

ORDINANCE 88-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, TEMPORARILY PROHIBITING THE GRANTING OR APPROVING OF SPECIAL PERMITS, ADMINISTRATIVE PERMITS, BUILDING PERMITS AND OTHER PERMITS OR COUNTY APPROVALS AUTHORIZING STRUCTURES AND USES RELATING TO THE HOUSING, EXHIBITION, DISPLAY OR KEEPING OF EXOTIC AND WILD ANIMALS; MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR DURATION OF SAID PROHIBITION PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD
R.D. SHAW
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

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CLERK OF STATE
MANATEE COUNTY
CLERK OF STATE
MANATEE COUNTY

WHEREAS, the Board of County Commissioners of Manatee County is authorized under Chapter 125 and 163, Florida Statutes (1987), to adopt and enforce regulations governing the use of land in the unincorporated areas of Manatee County, Florida; and

WHEREAS, the Board of County Commissioners and many of the citizens of Manatee County have recognized that the existing County land use regulations do not specifically or adequately address the noise, smell, traffic and visual impacts of certain wild or exotic animals on residents living near facilities housing, exhibiting, displaying, or keeping certain exotic or wild animals (Wild Animal Facilities), and the safety concerns relating to the operating or existence of such Wild Animal Facilities; and

WHEREAS, the Board of County Commissioners and many of the citizens of Manatee County have recognized that revisions to the County land use regulations appear to be necessary to adequately address the County's concerns regarding the impacts, location and aesthetics of Wild Animal Facilities in order to adequately protect the public's health, safety and welfare; and

WHEREAS, the Board of County Commissioners is aware of at least one existing facility housing exotic or wild animals desiring to expand its operations within Manatee County immediately

Manastorium - Exotic/Wild Animals

and another major facility being considered for operation within either Manatee County or Sarasota County in the near future; and

WHEREAS, the Board of County Commissioners is aware of numerous persons currently operating Wild Animal Facilities within Manatee County, some of which appear to be or have the potential to be adversely impacting on established residential neighborhoods; and

WHEREAS, the aforementioned adverse impacts of Wild Animal Facilities may be greatly increased by further approvals of special permits, administrative permits, building permits and other County permits and approvals to the detriment of the health, safety and welfare of the citizens of Manatee County; and

WHEREAS, such facilities could be approved, authorized, or commenced in due course and in accordance with existing regulations, restrictions, and standards of Manatee County, prior to completion of a more appropriate comprehensive set of regulations or before other measures can be completed or implemented; and

WHEREAS, the Board of County Commissioners is currently in the process of revising its comprehensive plan and will shortly begin to revise its Land Development Code regulations and such a set of comprehensive regulations regarding the matter should be considered with such revisions; and

WHEREAS, a temporary moratorium, upon the granting or approval of special permits, administrative permits, building permits, or other permits or approvals, for Wild Animal Facilities will therefore immediately protect and promote the public health, safety and welfare, and any delay incident to adoption of this moratorium would jeopardize the effectiveness of any subsequent plans or regulations adopted to address impacts of such facilities; and

WHEREAS, on December 8, 1987, the Board of County Commissioners authorized the preparation of an ordinance for a temporary moratorium for Wild Animal Facilities.

WHEREAS, the Planning Commission and the Board of County Commissioners have held public hearings in accordance with state law to consider the adoption of this ordinance; and

WHEREAS, the Board of County Commissioners have determined that such a temporary moratorium for at least one year is necessary to prepare the appropriate plans and regulations to address the aforementioned concerns, and incorporate such plans and regulations into the statutorily mandated revisions of the Manatee County Comprehensive Plan and associated land development regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, as follows:

Section 1. The "Whereas" clauses set forth herein are specifically incorporated in this ordinance as findings of fact of the Board of County Commissioners in support of its adoption.

Section 2. This ordinance shall remain in force for one (1) year from its effective date, unless extended through an amendment of this ordinance.

Section 3. Excepting permits for routine or emergency maintenance of existing structures or facilities, permits for structures for exotic or wild animals born on the premises during the operation of this moratorium ordinance, and permits or approvals initiated by Manatee County, neither the Board of County Commissioners nor any board, commission, department or official of Manatee County having the authority to act in such matters, whether in advisory or final capacity or otherwise, shall authorize or approve in whole or in part, with respect to the health, safety and welfare of the citizens with property located in Manatee County, any of the following for which a petition, application or other request was officially submitted to the Manatee County Department of Planning and Development on or after December 8, 1987: any special permits, administrative permit or building permit or other County

permits and approvals for the construction, expansion, modification, or use of any facility, building or structure relating to the housing, exhibiting, displaying or keeping of exotic or wild animals.

Section 4: Exotic and wild animals shall be defined as:

- a. all wild or nondomestic birds, mammals, fur bearing animals, reptiles and amphibians, which are identified as Class I or Class II wildlife or poisonous or venomous reptiles by the Game and Fresh Water Fish Commission which require Game and Freshwater Fish Commission permits for their possession or exhibition under Sections 372.86, 372.921 and 372.922, Florida Statutes, as further delineated through Title 39, Florida Administrative Code; and
- b. The following specific types of wildlife:
peacocks.

