

RECEIVED

NOV 18 2011

BOARD RECORDS

ORDINANCE 11-29

2011 NOV 10 PM 12:30
TALLAHASSEE, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE REGARDING CHAPTER 2, DEFINITION OF REDEVELOPMENT AND VETERINARY CLINIC; AMENDING SECTION 704.66 REGARDING LOT WIDTH REQUIREMENTS FOR SERVICE STATIONS AND OTHER GAS PUMP LOCATIONS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 9, 2011, the Planning Commission, the County's Local Planning Agency, held a duly noticed public hearing to review this Ordinance and adopted a motion finding this Ordinance consistent with the Comprehensive Plan and recommending its approval; and

WHEREAS, on August 4, 2011, September 1, 2011, October 6, 2011, and November 3, 2011 the Board of County Commissioners held duly noticed public hearings to receive public comment and to review and consider this Ordinance; and

WHEREAS, after considering public comment, the recommendations of the Planning Commission and Planning staff, the Board has found the Land Development Text Amendment contained in this Ordinance consistent with the Comprehensive Plan and in furtherance of the public health, safety, and welfare, and has adopted the Land Development Text Amendment as contained in this Ordinance as set forth herein.

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

Section 1. 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, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. County has initiated a Land Development Code text amendment to clarify the definitions of redevelopment and veterinary clinic and to revise Section 704.66 regarding lots width requirements for service stations and other gas pump locations; and

2. The Planning Commission as the County's Local Planning Agency has held a duly noticed public hearing on June 9, 2011 to review proposed Ordinance 11-29 and adopted a motion finding this proposed ordinance consistent with the Comprehensive Plan and recommending its adoption to the Board of County Commissioners; and

3. The Board of County Commissioners held duly noticed public hearings on August 4, 2011, September 1, 2011, October 6, 2011, and November 3, 2011 on proposed Ordinance 11-29 to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance; and

4. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found the LDC Text Amendment as contained in this Ordinance consistent with the Comprehensive Plan and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

Section 3. Amendments The definitions of Redevelopment and Veterinary Clinic set forth in Chapter 2, Definitions, of the Code are hereby amended as follows, additional text indicated by underlining, deletions by ~~strikeout~~.

Chapter 2 Definitions:

Redevelopment shall mean the reconstruction, conversion, structural alteration or enlargement of any structure below the point where such improvement would constitute a substantial improvement. For purposes of this definition, if substantial improvement is reached, the project shall be considered as new development (See "Substantial Improvement.")

~~Should the use of a structure cease for any reason for a period of more than one year, any subsequent reconstruction, conversion, structural alteration or enlargement shall be considered as new development and therefore subject to the applicable provisions pertaining to such; except in the case of a designated historic structure.~~

In all Comprehensive Plan Land Use Categories for purposes of this definition and Policy 2.3.2.2, improvements below the Maximum Floor Area Ratio Caps shall be considered to be redevelopment, subject to the above limitations.

Veterinary Clinic shall mean any facility rendering surgical or medical treatment to small animals, primarily on an outpatient basis, ~~but having overnight accommodations for no more than ten (10) such animals.~~ Small animals shall be deemed to be ordinary household pets.”

Section 4. Amendment of Chapter 7, Development Standards of General Applicability, Land Development Code. Chapter 7 of the Code is hereby amended in Section 704.66, Service Stations and Other Gas Pump Locations to revise the conditional use standards for service stations and other gas pump locations. Additional text is indicated by underlining, deletions by ~~strikeout~~ as follows:

704.66 *Service Stations and Other Gas Pump Locations.*

704.66.2 Lot Dimensions. A service station lot shall be of adequate width and depth to meet the setback requirements of the district regulations and as set forth below, ~~but in no case shall the minimum frontage on any street be less than one hundred fifty (150) feet.~~

Section 5. Codification. The publisher of the County’s Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this ordinance into the Land Development Code.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 3rd day of November, 2011.

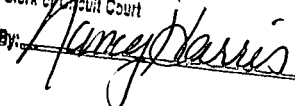
**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: 
Carol Whitmore, Chairman

**ATTEST: R.B. SHORE
Clerk of the Circuit Court**

By: 
Deputy Clerk



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 2TH day of November, 2011
R.B. SHORE
Clerk of Circuit Court
By:  D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

**KURT S.
BROWNING**
Secretary of State

November 14, 2011

RECEIVED

NOV 18 2011

BOARD RECORDS

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 7, 2011 and certified copies of Manatee County Ordinance Nos. 11-29, PDMU-05-19(G)(R4), PDMU-05-09(P)(R2) and PDR-04-01(P)(R), which were filed in this office on November 10, 2011.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

Enclosure



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250

Telephone: 850.245.6600 • Facsimile: 850.245.6282 • <http://info.florida.gov>
Commemorating 500 years of Florida history www.fla500.com



ORDINANCE 11-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE REGARDING CHAPTER 2, DEFINITION OF REDEVELOPMENT AND VETERINARY CLINIC; AMENDING SECTION 704.66 REGARDING LOT WIDTH REQUIREMENTS FOR SERVICE STATIONS AND OTHER GAS PUMP LOCATIONS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

By: 
Carol Whitmore, Chairman

**ATTEST: R.B. SHORE
Clerk of the Circuit Court**

By: 
Deputy Clerk



11/22/11
Copy to BRoy
MUNI CODE

BRADENTON HERALD

WWW.BRADENTON.COM
P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
Bradenton, FL 34205-8894
941-745-7076

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

STATE OF FLORIDA
COUNTY OF MANATEE

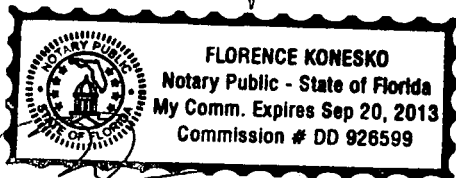
Before the undersigned authority personally appeared Ashley Bunch, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Notice to Action for case **Ordinance 11-29** was published in said newspaper in the issues of **07/20/2011**.

Affidavit 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 one 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.


(Signature of Affiant)

Sworn to and subscribed before me this

20 Day of July, 2011



SEAL & Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Chambers of the Board at the Manatee County Administrative Complex, 1112 Manatee Avenue West, first floor, Bradenton, Florida, during its regular meeting of **August 4, 2011, at 9:00 a.m.**, or as soon thereafter to consider, act upon, enact, or reject the following Ordinance.

ORDINANCE 11-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); REGARDING CHAPTER 2, DEFINITIONS OF REDEVELOPMENT AND VETERINARY CLINIC; AMENDING SECTION 704.66 REGARDING LOT DIMENSIONS OF SERVICE STATIONS AND OTHER GAS PUMP LOCATIONS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing 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.

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance. Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with ~~respect to any matter to be considered at the meeting or hearing, he or she~~ will need a record of the proceedings and for such purpose, she or he 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.

The proposed Ordinances are available for public inspection at the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, second floor, Bradenton, Florida, during regular business hours. A reasonable charge may be made for the provision of copies.

Rules of procedure for this public hearing are in effect pursuant to Resolution 05-180. A copy of this Resolution is available for review or purchase from the Building and Development Services Department (see address below).

Please Send Comments To: Manatee County Building and
Development Services Department
Attn: Agenda Coordinator
1112 Manatee Ave. West 2nd Floor
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 x 6878, 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 Kaycee Ellis 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.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Building and Development Services Department
Manatee County, Florida

SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

Bobbi Roy
Manatee County Planning Dept.
1112 Manatee Ave. W., 4th. flr.
Bradenton, FL 34205

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED SHARI BRICKLEY, WHO ON OATH SAYS SHE IS ADVERTISING DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN CHARLOTTE COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

Ordinance 11-29

IN THE COURT WAS PUBLISHED IN MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

July 20, 2011

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA 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 ONE 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.

