

FILED
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ORDINANCE NO. 83-06

AN ORDINANCE OF MANATEE COUNTY ESTABLISHING ZONING FOR THE WHITFIELD AREA, AS THEREIN DESCRIBED; AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY TO INCLUDE THE LANDS LYING IN THE WHITFIELD AREA; AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY BY PLACING ALL THE LANDS LYING IN THE WHITFIELD AREA WITHIN VARIOUS ZONING DISTRICTS ESTABLISHED BY MANATEE COUNTY ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, SO THAT THE REGULATIONS AND RESTRICTIONS UPON LAND USE AND DEVELOPMENT THAT APPLY WITHIN SUCH ZONING DISTRICTS WILL APPLY ACCORDINGLY IN THE WHITFIELD AREA; AMENDING ORDINANCE 81-4, SO THAT ITS PROVISIONS WILL APPLY IN THE WHITFIELD AREA; FURTHER AMENDING ORDINANCE 81-4 TO CREATE THE WR ZONING DISTRICT FOR THE PURPOSE OF ESTABLISHING SPECIAL RESTRICTIONS UPON AND REGULATIONS FOR THE USE AND DEVELOPMENT OF LAND IN THE WHITFIELD AREA, WHICH RESTRICTIONS AND REGULATIONS ARE DIFFERENT IN CERTAIN RESPECTS FROM THOSE APPLICABLE ELSEWHERE IN MANATEE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF EMERGENCY ORDINANCE 82-21; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Whitfield Zoning District was established by Special Act of the Florida Legislature (Chapter 25996, Laws of Florida (1949), as amended by Chapter 74-529, Laws of Florida); and

WHEREAS, that act established the Whitfield Zoning Commission, which was thereby authorized to exercise jurisdiction over zoning and related matters within the Whitfield Zoning District as defined in that act; and

WHEREAS, but for the existence of that act and the Whitfield Zoning District and Whitfield Zoning Commission thereby established, the jurisdiction and authority to zone and otherwise regulate land use in the area identified as the Whitfield Zoning District, would belong to the Manatee County Board of County Commissioners; and

WHEREAS, the Opinion rendered by Florida's Second District Court of Appeal in State of Florida vs. Roberts, 419 So.2d 1164 (2d DCA 1982) declared that Chapter 25996, Laws of Florida, establishing the Whitfield Zoning District, represents an unconstitutional delegation of legislative authority; and

1 WHEREAS, the effect of that decision is to prohibit the
2 Whitfield Zoning Commission's continued exercise of authority and
3 jurisdiction in zoning and related matters, and to effectively
4 abolish the Whitfield Zoning District; and

5 WHEREAS, it is now incumbent upon the Board of County
6 Commissioners to begin exercising jurisdiction and authority to
7 zone and otherwise regulate land use in the Whitfield Zoning
8 District, as it does in the other unincorporated areas of Manatee
9 County; and

10 WHEREAS, the Whitfield Zoning District embraces an area
11 whose development character is essentially established; and

12 WHEREAS, it is therefore desirable to establish zoning
13 regulations and development restrictions for the Whitfield Zoning
14 District area that are consistent with the established character and
15 pattern of development of that area; and

16 WHEREAS, to accomplish this objective, and to otherwise
17 promote the health, safety and welfare of the citizens of Manatee
18 County and the best interests of the community, it is appropriate to
19 adopt the restrictions, regulations, and provisions of this
20 ordinance.

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

23 1. Certain language is deleted from Section 103-1.
24 of Ordinance 81-04, the Manatee County Comprehensive Zoning and Land
25 Development Code, so that that section will read in its entirety
26 as follows:

27 "This Ordinance shall apply to all land throughout
28 the unincorporated area of the County of Manatee,
29 Florida."

30 2. Section 205G 1.b.(3)(a)6, Street Designations,
31 of Ordinance 81-04, the Manatee County Comprehensive Zoning and Land
32 Development Code, is amended to delete therefrom the words, "and in
33

1 the Whitfield Zoning District the requirements of said District
2 shall apply" currently appearing at the end thereof.

3 3. The map attached as Exhibit "A" shall be incor-
4 porated into the Official Zoning Atlas of Manatee County, and
5 shall be made a part thereof for all purposes, and the lands
6 thereby embraced are hereby zoned accordingly.

