

RECEIVED

NOV 18 2011

BOARD RECORDS

ORDINANCE 11-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE REGARDING CHAPTER 2, DEFINITION OF REDEVELOPMENT AND VETERINARY CLINIC; AMENDING SECTION 704.66 REGARDING LOT WIDTH REQUIREMENTS FOR SERVICE STATIONS AND OTHER GAS PUMP LOCATIONS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FILED
2011 NOV 10 PM 2:30
TALLAHASSEE, FLORIDA

WHEREAS, on June 9, 2011, 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 August 4, 2011, September 1, 2011, October 6, 2011, and November 3, 2011 the Board of County Commissioners held duly noticed public hearings 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 the Land Development Text Amendment contained in this Ordinance consistent with the Comprehensive Plan and in furtherance of the public health, safety, and welfare, and has adopted the Land Development Text Amendment as contained in this 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. County has initiated a Land Development Code text amendment to clarify the definitions of redevelopment and veterinary clinic and to revise Section 704.66 regarding lots width requirements for service stations and other gas pump locations; and

2. The Planning Commission as the County's Local Planning Agency has held a duly noticed public hearing on June 9, 2011 to review proposed Ordinance 11-29 and adopted a motion finding this proposed ordinance consistent with the Comprehensive Plan and recommending its adoption to the Board of County Commissioners; and

3. The Board of County Commissioners held duly noticed public hearings on August 4, 2011, September 1, 2011, October 6, 2011, and November 3, 2011 on proposed Ordinance 11-29 to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance; and

4. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found the LDC Text Amendment as contained in this Ordinance consistent with the Comprehensive Plan and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

Section 3. Amendments The definitions of Redevelopment and Veterinary Clinic set forth in Chapter 2, Definitions, of the Code are hereby amended as follows, additional text indicated by underlining, deletions by ~~strikeout~~.

Chapter 2 Definitions:

Redevelopment shall mean the reconstruction, conversion, structural alteration or enlargement of any structure below the point where such improvement would constitute a substantial improvement. For purposes of this definition, if substantial improvement is reached, the project shall be considered as new development (See "Substantial Improvement.")

~~Should the use of a structure cease for any reason for a period of more than one year, any subsequent reconstruction, conversion, structural alteration or enlargement shall be considered as new development and therefore subject to the applicable provisions pertaining to such; except in the case of a designated historic structure.~~

In all Comprehensive Plan Land Use Categories for purposes of this definition and Policy 2.3.2.2, improvements below the Maximum Floor Area Ratio Caps shall be considered to be redevelopment, subject to the above limitations.

Veterinary Clinic shall mean any facility rendering surgical or medical treatment to small animals, primarily on an outpatient basis, ~~but having overnight accommodations for no more than ten (10) such animals.~~ Small animals shall be deemed to be ordinary household pets.”

Section 4. Amendment of Chapter 7, Development Standards of General Applicability, Land Development Code. Chapter 7 of the Code is hereby amended in Section 704.66, Service Stations and Other Gas Pump Locations to revise the conditional use standards for service stations and other gas pump locations. Additional text is indicated by underlining, deletions by ~~strikeout~~ as follows:

704.66 *Service Stations and Other Gas Pump Locations.*

704.66.2 Lot Dimensions. A service station lot shall be of adequate width and depth to meet the setback requirements of the district regulations and as set forth below, ~~but in no case shall the minimum frontage on any street be less than one hundred fifty (150) feet.~~

Section 5. 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 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. 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 3rd day of November, 2011.

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

By: 

Carol Whitmore, 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 27th day of

November, 20 11
R.B. SHORE
Clerk of Circuit Court

By:  D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

November 14, 2011

RECEIVED

NOV 18 2011

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

BOARD RECORDS

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 7, 2011 and certified copies of Manatee County Ordinance Nos. 11-29, PDMU-05-19(G)(R4), PDMU-05-09(P)(R2) and PDR-04-01(P)(R), which were filed in this office on November 10, 2011.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd

Enclosure



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250

**Telephone: 850.245.6600 • Facsimile: 850.245.6282 • <http://info.florida.gov>
Commemorating 500 years of Florida history www.fla500.com**



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

By: _____

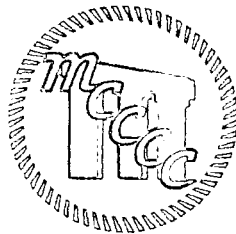
Carol Whitmore, Chairman

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

By: _____

Deputy Clerk





Manatee County

R.B. "Chips" Shore

Clerk of the Circuit Court and Comptroller

P.O. Box 25400 • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082 • www.manateesclerk.com

November 7, 2011

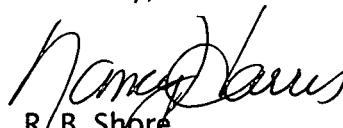
Liz Cloud, Chief
Bureau of Administrative Code
R.A. Gray Building, Room 101
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies of Ordinance 11-28 adopted by the Board of County Commissioners, Manatee County, Florida, in open session on November 3, 2011.

Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy for your file and return one copy to my office.

Sincerely,


R. B. Shore
By: Nancy Harris

RBS/njh
Enclosures (2)
cc: Board Records

"Pride in Service with a Vision to the Future"

Clerk of Circuit and County Court - Clerk of Board of County Commissioners - County Comptroller, Auditor and Recorder