

LDCT 22-07/ ORDINANCE 23-16 (fka 22-54)  
COUNTY INITIATED LAND DEVELOPMENT CODE TEXT AMENDMENT  
ACUTE CARE MEDICAL FACILITIES AND ASSISTED LIVING FACILITIES  
(PLN2022-0055)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 2, DEFINITIONS, REMOVING THE DEFINITION OF "ACUTE CARE MEDICAL FACILITIES"; AMENDING CHAPTER 4, ZONING, TABLES 4-2, 4-3 and 4-12, REMOVING SUPERSCRIPTS FROM ASSISTED LIVING FACILITY LARGE AND SMALL, AND REVISING SUPERSCRIPTS FOR NURSING HOMES AND HOSPITAL USES; AMENDING SECTION 403 OVERLAY DISTRICTS, SECTION 403.8(C) REMOVING ACUTE CARE MEDICAL FACILITIES FROM PROHIBITED USES/ACTIVITIES AND RELETTERING THE SUBSECTIONS; AMENDING CHAPTER 5 – STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES, SECTION 531.35(E), REMOVING THE PROHIBITION OF NURSING HOMES WITHIN THE COASTAL EVACUATION AREA AND REQUIRING APPROVAL OF A HURRICANE EVACUATION PLAN FOR THE DEVELOPMENT OF NEW NURSING HOMES IN THE COASTAL PLANNING AREA; AMENDING CHAPTER 5- STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES, SECTION 531.45(D), REMOVING THE PROHIBITION OF A RESIDENTIAL CARE FACILITY WITHIN THE COASTAL EVACUATION AREA AND REQUIRING APPROVAL OF A HURRICANE EVACUATION PLAN FOR THE DEVELOPMENT OF NEW RESIDENTIAL CARE FACILITIES IN THE COASTAL PLANNING AREA; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County:

**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 Community Planning 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 in the adoption of this Ordinance:

1. The 2019 Land Development Code Text Amendment commonly known as "Process Improvements" (ORD 19-03/LDCT-17-05) added a definition of ***Acute Care Medical Facilities*** and, at that time, ***Hospitals, Nursing Homes, and Assisted Living Facility (ALF)*** were added as use terms under the definition of Acute Care Medical Facilities.
2. The Comprehensive Plan Ear-Based Text Amendment regarding "Peril of Flood" (PA-20-05/ORD-21-07) amended Policy 4.3.1.7 to "limit" (instead of "prohibit") the development of new Acute Care Medical Facilities.
3. The proposed text amendments include Chapter 2 – Definitions removing the definition of "Acute Care Medical Facilities, amending Chapter 4 – Zoning, Table 4-2, 4-3 and 4-12 by removing superscripts from the term Assisted Living Facility, large and small, and revising superscripts for the terms Nursing Homes and Hospital uses, amending Chapter 5 – Standards for Accessory and Specific Uses and Structures by amending 531.35(E) removing the prohibition of nursing homes located within the Coastal Evacuation Area and



requiring approval of a hurricane evacuation plan for the development of new nursing homes in the Coastal Planning Area, and amending 531.45(D) Residential Care Facilities by removing the prohibition of a Residential Care Facility located within the Coastal Evacuation Area (CEA) and requiring approval of a hurricane evacuation plan for the development of new nursing homes in the Coastal Planning Area.

4. The County has initiated LDC Text Amendment No. LDCT-22-07 (the “LDC Text Amendment”) to clarify and amend specific uses of the Land Development Code.
5. The Manatee County Planning Commission has been duly designated in Section 301, Land Development Code as the Local Planning Agency of the County.
6. Section 163.3174(4)c, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan.
7. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code.
8. The Planning Commission, acting its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on September 8, 2022, as to the proposed LDC Text Amendments and found them to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 341, Land Development Code and has recommended their adoption to the Board.
9. The Board of County Commissioners held a duly noticed and advertised public hearings on October 20, 2022, January 19, 2023, February 16, 2023, and March 23, 2023, to receive public comments and consider the recommendation of the Planning Commission as to the LDC Text Amendments.
10. The adoption of the LDC Text Amendments will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly, and progressive development of Manatee County and thus will serve a valid public purpose.

