

ORDINANCE NO. 12-04 f/k/a 11-30

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING SECTION 201, LAND DEVELOPMENT CODE, TO REPEAL ALL ADULT ENTERTAINMENT RELATED DEFINITIONS; REPEALING IN ITS ENTIRETY SECTION 707, LAND DEVELOPMENT CODE; CREATING A NEW SECTION IN THE LAND DEVELOPMENT CODE FOR SEXUALLY ORIENTED BUSINESS RELATED DEFINITIONS, IN SECTION 201, DEFINITIONS; CREATING A NEW SECTION 707 IN THE LAND DEVELOPMENT CODE CONSISTING OF SEXUALLY ORIENTED BUSINESS REGULATIONS; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THE SEXUALLY ORIENTED BUSINESS REGULATIONS; AMENDING OTHER SECTIONS OF THE LAND DEVELOPMENT CODE FOR INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

FILED
2012 JAN 10 PM 12:00
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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, Fla. Stat., as amended and retitled the Community Planning Act by Chapter 2011-139, Laws of Florida and Chapter 125, Florida Statutes, as amended. Section 163.3202, Fla. Stat. (2011), requires local land development regulations to contain specific and detailed provisions consistent with and to implement their adopted Comprehensive Plan.

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

1. Sexually oriented businesses, as a category of establishments, are frequently used for unlawful sexual activities, including public masturbation, lewdness, and prostitution.

2. There is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse impacts on surrounding areas.

3. Documents contained in the legislative record compiled for Ordinance No 05-21, as well as the secondary effects information identified in the legislative history of Ordinance No. 05-21 provide legislative support for this Ordinance.

4. It is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Florida Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

5. Section 707 of the Manatee County Land Development Code (the "Land Development Code" or "the Code"), and Definitions, in Section 201 of the Code, along with other code provisions, established regulations regarding the placement and criteria for approval of adult entertainment uses within the unincorporated area of Manatee County.

6. It is in the interest of the public health, safety and welfare of the citizens of the County to repeal Section 707 of the Code and adopt new and restated sexually oriented business regulations and other related amendments for consistency, as set forth in this Ordinance, in order to better implement the Manatee County Comprehensive Plan by basing the regulation of sexually oriented businesses upon the land use characteristics and not the conduct within such businesses and to clarify the intent and purpose of these regulations.

7. The Manatee County Planning Commission held a duly noticed and advertised public hearing on November 10, 2011, received public comment, the staff report and has reviewed the amendments set forth in this ordinance and has found these amendments to the Land Development Code to be consistent with the Manatee County Comprehensive Plan and recommended their adoption to the Board.

8. The Board of County Commissioners held two duly noticed advertised public hearings on December 1, 2011, and January 5, 2012, received public comments, the staff recommendation and report of the Planning Commission and has found this ordinance would serve to update the Land Development Code consistent with the related licensing requirements contained in Chapter 2-2.5 of the Manatee County Code of Ordinances and thus serves a valid public purpose.

Section 3. Amendment of Chapter 2, Definitions and Rules of Construction, Land Development Code.

Chapter 2 of the Code is hereby amended in Section 201, Definitions: To repeal all definitions indexed under the heading "Adult Entertainment" and related cross references. Section 201, Definitions, is hereby amended and restated to add an entirely new section for definitions related to sexually oriented businesses. A copy of the

amended Section 201 regarding sexually oriented businesses, is attached hereto, labeled Exhibit A to this ordinance, and made a part hereof by reference.

Section 4. Amendment of Chapter 5, Development Review Procedures.

Chapter 5, Development Review Procedures, Section 510.2.3 Prohibited Certificate, is hereby amended in Subparagraph (b) and restated as amended as set forth in Exhibit B to this Ordinance.

Section 5. Zoning Districts, Section 602, Standard Zoning Districts.

Figure 6-1, Schedule of Permitted, Administrative and Special Use by District is hereby amended to add a note pertaining to sexually oriented businesses. Said amended Subparagraph in Figure 6-1 is restated in its entirety set forth in Exhibit C to this Ordinance and made a part hereof by reference.

Section 6. Amendment of Chapter 7, Development Standards of General Applicability, Land Development Code.

Chapter 7 is hereby amended in Section 707, Adult Entertainment: To repeal in its entirety all regulations in Section 707 regarding adult entertainment. Said new regulations pertaining to sexually oriented businesses shall be contained in a new Section 707 as attached hereto, labeled Exhibit D to this ordinance and made a part hereof by reference.