7 4. The text of Manatee County Ordinance 81-04, the
8 Manatee County Comprehensive Zoning and Land Development Code, is
9 hereby amended to add Section 203BB, the WR Whitfield Residential
10 Overlay District, as set forth in Exhibit "B".

11 5. The area embraced by the Whitfield Zoning District
12 shall henceforth be subject to all present and future rules, regu-
13 lations, laws, ordinances, and procedures of Manatee County,
14 and shall in all respects be subject to the jurisdiction of the
15 Manatee County Board of County Commissioners, in like manner as is
16 the rest of Manatee County.

17 6. Manatee County Ordinance No. 82-21 (an emergency
18 ordinance) is repealed.

19 ADOPTED in open session with a quorum present and voting
20 this 24th day of March, 1983.

21
22 ATTEST: R. BY SHORE,
23 Clerk of the Circuit Court
24 [Signature]
25 Clerk
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BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Edward W. Chance
Chairman 3/24/83

ARTICLE 1GENERAL PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be entitled the "Manatee County Comprehensive Zoning and Land Development Code." When hereinafter used, the expression "this Ordinance," unless the context indicates otherwise shall refer to the Manatee County Comprehensive Zoning and Land Development Code. This Ordinance also may be referred to as the Land Development Code.

SECTION 102 PURPOSE AND INTENT

This Ordinance is adopted to:

1. Promote and protect the public health, safety, morals and general welfare;
2. Exercise the powers conferred by Section 163.3194(2)(b) and 163.3201, Florida Statutes (1979), as amended, to combine various types of County regulations and laws dealing with the development of land into a land development code; and
3. Accomplish all other purposes of and exercise all other powers set forth in Chapter 125, Florida Statutes, the Manatee Plan and Section 163.3161, et seq, entitled the "Local Government Comprehensive Planning Act of 1975," any amendments thereto, and all other applicable law.

SECTION 103 APPLICABILITY

1. Territorial Applicability

This Ordinance shall apply to all land throughout the unincorporated area of the County of Manatee, Florida.

2. General Effect

No building,* structure,* or land,* shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved or structurally altered except in conformity with the regulations herein specified for the zoning district in which it is located, and in conformity with all other applicable provisions of this Ordinance.

or new thoroughfares lying within the proposed development shall be improved by the developer along with other required improvements in accordance with the requirements of the County Engineer.

3 Off-site Thoroughfare Improvements

Construction and/or improvements to off-site thoroughfares designated in the Major Thoroughfare Plan shall be required in accordance with the provisions of the Manatee Plan.

4 Deferred Improvement

Where the County Engineer deems such improvements currently infeasible for the County, or to minimize traffic or safety problems, the developer shall provide funds or other security for his current share of the cost to pay for such improvements at a later date.

5 Access and Traffic Control

To facilitate on and off-site traffic circulation, a developer shall construct or install street signs at each intersection of the development, any traffic controlling techniques (signalization, turn lanes, service roads, etc.) as provided in the Manatee County Development Standards or deemed necessary by the County Engineer in accordance with professional engineering standards, when the need for improvement is directly attributable to the development.

6. Street Designations

All streets, whether public or private, shall be designated by numbers, which shall be assigned by the Planning and Development Department. The Board of County Commissioners may waive this requirement if it finds that in the interest of good design practices street names would be more appropriate, and where a letter of approval from the Postmaster shall be furnished to the Department of Planning and Development by the developer prior to final plan approval. On Terra Ceia Island the provisions of Chapter 65-695, Laws of Florida, Special Acts (1975), shall apply.

