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Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

April 9, 2015 Planning Commission Agenda

WORKSESSION CALLED TO ORDER (Bill Conerly, Chairman)

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Minutes for Approval

1. March 12, 2015 Minutes for Approval

CITIZEN COMMENTS

CONSENT AGENDA

Building and Development Services Department

2. PDRV-14-29(P)-Timberlane RV Park-DTS20140521-MEPS380-Quasi-Judicial-Margaret Tusing * Schenk

Attachment: Maps FLU, Zoning and two Aerials-PDRV-14-29(P)-Timberlane RV Park-04-09-15 PC.pdf
Attachment: Staff Report-PDRV-14-29(P)-Timberlane RV Park-04-09-15PC.pdf
Attachment: Request for Special and Specific Approval Letter-PDR-14-29 (P)-Timberlane RV Park-4-9-15PC .pdf
Attachment: Traffic Impact Statement-PDRV-14-29(P)-Timberlane RV Park-04-09-15PC.pdf
Attachment: Copy of Newspaper Advertising - Timberland RV Park - PDRV-14-29(P) - Sarasota Herald.pdf
Attachment: Copy of Newspaper Advertising - Timberlane RV Park - PDRV-14-29(P) - Bradenton Herald -4-9-15PC.pdf
Attachment: Preliminary Site Plan-PDRV-14-29(P)-Timberlane RV Park-4-9-15PC.pdf

3. PDR-14-28(Z)(P)-DTS#20140503-MEPS#373-McClure Properties LTD-Honore/Lockwood Rezone and Preliminary Site Plan-Quasi-Judicial-Stephanie Moreland * Schenk

Attachment: Staff Report-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-04-09-15PC.pdf
Attachment: Zoning Disclosure Affidavits-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-4-9-15PC.pdf
Attachment: Special and Specific Approval Request Letter-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-04-09-15PC.pdf
Attachment: Traffic Impact Analysis-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-04-09-15PC.pdf
Attachment: Copy of Newspaper Advertising - McClure - Honore- Lockwood - PDR-14-28(Z)(P) - Bradenton Herald -4-9-15PC.pdf
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REGULAR

Building and Development Services Department

4. Land Development Code Rewrite-Phase I-Legislative-Patricia Tygeski, Littlejohn Consultants * Clague

Attachment: Staff Report- Land Development Code Rewrite-Phase I.pdf
Attachment: Memo from Littejohn - LDC Rewrite-Phase I-04-09-15PC.pdf
Attachment: Ordinance Land Development Code Rewrite-Phase I-04-09-15PC.pdf
Attachment: Exhibit A-1 Ch1_GenProv_v20_CLEAN.pdf
Attachment: Exhibit A-2 Ch2_Definitions_v35_CLEAN.pdf
Attachment: Exhibit A-3 Ch3_RevAuthProcedures_v75_CLEAN.pdf
Attachment: Exhibit A-4 Ch4_Zoning_v61_CLEAN.pdf
Attachment: Exhibit A-5 Ch5_AccesSpecUses_v66_CLEAN.pdf
Attachment: Exhibit A-6 Ch6_Signs_v16_CLEAN.pdf
Attachment: Exhibit A-7 Ch7_EnvCultResProt_v24_CLEAN.pdf
Attachment: Exhibit A-8 Ch8_EngrDesUtilities_v57_CLEAN.pdf
Attachment: Exhibit A-9 Ch9_DesGuide_v20_CLEAN.pdf
Attachment: Exhibit A-10 Ch10_TransMgt_v50_CLEAN.pdf
Attachment: Exhibit A-11 Ch11_ImpctFee_v17_CLEAN.pdf
Attachment: Ch1_GenProv_v20_COMMENTS.pdf
Attachment: Ch2_Definitions_v35_COMMENTS.pdf
Attachment: Ch3_RevAuthProcedures_v75_COMMENTS.pdf
Attachment: Ch4_Zoning_v61_COMMENTS.pdf
Attachment: Ch5_AccesSpecUses_v66_COMMENTS.pdf
Attachment: Ch6_Signs_v16_COMMENTS.pdf

