

ORDINANCE 88-13
(fka ORDINANCE 87-37)

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO MANATEE COUNTY ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE (LDC); PROVIDING FOR AMENDMENTS TO SECTIONS OF THE LDC RELATING TO PERSONAL SERVICE ESTABLISHMENTS IN THE "PR" ZONING DISTRICT, GUEST HOUSES AS AN ACCESSORY USE, PRIVATE STREETS, PLACING CITRUS TREES ON THE UNPROTECTED SPECIES LIST, OFFICIAL FLOODPLAIN MANAGEMENT MAPS, SUBDIVISION REGULATIONS, LOT AREA DEFINITION, AND PROVIDING FOR AN ISSUANCE OF A STOP WORK ORDER, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida, is authorized under Chapter 125 and 163, Florida Statutes, to enact Zoning regulations to protect the health, safety, and welfare of the citizens of Manatee County, Florida, and;

WHEREAS, the Board of County Commissioners of Manatee County previously adopted by Ordinance 81-4, The Manatee County Comprehensive Zoning and Land Development Code, on April 30, 1981, as well as certain amendments thereto; and

WHEREAS, the general public, development community, Planning Commission, Board of County Commissioners, staff and others had identified a need to amend The Manatee County Comprehensive Zoning and Land Development Code; and

WHEREAS, the Board of County Commissioners of Manatee County believes that the adoption of such changes will be in the best interests of Manatee County, in order to protect the health, safety, and welfare of its residents; and

WHEREAS, the Board of County Commissioners and the Planning Commission of Manatee County approved Resolutions 86-314, 87-210, 87-239, and 87-335, that initiated amendments to the Manatee County Comprehensive Zoning and Land Development Code; and

WHEREAS, the Manatee County Planning Commission has reviewed the matter embraced by this amendment, and has held a Public Hearing for this purpose; and

WHEREAS, the proposed amendment is consistent with the requirements of The Manatee Plan, Ordinance 80-4,

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

SECTION 1. TEXT AMENDMENTS

The text of Ordinance 81-4, also known as the Manatee County Comprehensive Zoning and Land Development Code, is hereby amended in the following manner:

- A. Section 203I.2.c.(6) is hereby amended to add a new subsection (b) which shall read as follows:
 - (b) Personal Service Establishments.
- B. Section 204A.3.i is hereby amended to read in its entirety as follows:
 - i. Guest house or rooms for guests in an accessory structure, but only accessory to residential uses,

and provided such house is without kitchen facilities, is used for the occasional housing of guests of the occupants of the principal structure, and not as rental units or for permanent occupancy as housekeeping units. Mobile homes, Recreational Vehicles, or structures built in conformance with Section 320.823 (Florida Statutes), as may be amended from time to time, shall not be allowed as guest houses.

- C. Section 205E.4.a.(1).(a) is hereby amended to read in its entirety as follows:

(a) Private streets may be approved by the Director in accordance with this subsection; Provided, however, no private street may be approved by the Director, which is designed to serve a new* residential subdivision* consisting of one family detached*, one family semi-detached*, two family dwellings*, or mobile home dwellings*, except in connection with a planned development project, cluster development, townhouse development, or a condominium or cooperative development established and regulated in accordance with Florida law.

- D. Section 205F.1.b.(2)(a) is hereby amended to add a new subsection 7 which shall read as follows:

7. Rutaceae, Citrus (Citrus Tree).

- E. Section 205H.5.b.(1) is hereby amended to read in its entirety as follows:

(1) Official Floodplain Management Maps

The 100 year floodplain shall be those areas identified as such on the Flood Insurance Rate Maps and the Flood Boundary Floodway Maps provided by the Federal Emergency Management Agency (FEMA), as may be amended from time to time. These maps, as well as the Flood Insurance Rate Study prepared by FEMA shall be maintained and made available for public inspection at the Planning and Development Department.

- F. Section 301B.1.a is hereby amended to read in its entirety as follows:

a. Subdivision of Land

No person shall subdivide land without the approval and recording of a Final Subdivision Plat in accordance with the requirements of these Regulations.

- G. Section 301B.2 is hereby amended to read in its entirety as follows:

2. Subdivision Defined

a. Generally

For the purposes of these Regulations the term "subdivision" means the division of a parcel of land into three (3) or more lots or parcels of land, for the purpose, whether immediate or future, of transfer of ownership, or, if the estab-

ishment of a new street is involved, any division of such parcel; provided that the division of land into parcels of more than five (5) acres not involving the establishment of a new street or any change in street lines or easements, shall not be deemed to be a subdivision within the meaning of these Regulations. The term includes a re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. For the purposes of this definition, the term "street" means the primary means of access, whether public or private, to a lot or parcel of land. Subdivisions shall be divided into two (2) classifications: minor subdivisions and major subdivisions.

b. Minor Subdivision

Any subdivision containing not more than ten (10) lots fronting on an existing public or private street which meet the following three (3) requirements:

- (1) Not involving the establishment of a new street;
- (2) Not involving the extension of public facilities or creation of any public improvements involving the review or approval of construction drawings, as determined by the Public Works Department; and
- (3) Not in conflict with any provision of the Comprehensive Plan, Land Development Code, Building Code or other officially adopted plans, policies or regulations.

c. Major Subdivision

All subdivisions not classified as a minor subdivision under these regulations.