**Section 3. Adoption of the Land Development Code Text Amendment.** The Land Development Code Text Amendments attached to this Ordinance and incorporated herein as Exhibit “A” are hereby adopted as Amendments to the Land Development Code of the County. The Land Development Code Text Amendment shall consist of the following Chapters and Sections of the Land Development Code as set forth in the following Exhibit “A”, with new text indicated by underline and deleted text indicated by ~~strike through~~:

- (a) Chapter 2, Definitions, Section 200, deleting the term “acute medical facilities”

(b) Chapter 4 Zoning

- Tables 4-2, Uses in Agriculture and Residential Districts, removing superscripts from the terms “Assisted Living Facility, Large”, “Assisted Living Facility, Small”, and revising superscripts for the terms “Nursing Homes” and “Hospital” from footnote #2.
- Table 4-3, Uses in Non-Residential Districts, removing superscripts from the terms “Assisted Living Facility, Large”, “Assisted Living Facility, Small”, and revising superscripts for the terms “Nursing Homes” and “Hospital” from footnote #1.
- Table 4-12, Schedule of Uses for PD Districts, removing superscripts from the terms “Assisted Living Facility, Large”, “Assisted Living Facility, Small”, and revising superscripts from the terms “Nursing Homes” and “Hospitals” from footnote #1.
- Section 403, Overlay Districts; Section 403.8(C) Coastal Overlay Districts (CHHA, CEA and CPA).

(c) Chapter 5, Standards for Accessory and Specific Uses and Structures

- Section 531.35(E) Nursing Homes - removing the prohibition within the Coastal Evacuation Area and requiring approval of a hurricane evacuation plan for the development of new nursing homes in the Coastal Planning Area;
- Section 531.45(D) Residential Care Facilities (including ALF, Community Residential Homes, Recovery Homes and Emergency Shelters) - removing the prohibition of within the Coastal Evacuation Area and requiring approval of a hurricane evacuation plan for the development of new facilities in the Coastal Planning Area;

**Section 4. Codification.** The publisher of the County’s Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3(a), (b) and (c) of this Ordinance into the Land Development Code.

**Section 5. 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 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 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 as provided by law.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 23<sup>rd</sup> day of March 2023.



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

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

*Kevin Van Ostenbridge*  
Kevin Van Ostenbridge, Chairman

**ATTEST: ANGELINA COLONNESO**  
**Clerk of the Circuit Court and Comptroller**

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

*Debi Lessner*  
Deputy Clerk





## EXHIBIT A

### TEXT AMENDMENT

The proposed text amendments are provided and shown in ~~strike-through~~ and underline format

#### **CHAPTER 2 – DEFINITIONS**

##### Section 200 – Definitions

[\*\*\*]

~~Acute Care Medical Facilities shall mean those medical facilities that provide inpatient care as opposed to ambulatory care, and include hospitals, and nursing homes, and assisted Living Facility.~~

[\*\*\*]

#### **CHAPTER 4 – ZONING**

[\*\*\*]

Table 4-2: Uses in Agriculture and Residential Districts

<b>RESIDENTIAL USES</b>									
Accessory Dwelling Unit	511.18	X	P	P	P	X	X	X	P
Assisted Living Facility, Large <sup>2</sup>	531.45	X	SP	SP	SP	SP	SP	SP	SP
Assisted Living Facility, Small <sup>2</sup>	531.45	X	SP	P	P	P	P	P	P
Community Residential Homes	531.45	X	P	P	P	P	P	P	P
Group Housing	531.23	X	SP	SP	X	X	X	P	SP
Mobile Homes, Individual	531.32	X	P/SP	X	X	P	X	X	P/SP
Mobile Home Parks	531.32	X	X	X	X	P	X	X	X
Mobile Home Subdivisions	531.32	X	X	X	X	P	X	X	X
Nursing Homes <sup>2</sup>	531.35	X	X	X	SP	X	SP	SP	P

[\*\*\*]