Attachment: Ch7_EnvCultResProt_v24_COMMENTS.pdf
Attachment: Ch8_EngrDesUtilities_v57_COMMENTS.pdf
Attachment: Ch9_DesGuide_v20_COMMENTS.pdf
Attachment: Ch10_TransMgt_v50_COMMENTS.pdf
Attachment: Ch11_ImpctFee_v17_COMMENTS.pdf
Attachment: Legend for Strike-thru-underline of changes-LDC Rewrite Phase I-04-09-15PC.pdf
Attachment: Index Sorted by Old Numbering-LDC Rewrite-Phase I-04-09-15PC.pdf
Attachment: Copy of Newspaper Advertising - LDC Rewrite Phase 1 - Ordinance 15-17 - Bradenton Herald - 4-9-15 PC.pdf
Attachment: Copy of Newspaper Advertising - LDC Rewrite Phase 1 - Ordinance 15-17 - Sarasota Herald Tribune - 4-9-15 PC.pdf

ADJOURN

The Planning Commission of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination polity involves every aspect of the Commission's functions including one's access to, participation in, employment with, or treatment in, its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802, wait 60 seconds; FAX 745-3790.

April 9, 2015 Planning Commission Agenda
Agenda Item #1

Subject
March 12, 2015 Minutes for Approval

Briefings
None

Contact and/or Presenter Information

Sonia Zambrano

Senior Planning Technician

941-748-4501 ext. 6207

Action Requested
N/A

Enabling/Regulating Authority
N/A

Background Discussion
N/A

County Attorney Review
Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney
N/A

Instructions to Board Records
N/A

Cost and Funds Source Account Number and Name
N/A

Amount and Frequency of Recurring Costs
N/A

April 9, 2015 Planning Commission Agenda
Agenda Item #2

Subject
PDRV-14-29(P)-Timberlane RV Park-DTS20140521-MEPS380-Quasi-Judicial-Margaret Tusing

Briefings
None

Contact and/or Presenter Information

Contact and Presenter:

Margaret Tusing

Principal Planner

941 748 4501 ext. 6828

Conatct:

Sonia Zambrano

Senior Planning Technician

941 748 4501 ext. 6207

Action Requested

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend ADOPTION Manatee County Zoning Ordinance No. PDRV-14-29(P); APPROVAL of the Preliminary Site Plan with Stipulations A.1–A.4, B.1, C.1, D.1-D.3, and E.1; GRANTING Special Approvals for: 1) a parcel located within the MU Future Land Use Category (Comprehensive Plan Policy 2.2.1.21.4.1); 2) adjacent to a perennial stream (Comprehensive Plan Policy 3.2.2.1 – Cypress Strand); and 3) a parcel located within the Entranceway; ADOPTION of the Findings for Specific Approval to LDC Section 714.8.7 (Tree Replacement); as recommended by staff.

Enabling/Regulating Authority

Manatee County Comprehensive Plan

Manatee County Land Development Code

Background Discussion

1. Rachel W. Layton, AICP, ZNS Engineering, LC, agent for the owner, is requesting approval of a Preliminary Site Plan for Phase 2 of the Timberlane RV Park. Phase 2 will add 41 RV spaces and 15 mobile home spaces. When completed, the RV park will have a total of 105 spaces (88 RV spaces, 15 mobile home spaces, and 1 caretaker mobile home space and 1 caretaker apartment).

2. The Timberlane RV Park is located on 11.92± acres and is generally located south of S.R. 64 and east of I-75. The project is within the MU (Mixed Use) FLUC. The request is an expansion of an existing RV park. Phase 1 (47 RV sites and 1 mobile home site) was completed in January 2015. A proposed 5,000 square foot amenity center/storm shelter and caretaker's apartment is currently under administrative review.

3. The LDC limits the number of RV sites to 12 sites/acre. The project density is 8.81 gross RV sites/ac and 9.12 net RV sites/ac. Both of these densities are below the LDC limitation of 12 RV sites/acre.