Chapter 7 of the Code is hereby amended in Section 737, Entranceways, with specific reference to Section 737.4.2. Said amended subsection is amended and restated in its entirety in Exhibit E to this Ordinance.

Section 7. Amendment of Chapter 12, Enforcement.

Chapter 12, Enforcement, Section 1206.3.1, Schedule of Violations and Penalties, is hereby amended with specific reference to sexually oriented businesses. Said amended provision of Section 1206.3.1 is restated in its entirety as Exhibit F to this Ordinance.

Section 8. 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 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 9. Codification.

The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to codify the amendments in Sections 3 through 7 of this Ordinance into the Land Development Code, but shall not codify the remaining Sections.

Section 10. Applicability.

The amendments set forth in this ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

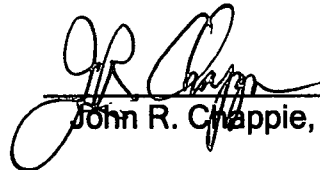
Section 11. Effective Date.

This Ordinance shall become effective as provided by law,

PASS AND DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 5th day of January, 2012.

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

By: _____



John R. Chappie, Chairman

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

By: _____



Deputy Clerk



SEXUALLY ORIENTED BUSINESSES

Section 201 - Definitions.

Sexually Oriented Businesses:

"Adult Bookstore" or *"Adult Video Store"* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations, which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas."

A "principal business purpose" means that the commercial establishment:

(1) has a substantial portion of its displayed merchandise which consists of said items; or

(2) has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; or

(3) has a substantial portion of the retail value of its displayed merchandise which consists of said items; or

(4) derives a substantial portion of its revenues from the sale or rental; for any form of consideration, of said items; or

(5) maintains a substantial section of its interior business space for the sale or rental or said items; or

(6) maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or specified anatomical areas."

"Adult Cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

"Adult Motel" means a motel, hotel, or similar commercial establishment which:

(1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the display of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

(2) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(3) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

"Adult Motion Picture Theater" means a commercial establishment where films, motion pictures, videocassettes, slides, photographic reproductions, or electronic reproductions, which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

"Characterized by" means to describe the essential character or quality of an item. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

"Employ," "Employee," and "Employment" describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

"Establish" or "Establishment" shall mean and include any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(3) The addition of any sexually oriented business to any other existing sexually oriented business.

"Influential Interest" means any of the following: (1) the actual power to control the operation, management, policies, or premises of a business or entity, including the power exercised by an "operator" as defined herein, or (2) holding an office (e.g.,

president, vice president, secretary, treasurer, etc.) or directorship in a legal entity which operates a sexually oriented business.

"Licensee" shall mean a person in whose name a license to operate a sexually oriented business has been issued pursuant to Chapter 2-2.5, Manatee County Code of Ordinances, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In case of an "employee," it shall mean the person in whose name the sexually oriented business employee license has been issued.

"Nude," "Nudity" or "State of Nudity" means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

"Operate" or "Cause to Operate" shall mean to cause to function or to put or keep in a state of doing business.

"Operator" means any person on the premises of a sexually oriented business who puts or keeps the business in operation or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be an operator of a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

"Person" shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

"Premises" means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business structure, the grounds, private walkways, parking lots, and/or parking garages adjacent thereto, which are under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Sec. 2-2.5-4, Manatee County Code of Ordinances.

"Regularly" means the consistent and repeated doing of the act so described.

"Semi-Nude" or "State of Semi-Nudity" means a condition in which a person is not nude, but is showing a majority of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or is showing the majority of the male or female buttocks.

"Semi-Nude Model Studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

This definition does not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

(1) By a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation;

(3) In a structure:

a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

"Sexual Device" means any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

"Sexual Device Shop" means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to any portion of their premises by reason of age.

"Sexual Encounter Center" shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude.

"Sexually Oriented Business" means an "adult bookstore," an "adult video store," an "adult cabaret," an "adult motel," an "adult motion picture theater," a "semi-nude model studio," a "sexual device shop," or a "sexual encounter center."