Section 5. Notwithstanding the provisions of Section 3, reviews, authorizations and/or approvals may be granted where the responsible board, commission or official after receiving the written advice and recommendation of the County Attorney's Office, determines that because of approvals or authorizations previously given, the measures authorized or to be considered by the Board of County Commissioners as set forth in the recitals that accompany this ordinance could not, under applicable law, limit the applicant's right to use or develop his property in accordance with such previously granted approvals or authorizations.

Section 6. Notwithstanding the provisions of Section 3, reviews, authorizations and/or approvals may be granted where the responsible board, commission or officials, after receiving the written advice and recommendation of the County Attorney, determines that the following two (2) conditions are met:

- a. There is a necessity under appropriate Federal or State law for the requested facility due to health or safety concerns of the public or the wildlife; and
- b. There are no other viable alternatives which would address such concerns without violation of County Ordinance.

Section 7. No application, petition, or other form of request for any permit or other kind of development or land use approval or authorization prohibited by this Ordinance shall be accepted, received, reviewed, or considered in any manner by any department, agency or official of Manatee County after the date when this ordinance is passed and adopted by the Board of County Commissioners, until twenty (20) days prior to the expiration of its one year term or any duly enacted extension thereof, unless such application, petition, or other form of request was received prior to December 8, 1987.

Section 8. In the event any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional or unenforceable, all remaining provisions and portions of this Ordinance shall remain in full force and effect. All of the provisions of this Ordinance are severable and the legality and enforceability of any one or more of them are not contingent or dependent upon the validity or enforceability of any other provision.

Section 9. Any person who knowingly violates any provision of this ordinance, shall, upon conviction, be punished according to law and shall be subject to a fine not exceeding the sum of \$500.00 or imprisonment in the County Jail for a period not exceeding sixty (60) days, or both such fine and imprisonment.

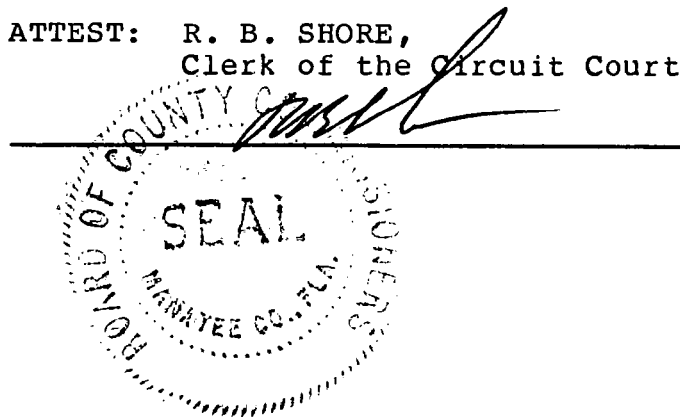
Section 10. This Ordinance shall take effect as provided by law.

APPROVED AND ADOPTED in open session by a majority vote
of the Board of County Commissioners this the 2nd day of
March, 1988.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: Ken J. Chubb
Chairman

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



Ordinance 88-02

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 2nd day of March, 1988.


SUBJECT:

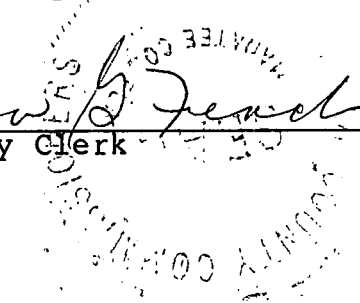
MANATEE COUNTY ORDINANCE NO. 88-02

ORDINANCE 88-02 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, TEMPORARILY PROHIBITING THE GRANTING OR APPROVING OF SPECIAL PERMITS, ADMINISTRATIVE PERMITS, BUILDING PERMITS AND OTHER PERMITS OR COUNTY APPROVALS AUTHORIZING STRUCTURES AND USES RELATING TO THE HOUSING, EXHIBITION, DISPLAY OR KEEPING OF EXOTIC AND WILD ANIMALS; MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR THE DURATION OF SAID PROHIBITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 9th day of March, 1988, in Bradenton, Florida.

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


By: Deputy Clerk





FLORIDA DEPARTMENT OF STATE

Jim Smith

Secretary of State

DIVISION OF ELECTIONS

Room 1802, The Capitol

Tallahassee, Florida 32399-0250

(904) 488-8427

March 11, 1988

FILED PERMANENT
MAR 16 11 03 AM '88
CLERK OF CIRCUIT COURT
MANATEE CO - LORRAINE

Honorable R. B. Shore
Clerk of Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 34206

Dear Mr. Shore:

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

1. Receipt of letter/s of March 9, 1988
and certified copy/ies of Manatee
County Ordinance(s) No. 88-2
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/~~these~~ ordinances in this office
on March 11, _____ 1988. 4:11 pm
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/ mb

Enclosure (1)

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