H. Section 303A.1 is hereby amended to read in its entirety as follows:

1. Subdivision Plat Review Procedure

The review and approval procedure for subdivision plats required under these Regulations shall be divided into three (3) phases: Preliminary Plat Review, Construction Drawings Review, and Final Plat Review, except as provided below. The submittal of a Conceptual Plat is optional for the developer.

I. Section 303A.1.b is hereby deleted in its entirety and a new Section 303A.1.b is hereby inserted which shall read as follows:

b. Preliminary Plat Not Required

Minor subdivisions shall not require a Preliminary Subdivision Plat.

J. Section 303A.1.c(1) is hereby amended to read in its entirety as follows:

c. Phased Developments

(1) Generally

Any subdivision project involving phased or staged development shall show all phases on

the Preliminary Subdivision Plat for the entire project, together with its various construction phases and the proposed development schedule, in which case, separate construction drawings and a Final Subdivision Plat for each phase may be submitted.

- K. Section 303B is hereby amended to read in its entirety as follows:

303B Conceptual Subdivision Plat Review

Prior to submission of a Preliminary Subdivision Plat, the developer may submit a Conceptual Subdivision Plat, in the required number of copies, to the Planning and Development Department. Such plat shall be prepared and submitted as required by Section 304B, Conceptual Subdivision Plats, together with an application and the applicable fee established by the Board of County Commissioners. Within a reasonable time after receipt of the plat, the staff of the Planning Department shall provide the developer with comments and suggestions based upon review of the Conceptual Subdivision Plat to assist the developer in meeting applicable regulations and in achieving good design and land utilization.

- L. Section 303C.1 is hereby amended to read in its entirety as follows:

1. Submission

The developer shall submit a Preliminary Subdivision Plat, in the required number of copies, to the Planning and Development Department. Such plat shall be prepared and submitted as required by Section 304C, Preliminary Plats, together with the required number of copies of the application and the applicable fee established by the Board of County Commissioners.

- M. A new subsection (d) shall be inserted in Section 205F.4.b(2) which shall read as follows:

(d) The approval of Minor Subdivisions.

- N. Article 7, Definitions, Lot Area is amended to read, in its entirety, as follows:

"LOT AREA means the total horizontal area within the legal lot lines of a lot, excluding only any area under an easement for a private street or dedicated as or otherwise having the legal status of a public street, except for platted subdivisions in the A (General Agriculture) District platted or recorded prior to September 9, 1926, in which one-half (1/2) of the adjacent platted right-of-way or easement for a private street from the extensions of lot lines may be included in calculating lot area. That portion of a lot within the area between the existing right-of-way of a street and any officially adopted future right-of-way lines shall be considered as part of the lot area, subject to Section 202B.4.a of this ordinance."

- O. A new subsection 5 shall be inserted in Section 603 which shall read as follows:

5. Stop Work Order

The Planning Director or his designee may issue a Stop Work Order on a site* that is in violation of this Ordinance. The violation must involve physical change of or on a site. A Stop Work Order may be issued in place of or in conjunction with the actions and procedures identified in Section 603 Procedures. Upon

receipt of a Stop Work Order, all work associated with the violation shall immediately cease. The Stop Work Notice shall be in writing and shall be given to the owner of the property, or his agent, or to the person doing the work, and shall state the sections of the Code that are being violated and under what conditions which work, if any, may be resumed. Any person, whether owner, lessee, principal, agent, employee or otherwise who continues to work shall be in violation of this Ordinance and upon conviction may be punished as provided by law. The issuance of a Stop Work Order may be appealed to the Board of Zoning Appeals as an appeal of an Administrative Order pursuant to Section 406, provided however, the provisions of Section 406C.4 shall not be applicable. The hearing of the appeal shall be held as an administrative appeal within ten (10) working days after receipt of the appeal by the Planning and Development Department.

SECTION 2. SEVERABILITY

If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect immediately upon receipt of the official acknowledgment from the Secretary of State that same has been filed with that office.

PASSED AND DULY ADOPTED, with a quorum present and voting this 2nd day of March, 1988.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: K. G. Clutter 3/2/88
Chairman (date)

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

By: [Signature]



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. 88-13

ORDINANCE 88-13 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO MANATEE COUNTY ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE (LDC); PROVIDING FOR AMENDMENTS TO SECTIONS OF THE LDC RELATING TO PERSONAL SERVICE ESTABLISHMENTS IN THE "PR" ZONING DISTRICT, GUEST HOUSES AS AN ACCESSORY USE, PRIVATE STREETS, PLACING CITRUS TREES ON THE UNPROTECTED SPECIES LIST, OFFICIAL FLOODPLAIN MANAGEMENT MAPS, SUBDIVISION REGULATIONS, LOT AREA DEFINITION, AND PROVIDING FOR AN ISSUANCE OF A STOP WORK ORDER, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 3rd day of March, 1988, in Bradenton, Florida.

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


Susan B. Ferch
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

FILED
CLERK OF CIRCUIT COURT
MANATEE COUNTY
MAR 11 8 31 AM '88

March 3, 1988

Honorable R. B. Shore
Clerk of Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 34206
Attention: Richard H. Ashley, Deputy Clerk

Dear Mr. Shore:

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

1. Receipt of letter/s of March 3, 1988
and certified copy/ies of Manatee
County Ordinance(s) 88-13

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 7, 1988.

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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