

## ORDINANCE NO. 20-869

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING SECTION 114.421, "USES WITHIN RIGHT-OF-WAY", OF ARTICLE VI, "SUPPLEMENTAL REGULATIONS", OF CHAPTER 114, "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF ANNA MARIA, FLORIDA; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA, AS FOLLOWS:

**SECTION 1.** Section 114.421, "Uses within right-of-way", of Article VI, "Supplemental Regulations", of Chapter 114, "Zoning" of the Code of Ordinances of the City of Anna Maria is hereby amended to read as follows:

**Sec. 114-421. - Uses within right-of-way.**

- (a) *Generally.* With the exception of the planting of grass or 250 filter mix, no encumbrances of any kind, such as trees, bushes, rocks, stones, plantings, pea gravel, crushed shell, etc., shall be placed or constructed on the right-of-way within eight feet of the edge of pavement without the written approval of the director of public works and a majority of the members of the city commission; provided, however, that regulatory signage pertaining to traffic control, safety structures, and public utility equipment are permitted by right within the right-of-way. The city commission is authorized to approve by resolution administratively established fees necessary for processing this section.
- (b) *Pervious Brick Pavers System.* Notwithstanding the foregoing, a permit for a pervious brick paver system within the right-of-way may be issued by the Building Department with the approval of the public works director under the following conditions:
  - (1) The pavers must be constructed using pervious pavers meeting the city's design and installation standards.
  - (2) Pavers in the right-of-way shall not extend beyond the border of the driveway or a maximum width of 24-ft., whichever is less.
  - (3) A non-exclusive right-of-way use / maintenance agreement shall be prepared, executed and submitted to the city, obligating the owner of the property to perpetually maintain the paver improvements. The agreement shall be in recordable form and recorded in the public records of Manatee County at the owner's expense.
- (c) *Business activities.* No commercial business or business activity shall be conducted on the right-of-way.
- (d) *Right of city to trim or remove plantings and remove pervious brick pavers systems.* The city retains the right to trim or remove any plantings, or pervious brick pavers

system, or other privately placed obstructions on the right-of-way if the plantings, pervious brick paving system, or other obstruction are a hazard or have the potential to be a hazard to the public using the right-of-way, or if it is appropriate (as determined by the city) that they be removed to facilitate work on any utility or for any other public purpose. Plantings, pervious brick paving systems, and any other obstructions placed within the right-of-way are there subject to the city's overriding right of control of uses within the right-of-way. The city retains the right to remove or trim any plantings, pervious brick paving systems, and any other obstructions placed within the right-of-way, and there shall be no right of reimbursement on the part of any party for loss of same.

- (e) *Parking.* Parking within the right-of-way shall be controlled by the city commission, and appropriate signage may be posted on the appropriate rights-of-way indicating parking regulations pertaining to the subject length of right-of-way.

(Ord. No. 96-549, § 1(3.09.11), 2-16-96; Ord. No. 05-638, § 4, 4-28-05; [Ord. No. 11-719, § 13, 9-22-11](#))

**SECTION 2. CONFLICTS.** All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.


**SECTION 3. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Anna Maria. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 4. SEVERABILITY.** In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, or application thereof, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this ordinance as expressed herein.

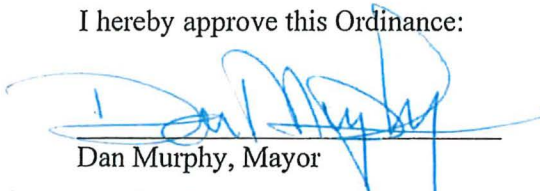
**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Anna Maria.

**PASSED AND ADOPTED,** by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this 30 day of July, 2020.

Jonathan Crane, Commissioner  
Amy Tripp, Commissioner  
Carol Carter, Commissioner  
Mark Short, Commissioner  
Joe Muscatello, Commissioner

  
Carol Carter, Chairperson

I hereby approve this Ordinance:

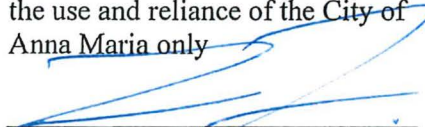
  
Dan Murphy, Mayor

08.03, 2020

ATTEST:

  
LeAnne Addy, City Clerk

Approved as to form and legality for  
the use and reliance of the City of  
Anna Maria only

  
For Gretchen R. H. "Becky" Vose  
City Attorney