"Specified Anatomical Areas" means and includes:

(1) Less than completely and opaquely covered: human genitals; pubic region; buttock; and female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Criminal Activity" means:

(1) any of the following specified crimes for which less than five (5) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

- a. Fla. Stat. § 794.011 (Sexual battery);
- b. Fla. Stat. § 796.03 through § 796.07 (Prostitution offenses);
- c. Fla. Stat. § 800.04 (Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age);
- d. Fla. Stat. Ch. 847 (Obscenity offenses);
- e. Fla. Stat. § 893.13 (Controlled substance offenses);
- f. Fla. Stat. Ch. 895 (Offenses concerning racketeering and illegal debts);
- g. Any of the foregoing statutory offenses as amended from time to time; or

(2) attempt, solicitation, or conspiracy to commit one of the foregoing statutory offenses; or

(3) any offenses in other jurisdictions that, had the predicate act(s) been committed in Florida, would have constituted any of the foregoing offenses.

Notwithstanding anything in this definition of "specified criminal activity," a conviction that is later reversed, vacated, overturned or expunged by a court of law shall not be considered a "specified criminal activity" under this ordinance.

"Specified Sexual Activity" means any of the following:

- (1) sexual intercourse, oral copulation, masturbation, or sodomy; or
- (2) excretory functions as a part of or in connection with any of the activities described in (1) above.

"Substantial" means at least thirty-five percent (35%) of the item(s) so modified.

"Transfer of Ownership or Control" of a sexually oriented business shall mean any of the following:

- (1) The sale, lease, rental, or sublease of the business;

(2) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

"Viewing Room" shall mean the room, booth, or area where a patron of sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other visual reproduction.

SEXUALLY ORIENTED BUSINESSES

Chapter 5, Development Review Procedures

Section 510, Certificates of Level of Service Compliance

* * *

510.2.3. *Prohibited Certificate.* An applicant may not apply for or receive a certificate concurrently with the approval of the following development orders, actions or approvals:

* * *

- b. Sexually Oriented Business license.

SEXUALLY ORIENTED BUSINESSES

Chapter 6, Zoning Districts

Section 602, Standard Zoning Districts

Figure 6-1, Schedule of Permitted, Administrative and Special Use by District.

Note: All Sexually Oriented Businesses shall meet the requirements of this Code including, without limitation, Section 707.

SEXUALLY ORIENTED BUSINESSES

Chapter 7, Development Standards of General Applicability

Section 707, Sexually Oriented Businesses707.1. *Purpose and Findings*

- (a) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the purpose nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the purpose nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- (b) Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of County Commissioners, and on findings, interpretations, and narrowing constructions incorporated in numerous cases, including, but not limited to *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *California v. LaRue*, 409 U.S. 109 (1972); as well as in the cases of *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County*, 337 F.3d 1251 (11th Cir. 2003); *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Wise Enters. v. Unified Gov't of Athens-Clarke County*, 217 F.3d 1360 (11th Cir. 2000); *BZAPs, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 U.S. 1186 (9th Cir. 2004); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2000); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999);

David Vincent, Inc. v. Broward County, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 973 F.Supp. 1428 (M.D. Fla. 1997); *Grand Faloon Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *Board of County Commissioners v. Dexterhouse*, 348 So. 2d 916 (Ct. App. Fla. 1977); *International Food & Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Indianapolis, Indiana - 1984; Amarillo, Texas - 1977; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; Centralia, Washington - 2003; Greensboro, North Carolina - 2003; and also on findings of physical abuse from the papers entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; Expert Report of Richard McCleary, Ph.D., Dec. 18, 2004; Affidavits of Tom McCarren; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Board of County Commissioners finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (2) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future. The

County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

707.1.1. *Applicability of Other Code or Regulatory Requirements.* Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Code, or other applicable law or regulation, including but not limited to, Ordinance No. 05-21, codified as the Sexually Oriented Business Code in the Manatee County Code of Ordinances, as Chapter 2-2.5.

707.1.2. *Locational Requirements for Sexually Oriented Businesses.* No sexually oriented businesses shall be located within five hundred (500) feet of any unincorporated area in Manatee County zoned A-1, the RSF districts, RDD districts, RSMH districts, RMF districts, PDR, PDMH, PDMU, PDRV, VIL districts, nor within two thousand (2,000) of any day care center or public recreation facility. No sexually oriented business shall be located within two thousand, five hundred (2,500) feet of any church or school.

707.1.3. *Entranceway Prohibition.* No sexually oriented business shall be located within or adjacent to property designated as an entranceway, pursuant to Section 737 of this Code.