<b>COMMERCIAL - SERVICES</b>									
Banking: Bank	—	X	X	X	X	X	X	X	P
Banking: Bank/Drive-through	531.16	X	X	X	X	X	X	X	P
Bed and Breakfast	531.7	X	P	SP	SP	X	P	P	P
Business Services	—	X	X	X	X	X	X	X	P
Printing, Medium	—	X	X	X	X	X	X	X	P
Printing, Small	—	X	X	X	X	X	X	X	P
Car Wash: Full Service	531.10	X	X	X	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	X	X	X	X	X	SP
Car Wash: Self-Service	531.10	X	X	X	X	X	X	X	P
Clinics	—	X	X	X	X	X	X	X	P

Equipment sales, rental, leasing, storing and repair - heavy	531.18	X	P	SP	X	X	X	X	P
Construction equipment	531.18	X	X	X	X	X	X	X	SP
Equipment Sales, rental, leasing, storage and repair - light	—	X	P	SP	X	X	X	X	P
Food Catering Service Establishment	531.21	X	X	X	X	X	X	X	X
Free Standing Emergency Department (FSED) <sup>3</sup>	531.62	X	X	X	X	X	X	X	X
Funeral Chapel	531.22	X	P	P	SP	SP	SP	SP	P
Funeral Home	531.22	X	SP	SP	SP	SP	SP	SP	SP
Hospital <sup>2</sup>	—	X	X	X	X	X	X	X	X

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P = Permitted (see [Section 315](#)); SP = Special Permit (see [Section 316](#)); P/SP = Special Permit required as specified in [Chapter 5](#) or elsewhere in this Code; X = Not Permitted.

<sup>1</sup> The code on the left applies to lands outside the Urban Corridors; the code on the right applies to lands within an Urban Corridor and subject to meeting the requirements of [Section 902](#), e.g., X/P means the use is not permitted on lands outside an urban corridor, but is permitted on lands within an urban corridor.

<sup>2</sup> ~~Acute medical facilities are not allowed within the Coastal Evacuation Area, as defined in the Comprehensive Plan. Limit development of new hospitals and nursing homes in the Coastal Planning Area consistent with this Code and the Comprehensive Plan.~~

<sup>3</sup> FSEDs are required to be located within the Retail/Office/Residential (ROR) or the Mixed Use (MU) Future Land Use Categories.

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Table 4-3: Uses in Non-Residential Districts

RESIDENTIAL USES											
Assisted Living Facility, Small <sup>1</sup>	531.45	P	P	P	P	P	X	X	X	X	P
Assisted Living Facility, Large <sup>2</sup>	531.45	P	P	P	P	P	X	X	X	X	X
Community Residential Homes	531.45	P	P	P	P	X	X	X	X	X	X
Group Housing	531.23	X	P	P	P	X	X	X	X	X	P
Mobile Homes, Individual	531.32	X	X	X	X	X	X	X	X	X	X
Mobile Home Parks	531.32	X	X	X	X	X	X	X	X	X	X
Mobile Home Subdivisions	531.32	X	X	X	X	X	X	X	X	X	X
Nursing Homes <sup>1</sup>	531.35	P	P	P	P	X	X	X	X	X	P

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<b>COMMERCIAL - SERVICES</b>											
Bed and Breakfast	531.7	P	P	X	X	X	X	X	X	X	P
Business Services	—	P	P	P	P	P	X	P	X	X	P
Printing, Medium	—	X	X	P	P	P	X	P	X	X	X
Printing, Small	—	P	P	P	P	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	P	P	P	X	P	X	X	X
Car Wash: Incidental	531.10	X	P	P	P	P	X	P	X	X	X
Car Wash: Self-Service	531.10	X	X	P	P	P	X	P	X	X	X
Clinics	—	P	P	P	P	P	X	X	X	X	P
Equipment sales, rental, leasing, storing and repair - heavy	531.18	X	X	P	P	P	X	P	X	X	X
Construction equipment	531.18	X	X	SP	SP	P	X	P	P	X	X
Equipment sales, rental, leasing, storing and repair - light	—	X	X	P	P	P	X	P	P	X	X
Food Catering Service Establishment	531.21	X	P	P	P	P	X	P	X	X	X
Free Standing Emergency Department (FSED) <sup>4</sup>	531.62	X	X	X/P <sup>2</sup>	X	X	X	X	X	X	X
Funeral Chapel	531.22	P	P	P	P	P	X	X	X	X	X
Funeral Home	531.22	P	P	P	P	P	X	X	X	X	X
Hospital <sup>1</sup>		X	X	X	X	X	X	X	X	X	P

[\*\*\*]

P = Permitted (see Section 315); SP = Special Permit (see Section 316); P = Permitted; X = Not Permitted; P/SP = Special Permit required as specified in Chapter 5 or elsewhere in this Code.

<sup>1</sup> ~~Acute medical facilities are not allowed within the Coastal Evacuation Area, as defined in the Comprehensive Plan. Limit development of new hospitals and nursing homes in the Coastal Planning Area consistent with this Code and the Comprehensive Plan.~~

<sup>2</sup> The code on the right applies to sites along a designated Urban Corridor and subject to meeting the requirements of Section 902, e.g., X/P means the use is not permitted on lands outside an urban corridor, but is permitted on lands within an urban corridor. The code on the right also applies to sites that meet the Commercial Locational Criteria (see Comprehensive Plan) and are developed with a mix of residential and commercial uses. The commercial component shall encompass one thousand five hundred (1,500) square feet or twenty-five (25) percent of the building ground floor, whichever is greater.

<sup>3</sup> Allowed only in conjunction with, and subordinate to, an office or industrial park.

<sup>4</sup> FSEDs are required to be located within the Retail/Office/Residential (ROR) or the Mixed Use (MU) Future Land Use Categories.

[\*\*\*]

Table 4-12 Schedule of Uses for PD Districts

<b>RESIDENTIAL USES</b>													
Accessory Dwelling Unit <sup>6</sup>	511.18	P	X	X	X	X	X	X	P	X	X	X	P
Assisted Living Facility, Large <sup>+</sup>	531.45	P	P	P	X	X	P	X	P	X	X	X	P
Assisted Living Facility, Small <sup>+</sup>	531.45	P	P	P	X	X	P	X	P	X	X	X	P
Community Residential Homes	531.44	P	X	X	X	X	P	X	P	P	P	X	P
Group Housing	531.23	X	X	X	X	X	P	X	P	X	X	X	X



Mobile Homes, Individual	531.32	X	X	X	X	X	X	X	X	X	P	X	X	X
Mobile Home Parks	—	X	X	X	X	X	X	X	P	X	P	X	X	X
Mobile Home Subdivisions	—	X	X	X	X	X	X	X	P	X	P	X	X	X
Nursing Homes <sup>1</sup>	531.35	X	P	P	X	X	P	X	P	X	X	X	X	X
Recovery Home, Large	531.45	X	P	P	X	X	P	X	P	X	X	X	X	X

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COMMERCIAL - SERVICES														
Bed and Breakfast	531.7	P	P	X	X	X	X	X	X	X	X	X	P	
Business Services	—	P	P	P	P	P	X	P	X	X	X	P		
Printing, Medium	—	X	X	P	P	P	X	P	X	X	X	X		
Printing, Small	—	P	P	P	P	P	X	X	X	X	X	X		
Car Wash: Full Service	531.10	X	X	P	P	P	X	P	X	X	X	X		
Car Wash: Incidental	531.10	X	P	P	P	P	X	P	X	X	X	X		
Car Wash: Self-Service	531.10	X	X	P	P	P	X	P	X	X	X	X		
Clinics	—	P	P	P	P	P	X	X	X	X	X	P		
Equipment sales, rental, leasing, storing and repair - heavy	531.18	X	X	P	P	P	X	P	X	X	X	X		
Construction equipment	531.18	X	X	SP	SP	P	X	P	P	X	X	X		
Equipment sales, rental, leasing, storing and repair - light	—	X	X	P	P	P	X	P	P	X	X	X		
Food Catering Service Establishment	531.21	X	P	P	P	P	X	P	X	X	X	X		
Free Standing Emergency Department (FSED) <sup>4</sup>	531.62	X	X	X/P <sup>2</sup>	X	X	X	X	X	X	X	X		
Funeral Chapel	531.22	P	P	P	P	P	X	X	X	X	X	X		
Funeral Home	531.22	P	P	P	P	P	X	X	X	X	X	X		
Hospital <sup>1</sup>		X	X	X	X	X	X	X	X	X	X	X	P	