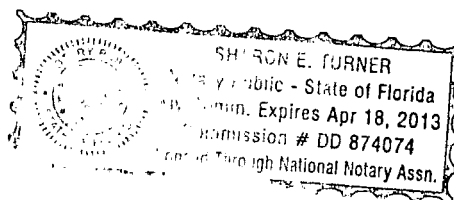
SIGNED _____


SWORN TO AND SUBSCRIBED BEFORE ME THIS 22nd DAY OF JULY, 2011 A.D., BY SHARI BRICKLEY WHO IS PERSONALLY KNOWN TO ME.

(SEAL) _____



7/22/11
NOTARY PUBLIC



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NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Chambers of the Board at the Manatee County Administrative Complex, 1112 Manatee Avenue West, first floor, Bradenton, Florida, during its regular meeting of **August 4, 2011, at 9:00 a.m.**, or as soon thereafter to consider, act upon, enact, or reject the following Ordinance.

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MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Building and Development Services Department
Manatee County, Florida



Manatee County

R.B. "Chips" Shore

Clerk of the Circuit Court and Comptroller

P.O. Box 25400 • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082 • www.manateesclerk.com

November 7, 2011

Liz Cloud, Chief
Bureau of Administrative Code
R.A. Gray Building, Room 101
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies of Ordinance 11-28 adopted by the Board of County Commissioners, Manatee County, Florida, in open session on November 3, 2011.

Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy for your file and return one copy to my office.

Sincerely,

R. B. Shore
By: Nancy Harris

RBS/njh
Enclosures (2)
cc: Board Records

"Pride in Service with a Vision to the Future"

Clerk of Circuit and County Court - Clerk of Board of County Commissioners - County Comptroller, Auditor and Recorder

Nancy Harris

From: ords@municode.com
Sent: Wednesday, November 23, 2011 1:58 PM
To: candace.carver@mymanatee.org; Nancy Harris
Subject: Manatee County, FL Land Development Code - 1990 (12202) Supplement 40

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 40

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 10-65	12/2/2010	9/15/2011	Hard Copy/Electronic
Ordinance No. 11-29	11/3/2011	11/23/2011	Hard Copy/Electronic



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Ordinance 11-29 – LDC Text Amendment	TYPE AGENDA ITEM	Advertised Public Hearing – Presentations upon request
DATE REQUESTED	11/03/11 BC	DATE SUBMITTED/REVISED	10/25/11
BRIEFINGS? Who?	Yes, as requested	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building and Development Services / Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	John Barnott, Director, Building and Development Services Department
CONTACT PERSON TELEPHONE/EXTENSION	Robert Schmitt / 748-4501 ext. 6866	PRESENTER/TITLE TELEPHONE/EXTENSION	Robert Schmitt, AICP, / Planning Division Manager / 748-4501 ext. 6836
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
I move to approve Ordinance 11-29 per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • These are County Initiated LDC changes. They involve the modification of two definitions (<i>Redevelopment</i> and <i>Veterinary Clinic</i>) within Chapter 2 and one modification to the Conditional Use criteria for <i>Service Stations and other Gas Pump Locations</i> within Chapter 7, specifically Section 704.66. <ul style="list-style-type: none"> ○ The definition of <i>Redevelopment</i> requires new site plan approval in some instances after a building has been vacant for more than one year. Current economic conditions have rendered several building vacant for an extended period of time. Staff wants to encourage the occupancy of these empty buildings without subjecting prospective owners/tenants to a development review process. Staff proposes to eliminate the one year vacancy provision from the definition. ○ The definition of <i>Veterinary Clinic</i> limits the overnight accommodation of household pets to ten (10). This restriction is prohibitive to veterinarians and is difficult to enforce. These temporary accommodations are necessary, especially in time of emergency. Staff proposes to remove this limitation from the definition. ○ Section 704.66 requires all establishments that sell gasoline to have 150 feet of roadway frontage along all streets. The minimum lot frontage requirement in commercial zoning districts is only 75 feet. Most establishments that sell gas are on corner lots, requiring 150 feet of frontage along both streets. Staff proposes to eliminate this frontage requirement allowing the parking, setbacks, and buffering requirements to determine the site design. • On June 9, 2011, by a vote of 5 – 0, the Planning Commission recommended approval.

