CHAPTER 5 – STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES

Table of Contents

Part I. In General. ......................................................................................................................... 1
Section 500. Purpose. .................................................................................................................. 1
Section 501. Applicability. ......................................................................................................... 1
Section 502. to 509 Reserved. .................................................................................................. 1

Part II. Standards for Accessory Uses and Structures ............................................................. 1
Section 510. General Requirements for Accessory Uses and Structures. ............................... 1
Section 511. Specific Accessory Uses and Structures Allowed. .............................................. 2
511.1. Accessory Antennas. ...................................................................................................... 2
511.2. Accessory Child Care Centers. .................................................................................... 3
511.3. Child’s Playhouse, Play Equipment. ............................................................................. 3
511.4. Emergency Storm Shelters. ......................................................................................... 3
511.5. Fallout shelters. ........................................................................................................... 4
511.6. Fences and Walls .......................................................................................................... 4
511.7. Home Occupations. ..................................................................................................... 5
511.8. Outdoor Display, Sale and Storage of Merchandise and Equipment. ....................... 7
511.9. Pet Shelters .................................................................................................................. 8
511.10. Portable Classrooms for Schools of Special Education. ......................................... 8
511.11. Recreational Courts. .................................................................................................. 8
511.12. Roadside Sales of Agricultural Products. ................................................................. 8
511.13. Security/Caretakers Residence. ................................................................................ 8
511.14. Solid Waste Collection Areas .................................................................................... 9
511.15. Storage Structures and Sheds. .................................................................................. 9
511.16. Swimming Pools, Spas, and Screen Enclosures. ....................................................... 9
511.17. Waterfront Structures. ............................................................................................. 9
Section 512. to 519. Reserved. ................................................................................................. 11

Part III. Standards for Temporary Uses. ................................................................................. 11
Section 520. General Standards. ............................................................................................. 11
Section 521. Temporary Uses Allowed. .................................................................................. 12
521.1. Christmas Tree Sales. ................................................................................................. 12
521.2. Construction Project Uses. ........................................................................................ 12
521.3. Mobile Home Use During House Construction. ......................................................... 12
521.4. Model Homes, Temporary Real Estate Sales Offices. ................................................ 13
521.5. Promotional Activities of Retail Merchants. ............................................................... 13
521.6. Special Event Temporary of Rights-of-Way. .............................................................. 13
521.7. Temporary Dwellings. ................................................................................................. 14
521.8. Temporary Recreation Facilities. ............................................................................... 15
521.9. Temporary Farmers Markets by Non-Profit Organizations. ...................................... 15
521.10. Tents. ......................................................................................................................... 15
521.11. Postdisaster Temporary Dwellings. ........................................................................... 15
Section 522. to 529. Reserved. ................................................................................................. 17

Part IV. Standards for Specific Uses. ....................................................................................... 17
Section 530. General. .............................................................................................................. 17
Section 531. Standards for Specific Uses. .............................................................................. 17
531.1. Agricultural Uses. ....................................................................................................... 17
531.2. Aircraft Landing Fields. ............................................................................................ 18
531.3. Airports. ...................................................................................................................... 19
Chapter 5 – Accessory and Specific Uses and Structures

531.4. Alcoholic Beverage Establishments ........................................................... 21
531.5. Animal Services (Wild and Exotic Animals) ............................................. 21
531.6. Auction Houses, Open ........................................................................ 21
531.7. Bed and Breakfast .............................................................................. 21
531.8. Breeding Facilities .............................................................................. 22
531.9. Building Materials Sales Establishment ............................................... 22
531.10. Car Washes ....................................................................................... 22
531.11. Cemeteries (including Human and Pet) ................................................ 22
531.12. Child Care Centers ......................................................................... 22
531.13. Churches/Places of Worship ............................................................... 23
531.15. Cultural Facilities ............................................................................. 24
531.16. Drive-Through Establishments ............................................................. 24
531.17. Environmental Land Preserve ............................................................ 24
531.18. Equipment Sales, Leasing, Storing and Repair (Heavy) ....................... 25
531.19. Farm Worker Housing .................................................................... 25
531.20. Flea Markets ..................................................................................... 27
531.21. Food Catering .................................................................................. 27
531.22. Funeral Chapels and Funeral Homes .................................................. 27
531.23. Group Housing, Dormitories and Boarding Houses ............................ 28
531.24. Helistops .......................................................................................... 28
531.25. Industrial, Light/Fireworks/Sparkler Manufacturing (Heavy Industrial) 28
531.26. Intensive Services ........................................................................... 28
531.27. Junkyards ......................................................................................... 29
531.28. Lodging Places ................................................................................ 30
531.29. Marinas ............................................................................................ 31
531.30. Mining Operations .......................................................................... 31
531.31. Mini-warehouses/self-storage ............................................................ 31
531.32. Mobile Homes .................................................................................. 32
531.33. Moored Water Craft ....................................................................... 33
531.34. Motor Freight Terminals .................................................................. 33
531.35. Nursing Homes ............................................................................... 33
531.36. Outdoor Storage (Principal Use) .......................................................... 34
531.37. Personal Wireless Service Facilities ................................................... 34
531.38. Pet Services ...................................................................................... 45
531.39. Public Community Use ................................................................... 46
531.40. Public Use Facilities ....................................................................... 46
531.41. Recreation Uses and Facilities .......................................................... 46
531.42. Recreational Vehicle Parks and Subdivisions ..................................... 48
531.43. Recreational Vehicle/Mobile Home Sales, Rental & Leasing ................ 49
531.44. Rehabilitation Center ...................................................................... 49
531.45. Residential Care Facilities (including Assisted Living Facilities, Community Residential Homes, Recovery Homes, and Emergency Shelters.) .......................................................... 49
531.46. Residential Treatment Facilities ....................................................... 50
531.47. Residential Uses ............................................................................. 50
531.48. Restaurants ..................................................................................... 51
531.49. Retail/Commercial Uses .................................................................. 51
531.50. Schools ............................................................................................ 51
531.51. Service Stations/Gas Pumps ............................................................... 54
531.52. Sexually Oriented Businesses ............................................................ 55
531.53. Solid Waste Management Facilities ............................................... 56
531.54. Utility Uses ..................................................................................... 57
531.55. Vending, Soliciting and Peddling ....................................................... 58
531.56. Vehicle Repair, Major .................................................................... 59
531.57. Vehicle Sales, Rental, Leasing ............................................................ 59
531.58. Veterinary Hospitals and Clinics ....................................................... 60
Part V. Adverse Impact Performance Standards............................................................................ 61
Section 540. Intent.......................................................................................................................... 61
Section 541. Laws, Codes, and Standards...................................................................................... 61
Section 542. General Requirements.............................................................................................. 62
  542.1. Noise disturbance.............................................................................................................. 62
  542.2. Odors................................................................................................................................. 62
  542.3. Vibrations.......................................................................................................................... 62
  542.4. Visual Emissions............................................................................................................... 62
  542.5. Glare................................................................................................................................. 63
  542.6. Humidity, Heat and Cold.................................................................................................. 63
  542.7. Hazardous Materials and Toxic Substances...................................................................... 63
Section 543. Reserved.................................................................................................................. 65
Part VI. Special Use Programs..................................................................................................... 65
Section 545. Housing Program.................................................................................................... 65
  545.1. Purpose and Intent........................................................................................................... 65
  545.2. Affordable Housing Incentives......................................................................................... 65
  545.3. Workforce Housing Incentives......................................................................................... 69
  545.4. Affordable Housing Stock Lost to Development.............................................................. 69
  545.5. Infill Development........................................................................................................... 69
  545.6. County-Owned Property.................................................................................................. 70

List of Tables

Table 5 - 1: Matrix of Siting and Locational Preference............................................................. 43
Table 5 - 2. Maximum Commercial Square Footage Allowed per Future Land Use (FLU) Category: ................................................................. 52
Table 5 - 3. Maximum Commercial Project Square Footages ................................................... 53
Table 5 - 4: Maximum Permitted Steady Vibration Displacement (in inches)................................. 62
Table 5 - 5: Adverse Impacts Point of Determination.................................................................. 63
CHAPTER 5 - STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES

Part I. In General.

Section 500. Purpose.
The purpose of this chapter is to provide development standards relating to specific land uses that are allowable as accessory uses or structures, temporary uses, or as permitted subject to additional standards as noted in Tables 4-12 and 4-23. The regulations of this chapter are intended to supplement, rather than supersede the district regulations found in Chapter 4 of this Code.

Section 501. Applicability.
The standards and regulations of this chapter shall apply generally to all applications for development approval.

A. Unless otherwise expressly stated, accessory structures and uses, and specific uses shall comply with all applicable regulations of this Code, including maximum density and intensity, height and setback regulations.

B. All accessory uses and structures and specific uses shall comply with the use limitations applicable in the zoning district in which they are located.

Section 502. to 509 Reserved.

Part II. Standards for Accessory Uses and Structures

Section 510. General Requirements for Accessory Uses and Structures.
The following regulations shall apply to all accessory uses and structures, except as provided in the standards for specific accessory uses:

A. Except as otherwise provided in this Code, no accessory use or structure shall be approved, established, or constructed, before the principal use or structure is approved, established or constructed.

B. No accessory structure shall be occupied or utilized unless the principal structure, to which it is accessory, is occupied or utilized.

C. All accessory uses shall be designed to serve primarily the residents or employees of the principal use with which they are associated.

D. If an accessory building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Code applicable to the principal building.

E. No accessory structure or use may be located in a utility easement, right-of-way, drainage easement, or visibility triangle.

F. No accessory structure or use shall be located in any required front yard, except statues, arbors, trellises, flagpoles thirty-five (35) feet or less in height, planters. U.S. Postal Service authorized mailboxes, outdoor lighting, fences, parking, or similar structures.
F-G. No accessory structure shall be allowed in any required minimum yard unless specifically exempted by this chapter.

Section 511. Specific Accessory Uses and Structures Allowed.

511.1. Accessory Antennas.

Antennas are allowable as an accessory structure in any district, subject to the provisions in this subsection.

A. Antennas for the reception of television broadcasts are limited to twenty (20) feet in height above the roof line, unless otherwise noted below.

B. Satellite dish antennas used for reception of television signals shall meet the following standards if they exceed three (3) feet in diameter:
   1. A building permit shall be obtained prior to construction for all roof mounted and commercial satellite dish antennas.
   2. The structure shall be designed to withstand all forces generated by a wind of one hundred ten (110) miles per hour. The design must be certified by an Engineer or Architect to be capable of withstanding the winds specified by this section.
   3. The dish of satellite antennas shall be constructed of materials which are neutral in color, or to the extent possible, compatible with the appearance and character of the principal structure.
   4. No satellite antenna shall be mounted closer to the front property line than the front face of the building to which it is accessory.
   5. The ground-mounted satellite antennas shall be set back from rear and side property lines by a distance equal to or greater than the height of the antenna, but in no case less than seven and one-half (7.5) feet.
   6. Satellite antennas are not permitted within a PDMH, PDRV or CRV-RVP subdivision except, that one master satellite antenna on common property will be allowed, provided that it is set back a minimum of twenty-five (25) feet from any designated recreational vehicle or manufactured home lot.

C. All satellite antennas (structures) must be shown on an approved application for development approval.

D. A satellite antenna shall not be used as a sign.

E. Antennas on Attached or Detached Dwelling Sites:
   1. No satellite antenna shall be mounted on the roof of any one or two family residential structure.
   2. The overall height of the satellite antenna shall not exceed twenty-five (25) feet.
   3. The maximum diameter of the satellite antenna dish shall not exceed fifteen (15) feet.

F. Roof Mounted Satellite Antenna.
   1. All roof mounted satellite antennas shall not be closer to the property line than a distance equal to its height, when adjacent to any residentially zoned property. Roof mounted satellite antennas shall be allowed for all allowed uses except single family and duplex dwellings.
   2. Roof mounted satellite antennas shall be located in the rear one-third (1/3) on the building, in the least conspicuous location possible.

G. Private mobile service antennas, which are primarily used for private mobile services, shall meet the following criteria:
   1. Must have a cross sectional area of less than 4.5 square feet at the base; and
   2. Must be less than sixty (60) feet in height in the non-residential districts, or less than one hundred (100) feet in height in the industrial, conservation, village, manufacturing, and agricultural districts, or less than...
two hundred (200) feet in height in the Extraction District and on parcels zoned A that are a minimum of forty (40) acres.

511.2. Accessory Child Care Centers.
Child care centers accessory to a principal use or residential development are allowed by Administrative Permit in the A, A-1, RDD and RMF districts if the following criteria are met; otherwise they are required to go through Special Permit review.

A. The principal use and accessory day care center are located upon a roadway classified as a collector or higher on the Roadway Functional Classification Map;
B. The maximum number of children and staff for accessory child care centers within residential zoning districts is one hundred (100);
C. Accessory child care centers must meet all other applicable local, state or federal regulations;
D. An accessory child care center provided within a church facility must provide the required number of paved parking spaces for the child care as a daily use per Chapter 10.
E. Parking spaces for accessory child care centers within nonresidential buildings shall be specifically set aside and designated within the parking lot by either striping or signage.

511.3. Child’s Playhouse, Play Equipment.
Child's playhouse and child's play equipment accessory to a principal use shall not exceed two hundred (200) square feet in gross floor area.

511.4. Emergency Storm Shelters.
The following standards apply to emergency storm shelters provided in conjunction with mobile homes parks, recreational vehicle parks and camping facilities, as required in this chapter.

A. Standards. Emergency storm shelter buildings shall meet the following standards.

1. The shelter shall be built to withstand winds of one hundred and twenty (120) miles per hour.
2. The minimum net floor area of the shelter shall be provided at a rate of twenty (20) square feet per lot or space.
3. No shelter shall be located in the category 1, 2, or 3 areas of the Coastal Planning Area.
4. The minimum lowest floor elevation shall be twelve (12) feet above mean sea level (M.S.L.) or two (2) feet above the highest point of the road adjacent to the shelter, whichever is higher.
5. Full kitchen facilities operated by natural or L.P. gas shall be provided.
6. Emergency lighting, ventilation and power provided by an independent and separate source, or portable generators shall be required. Generators must have at minimum, sufficient fuel to run continuously for three (3) days.
7. Potable water storage shall be provided at the rate of ten (10) gallons per lot or space.
8. Toilets and showers shall be provided at the minimum rate of one (1) each for every forty (40) lots or spaces.
9. A secure storage room shall be provided.
10. Separate rooms should be provided that can be used for the elderly, nursing, office space and recreation.
11. An adjacent off-street parking area shall be provided.
12. An adjacent open outdoor space shall be provided.
13. All glass surfaces shall be protected by approved hurricane storm shutters.
14. First aid equipment shall be provided.
15. The shelter shall be available year round.

16. A shelter team trained by the Red Cross Shelter Management Training Program shall be provided by the park management, developer, association or other acceptable body.

17. The shelter team shall yearly confirm and describe their availability to the public safety, emergency management and communication divisions.

18. A permanent exterior wall sign, size 2 feet by 2 feet shall be located at the main entrance to identify the building as an emergency storm shelter, and its capacity limits.

19. A telephone and two-way radio communications shall be provided within the shelter.

20. A written agreement specifying the use of a trained shelter team and the designated emergency storm shelter should be entered into with the public safety, emergency management and communication divisions.

B. Development Approvals. All new and expanded developments requiring the provision of an emergency storm shelter shall obtain development approvals and building permits for the shelter before the occupancy of the first unit is authorized.

C. Certificate of Occupancy. A certificate of occupancy shall be issued for the emergency storm shelter before occupancy of the twenty-sixth (26) unit is authorized. The shelter team shall be formed, trained and operational before a certificate of occupancy is issued for the shelter.

D. Warning and Disclaimer of Liability. The degree of protection required by this Section is considered minimum for regulatory purposes. This section does not imply that these shelters are completely safe or the safest or best means of protection. This section shall not create liability on the part of Manatee County or by an officer or employee thereof, for any storm related damage or injury that results from reliance on this section or any administrative decision made thereunder.

511.5. Fallout shelters.

Fallout shelters are permitted as an accessory structure in all districts, subject to the yard and lot coverage regulations of such district, provided that they are not placed in required front yards or within drainage or utility easements. Fallout shelters may contain, or be contained in, other structures or may be constructed separately.

511.6. Fences and Walls

A. Generally.

1. No fence or wall may be located in a right-of-way or easement. Wood, plastic composition, aluminum, wrought iron or chain link fences may be permitted to run along and across drainage or utility easements provided the property owner signs a notarized hold harmless agreement with the County agreeing to remove or replace the fence at the owner's expense in the event Manatee County or other appropriate agency finds it necessary to utilize the easements. The hold harmless agreement with the County, on a form supplied by the County, shall indemnify the County or other appropriate agency from any liability caused by and to the fence.

2. Fences for agricultural uses on agricultural zoned property shall be required to comply with the requirements of this section but do not require a building permit.

3. Fences in the front yard of structures in the Cortez Fishing Village Historical and Archaeological Overlay District are discouraged and must be approved by the Historic Preservation Board. No fence or wall shall be erected or maintained in the front yard of a dwelling in the Whitfield Residential Overlay District.

B. Materials.

1. Fences charged with electricity are permitted only as accessory to an agricultural use.

2. The use of broken glass, spikes, or similar materials on fences shall be prohibited.

3. Fences with barbed wire are permitted only in the A and A-1 districts, and in any district when accessory to an agricultural use.

4. Barbed wire may also be used on security fences in any non-residential district, provided such barbed wire is limited to three (3) strands and is a minimum of six (6) feet above the ground.
5. Chain link fences with protrusions of sharp points above the top rail shall constitute "barbs" and shall be treated as above.

**C. Maximum Height.** Fences, berms or combination of berms and fences and fences erected within the required yard shall be as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yards</td>
<td>4'</td>
</tr>
<tr>
<td>All other yards</td>
<td>8'</td>
</tr>
<tr>
<td>Where non-residential districts abut residential districts</td>
<td>9'</td>
</tr>
<tr>
<td>Whitfield Residential Overlay District</td>
<td>6'</td>
</tr>
</tbody>
</table>

**D. Height Exceptions.**

1. Fences up to eight (8) feet within the required front yard may be allowed in the following areas/situations:
   b. Project perimeter fencing for public schools, planned developments, subdivisions, multi-family projects, and mobile home parks/subdivisions.
   c. Parcels within the RSF-1, RSF-2, and RSF-3 and PDR Districts with a minimum of one hundred (100) feet of street frontage, may be allowed one of the following non-chain link/non-wood slat fence options:
      i. A solid fence, setback five (5) feet from the front property line with a landscape buffer between the fence and the front property line. The landscape buffer shall consist of plant materials that conceal a minimum of thirty (30) percent of the fence area, or
      ii. A solid fence with a minimum of four (4) or more recesses that total fifty (50) percent or more of the lineal feet of the fence. The recess shall be setback a minimum of five (5) feet from the front property line and contain plant materials to conceal thirty (30) percent of the recessed fence area, or
      iii. A combination fence. The lower, solid portion shall not exceed forty-eight (48) inches in height above the ground. The upper portion shall be wrought iron or a similar type of material. This material shall not occupy more than twenty (20) percent of the upper portion of the fence, thereby allowing visibility through that upper portion of the fence.

2. A fence in the required front yard of a residence may be increased to a maximum of six (6) feet in height when the front yard is adjacent to a commercial or industrial land use, if the Department Director determines that vehicular site distance and the aesthetic conditions of both neighboring properties and neighboring conditions are not adversely affected. This shall not apply to residential property within the Whitfield Residential Overlay District.

**E. Lighting Fixtures, Ornamental Features.** Lighting fixtures, ornamental acroter, cap and cornice may be located on the pilasters or posts at horizontal intervals of not less than six (6) feet between such fixtures and may extend an additional two (2) feet in height.

**511.7. Home Occupations.**

Home occupations are permitted in any dwelling unit, subject to the provisions in this subsection:

**A. Permitted Home Occupations.** The following home occupations are permitted uses, subject to the requirements of this section.

1. Artists and sculptors.
2. Authors and composers.
3. Dressmakers, seamstresses and tailors.
4. Daycare homes.
5. Home crafts, such as model making, rug weaving, lapidary work, and ceramics.
6. Office facility for a minister, rabbi, priest or other similar person associated with a religious organization.

7. Office facility for a salesman, sales representative, or manufacturer’s representative, provided that no retail or wholesale transactions are made on the premises.

8. Telephone answering services.

9. The renting of not more than one room for rooming or boarding for not more than one (1) person (who is not transient).

10. School of special education for groups not exceeding four (4) pupils at any given time.

11. Professional architect, engineer, planner, attorney or other professional’s office.

12. Similar uses which do not involve:
   a. retail or wholesale sales transactions on the premises,
   b. any assembly, processing, or fabrication operations,
   c. any services performed for more than two (2) persons on the premises at any one time unless specified different elsewhere,
   d. activities elsewhere prohibited in this Code, or
   e. conditional special permit home occupations as provided below.

B. Home Occupations Requiring Special Permit. The following home occupations require Special Permit approval:

1. Barber or beauty shops, 2 chairs maximum.

2. Dance or music instruction by the occupant of the premises.

3. Fortune telling, palm reading and similar uses.

4. Group instruction for no more than ten (10) persons at any one time.

5. Photographic studios.

6. Repair service establishments.

7. Riding or boarding stables, or kennels.

8. Veterinary clinics.


C. Use Limitations. In addition to the regulations applicable in the zoning district in which it is located, all home occupations shall be subject to the following limitations and requirements:

1. Location of Premises. A home occupation shall be conducted completely within the dwelling that is the bona fide residence of the principal practitioner or in an accessory building normally associated with a residential use.

2. Exterior Alterations. No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character of the premises as a residence.

3. Outdoor Display or Storage. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

4. Employees. The employment of more than two (2) persons who are not residents of the dwelling, who work at or out of the dwelling, shall be prohibited. This restriction shall not apply to employees who normally do not report to the premises.

5. Level of Activity. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.

6. Area. No home occupation shall occupy more than twenty-five (25) percent or no more than two hundred
(200) square feet of the first floor area of the residence, or two hundred (200) square feet, whichever is less, exclusive of the area of any open porch or attached garage or similar accessory uses.

7. *Traffic, Parking.* No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be provided on-site. Parking of commercial vehicles is subject to the provisions of the Code Ordinances.

   a. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or vocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation.
   b. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

511.8. **Outdoor Display, Sale and Storage of Merchandise and Equipment.**

Outdoor display, service, sales or storage of merchandise, equipment or materials shall be subject to the following standards, regardless of when such use or activities may have commenced:

A. **Visible from a Public Street.** The following outdoor display, sales or storage activities, which are visible from a public street, may be permitted in the GC, HC, LM, HM, PDC, PDMU or PDI zoning districts provided that all such display, sale or storage is on the same lot and clearly accessory to the principal use:

1. The display accessory to motor vehicle sales, manufactured home or recreational vehicle sales, which shall not be limited to the size standard in subsection C, below;
2. Sales, display, or storage of plant materials, trees, shrubs or other living materials;
3. Newspaper vending machines;
4. Sales, display, or storage of concrete, ceramic, or marble statues, fountains, urns, or other such decorative items, when limited to two thousand (2,000) square feet of storage area in total or less. Additional outdoor storage above two thousand (2,000) square feet shall be screened from view on all sides with a solid, opaque fence. The three hundred (300) square foot requirement of subsection C, below shall not apply.

B. **Not Visible from a Public Street:**

1. Outdoor storage (including compost piles) is permitted on any residential lot, provided such storage is located to the rear of the dwelling, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outside storage does not occupy more than two hundred (200) square feet on any residential lot.
2. The outdoor storage of vehicles, heavy equipment, manufactured parts, or other similar items, shall be permitted as an accessory use in the HC, LM, HM, PDC, PDI, PDPI, and PDMU Districts, provided that it is screened on all sides with a solid opaque, decorative fence a minimum of six (6) feet in height and landscaping meeting the requirements of Section 701.

C. **Requirements.**

1. Outdoor storage shall be prohibited in any required yard.
2. All accessory outdoor display shall be subject to review and approval by the Department Director. Items to be reviewed include parking, circulation, fire separation, sidewalks, driveways and other such requirements.
3. The area used for outdoor retail display shall be three hundred (300) square feet or less. If the applicant has existing site plan approval, then such plan must be modified to depict the outdoor display.
4. Regulations for outdoor display sale and storage of merchandise and equipment are contained in Section 531.35 (Outdoor Storage (Principal Use)) and the Code of Ordinances.
511.9. Pet Shelters

Pet shelters for common household pets such as dog houses and other similar structures, but not including kennels or small animal specialty farms, are permitted as accessory uses provided they do not exceed one hundred (100) square feet in gross floor area.

