

JULY 28, 1987

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION at the Manatee County Civic Center, Palmetto, Florida, Tuesday, July 28, 1987, at 6:05 p.m.

Present were Commissioners:
 Edward W. Chance, Chairman
 Kent G. Chetlain, Vice-Chairman
 Westwood H. Fletcher, Jr.
 Patricia M. Glass
 James J. McGrath

Also present were:
 H. Hamilton Rice, Jr., County Attorney
 Richard H. Ashley, Chief Deputy Clerk, representing
 R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

The meeting was called to order by Chairman Chance.

All witnesses/staff giving testimony were duly sworn.

ORDINANCE 87-07: LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS

Public hearing (Notice in The Bradenton Herald 7/21/85) was held to receive public comment on

ORDINANCE 87-07 AN ORDINANCE AMENDING ORDINANCE 81-4 REGULATING THE LOCATION OF ADULT BOOKSTORES, ADULT THEATERS, SPECIAL CABARETS, PHYSICAL CULTURE ESTABLISHMENTS, AND ADULT PHOTOGRAPHIC STUDIOS;...

The County Attorney submitted his memorandum (7/27/87) clarifying the definition of Special Cabarets, and summarized the Ordinance which amends the Land Development Code to regulate the location of adult entertainment establishments. He noted this is the first of two public hearings and no action is required until after the second public hearing which will be conducted August 11, at 6 p.m. at the Manatee County Civic Center.

Mark Barnebey, Assistant County Attorney, made a presentation with respect to certain matters of law applicable to this land use and in drafting the ordinance. He reviewed the existing law (ordinances and amendments regulating adult entertainment establishments) and pointed out the amendments/changes/deletions proposed under Ordinance 87-07 specifically related to location of the subject establishments.

There were no objections to entering into the record reports of:

- = The 1976 Young Case, upon which this ordinance was partially drafted, which regulates the uses of adult movie theaters and that they could not be located within 1,000 feet of another regulated use;
- = Renton vs Playtime Theater, Inc., which provided that theaters could not be located within 1,000 feet of any residential zone, church, park or school.

Fred Goodrow, Planning Director, during his presentation, summarized the process of developing a legally enforceable ordinance to restrict the location of adult entertainment establishments and the geographic constraints that the proposed ordinance will place on the location of such establishments. After careful analysis it was determined that location would be prohibited within 500 feet of any unincorporated area zoned for residential/village use, within 2,000 feet of an existing church, school, day care center or public recreation facility and within 1,000 feet of each other. The proposed ordinance allows the Board to grant a waiver under certain circumstances.

There were no objections to entering into the record:

- = Adult Entertainment Business Impact Studies which the Planning Department compiled from the American Planning Association and other jurisdictions throughout the Country who have conducted studies on the effect of adult entertainment businesses upon their communities.

Chuck Boyd, Planning Department, provided a synopsis of some of the studies conducted on the effect of adult entertainment businesses upon their communities; i.e. sex related crimes were higher in areas near adult businesses compared to city-wide; decrease of property values; significant correlation between the crimes and poor conditions in the neighborhood; affected perception of neighborhood giving impression the neighborhood was in decline or a beginning of blight area.

Mark Barnebey pointed out the studies entered into the record are the same studies that were submitted to the Board for review and available to the public for several weeks.

Mr. Boyd referred to a map of Manatee County indicating those areas that are approximately 2,000 feet from a residential district. Staff did an analysis to find out which areas would meet the possible adult entertainment locations, and have identified those areas in the urbanized portion on this map.

Discussion: Definition of adult entertainment establishment; incidental vendors; purpose of public hearing to amend Land Development Code.

Public Comments:

Comments by a number of people on various aspects of the proposed ordinance and related subjects included: support of proposed ordinance and stronger pornography ordinance; concern on detrimental effect of adult entertainment establishments in the community; suggestions on locations of such establishments; requests that these establishments be limited in the community; concerns about the definition of incidental adult materials vendor; objection to equal protection for adult establishment; support of better quality of life to community; restricting establishments to a certain area; demoralizing effect of pornography; study showing high ranking of crime in Bradenton in relation to other areas; elimination of these establishments in Manatee County; objection to violence and oppression against women, etc. Among those people were:

Greg Manning	David Parrish	Esther Rachwal
Bob Betts	Gene Baxter	George Mayer
Dale Abrahams	Elizabeth Evans	John VanCampen
Kelvin Lindbloom	John Van Campen	Rev. Paul Christ
Rev. Bill Harrier	Rev. James Pike	Rev. Wendell Wilson
Rev. Lawrence Kilbourne	Russell Stewart	David Fesmire
Gene Burnett	Greta Wallace	
Peggy Klimek, NOW (National Organization on Women)		
Major Farrance, representing Sheriff Charlie Wells		

Recess/Reconvene. All members present.