*See Article 7, Definitions

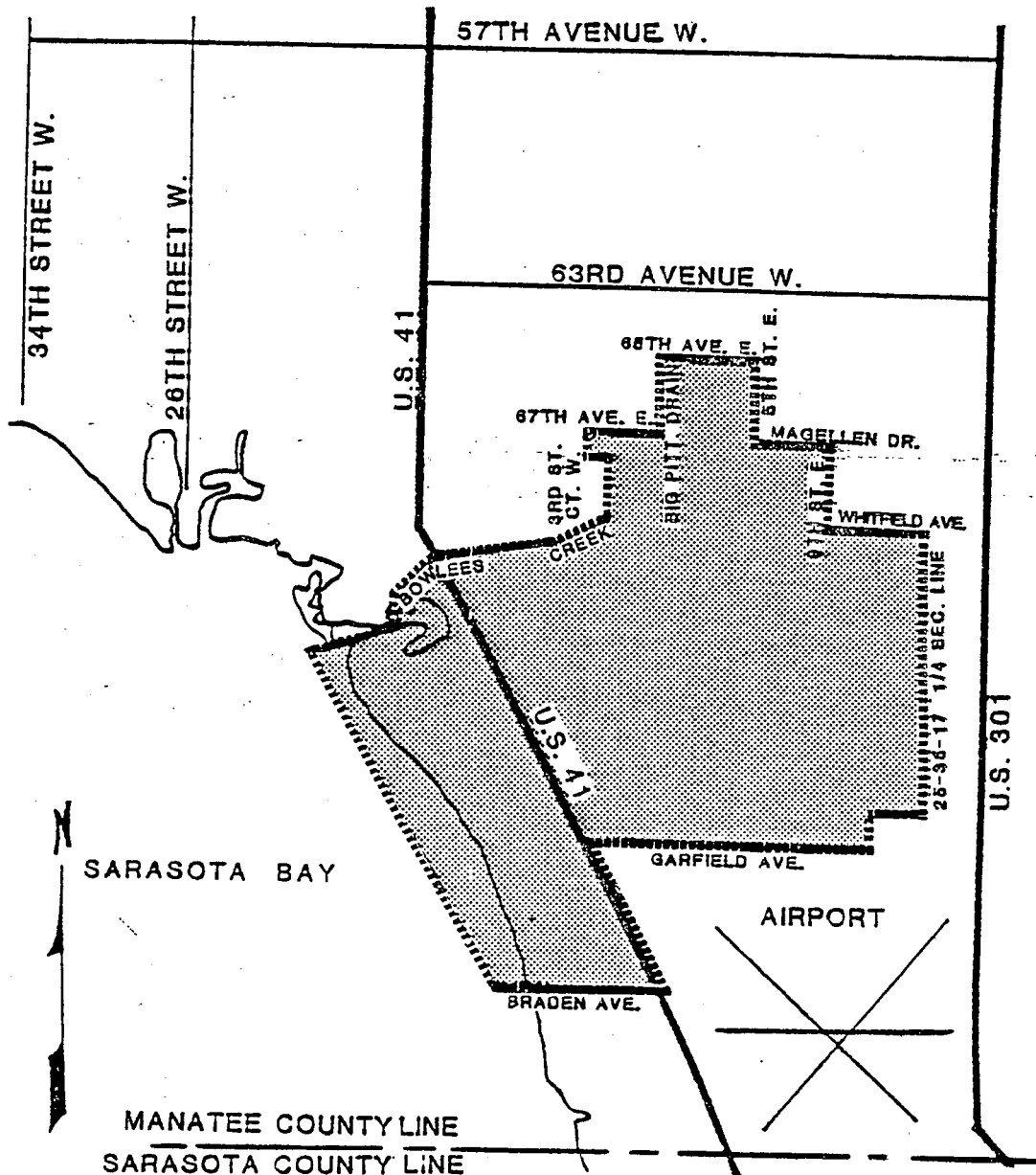
WR WHITFIELD RESIDENTIAL OVERLAY DISTRICT

1. PURPOSE AND INTENT

The WR District is established to provide additional land use controls to protect the established, primarily residential character of that part of Manatee County previously known as the "Whitfield Zoning District".

2. APPLICABILITY

The WR District corresponds generally to the area outlined on the map below. This zoning classification is not intended to be applied elsewhere in Manatee County.



(This map is informational only. Official zoning Atlas must be consulted to ascertain actual boundaries of zoning districts.)