511.10. Portable Classrooms for Schools of Special Education.

Portable classroom facilities, not to exceed three (3) per site, for schools of special education operated by the School Board of Manatee County, associated with public community uses or public use facilities shall be allowed after the submittal of an appropriate joint request by the School Board and the public community use or public use facility describing the nature of the school of special education, the intended number of students to be served, the intended number of faculty members, the hours of operation and parking calculations. Such request shall be reviewed in conjunction with the set-up permit for the portable classroom.

511.11. Recreational Courts.

Recreational courts shall be allowable as accessory to residential uses subject to the following:

A. Tennis, basketball or volleyball courts, and other similar private outdoor recreation uses, unlighted, may be located in rear and side yards; however, not closer than five (5) feet to any rear and side lot line.

B. An unlighted, unenclosed basketball court area (including the pole, net, backboard and goal) may be located in the front yard of a single family or duplex dwelling, on the upper one-third (1/3) of the driveway which is furthest from the street and nearest the house.

511.12. Roadside Sales of Agricultural Products.

A. Agricultural products retail stands shall be permitted only where accessory to a general agriculture use (permitted or conditional), and located in the General Agricultural (A) or Suburban Agricultural (A-1) districts. These stands shall be used principally for the sale of agricultural products grown or processed on the same property, and shall not be located within any right-of-way.

B. Stands shall be required to meet all applicable health and safety requirements, including available potable water and sanitary facilities, Manatee County Building Codes and Florida Administrative Code, Chapter 10D-15.

C. The requirements of Sections 1005 (off-street parking) and 701 (Landscaping and Screening Standards) shall apply to this subsection. Access must be provided in accordance with the requirements of Chapter 10.

D. The requirements of Chapter 6 shall apply.


Security/caretakers residences may be allowed in conjunction with a commercial, industrial or agricultural use, within the principal building or in a separate building. Such dwelling may not be used as a rental unit or in addition to another dwelling unit on the same property, and shall meet the following standards.

A. Only conventional housing types such as site-built or modular homes may be allowed in the CON, A, GC, HC, LM, HM, EX, and all Planned Development Districts. except that a mobile home may be allowed within the CON, GC, HC, LM, HM, EX, and PD districts.

B. A mobile home may also be used in the A district if the lot contains a minimum of one hundred sixty (160) acres.

C. When such residence is used for security purposes, it shall be located in such a manner as to facilitate security, but in no instance shall it be located any closer than twenty-five (25) feet from any side or rear property line adjacent to a residential zoning district.

D. When a mobile home is used for a security/caretaker's residence in the GC, HC or PD district, the mobile home must also meet the design standards found in Section 531.32.C. When the mobile home is located in the A district on a lot of one hundred sixty (160) acres or more in size, or in an industrial district, the
residential design standards do not need to be met.

E. No security/caretaker residence in a non-residential district shall be located within a structure that contains hazardous materials, noxious gases, flammable materials or other such substances, in excess of five hundred (500) gallons. A security/caretaker's residence is not permitted within twenty-five (25) feet of a structure that contains storage or use of hazardous materials, noxious gases, flammable materials or other such substances in excess of five hundred (500) gallons, and in accordance with NFPA standards. If proper fire wall protection is provided within the structure, such residence may be located within that structure.

511.14. Solid Waste Collection Areas
Dumpsters shall be located and screened in accordance with Section 701, Landscaping and Screening Standards, and Section 803, Solid Waste.

511.15. Storage Structures and Sheds.
Storage structures and sheds, excluding garages, provided no such structures, accessory to a single family dwelling or duplex has a total aggregate gross floor area in excess of four hundred (400) square feet.

Sheds one hundred twenty (120) square feet or less and up to eight (8) feet in height, measured from grade to roof ridge, are exempt from the required minimum rear and side setbacks on residential property, except within drainage and utility easements.

For manufactured homes or recreational vehicles, no shed of any size shall be located within five (5) feet of any side or rear lot line, or be within that area ten (10) feet between units, as may be applicable. No manufactured home shall be used for storage of materials, parts, equipment or any other items in any zoning district.

511.16. Swimming Pools, Spas, and Screen Enclosures.
Swimming pools, bathhouses, and screen enclosures are subject to the following requirements:

A. All single-family swimming pools (whether above or below grade), portable spas, screen enclosures, and pool decks on grade may be located a minimum of five (5) feet from any lot line or shoreline in the side or rear yard, when measured from the outer periphery of the pool deck. When a portion of the screen enclosure does contain an impervious roof surface (non-screen material), all applicable district building setbacks must be met by that portion. Single-family swimming pools, pool cages, decks or patios, and screen enclosures associated with single-family homes shall not be considered a yard encroachment.

B. In zero lot line or similar type developments, the smaller of the five (5) foot setback or the district setback shall apply. Whenever the setback is less than five (5) feet, the swimming pool, deck, or screen enclosure shall be screened from the neighboring property by a masonry wall a minimum of six (6) feet in height and a maximum of eight (8) feet in height when measured from the finished floor grade.

C. Public bathhouses and swimming pools shall meet the district setback requirements for principal buildings.

D. No swimming pool, spa, deck or screen enclosure shall be located in an easement or drainage swale.

511.17. Waterfront Structures.

A. Generally. No waterfront, erosion control structures, or seawalls shall be erected, expanded, or reconstructed except in accordance with the applicable provisions of:

1. General permit requirements of the U.S. Army Corps of Engineers (COE)
2. General consent criteria of the Florida Department of Environmental Protection (DEP) requirements; and
3. Separate permits issued by DEP, COE and the Southwest Florida Water Management District for certain waterfront structures, which must be obtained prior to commencement of development.

B. Standards. All waterfront structures shall meet the following standards and requirements.

1. Distance from Channel. Private residential waterfront structures shall not extend waterward of the mean or ordinary high water line more than twenty-five (25) percent of the width of the waterbody. Waterfront
structures shall not be placed within an existing channel nor impede navigation. Also, boats shall not be moored in a manner which impedes navigation or encroaches on an existing channel.

2. **Maximum Height of Boathouses and Boat Hoists.** Covered boathouses and covered boat hoists shall not exceed a height of twenty (20) feet above mean high water or ten (10) feet above the ground on which they are placed, whichever is higher. Boathouses may have a roof structure, but may not have enclosed walls. Boathouse roofs shall be tied down per the Manatee County Building Code.

3. **Compliance with District Side Yards.** Waterfront structures shall not be located closer to any side lot line than twenty-five (25) feet or the minimum side yard requirement of the zoning district applicable on the adjacent shore, whichever is greater. Private residential waterfront structures with Florida Department of Environmental Protection (DEP) approval may be located no closer than the minimum side yard requirement. Side lot lines shall be deemed to extend into the adjacent water body perpendicular to the shoreline which they intersect unless they actually extend into such water body.

4. **Residential Dock Density.** The density of multi-family docking facilities and single-family docks on lots created after the effective date of the Comprehensive Plan (May 15, 1989) shall not exceed one (1) boat slip for every one hundred (100) feet of shoreline owned.

C. **Other Requirements.**

1. All handling of fuel for residential docks shall meet all local, state and federal standards. No hazardous and toxic substances shall be handled or stored at or on any residential waterfront structure.

2. New boat ramps shall be located away from sites of high manatee concentrations (see Section 705.4).

3. Eye-catching educational displays at every boat ramp and marina shall be posted to alert boaters to possible presence of manatees and apprise boaters of boating regulations in the area. Signs shall conform to Sections 705.4.

4. No new boat ramps shall be located in areas characterized by significant seagrass flats as indicated in Section 705.4.C.

5. All basins for marina-type uses must be designated as idle speed zones and access channels designated as slow speed zones. All development within or adjacent to such zones shall be required to post appropriate signage. Such signage may be shared by one or more projects.

6. Posting and maintenance of government signs at marina-type uses and their access channels shall be provided, funded, and maintained by the affected marina-type use.

7. No alteration of coastal wetlands shall be allowed except in instances of proposed water-dependent uses, or in cases of overriding public interest, such as natural resources restoration activities, the location of public access facilities for public recreational facilities, deepwater port facilities, or when necessary to avoid the taking of private property. Any alteration may be subject to review by the DEP.

8. All waterfront structures in the floodways shall comply with the standards contained in the Manatee County Public Works Manual.

9. Where such uses involve golf courses, tennis courts, swimming pools, marinas or any other conditional special permit or accessory use, such use shall comply with the standards and procedures are set forth in other applicable sections of this Code.

10. The structure shall not adversely affect or disturb properties listed as eligible for inclusion in the National Register of Historic Places.

D. **Erosion Control Structures.**

1. Siltation and erosion control measures shall be applied to stabilize banks and other unvegetated areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces.

2. No permit for an erosion control structure shall be granted unless the structure complies with all applicable federal, state and local laws, is consistent with the purpose and intent of this Section, and the Board finds that
the erosion control structure will not be detrimental to the shoreline stability of other property, will not obstruct publicly used channels, and will be structurally stable.

E.  **Seawalls.** The construction on new seawalls and the repair and reconstruction of existing seawalls is prohibited except as permitted by applicable federal and state regulations. When allowed, seawalls on lots created after the adoption of the Comprehensive Plan [May 15, 1989] will be subject to the following provisions:

1.  Seawalls constructed in artificial waterways shall not extend beyond the platted property lines unless certified approval from the recorded owner of the bottom of the waterway in question is obtained.
2.  Seawalls constructed on tidal waterbodies shall not extend farther waterward than the mean high water line.
3.  All seawalls shall extend at least four (4) feet above mean sea level.
4.  Riprap shall be installed at the toe of seawall pursuant to the conditions in the DEP general consent criteria.

Section 512. to 519. Reserved.

**Part III. Standards for Temporary Uses.**

**Section 520. General Standards.**

Temporary uses are allowed subject to the following requirements and the specific standards contained in the following sections.

A.  Adjacent uses shall be suitably protected from any nuisance or hazardous features involved in the use.

B.  The use shall not create hazardous vehicular or pedestrian traffic conditions, or result in traffic in excess of the capacity of streets serving the use. Parking, driveway layouts temporary on-site traffic signage, handicap accessibility, and vehicular access shall be subject to approval by the Department Director.

C.  Sufficient utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services shall be available for the use, and all necessary sanitary facilities shall be subject to the approval of the Manatee County Health Department - Manatee County.

D.  The proposed use shall not have an adverse impact on the natural environment.

E.  The site shall be suitable for the proposed use, considering flood hazard, drainage, soils, and other conditions, which may constitute a danger to life, health, or property.

F.  The length of time the use is permitted shall be as short as practicable. Unless, otherwise specifically specified in this Section, no temporary use shall be allowed for more than two (2) years.

G.  A building permit shall be obtained from the Building and Development Services Department Manatee County.

H.  A pre-permit site inspection will be conducted by the Building and Development Services Department Manatee County.

I.  The proposed use shall not have adverse impacts on historic resources.

J.  All areas involved in the use and all access roads thereto shall be maintained so as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public rights-of-way. Such areas shall be maintained in a clean and orderly manner, and building material and construction residue and debris shall not be permitted to accumulate. Upon notification by the County that dust, particle emissions, erosion, and siltation control measures are inadequate, the developer shall immediately cease operation and restore all damaged surfaces and initiate additional measures to correct the adverse impact before commencing further operations.
Section 521. Temporary Uses Allowed.

A temporary use must be a use which would ordinarily be allowed as a permanent use or which because of its limited duration or because adjacent land is undeveloped or developing, would not have a detrimental impact on surrounding land uses. Temporary uses, other than those listed in this section, may be allowed by the Department Director following review of the use for compliance with the standards set forth in Section and other relevant sections of this Code.

521.1. Christmas Tree Sales.

A. A temporary use permit for Christmas tree sales shall be good for forty-five (45) days. An additional fifteen (15) days may be allowed by an extension granted by the Department Director. The temporary use permit shall be displayed in a conspicuous location on the site.

B. Temporary Christmas tree sales shall be allowed in the PD, NC, GC, MX, and HC Districts.

C. The location of Christmas tree sales within existing shopping center parking lots shall not reduce the required number of parking spaces by more than twenty-five (25) spaces or ten (10) percent of the total, whichever is less.

521.2. Construction Project Uses.

A. Construction project uses shall remain valid while an active building permit is in effect.

B. Such uses shall be located within the lot or subdivision involved in the construction project or immediately adjacent thereto.

C. All buildings, materials, supplies, and debris shall be completely removed from such areas within thirty (30) days from the date of completion of the last building to be constructed or within thirty (30) days from the date active construction is discontinued, whichever occurs first; but in no event shall the time exceed the limit set forth in Subsection A above.

D. Where deemed necessary to protect adjoining properties from adverse noise, odor and visual impacts, when such construction areas are to be located in or adjacent to a Residential or Neighborhood Commercial District, appropriate screening or fencing measures may be required.

E. Construction projects for the County Public Works Department for rights-of-way and utility installations are exempt from these temporary use permit requirements.

F. On-site construction office trailers for the exclusive temporary use of construction personnel only shall not be required to obtain a separate permit when located or used under an active and valid building permit for the project. The issuance of a building permit for the construction project is required before locating a trailer on-site unless a separate temporary use permit is obtained for each trailer.

521.3. Mobile Home Use During House Construction.

A. A mobile home is allowed to be used for up to twelve (12) months, but not longer than fifteen (15) days after the issuance of a temporary Certificate of Occupancy or a Certificate of Occupancy for the residential building to be constructed on the same site; provided that, for cause, one (1) extension of time, not exceeding ninety (90) days, may be allowed in writing by the Building Official, if a new site inspection for the temporary use has been made and the use is in accordance with all Building Code requirements and other stipulated requirements on the original permit. The temporary use permit shall be considered terminated if at any time the associated building permit is declared to be invalid.

B. The temporary use of mobile homes is only permitted on A zoned parcels of five (5) acres or more within the lot involved in the construction project. All structures shall meet the required district setbacks.

C. No temporary use approval shall be issued for such use, unless a valid building permit has been obtained to construct a residential dwelling on the premises where the mobile home is to be placed.

D. The building, materials, supplies, and debris shall be completely removed from such areas within fifteen (15)
days from the date of temporary Certificate of Occupancy, Occupancy Certificate, or within thirty (30) days from the date active construction is discontinued, whichever occurs first; but in no event, shall the time exceed the limit set forth in Subsection A, above.

E. Where deemed necessary by the Department Director, when such construction areas are to be located in or adjacent to a Residential District, appropriate screening or fencing measures may be required.

F. A separate building permit for the mobile home is required. The applicant shall comply with the provisions of the Building Code and meet any applicable floodplain management requirements. All mobile homes shall be properly connected to the approved sanitary, potable water, and electric services.

G. The use of a recreational vehicle in lieu of a mobile home is prohibited.

521.4. Model Homes, Temporary Real Estate Sales Offices.

A. Model homes and temporary real estate sales offices are allowed for up to twenty-four (24) months, or upon sale or lease of all of the dwelling units, in the major subdivision, with which the use is connected, whichever occurs first.

B. Model homes are only permitted in zoning districts where the structure may be erected and occupied for residential purposes.

C. Model homes or temporary real estate sales offices shall be located on the same development site as the units or projects with which connected. All structures shall meet all required district setbacks.

D. No more than ten (10) percent of all units or a maximum of ten (10) units within the development or approved construction phase may be allowed as model homes.

E. The applicant shall comply with the provisions of the Manatee County Building Code prior to use of the model home. A separate building permit is required.

521.5. Promotional Activities of Retail Merchants.

A. Promotional activities are allowed for up to fourteen (14) days in any three (3) month period.

B. Temporary promotional activities, including the outdoor display of goods and merchandise, shall be conducted within an area immediately adjacent to the place where such goods are usually displayed or sold.

C. No required off-street parking space, service drive aisle, or loading area, shall be utilized for such display, without specific prior approval of the Department Director.

D. No promotional activity or tent shall encroach upon any rights-of-way, building egress, drive aisle, or the visibility triangle as set forth in Section 1002.

E. All tents shall comply with the Building Code requirements and a separate building permit shall be required.

F. Facilities for sanitary necessities and potable water shall be readily available for patron use, including information signage, during all hours when promotional activities occur.


A. Requests. Applicants shall submit a request to the Department Director for approval. The application request shall be submitted in accordance with Section 354353, Temporary Use Permits.

B. Standards. In addition to the standards stipulated under Section 520, Subsections A through E, the applicant's request shall address the following:

1. The applicant shall be either a bona fide not-for-profit organization, an established community service organization or an non-formally-organized group of residents. In order to make this determination, the Department Director may request that a potential sponsor produce evidence of such status. Potential sponsors who do not furnish such evidence, insufficient evidence, or who furnish evidence not acceptable to the Department Director, shall be denied a special event permit.
2. Adequate parking accommodations for the anticipated event.
3. Adequate traffic and parking supervision for public safety.
4. Adequate pedestrian and vehicular access to the site to provide safe passage without endangering the citizens or property, in accordance with Subsection E, below.
5. Adequate safety provisions including barricades, during entire duration of rights-of-way use.
6. Adequate general liability insurance coverage and/or indemnification provisions satisfactory to the County.
8. Adequate sanitary facilities, potable water, and emergency first aid shall be provided with signage.

C. Submission and Review. The applicant shall submit to the Department Director, a minimum of thirty (30) days prior to the proposed event, a written request outlining the scope of the special event, detailing the specifics associated therewith, a completed application on a form provided by the County, a site plan which clearly demonstrates compliance with the above standards, Insurance Certificate and/or Indemnification Agreement on a form provided by the County, the proposed newspaper public notice, and proper fee. Upon receipt of the recommendations from various departments, including the Public Works and Public Safety Departments, the Department Director shall notify the applicant of any required modification to the application documents to be acceptable; and shall approve, approve with conditions, or deny the application request. A copy of the Department Director's written decision and application documents shall be forwarded to the applicant, and for record purposes to the Board of County Commissioners and reviewing departments.

D. Duration. The length of time the temporary use is permitted shall be as short as practicable and with due concern with public safety, health and welfare of the citizens of Manatee County.

E. Insurance Requirements. Applicants, which have in effect general liability coverage, shall furnish a Certificate of Insurance which names Manatee County as an additional named insured party with regard to the conduct of the requested special event. Applicants which do not have in effect general liability insurance coverage shall execute an Indemnification Agreement in the form prepared by Manatee County.

F. General Requirements.
   1. For parades, the parade sponsor shall pay for the required Sheriff's Office parade route escorts.
   2. For all other street closings, the sponsor shall pay/emit for the required police detail of the Sheriff's Office.
   3. All temporary construction shall meet the requirements of the Manatee County Building Codes and this Code.
   4. The applicant shall submit in a format approved by the Department Director, the proposed newspaper notice for approval. A notice shall be placed by the applicant in a daily newspaper of general circulation for a minimum of one daily edition; the cost of which shall be borne by the event sponsor. Such notice shall contain street closure, event and, duration information, vicinity map and sponsoring organization. Proof of publication shall be provided by the applicant to the Department Director prior to the commencement of the event.

521.7. Temporary Dwellings.
   A. A temporary dwelling unit shall only be allowed in a case where a single family, detached or single family, attached dwelling has been destroyed or damaged by fire or other disaster to an extent which makes such dwelling uninhabitable and only where a valid building permit has been issued for the rebuilding or repairing of the dwelling.
   B. Temporary dwellings are permitted for up to one (1) year, or upon repair of the destroyed or damaged dwelling.
   C. Such a use shall be allowed only on a lot where a single family, detached or single family, attached dwelling is permitted by the provisions of this Code.
   D. No mobile home may be allowed as a temporary dwelling in any district unless such mobile home is allowed as a conditional Special Permit use without regard to lot size. No recreational vehicle is allowed under any circumstance as a temporary dwelling in any district, except within a Recreational Vehicle Park.
E. The provisions of this Subsection 705.6-521.7 shall not apply to a postdisaster temporary dwelling with a valid temporary use permit that meets the requirements specified in Subsection 705.12 of this Code during the period of time as long as such temporary use permit remains in effect.

521.8. Temporary Recreation Facilities.

A. Temporary recreation facilities are allowed for up to twenty (20) consecutive days.

B. The sponsoring organization shall furnish the Department of Health Director information as to regarding sanitary arrangements and facilities to be used by the public and employees; and the Department of Health Director has advised the Department Director, in writing determined that such arrangements and facilities will be adequate if properly used and maintained.

C. The sponsoring organization shall submit information, with respect to off-street parking and potable water, to the Department Director for approval.

521.9. Temporary Farmers Markets by Non-Profit Organizations.

A. Temporary farmers markets by non-profit organizations are permitted for up to 90 days per calendar year.

B. Limited to the sales of agricultural products and arts and crafts. The sale of furniture and other non-agricultural products shall not be allowed.

C. Farmers markets may be located within parking areas provided that parking equaling two (2) spaces per stall remains available on site. Paved parking is not required; however, a surface that will not contribute to erosion or sedimentation, either on site or off site, is required. Use of the rights-of-way is prohibited.

D. Temporary farmer's markets shall be permitted with a temporary use permit when sponsored by a non-profit organization such as a church, or civic organization.

521.10. Tents.

A. Tents may only be used in conjunction with permitted temporary uses.

B. A separate building permit shall be obtained for all tents to be used for non-residential purposes. It shall be the responsibility of both the property owner and tent erector to obtain the necessary permits prior to delivery of the tent to the proposed site.

C. An inspection by the Building and Development Services Department, Public Works Department, and applicable fire districts(s) shall be required upon setting up of the tent and prior to allowing the public to enter. The plan shall indicate the proposed capacity and sufficient egress to accommodate the proposed capacity.

521.11. Postdisaster Temporary Dwellings.

A. A temporary use permit may be issued to the owner of each parcel of residential single-family property for the purpose of placing one (1) temporary dwelling on said property and connecting the temporary dwelling to utility service if the single-family residence located on the property is damaged or destroyed as a result of a disaster. The temporary dwelling shall be occupied by the owner of the property and the owner's family during the time that the residence is repaired or reconstructed or a replacement residence is constructed on the property.

B. The purpose and intent of the temporary use permit for a postdisaster temporary dwelling is to allow the property owner and the owner's family to live on the premises where a single-family residence is damaged or destroyed by a disaster to an extent which renders the residence uninhabitable during the period of time required for repair or reconstruction of the existing residence or construction of a replacement residence on the same property.

C. The criteria for a temporary use permit for a postdisaster temporary dwelling are as follows:

1. A declaration of a state of emergency for a disaster must be issued by the President of the United States, the Governor of the State of Florida, or the board covering all or part of the county.
2. A single-family residence located on a parcel of residential single-family property must be damaged or destroyed as a result of the disaster described in the declaration of the state of emergency. The damage or destruction must render the single-family residence uninhabitable during the period of time required for repair or reconstruction of the existing residence or construction of a replacement residence on the same property.

3. The postdisaster temporary dwelling must be located on a parcel of property in a zoning district where residential single-family dwellings are allowed as a permitted use or upon an administrative permit or a special permit.

4. The postdisaster temporary dwelling must be located outside of all utility and drainage easements, visibility triangles, and fire lanes on the property.

5. The postdisaster temporary dwelling must be set back a minimum of five (5) feet from any structures on the property and all property lines, sidewalks and adjacent roadways. Setbacks shall be measured from the trailer hitch (including the tongue) and the rear of the temporary dwelling (including the rear bumper if applicable).

6. The postdisaster temporary dwelling must be connected to operational utility service. All utility service connections shall comply with the applicable provisions of the Florida Building Code, Florida Electrical Code, and Florida Plumbing Code. The potable water and wastewater utility service connections shall be approved by the public or private utility provider or the Florida Department of Health – Manatee County, if applicable.

7. A temporary setup permit for the postdisaster temporary dwelling must be obtained from the building official. The temporary setup permit will not be issued until the temporary dwelling is connected to utility service and the utility service is operational. Unless otherwise provided by the building official, the temporary setup permit shall constitute the temporary use permit required for the postdisaster temporary dwelling pursuant to Section 354-353 and Subsection 520 of this Code.

8. The postdisaster temporary dwelling must be located on a parcel of residential single-family property. If the property is damaged or destroyed as a result of the disaster described in the declaration of the state of emergency. The damage or destruction must render the single-family residential property uninhabitable during the period of time required for repair or reconstruction or construction of a replacement residence on the same property.

9. The temporary use permit for the postdisaster temporary dwelling must be renewed or extended in accordance with Section Paragraph 354-353.4 of this Code. Before approving any extension, the building official shall require a site inspection to verify compliance with the requirements for the temporary use permit and any conditions of the original temporary use permit.

10. A completed application for a building permit for repair or reconstruction of the existing single-family residence or construction of a replacement single-family residence on the subject property must be submitted to the building official prior to the initial expiration date of the temporary use permit or the renewal or extension of said temporary use permit. Upon issuance of the appropriate building permit, the temporary use permit for the postdisaster temporary dwelling will remain in effect as long as the building permit is valid under the Florida Building Code.

11. The temporary use permit for the postdisaster temporary dwelling shall expire thirty (30) days after the issuance of a certificate of occupancy or a temporary certificate of occupancy under the Florida Building Code for repair, reconstruction or construction of the single-family residence on the subject property. If the building permit expires under the Florida Building Code before a certificate of occupancy or a temporary certificate of occupancy is issued for the single-family residence, the Director may revoke the temporary use permit for the postdisaster temporary dwelling by providing thirty (30) days written notice to the property owner.

12. Upon expiration or revocation of the temporary use permit, the postdisaster temporary dwelling shall be disconnected from utility service and vacated. A mobile home used as a temporary dwelling must be removed from the property, and a recreational vehicle used as a temporary dwelling may be stored on the property in compliance with Paragraph 511.6 of this Code. [COMMERCIAL VEHICLES TAKEN OUT OF THE LDC – MOVED TO PROPERTY MAINTENANCE MANUAL]
D. During the period of time the temporary use permit remains in effect, a postdisaster temporary dwelling with a valid temporary use permit that meets the criteria specified in this subsection shall be exempt from any conflicting provisions of the Land Development Code, including, but not limited to, the following requirements:

1. Subsection 403.8 CHHA: Coastal High Hazard Area Overlay District;
2. Subsection 403.13 WR—Whitfield Residential Overlay District;
3. Subsection 403.14 Restricted Vehicle Overlay District;
4. Section 2-9-108(a) of the Code of Ordinances Paragraph 511.6, Permitted Accessory Uses for Parking of Commercial Vehicles;
5. Section 2-9-108(b) of the Code of Ordinances, Paragraph 511.6 Permitted Accessory Uses for Parking of Restricted Vehicles, Including Commercial Vehicles; and

Section 522. to 529. Reserved.

Part IV. Standards for Specific Uses.

Section 530. General.
The following sections establish additional standards for uses that are allowed by right or through Administrative or Special Permit approval, as specified in Chapter 4. In addition to the standards listed below, special permits shall also comply with the approval criteria set forth in Sections 315.6 and 316.6. The intent of this part is to ensure that certain uses shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. Unless specifically addressed in this section, all Specific Uses must comply with all sections of the Code.

Section 531. Standards for Specific Uses.

531.1. Agricultural Uses.
A. All applications for Agricultural and Animal Products Processing Plants, Commercial Stockyards, Short Term Agricultural Uses, Slaughterhouses, and Sawmills shall meet the following standards.
1. There shall be no new pastures, raising, breeding, and use of farm animals, aquaculture or beekeeping within the RSF, RDD, RMF, or RSMH, PR, NC, GC, or Planned Development Districts (other than the PDA and PDMU districts). [MEMO #4.D.2]
2. One pure-bred pot-belly pig may be maintained, possessed or kept in a single-family detached residence. It must be neutered or spayed and be free from any communicable disease within the species. Upon request by Manatee County, the owner shall verify pedigree providing purebred lineage. Any odor from pig feces detectable at the lot line shall be a violation of this Code. All other pot-belly pigs shall be regulated as farm animals.
3. All commercial agricultural operations within the CON District must submit Conservation Plans that shall incorporate site specific Best Management Practices (BMP) approved by Manatee County.
4. Agricultural uses in the WP-E or WP-M Overlay Districts shall require Administrative Permit approval. [ALL USES REQUIRE ADMINISTRATIVE APPROVAL, UNLESS THEY REQUIRE SP]
5. A program is required for controlling non-point sources of water pollution originating from any areas disturbed by agricultural facilities and the runoff from which is redirected back into an approved receptor
6.5. No outside storage of equipment or materials shall be located within the front yard setback of the principal structure.

7.6. The minimum lot area for small animal specialty farms shall be two (2) acres. No structure or fenced area containing any animals being raised, bred or kept in connection with such use shall be closer than seventy-five (75) feet to any property line, unless such structure is soundproof, in which case, technical evidence and documentation shall be prepared by an engineer or architect to demonstrate to the Building Official/Department Director that the structure is soundproof. See also Section 531.5, Animal Services (Wild and Exotic Animals).

8.7. New short term agricultural uses within a non-agricultural future land use category and a non-agricultural zoning district shall meet the following standards, unless exempt from doing so by Florida Statutes. When which are subject to development order approval, such uses shall be reviewed and conditioned, when appropriate, to ensure that such uses do not have adverse impacts on adjacent existing or future residential uses. [MEMO #4]

a. The site shall be at least one (1) acre in size.

b. Cultivation areas must comply with the following setback requirements:

i. Crop areas must be set back at least fifteen (15) feet from all property lines. The required setback must be covered with ground plants, not planted with the intent to harvest, and may include grass (including native species and ornamental grasses).

ii. Orchard and tree farm trunks shall be set back at least fifteen (15) feet from the lot line of any lot with a non-agricultural land use.

iii. Greenhouses and all other agricultural buildings shall be set back at least thirty-five (35) feet from property lines shared with residentially zoned property. These facilities shall also meet the screening and landscaping requirements of Section 701.

c. Agricultural uses shall comply with all applicable local, state, and federal regulations, and shall utilize best management practices.

d. Fences shall comply with the standards contained in Section 511.6, except that the use of barb wire, chicken wire, hog wire, or electrically charged fencing is prohibited.

B. All applications for a cultivating or processing facility as a component of a medical marijuana treatment center shall meet the following standards.

1. The minimum distance from the proposed medical marijuana treatment center cultivating or processing facility to the real property that comprises a public or private elementary school, middle school, or secondary school shall be 500 feet.

2. The applicant shall furnish a certified specific use survey from a Florida registered engineer or surveyor. The survey shall be performed within 30 days prior to application submittal. The survey shall indicate the distance between the proposed medical marijuana treatment center cultivating or processing facility and the real property comprising any public or private elementary, middle, or secondary school facility within a 500-foot radius.

3. The distance separation requirement shall be measured from the real property line of the medical marijuana treatment center cultivating or processing facility to the real property line of the public or private elementary, middle, or secondary school.

C. New confined feedlot operations are prohibited in the Watershed Protection Overlay Districts (see Section 403.10.C).

531.2. Aircraft Landing Fields.

A. Aircraft landing fields shall be:

I. Associated with an on-site agricultural operation, and/or used for crop dusting and similar services;
2. Used for a personal plane; or
3. Associated with an “aviation-oriented” development where the aircraft landing field is for use by owners and invited guests only.

B. There shall be no sale of fuel or sale of maintenance services at an aircraft landing field. Commercial or business activities of aviation related services such as leasing of tie-downs and hangars, operation of a flight school, or the transportation of passengers for consideration shall not be permitted.

C. Application for aircraft landing fields must be accompanied by documentation that a favorable airspace determination has been issued by the Federal Aviation Administration (FAA), and a favorable preliminary Site Feasibility Inspection Report has been prepared by the Florida Department of Transportation (FDOT).

D. All aircraft landing fields as herein defined, shall meet the minimum standards of, and maintain a valid license in accordance with, Chapter 330, Florida Statutes and Chapter 14-60, Florida Administrative Code, as amended.

E. Aircraft landing fields shall include the requirements of all airport zones and airspace height limitations except for the TR or Transitional Zones adjacent to the sides of the runway. The Transitional Zones for Aircraft Landing Fields shall intersect with and extend the entire length of all Approach Zones.

F. A written statement shall be provided detailing all noise abatement procedures, methods, and devices that will be employed in the operation of the facility, and sufficient analysis shall be presented to indicate what adjoining lands will be impacted by the anticipated noise and to what degree.

G. An aircraft landing field shall be used primarily by the licensee but is available for use by invitation of the licensee.

H. Aviation facilities proposing to locate on property within the Watershed Protection Overlay District shall be reviewed through the Planned Development process and require a finding of overriding public interest from the Board (see Section 403.10.C).

531.3. Airports.

A. General Requirements for Airport Siting. Any new airport or any expansion to an existing airport, which would adversely alter the noise impact by generating an expansion or alteration of the noise contours, shall be subject to the siting criteria and restrictions which follow. Aircraft landing fields shall not be considered airports for the purposes of this section, and shall be subject to siting criteria as specified under Section 531.2.

1. Airports and aircraft flight patterns must be compatible with the regulation for tall towers and structures included in Section 403.2 of this Code including, but not limited to, airports being located a minimum of 3.5 nautical miles from a tower identified on the “Airport Zone and Object Height Limitation Map.”

2. Airport runways capable of being used by turbojet or turboprop aircraft shall be located a minimum distance of ten thousand (10,000) feet from any existing or proposed landfill.

3. Airport runways or approach and departure patterns of an airport shall not be located between a landfill and bird feeding, water or roosting areas. Airport proposals with existing landfills located within the lateral limits of the airport zones described in Section 403.2 will be reviewed on a case-by-case basis.

4. Airport development and aircraft approach and departure patterns shall not be permitted in an area which would create noise levels greater than 70 Ldn on the breeding, nesting or feeding grounds of endangered or threatened fauna identified by the Florida Game and Freshwater Fish Commission and/or the U.S. Fish and Wildlife Service.

5. Airport development shall be located in areas where the proposed facility will not adversely impact significant recreational areas, archaeological areas, or areas of historical interest. This shall include, but not be limited to, the prohibition of noise levels of 70 Ldn or greater in these areas.

6. Airport runways shall be located a minimum distance of three (3) statute miles from any land use which produces significant smoke, glare or other visual hazards.

7. Airport runways shall be located a minimum distance of three (3) statute miles from existing or proposed
lighting or illumination which is arranged and/or operated in such a manner that it is misleading or dangerous to aircraft.

8. Airport development activity shall be located a minimum distance of two hundred (200) feet from any well permitted as a permanent public water supply.

9. Airport development shall not be located in an area unless significant natural buffers exist between any existing or proposed residential development and the airport runways, support facilities, parking and maintenance areas.

10. Airport runways shall not be located in an area where the proposed facility or aircraft flight patterns will create noise levels above 64 Ldn on property zoned for residential uses, unless the runway is described as a special exception to the Manatee County Comprehensive Plan (see Policy 8.2.1.4 of the Manatee County Comprehensive Plan). In addition, the facility shall substantially conform to the noise standards for commercial districts contained in Section 540.1 of this Code.

11. Airport development must be consistent with the Manatee County Comprehensive Plan including, but not limited to, all text and maps within the Aviation Element.

12. Airports shall be located so that the proposed facility will be served adequately by existing ground transportation without exceeding adopted levels of service unless concurrent improvements are made so that the adopted level of service is maintained. Ground transportation may include public transportation if the Board determines that it is warranted.

13. Airport development shall only be permitted in areas where the proposed facility can be adequately served by support facilities.

14. Airports shall be located in an area where the airport operator will maintain land within designated airport clear zones under the controlling ownership of the operating entity. The lease of any such land shall be restricted exclusively to agricultural uses.

15. Airport sites shall be consistent with State and Regional airport plans.

16. Airport sites shall be consistent with the Federal Aviation Authority (FAA) site selection criteria.

17. Airports shall not be permitted in areas which would adversely impact airspace at any existing public, private or military airport.

18. No application for airport development shall be accepted for any airport located on land regulated by the Watershed Protection Overlay or Coastal High Hazard Overlay districts, unless specifically authorized by a finding of overriding public interest made by the Board through the Planned Development process.

B. Airport Development Application. Application for a private or public airport must be accompanied by an application to amend Section 403.2, (Airport Impact (AI) Overlay District) to appropriately apply surfaces. Notice shall be given to all property owners affected by "surface" designation in the manner as if they were abutting property owners. An application for the development of a new or expanded airport regulated under this section shall require identification of the following:

1. Noise impact areas, including 65, 70 and 75 Ldn noise contours, and based on 5th and 10th year projections of aircraft volume and mix.

2. Location of noise contours, including 65, 70 and 75 Ldn, based on 5th and 10th year projections of aircraft volume and mix overlaid on a plan which identifies the following items within the noise contours: breeding, nesting or feeding grounds of endangered or threatened fauna as specified herein; recreational, historical or archaeological areas; and existing or proposed residential land uses and natural buffers.

3. Land uses within three (3) statute miles from any land use which produce significant smoke, glare or visual hazards.

4. Bird feeding, water or roosting areas within the airport zones described in Section 403.2 of this Code.

5. Landfills within ten thousand (10,000) feet of the airport boundary.

6. Antenna towers within three-and-one-half (3.5) nautical miles of the airport boundary.
7. Lighting or illumination which is misleading or dangerous within three (3) statute miles of any runway.

8. Public water supply wells on and within two hundred (200) feet of the airport development.

9. Transportation study based on five (5) year and ten (10) year projections, including any type of public transportation supplied or other forms of mitigation.

10. Proof of control or the ability to obtain control of all land within the airport clear zones.

11. Letters from the FAA and FDOT stating that the proposed site is consistent with FAA site selection criteria and State and Regional plans, respectively.

12. Airport hazard areas.

531.4. Alcoholic Beverage Establishments.

A. An alcoholic beverage establishment (also known as drinking establishment) may be allowed by Administrative Permit in a mixed use project with two (2) or more uses provided such use is within a designated commercial area of the project. The Developer of such projects shall have provided notification to any residential unit owners, through a Declaration of Covenants, Conditions and Restrictions or other similar recorded instrument, that the nature and use of the commercial establishments may include such uses. [DELETED PER INTERPRETATION DATED 2/17/17]

B. Except at country clubs and mixed use projects with a residential component, outdoor sales or consumption on premises of alcoholic beverages within two hundred (200) feet of residentially zoned or used property require Special Permit approval.

C. Outdoor sales or consumption on premises of alcoholic beverages may be allowed through Administrative Permit where such residentially used or zoned property is in a 2nd floor or above in a mixed use project with two (2) or more uses. The Declaration of Covenants, Conditions and Restrictions or other similar recorded instrument, shall include a provision noting that the nature and use of the commercial establishments may include alcoholic beverage establishments. [DELETED PER INTERPRETATION DATED 2/17/17]

D. Package sales of beer, wine and other alcoholic beverages are permitted as a convenience retail sales use with the appropriate State license.

531.5. Animal Services (Wild and Exotic Animals).

The intent of this section is to regulate the character, location, and magnitude of the land use aspects of various land uses that involve wild and exotic animals.

A. The property upon which the facility is located shall have one (1) acre for each wild or exotic animal; and

B. All necessary state permits shall be obtained for the housing of wild or exotic animals and all the conditions requirements of the state permits shall be met.

531.6. Auction Houses, Open.

A. No activities associated with this use shall be conducted within two hundred (200) feet of any residentially zoned or developed property unless all sales and storage of merchandise/vehicles are located within an enclosed building.

B. The applicant shall demonstrate compliance with Chapter 5, Part IV, Adverse Impacts, specifically noise impacts, with submittal of their special permit application. No outdoor public address systems or speakers shall be used within five hundred (500) feet of residentially zoned or used property.

531.7. Bed and Breakfast.

A. A Bed and Breakfast establishment containing between six (6) and eight (8) rental rooms shall be located on a road designated as collector or higher. Any bed and breakfast establishment with less than six (6) rental rooms may be located on a local residential street.

B. Bed and breakfast establishments shall provide one parking space per bed for rent, plus one space per
Parking shall, where possible, be placed in the rear yard. Drive aisles for two-way travel, when not located adjacent to parking stalls, may be reduced to sixteen (16) feet in width.

C. Bed and breakfast establishments shall retain the residential character of the neighborhood in which they are located, with relation to size, building coverage, and building design. In residentially zoned areas, only existing residential structures may be converted to a bed and breakfast establishment. New construction shall be prohibited.

D. Bed and breakfast establishments in residential zoning districts shall be allowed one (1) permanent wall sign containing a maximum size of four (4) square feet. Such signs shall be designed and colored to maintain the residential character of the neighborhood.

531.8. Breeding Facilities.

A. All breeding facilities shall be located upon lots having at least ten (10) acres.

B. All pens, runs, and associated buildings where animals will be housed, trained or fed shall be located at least one hundred (100) feet from all property lines.

C. All property lines adjacent residential zoning or land uses shall be screened pursuant to the standards of Section 701 and said buffer shall be a minimum width of ten (10) feet.

531.9. Building Materials Sales Establishment.

A. Lumberyards.

1. No buildings or outdoor areas used for processing, finishing or cutting shall be closer than fifty (50) feet from all property lines.

2. All outdoor materials stacked over twenty (20) feet in height shall be set back twenty-five (25) feet from the side and rear property lines.

531.10. Car Washes.

A. All principal car washing machinery shall be within a completely enclosed building behind opaque exterior walls, except for necessary entrances and exits.

B. Car washes in GC, MX, and NC shall not use outdoor speakers if abutting a residential district.

C. All self-serve car wash, drying/vacuum areas shall be set back fifty (50) feet from any adjacent residential use/zoning.

D. All full service and incidental car wash structures shall be set back at least thirty-five (35) feet from any adjacent residential use/zoning.

E. All car wash establishments shall meet the drive through stacking requirements of this Section.

531.11. Cemeteries (including Human and Pet).

No grave, monument or building, or similar structure or use shall be closer than twenty-five (25) feet to a perimeter property line of the use.

531.12. Child Care Centers.

A. Child care centers shall meet NFPA-101 Life Safety Code, and all regulations specified by state law and County regulations.

B. Child care centers shall have direct access to a public street, including a sidewalk, which will accommodate separate pedestrian and vehicular traffic to and from the use, as determined by the Department Director.

C. All child care centers within residential zoning districts shall meet the following criteria standards. Child care centers that do not meet these criteria standards may still be allowed but only through Special Permit
approval:

1. The child care center is shall be located upon a roadway classified as a collector or higher on the Roadway Functional Classification Map; and

2. The child care center is shall be located at the edge of a neighborhood, at a corner location or is an integral part of a multifamily development.

D. Child care centers within nonresidential districts are not required to meet the requirements of C. above.

531.13. Churches/Places of Worship.

A. Proposed church facilities in agricultural, residential and CRV, RVP zoning districts, shall meet the following criteria standards (churches/places of worship that do not meet the criteria standards may still be allowed but only through Special Permit approval):

   1. The facility is shall be located upon a roadway classified as a collector or higher on the Roadway Functional Classification Map;

   2. The facility is shall be located at the edge of a neighborhood, or at a corner location as permitted by the Department Director, but only upon making a finding that such a location is compatible with the adjacent residential area; and

   3. The proposed parking facilities are shall be setback at least twenty-five (25) feet from adjacent residentially used or zoned property.

B. If, under the provisions of Section 1005, Off-Street parking, the Department Director approves the use of grassed parking areas, then:

   1. Parking paved with a smooth, dustless surface shall be provided in an amount sufficient to accommodate all employees, and normal weekday visitors and other users. [ALREADY STATED IN 1005.11] A minimum of twenty (20) percent of all required parking shall be paved; and [MOVED TO 1005.11]

   2. All grassed parking shall have adequate permanent means of traffic control to delineate pedestrian and vehicular flow; and permanent markers at the head of each car stall within the parking areas. [ALREADY STATED IN 1005.11]


A. 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.

B. 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.

C. 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.

D. Organizations/clubs within residential zoning districts shall meet the following criteria. Organizations/clubs that do not meet these criteria may still be allowed through Special Permit approval:

   1. The use is located upon a roadway classified as a collector or higher on the Roadway Functional classification Map; and

   2. The use is at the edge of a neighborhood, at a corner location or is an integral part of a multifamily development.

E. Food, meals, and beverages may be served on the premises, provided adequate dining room space and kitchen space is available.
531.15. Cultural Facilities.

A. All cultural facilities shall be located either:
   1. On a major thoroughfare (functionally classified as a collector or higher); or
   2. Have direct access to a thoroughfare without traveling through residential areas except in the Cortez Fishing Village HA Overlay District where access through residential areas may be allowed by the Hearing Officer with an approved Special Permit.

B. All side and rear yard setbacks shall be at least twenty-five (25) feet from the property lines and all parking, loading, or drive aisle shall be set back at least twenty (20) feet from each property line except that in the Cortez Fishing Village HA Overlay District, cultural facilities located in historic structures on lots of record may be permitted to locate drive aisles no closer than five (5) feet from each property line.

C. All cultural facilities directly adjacent to residential land uses/zoning shall provide a minimum six (6) foot high solid fence to be placed within the required twenty (20) feet setback and one shade tree every thirty (30) feet on center along those property lines adjacent to residential uses/zoning.

531.16. Drive-Through Establishments.

The following standards shall apply to all drive-through facilities, including but not limited to restaurants, banks, drug stores, car washes, and dry cleaners.

A. All vehicular stacking areas associated with drive through facilities shall be set back at least thirty (30) feet from adjacent residential zoning/uses.

B. Drive through drive aisles shall be screened from adjacent residential zoning/uses by a six (6) foot solid fence and landscaping equal to sixty (60) percent opacity on the outside of the fence.

C. On-site traffic circulation shall be designed in such a manner so that no cars are stacked on any rights-of-way, drive aisle or blocking any parking or loading space.

D. Each stacking lane shall have a minimum width of nine (9) feet. Each stacking space shall have a minimum length of nineteen (19) feet and shall be consistent with the requirements in the Manatee County Public Works Standards Manual.

E. All drive-through facilities shall provide a by-pass lane, or safe means of egress around drive-through lanes, unless waived by the Department Director due to specific mitigating site or operational conditions.

F. One-way drive aisles which serve automobile-oriented uses may be reduced to eight (8) feet in width when adequate access for emergency vehicles is provided to the principal entrance of the building by other drives and when not encroaching upon a fire lane or walkway.

G. Drive-through restaurants within the PDRP or PDI District shall be located on a collector or higher and oriented towards the exterior of the project.

H. Drive-through facilities not taking advantage of the additional development intensity offered in Chapter 4 for development along designated urban corridors are not required to meet the standards of Section 902. However, a street wall meeting the standards of Section 902.5.G (Street Walls) shall be provided to screen vehicular use areas. Additionally, the drive-through window(s) shall not face the urban corridor.

531.17. Environmental Land Preserve.

The following uses may be permitted in an Environmental Preserve, subject to approval of those uses in an Environmental Management Plan or General Development Plan:

- Agriculture
- Animal Rehabilitation Centers
- Stables and Equestrian Centers
- Restaurants (as accessory to the Environmental Preserve)
- Neighborhood Convenience Retail (as accessory to the Environmental Preserve)
- Cultural Facilities
Public Community Use
Public Use Facilities
Game Preserve
Land Reserves
Tree Farm
Low Intensity Recreation Use
Passive Recreation Use
Caretakers Residence
Environmental Education Facility
Recreational Vehicle Parks
Recreation Use, Temporary
Accessory Uses and Structures

531.18. Equipment Sales, Rental, Leasing, Storing and Service Repair (Heavy).

A. No outside storage of equipment or materials shall be located within the required front yard of the principal structure.

B. The display of equipment for sale may be located within the required front yard, but shall not exceed two thousand (2,000) square feet in size.

C. All outdoor storage areas shall be screened with a minimum six (6) foot high solid fence. The fence height shall be increased to eight (8) feet if the site is adjacent to a residentially zoned lot. In addition to the fence, landscaping shall be provided along all property lines adjacent to a right-of-way. The landscaping shall achieve a minimum of eighty (80) percent opacity and shall be provided along the exterior side of the fence.

D. All repair/service activities shall be conducted indoors or in a location not visible from the street.

E. Farm Equipment and Supply Establishments, and Farming Service Establishments shall also meet the following:

1. Farm equipment and supply establishments and farming service establishments shall be located on a major thoroughfare street, having a classification of collector or higher.

2. A perimeter landscape buffer at least ten (10) feet in width and containing at least one canopy tree per forty (40) linear feet and 30 shrubs per one hundred (100) linear feet or major fraction thereof, shall be provided adjacent to residential zoning or land uses. All outdoor storage areas shall be screened from the rights-of-way and residentially zoned property with a decorative, opaque fence at least six (6) feet in height.

3. All lots containing structures associated with this use shall be set back at least fifty (50) feet from adjacent resident zoning or land uses.

F. Lawn Care/Landscaping. [CONSOLIDATE WITH ABOVE]

1. All outdoor storage of equipment shall be screened from adjacent residential property by a fence at least six (6) feet in height.

2. All chemicals, fertilizers, pesticides and associated products shall be set back at least twenty-five (25) feet from all side and rear property lines.

531.19. Farm Worker Housing.

A. General Requirements. All farm worker housing shall meet the following standards:

1. Minimum Net Floor Area per Unit: Four hundred (400) square feet.

2. Minimum Square Footage. Minimum square footage requirements for bedrooms unless greater amounts are required elsewhere:
   a. One (1) occupant = seventy (70) square feet minimum;
   b. Two (2) occupants = one hundred (100) square feet minimum;
c. Three (3) occupants = one hundred fifty (150) square feet minimum;
d. Four (4) occupants = two hundred (200) square feet minimum; and
e. Additional fifty (50) square feet for each additional occupant.

3. Coastal High Hazard Planning Area. Mobile homes shall be prohibited within the Coastal High Hazard Planning Area Overlay District. [PER COMP PLAN, PROHIBITED IN THE CPA, WHICH ENCOMPASSES THE CHHA]

4. Mobile Homes. If mobile homes are utilized, they shall be underskirted so no support structures are visible.

5. Notice of Conveyance. Wherever an interest in real property within an area covered by an approved subdivision or special permit for farmworker housing is sold, the seller shall attach to the instrument of sale a notice directing the buyer’s attention to such approval (including any amendment) and the area of the lot of record used as a basis for the farmworker housing. The notice shall also generally apprise the buyer of the development rights, requirements, and remedies provided under such approval, under this Code. Such notice shall be on a form approved by the Department Director.

6. Water and Sewer. All dwellings shall be served by public water and public sewer; or permanent in-ground water and sewer facilities as approved by the Department Director.

7. Minimum Lot Size. All farmworker housing shall meet the following minimum lot size requirements:
   a. Manufactured Homes—RSMH-6 standards;
   b. Single-Family Detached—RSF-4.5 standards;
   c. Duplex Dwellings—RDD-4.5 standards; and
   d. Multi-Family Dwellings—RMF-6 standards.

8. State Regulations. All farmworker housing shall also be required to comply with section 381.008, F. S. and Chapter 64E-14, F.A.C.

9. Spacing. Farmworker housing shall not be located within one (1) mile of any other existing farmworker housing.

10. Setbacks. In order to maintain the character of existing or proposed development patterns in the area, farmworker housing shall be located on the property so as to minimize any impact on adjacent property. All farmworker housing shall maintain a minimum of five hundred (500) feet from all property lines.

11. Time Limit. Administrative and Special Permits for Farmworker housing may be approved for a period not to exceed ten (10) years. At the end of this ten (10) year period, the applicant must re-apply for permit approval.

B. Farm Worker Housing Requiring AP Approval. Farm worker housing requiring Administrative Permit approval may be approved if it can be clearly demonstrated that there will be minimal or no impact on surrounding property and that all of the following conditions are met:

1. Location. Farmworker housing must be located on property under active agricultural use and under the same ownership.

2. Minimum Site Size. Two hundred fifty (250) acres.

3. Maximum Number of Dwelling Units: Fifteen (15) dwelling units.

4. Access. Access to the farmworker housing units shall be by direct access from a paved and maintained County, State, or Federal street with adequate capacity to handle the anticipated traffic volume. Access shall comply with the requirements of Chapter 10.

5. Setbacks. The setback requirement may be increased at the discretion of the Department Director in order to minimize or eliminate any potential visual impact on surrounding existing residential development.

6. SP Review. Farm worker housing projects which do not meet the criteria for Administrative Permit approval may be approved through Special Permit.

C. Farm Worker Housing Requiring SP Approval. Farm worker housing requiring SP approval per Chapter 4 shall
meet the following requirements and other relevant provisions of this Code:

1. **Minimum Site Size.** One hundred sixty (160) acres.

2. **Maximum Number of Dwelling Units.** The maximum number of farm worker housing units which may be placed on any one (1) lot or parcel shall not exceed one (1) dwelling unit per five (5) acres. The total number of farm worker housing units per lot or parcel shall not exceed fifteen (15) units.

3. **Access.** All farmworker housing shall be located within one-half (1/2) mile of a major thoroughfare. At a minimum, all farmworker housing shall front upon a local public or approved private street.

4. **Setbacks.** The Hearing Officer may increase the minimum setback requirement in order to preserve the character of the area or to minimize any adverse visual impact on existing residential development.

5. **Waivers.** The minimum site size and separation requirements noted above may be waived by the Hearing Officer if he/she finds that no public purpose is served by the requirement.

### 531.20. **Flea Markets.**

A. Parking lots shall be paved with a smooth, dustless surface, provided that where determined adequate by the Department Director, no more than fifty (50) percent of the required parking spaces may be grass or other suitable material in overflow and remote locations. Parking spaces in daily use areas directly adjacent to and within one hundred fifty (150) feet of the sales structures shall be paved.

B. No building or loading area shall be located closer than forty-five (45) feet to any street right-of-way line or closer than one hundred (100) feet to any property line which abuts a residential district.

C. The flea market shall be served by public water and sewerage; or permanent in-ground water and sewer facilities as approved by Manatee County and the Florida Department of Health – Manatee County.

D. A fire lane shall be provided adjacent to all entrances and a secondary means of access to the structures shall be provided and maintained for emergency vehicles.

E. All parking areas shall comply with Section 701, Landscaping, including a minimum of twenty (20) feet of dense tree and shrub screening which shall be required at all property lines to protect the adjacent uses.

F. Enclosed Flea Market Uses within the PDC District shall be located on a collector or higher and oriented towards the thoroughfare.

G. Open Flea Market Uses within the PDC District shall be located on an arterial or higher and oriented internally.

### 531.21. **Food Catering.**

A. All outdoor storage areas shall be screened with a six (6) foot opaque fence and a ten (10) foot wide buffer strip with landscaping meeting the requirements of [Section 701](#).

B. Any accessory loading areas provided with this use shall not be located adjacent to any residential land use. If there is no alternative location, a twenty-five (25) foot setback of these loading areas from the adjacent residential property shall be provided.

### 531.22. **Funeral Chapels and Funeral Homes.**

A. No such uses shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned major thoroughfare. A service drive shall be provided such that the major thoroughfare need not be used for the forming of funeral processions. Such drives shall have direct, but limited, access to the major thoroughfare.

B. No building shall be located closer than forty-five (45) feet to any street line or closer than forty (40) feet to any lot which abuts a residential district, other than RMF.

C. No off-street parking or loading space shall be located closer than twenty-five (25) feet to any lot line which abuts a residential district, other than RMF.
531.23. **Group Housing, Dormitories and Boarding Houses.**

A. All group housing within an A or A-1 district shall be located on a street designated collector or higher. All boarding houses or dormitories located within an RMF district shall be located on a street designated collector or higher.

B. Group Housing shall provide a screening buffer of at least ten (10) feet in width meeting the requirements of Section 701.3.B. Boarding houses and dormitories shall meet the requirements of multifamily with regard to Section 701.3.B and buffer width.

C. Any principal structures associated with a dormitory, boarding house or group housing project adjacent to single-family residential uses or zoning shall meet a thirty-five-foot setback on those property lines, when adjacent to residential uses or residential zoning.

D. Group Housing may provide dining room service.

531.24. **Heliports and Helistops.**

A. Helistops shall not be located directly adjacent to any residential zoning or uses, except in A districts for private residential uses only.

B. Helistops located in GC, MX and HC districts shall provide a solid fence, along the side and rear property lines.

C. Helistops and heliports proposing to locate on property within the Watershed Protection Overlay District shall be reviewed through the Planned Development process and require a finding of overriding public interest from the Board (see Section 403.10.C).

531.25. **Industrial, Light/Heavy/Fireworks/Sparkler Manufacturing (Heavy Industrial)**

A. **Light Industrial.** Light industrial uses shall not create any adverse impacts on adjacent or nearby residential uses.

B. **Overlay Districts:** Special Permit is required if the proposed light or heavy industrial use is located within a Special Treatment Overlay District (ST) or Watershed Protection Overlay District (WP). Refer to Sections 403.9 and 403.10 for requirements.

C. **Fireworks/Sparkler Manufacturing.** Fireworks/sparkler manufacturing uses shall meet the following standards.

1. *Emergency Action/Management Plan.* The applicant shall provide a copy of their emergency action/management plan with submittal of their application for approval. This plan shall address measures used in assuring the safety of employees, property and adjacent property; evacuation measures if necessary; and any emergency management plans on file within the local fire district.

2. *Setback from Residential.* Any structures or portions of structures used for the storage of fireworks, sparklers, or their component parts/ingredients, shall be setback from adjacent residential property by a distance of at least two hundred (200) feet.

3. *Firewall Protection.* Adequate fire and firewall protection shall be provided as required by the affected fire district, NFPA 1124, vol. 7, and the Manatee County Building Code.

4. *Code of Ordinances.* The manufacture, wholesale, storage and retail sale of fireworks and sparklers shall comply with the provisions of sections 2-21-88 to 2-21-91, Manatee County Code of Ordinances, as amended.

531.26. **Intensive Services**

Intensive services shall be located on major thoroughfare roads having a classification of collector or higher, [FROM PREVIOUS CODE] and shall meet the following standards, as applicable.
A. **Industrial Service Establishment.**
   1. All above ground or underground structures associated with these uses shall be set back from side and rear property lines at least thirty-five (35) feet.
   2. All outdoor storage areas shall be screened with a six (6) foot opaque fence and a ten (10) foot buffer strip on the exterior of the fence, if on a property line.

B. **Exterminating and Pest Control.**
   1. All indoor or outdoor storage of pesticides and other chemicals shall be set back at least seventy-five (75) feet from property zoned or used for residential purposes.

C. **Motor Pool Facilities, Taxi Cab, Limousine Service Facilities.**
   1. Motor Pool facilities, taxi cab and limousine service facilities shall be located on a major thoroughfare street designated as a collector or higher on the functional classification map.
   2. All outdoor vehicle storage areas shall be screened by a minimum six (6) foot high decorative, opaque fence. These facilities shall also meet the requirements of Section 701.
   3. Storage of vehicles shall be fifty (50) feet from street line and seventy-five (75) feet from residential zoned property.
   4. A filtration system shall be installed as stipulated under Section 801.3.I and located before pollutants enter the retention/detention area.

D. **Sign Painting Service.**
   1. All outdoor storage of signs, sign materials, paint materials and other such products used within the sign making/painting process shall be screened from the public right-of-way by a solid six (6) foot high fence or wall. If the site is located adjacent to residentially zoned or used property, then such storage shall be screened by the same type of fence or wall along such property lines.
   2. Any paint booths used in conjunction with this use shall meet all applicable local, state and federal air quality standards. The applicant shall submit air quality monitoring data to address the requirements of Part V of this chapter, Adverse Impacts.

E. **Towing Service Establishments.**
   1. Motor vehicles shall not be stored on site for more than ninety (90) days (per vehicle).
   2. There shall be no dismantling, demolition, junking or any type of repair conducted on vehicles stored on the site.
   3. Recreational vehicles, domestic vehicles, and restricted vehicles exceeding eleven (11) feet in height shall not be stored within fifty (50) feet of any property line adjacent to a residential use or zoning district.

531.27. **Junkyards.**
   A. The minimum lot area for a junkyard shall be five (5) acres.
   B. No junk or salvage vehicle, or other junk or scrap shall be stored or dismantled within one hundred (100) feet of any federal, state or county road, or residential, commercial, office, or other land used for residential purposes; or stored, dismantled, or displayed outside of the fenced area.
   C. The entire area occupied by a junk yard shall be surrounded by a continuous, decorative, opaque masonry, block or wooden fence which shall be at least eight (8) feet in height.
   D. The fence used must be without openings, except for an entrance and exit, which openings shall be equipped with opaque gates at the same height as the fence used. Fences shall not be used for the display of signs or other advertising purposes. The required fence shall be erected and landscaping planted prior to utilization of the property for a junk yard. Failure to maintain said fence will be cause to cancel the operating permit.
   E. All evidence of a junk yard shall be removed by the property owner promptly, but in no case more than one hundred twenty (120) days after its discontinuance as a business enterprise.
F. An operating permit similar to that specified under Section 702.5 shall be required.

531.28. Lodging Places.

A. Hospital Guest Houses.

1. All parking associated with hospital guest houses located in the RMF district shall be located in the rear yard of the facility. If such a location is not feasible due to existing site conditions, such parking will be allowed in the front or side yard with the provision of an additional five (5) feet in width for all required screening or roadway buffers and twenty-five (25) percent more landscaping than is required by Section 701.

2. All hospital guest houses shall be located on a street designated as collector or higher if the facility provides accommodations for seven (7) persons or more (not including resident staff).

B. Hotels.

1. All hotels within an HM district shall be located in the exterior of the project, facing the exterior, not the interior of the site.

2. Such hotels shall be located on roads designated as collector or higher, unless the site is located within an entranceway.

3. All hotels within the HM district shall provide a twenty (20) foot wide buffer meeting the requirements of Chapter 7 of the LDC.

C. Boatels

1. Boatels shall be considered water dependent lodging places, and shall be required to meet requirements of the Planned Development Waterfront Zoning District (PDW).

2. Boatel establishments shall be deemed to be commercial in nature due to the transient nature of the site and shall be subject to Floor Area Ratio (FAR) standards, as established in the Comprehensive Plan and Land Development Code.

3. Heavy equipment used for the operation of the boatel shall be stored in an area that is screened from view.

4. Hours of operation for boatel related heavy equipment shall be restricted to the window of time permitted by the Manatee County Noise Ordinance for similar heavy equipment used for construction.

5. No major repairs or maintenance of boats shall be permitted on site.

6. Boatels may also allow for accessory rental of sale of boats, service uses including onshore restaurants, alcoholic beverage establishments, and recreational facilities that are consistent with those considered to be passive, or low intensity in nature.

7. An applicant proposing a boatel shall provide at the time of public hearing, conceptual architectural drawings, elevations and plan views, showing the buildings and their relationship on the property. Conceptual architectural drawings, elevations and plan views submitted for review and approval shall include, but not be limited to, the following elements:

   a. Roofline design
      i. Roofline articulation,
      ii. Functional or decorative architectural features such as windows, balconies, etc.

   b. Façade design
      i. Façade modulation,
      ii. Varied rooflines,
      iii. Functional or decorative architectural features such as windows, balconies, etc.

   c. Building materials
      i. Materials of superior architectural character including, but not limited to paint color, brick, stone,
wood, paneling, etc.

ii. Diversity of material.

531.29. Marinas.

A. Marinas shall meet the standards for waterfront structures contained in Section 402.14- PDW (Planned Development Waterfront), and Section 511.14-17 (Waterfront Structures), and Section 531.60 (Water Dependent Uses), but do not require a rezone to PD.

B. A marina may include on shore accessory uses, including food service establishments, laundry or sanitary facilities, sundries store and other customary accessory facilities.

C. A marina shall not include facilities for boat or motor rental, or for mechanical or structural repairs (other than for minor repairs as noted above), or facilities for boat hauling.

531.30. Mining Operations.

A. All phosphate mining activities shall conform to the provisions of the Manatee County Phosphate Mining and Reclamation Code, including the preparation of a Master Mining and Reclamation Plan (see Chapter 2-20 of the Code of Ordinances).

B. An applicant proposing to initiate a mining operation, other than phosphate mining, shall prepare a Master Mining and Reclamation Plan consistent with the requirements of Section 350.35, Mining Activity Permitting, and Chapter 2-20, Mining and Reclamation, of the Code of Ordinances. An applicant proposing to initiate a major earthmoving operation shall prepare an Earthmoving Site Plan consistent with the requirements of Section 702.3.

C. If a rezoning to EX is required, the applicant shall follow the procedures outlined in Chapter 3 for amendments to the Zoning Atlas. Applications to No site shall be rezoned to EX shall be accompanied by an application to initiate a mining operation, unless and until the Master Mining and Reclamation Plan is approved. The applications shall be heard concurrently by the Board, or by the Hearing Officer in the case of earthmoving operations.

D. The requirements of the EX District are intended to be minimums and shall not abrogate, repeal, or otherwise affect the requirements of other applicable Federal, State, or County laws and regulations.

D-E. All new mining activities and associated processing are prohibited within the Special Treatment and Watershed Overlay districts, unless such uses are specifically approved as provided for in Sections 403.9 and 403.10. [MEMO #10, ITEM II.C] [POWERS]

531.31. Mini-warehouses/self-storage.

A. Lot Dimensions. A mini-warehouse lot shall be of adequate width and depth to meet the setback requirements of the district regulations and as set forth below. The maximum project size shall be twelve (12) acres and the maximum floor area ratio shall be 0.35. [MEMO #8]

B. Setbacks. No main or accessory building shall be located within twenty (20) feet of any property line unless a more restrictive setback is required. Sufficient space and drive aisles shall be provided to allow emergency vehicles including fire apparatus to maneuver between and around structures without having to back up. A secondary route within the project site shall be provided to ensure that emergency vehicles and fire apparatus are able to effectively respond to an emergency, approved by the Department Director.

C. Storage. The storage of toxic, lethal, flammable, hazardous contraband, rubbish, explosives, animals, radioactive substances, underground storage tanks, or the like thereof shall be considered unsafe and not allowed to be stored. If, upon inspection by an appropriate agency, it is determined that any of the above substances or material has been stored, the facility shall be immediately closed and shall not reopen until a new Certificate of Occupancy is approved by all appropriate agencies. All costs associated with the removal, evacuation, inspections and approvals shall be borne by the property owner. Any property owner of a mini-warehouse who permits such materials to be stored shall be guilty of a violation of this Code. All storage shall be completely within the buildings. Public sanitary facilities, handicap facilities, potable water, and emergency eye wash facilities with the
appropriate safety signage shall be provided and readily visible in the buildings.

D. Limitation. The use of any mini-warehouse as an office space or combination office space and retail/wholesale space without specific development approvals is not allowed.

E. Screening. Screening shall be provided in accordance with Section 701 and limited to the fence option. No alternative berm screening shall be allowed. Elevations of proposed screening fences shall be provided with each submittal for site plan approval. These elevations shall contain information regarding the height, design, color, opacity, lighting, and building materials to be used for the fence and shall be reviewed by the Department Director to ensure compatibility with surrounding properties. When a concrete block or masonry wall is used for the rear warehouse structure wall, this wall may serve as the opaque, decorative fence required for mini-warehouses. If there are separations between buildings, these areas shall be screened with a minimum six (6) foot high concrete block or masonry wall. All required landscaping, per Section 701 shall be located within the twenty (20) foot setback area.

F. Landscaping. Foundation planting in the amount of forty (40) square feet per one thousand (1000) feet of gross floor area shall be provided.

G. Outdoor Storage. Outdoor storage of motor vehicles, recreational vehicles, boats and other similar items shall be allowed as an accessory use to mini-warehouse facilities in the GC, HC, LM, VIL, and PI districts if the following standards are met and the outdoor storage is approved as part of their site plan approval.

1. Outdoor storage may be allowed within the interior of the project as long as the storage area is a distance of at least fifty (50) feet from the property lines.

2. All outdoor storage areas shall be shown on the site plan for the mini-warehouse project. For existing mini-warehouse facilities, new outdoor storage shall not be allowed until the site plan is approved.

3. All accessory outdoor storage shall be screened from adjacent property by a solid, decorative, opaque wall or fence, a minimum of six (6) feet in height. Canopy trees shall also be provided within the buffer area at a minimum of three (3) trees per one hundred (100) lineal feet.

531.32. Mobile Homes.

Any proposed manufactured mobile home which complies with the following standards may be approved administratively considered an Administrative Permit use in the A and VIL zoning districts; otherwise, Special Permit approval is required.

A. Individual mobile homes shall be set back from the front property line at least fifty (50) feet.

B. The minimum size of new parcels and lots of record used for an individual mobile home shall be a minimum of five (5) acres.

C. All mobile homes shall meet Federal and State construction and safety standards, in addition to the following.

1. The minimum width of the main body of the manufactured home shall not be less than twenty-four (24) feet, as measured across the narrowest portion, or at the Department Director’s discretion, that the manufactured meets the intent of the twenty-four foot width;

2. The minimum roof pitch of the main roof shall not be less than one (1) foot of rise for four (4) feet of horizontal run. The minimum roof overhang shall be one (1) foot on all sides. The fascia of the overhang shall be a minimum width of six (6) inches;

3. The exterior finish shall be horizontal lap siding or brick, or similar materials;

4. Foundations shall be continuous block or masonry or compatible in appearance to foundations or residences built on adjacent or nearby locations; and

5. Window treatment such as shutters or awnings shall be provided on the exterior facade fronting all streets.

D. Mobile homes shall be prohibited within the Coastal High Hazard Planning Area. [PER POLICY 4.3.1.6]

E. Mobile homes legally permitted under previous Codes may be allowed on one (1) acre lots in VIL Districts.
administratively by Administrative Permit if the design standards of this section are met.

F. Existing mobile homes that do not meet the design standards of this section and were originally approved administratively or by either a Special Permit, Administrative Permit or Special Exception, may, prior to expiration, submit an application for administrative approval of a Special or Administrative Permit approval for a five (5) year extension. This includes mobile homes in the VIL districts. There shall be no limit to the number of five (5) year extensions, provided the review criteria, as applicable, are met. The standards of this section shall not apply to requests made under this subsection.

G. Developments containing twenty-five (25) or more sites for mobile homes require the provision of an emergency storm shelter building, unless a hurricane evacuation plan for the development has been approved by the County. The storm shelter shall be subject to the requirements of Section 511.4.

H. Existing mobile homes which do not comply with the design standards or distance separation requirements of this Section, but have a current special permit or are within the administrative extension time period granted by the special permit may upon the expiration of the same or permitted extension thereto be approved by Special Permit for an additional five (5) year period. Reviews shall be conducted in accordance with Chapter 3. The standards contained in this section shall not apply to requests made under this subsection.

531.33. Moored Water Craft.
A. Watercraft shall not be regularly moored within one hundred (100) feet of any shoreline measured perpendicular to the shoreline without the consent of the riparian shoreline owner, except at piers, docks, and similar shore-based facilities designed for such use. Floating residential units are prohibited.

B. No regularly moored watercraft may be used while moored as a residence, restaurant, lodging facility, exhibition facility, office, industrial establishment, sales or similar use.

C. Regularly moored watercraft shall be kept in a seaworthy condition when not in permitted repair.

531.34. Motor Freight Terminals.
A. All outdoor vehicle storage areas and loading area shall be screened from adjacent properties and the right-of-way by a minimum six (6) foot high decorative, opaque fence. These facilities shall also meet the screening and landscaping requirements of Section 701.

B. All loading and vehicle storage areas shall be set back fifty (50) feet from the street line and seventy-five (75) feet from adjacent residential property.

C. A filtration system shall be installed as outlined in Section 801 and located before pollutants enter the retention/detention system. All requirements of Part V of this Chapter shall also be met.

D. All bus and railroad maintenance facilities located adjacent to any property zoned or used residentially, shall provide a screening buffer meeting the width requirements in Section 701 plus a solid eight (8) foot high fence or wall along the side and rear property lines.

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.

D-E. Nursing homes shall not be located within the Coastal Evacuation Area, as defined in the Comprehensive Plan.
531.36. **Outdoor Storage (Principal Use)**

A. All outdoor storage (as a principal use) shall be screened from the rights-of-way and adjacent property. Such screening shall be done with a solid fence or wall six (6) foot in height in industrial zoning districts, and eight (8) feet in height in commercial zoning districts. Chain link or barbed wire fences may not be utilized to meet this requirement. Within any buffer required by Section 701, canopy trees shall be planted thirty (30) feet on center.

B. An office with restroom facilities shall provide for any new freestanding outdoor storage facility. This shall be shown on the site plan.

531.37. **Personal Wireless Service Facilities.**

A. **Purpose and Intent** The purpose and intent of this section is to provide development standards relating to specific types of personal wireless service facilities (PWSF). The requirements established herein are deemed necessary by Manatee County to protect and enhance the community's environmental, economic, and aesthetic quality, thereby contributing to the overall objective of promoting the health, safety, and general welfare. More specifically, it is the purpose of this section to:

1. Encourage the use of alternative support structures, collocation of new antennas on existing telecommunication towers and existing structures, camouflaged towers, monopoles, and construction of towers with the ability to locate three (3) or more providers, respectively.

2. Consider the design of the PWSF, with particular reference to design characteristics that have the effect of minimizing the adverse visual impact of the PWSF and associated equipment.

3. Encourage the use of sites which are already developed with non-residential uses including, but not limited to, commercial, industrial, or used for governmental operations, all of which may already be currently visually impacted by tall structures, through the use of siting and locational preferences.

4. Protect and preserve the distinctive, unique natural features of the County which are in part the result of the County's location abutting both sides of the Manatee River and containing bays within the confines of the County boundaries, encompassing the historic protection overlay districts, historic vista protection areas and scenic water view protection areas.

5. Protect and preserve passive recreation or environmentally sensitive areas within the County parks; preservation/conservation areas as identified in the Future Land Use Element of the Comprehensive Plan; designated wildlife corridors and other environmentally sensitive areas from potential adverse impacts from the placement of telecommunication towers.

6. Discourage new telecommunication towers in the non-preferred zone districts described in Table 5-1 of this section, inclusive of all residential zone districts, through the use of siting and locational preferences to further the preservation of community aesthetics, the compatibility of land uses in residential zone districts, and otherwise protect the attractiveness, health, safety and general welfare of the community.

7. Enhance the ability of the providers of personal wireless services to provide such services to the community quickly, effectively and efficiently.

8. Expedite the review process for those applications choosing the least intrusive alternative of deploying PWSFs.

B. **Applicability.**

1. This section shall apply to all PWSF which are a principal use. All telecommunication towers shall also comply with Sections 403.2.J (Airspace Height Limitations) and 900 (Entranceways). Accessory use antennas shall comply with Section 511.1 instead of this section.

2. The installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator shall be regulated as permitted accessory uses pursuant to Section 511.1. Pursuant to the County does not preclude the installation and/or operation of amateur radio antennas. In applying any relevant sections of the Code to applications for the installation or replacement of amateur radio antennas, as defined by the FCC, the County shall not impose any additional zoning, construction or other regulatory requirements not provided for in the Code. Such regulatory requirements of this Code as may apply to any
particular application for an amateur radio antennas are deemed to be the minimum practicable to accomplish the County’s zoning and construction policies.

3. An existing principal use or structure shall not preclude the future installation of a principal use PWSF subject to compliance with this Code.

C. Approval Types.

PWSF shall be approved by the type of permit required by the Matrix of Siting Locational Preferences in Table 5-1.

1. Planned Development Zoning Districts:
   a. In the event there is an approved general development plan applicable to the proposed location for the telecommunication tower, and telecommunication towers are listed as an allowed use, then the application for approval of a telecommunication tower is evaluated administratively with a final site plan application for consistency with the general development plan and compliance with the standards contained in this section.
   b. In the event the telecommunication tower is not identified on an approved general development plan or approved preliminary site plan as an allowed use, then the applicant is required to file an application to amend the applicable general development plan or preliminary site plan. In such event, the amendment shall be reviewed during the public hearing process by the Planning Commission and the Board of County Commissioners. The criteria used by staff, the Planning Commission and the Board of County Commissioners shall be the general criteria for the processing of General Development Plans in Chapter 3.
   c. All telecommunication towers depicted on a concept development plan shall be required to comply with this section. In the event the process requires approval of an amended concept development plan by the Board of County Commissioners, then the ordinance approving the amended general development plan shall specify whether the final site plan for the proposed telecommunication tower demonstrating compliance with this section is required to be reviewed by the Board at a public hearing or will be reviewed administratively. In determining whether a public hearing for the final site plan is required, the Board shall consider whether the amended general development plan is of sufficient detail to demonstrate compliance with the requirements of this section, including the preservation of community aesthetics to be determined by the Board.
   d. In the event the process for approval requires an amended preliminary site plan to be approved by the Board, the standards in this section shall be reviewed simultaneously by the Board as part of the site development plan review process.
   e. The statements required to be submitted by the applicant regarding siting preferences for property being used for governmental operations and for preferred zone districts in Table 5-1 shall be required at the earliest step in the process (i.e., amendment of the general development plan).
2. Development of Regional Impact (DRI): If a telecommunication tower is proposed in an approved DRI, then the development order for the DRI shall specify the telecommunication tower as an identified allowed use. If the telecommunication tower is identified as an allowed use, then the application for site development plan is required to be reviewed administratively and the requirements of this section shall be applicable. In the event the telecommunication tower is not identified within the DRI development order as an allowable use, then the applicant shall process the required applications regarding the DRI in accordance with applicable state law prior to submitting an application for approval of the telecommunication tower to the Department Director in accordance with the requirements of this section.

3. PR, NC or GC or Zoning Districts. The Department Director is authorized to allow a monopole telecommunication tower with three (3) or more providers that normally require approval of a Special Permit in the PR, NC or GC or Zoning districts to obtain administrative approval by Administrative Permit—upon a finding of minimal visual and aesthetic impacts on surrounding properties.

D. General Standards.

1. Permitted Locations. All telecommunication towers shall be located landward of the five (5) foot contour line,
and not within the historic preservation overlay districts, historic vista protection areas, scenic water view protection areas, and velocity zones. For the purposes of this section the scenic water protection area shall be the following areas, provided they are not in an extraction or industrial zoning district.

a. Two thousand (2,000) feet from the Ordinary High Water Line of the County's bays.
b. Two thousand (2,000) feet in width along both sides of the Manatee River.

2. Availability of Other PWSF Providers. The approving authority, whether it be the Department Director, Planning Commission or Board of County Commissioners shall not consider the availability of service from other PWSF providers to the area under consideration for approval of a proposed PWSF.

3. Collocation of PWSFs.

a. Solely to the extent required by Section 365.172, Florida Statutes, the County shall review and grant or deny an application for a permit for the collocation of a PWSF on property, buildings, or structures within the normal timeframe for a similar building permit Review but in no case later than forty-five (45) business days after the date the application is initially submitted and deemed by the County to be a complete application in accordance with the requirements of this section. Such time frame shall begin to run when the application is deemed to be complete in accordance with this Section.

b. Antennas collocated with an existing PWSF of a design and configuration consistent with all applicable regulations, restrictions or conditions, if any applied to the initial antenna array placed on the structure shall be permitted. Any regulation, restriction or condition that limits the number of collocations or requires a review process inconsistent with this section shall not apply. As part of such collocations, new accessory equipment shall be allowed within the existing compound.

The height of an existing telecommunication tower may be increased one time during the life of the tower by a maximum of forty (40) feet in order to accommodate collocation.

A telecommunication tower which is being relocated or reconstructed to accommodate collocation may be relocated within fifty (50) feet of its existing location with Administrative Permit approval, provided that:

i. The separation from residential uses and zoning districts shall not be diminished unless the required separation is maintained;

ii. Separation from other uses and zoning districts shall be maximized to the greatest extent possible; and

iii. The requirements for a license described in this Section, landscaping, and falldown radius are met.

In the event the telecommunication tower which is being relocated or reconstructed to accommodate a collocation is moved beyond fifty (50) feet of its existing location without increasing the tower height, then review shall be by an administrative permit and all of the other provisions of this section.

If a telecommunication tower is replaced with a new telecommunication tower to accommodate collocation, where the above-referenced residential separation is not maintained, special permit review of the decreased residential separation shall be required.

4. Separation.

a. Separation from Off-Site Uses. All telecommunication towers adjacent to an off-site residential use or district shall be setback from that lot line a distance of 200 feet or 200% of the height of the tower, whichever is greater.

The Department Director may reduce this setback to one hundred (100) percent of the tower height when the applicant demonstrates to the Department Director’s satisfaction that service cannot be provided without this reduction. Conditions may be added to address visual impacts.

b. Separation from On-Site Uses. A telecommunication tower shall be located a minimum distance equal to the falldown radius from any on-site residential use.

c. Separation Between Telecommunication Towers (by Tower Type).
Proposed Tower Types* | Minimum Distance from Monopole, Lattice, or Guyed
---|---
Lattice | 2,500 ft.
Guyed | 2,500 ft.
Monopole-85 ft. in height or greater | 1,500 ft.

*Camouflage towers are exempt from the separation between towers requirement listed above.

The requirement for separation between towers shall not apply to or be measured from towers erected by a Local Government, School Board, State, or Federal agency.

Either the Department Director (for applications requiring Administrative Permit approval), or the Hearing Officer (for Special Permits), may reduce the separation requirements when the applicant demonstrates to either the Department Director or Hearing Officer's satisfaction that service cannot be provided without modification. The following criteria shall be evaluated:

i. The reduction is limited to a fifty (50) percent reduction of the separation requirement.

ii. The proposed location would not create a greater aesthetic impact on surrounding properties.

iii. The reduction is not contrary to the public interest.

Towers located in the PDI, PDUI, HM, LM and EX zoning districts are exempt from these separation requirements.

This separation requirement shall not apply to towers proposed within one hundred (100) feet of an approved tower. This distance shall be measured from the outside edge of the tower structure, excluding guy wires for guyed towers. A maximum of three (3) towers may be clustered in an area under this provision.

d. **Separation from Arterial Roadways.** All new towers shall be set back from classified arterial roadways a distance equal to one hundred twenty-five (125) percent of the tower height, unless an engineering certification shows that in the event of collapse, the telecommunication tower is designed to collapse within a smaller area.

e. **Separation from Interstates.** All new guyed, monopole and camouflaged towers shall be set back from Interstate rights-of-way a minimum of one hundred twenty-five (125) percent of the tower height. Lattice towers shall be setback a minimum of five hundred (500) feet from Interstate rights-of-way.

f. **Guy Wires Separation.** All guy wires shall be at least fifty (50) feet from all property lines.

5. **Site Development.**

a. All new telecommunication towers sites shall be of a minimum size to provide collocation opportunities, and contain all required site improvements (i.e., landscaping, equipment cabinets, etc.). The developer or owner shall own or control by lease the land in every direction from the outer edge of the base of the telecommunication tower a distance equal to the tower height or falldown radius. The above area may be referred to as the leased parcel. The entire falldown radius shall either be within a recorded easement, or contained within the leased parcel, but in either case shall be contained entirely within the parent parcel.

b. Telecommunication sites shall not be used for the outside storage of materials or equipment, or for the repair or servicing of vehicles or equipment.

c. All sites shall provide adequate ingress and egress for all emergency vehicles.

d. Due to the nature of these facilities, all unmanned PWSFs may be allowed modifications of the requirements for paved driveways, off-street loading, off-street lighting, off-street parking, solid waste collection, potable water, and sewage collection requirements, as determined appropriate by the Department Director.

6. **Landscaping and Screening.** The visual impacts of ground mounted PWSF and facilities shall be mitigated from nearby viewers through landscaping or other screening materials at the base of the tower and ancillary structures. The Department Director may modify the following landscaping requirements in industrial or
agricultural zone districts. A ten (10) foot wide landscape buffer shall be required around the perimeter of a telecommunication tower lease parcel and shall include the following features:

a. Landscaping shall be installed on the outside of fences;

b. A row of understory trees, a maximum of ten (10) feet on center shall be planted in the buffer;

c. A continuous hedge shall be planted on the outside of the perimeter fence and tree line referenced above; and

d. Existing vegetation shall be preserved to the maximum extent possible. Where unique natural features provide vegetative screening which meets or exceeds the standards provided above, the Department Director may approve an alternative landscape and screening plan upon determining that such plan meets the intent of these standards and meets or exceeds a plan in strict compliance.

7. Appearance.

a. All PWSFs shall be located, designed, and screened, to the greatest extent possible, using materials, colors, textures, screening, and landscaping that will blend the facilities with the existing natural or built surroundings, as well as any existing supporting structures, to reduce visual impacts.

b. If the antenna is installed on a structure other than a telecommunication tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or compatible with the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

c. Each application shall demonstrate that, to the greatest practical extent, the proposed facility is designed to limit the visual impact on surrounding land uses and public views.

8. Lighting.

a. Telecommunication towers or antennas shall not be artificially lighted unless required by the FAA or other applicable regulatory authority. If lighting is required, the lighting design which would cause the least disturbance to the surrounding properties shall be chosen.

b. The illumination of adjacent premises from security lighting of any associated equipment shelters or cabinets shall not exceed a value of one (1) foot candle measured in the horizontal or vertical plane at a point five feet inside any adjacent residential property. Lighting shall not produce glare which may have an adverse impact on use of any rights-of-way or other property.


a. Maximum Height. The maximum height of an antenna platform located on a roof top shall be ten (10) feet above the roof. All platforms shall be screened by parapet or other approved methods from major collector or higher roads, recreational areas, and adjacent residential district or uses.

b. Extension. An antenna may extend twenty (20) feet above the platform, telecommunication tower, roof, or alternative support structure that supports the antenna.

c. PWSF Facilities. All PWSF facilities shall comply with current FCC rules and guidelines concerning human exposure to radio frequency electromagnetic fields (FCC Guidelines), the County reserves the right to request the FCC to provide information or verification of a PWSF's compliance with FCC Guidelines.

d. Building Exterior. Antenna and antenna platforms may project beyond the building exterior walls upon approval of the Department Director.

e. Roof. The roof area where a PWSF is located shall be secured from the remaining roof area to prevent unauthorized access.

f. Report. A report prepared by a Professional Engineer (structural) indicating the tower or structure's suitability to accept an antenna shall be included with any application.

g. Interference. PWSF shall not interfere with or obstruct existing or proposed public safety and fire protection telecommunication facilities. Any interference and or obstruction shall be corrected by the
applicant at no cost to the County.

h. Utility pole mounted antennas. The maximum height above the pole for a utility pole mounted antenna shall be twenty (20) feet.
   i. Horizontal separation between utility pole mounted antennas shall be equal or compatible to the location and spacing of adjacent utility poles.
   ii. To the greatest practical extent, utility pole mounted antennas shall be located where they are concealed from the public view by other objects such as trees or buildings.
   iii. When it is necessary to locate a utility pole mounted antenna in public view, to the greatest practical extent, it shall be designed to limit visual impact on surrounding land uses.
   iv. Equipment cabinets shall be of a scale and design that make them no more visually obtrusive than other types of utility equipment boxes. Equipment cabinets associated with utility pole mounted antennas which are outside of the rights-of-way shall meet setbacks for the zoning district where they are located.
   v. To the greatest practical extent, equipment shelters located outside of the rights-of-way shall be concealed from public view or shall be architecturally designed or screened to be compatible and blend in with surrounding land uses or buildings.

   a. Temporary Use Permit. Temporary Wireless Telecommunication Facilities are allowed with a temporary use permit from the Department Director in accordance with Section 354.353.
   b. Duration. The Department Director shall determine the duration of temporary use permits for Temporary Wireless Telecommunication Facilities. Temporary use permits are available for large-scale special events, during the construction or reconstruction of permanent facilities and during the time frame for a declared state of emergency by the County.
   c. Height. The maximum height of a Temporary Wireless Communication Facility is fifty (50) feet from grade in residential zone districts and one hundred (100) feet from grade in non-residential zone districts.
   d. Setbacks. The Temporary Wireless Communication Facility shall meet the minimum zone district requirements.
   e. Noise Restrictions. Equipment such as air conditioners and generators used in connection with a Temporary Wireless Communication Facility shall not generate noise above decibel levels consistent with the County's noise ordinance.

11. Construction Standards.
   a. All telecommunication towers shall provide a falldown radius within the parent parcel.
   b. Telecommunication support facilities shall be the only structure, residentially-used building, or use allowed within the falldown radius.
   c. All PWSF facilities shall comply with current FCC rules and guidelines concerning human exposure to radio frequency electromagnetic fields (FCC Guidelines), the County reserves the right to request the FCC to provide information or verification of a PWSF’s compliance with the FCC Guidelines.
   d. Ground mounted telecommunication towers shall be separated from overhead power lines, with a voltage exceeding seven hundred and fifty (750) volts, a distance equal to their height.
   e. Telecommunication support facilities may not exceed twenty (20) feet in height.

   a. New PWSF (not a collocated PWSF). Solely to the extent required by Section 365.172, F.S., the County shall review and grant or deny an application for the siting of a new PWSF on property, buildings, or structures within the normal timeframe for a similar type of permit review but in no case later than ninety (90) business days after the date the application is initially submitted and deemed to be a complete application in accordance with the requirements of this section.
b. Completeness Determination. Solely to the extent required by Section 365.172, F.S., the Department Director shall notify the applicant, in writing, within the normal timeframe of review, but in no case later than twenty (20) business days after the date the application is submitted or material resubmitted as to whether the application is for administrative purposes only, properly submitted, and completed in accordance with the requirements of this section. Such notification shall indicate with specificity any deficiencies which, if cured, shall make the application properly completed. If the County does not notify the applicant in writing that the application is not completed in compliance with the Land Development Code regulations within twenty (20) business days after the date the application is initially submitted or additional information resubmitted, the application is deemed, for administrative purposes only, to be properly completed and properly submitted. A determination by the Department Director that the application is complete shall not be deemed as an approval of the application.

c. Automatic Approval. Solely to the extent required by Section 365.172, F.S., if the County fails to grant or deny a complete application within the time frames set forth in this Section, the application shall be deemed automatically approved and the applicant may proceed to the next level of review or if no additional levels of review are required, with placement of the PWSF without interference or penalty. The time frames set forth in this Section shall be extended in the event the application has not been granted or denied because the application is for an approval requiring action by the Board of County Commissioners or an appeal of an administrative determination is made to the Board of County Commissioners and such action has not taken place within the established time frames. Under such circumstances, the Board of County Commissioners must act to either grant or deny the application for the permit at its next regularly scheduled meeting after the ninety (90) business days have expired, or, the application shall deemed automatically approved.

d. Time Frame Waiver. To be effective, a waiver of the time frames set forth in this Section must be voluntarily agreed to by the applicant and the County. The County may request, but not require, a waiver of the time frames by an applicant, except that with respect to a specific application, a one-time waiver may be required in the case of a declared local, state or federal emergency that directly affects the administration of all permitting activities of the County.

   a. PWSF shall be secured from access by the public and other unauthorized persons.
   b. Towers shall be enclosed by a continuous six (6) foot high security fence. Barbed wire may be used on security fences in any zoning district, provided such barbed wire is limited to three (3) strands and is a minimum of six (6) feet above the ground. The gates shall be secured with a locking mechanism to prevent unauthorized access. A rapid access key box or other local fire district approved entry system shall be utilized.
   c. Towers shall provide anti-climbing devices.
   d. Alternative support structures shall be designed to prevent unauthorized access.
   e. PWSF located on building roofs shall be secured from the remaining roof area to prevent unauthorized access.
   f. Signage. No trespassing signs and in case of emergency contact signs shall be posted on each telecommunication facility adjacent to the entrance. No other signage is permitted, except as required for public safety purposes, as may be required by a government agency.

14. Application requirements. In addition to the requirements of Section 320, an application for a telecommunication facility shall contain:
   a. Any reports, explanations, certifications, or other documentation required by this Section.
   b. Copies of licensure from the Federal Communications Commission (FCC) and evidence of compliance with the applicable Federal Aviation Administration (FAA) requirements codified as 14 C.F.R. § 77, including any Aeronautical Study Determination.
   c. The application shall include a tabular and map inventory of all the applicant's existing telecommunication facilities that are located within the applicant's search area, including the incorporated municipalities.
d. This inventory shall specify the location, height, type, and design of each existing telecommunication facility, the ability of the tower or antenna structure to accommodate additional co-location antennas, and where applicable, the height of the alternative support structures.

e. Coordinates of the facility shall be supplied in the Global Positioning System format or other format approved by the County.

f. A written instrument executed by the PWSF owner or operator and, in the case of a leased site, a written instrument executed by the lessor and lessee, binding their successors and assigns, in a form suitable for recording in the official records, granting Manatee County and its agents and employees a license to enter the real property on which the site is located and remove any abandoned telecommunication tower at the owner or operator's expense following enforcement action.

g. In the case of a leased site, a lease agreement or binding lease memorandum which shows:
   i. on its face that it does not preclude the site owner from entering into leases on the site with other provider(s); and
   ii. the legal description and amount of property leased.

h. All PWSF facilities shall comply with the current FCC rules and guidelines concerning human exposure to radio frequency electromagnetic fields (FCC Guidelines), the County reserves the right to request the FCC to provide information or verification of a PWSF's compliance with FCC Guidelines.

i. If lighting is required, a plan showing the lighting design.

j. If the PWSF is located in an easement, the owner of the easement and underlying property owner must authorize the application.

k. A certification prepared by a Professional Engineer (structural) which provides the minimum falldown radius for the telecommunication tower.

l. Siting Preferences.
   i. A statement by the applicant indicating that it has reviewed properties within its search area currently being used for governmental operations (not including property in the Conservation Zone District with an approved Environmental Preserve Management Plan). If such property is available, the statement shall also include a detailed review of the efforts made by the applicant to secure authorization, through lease or other similar means, to place the PWSF on the available properties, including whether the property was unsuitable for construction of the designed PWSF due to characteristics of the site such as setbacks, size of parcel and the like not complying with Sec. 531.36 of this Code, whether the person or entity owning or controlling the property required compensation or other terms or conditions which were beyond those available for other properties in the search area, or whether the person or entity owning or controlling the property declined to enter lease discussions or otherwise declined to entertain placement of the PWSF. Such statement shall be signed by an official of the applicant with authority to make the submission who has personal knowledge of the matters discussed therein.

   ii. A statement by the applicant indicating whether property within the search area of the PWSF within a preferred zone district in Table 5-1 of this section is available upon which the PWSF could be constructed in compliance with this Section. If such property is available, then the statement shall include a full explanation if the applicant does not plan to locate the PWSF on such property. Alternatively, a notarized affidavit shall be submitted to the County that establishes that the location of the PWSF in a referred zone district would have the effect of preventing the applicant from providing wireless services to the intended coverage area.

m. Each application shall identify the zone district and location preference that the proposed PWSF is meeting. (Reference Table 5-1 of this section). If the proposed PWSF is not in a Preferred Zone identified in Table 5-1 of this section, the applicant shall provide a map of the geographical area and a written discussion of sites within preferred zones within the applicant's search area and describe why each preferred site is not available for siting the PWSF. The written explanation shall address whether the proposed site:
i. Meets the applicant's engineering requirements for the proposed PWSF;

ii. Is of sufficient height to meet the applicant's engineering requirements;

iii. Has sufficient strength to support the applicant's proposed antenna;

iv. Has sufficient vertical space to accommodate the applicant's antenna; and

v. Is available for lease under a reasonable leasing agreement, as determined by industry standards for the geographic area.

n. The applicant shall provide a statement as to whether the proposed site is preferable due to aesthetic and community character compatibility as compared to sites available in the preferred zone districts or preferred locations in Table 5-1.

o. A statement by the applicant as to whether construction of the telecommunication tower will accommodate collocation of additional antennas for future PWSF providers, including the collocation capacity.

p. A statement by the applicant demonstrating to the satisfaction of the County that no existing telecommunication tower, alternative support structure, building or other structure within the applicant's geographic search areas is available for siting the proposed PWSF as follows:

i. Meets the applicant's engineering requirements for the proposed PWSF;

ii. Is of sufficient height to meet the applicant's engineering requirements;

iii. Has sufficient strength to support the applicant's proposed antenna;

iv. Has sufficient vertical space to accommodate the applicant's antenna; and

v. Is available for lease under a reasonable leasing agreement, as determined by industry standards for the geographic area.

q. In the event the applicant is requesting the siting of a PWSF in a residential zone district as a non-preferred zone district in Table 5-1 of this Code, the applicant shall submit with its application a statement with facts demonstrating that the applicant cannot reasonably provide telecommunication service to the residential area or zone from outside the residential area or zone district.

r. Visual Aids (digital format) of the proposed PWSF site showing predevelopment (existing) and post-development conditions. The visual aids shall show the closest public views of the PWSF from a minimum of four locations. The predevelopment visual aids shall be used to show post-development views of the PWSF (telecommunication tower, antennas, associate support facilities, landscaping and security fencing). Post-development views shall include views of the PWSF as it would appear immediately after construction and may include views of 12 and 24 months after construction. The visual aids shall show the relationship and proximity to neighboring residential zone districts and uses and how the PWSF will appear from public viewpoints. The visual aids may be accompanied by a corresponding written visual impact analysis prepared by the applicant. These requirements for visual aids are minimums and the County reserves the right to require additional visual aids as determined on a case-by-case basis.

s. Experts.

i. Where due to the complexity of the methodology or analysis required to review an application for a PWSF, the County may require a technical review by a third-party expert, the specifically identified reasonable expenses of which shall be borne by the applicant, which sum shall be in addition to PWSF development review fees established by resolution of the Board. Applicants for a PWSF shall submit a deposit as determined by fee resolution towards the cost of such technical review upon written notification from the County that a technical review is required, and shall remit any outstanding balance to the County for such review prior to issuance of a building permit for the PWSF. Any unused portion of a fee deposit shall be remitted to the applicant.

ii. The expert review may address any or all of the following:

(a) The accuracy and completeness of submission;
(b) Applicability of analysis techniques and methodologies;
(c) The validity of conclusions reached;
(d) Whether the proposed PWSF complies with the applicable standards set forth in this section; and
(e) Other matters deemed by the County to be relevant to determining whether a proposed PWSF complies with the provisions of this section.

iii. Based on the results of the expert review, the County may require additional information or submittals from the applicant or impose conditions of approval.

E. Annual Report.

1. The owner or operator of a new or existing PWSF shall file annually on or before January 31 of each year, with the Building and Development Services Department Director a PWSF Annual Report.

2. The PWSF Annual Report shall include the owner and operators names, address, phone numbers, contact person(s), type of antenna, applicable FCC License numbers, applicable FAA Licenses, type of support structure (tower, alternative support), County approval numbers. Additionally reports submitted by Tower owner and operators shall also supply the number of co-locations positions designed, occupied, or vacant. The submission on a county form designed for such use shall be evidence of compliance.

3. Structural certification for new and existing telecommunication towers shall be submitted with the PWSF Annual Report on the tenth (10th) anniversary of the Building Permit issuance for the tower or the next PWSF Annual Report, whichever is later. The structural certification shall state general structural stability of the structure and the ability to add additional antennas to the tower. The PWSF Annual Report shall include a structural certification every five (5) years thereafter.

F. Abandonment. Any telecommunication tower which has no operational antenna located thereon for a period of six (6) months will be deemed to be abandoned, and therefore shall constitute a violation of this Code. The owner or operator of the abandoned telecommunication facilities shall be given six (6) months after being provided with written notification of said violation to either reactivate or dismantle and remove the telecommunication facilities. In the event of the owner or operator's failure to comply with the County's request for removal, the matter may be subject to enforcement action. Nothing herein shall be construed to limit the County's right to pursue any other legal remedy.

Table 5 - 1: Matrix of Siting and Locational Preference

<table>
<thead>
<tr>
<th>Preferred Zone Districts: (Districts Listed in Descending Order of Preferences)</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Camouflaged Max. 150'</td>
<td>Monopole Max. 150'</td>
<td>Monopole Greater than 150', Max. 200'</td>
<td>Monopole with 3 or more providers, Max. 200'</td>
<td>Guyed Tower</td>
<td>Lattice Tower Max. 400', except PDR Max. 150'</td>
</tr>
<tr>
<td>Industrial</td>
<td>Camouflaged Max. 150'</td>
<td>Monopole Max. 150'</td>
<td>Monopole Greater than 150', Max. 200'</td>
<td>Monopole with 3 or more providers, Max. 200'</td>
<td>Guyed Tower</td>
</tr>
<tr>
<td>EX</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
</tr>
<tr>
<td>HM</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
</tr>
<tr>
<td>LM</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
</tr>
<tr>
<td>Commercial</td>
<td>CBV/RVP</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
<td>X</td>
</tr>
<tr>
<td>HC</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
<td>AP</td>
<td>SP</td>
</tr>
<tr>
<td>NC-S, NC-M</td>
<td>AP</td>
<td>SP</td>
<td>SP</td>
<td>AP/SP</td>
<td>X</td>
</tr>
<tr>
<td>NC-MMX</td>
<td>AP</td>
<td>SP</td>
<td>SP</td>
<td>AP/SP</td>
<td>X</td>
</tr>
<tr>
<td>Office</td>
<td>PR-M</td>
<td>AP</td>
<td>SP</td>
<td>SP</td>
<td>AP/SP</td>
</tr>
<tr>
<td>PR-S</td>
<td>AP</td>
<td>SP</td>
<td>SP</td>
<td>AP/SP</td>
<td>X</td>
</tr>
<tr>
<td>Agriculture (40 acres or greater)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Non-Preferred Zone Districts: [CAN REDUCE ROWS BY HAVING ONE LINE FOR ALL RESIDENTIAL DISTRICTS]

<table>
<thead>
<tr>
<th></th>
<th>Camouflaged 150'</th>
<th>Monopole 150'</th>
<th>Monopole Greater than 150', Max. 200'</th>
<th>Monopole with 3 or more providers, Max. 200'</th>
<th>Guyed Tower</th>
<th>Lattice Tower Max. 400', except PDR Max. 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>A-1</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
</tr>
</tbody>
</table>

**AP** = Administrative Permit  
**SP** = Special Permit  
**P** = Permitted  
**X** = Not Permitted

**NOTES:**  
* **AP*/SP = General Agricultural (A) and Suburban Agricultural (A-1) parcels smaller than forty (40) acres in size shall obtain approval by a Special Permit.**  
**Unless otherwise noted in this Chapter. AP/SP = Administrative Special Permit required as specified in this Section or elsewhere in this Code. Uses may be further restricted or modified by the overlay district criteria in Section 403.**

Planned Development:

- **PDEZ**  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP

- **PDPM**  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP

- **PDM**  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP

- **PDA**  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP

- **PDC**  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP

- **PDO**  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP

- **PDGC**  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP

- **PDU**  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - P*/FSP  
  - AP  
  - AP

---

[06/18 DRAFT]
Manatee County
Land Development Code
Chapter 5 – Accessory and Specific Uses and Structures

<table>
<thead>
<tr>
<th></th>
<th>Camouflaged Max. 150'</th>
<th>Monopole Max. 150'</th>
<th>Monopole Greater than 150', Max. 200'</th>
<th>Monopole with 3 or more providers, Max. 200'</th>
<th>Guyed Tower</th>
<th>Lattice Tower Max. 400', except PDR Max. 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDRV</td>
<td>P*/FSP</td>
<td>P*/FSP</td>
<td>P*/FSP</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>PDMH</td>
<td>P*/FSP</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>VIL</td>
<td>SP</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>SP*</td>
<td>X</td>
</tr>
<tr>
<td>PDR</td>
<td>P*/FSP</td>
<td>P*/FSP</td>
<td>X</td>
<td>X</td>
<td>AP/SP</td>
<td>X</td>
</tr>
<tr>
<td>PDW</td>
<td>P*/FSP</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Agriculture (less than 40 acres)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>A-1</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
<td>AP*/SP</td>
</tr>
<tr>
<td>Conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CON-EPMP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>All other Locations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

SP1 = Approval is limited to institutional, recreational, schools, and utility uses, all which have a lot area of eight (8) acres or more.
P*/FSP = With limitations, as specified in this Section, Standards for Specific Uses Criteria, or elsewhere in this Code.
Uses may be further restricted or modified by the planned development district standards in Section 402.
Telecommunication towers in the PDR District are allowed a maximum height of 150 feet.

Figure 5-1: Setback depending on Tower Height


A. The minimum lot size requirements shall be two (2) acres.

B. No kennel shall be located within two hundred (200) feet of any unincorporated area of Manatee County.
zoned for residential uses, with the exception of A or A-1 property.

C. All dogs shall be kept in pens designed and maintained for secure confinement. Such structures shall require a building permit.

D. In the consideration of an application for Special Permit Approval, the decision-making body shall take into account the kinds of dogs proposed to be kept and the characteristics thereof, and may prescribe conditions with respect thereto.

531.39. Public Community Use.

A. Screening shall be provided in accordance with Section 701. When adjacent to residential uses, a solid, decorative, opaque fence, a minimum six (6) feet in height shall be provided, in addition to any landscaping required in Section 701. The applicant may propose an alternate vegetated buffer, subject to staff approval.

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

C. Public Community Uses that meet the following criteria may be allowed within residential zoning districts administratively by Administrative Permit. Any proposed Public Community Use that does not meet these locational criteria, and is allowed by Administrative Permit approval in the zoning district, must receive Special Permit approval. Public community uses within nonresidential districts are exempt from these requirements.

1. The Public Community Use is located upon a roadway classified as a collector or higher on the Roadway Functional Classification Map.

2. The Public Community Use is at the edge of a neighborhood, at a corner location or is an integral part of a multifamily development.

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

531.40. Public Use Facilities.

A. All public use facilities shall be set back at least thirty (30) feet from all property lines.

B. Sheriff substations with a gross floor area of less than one thousand (1,000) square feet shall be considered a permitted use in all zoning districts except the CON and PDGC when located within an existing building. Those substations either over one thousand (1,000) square feet in size or in a new, freestanding structure, shall require Administrative Permit approval.

531.41. Recreation Uses and Facilities.

A. Generally. The following shall apply to all low, medium, passive and high intensity recreation facilities:

1. 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 Department Director.

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

B. Public Lands in Watershed WP-E and WP-M Overlay Districts. Publicly and privately provided recreational opportunities on public lands located within the Watershed WP-E and WP-M Overlay Districts shall be limited 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 Watershed WP-E and WP-M Overlay Districts. Existing facilities that request expansion shall require Special Permit approval.

C. Timing. Special Use Permits issued for High Intensity Recreation uses shall not exceed four (4) years. Such permit may be extended in conformance with the provisions of Section 316, Special Permits, for a maximum of 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 316, Special Permits.

D. **Camps.**

1. No structures, recreational facility, or parking area shall be within fifty (50) feet of any adjacent residential use/zoning district.

2. Parks containing twenty-five (25) or more spaces for park trailers, recreational vehicles, and/or camping sites require the provision of an emergency storm shelter building, unless a hurricane evacuation plan for the development has been approved by the County. The storm shelter shall be subject to the requirements of Section 511.4.

E. **Rural Recreational Uses.** Any rural recreational use approved within the Ag/R Future Land Use Category shall require a minimum one hundred (100) foot setback of all structures, and recreational facilities from all property lines. **Compliance with LDC Chapter 5, Part IV, Adverse Impact Performance Standards, shall be required.** [ITEM II.J, SA MEMO]

F. **Golf Courses.** No structures used in connection with the use, golf greens, and fairways shall be located closer than fifty (50) feet to any lot line. Maintenance facilities and associated material and vehicle storage areas shall maintain a two hundred (200) foot setback from all adjacent residentially zoned properties.

G. **Maintenance.** All site plans submitted for golf courses shall include a maintenance/watering schedule detailing the type of irrigation to be used, and the proposed schedule for watering for the first year and beyond.

H. **Golf Driving Ranges.** No structure nor fairways and greens used in connection with the use shall be located closer than two hundred (200) feet to any lot line adjacent to residentially zoned or used property, nor fifty (50) feet to any lot line adjacent to non-residentially zoned or used property.

I. **Riding and Boarding Stables or Schools (Public or Private).**

1. **Minimum Lot Size.** Two (2) acres.

2. **Setbacks.** No building associated with a riding or boarding stable or school shall be located closer than fifty (50) feet to any lot line.

3. **Access.** All public stables shall gain access from a public road, county maintained road, or an approved private street.

4. **Rental.** The rental of up to one (1) stall space is allowed in private stables. If more spaces are to be rented, the classification of the stable changes to public.

J. **Trapshooting, Skeet or Outdoor Firing Ranges.**

1. **Minimum Lot Size.** Seventy (70) acres.

2. **Setback.** No structure associated with such use shall be located closer than fifty (50) feet to any lot line.

3. **Screening.**
   a. A minimum buffer of twenty-five (25) feet of tree and shrub screening behind the target area and an earthen berm or masonry fence (minimum six (6) feet high) to protect adjacent properties down range.
   b. The Department Director shall have the authority to require additional appropriate screening measures to mitigate impacts and protect adjacent properties dependent upon the weaponry authorized for use. Such measures as earthen berms, masonry fences, setbacks and the natural character of the land should be considered to ensure the health, safety and welfare of those using, or in proximity of the proposed development.

4. **Compliance with Law.** No special permit approval shall be issued for such a use until the applicant has furnished a written statement that the proposed development meets all regulations specified by Federal and State Law and all other County Regulations.

5. **Conditions.** In the consideration of an application for special permit approval, the decision-making body shall take into account the safety, types of weapons used, projectile trajectory, noise factors, and may prescribe additional conditions with respect thereto.
K. **Zoo, Animal Exhibit, Breeding Facilities of Wild or Exotic Animals, Animal Boarding Facilities, Circus or Circus Exhibitions.** These uses are allowed as High Intensity Recreation Uses, provided that the following standards are met. Zoos and animal exhibits, however, are prohibited in the GC and MX zoning districts.

1. The Zoo, Animal Exhibit, Breeding Facility of Wild or Exotic Animals, Animal Boarding Facility, Circus or Circus Exhibition shall not be located within five hundred (500) feet of any unincorporated portion of Manatee County zoned for residential uses.

2. A landscaped buffer at least ten (10) feet in width for each twenty-five (25) animals of greater than forty (40) pounds in body weight, (but in no case less than ten (10) feet) with a landscaped opaque fence at least six (6) feet in height, is provided between any animal cages or other structures, and any adjacent residential use;

3. Outside lighting is shielded so that it is not visible from nor does it shine upon any adjacent residential property; and

4. It is demonstrated that the behavior of the type and/or number of animals owned or maintained by the resident will not result in an intrusion into the quiet enjoyment of any existing adjacent residential use in terms of noise, odor, safety, and aesthetics.

531.42. **Recreational Vehicle Parks and Subdivisions.**

Recreational Vehicle Parks and Subdivisions shall comply with the dimensional standards of the district as stated in Chapter 4, in addition to the following:

**[THIS TABLE REPEATS THE STANDARDS LISTED IN TABLE 4-8]**

<table>
<thead>
<tr>
<th>Project Minimum Size</th>
<th>10 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Site Area For:</td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicle without Attachments</td>
<td>1,600 sq. ft.</td>
</tr>
<tr>
<td>Site in Designated Camping Area</td>
<td>1,200 sq. ft.</td>
</tr>
<tr>
<td>Non-residential or dwelling site</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum Width for:</td>
<td></td>
</tr>
<tr>
<td>RV site</td>
<td>30 feet</td>
</tr>
<tr>
<td>Site in Designated Camping Area</td>
<td>20 feet</td>
</tr>
<tr>
<td>Non-residential or dwelling site</td>
<td>75 feet</td>
</tr>
<tr>
<td>Minimum Yard Setbacks** (internal to the site)</td>
<td>5 feet</td>
</tr>
<tr>
<td>Maximum Height:</td>
<td></td>
</tr>
<tr>
<td>Non-Residential</td>
<td>35 feet</td>
</tr>
<tr>
<td>Residential</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum Buffers for:</td>
<td></td>
</tr>
<tr>
<td>Street/Residential District</td>
<td>50 feet</td>
</tr>
<tr>
<td>Other</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum Open Space</td>
<td>RV Parks</td>
</tr>
<tr>
<td></td>
<td>Non-residential</td>
</tr>
<tr>
<td>Maximum Time Period—Recreational Vehicles in new and expanded parks or subdivisions may remain on site for a limited period of time, not to exceed one hundred eighty (180) days within any three hundred sixty-five (365) day period.</td>
<td></td>
</tr>
</tbody>
</table>

**All Special Exception status waterfront lots shall meet a twenty-five (25) foot waterfront setback. Manufactured Homes and Recreational Vehicles are exempt from this waterfront setback requirement.**

**For parks without recorded lots or lot lines refer to Section 107.8.E.**

A. The construction of accessory structures and additions to recreational vehicles (RV) other than open canvas awnings having no walls, rollup screen enclosures, pop-out units and similar attachments that are integral to the recreational unit as originally manufactured shall not be permitted.

B. Recreational vehicle sites shall comply with all applicable Floodplain Management regulations.  **See Section 802.6.**
C. Recreational vehicles may not remain in new and expanded parks or subdivisions for more than one hundred eighty (180) days within any three hundred sixty-five (365) day period;

D. Each RV park/subdivision containing twenty-five (25) or more spaces for mobile homes, park trailers, recreational vehicles, and/or camping sites require the provision of an emergency storm shelter building, unless a hurricane evacuation plan for the development has been approved by the County. The storm shelter shall be subject to the requirements of Section 511.4;

E. **For parks without recorded lots or lot lines refer to Section 107.8.E.**

D-F. New recreational vehicle parks or subdivisions, expansions or substantial improvements to existing parks or subdivisions shall not be located in the Coastal High Hazard Area Overlay, the Coastal Planning Area or a floodway. [REPEAT OF LDC SEC. 802.6.B.7.c]

531.43. **Recreational Vehicle/Mobile Home Sales, Rental & Leasing.**

A. All RV sales shall be oriented towards the exterior of the RV park.

B. Mobile Home sales shall not be permitted within the RV park or subdivision.

C. A fifteen (15) foot wide screening buffer shall be provided between the sales lot/area and the RV Park itself. Landscaping shall be provided in accordance with Section 701.

D. All outdoor storage areas shall be screened with a minimum six (6) foot high solid fence.

531.44. **Rehabilitation Center.**

A. Any outpatient treatment facility located within a residential zoning district shall be located upon a roadway designated as collector or higher on the functional classification maps.

B. Any such facility located within a residential zoning district shall have the structure in which the facility is located designed and maintained in a character consistent with the residential neighborhood.

531.45. **Residential Care Facilities (including Assisted Living Facilities, 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. All residential care facilities shall meet the density limitations of the zoning district where they are located. Density shall be calculated as follows: Six (6) residents (including resident staff) = One (1) dwelling unit. [STATUTES REQUIRE THAT HOMES WITH LESS THAN 6 RESIDENTS BE DEEMED SINGLE FAMILY HOMES – ALREADY STATED IN THE DEFINITION. THIS SECTION ONLY REGULATES HOMES WITH 7 TO 14 RESIDENTS, THERE IS NO NEED TO ESTABLISH A DENSITY CALCULATION]

D. 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.

E-D. **Floor Area Requirements.** [RECOMMEND DELETING FLOOR AREA REQUIREMENTS. THESE FACILITIES HAVE TO GET APPROVED BY THE STATE ANYWAY AND THEY WOULD NOT PERMIT OVERCROWDING]

1. To avoid unsafe or unhealthy conditions that may be produced by overcrowding of persons living in these facilities, a minimum floor area per person shall be required. Floor area requirements shall be measured from interior walls of all rooms, excluding closets, stairs, thickness of walls, toilet rooms, mechanical rooms, laundry, and corridors.

2. A minimum of one hundred twenty (120) square feet of interior living space shall be provided per facility
resident. Interior living space shall include sleeping space and all other interior space accessible on a
regular basis to all facility residents.

F. E. A full bathroom with toilet, lavatory, and tub or shower, shall be provided for every five (5) residents. An
additional toilet and lavatory shall be provided for each additional group of four (4) persons or less. Assisted
living facilities shall not be located within the Costal Evacuation Area, as defined in the Comprehensive Plan.

531.46. Residential Treatment Facilities.

A. Any residential treatment facility located within a residential zoning district shall be located upon a roadway
designated as collector or higher on the functional classification maps.

B. Any such facility located within a residential zoning district shall have the structure in which the facility is
located designed and maintained in a character consistent with the residential neighborhood.

531.47. Residential Uses.

A. Residential Uses in the VIL Districts. Duplexes, single family semi-detached units and multi-family (four (4)
units maximum) may be permitted through Special Permit only in the Rubonia area. These types of dwellings
shall not be permitted in the other Village Districts.

B. Multi-Family Dwellings in PR District. Multi-family dwellings in PR district shall meet the standards and
densities of the RMF-6 Zoning District or the standards for urban corridors if applicable to the site. The underlying
Future Land Use Category shall determine the maximum density on each site.

C. Residential Uses in the NC, GC, MX and HC Zoning Districts.

1. Single-family and duplex dwellings may be allowed in the NC, GC, MX and HC zoning districts subject to the
following criteria:
   a. Shall be located on a lot of record which is not subject to any change in property boundary lines during
      the development of the proposed land use;
   b. Shall be developed without generating a requirement for either subdivision review, final site plan review,
      or equivalent development order review;
   c. Shall not violate a maximum gross density requirement of nine (9) dwelling units per acre; and
   d. Shall have its wastewater collected through the Manatee County public sanitary sewer system unless it
does not have reasonable availability to the system in accordance with the Manatee County Sewer
Connection Ordinance.

D. Single-Family Detached Dwellings in the Industrial Light (IL) Future Land Use Category. Single family
detached dwellings on sites designated as IL on the Future Land Use Map are subject to the following standards:

1. Shall be located on a lot of record which is not subject to any change in property boundary lines during the
development of the proposed land use;
2. Shall be developed without generating a requirement for either subdivision review, or final site plan review, or
   equivalent development order review;
3. If located within an A or A-1 zoning district, shall not violate the maximum gross or net residential density
   requirement of one (1) dwelling unit per acre of the zoning district;
4. Shall have its wastewater collected through the Manatee County public sanitary sewer system unless it does
not have reasonable availability to the system in accordance with the Manatee County Sewer Connection
Ordinance; and
5. Existing recorded subdivisions approved before May 11, 1989, are not required to meet the density limitations
   of the Comprehensive Plan.

5.6. Residential uses may be permitted within a planned unit development containing both industrial and
residential uses, and containing both industrial and residential land use categories. The residential uses may
be permitted to locate on portions of the project site designated as IL. [FROM POLICY 2.2.1.18(d)]
E. **Residential uses within the LM District.** New and replacement residential uses within the LM District shall be limited by the requirements of Section 2.2.1.17.4(d) of the Comprehensive Plan.[THIS WAS A ZONING TABLE FOOTNOTE THAT WAS MOVED HERE, BUT IT IS ALREADY ADDRESSED ABOVE.]

F.E. **Waterfront Residential Structures in PDR, PDW, PDMU, PDRV, PDMH and PDA.** Refer to the waterfront structures and water dependent uses of Section 402.14 (PDW—Planned Development Waterfront).

G.F. **Residential subdivisions Adjacent to Existing Kennels.** All residential subdivisions located adjacent to existing kennels shall provide a seventy-five (75) foot setback to residential structures from such kennels. This shall be measured from the proposed dwelling unit(s) to the nearest structure on the kennel property. This would include pens, runs, and other accessory structures. Additionally, all homeowner’s documents shall carry language to inform homeowners of the presence of the adjacent kennel.

G. **Residential Uses within Designated Urban Corridors.** Attached dwelling units and multi-family uses may be allowed in non-residential zoning districts within the designated Urban Corridors provided they meet the standards of Section 902.

### 531.48. Restaurants

A. Restaurants within the PDO District shall be located on a collector or higher and oriented internally.

B. Restaurants within the PDRP, PDI, or PDPI District shall be oriented internally.

C. Restaurants in the Village Districts.

1. All restaurants located within the VIL districts shall be located on a street designated as collector or higher by the Functional Classification Map and meet Commercial Locational Criteria as designated in the Comprehensive Plan. No access may be allowed from a local street to an eating establishment.

2. All proposed restaurants within the VIL district shall provide a minimum ten (10) foot wide perimeter screening buffer for those property boundaries that are adjacent to residential uses. This buffer shall contain a decorative, opaque fence a minimum of six (6) feet in height, and landscaping meeting the requirements of Section 701.5.2.1(A) of the Code.

3. Restaurants within the Planned Development Districts shall meet the following location and orientation standards.

<table>
<thead>
<tr>
<th>Limitations</th>
<th>PDO</th>
<th>PDRP</th>
<th>PDI</th>
<th>PDPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Collector or Higher</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Orientation</td>
<td>Oriented Internally</td>
<td>Oriented Internally</td>
<td>Oriented Internally</td>
<td>Oriented Internally</td>
</tr>
</tbody>
</table>

### 531.49. Retail/Commercial Uses.

A. **Retail in the RVP Zoning District.** Neighborhood Convenience Retail Sales uses within the RVP District shall meet the standards for such uses set forth in Section 402.9 (PDRV—Planned Development Recreational Vehicle).

B. **Retail in the VIL Districts:**

1. **Size Limitations.**
   a. All Neighborhood Convenience Retail Sales uses are limited as specified by the Comprehensive Plan.
   b. All General Retail Sales uses are limited to 3,000 square feet with an Administrative Permit. A Special Permit is required for any General Retail Sales use greater than 3,000 square feet in size.

2. **Location.** All General Retail Sales uses located within the VIL districts shall be located on a street designated as collector or higher by the Functional Classification Map. No access may be allowed from a local street to these retail uses. All retail sales uses must comply with the commercial locational criteria of the Comprehensive Plan and any exemptions allowed by the Plan.

3. **Screening.** All Neighborhood Convenience Retail Sales and General Retail Sales uses within the VIL district shall provide a minimum ten (10) foot wide perimeter screening buffer for those property boundaries that are
adjacent to residential uses. This buffer shall contain a decorative, opaque fence a minimum of six (6) feet in height, and landscaping meeting the requirements of Section 701.5.2.1(A) of the Code.

C. Retail in the NC-S, PDO and PDA Districts:

General Retail Sales uses in the PDO and PDA districts shall be limited to 3,000 square feet, unless the NC-S district is located along an Urban Corridor as defined in Chapter 2.

D. Retail in HC zoning with IL (Industrial Light) and IH (Industrial Heavy) future land use categories.

1. Retail in HC zoning with IL (Industrial Light) future land use category. Development within the HC district shown as IL on the future land use map shall meet all relevant commercial locational criteria as specified in the Manatee County Comprehensive Plan. Additional restrictions include the allowance of only small retail commercial uses as defined in the Manatee County Comprehensive Plan with a 30,000 square foot maximum and a 3,000 square foot maximum without Special Permit Approval. [SA MEMO ITEM #III.S]

D.E. Retail in PD Districts. Shall meet the following criteria:

<table>
<thead>
<tr>
<th>Limitations</th>
<th>PDO</th>
<th>PDRP</th>
<th>PDI</th>
<th>PDPI</th>
<th>PDW</th>
<th>PDMU</th>
<th>PDRV</th>
<th>PDMH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Convenience</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size (max.)</td>
<td>10,000 sf</td>
<td></td>
<td></td>
<td>10,000 sf</td>
<td></td>
<td>5,000 sf</td>
<td>5,000 sf</td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Collector or Higher</td>
<td></td>
<td></td>
<td>Collector or Higher</td>
<td></td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td></td>
</tr>
<tr>
<td>Orientation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orientation Internally</td>
<td>Oriented Internally</td>
<td></td>
<td></td>
<td>Oriented Internally</td>
<td></td>
<td>Oriented Internally</td>
<td>Oriented Internally</td>
<td></td>
</tr>
<tr>
<td>Other Retail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size (max.)</td>
<td></td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td>Collector or Higher</td>
<td></td>
</tr>
</tbody>
</table>

2. Support uses in IL and IH. Support uses located within a planned office or industrial park in the light industry and heavy industry land use categories are exempt from the commercial location criteria. [ADDED PER POLICIES 2.2.1.16.4 AND 19.4. SEE ALSO TABLE 3-4, ITEM Q]

E.F. Retail restrictions per future land use category: The Manatee County Comprehensive Plan restricts the size of commercial developments based on the type of retail and the location within the various future land use categories as follows:

Table 5 - 2. Maximum Commercial Square Footage Allowed per Future Land Use (FLU) Category:

<table>
<thead>
<tr>
<th>FLU</th>
<th>Maximum Square Footage Allowed per Future Land Use (FLU) Category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum Square Footage of Retail per Type</td>
</tr>
<tr>
<td></td>
<td>Neighborhood</td>
</tr>
<tr>
<td>Ag/R</td>
<td>Small</td>
</tr>
<tr>
<td>ER</td>
<td>Small</td>
</tr>
<tr>
<td>RES-1</td>
<td>Medium - Small</td>
</tr>
<tr>
<td>RES-3</td>
<td>Medium - Small</td>
</tr>
<tr>
<td>RES-6</td>
<td>Medium</td>
</tr>
<tr>
<td>RES-9</td>
<td>Medium</td>
</tr>
<tr>
<td>RES-12</td>
<td>Medium</td>
</tr>
<tr>
<td>RES-16</td>
<td>Medium</td>
</tr>
<tr>
<td>UF-3</td>
<td>Medium - Large with Limitations (See Policy 2.2.1.11.5)</td>
</tr>
<tr>
<td>OL</td>
<td>Small (office only)</td>
</tr>
<tr>
<td>R/O/R</td>
<td>Large</td>
</tr>
<tr>
<td>IL</td>
<td>Small</td>
</tr>
</tbody>
</table>

[06/18 DRAFT]
**Table 5 - 3. Maximum Commercial Project Square Footages**

<table>
<thead>
<tr>
<th>Category of Commercial Use</th>
<th>Without Special Approval</th>
<th>With Special Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>3,000</td>
<td>30,000</td>
</tr>
<tr>
<td>Medium</td>
<td>30,000</td>
<td>150,000</td>
</tr>
<tr>
<td>Large</td>
<td>50,000</td>
<td>300,000</td>
</tr>
</tbody>
</table>

*SA MEMO ITEM #III.T* Sites along a designated urban corridor, as defined in Chapter 2, do not require Special Approval to achieve the maximum size listed in Table 5-3. Commercial projects in excess of the 300,000 square foot limit may be considered for projects which contain primarily office uses, or for other projects in high access locations as described in Policy 2.10.3.3.

**Medical Marijuana Treatment Center Dispensing Facilities**

1. The minimum distance from the proposed medical marijuana treatment center dispensing facility to the real property that comprises a public or private elementary school, middle school, or secondary school shall be 500 feet.

2. The applicant shall furnish a certified specific use survey from a Florida registered engineer or surveyor. The survey shall be performed within 30 days prior to application submittal. The survey shall indicate the distance between the proposed medical marijuana treatment center dispensing facility and the real property comprising any public or private elementary, middle, or secondary school facility within a 500-foot radius.

3. The distance separation requirement shall be measured from the real property line of the medical marijuana treatment center dispensing facility to the real property line of the public or private elementary, middle or secondary school.

4. The uses permitted on the premises of the medical marijuana treatment center dispensing facility shall be limited to the retail dispensing of medical marijuana, in accordance with Florida Law.

5. **Signage.** The signage of the medical marijuana treatment center dispensing facility shall be in accordance with Section 381.986, Florida Statutes, (2017). The size of the signage is limited to that provided for in Chapter 6 of the LDC.
531.50.   Schools.

A. Public Schools: The Interlocal Agreement for Public School Planning allows schools in all zoning districts except heavy industrial, conservation and preservation future land use categories and respective zoning districts, but may be allowed in those districts at the discretion of the Board.

Public schools may exceed the building heights noted in Table 4-5 to address particular school needs. The additional heights shall be reviewed in conjunction with the Public School Determination of Consistency.

See Section 103.2.C (Exceptions), Section 351 (Public Schools Determinations of Consistency) and Section 352 (General Plans for Educational Facilities).

A.B. All Other Schools: All accessory parking lots and playing fields shall be oriented in such a manner so as not to be located adjacent to residentially zoned property. If this cannot be met, then those areas shall be screened with either a solid fence or landscaping reaching eighty (80) percent opacity within two (2) years.

531.51.   Service Stations/Gas Pumps.

A. Location. A service station shall be so located to provide sufficient distance from any church, playground, playfield, park, hospital, public or private school, public library, theatre, auditorium, stadium, public assembly hall or similar facility to minimize hazards to pedestrians or vehicles, minimize congestion, and to protect the attractiveness of the immediate area of such facilities.

B. 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.

C. Setbacks. No main or accessory building, gasoline pump, tank, vent, pump island, or pump island canopy shall be located within twenty-five (25) feet of any property line.

D. Service Bays, The number of service bays shall be limited to four (4) per site. Facilities that include more than four (4) service bays shall be classified as Major Vehicle Repair.

E. Flammable Liquids Products Storage. All receptacles, tanks or facilities for the storage of flammable liquids in excess of five hundred (500) gallon quantities shall be located underground. Liquefied Petroleum Gas (LPG) tanks over five hundred (500) gallons may be installed above ground. The storage, utilization, or manufacture of flammable, combustible liquids, or gases shall comply with 540.7.J.1, Fire and Explosive Hazards, Florida Department of Environmental Protection 17-761 and 17-762.

F. Interior Traffic Circulation. When a service station is established in conjunction with a retail sales establishment, such as the sale of convenience goods, the retail use shall be adequately separated from the sale of gasoline or servicing of vehicles to provide safe and efficient on-site traffic circulation. The area containing the gas pumps and the circulation around these pumps shall be considered vehicle use area and shall provide landscaping meeting the standards of Section 701.

G. Neighborhood Commercial (NCS and NCM) Districts. The following additional regulations shall apply in the Neighborhood Commercial Districts.

1. There shall be a maximum of four (4) gas pumps per premise.

2. Vehicle repair services accessory to the gasoline station shall be limited to tune-ups, oil changes, and tire repair.

3. Convenience stores and car washes with gas pumps shall be limited to one (1) island with two (2) gas pumps, as defined in Chapter 11. Any such convenience store with gas pumps located in an area with a Future Land Use Designation of AG/R shall be allowed one (1) additional pump island.

H. Cortez Fishing Village HA Overlay District. Service stations in the Cortez Fishing Village HA Overlay District shall meet the following standards:

1. There shall be a maximum of one (1) island with two (2) gas pumps per island.

2. There shall be a maximum of two (2) service bays.

3. Canopy lighting may not include drop down light bulbs or bulbs that extend below the surface of the canopy.
I. **Planned Development Districts.** Service Stations or accessory gas pumps within the PDRP, PDI, PDC, PDPI, or PDMU District shall be located on a collector or higher and follow the requirements of this section.

J. **Non-Retail Pumps.** Non-retail gas pumps accessory to an agricultural use or boat docking/storage facility are allowed regardless of the zoning district requirements.

K. **Urban Corridors.** Service stations not taking advantage of the additional development intensity offered in Chapter 4 are not required to meet the standards of Section 902. However, a street wall meeting the standards of Section 902.4.G (Street Walls) shall be provided to screen vehicular use areas.

531.52. **Sexually Oriented Businesses.**

A. **Location.** No adult entertainment establishment shall be located within five hundred (500) feet of any unincorporated area in Manatee County zone A-1, the RSF districts, RDD districts, RSMH districts, RMF districts, PDR, PDMH, PDRV, VIL districts, nor within two thousand (2,000) feet of any day care center or public recreation facility. No adult entertainment establishment shall be located within two thousand five hundred (2,500) feet of any church or school.

1. **Entranceway Location Prohibition.** No adult entertainment establishment shall be located within or adjacent to property, designated as entranceways, Section 900 of this Code.

2. **Location as to Other Adult Entertainment Uses.** It shall be unlawful to locate any adult entertainment establishment within one thousand (1,000) feet of any other adult entertainment establishment.

3. **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.

4. **Applicability of Other Laws and Ordinances.** 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. Additionally, nothing in this Code shall be construed to authorize, allow, or permit the establishment of any business, the performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

B. **Waiver.** The Board, after study and recommendation by the Department Director, and Hearing Officer, may grant a waiver of the locational provisions for any adult entertainment establishment upon a finding that all of the following requirements have been met:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of the Code will be observed;

2. That the proposed use will not enlarge or encourage the development or a "skid row" or blighted area; and

3. That the establishment of an additional such regulated use in the area will not be contrary to any program of neighborhood conservation, and will not interfere with any program of urban renewal.

C. **Procedure for Hearing Waiver Requests.** Any waiver request shall be the subject of public hearings before the Board.

D. **Non-conforming Adult Entertainment Establishments.**

1. Adult entertainment establishments which have been established at their existing locations prior to August 21, 1987, shall be considered a non-conforming use and may continue to operate subject to Chapter II, Non-Conformities.

2. Subsequent to its establishment in a permitted location under this Section, an adult entertainment establishment operating as a conforming use is not rendered a non-conforming use by the location of:

   a. A church or school within 2,500 feet of such an adult entertainment establishment and day care center or public recreation facility within two thousand (2,000) feet of such an adult entertainment establishment; or

   b. Property in any unincorporated area of the County which has been subsequently rezoned to A, A-1, RSF-1, RSF-2, RSF-3, RSF-4.5, RDD-3, RDD-4.5, RSMH 4.5 and 6, PDR, PDMH, PDRV, PDO, PR-S, PR-M, NC-S, NC-M or CON within 500 feet of such an adult entertainment establishment; or

   c. If a non-conforming distance situation can be eliminated by the abatement of one or more such adult
entertainment establishment, the establishment which has been in business for the longest period of time shall be permitted to remain.

E. **License.** All Adult Entertainment uses shall comply with the licensing and other provisions of the Adult Entertainment Code, Ordinances 84-11 as amended.

F. **Minimum Age Requirements.**
1. No adult entertainment establishment shall allow minors by virtue of age in any such establishment at any time.
2. Incidental materials vendors shall not allow minors by virtue of age into areas of their establishments that contain adult materials or products.

G. **Incidental Materials Vendors.**
1. Such business or place shall provide within three (3) days of a request by the Department Director, such information as may be required to determine whether more than ten (10) percent of the business stock is devoted to adult materials.
2. All adult materials shall be kept in a location where no portion is visible to the public in the establishment, and said materials are not available to the customers of such place as a self-service item.

H. **Enforcement.** In addition to the enforcement procedures for violation of this Code set forth in Chapter 1, adult entertainment establishments not in conformity with the requirements of this Section are declared to be nuisances, and the Department Director shall bring such establishments to the attention of the Board, which may direct the Office of the County Attorney to bring appropriate civil action in the court of appropriate jurisdiction for their abatement.

531.53. **Solid Waste Management Facilities.**

A. **LocationRezone to MP-I.** Sanitary landfills, solid waste transfer stations, and other major utility uses, can only be allowed within the P/SP future land use category and require a rezone to MP-I. **Landfills proposing to locate on property within the Watershed Protection Overlay District shall be reviewed through the Planned Development process and require a finding of overriding public interest from the Board (see Section 403.10.C).**

B. **Approval Requirements.** New waste management facilities shall conform to all Federal, State and County laws, rules, regulations and zoning requirements; and shall be approved by the Department Director with respect to need and impact.

C. **Submission of Date.** In addition to all other applicable provisions of this Code, an environmental impact statement (EIS) shall be submitted with the permit application for any such facility. The statement shall include at a minimum the following data with appropriate maps and site designs: proposed location, siting, facility design, time frame for construction, anticipated life span, types and amounts of materials to be processed; processing system; resultant products and by-products; markets; waste disposal; negative and beneficial impacts on the environment and County facilities and infrastructure; and any other information the County may deem necessary to properly evaluate the proposed facility.

D. **Nuisance, Health and Safety.** All solid waste storage, transfer, processing or disposal sites and facilities shall be maintained or operated in such a manner as to not emit unreasonably unpleasant or noxious odors which are perceptible by the average person at or beyond the lot line. All facilities shall be maintained and operated in a manner to prevent the attraction of vectors, such as rats and insects, and to avoid the dispersal of wastes beyond the storage or work area. See also Part V of this chapter, Adverse Impact Performance Standards.

E. **Standards for Landfills.**
1. The minimum lot size requirements shall be one hundred (100) acres. No landfill shall be located within one thousand (1,000) feet of any residentially zoned lot.
2. Every approval for a sanitary landfill shall contain the following statement “All applicable state or federal permits shall be obtained before commencement of the development, be deemed to incorporate as specific conditions all other provisions of law related to such use at the time of issuance.
3. Upon the completion of operations, the landfill shall be closed according to the requirements of applicable
State law and County regulations. The Department Director shall administer, monitor and enforce the requirements of this section.

4. Landfills shall not be located:
   a. Within ten thousand (10,000) feet of any runway being used or capable of being used by turbojet or turbo prop aircraft.
   b. In a position where the runways or approach and departure patterns of an airport are between the landfill and bird feeding, water, or roosting areas.

Landfills which meet the above parameters, but are within the lateral limits of the airport zones described in Section 403.2, will be reviewed on a case-by-case basis.

F. Standards for Resource Recovery Facilities.

1. All solid waste management facilities shall be set back at least fifty (50) feet from all property lines.
2. All outdoor storage shall be screened with an eight (8) foot high fence around the entire storage area.
3. All resource recovery facilities shall gain access directly from a street designated as collector or higher on the functional classification map except if accessory to a landfill.
4. The Minimum Lot Size shall be two (2) acres.

531.54. Utility Uses.

A. Location.

1. Utility uses shall only be allowed where necessary to render efficient service to an area.
2. Wastewater treatment facilities should not be allowed in the CON district.

4-3. Wastewater treatment facilities proposing to locate on property within the Watershed Protection Overlay District shall be reviewed through the Planned Development process and require a finding of overriding public interest from the Board (see Section 403.10.C).

2-4. Heavy Utility Uses Require Rezone to MP-I. Utility uses which have adverse visual, health, safety, or welfare impacts on adjacent property or residents, including but not limited to permanent water and wastewater treatment/storage/disposal facilities, major maintenance facilities, solid waste transfer stations, and major electrical transmission corridors, can only be allowed within the P/SP future land use category and require a rezone to MP-I. The Department Director shall determine what constitutes a Heavy Utility Use requiring such procedures.

B. Application Requirements. Applications for public utilities uses within private or public property shall be submitted to the Department Director for approval. Water and Wastewater Treatment facilities require Board of County Commissioners approval after holding a Public Meeting to review the proposed location.

1. Submittal Requirements. The application for utility use approval shall include the following:
   a. A certified copy of the law, code, resolution or other official act adopted by Manatee County authorizing the establishment of the proposed use.
   b. A statement by an official or officer of the utility company shall be submitted giving the exact reasons for selecting the particular site as the proposed location for the utility use.
   c. A map shall be furnished showing the utility system, of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.

2. Review Criteria. The application shall meet the following criteria.
   a. If the proposed location of any public utilities use is in a Residential or Neighborhood Commercial district, the decision making body shall find that there is no alternative site available for such use in a Commercial or Industrial district within five hundred (500) feet of the proposed location.
   b. For the following utilities uses, the decision making body shall find that there is no alternative site
available in a non-residential district within a distance of one (1) mile, unless there is a substantial showing that satisfactory service cannot be rendered from an available location in such Commercial or Industrial district: Electric Substations and Distribution Centers; and Service and Supply Yards.

3. **Exemptions.** Any public utilities or facilities specifically approved in accordance with the standards of this Section in connection with another application for development approval shall not be required to obtain a separate development approval.

C. **Standards for Utility Uses.**

1. Utilities and facilities, other than buildings, shall not be required to comply with the dimensional development standards of the zoning district, as specified in Chapter 4.

2. No land or building in any district other than "HM" (Heavy Manufacturing), "LM" (Light Manufacturing), "HC" (Heavy Commercial), or "A" (General Agricultural) shall be used for the outside storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility. However, utility service and supply yards not exceeding one (1) acre may be allowed in other districts upon showing of a demonstrated need.

3. In all zoning districts except the LM, HM, HC, and A districts, all equipment, machinery and facilities not located within an enclosed building shall be adequately screened in accordance with the requirements of Section 701, Landscaping.

4. See Section 531.50 for specific standards applicable to Solid Waste Management Facilities.

531.55. **Vending, Soliciting and Peddling.**

A. **Findings of Fact and Purpose.**

1. The proper location for the conduct of commercial activities, in accordance with this Code, is on private property and no person has an inherent right to conduct commercial activities in, on, or along the public roads or rights-of-way.

2. The use of public property, including public roads and the rights-of-way adjacent thereto, to engage in activities protected under the First Amendment of the United States Constitution and Article I, Florida Constitution, may be regulated as to time, place and manner.

3. It is the purpose of this Code to provide for the regulation of activities in the vicinity of all roads and arterials shown on the Major Thoroughfare Map, and under the general police powers of the County, and not to provide for the regulation of traffic in accordance with the authority provided to the County under Chapter 316, Florida Statutes.

4. The regulations and prohibitions contained in this Code have been determined to be the least restrictive means for regulating the time, place and manner of activities protected under the Constitution of the United States, the State of Florida, this Code, and the terms hereof impose reasonable regulations with respect to the conduct of commercial activities upon the public roads and the rights-of-way adjacent thereto.

5. With respect to the prohibitions established in this Code, all roads and arterials shown on the Major Thoroughfare Map, such prohibitions shall remain in effect twenty-four (24) hours per day every day. These prohibitions have been found necessary after due consideration to provide for the reasonable protection of the health, safety and welfare of persons in or traveling through Manatee County.

B. **Definitions Specific to this Section.**

1. No matter how designated, public rights-of-way shall mean all public streets, roadways and highways, ordinarily used for vehicular and pedestrian travel, including any berm, shoulder, median, sidewalk, bicycle path, pedestrian safety areas and additional rights-of-way dedicated to public use, whether landscaped or not or whether or not the same has been improved for its intended purpose.

2. Vending, soliciting, peddling, displaying for sale or offering for sale, in addition to the commonly understood meanings of such words and activities, shall include advertising or advertisements of any kind which by any means attempt to convey to the public a notice of sale or notice of intention to conduct a sale.

It shall be a violation of this Code to engage in any vending, soliciting, peddling or displaying for sale or offering for sale any merchandise of any nature or kind whatsoever on or along roads and arterials shown on the Major Thoroughfare Map, within the unincorporated areas of Manatee County. This prohibition includes all vending, soliciting, peddling, displaying for sale or offering for sale any merchandise, whether for commercial purposes or charitable, non-profit or religious purposes.

D. Exemptions.

This Code shall not apply to:

1. The emergency repairing or servicing of vehicles disabled while traveling on such road.
2. Newspaper racks located in such rights-of-way, provided, however, that any such rack located in a manner determined by the Transportation or Department Director to constitute a threat to public safety, shall be relocated within fourteen (14) days after notice from the Department Director. Such notice shall cite with particularity the circumstances giving rise to a concern for safety. Anyone objecting to such notice may ask that the matter be heard by the Board and shall be provided an opportunity to rebut the Department Director’s determination that such vending rack constitutes a threat to public safety.
3. Peddlers, vendors or solicitors traveling from place to place, whether on foot or by vehicle, who are not engaged in the activity of selling or offering for sale or soliciting of any kind while traversing through any of the collector roads or arterials shown on the Major Thoroughfare Map.
4. Any commercial activity related to the sale or soliciting for sale of any merchandise or wares by any person at the door or in the home of the occupant of property abutting any road or arterials shown on the Major Thoroughfare Map.

E. Effect on Other Ordinances and General Law.

The provisions of this Ordinance shall prevail in the event of a conflict with the provisions of any existing County Ordinance or regulation. Provisions of this Code shall not be construed in a manner to conflict with or prohibit any activity permitted under the general law to the extent of any such conflict.

F. Penalties.

Violation of this Section shall be punishable by a fine not to exceed five hundred ($500.00) Dollars or by imprisonment in the County Jail not to exceed sixty (60) days, or by both such fine and imprisonment. The Sheriff shall enforce the provisions of this Section.

531.56. Vehicle Repair, Major.

A. No outdoor speakers shall be allowed adjacent to residential areas.
B. Additional trees equal to one (1) tree per thirty (30) feet shall be provided adjacent to residential areas, along with a solid six (6) foot fence.
C. A filtration system shall be installed as stipulated under 801.3.I, and located before pollutants enter the retention/detention area.
D. All motor vehicle repair establishments which repair boat motors shall provide a screened area for the parking and storage of all boats.
E. This area shall be screened with a solid minimum six (6) foot fence and landscaping per Section 701. Such areas shall be set back from property zoned A-1, RSF, RMF, RSMH, PDR, PDMU and PDW by a distance of twenty-five (25) feet.
F. There shall be no parking of boats outside of this storage area, except for those boats immediately entering or exiting the premises.

531.57. Vehicle Sales, Rental, Leasing.

A. This use shall require Special Permit approval in the GC, RXM, MX district if the proposed location is adjacent to
property that is either developed residentially or has a residential zoning or Future Land Use Category. If the site is not adjacent to such residential development, zoning or category, then it shall be allowed by Administrative Permit approval.

B. Vehicles sales shall only be conducted on a lot approved for the specific use and within the designated zones stipulated in Chapter 4, except that the display for sale of not more than three (3) vehicles owned by the property owner in any twelve (12) month period is allowed in all zoning districts. No vehicle sales shall encroach upon any rights-of-way or public lands.

C. No outdoor speakers shall be used in conjunction with this business when such business is located adjacent to property zoned A-1, RSF, RDD, RMF, RSMH, PDR, PDMU or PDW.

D. All outdoor sales areas shall be located no less than twenty (20) feet from any adjacent property zoned A-1, RDF, RDD, RMF, RSMH, PDR, PDMU or PDW.

E. All outdoor vehicle display areas shall be screened from adjacent side and rear property lines per the requirements of Section 701.3.

F. Commercial Vehicle Sales within the PDI District shall be located on a collector or higher and oriented towards the exterior of the project.

531.58. Veterinary Hospitals and Clinics.

A. All Veterinary Hospitals and Clinics caring for small animals shall be within a completely enclosed building, and adequately soundproofed. Technical evidence and documentation shall be prepared by an engineer or architect to demonstrate to the Building Official that the structure is adequately soundproof. Also, the facility shall be constructed so that there will be no emission of odor or noise detrimental to other property in the area.

B. All Veterinary Hospitals and Clinics caring for large animals shall be located with the confinement area no closer than fifty (50) feet to any lot line. In addition to the confinement area, the treatment and confinement facilities shall contain a minimum of five (5) large animal stalls which shall be in a completely enclosed building, and constructed so that there will be minimum emission of odor to adjacent property.

531.59. Warehouses.

Any warehouse located adjacent to single family residentially zoned property shall provide a solid opaque fence along the property perimeter adjacent to said residential property.

531.60. Water Dependent Uses.

A. Water dependent uses not meeting the requirements of the floodplain management regulations shall only be allowed by a variance. Variances may be issued as allowed in Section 802.28. [ITEM #1.I, SA MEMO]

B. All water dependent uses and structures shall be protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

C. Proposed structures should be brought into compliance without a floodplain variance if possible by dry flood proofing the structure in accordance with FEMA's "Floodproofing Non-Residential Buildings Manual."

531.61. Office.

Professional office uses not exceeding 3,000 square feet in gross floor area within the RSC-6 through RSC-16 future land use categories, are permitted as shown in Tables 4-2 and 4-11, but only if located on roadways classified as a minor or principal arterial, not including interstates. Such uses shall be exempt from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, but shall be consistent with all other goals, objectives, and policies of the Comprehensive Plan and the provisions of the zoning district where located. [NEW LANGUAGE TO IMPLEMENT POLICIES 2.2.1.12.4, 13.4, 14.4 AND 15.4]
Section 532. to 539. Reserved

Part V. Adverse Impact Performance Standards.

Section 540. Intent.
The intent of these performance standards is to grant property owners maximum latitude with respect to on-site uses, provided potential adverse impacts and/or conflicts with adjacent uses are avoided. Any use in any District shall not be conducted in a manner to cause any form of environmental pollution or affect the surrounding environment. Any use shall not emit any dangerous, noxious, injurious, or otherwise objectionable, fire, explosion, radioactive or other hazard; noise or vibration, smoke, dust, odor or other form of environmental pollution; electrical or other disturbance. No use shall cause glare, humidity, heat or cold, liquid or solid; refuse or wastes; conditions conducive to the breeding of insects, rodents, or other vectors; and conditions or elements in an amount which will adversely affect the surrounding environment.

Section 541. Laws, Codes, and Standards.
The following laws, codes and standards shall be strictly adhered to:

A. Noise: Manatee County Noise Ordinance (Section 2-21, Article II, Code of Ordinances).
B. Odors: Manatee County Air Regulations.
C. Vibrations: Subsection 542.3 of this Code.
D. Visual Emissions: Manatee County Air Regulations.
E. Glare: Subsection 542.5 of this Code.
F. Humidity, Heat and Cold: Subsection 542.6 of this Code.
G. Hazardous Materials and Toxic Substances:
   1. U.S. Environmental Protection Agency
   2. Occupational Safety and Health Administration
   3. United States Department of Agriculture
   4. United States Coast Guard
   5. United States Dept. of Transportation
   6. Florida Department of Environmental Regulation
   7. Florida Department of Transportation
   8. National Fire Protection Association
H. Fire and Explosive Hazards:
   1. Manatee County Fire Codes
   2. Manatee County Building Codes
   3. National Fire Protection Association
   4. Occupational Safety and Health Administration
   5. Florida Department of Environmental Protection
I. Radioactive Substances:
1. Florida Department of Health
2. Chapter 404 and 553 Florida Statutes
3. Florida Administrative Code, Chapter 64E-5

Section 542. General Requirements.

542.1. Noise disturbance.
No person shall make, continue, or cause to be made any noise disturbance, in accordance with the Manatee County Noise Ordinance (Section 2-21, Article II, Code of Ordinances). The Noise Ordinance is enforceable by trained law enforcement officers and code enforcement officers who have met the required Manatee County standards for noise enforcement as registered with the Florida Department of police standards and training. Documented violations may be reported directly to the Office of the State Attorney.

542.2. Odors.
All commercial and industrial uses shall be operated in accordance with the Manatee County Air Regulations.

542.3. Vibrations.
In zones as indicated in Table 5-3, below, no use shall cause either (a) a steady state, earthborne oscillation that is continuous and occurring more frequently than one hundred (100) times per minute; or (b) an impact earthborne oscillation with discrete pulses at or less than one hundred (100) per minute with a displacement exceeding the following maximums.

Table 5 - 4: Maximum Permitted Steady Vibration Displacement (in inches)

<table>
<thead>
<tr>
<th>Frequency (cycles per second)</th>
<th>Commercial and Light Manufacturing Zoning Districts</th>
<th>Heavy Manufacturing and Extraction Zoning Districts</th>
<th>All Other Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 and below</td>
<td>.0020</td>
<td>.0039</td>
<td>.0008</td>
</tr>
<tr>
<td>10—20</td>
<td>.0010</td>
<td>.0022</td>
<td>.0005</td>
</tr>
<tr>
<td>20—30</td>
<td>.0006</td>
<td>.0011</td>
<td>.0003</td>
</tr>
<tr>
<td>30—40</td>
<td>.0004</td>
<td>.0007</td>
<td>.0002</td>
</tr>
<tr>
<td>40—50</td>
<td>.0003</td>
<td>.0005</td>
<td>.0001</td>
</tr>
<tr>
<td>50—60</td>
<td>.0002</td>
<td>.0004</td>
<td>.0001</td>
</tr>
<tr>
<td>60—70</td>
<td>.0001</td>
<td>.0004</td>
<td>.0001</td>
</tr>
</tbody>
</table>

1. Ground vibration caused by motor vehicles, trains, aircraft, or temporary construction or demolition is exempted from these limits.

2. Maximum Permitted Impact Vibration Displacement (in inches): No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 10:00 p.m. or for 30 seconds or more in any one hour between 10:00 p.m. and 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1 gram shall result in any combination of amplitudes and frequencies beyond the “safe” range as listed in the current edition of Table #71, U.S. Bureau of Mines Bulletin.

No use shall cause or allow emission of smoke or other particulate matter into the atmosphere in excess of the standards set forth in current County, State or Federal air regulations. Emissions shall be completely and effectively confined within the building, or regulated so as to prevent any nuisance, hazard, or other disturbance from being perceptible at any lot line of the premises on which the use is located.
542.5.  Glare.
No light source shall produce glare which may have an adverse impact on use of any rights-of-way or other property. To prevent such glare all outdoor lighting shall comply with Section 806 (Outdoor Lighting).

No vapor shall be emitted from a site which may have an adverse impact on the safe use of any rights-of-way. When located in a zone subject to the use regulations specified in Table 5-54 below, all commercial and industrial uses shall be operated so as not to produce an adverse impact of humidity, heat, or cold which is readily detectable without instruments by the average person at the following points of determination:

Table 5 - 5: Adverse Impacts Point of Determination

<table>
<thead>
<tr>
<th>Zoning Where Uses are Located</th>
<th>Point of Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Manufacturing (LM)</td>
<td>At or beyond the project site under single ownership</td>
</tr>
<tr>
<td>Heavy Manufacturing (HM) or Extraction (EX)</td>
<td>At or beyond the project site under single ownership when adjacent to residential zoning districts</td>
</tr>
<tr>
<td>All Other Districts</td>
<td>At or beyond the project site under single ownership containing the use</td>
</tr>
</tbody>
</table>


A. Applicability. Any biological or chemical substance exceeding the minimum quantities listed in:


2. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) chemicals, published by U.S. Environmental Protection Agency as Title III List of Lists, consolidated list of chemicals subject to reporting under Title III, of the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended.

3. Hazardous chemicals [for] which the Occupational Safety and Health Administration (OSHA) requires a Material Safety Data Sheet (MSDS) to be maintained, as amended.

4. Toxic chemicals as published by the U.S. Environmental Protection Agency, Section 313, Toxic chemical list and 40 CFR 372, as amended.

5. Hazardous chemicals as published under 49 CFR 172.101 and appendices, as amended, by the United States Department of Transportation.

B. Notification. All property owners and facility operators shall conform to the Environmental Protection Agency requirements of Title 40 Code of Federal Regulations (CFR) Parts 300 and 355 and any amendments thereof, for Chemical Notification, Facility Representative Designation and Emergency Notification.

C. Facility and Operations Plan. Any site or facility which uses or proposes to use, generate or store hazardous materials and toxic substances in quantities exceeding the specified threshold listed in subsection A, above, as part of its operation shall submit to the Manatee County Parks and Natural Resources Department and the appropriate Fire District a written assessment of the potential impacts on human health and safety and the environment should there be a system failure at any point in the materials flow. This assessment shall include a description of the facility and its proposed operations, the type of materials to be used, process flow, storage methods, safety provisions and contingency plan, emissions, effluents and waste to be generated, and planned pollution control measures, waste minimization techniques and planned waste processing and disposal. Evidence of sufficient liability insurance and a performance bond shall be submitted.

D. Hazardous Sites and Facilities. Property owners and facility operators of hazardous material and toxic substances, sites and facilities existing on the effective date of this Code shall comply with the requirements of
E. Site Requirements. In addition to the requirements of Federal, State and other County Codes, all sites for the use, storage and production of extremely hazardous substances in quantities stipulated in subsection A, above shall be located and contained in a suitable room(s) located, properly labeled and alarmed for safe keeping.

1. All storage allowed by the Manatee County Parks and Natural Resources Department and the appropriate Fire District, to be exterior to the structure shall be located within a six (6) foot fence locked under management control.

2. Adequate containment facilities shall be sized and located so as to accommodate and contain all accidental spillage. Computation shall be submitted to the Manatee County Parks and Natural Resources Department and Fire District to justify all containment structures.

3. The type, quantity, and location of all extinguishing components shall also be submitted for review by the Manatee County Parks and Natural Resources Department and appropriate Fire District.

4. All activities and all storage of extremely hazardous substances at any point, shall be provided with adequate safety devices against fire and explosion with firefighting and fire-suppression devices and equipment.

F. Building Permit Requirement. No building permit for any type of construction, except related retrofit construction to achieve compliance shall be issued on any lot for which a known violation of this Section exists. The Manatee County Parks and Natural Resources Department and appropriate fire district shall notify the Building and Development Services Department of all cited violations. The Building and Development Services Department Director shall review all building permit applications, conduct inspections both during construction and after occupancy, including conducting Code Enforcement investigations, all with respect to the requirements of this section.

G. Hazardous Material Discharges. No discharge, at any point, into a sewage system, stream, or ground of any material in such a way, or of such a nature or temperature to contaminate any running stream, water supply or earth; or otherwise cause the emission of any dangerous or objectionable elements; or the accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.

H. Hazardous Material Emergencies. The Department Director, Manatee County Parks and Natural Resources Department, Department of Public Safety, Emergency Management Service, and the appropriate Fire District may cause any hazardous material which is an immediate danger to persons or property to be removed immediately at the expense of the owner, agent, lessee, or facility operator. The building and site shall be posted as “Unsafe,” and shall not be occupied until an inspection of the premises is conducted and determined safe by the appropriate County agencies. A building permit shall be obtained for all related retrofit construction to achieve compliance.

I. Airborne Releases. The release of airborne toxic matter shall comply with applicable Federal, State and County regulations. Maximum concentrations across lot lines at habitable elevations shall not exceed those concentrations established by the Federal, State and County governments as being acceptable to the general population.

J. Facility Closure. Prior to the termination of a business, abandonment, sale, or change in use, or temporary closure for more than thirty (30) days, any business which has used, generated, or stored hazardous materials and toxic substances in quantities indicated in subsection A, above, shall submit to the Manatee County Parks and Natural Resources Department and appropriate Fire District evidence that all contaminated portions of the facility and site have been remediated in compliance with federal and state standards and all hazardous materials have been properly processed and disposed of. No property use shall be considered terminated and no new use begun until evidence of such remediation has been provided and a site inspection has been conducted by the Manatee County Parks and Natural Resources Department and the appropriate Fire District to evaluate the facility and site condition. The facility operator or property owner shall provide at their joint or single expense all soil and water sampling necessary to assure that no contamination is present, should the County determine there is evidence of possible contamination. The Manatee County Parks and Natural Resources Department and the appropriate Fire District will provide a written inspection and compliance report to the property owner and facility operator. A final inspection and compliance report by the Manatee County Parks and Natural Resources Department and the appropriate Fire District shall be a prerequisite for any further development order to be issued.
K. Fire and Explosive Hazards. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided that said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls, protected with an automatic fire alarm and appropriate extinguishing systems in accordance with all NFPA standards, and Manatee County Building and Fire Codes.

1. In all industrial districts, the storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

2. The storage, utilization or manufacture of flammable or combustible liquids or gases shall be permitted if the storage, utilization or manufacture is in compliance with the National Fire Protection Association Flammable and Combustible Liquids Code #30 and Flammable Gases Code #58, latest edition. Flammable liquid and gas storage tanks and drums shall not be less than twenty-five (25) feet from all lot lines. Tanks and drums of one hundred twenty-five (125) gallons or less associated with single family and duplex dwellings are exempted from this twenty-five (25) foot requirement. However, such tanks and drums shall not be located within an easement or front yard. [PER LDC INTERPRETATION 2/22/18]

L. Radioactive Substances. The storage, utilization, manufacture or handling of any radioactive substances contained in one or more containers within lot lines shall be governed by the Florida Department of Health as set for under Chapter 404, Florida State Statutes and the Florida Administrative Code, Chapter 64E-5. All persons handling, storing, manufacturing, or transporting radioactive substances shall comply with these requirements.

M. Former Agricultural, Golf course, or Nursery Site Land Conversion/Change in Use. Any site formerly used as one of the following: agricultural, golf course, or nursery proposing to convert to residential development or a use frequented by small children shall provide evidence that arsenic levels in surface soil meet Florida Soil Cleanup Target Levels (SCTLs) for direct residential exposure as noted in the Florida Administrative Code Chapter 62-777 prior to people utilizing and living on the site. The SCTL for arsenic in residential soil is 2.1 mg/kg. Or provide documentation that they have consulted with Florida DEP and meet their conditions and requirements for the site.

Section 543. Reserved.

Part VI. Special Use Programs.

Section 545. Housing Program

545.1. Purpose and Intent.

The purpose of this section is to provide for a variety of housing opportunities for present and future residents of Manatee County. Special emphasis shall be given to households with special needs. This section is intended to comply with Chapter 163 F.S. generally and specifically § 163.3177(6)(f) and Chapter 420, F.S., generally and specifically § 420.907, F.S.

545.2. Affordable Housing Incentives.

To meet the affordable housing needs of Manatee County residents, a variety of incentives are provided. These incentives are listed below, along with the percentage of the units in the entire project which must meet the standards of affordable housing as defined in this Code.

A. Housing Rapid Response Team/Fast Tracking. Projects in which ten (10) percent or more of the entire project is affordable will receive the assistance of the County’s Housing Rapid Response Team. The team will assist with fast-tracking the project through the necessary permitting procedures. Contact with the Housing Rapid Response Team shall be made through the Affordable Workforce Housing Coordinator.

[06/18 DRAFT]
Development Manager or as designated by the County Administrator. Priority for utilization of the Housing Rapid Response Team shall be based on the period of time proposed by the applicant for keeping the project affordable.

B. Fee RefundWAIVERS/Reimbursements. All projects with affordable housing units shall be eligible for waivers or reimbursements of County review fees (e.g., planning, building, engineering) in accordance with Affordable Housing Programs and administrative procedures as established by Manatee County and as permitted by law. For projects where less than twenty-five (25) percent of the project is affordable, the fees refunded shall be a pro-rata share of the fees for the entire project. For example, projects with fifteen (15) percent affordable units will be eligible to request a refund of review fees only on the units designated affordable. Projects which have twenty-five (25) percent or greater affordable units will be eligible to request a full refund of County review fees for the entire project. Note: this does not include impact fees, facility investment fees, connection fees or similar fees.

1. Any applicant seeking a fee refund, waiver and/or reimbursement shall submit an application to the Department Director who will assist applicant in working with the proper county department.

2. The applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide the designation level of affordable units required by the development to seek fee refunds according to the terms and conditions of the agreement, as approved by the Board. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

C. County Impact Fee Increment. In an effort to minimize the impact on affordable households of increasing impact fees, the County, pursuant to Resolution R-05-279, has elected to pay the increases in county impact fees which were effective after June 18, 2004. All affordable units are eligible to have the County pay this increment. Contact shall be made through the Affordable/Workforce Housing Coordinator.

D. Educational Facilities Impact Fee Increment. In an effort to minimize the impact on affordable households of increasing impact fees, the County, pursuant to Resolution R-05-279, has elected to pay the increases in educational facility impact fees which were effective after June 18, 2004. All affordable units are eligible to have the County pay this increment. Contact shall be made through the Affordable/Workforce Housing Coordinator.

E.C. Sidewalk Location. Projects with at least twenty-five (25) percent affordable units are required to provide sidewalks within the development and on project perimeters.

1. Additionally, these projects shall be responsible for identification of sidewalk extensions as required in Chapter 10.

2. The County shall evaluate whether it is appropriate for the County to fund the sidewalk extensions beyond project boundaries. This evaluation shall be made as soon as practicable in the review of the project. The county may enter into a reimbursement agreement to allow the developer to build the sidewalks.

3. The applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide the designation level of affordable units required by the development to seek sidewalk extensions as would generally be required by this Code (Chapter 10)Section 1001.6.A.2. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

F. Housing Trust Fund. There is hereby created a Housing Trust Fund for the receipt of non-ad valorem revenues for use in development and rehabilitation of affordable housing. The use of funds from the Affordable Housing Trust Fund shall be limited to projects where twenty-five (25) percent or more of the units meet the definition of affordable housing.

1. The Board of County Commissioners shall establish criteria for the dispersion of such funds.

2. Any applicant seeking to secure such funds shall submit an application to the Department Director.

3. Dispersion of funds shall be limited by fund availability and shall be in accordance with the standards and procedures established for the use of such funds.

4. The applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide the designation level required by the development and any other requirements in order to receive Housing Trust Fund monies as approved by the Board. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

G.D. Tree Protection Trust Fund. Projects with at least twenty-five (25) percent affordable units may apply to
receive funds from the Tree Protection Trust Fund to meet landscaping requirements of the project.

1. Any applicant seeking to secure such funding shall apply by submitting a written request to the Department Director.

2. All applications will be reviewed pursuant to the administrative review process described in Section 315.

3. Allocation of these funds is discretionary and must compete with all other projects eligible to receive funds from the Tree Protection Trust Fund, including county landscaping projects and are based on fund availability.

4. The applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide the designated affordable units required to seek reimbursement from the Tree Protection Trust Fund as approved by the Board. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

E. Density Bonus. Projects with at least twenty-five (25) percent units designated as affordable are eligible to request a density bonus from the Board as follows:

5-1. The This density bonus may allow the maximum project density that may be approved in conjunction with the bonus to increase to shall be as follows: the maximum density in the next highest category on the Future Land Use Map. For example, a project in a Res-3 area would be eligible to request a density bonus equal to the six (6) dwelling units per acre maximum of Res-6. The density bonus shall not exceed the maximum dwelling units per acre for the Res-16 category.

**Table 5-6: Housing Density Bonus**

<table>
<thead>
<tr>
<th>FLUC</th>
<th>Zoning</th>
<th>Gross (units per gross acre)</th>
<th>Net (units per net acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RES-6</td>
<td>RSF-6, RSMH-6, RDD-6, RMF-6, NC-S*, NC-M*, PR-S*, PR-M*, GC*</td>
<td>12</td>
<td>16</td>
</tr>
<tr>
<td>RES-9</td>
<td>RSF-9, RMF-9, NC-S*, NC-M*, PR-S*, PR-M*, GC*</td>
<td>20</td>
<td>24</td>
</tr>
<tr>
<td>RES-12</td>
<td>RMF-12, NC-S*, NC-M*, PR-S*, PR-M*, GC*</td>
<td>24</td>
<td>28</td>
</tr>
<tr>
<td>ROR</td>
<td>RMF-16, NC-S, NC-M, GC, HC, MX, PR-S, PR-M</td>
<td>32</td>
<td>36</td>
</tr>
<tr>
<td>MU</td>
<td>RMF-12, GC, MX</td>
<td>30</td>
<td>36</td>
</tr>
</tbody>
</table>

* Subject to Commercial Locational Criteria

2. In order to receive the density bonus, the site must already have, or be rezoned to, a zoning district designation that allows the requested density as listed in Table 5-6, above. In reviewing the rezoning application, the Board shall consider the criteria for rezoning listed in Section 342.3.

6-3. Density bonuses may be used only within the development creating the bonus units.

4. In order to receive a density bonus, rezoning to Planned Development zoning will be required. The Board shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. Single family lot sizes may be reduced to 3,500 sq. ft. in the RSF-6 and RSF-9 zoning districts for the units that are designated as affordable.

7. This density may be below the next highest Future Land Use Map designation. [ITEM 1.AA, PD MEMO MEMO #2]
5. In reviewing the site plan for a development utilizing a density bonus, the Department Director shall consider all factors associated with the review of a planned development project pursuant to this Code. The following:

   a. The Board shall also consider the impact of the proposed project not have a negative impact on the transportation level of service. [ITEM I.AA, SA MEMO #1 AND MEMO #2]

   b. Priority shall be given to projects with access to transit and/or a neighborhood commercial node.

   c. The design of new development shall respect the scale and development pattern of existing residential sites abutting the affordable housing development. Therefore, affordable housing developments adjacent to individual lots that are zoned for the same or lower density and intensity levels shall not place any lots with reduced lot sizes immediately adjacent to, or across a local street from those neighboring lots, unless the adjacent development also contains smaller lots. A lot meeting the adjacent district lot size requirements or an open space area shall be used instead.

   d. The development shall meet, at a minimum, the following development compatibility standards. More stringent setbacks and buffers may be proposed by the applicant to achieve compatibility.

      i. The minimum side and rear building setbacks for developments abutting a single-family residential zoning district shall be as noted in Chapter 4 (Table 4-10) or the same required setback of the single family residential district, whichever is greater.

      ii. Additional building setbacks are required if the building exceeds three (3) stories (see Section 401.5).

6. If the density bonus is approved, the zoning designation of the site shall include the extension "/-H" (e.g. RSF-9-H) to indicate that a density bonus applies to that site. If the development is ever destroyed or abandoned, the site designation will revert back to the regular zoning district.

8.7. The applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide for the number of units which can be built subject to the density bonus and to ensure that the units are retained as affordable units and/or special needs units, for a period of time to be designated by the Board. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.


1. The transfer of development rights (which may include approved residential units, zoned units or comprehensive plan potential units) from elsewhere in the unincorporated county to a project with a minimum of twenty-five (25) percent affordable units is encouraged. The receiving project shall not exceed a total of thirty-five (35%) affordable units to ensure a true mix of incomes are realized throughout the project unless specific approval is granted by the Board of County Commissioners to exceed the thirty-five (35) percent threshold.

2. In order to transfer development rights, a rezoning to Planned Development zoning will be required. The Board shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. This density may be below the next highest Future Land Use Map Designation.

3. In determining the appropriateness of a density transfer, the Board shall consider all factors associated with the review of a planned development project pursuant to this Code. The Board shall also consider the impact of the proposed project on the transportation level of service.

4. If units are transferred, the maximum project density permissible is the maximum density in the next highest category on the Future Land Use Map. For example, a project in a Res-3 area would be eligible to request a transfer of units equal to the six (6) dwelling units per acre maximum of Res-6.

5. If the transfer of units is granted, the applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide for the number of units which can be built subject to the transfer and to ensure that the units designated affordable are retained as affordable units for a period of time to be designated by the Board. The agreement shall also ensure development rights are limited on the sending parcel, and identify any legally enforceable mechanisms necessary to ensure such limitations. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.
**I.G. CLOS Extension Request.** Upon receiving a request for an extension of an initial transportation component of a Certificate of Level of Service (CLOS) for a residential project designated affordable housing, as certified by the Manatee County Neighborhood Services Department, Manatee County shall prioritize such extension request for processing ahead of residential project(s) not containing affordable housing if the residential project containing affordable housing is located (1) within the Urban Core and (2) within one-quarter (1/4) mile of a public transit stop.

**J.H. Site Improvement Incentives.** To promote affordable housing in Manatee County, any project which provides at a minimum twenty-five percent (25%) of the overall units as affordable housing, as certified by the Manatee County Neighborhood Services Department, may request one or all of the following requirements be modified through the Special Permit planned development rezone process:

1. Parking requirements provided the parking shall be located so as not to obstruct sidewalks, roadways or required street trees. (see Section 1005.710.1.4)
2. Buffering requirements
3. Right of Way and street construction requirements
4. Setback requirements.

Projects rezoned to a planned development district that provide twenty-five percent (25%) or more of their residential units as affordable housing may opt to utilize zero lot line. Privacy walls shall be required on the common walls. Developers may request a reduced setback for such developments if parking is designed not to obstruct sidewalks, roadways or street tree requirements. Additionally, developments utilizing the above designs may reduce the required lot size to no less than 3,500 square feet.

**545.3 Workforce Housing Incentives.**

To meet the needs of Manatee County residents for Workforce Housing, the following incentive is provided: Housing Rapid Response Team/Fast Tracking. Projects in which ten (10) percent or more of the entire project is workforce housing will receive the assistance of the County's Housing Rapid Response Team, which the team will assist with fast-tracking the project through the necessary permitting procedures. Contact with the Housing Rapid Response Team will be made through the Affordable/Workforce Housing Coordinator designated by the County Administrator. Priority shall be given to projects providing affordable housing; subsequent priority will be based on the period of time proposed by the applicant for keeping the project units at the affordable or workforce level. In circumstances where the period of time is equivalent, the percentage of the project which is affordable or workforce housing shall be used to determine priority. A higher percentage means a higher priority.

**545.4 Affordable Housing Stock Lost to Development.**

A. Any development which eliminates affordable housing stock shall either:
   1. Provide replacement stock;
   2. Provide payment to the Housing Trust Fund in an amount established by the Board;
   3. Provide an innovative replacement contributions meeting the requirements of Section 545.4.B.
   4. Donate land to be used by the County for the development of affordable housing.

B. Other unique or innovative replacement contributions which further the goals of the Manatee County Local Housing Assistance Plan and the Manatee County Comprehensive Plan may be implemented to meet the requirements of Section 545.4.A above. These innovative replacement contributions must be approved by the Board, after recommendation by the Department Director.

C. Single family structures which are replaced with another single family structure by the same property owner are exempt from the replacement requirements of this Code.

**545.5 Infill Development.**

Infill development or redevelopment activities may be approved on existing lots of record meeting the requirements of Sections 107.8.C.1 (Use of Nonconforming Lots for Affordable Housing). For affordable housing projects, within Urban
Core Areas, meeting the requirements of this Section, as infill or redevelopment projects, such lots do not have to meet the requirement to combine lots as set forth in Sections 107.8.C.1 through 3.

545.6. **County-Owned Property.**

County owned surplus property which is suitable for the development of affordable housing may be dispersed on an as-needed basis pursuant to procedures established by the Board in accordance with Section 2-17-1, Code of Ordinances (Conveyance of county-owned property to nonprofit agencies) and other applicable law.