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P = Permitted (see [Section 315](#)); SP = Special Permit (see [Section 316](#)), P = Permitted, X = Not Permitted; P/SP = Administrative Permit required as specified in [Chapter 3](#) or elsewhere in this Code.

<sup>1</sup> ~~Acute medical facilities are not allowed within the Coastal Evacuation Area, as defined in the Comprehensive Plan. Limit development of new hospitals and nursing homes in the Coastal Planning Area consistent with this Code and the Comprehensive Plan.~~

<sup>2</sup> Hotels are allowed only where the underlying Future Land Use category is Industrial-Light (IL).

<sup>3</sup> Limited to three thousand (3,000) square feet in gross floor area.

<sup>4</sup> Asphalt/Concrete Processing, Manufacturing, or Recycling Plants are prohibited from locating on property within the Watershed Protection Overlay District.

<sup>5</sup> FSEDs are required to be located within the Retail/Office/Residential (ROR) or the Mixed Use (MU) Future Land Use Categories.

<sup>6</sup> If expressly approved in the zoning ordinance and any site plan approving the Planned Development project, or unless expressly approved as an amendment to existing Planned Development Zoning Ordinance and any applicable site plan.

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#### 403.8. - Coastal Overlay Districts (CHHA, CEA and CPA).

[\*\*\*]

C. **Prohibited Uses/Activities.** The following uses are prohibited within the CPA, CEA or the CHHA, as noted below, regardless of the underlying zoning district.

1. *Prohibited in the CPA, which encompasses the CHHA.*

a. New mobile home developments.

~~b. Acute care medical facilities, such as hospitals, nursing homes and assisted Living Facility.~~

~~e.~~ b. New wastewater treatment plants. Expansions may only be allowed if it can be demonstrated that they will not adversely affect coastal receiving waters.

[\*\*\*]

### CHAPTER 5 – STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES

[\*\*\*]

#### 531.35. - Nursing Homes.

- A. No such use shall be established except on a parcel of land with safe access to an existing or planned collector or arterial street.
- B. No building shall be located closer than forty-five (45) feet to any street or closer than sixty (60) feet to any lot line which abuts a Residential District, except RMF.
- C. The proposed development shall meet NFPA-101 Life Safety Code, and all regulations specified by state law and County regulations.
- D. Adequate provisions shall be made for service vehicles with access to the building at a side or rear entrance, and without backing onto the rights-of-way to exit the property.
- E. ~~Nursing homes shall not be located within the Coastal Evacuation Area, as defined in the Comprehensive Plan.~~ Development of new nursing homes within the Coastal Planning Area shall obtain County approval of a hurricane evacuation plan per Section 800.5.

[\*\*\*]

#### 531.45. - Residential Care Facilities (including Assisted Living Facility, Community Residential Homes, Recovery Homes, and Emergency Shelters)

- A. The proposed development shall meet NFPA-101 Life Safety Code, as required by the Agency for Healthcare Administration (AHCA), and all regulations specified by State Law and County Regulations.
- B. No Residential Care Facility shall be located within one thousand (1,000) feet of another Residential Care Facility, measured from property line to property line.
- C. When located in a residential zoning district, all parts of the structure shall be maintained in a character consistent with the residential neighborhood in which it is located in terms of gross floor area, building design and lot coverage.
- D. ~~Assisted Living Facility shall not be located within the Coastal Evacuation Area, as defined in the Comprehensive Plan.~~ Development of new Nursing Homes within the Coastal Planning Area shall obtain County approval of a hurricane evacuation plan per Section 800.5.

[\*\*\*]





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

March 27, 2023

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, FL 34206

Attention: Julissa Santana

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 23-16, which was filed in this office on March 24, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh