

## ORDINANCE 09-56

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE SECTION 704.44, CONDITIONAL USE CRITERIA FOR HIGH INTENSITY RECREATION FACILITIES; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on 12/10/09, the Planning Commission, the County's Local Planning Agency, held a duly noticed public hearing to review this Ordinance and adopted a motion finding this Ordinance consistent with the Comprehensive Plan and recommending its approval; and

**WHEREAS**, on 01/07/10, the Board of County Commissioners held a duly noticed public hearing to receive public comment and to review and consider this Ordinance; and

**WHEREAS**, after considering public comment, the recommendations of the Planning Commission and Planning staff, the Board has found this Ordinance consistent with the Comprehensive Plan and in furtherance of the public health, safety, and welfare, and has adopted the Ordinance as set forth herein.

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

**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, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

**Section 2. Findings.** The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. The findings contained in the recitals above are true and correct.
2. Chapter 7 of the Manatee County Land Development Code (the "Code") sets forth development standards for various applications for development approval, including conditional use standards for High Intensity Recreation Facilities.
3. It is in the interest of the public health, safety and welfare to adopt the amendments to Chapter 7 of the Code in order to amend the process for approval of High Intensity Recreation Facilities to avoid duplication of applications and deletion of continuing monitoring obligations such that high intensity recreation facilities, once approved, would be permanent use in the Code."

**Section 3. Chapter 7.** Development Standards of General Applicability of the Code is hereby amended in Section 704.44., Recreational Use, Passive, Low, Medium and High Intensity Recreation Facilities, to revise the conditional use standards for High Intensity Recreation Facilities. Said amended Section is set forth in pertinent part below. Additional text indicated by underlining, deletions by ~~strikeout~~.

*704.44. Recreational Use, Passive, Low, Medium and High Intensity Recreation Facilities.*

704.44.1. The following shall apply to all low, medium, passive and high intensity recreational facilities:

704.44.1.1. *Setbacks.* No building or structure used for or in connection with any such use shall be located within fifty (50) feet of any adjoining property which is in a residential district. Additional setback width may be required, based upon the intensity of the proposed use, as determined by the Planning Director.

704.44.1.2. *Parking and Loading.* No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a residential district.

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

704.44.1.4. Limit both publicly and privately provided recreational opportunities on public lands located within the WP-E and WP-M Overlay Districts to low intensity and passive recreational uses, outdoor firing and archery ranges. All race tracks, zoos, mass seating facilities, off-road vehicle facilities, and other intensive recreational uses shall be prohibited within the WP-E and WP-M Overlay Districts. Existing facilities that request expansion shall require special permit approval.

~~704.44.2. *High Intensity Recreation Facilities.* No Conditional Use Approval issued for a High Intensity Recreation use shall exceed four (4) years. Such permit may be extended in conformance with the provisions of Section 505, Special Permits and 506, Administrative Permits, for not to exceed three (3) successive periods of four (4) years each. At the expiration of sixteen (16) years from the date the original permit was issued, the permit shall be subject to renewal in accordance with the provisions set forth in Section 505 and 506, Conditional Uses.~~

\* \* \* Section 704.44.3 through 704.44.7 shall be renumbered accordingly to reflect

deletion of Section 704.44.2, LDC.

**Section 4. Codification.** The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this ordinance into the Land Development Code.

**Section 5. Applicability.** The amendments set forth in this ordinance shall apply to all applications for High Intensity Recreation Facilities filed with the County.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 7<sup>th</sup> day of January, 2010.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_

**Donna G. Hayes, Chairman**

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

By: \_\_\_\_\_

**Deputy Clerk**



2010 JAN 13  
FILED

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FILED FOR RECORD  
R. B. SHORE

2010 JAN 20 AM 10:43

CLERK  
MANATEE CO. FLORIDA

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**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 7<sup>th</sup> day of January, 2010.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

By: 

**Donna G. Hayes, Chairman**

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

By: 

**Deputy Clerk**



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 8<sup>th</sup> day of

January, 2010

R.B. SHORE  
Clerk of Circuit Court

By:  D.C.



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD  
R. B. SHORE  
2010 JAN 20 AM 10:49  
CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA  
**KURT S. BROWNING**  
Secretary of State

January 14, 2010

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Ms. Vicki Jarratt, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 8, 2010 and certified copies of Manatee County Ordinance Nos. 09-55, 09-56 and PDMU-06-16 (P) (R3), which were filed in this office on January 13, 2010.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

### DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
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STATE ARCHIVES OF FLORIDA  
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LEGISLATIVE LIBRARY SERVICE  
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850.245.6270 • FAX: 850.245.6282