

ORDINANCE 88-03

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 THE CONSTRUCTION OF TALL STRUCTURES; MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR THE DURATION OF SAID PROHIBITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

RECEIVED
CLERK OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA
FEB 29 1988

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 is further authorized and required under Chapter 333, Florida Statutes, to adopt airport zoning, to regulate certain land uses which may be hazardous to aircraft taking off, landing and maneuvering in the areas of airports to protect the health, safety and welfare of the citizens of Manatee County, Florida and

WHEREAS, the Board of County Commissioners and the citizens of Manatee County have recognized that the existing County land use regulations do not specifically or adequately address the visual, traffic and radiation impacts of tall structures, including buildings, towers, and antennas (Tall Structures) on residents living near such structures and the safety concerns relating to Tall Structures; and

WHEREAS, the Board of County Commissioners and 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 and location of tall structures in order to adequately protect the public's health, safety and welfare; and

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MANATEE CO., FLORIDA

WHEREAS, the Board of County Commissioners is aware of at least one Tall Structure currently awaiting administrative approval, one Tall Structure currently awaiting special permit approval and at least one other pending or proposed facility =being publicly discussed for operation within Manatee County in the near future; and

WHEREAS, the Board of County Commissioners is aware of numerous persons currently operating Tall Structures within Manatee County, some of which have the potential to be adversely impacting local aviation traffic patterns and on nearby residential neighborhoods; and

WHEREAS, the aforementioned impacts of Tall Structures 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 aviation traffic traveling in and above Manatee County and 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 this 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 tall structures will therefore immediately promote and protect 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;

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

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 an initial period of one (1) year is necessary to prepare the appropriate plans and regulations to address the aforementioned concerns, and incorporate such plan 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 (the preamble) 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 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, any of the following for which a complete 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 facilities relating to the construction, expansion, or modification of any facility, building or structure greater than five hundred (500) feet in height from grade.

Section 4. Notwithstanding the provisions of Section 3, authorizations or approvals may be granted where the responsible board, commission or official after receiving the advice and recommendation of the County Attorney, 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 5. 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 (1) 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 6. 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 7. 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 8. This Ordinance shall take effect as provided by law.

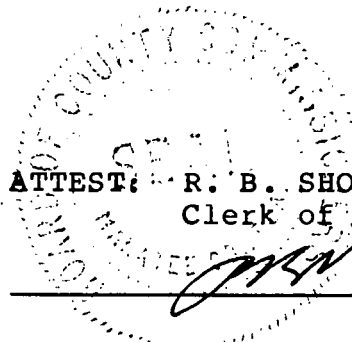
APPROVED AND ADOPTED in open session by a majority vote of the Board of County Commissioners this the 17th day of February, 1988.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: K. G. Chella
Chairman

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

[Signature]



STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO: 88-03 adopted by the
Board of County Commissioners of said County on
the 17 day of February, this 24 day
of Feb, 1988 at Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: Susan B. Drend



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

Dorothy W. Joyce
Division Director

February 26, 1988

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

Attention: Susan, Deputy Clerk, County Ord. Records Division

Dear Mr. Shore:

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

1. Receipt of letter/s of February 22, 1988
and certified copy/ies of Manatee
County Ordinance(s) #88-3
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 February 26, 1988. (11:23am)
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

FILED FOR STATE
 CLERK OF CIRCUIT COURT
 MANATEE COUNTY, FLORIDA
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LC/ mb

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