707.1.4. *Locational Restrictions in Relation to Other Sexually Oriented Businesses.* It shall be unlawful to locate any sexually oriented business within one thousand (1,000) feet of any other sexually oriented business.

707.1.5. *Method of Measuring Distances.* Distances shall be measured from property line to property line along the shortest distance between property lines, without regard to the route of normal travel.

707.2. *Non-Conforming Sexually Oriented Businesses.* Sexually oriented businesses which have been established at their existing locations as of the effective date of Ordinance No. 12-04 which have become non-conforming as a result of the adoption of Ordinance No. 12-04 may be continued or maintained only in conformance with Chapter 11 of this Code regarding non-conformities and compliance with Chapter 2-2.5 of the Manatee County Code of Ordinances.

707.2.1. In the event a sexually oriented business is established in a permitted location and operating as a conforming use in accordance with this Code, such sexually oriented business is not rendered a non-conforming use by the location of:

- (a) A church or school within two thousand, five hundred (2,500) feet of such sexually oriented business, a day care center or public recreation facility within two thousand (2,000) feet of such sexually oriented business; or

(b) Property in any unincorporated area of the County which has been rezoned subsequent to the establishment of the sexually oriented business to the following zone districts: A, A-1, RSF-1, RSF-2, RSF-3, RSF-4.5, RDD-3, RDD-4.5, RSMH 4.5 and 6, PDR, PDMH, PDMU, PDRV, PDO, PR-S, PR-M, NC-S, NC-M or CON within five hundred (500) feet of such sexually oriented business.

707.2.2. If a non-conforming distance situation can be eliminated by the abatement of one or more such sexually oriented businesses, the sexually oriented business which has been in business for the longest period of time shall be permitted to remain. It shall be the responsibility of each respective sexually oriented business to submit factual data to the Building and Development Services Department to substantiate the date of establishment of each sexually oriented business as contended by the applicant requesting the non-conforming status.

707.3. *Requirements in Related Codes.* Sexually oriented businesses shall be required to comply with all the licensing and other provisions of the Sexually Oriented Business Code codified in Chapter 2-2.5 of the Manatee County Code of Ordinances.

707.4. *Enforcement.* In addition to the enforcement procedures for violation of this Code set forth in Chapter 12, sexually oriented businesses not in conformity with the requirements of this Section, may be declared to be nuisances by the Board of County Commissioners who may direct the Office of the County Attorney to bring appropriate civil action in the court of appropriate jurisdiction.

SEXUALLY ORIENTED BUSINESSES

EXHIBIT E

Chapter 7, Entrancesways

Section 737.4.2

No sexually oriented business, as defined in this Code, shall be allowed in or adjacent to any entranceway.

SEXUALLY ORIENTED BUSINESSES

Chapter 12, Enforcement

Section 1206.3.1. Schedule of Violations and Penalties

A violation of any provision of this Code is a civil infraction. The civil penalties to be assessed for violation of any provision of specific sections of this Code shall be as follows:

* * *

SECTION NUMBER	TITLE	CIVIL PENALTY (DOLLAR) FIRST VIOLATION	REPEAT VIOLATIONS
707	Sexually Oriented Business	150	400



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 6th day of

January, 2012
R.B. SHORE
Clerk of Circuit Court

By: Maggie Lester D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

**KURT S.
BROWNING**
Secretary of State

January 10, 2012

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

RECEIVED
JAN 17 2012
BOARD RECORDS

Attention: Ms. Maggie Riester, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated January 6, 2012 and certified copies of Manatee County Ordinance Nos. 12-07, Z-11-08, Z-11-09 and 12-04, which were filed in this office on January 10, 2012.

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**



From: ords@municode.com
To: candace.carver@mymanatee.org; [Maggie Riester](#)
Subject: Manatee County, FL Land Development Code - 1990 (12202) Supplement 40
Date: Monday, January 09, 2012 5:02:14 PM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 40

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 10-65	12/2/2010	9/15/2011	Hard Copy/Electronic
Ordinance No. 11-29	11/3/2011	11/23/2011	Hard Copy/Electronic
Ordinance No. 12-04 fka 11-30	1/5/2012	1/9/2012	E-Mail
Ordinance No. 12-07 fka 11-41	1/5/2012	1/9/2012	E-Mail



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.