., the codifier of the Manatee County Code of Ordinances, Municipal Code Corporation, shall codify the substantive amendments to the Manatee County Code contained in Sections 1, 2, and 3 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

Section 5. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 6. This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

DULY ADOPTED with a quorum present and voting this ____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk