


# MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

49

<b>SUBJECT</b>	1998 Adult Entertainment Code Amendment, CAO File No. 1055-097	<b>TYPE AGENDA ITEM</b>	Regular
<b>DATE REQUESTED</b>	November 3, 1998	<b>DATE SUBMITTED/REVISED</b>	October 20, 1998
<b>BRIEFINGS?/WHO?</b>	Available upon request	<b>CONSEQUENCES IF DEFERRED</b>	No Amendment to Adult Entertainment Code
<b>DEPARTMENT/DIVISION</b>	County Attorney's Office	<b>AUTHORIZED BY TITLE</b>	Teddy N. Williams, Jr., County Attorney
<b>CONTACT PERSON TELEPHONE/EXTENSION</b>	James A. Minix/Dee Dee Rosario - ext. 3750	<b>PRESENTER/TITLE TELEPHONE/EXTENSION</b>	James A. Minix - ext. 3750
<b>ADMINISTRATIVE APPROVAL</b>			

ACTION DESIRED	
INDICATE WHETHER "REPORT or "DISCUSSION, "FORM OF MOTION	IER ACTION REQUIRED:
<p>Hold first public hearing of Adult Entertainment Code Amendr 1998 -</p> <p style="text-align: center;"><b>ENABLING/RE</b> Federal/State law(s), administrative ruling(s), Manatee Coun</p> <p>Sec. 2-2.5, Adult Entertainment Code</p>	<p>blic hearin</p> <p>ordina</p> <p><i>11/6/98</i></p> <p><i>I requesting cert. copy from Minix and he doesn't want us to have them but ask Ted to</i></p>

*Susan should see have a copy of just did refer to in meeting? J o folk*

BACKGROUND/DISCUSSION
<p>The purpose of this revision to the Adult Entertainment Code is to add additional physical requirements for establishments classified as adult dancing establishments including that all rooms be open to the public, that they be at least 1,000 square feet in area, well lit and unlocked. All private rooms are prohibited. CAO recommends approval of proposed revision.</p>

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right. (If "NO," proceed to 1) below; and if "YES," proceed to 2) below) <span style="float: right;">N/A</span>	
1) IF "NO" TO ABOVE,	
A) PLEASE EXPLAIN BELOW: (see also following section 1B) re: contract, agreement, lease, etc.:	
This is a County Attorney's Office item.	
B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT: <span style="float: right;">N/A</span>	
2) IF "YES" TO FIRST QUESTION IN THIS SECTION,	
A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?	
B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER MUST BE ATTACHED (If comments were verbal, so indicate.)	

<b>ATTACHMENTS: (List in order as attached)</b>  Ordinance No. 98-46; Notice of Change of Land Use Affecting Property in Unincorporated Manatee County.	<b>INSTRUCTIONS TO BOARD RECORDS:</b>  Return copy of this Agenda Memorandum, stamped by Board Records, to James A. Minix, County Attorney's Office.
<b>COST</b>	<b>SOURCE (ACCT# &amp; NAME)</b>
<b>COMMENTS</b>	<b>AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT)</b>

**ORDINANCE NO. 98-46**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE ADULT ENTERTAINMENT CODE, CHAPTER 2-2.5 OF THE MANATEE COUNTY CODE OF LAWS, ADDING CERTAIN SUBSECTIONS PRESCRIBING CERTAIN PHYSICAL REQUIREMENTS FOR ALL ADULT DANCING ESTABLISHMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning, land development and other regulations and ordinances to protect the health, safety, and welfare of the citizens of Manatee County, Florida; and

**WHEREAS**, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empower and require the Board of County Commissioners of Manatee County, Florida, to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

**WHEREAS**, Section 125.01, Florida Statutes, empowers the Board of County Commissioners of Manatee County, Florida, to adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

**WHEREAS**, it is necessary, expedient and in the best interest of the health, safety, and welfare of the citizens of Manatee County, Florida, to regulate the operation of adult dancing establishments which includes lingerie and modeling studios, tanning salons and other enterprises which purport to offer private consultative services where specified anatomical parts are displayed located within said county;

areas behind such doorways or entranceways and provided such doors are marked as set forth in paragraph (h)(2) above.

(j) At least one doorway into or out of the adult dancing establishment premises shall be unlocked at anytime a customer is anywhere within an adult dancing establishment premises or at anytime the premises are open to the public.

(k) All rooms open to the public in any adult dancing establishment premises shall be lighted such that the light intensity at every point thirty inches above the floor is not less than one-half footcandle.

(l) The Sheriff shall have access to all rooms at all times any adult dancing establishment premises are open to the public. Premises are irrebuttably presumed to be open at any time a customer is on the premises. This access shall be for inspection purposes only.

(m) No room other than a sanitary facility or room marked as set forth in (h)(2) shall have any dividers or partitions or any other thing in excess of three feet in height which blocks the view of any portion of the room.

(n) Private rooms are prohibited within the adult dancing establishment premises.

(o) No room within the premises shall have its doorway or threshold blocked or obscured by doors, curtains, drapes or any other obstruction unless the room is (1) a sanitary facility, (2) the room is an adult motion picture theater in which movies are shown on a screen, or (3) a room marked as set forth in paragraph (h)(2), hereinabove.

Section 4. Severability. It is the intention of the Board of County Commissioners that all provisions and portions of this Ordinance are severable and if any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or

**WHEREAS**, the subject of the ordinance may arguably be considered as pertaining to land uses or conduct;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida, as follows:

Section 1. Whereas Clauses. The foregoing recitals are hereby adopted and incorporated herein by reference.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 3. Addition to Adult Entertainment Code. Section 2-2.5-59 of the Manatee Code is hereby amended by adding the following subsections (g) through (o):

(g) All adult dancing establishment premises shall have an entrance room or lobby, i.e., the room which is entered from the outside, and sanitary facilities as set forth in subsection 2-2.5-56(f). The entrance room or lobby may be as large or as small as the licensee chooses.

(h) All other rooms in adult dance establishment premises must either:

- (1) be not less than one thousand square feet in area; or
- (2) be clearly marked in letters not less than two inches in height "No Customers or Patrons Allowed."

(i) Except for sanitary facilities, no doorway or entranceway within any premises shall be locked at anytime a customer is anywhere within the premises or at anytime the premises are open to the public unless customers or patrons are prohibited at all times from going into the rooms or

unenforceable, that all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Amortization. Any adult dancing establishment lawfully existing at the time of adoption of this Ordinance 98-46 shall have until January 1, 2000, to comply with the provisions of this Ordinance 98-46.

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

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 1998.

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

By: \_\_\_\_\_  
**PATRICIA M. GLASS**  
**CHAIRMAN**

**ATTEST:**

**R. B. SHORE**  
**CLERK OF THE CIRCUIT COURT**

By: \_\_\_\_\_

**DATE TO BE PUBLISHED: October 26, 1998**

**NOTICE OF CHANGE OF LAND USE  
AFFECTING PROPERTY IN UNINCORPORATED MANATEE COUNTY**

The Manatee County Board of County Commissioners will hold public hearings to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended).

Dates: November 3, 1998  
November 24, 1998

Time: 9:00 am or soon thereafter

Place: Manatee County Government Administrative Center  
1112 Manatee Avenue West, Board Chambers (1<sup>st</sup> Floor)

**ORDINANCE 98-46**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF  
THE MANATEE COUNTY ADULT ENTERTAINMENT CODE (CHAPTER 2-  
2.5 CODE OF LAWS) INCLUDING:

AMENDING CERTAIN STANDARDS AND REGULATIONS  
RELATED TO ADULT ENTERTAINMENT FACILITIES.

PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The public is invited to speak at these hearings, subject to proper rules of conduct. The hearings may be continued from time to time to a date and time certain. The public may also provide written comments for the Board of County Commissioners to consider.

Rules of procedure for these public hearings are in effect pursuant to Resolution 94-90. A copy of this Resolution is available for review or purchase from the Planning Department (see address below).

PLEASE SEND COMMENTS TO: Manatee County Planning Department  
Attn: Agenda Coordinator  
1112 Manatee Avenue West, Suite 427  
Bradenton, Florida 34205

All written comments will be entered into the record.

**For More Information:** Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling **749-3070, Ext. 6852**, between 8:00 am - 5:00 pm.

**Americans with Disabilities:** The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions, including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Rita Dralus at 742-5800; TDD only 742-5802 and wait 60 seconds; FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.