4. Special Approvals
• Project within the Entranceway
• Project located in the MU FLUC
• Adjacent to a Perennial Stream (Cypress Strand)
Each of these Special Approvals were approved with the previous application and the Phase 2 expansion does not affect staff support of these Special Approval requests.
5. Specific Approval - LDC Section 714.8.7 – Tree Replacement
The Applicant is requesting that replacement trees located within the upland habitat preservation area be 1.5" and 2". Staff supports this request because these trees will require a shorter timeframe for establishment, will ultimately provide superior tree canopy, and the smaller diameter trees will create less disturbance within the preservation area at the time of installation. The total inch calculation will be met by providing more trees of a smaller diameter.
6. The project provides almost 40% open space (4.52± acres); exceeding the 25% requirement for projects located within the Entranceway.

County Attorney Review
Other (Requires explanation in field below)

Explanation of Other
Sarah Schenk reviewed and responded by email on March 18, 2015

Reviewing Attorney
Schenk

Instructions to Board Records
N/A

Cost and Funds Source Account Number and Name
N/A

Amount and Frequency of Recurring Costs
N/A

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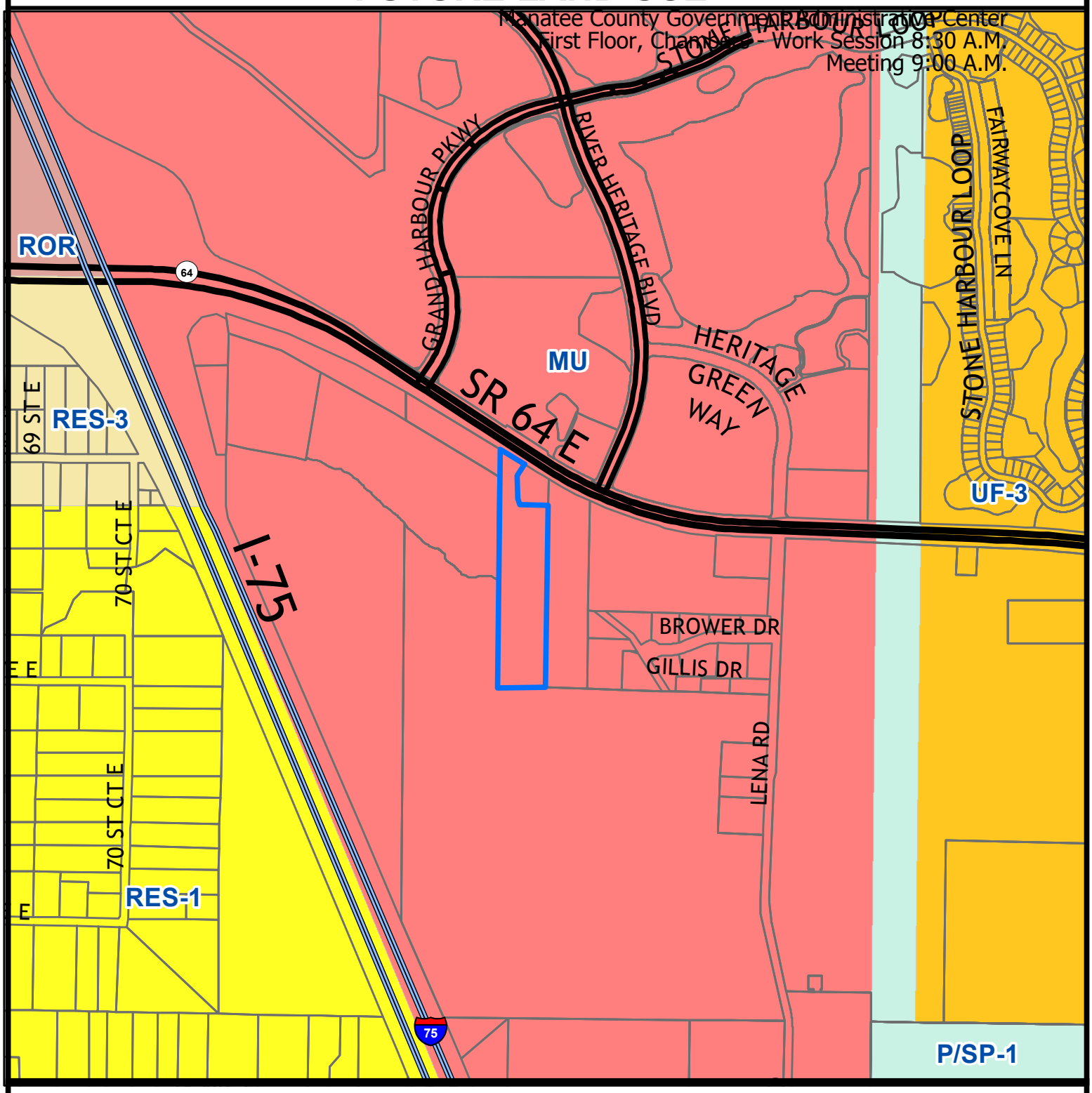
FUTURE LAND USE



Parcel ID #(s) 1463210300

Project Name:	Timberlane RV Park
Project #:	PD-RV-14-29 (P)
DTS#:	20140521
Proposed Use:	
S/T/R:	Sec 36 Twn 34 Rng 18
Acreage:	12.16
Existing Zoning:	PD-RV
Existing FLU:	MU
Overlays:	NONE
Special Areas:	NONE

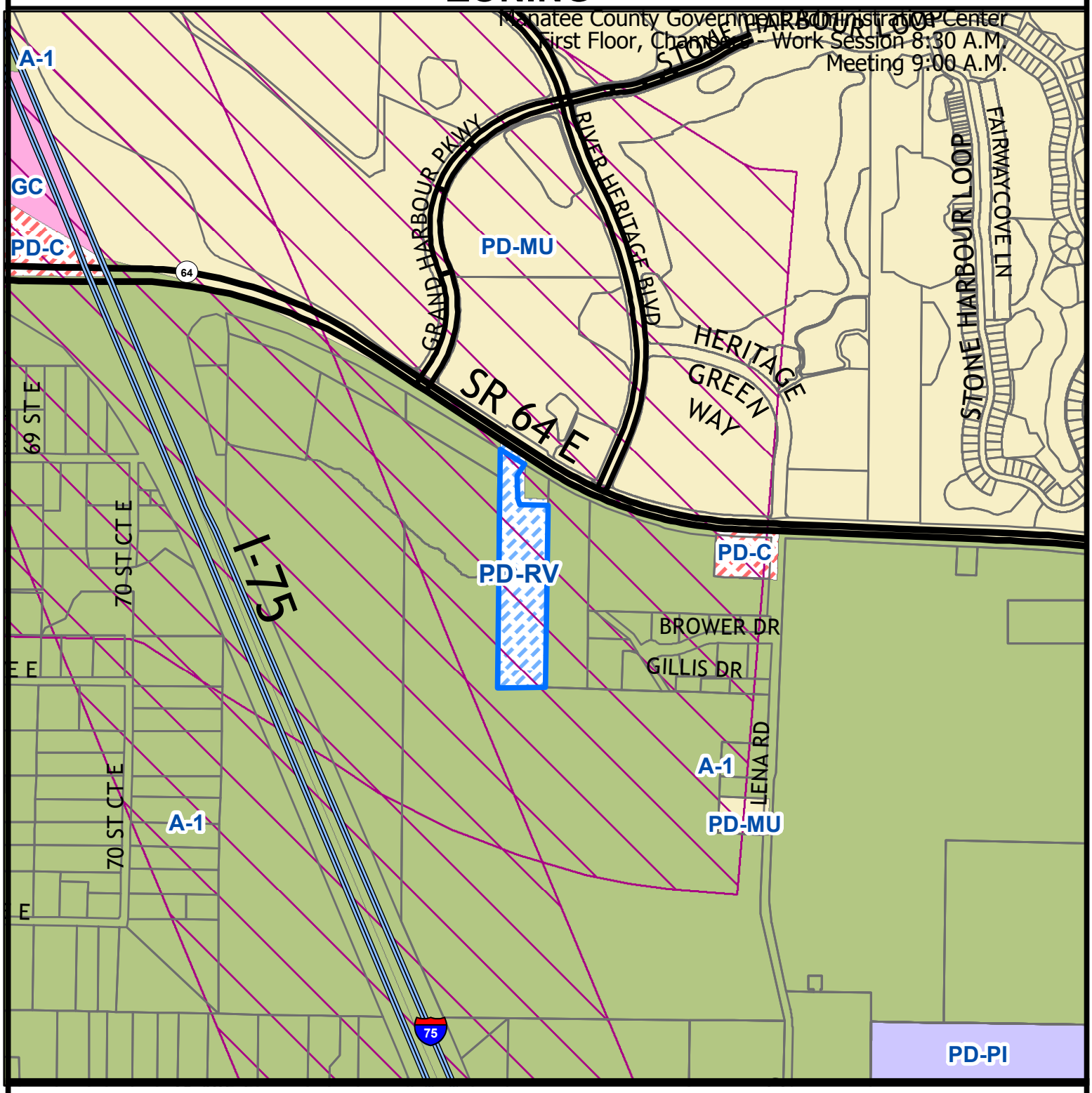
CHH:	NONE
Watershed:	NONE
Drainage Basin:	CYPRESS STRAND
Commissioner:	Vanessa Baugh

Manatee County
Staff Report Map

Map Prepared 1/28/2015

1 inch = 981 feet

ZONING



Parcel ID #(s) 1463210300

Project Name: Timberlane RV Park
Project #: PD-RV-14-29 (P)
DTS#: 20140521
Proposed Use:

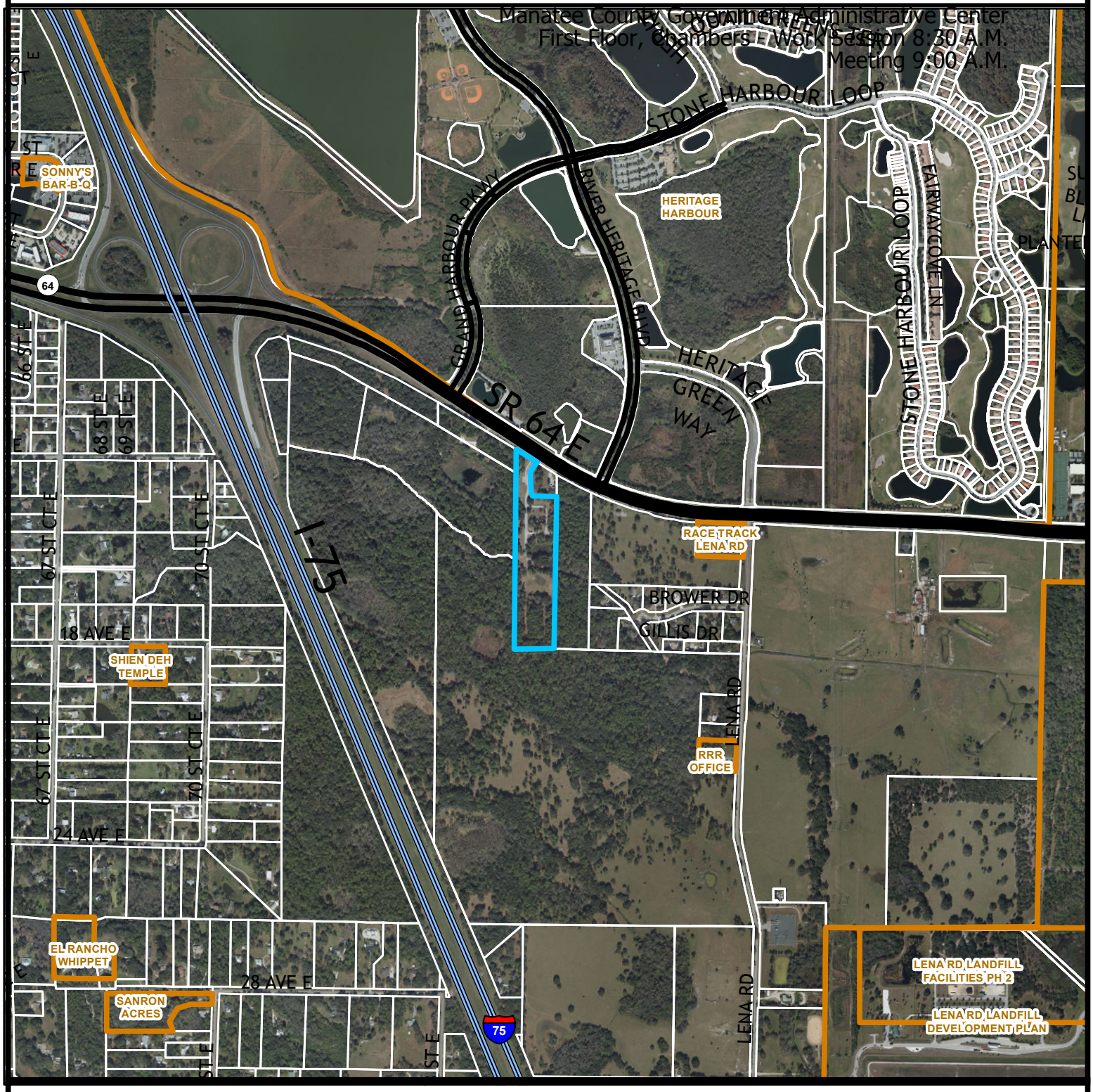
Entranceways

S/T/R: Sec 36 Twn 34 Rng 18
Acreage: 12.16
Existing Zoning: PD-RV
Existing FLU: MU
Overlays: NONE
Special Areas: NONE

CHH: NONE
Watershed: NONE
Drainage Basin: CYPRESS STRAND
Commissioner: Vanessa Baugh

Manatee County
Staff Report Map
Map Prepared 1/28/2015
1 inch = 981 feet

AERIAL



Parcel ID #(s) 1463210300

Project Name:	Timberlane RV Park
Project #:	PD-RV-14-29 (P)
DTS#:	20140521
Proposed Use:	

S/T/R:	Sec 36 Twn 34 Rng 18
Acreage:	12.16
Existing Zoning:	PD-RV
Existing FLU:	MU
Overlays:	NONE
Special Areas:	NONE

CHH:	NONE
Watershed:	NONE
Drainage Basin:	CYPRESS STRAND
Commissioner:	Vanessa Baugh

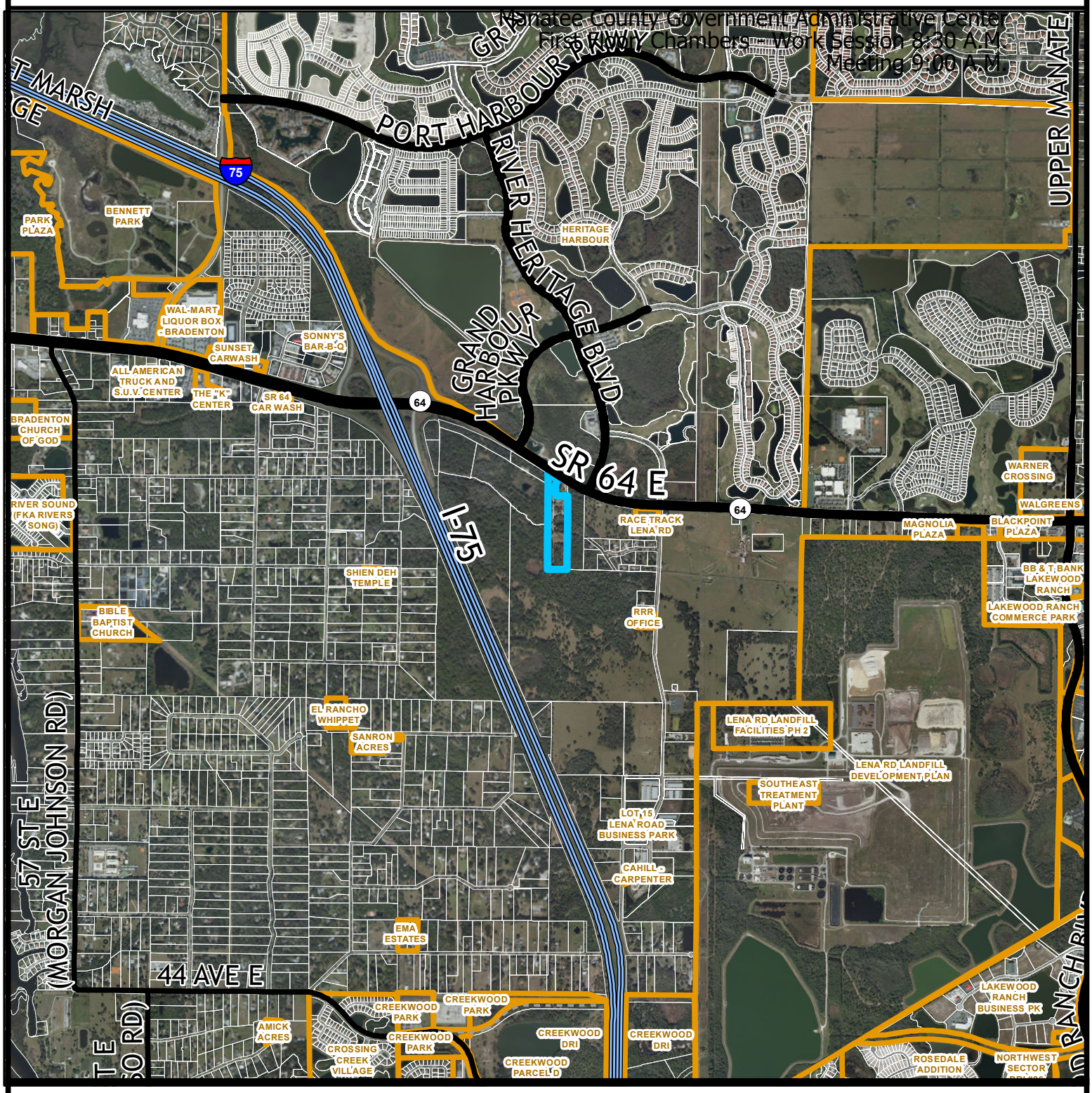
Manatee County
Staff Report Map

Map Prepared 1/28/2015

1 inch = 1,176 feet

AERIAL

Manatee County Government Administrative Center
First Floor Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.



Parcel ID #(s) 1463210300

Project Name:	Timberlane RV Park
Project #:	PD-RV-14-29 (P)
DTS#:	20140521
Proposed Use:	
S/T/R:	Sec 36 Twn 34 Rng 18
Acreage:	12.16
Existing Zoning:	PD-RV
Existing FLU:	MU
Overlays:	NONE
Special Areas:	NONE
CHH:	NONE
Watershed:	NONE
Drainage Basin:	CYPRESS STRAND
Commissioner:	Vanessa Baugh

Manatee County
Staff Report Map

Map Prepared 1/28/2015

1 inch = 2,450 feet

PDRV-14-29(P) – TIMBERLANE RV PARK (DTS#20140521) (MEPS380)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for Phase 2 of the Timberlane RV Park consisting of an additional 41 RV spaces and 15 Mobile Home spaces (a total of 56 additional spaces) on a total project site of approximately 11.92± acres with a total of 105 RV and Mobile Home spaces (Phase 1 – 6.54± acres [47 RV spaces, 1 mobile home space and a 2-story 5,000 square foot amenity center/storm shelter/caretaker apartment and Phase 2 – 5.38± acres [41 RV spaces and 15 Mobile Home spaces) located at 7500 SR 64 East, Bradenton in the PDRV (Planned Development – Recreational Vehicle) zoning district; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 04/09/2015 **B.O.C.C.:** 05/07/15