3. USE AND DIMENSIONAL REGULATIONS

Notwithstanding, and in addition to, any other requirements of the Land Development Code, the following regulations shall apply to all land in the WR District used or developed for one-family attached, one-family semi-detached, or two-family residential dwelling units on individual lots.

a. Front Yard* Setbacks

- (1) The front yard* setback shall be thirty (30) feet except that the front yard setback shall be forty (40) feet for all property platted as part of Ballentine Manor Estates Subdivision, as shown in Plat Book 2, Page 136, of the Official Records of Manatee County, Florida.

b. Minimum Floor Area*

- (1) One Family Attached: 1,400 square feet
- (2) One Family Semi-detached: 950 square feet/dwelling unit
- (3) Two Family: 950 square feet/dwelling unit

c. Accessory Uses and Structures

- (1) Accessory uses and structures shall not be located in any required yard other than a rear yard except as provided under Section 204A.6.e.(3).
- (2) An accessory structure(s), when allowed, shall not occupy more than twenty-five (25%) percent of a required rear yard area.

d. Fences, Walls, or Hedges

- (1) No fence, wall or hedge shall be erected or maintained closer to the front property line than the front face of the residence or primary structure.

e. Parking of Restricted Vehicles

- (1) No restricted vehicle, as defined below, shall be parked or stored, on the streets and lands within the WR District, including front, rear and side yards, unless the vehicle is contained entirely within a carport or garage on the premises.
- (2) Restricted Vehicles shall include the following:
 - (a) Commercial Vehicle: any motor vehicle which: (1) is designed or altered principally for commercial or institutional purposes, or; (2) has a platform, cabinet, box,

rack, compartment, or other facility for transportation of materials, equipment, and other items, for commercial or institutional purposes, or; (3) is designed to carry passengers for hire, or; (4) displays on the exterior the name or other advertising or identification of a business, unless such identification is no greater than four (4) square feet in size, or; (5) has a rated gross payload of three-quarter (3/4) ton or greater.

- (b) Motor homes, campers and house trailers, or any other vehicle whose interior contains the facilities for any two (2) or more of the following personal needs: sleeping, food preparation or toilet.
- (c) Boats of any size regardless of whether the boat rests on a trailer or other supporting structure, except when docked in a navigable waterway or suspended from a davit immediately adjacent to a navigable waterway.
- (d) Trailers and other vehicles which are not self-propelled but which are designed to be moved by other vehicles which are self-propelled.

(3) Exceptions

The provisions of Subsection (1) above shall not operate to prohibit the outdoor parking of:

- (a) Commercial vehicles engaged in construction, transportation, or other temporary services for the location where parked.
- (b) Vehicles whose registered owner or lessee is the guest of the owner or lessee of the premises; provided however, that such parking in no case shall exceed forty-eight (48) consecutive hours nor more than seventy-two (72) accumulated hours in any one (1) thirty (30) day period.

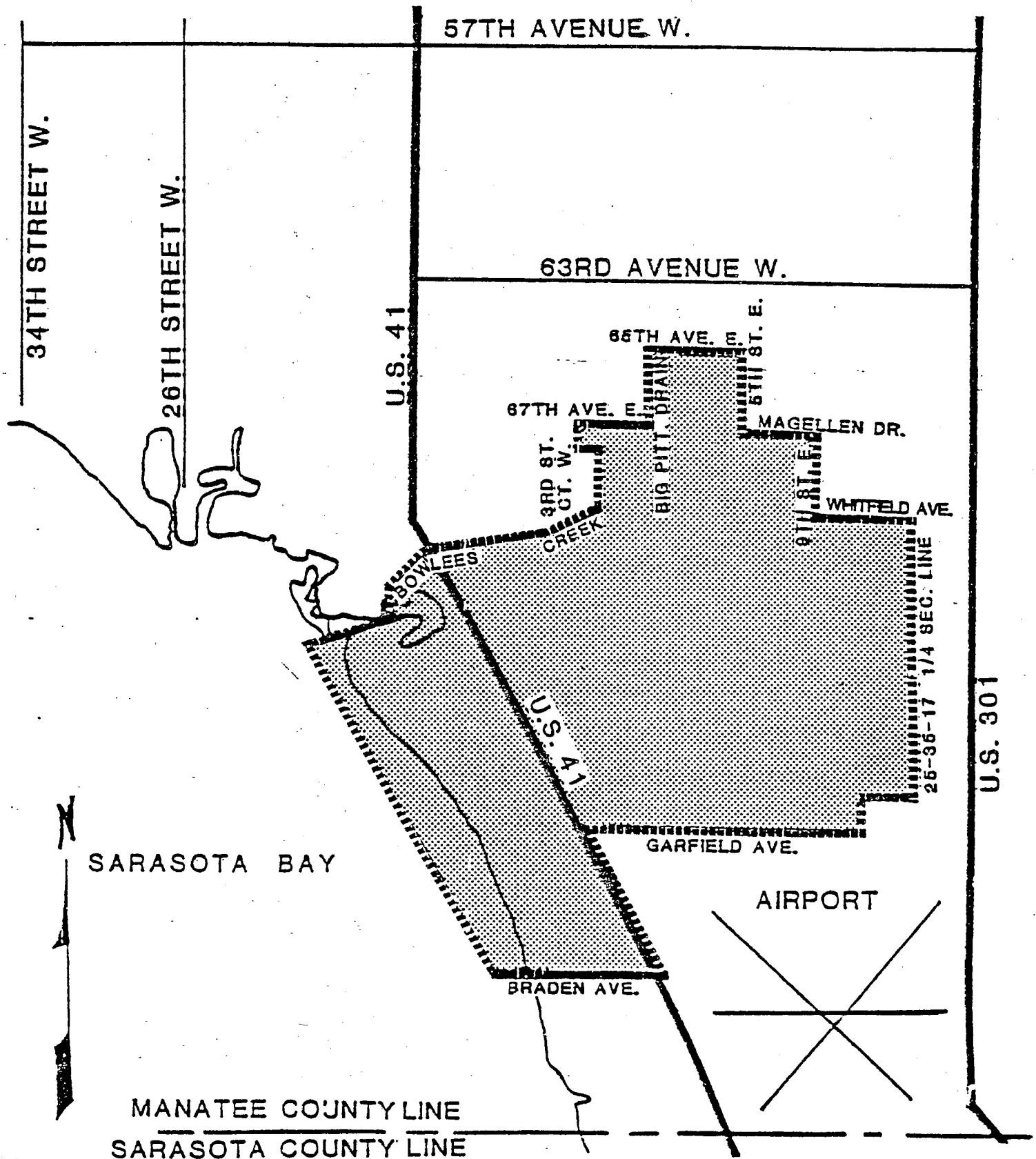
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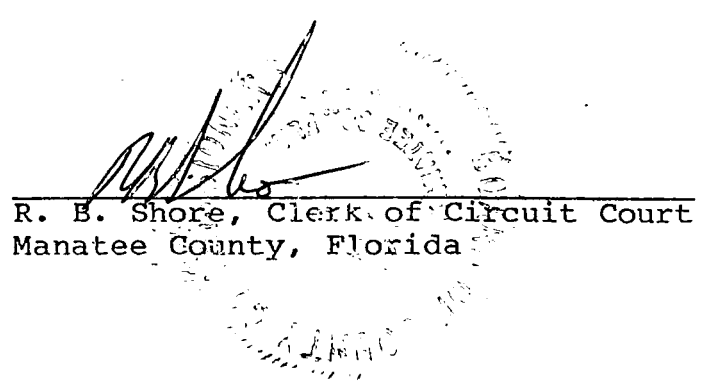
STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 24th day of March 1983:

SUBJECT: MANATEE COUNTY ORDINANCE NO. 83-06
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA
ESTABLISHING ZONING FOR THE WHITFIELD AREA;
AMENDING THE OFFICIAL ZONING ATLAS TO INCLUDE
LANDS LYING IN THE WHITFIELD AREA; AMENDING OF-
FICIAL ZONING ATLAS; AMENDING ORDINANCE 81-4
TO CREATE THE WR ZONING DISTRICT; PROVIDING AN
EFFECTIVE DATE.

WITNESS My Hand and Official Seal this 25th day of March 1983 in
Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

FILED
CLERK OF THE CIRCUIT COURT
MANATEE COUNTY
APR 4 8 57 AM '83

March 30, 1983

Honorable R. B. Shore
Clerk of the Circuit Court
Manatee County Courthouse
Bradenton, Florida 33505

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

- ✓ 1. Receipt of your letter/s of March 25
and certified copy/ies of Manatee
County Ordinance/s No./s 83-6, 83-7 and Z-83-17
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
- ✓ 3. We have filed this/these Ordinance/s in this office
on March 30 1983.
- ✓ 4. The original/duplicate copy/ies showing the filing
date is/are being returned for your records.

Cordially,

Nancy Kavanaugh
(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/

FLORIDA-State of the Arts