APPROVED IN OPEN SESSION

COUNTY ATTORNEY REVIEW	
Check appropriate box	NOV 03 2011
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input checked="" type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

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

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff Report		Please forward a copy of the executed document to Bobbi Roy / Building and Development Services Department. <i>✓ 11/22/11</i>	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

B.O.C.C. 11/03/11

ORDINANCE 11-29

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P.C.: 06/09/11

**B.O.C.C.: 08/04/11, 09/01/11,
10/06/11, 11/03/11**

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, I move to ADOPT Manatee County Ordinance 11-29, amending the Manatee County Land Development Code (Ordinance 90-01, as amended), as recommended by the Planning Commission.

PLANNING COMMISSION ACTION:

On June 9, 2011, by a vote of 5 – 0, the Planning Commission recommended approval.

BOARD OF COUNTY COMMISSIONERS ACTION:

On August 4, 2011, by a vote of 7 – 0, the Board of County Commissioners continued the public hearing to September 1, 2011.

On September 1, 2011, by a vote of 7 – 0, the Board of County Commissioner continued the public hearing to October 6, 2011.

On October 6, 2011, by a vote of 6- 0, the Board of County Commissioners continued the public hearing to November 3, 2011.

PUBLIC COMMENT AND CORRESPONDENCE:

There was no public comment and nothing was entered into the record at the June 9, 2011 Planning Commission, August 4, 2011, September 1, 2011, and October 6, 2011 Board of County Commissioners public hearings.

Background/Discussion:

Definition of Redevelopment

- The Manatee County Land Development Code currently has a definition for redevelopment.
- The definition further provides direction when a use of a structure ceases for a period in excess of one year.
- The re-establishment of the use of a vacant structure is then subject to new site plan approval consistent with development requirements of the Land Development Code.
- Current economic conditions have created an inordinate number of vacant commercial, office, and industrial buildings. Many of these buildings have been vacant for an extended period of time.
- Staff commonly receives inquiries about occupying vacant structures and works with applicants to encourage redevelopment without substantial red tape.
- The one-year provision hinders our ability to control blight and instills unpredictability to prospective tenants. Staff has determined that it does not benefit the County, the public, or the owner/tenant to require site plan approval and compliance with current regulations in these instances.

Definition of Veterinary Clinic

- The Manatee County Land Development Code currently has a definition for Veterinary Clinic which limits care to household pets.
- The definition further regulates the number of household pets (10) that can be kept overnight.
- This restriction has proven to be prohibitive to veterinarians and nearly impossible to enforce as the animals are generally housed in cages that do not require permits.
- Structural soundproofing technology is implemented in most veterinary clinics where pets are housed.
- In case of emergency, most veterinary clinics stand ready to accept additional household pets if they are displaced. The current requirement limits their capabilities to assist.

- Staff has determined that it does not benefit the County, the public, or the veterinarians to limit the overnight accommodation capacity to ten household pets.

704.66 Conditional Use Criteria for Service Stations and other Gas Pump Locations

- The Manatee County Land Development Code has specific conditional use criteria for service stations, including convenience retail establishments that have gas pumps.
- Conditional use criteria are generally established to provide added protection for potentially incompatible land uses (i.e. buffering, setbacks).
- All commercial zoning districts that allow gasoline sales have a minimum roadway frontage requirement of 75 feet. Gasoline sales establishments are only permitted in commercial and light industrial zoning districts.
- Section 704.66 additionally requires that any establishments that sell gasoline are required to have 150 feet of roadway frontage.
- Most gasoline sales establishments are located on corner lots meaning both frontages need 150 feet.
- Staff has determined that it does not benefit the County, the public, or the owner/occupant of a gasoline retailer to adhere to this requirement on both street frontages.
- The specific changes proposed to LDC Chapter 2 and Section 704.66 are as follows:

Section 201. - Definitions.