Clare Snyder, Peace & Justice Action Group;
Rhonda Wokop, Take Back Night Coalition of Sarasota and Manatee Counties, organization protesting violence against women and children;
Joe Kerstin, Secretary, Colony Cove Homeowners Association.

Carol Clarke, Principal Planner, Hillsborough County, and a member of the Land Use Citizens Advisory Committee for Comprehensive Plan Revision, recommended elimination of interstate oriented corridors as defined in the Comprehensive Plan as being appropriate locations for adult entertainment establishment uses. She recommended that when the new Comprehensive Plan is adopted the County focus on the entrance areas and identify these areas more specifically.

The public hearing was closed.

Recess/Reconvene. All members present.

ORDINANCE 87-26: TEMPORARY MOBILE HOMES FOR MEDICAL HARDSHIP

Public hearing (Notice in The Bradenton Herald 7/23/87) was held to receive public comment on

ORDINANCE 87-26 AMENDING ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE RELATING TO THE REGULATION OF AND REQUIREMENTS FOR TEMPORARY MOBILE HOME RESIDENCES IN CASES INVOLVING MEDICAL HARDSHIPS IN CERTAIN ZONING DISTRICTS;...

Jim Lee, Planning Department, advised the proposed ordinance will allow mobile homes for medical hardship as an accessory use secondary to a residence in the A-1, A and B, Village zoning districts, and

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Cont'd

requires public hearings before the Planning Commission and the Board of County Commissioners. If approved by the Board of County Commissioners, a special permit would be issued to a specific individual for a two year term with the opportunity to receive an extension up to a year. In the ordinance this is limited to a two acre minimum lot size.

He provided a brief history on this particular ordinance (outlined in memorandum 6/23/87), noting this provision had been removed from previously adopted Ordinance 87-02. By adoption of Resolution R-87-178, the Board re-initiated amendments to the Land Development Code that would allow temporary mobile home residences, in certain areas, for medical hardships.

The Planning Commission recommended **denial**.

Public Comments:

Speaking in support of the Ordinance were Pat and Claude Bradbury, Parrish and Kelvin Lindbloom.

Carol Clarke cautioned the Board about adopting the proposed amendment as there could be very serious administrative difficulties in working it through, i.e. evaluating doctors' statements and their applicability and to weigh them against statements/objections made by neighbors.

The public hearing was closed.

The Chairman announced that this Ordinance will be considered on August 11, 1987 at the meeting to be held at 6:00 p.m. at the Manatee County Civic Center.

ORDINANCE 87-19: PLANNING/LAND DEVELOPMENT - FALSE INFORMATION

Public hearing (Notice in The Bradenton Herald 7/21/87) was held to receive public comment on

ORDINANCE 87-19 PROVIDING FOR AN AMENDMENT TO MANATEE COUNTY ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE; ALLOWING VARIOUS COUNTY BOARDS AND COMMISSIONS THE RIGHT TO RELY ON INFORMATION PRESENTED AT THE MEETINGS; ...

Mark Barnebey, explained the provisions in this amendment that would authorize the appropriate County Boards and the Planning Director to take appropriate action relevant to approval(s) granted by the various Boards and Departments based upon false or incorrect information presented by the applicant, his attorney or agent. It also provides specific guidelines for the hearing(s) to be held on such cases.

Kelvin Lindbloom inquired about notification to the applicant, who has the authority to make a zoning issue, and who makes the ultimate finding of fact. He was concerned that the Board will be giving a power to an official that would not be given to the chairman, or that action might be taken without consulting the whole Board.

The County Attorney responded that the Board of County Commissioners would make the determination of which permits would be rescinded. On permits erroneously issued, either the Director or the Board can make the decision.

The public hearing was closed.

The Chairman announced that this issue would be addressed again on August 11, 1987 at 6:00 p.m., or soon thereafter, at the Manatee County Civic Center.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

SEAL
MANATEE CO. CLERK
Adj: 9:10 p.m.

Edward W. Chance
Chairman 9/15/87