# BRADENTON HERALD

www.bradenton.com

P.O. Box 921  
Bradenton, FL 34206-0921  
Manatee Avenue West  
Bradenton, FL 34205-8894

Bradenton Herald  
Published Daily  
Bradenton, Manatee, Florida

## STATE OF FLORIDA COUNTY OF MANATEE;

Before the undersigned authority personally appeared Jill Headings, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement, in the matter of  
Notice of Change....

                                 in the                                  Court,  
was published in said newspaper in the issues of

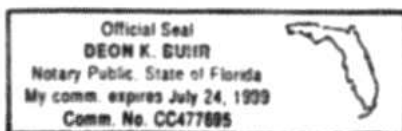
10/26/98

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Jill Headings  
(Signature of Affiant)

Sworn to and subscribed before me this  
24<sup>th</sup> day of October, 1998

Deon K. Guir  
SEAL & Notary Public



# NOTICE OF CHANGE OF LAND USE AFFECTING PROPERTY IN UNINCORPORATED MANATEE COUNTY

The Manatee County Board of County Commissioners will hold public hearings to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended).

Dates: November 3, 1998  
November 24, 1998  
Time: 9:00 am or soon thereafter  
Place: Manatee County Government Administrative Center  
1112 Manatee Avenue West, Board Chambers (1st Floor)

## ORDINANCE 98-46

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY ADULT ENTERTAINMENT CODE (CHAPTER 2-2.5 CODE OF LAWS) INCLUDING:

AMENDING CERTAIN STANDARDS AND REGULATIONS RELATED TO ADULT ENTERTAINMENT FACILITIES.

PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The public is invited to speak at these hearings, subject to proper rules of conduct. The hearings may be continued from time to time to a date and time certain. The public may also provide written comments for the Board of County Commissioners to consider.

Rules of procedure for these public hearings are in effect pursuant to Resolution 94-90. A copy of this Resolution is available for review or purchase from the Planning Department (see address below).

PLEASE SEND COMMENTS TO: Manatee County Planning Department  
Attn: Agenda Coordinator  
1112 Manatee Avenue West, Suite 427  
Bradenton, Florida 34205

All written comments will be entered into the record.

**For More Information:** Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 749-3070, Ext. 6852, between 8:00 am - 5:00 pm.

**Americans with Disabilities:** The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions, including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting, as provided for in the ADA, should contact Rita Dralus at 742-5800; TDD only 742-5802 and wait 60 seconds; FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

#49  
IF YOU WISH TO ADDRESS THE BOARD  
DURING A PUBLIC HEARING ON TODAY'S  
AGENDA, PLEASE COMPLETE THIS FORM.  
THANK YOU.

Individuals wishing to speak on any Public Hearing  
matter must indicate so by filling out this card and  
returning it to the Clerk prior to the beginning of the  
Public Hearing.

PLEASE PRINT

Name WILLIAM R. WHEELER

Address 3153 57 AVE. C.R. E.

Representing WHEELER GROUP

Public Hearing matter on which you want to speak:

#49

Please check one for each #:

1. Are you in favor \_\_\_\_\_  
opposed \_\_\_\_\_

2. Speaking as an individual?  
Yes \_\_\_\_\_ No \_\_\_\_\_

or

Speaking as an official representative of a group.

Name of  
Group WHEELER GROUP

3. Do you have a visual presentation or other  
evidence to be submitted to the Board?

Yes \_\_\_\_\_ (No) \_\_\_\_\_

4. Do you wish to be notified of any subsequent  
dispute resolution proceedings?

Yes \_\_\_\_\_ (No) \_\_\_\_\_

11/6/98

## ADULT ENTERTAINMENT ORDINANCE

CONTACTED JAMES MINNIX, ASST. CNTY ATTY,  
to obtain COPIES of JAX ORD & POLK  
COUNTY ORD REFERRED TO DURING  
MEETING — HE WILL ASK MR. WILLIAMS.

CONTACTED BCC TO SEE IF JONATHAN BRUCE  
STILL HAS COPIES — BARB ~~FUEHLBRUCK~~ FUEHLBRUCK TO  
CALL BACK.

Jane - Bd. Rec.