Redevelopment shall mean the reconstruction, conversion, structural alteration or enlargement of any structure below the point where such improvement would constitute a substantial improvement. For purposes of this definition, if substantial improvement is reached, the project shall be considered as new development (See "Substantial Improvement.")

~~Should the use of a structure cease for any reason for a period of more than one year, any subsequent reconstruction, conversion, structural alteration or enlargement shall be considered as new development and therefore subject to the applicable provisions pertaining to such; except in~~

~~the case of a designated historic structure.~~

In all Comprehensive Plan Land Use Categories for purposes of this definition and Policy 2.3.2.2, improvements below the Maximum Floor Area Ratio Caps shall be considered to be redevelopment, subject to the above limitations.

Veterinary Clinic shall mean any facility rendering surgical or medical treatment to small animals, primarily on an outpatient basis. ~~but having overnight accommodations for no more than ten (10) such animals.~~ Small animals shall be deemed to be ordinary household pets.

704.66. *Service Stations and other Gas Pump Locations.*

704.66.2. *Lot Dimensions.* A service station lot shall be of adequate width and depth to meet the setback requirements of the district regulations and as set forth below. ~~but in no case shall the minimum frontage on any street be less than one hundred fifty (150) feet~~

- The proposed amendments to the definitions of redevelopment and veterinary clinic, and the revision to the conditional use criteria for service stations and other gas pump locations in the LDC is consistent with the Comprehensive Plan.
- Staff is processing the request and recommends approval.

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Chambers of the Board at the Manatee County Administrative Complex, 1112 Manatee Avenue West, first floor, Bradenton, Florida, during its regular meeting of **August 4, 2011, at 9:00 a.m.**, or as soon thereafter to consider, act upon, enact, or reject the following Ordinance.

ORDINANCE 11-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); REGARDING CHAPTER 2, DEFINITIONS OF REDEVELOPMENT AND VETERINARY CLINIC; AMENDING SECTION 704.66 REGARDING LOT DIMENSIONS OF SERVICE STATIONS AND OTHER GAS PUMP LOCATIONS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Public is invited to speak at this hearing, subject to proper rules of procedure. The hearing 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.

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance. Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he or she will need a record of the proceedings and for such purpose, she or he 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.

The proposed Ordinances are available for public inspection at the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, second floor, Bradenton, Florida, during regular business hours. A reasonable charge may be made for the provision of copies.

Rules of procedure for this public hearing are in effect pursuant to Resolution 05-180. A copy of this Resolution is available for review or purchase from the Building and Development Services Department (see addresses below).

Please Send Comments To: Manatee County Building and Development Services Department
Attn: Agenda Coordinator
1112 Manatee Ave. West 2nd Floor
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 x 6878, 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 Kaycee Ellis 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.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Building and Development Services Department
Manatee County, Florida

Copy of Newspaper Advertising

Sarasota Herald Tribune

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ORDINANCE 11-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); REGARDING CHAPTER 2, DEFINITIONS OF REDEVELOPMENT AND VETERINARY CLINIC; AMENDING SECTION 704.66 REGARDING LOT DIMENSIONS OF SERVICE STATIONS AND OTHER GAS PUMP LOCATIONS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing 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.

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance. Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he or she will need a record of the proceedings and for such purpose, she or he 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.

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SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Building and Development Services Department
Manatee County, Florida

ORDINANCE 11-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE REGARDING CHAPTER 2, DEFINITION OF REDEVELOPMENT AND VETERINARY CLINIC; AMENDING SECTION 704.66 REGARDING LOT WIDTH REQUIREMENTS FOR SERVICE STATIONS AND OTHER GAS PUMP LOCATIONS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 9, 2011, the Planning Commission, the County's Local Planning Agency, held a duly noticed public hearing to review this Ordinance and adopted a motion finding this Ordinance consistent with the Comprehensive Plan and recommending its approval; and

WHEREAS, on August 4, 2011, September 1, 2011, October 6, 2011, and November 3, 2011 the Board of County Commissioners held duly noticed public hearings to receive public comment and to review and consider this Ordinance; and

WHEREAS, after considering public comment, the recommendations of the Planning Commission and Planning staff, the Board has found the Land Development Text Amendment contained in this Ordinance consistent with the Comprehensive Plan and in furtherance of the public health, safety, and welfare, and has adopted the Land Development Text Amendment as contained in this Ordinance as set forth herein.

