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ORDINANCE 01-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FLORIDA AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED):

1. **AMENDING CERTAIN PROVISIONS IN THE CONDITIONAL USE STANDARDS BY ADDING STANDARDS FOR PUBLIC COMMUNITY USES.**
2. **AMENDING CERTAIN PROVISIONS OF THE TREE PROTECTION LANGUAGE,**
3. **AMENDING CERTAIN PROVISIONS IN THE CONDITIONAL USE STANDARDS BY ADDING STANDARDS FOR PRIVATE COMMUNITY USES,**
4. **AMENDING FIGURE 6-1, THE USE CHART TO MAKE CHANGES REGARDING PRIVATE AND PUBLIC COMMUNITY USES, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Manatee County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Manatee County, Florida, and;

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Manatee County, Florida to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

WHEREAS, Section 163.3202, Florida Statutes, further provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the jurisdiction; and

WHEREAS, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01, as amended, and in accordance with Sections 302 and 503 of said ordinance and Section 163.3194(2), Florida Statutes, is required to review proposed amendments to the Manatee County Land Development Code after holding a public hearing on the matter, make its recommendations to the Board of County Commissioners; and

WHEREAS, the Manatee County Planning Commission, has reviewed an amendment to the above cited Codes altering it partially in order to more adequately address and prepare for Manatee County's future development and growth and implement the Manatee County Comprehensive Plan; and

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CLERK OF CIRCUIT COURT
MANATEE COUNTY, FLORIDA

WHEREAS, the Manatee County Planning Commission held a public hearing session on April 13, 2001 on the above cited amendments with due public notice having been provided, and having reviewed and considered all comments received during said public hearing, including the staff comments and reports, recommended said amended version of the Manatee County Land Development Code as being consistent with the adopted Manatee County Comprehensive Plan and meeting the requirements of Section 5, 163.3202(2) and 163.3213(1) and (2), Florida Statutes; and

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, and the provisions of the Sections 502 and 503 of the Manatee County Land Development Code, on April 24, 2001 and May 15, 2001, the Board of County Commissioners of Manatee County held public hearings, with due public notice having been provided, to consider proposed amendments to the above referenced Land Development Code; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments, including staff reports and studies received, during said public hearings along with the specific recommendations of the Planning Commission; and

WHEREAS, in exercise of said authority the Board of County Commissioners of Manatee County, Florida, has determined it necessary and desirable to amend and revise in part the Manatee County Land Development Code in order to implement the Manatee County Comprehensive Plan and meet its responsibilities under Florida Statutes to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within Manatee County; and

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

Section 1. Purpose and Intent. This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Title of Land Development Code. The amendments to the Land Development Code for the County of Manatee, Florida, attached hereto as Exhibit "A", shall be known as "The Manatee County Land Development Code Amendments".

Section 3. Amendment of Existing Land Development Code. This ordinance hereby amends and revises the Manatee County Land Development Code, also known as Manatee County Ordinance 90-01, as amended, as shown on Exhibit "A" attached hereto and incorporated herein by reference.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Copy on File. A codified copy of the Land Development Code, as amended, shall be filed in the office of the Director of the Planning Department of the County of Manatee as soon as reasonably possible after adoption of this ordinance. The Planning Director shall also make copies available to the public for a reasonable publication charge.

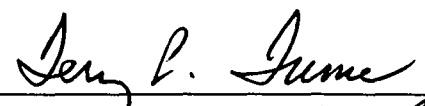
Section 6. Effective Date. This ordinance shall take effect immediately upon receipt of the official acknowledgment from the Secretary of State that same has been filed with that office. Projects which have been approved or have an application deemed complete for a Development of Regional Impact development order, preliminary site plan or plat, final site plan or plat or building permit prior to March 30, 2001, shall not be subject to provisions of this ordinance which were specifically addressed in reviewing or approving such project, provided that such approval was lawfully granted and has not expired or otherwise been terminated. All projects shall be subject to all provisions of this ordinance which are not specifically addressed in such approval or are not inconsistent with such approval.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of the County of Manatee, Florida this the 15th day of May, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: 
Chairman

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

By: 
Deputy Clerk



ORDINANCE 01-25

ATTACHMENT A

**Public Community Uses
Text**

704.57. Public Community Use.

704.57.1. Screening. Screening shall be provided in accordance with Section 715. When adjacent to residential uses, a solid, decorative, opaque fence, a minimum 6 feet in height shall be provided, in addition to any landscaping required in Section 715. The applicant may propose an alternate vegetated buffer, subject to staff approval.

704.57.2. Orientation. All such uses, when located in residential areas, shall orient the structures and driveway entrances away from adjacent residential uses, when possible.

704.57.3 Location. All Public Community Uses within residential zoning districts, that meet the following criteria may be allowed, as shown in Figure 6-1, by Administrative Permit. All public community uses within nonresidential districts shall be allowed by Administrative Permit as shown in Figure 6-1.

1. The center is located upon a roadway classified as a collector or higher on the Roadway Functional Classification Map;
- b. The Public Community Use is at the edge of a neighborhood, at a corner location or is an integral part of a multifamily development.

Any proposed Public Community Use that does not meet these locational criteria, and is allowed by Administrative Permit in the zoning district, must receive Special Permit approval.

704.57.4. Limitation. The use of any public community use as an office space must be accessory to the principal on-site use.

Chapter 6

Figure 6-1

Amend the Public Community Uses from "AP" to "AP/SP" in the A-1, RSF, RDD, RMF, RSMH, PDR, PDA Districts and change from an "AP" to "X" use in the EX district.

Private Community Uses Text

704.56. *Private Community Uses.*

704.56.1. *Setback.* No building shall be located closer than forty-five (45) feet to any street line or closer than one hundred (100) feet to any lot line which abuts a Residential District, except RMF.

704.56.2. *Parking and Loading.* No off-street parking and loading space shall be located closer than twenty-five (25) feet to any lot line which abuts a Residential District, except RMF.

704.56.3. *Recreational Facilities.* Where such uses involve golf courses, tennis courts, swimming pools, marinas or any other conditional or accessory use for which standards and procedures are set forth in other applicable sections of this Code, they shall also be subject to such standards and procedures unless those standards are clearly only applicable to commercial uses.

704.56.4. *Screening.* Screening shall be provided in accordance with Section 715.

704.56.5. *Location.* All Private Community Uses within residential zoning districts, must meet the following additional criteria to be allowed, as shown in Figure 6-1, by Administrative Permit.

1. The Private Community Use is located upon a roadway classified as a collector or higher on the Roadway Functional Classification Map;
- b. The Private Community Use is at the edge of a neighborhood, at a corner location or is an integral part of a multifamily development.

Any proposed Private Community Use that does not meet these criteria, and is allowed in the zoning district, must receive Special Permit approval.

Figure 6-1

Amend the Private Community Uses from "AP" to "AP/SP" in the A-1, RSF, RDD, RMF, RSMH, PDR Districts.

**Tree Protection
Text**

Section 714.2.2.1 amend as follows:

714.2.2.1. *Trees on Agricultural or Mining Property.* Any tree located on land zoned and utilized for agricultural or mining purposes, provided the removal, replacement, relocation, or destruction solely occurs in conjunction with the use of the premises for agricultural or mining purposes and does not occur in anticipation of the development ~~of a subdivision~~. All such clearing is subject to County, State and Local rules, protecting wetlands and other restricted habitat.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 18th day of

May 2001

R.B. SHORE
Clerk of Circuit Court

By: Marene Joplin D.C.