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

Section 1. 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, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. County has initiated a Land Development Code text amendment to clarify the definitions of redevelopment and veterinary clinic and to revise Section 704.66 regarding lots width requirements for service stations and other gas pump locations; and

2. The Planning Commission as the County's Local Planning Agency has held a duly noticed public hearing on June 9, 2011 to review proposed Ordinance 11-29 and adopted a motion finding this proposed ordinance consistent with the Comprehensive Plan and recommending its adoption to the Board of County Commissioners; and

3. The Board of County Commissioners held duly noticed public hearings on August 4, 2011, September 1, 2011, October 6, 2011, and November 3, 2011 on proposed Ordinance 11-29 to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance; and

4. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found the LDC Text Amendment as contained in this Ordinance consistent with the Comprehensive Plan and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

Section 3. Amendments The definitions of Redevelopment and Veterinary Clinic set forth in Chapter 2, Definitions, of the Code are hereby amended as follows, additional text indicated by underlining, deletions by ~~strikeout~~.

Chapter 2 Definitions:

Redevelopment shall mean the reconstruction, conversion, structural alteration or enlargement of any structure below the point where such improvement would constitute a substantial improvement. For purposes of this definition, if substantial improvement is reached, the project shall be considered as new development (See "Substantial Improvement.")

~~Should the use of a structure cease for any reason for a period of more than one year, any subsequent reconstruction, conversion, structural alteration or enlargement shall be considered as new development and therefore subject to the applicable provisions pertaining to such; except in the case of a designated historic structure.~~

In all Comprehensive Plan Land Use Categories for purposes of this definition and Policy 2.3.2.2, improvements below the Maximum Floor Area Ratio Caps shall be considered to be redevelopment, subject to the above limitations.

Veterinary Clinic shall mean any facility rendering surgical or medical treatment to small animals, primarily on an outpatient basis, ~~but having overnight accommodations for no more than ten (10) such animals.~~ Small animals shall be deemed to be ordinary household pets.”

Section 4. Amendment of Chapter 7, Development Standards of General Applicability, Land Development Code. Chapter 7 of the Code is hereby amended in Section 704.66, Service Stations and Other Gas Pump Locations to revise the conditional use standards for service stations and other gas pump locations. Additional text is indicated by underlining, deletions by ~~strikeout~~ as follows:

704.66 *Service Stations and Other Gas Pump Locations.*

704.66.2 Lot Dimensions. A service station lot shall be of adequate width and depth to meet the setback requirements of the district regulations and as set forth below, ~~but in no case shall the minimum frontage on any street be less than one hundred fifty (150) feet.~~

Section 5. Codification. The publisher of the County’s Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this ordinance into the Land Development Code.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 3rd day of November, 2011.

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

By: _____
Carol Whitmore, Chairman

**ATTEST: R.B. SHORE
Clerk of the Circuit Court**

By: _____
Deputy Clerk



Fw: Vet Clinic Definition Code Amendment
Robert Schmitt to: Bobbi Roy

08/25/2011 09:45 AM

----- Forwarded by Robert Schmitt/MCG on 08/25/2011 09:46 AM -----

From: Terry Clekis <tclekis@gmail.com>
To: robert.schmitt@mymanatee.org
Date: 08/03/2011 06:45 PM
Subject: Re: Vet Clinic Definition Code Amendment

Bob, thank you for your help with changing this ordinance. I think most veterinarians did not know this law was in existence and everyone that I talked to is certainly in favor in changing the way the ordinance reads. Unfortunately, I will not be able to make it tomorrow due to work obligations, could you please tell the board that the veterinary community in Manatee county supports the changes. Thank you for your help, Terry Clekis, DVM

On Thu, Jul 28, 2011 at 11:19 AM, <robert.schmitt@mymanatee.org> wrote:
please do...

From: Terry Clekis <tclekis@gmail.com>
To: robert.schmitt@mymanatee.org
Date: 07/28/2011 08:57 AM
Subject: Re: Vet Clinic Definition Code Amendment

Bob, would you mind if I shared this with the veterinary community?

On Wed, Jul 27, 2011 at 11:47 AM, <robert.schmitt@mymanatee.org> wrote:
Good morning Dr. Clekis,

It was a pleasure talking with you yesterday. As we discussed, the Board of County Commissioners will hold a public hearing on August 4th at 9:00am to discuss three changes to the Land Development Code. One is an amendment to the current definition of Veterinary Clinic. The definition limits the overnight capacity of household pets to ten. The attached staff report provides reasons that the limitation should be removed. Also attached is the ordinance that would be adopted if the Board approves the change.

Feel free to share this with the veterinarian community and let me know if you have any questions. I'll forward the meeting agenda to you when it becomes available. If you are unable to be in attendance, feel free to e-mail your comments and I'll place them in the record.

Thanks,
Bob Schmitt, AICP

Planning Division Manager



Re: Veterinary clinic LDC changes
Robert Schmitt to: Rene Dabasinskas
Cc: Bob Gause, Rene Dabasinskas, Bobbi Roy, John Osborne

08/09/2011 09:06 AM

Thank you for your comments Dr. Dabasinskas. They will be entered into the public record at the hearing on September 1st.

Bob Schmitt, AICP
Planning Division Manager

Rene Dabasinskas Dear Mr. Schmitt, I am writing this letter to supp... 08/08/2011 04:35:04 PM

From: Rene Dabasinskas <rdaba@verizon.net>
To: robert.schmitt@mymanatee.org, Rene Dabasinskas <rdaba@verizon.net>, Bob Gause <bob@allisoneng.net>
Date: 08/08/2011 04:35 PM
Subject: Veterinary clinic LDC changes

Dear Mr. Schmitt,

I am writing this letter to support the proposed changes to the veterinary clinic definition in the Manatee county land development code which eliminates the maximum number of pets able to be housed overnight. I would hate to think I would have to turn away sick pets who need hospitalization because the county restricted the number of pets housed overnight. By removing the restriction, it will allow veterinary clinics to provide quality care to all pets instead of a select few.

Dr. Wally Dabasinskas



Re: veterinary hospital amendment
Robert Schmitt to: Mary Smart, DVM
Cc: John Osborne, Bobbi Roy

08/01/2011 12:54 PM

Thank you for your comments Dr. Smart. They will be entered into the record at the public hearing on Aug.4th.

"Mary Smart, DVM" Dear Robert - As a veterinarian in Manatee Co...

07/31/2011 04:33:49 PM

From: "Mary Smart, DVM" <marydenison@ij.net>
To: <robert.schmitt@mymanatee.org>
Date: 07/31/2011 04:33 PM
Subject: veterinary hospital amendment

Dear Robert -

As a veterinarian in Manatee County, I write this to say thank-you for addressing the issue of the 10 animal limit for overnight care in veterinary hospitals. The notes made in the staff report are valid and reasonable. Striking the 10 animal limit is an excellent proposal.

Sincerely,

Mary Smart, DVM

President, Manatee County Veterinary Society

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 form and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name DR. WALLY DABASINSKAS

Address 15006 Sundial Place

Bradenton Florida 34202

Representing ~~#2 Ordinance #29~~ myself

Public Hearing matter on which you want to speak:

#6 ORDINANCE 11-29

Please check one for each #:

1. Are you in favor: * of changes
opposed: to ordinance

2A. Speaking as an individual? Yes

OR

2B. If you are speaking as an official representative of a group: **

Name of Group:

** You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.

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

* Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.