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend ADOPTION Manatee County Zoning Ordinance No. PDRV-14-29(P); APPROVAL of the Preliminary Site Plan with Stipulations A.1–A.4, B.1, C.1, D.1-D.3, and E.1; GRANTING Special Approvals for: 1) a parcel located within the MU Future Land Use Category (Comprehensive Plan Policy 2.2.1.21.4.1); 2) adjacent to a perennial stream (Comprehensive Plan Policy 3.2.2.1 – Cypress Strand); and 3) a parcel located within the Entranceway; ADOPTION of the Findings for Specific Approval to LDC Section 714.8.7 (Tree Replacement); as recommended by staff.

PROJECT SUMMARY	
CASE#	PDRV-14-29(P) DTS #20140521 Buzzsaw # B00000380
PROJECT NAME	Timberlane RV Park
APPLICANT(S):	Stephen Simone
APPLICANT(S) REPRESENTATIVE:	Rachel W. Layton, AICP/ZNS Engineering, LC
EXISTING ZONING:	PD-RV (Planned Development – Recreational Vehicle)
PROPOSED USE(S):	Phase 1 – Existing 47 RV and 1 Mobile Home sites and a proposed 2-story 5000 SF amenity center/storm shelter/caretaker apartment Phase 2 – 41 RV Spaces and 15 Mobile Home Spaces
CASE MANAGER:	Margaret Tusing
STAFF RECOMMENDATION:	APPROVAL with Stipulations

DETAILED DISCUSSION

History

The site was zoned Planned Development Recreational Vehicle (PDRV) in January 1989 pursuant to Manatee County Ordinance No. 80-4 THE MANATEE PLAN which predates the current Comprehensive Plan. Subsequent to this zoning, the Park owner submitted a Final Site Plan (PDRV-96-01[F]) for 50 recreational vehicle spaces that was approved by the Board of County Commissioners on March 28, 1996. A revised FSP was approved on March 12, 1999 (PDRV-96-01[F][R]) which granted an additional 3 years of FSP approval and an CLOS extension to March 12, 2002. Phase 1 received a Final Certificate of Completion in January 2015.

Request

The current proposal is for an additional 41 recreational vehicle spaces and 15 mobile home spaces for a total of 56 spaces in Phase 2. The overall project site will have 105 RV and mobile home spaces (Phase 1 is constructed with 47 RV spaces, a caretaker's mobile home, and a proposed 5,000 SF amenity center/storm shelter/caretaker apartment).

The entire site is in the MU (Mixed Use) Future Land Use Category (FLUC). This FLUC allows consideration of a variety of neighborhood, community serving and regional retail uses; office; light industrial; research/corporate parks; warehouse/distribution; residential uses; and hotel/motel. The maximum density in MU is 9 du/gross acre and 20 du/net acre. LDC Section 603.9.2 considers those portions of PDRV districts which permit recreational vehicles as commercial and are limited to twelve (12) sites per acre; the proposed project has a gross residential density of 8.81 sites per acre with a net residential density of 9.12 sites per acre.

Special Approval is required because the project is located in the Mixed Use FLUC, is adjacent to a perennial stream (Cypress Strand), and is located within the Entranceway. Planned development is

the process necessary to achieve Special Approval and the applicant is complying with that requirement.

The project has one (1) access point on S.R. 64 which was approved and constructed with Phase 1. The Phase 2 internal roadways meet the minimum requirement of 24-feet of pavement.

In addition to the recreational vehicle and mobile home sites, the project will also have a 2-story 5,000 SF amenity center/storm shelter and caretaker apartment (located in Phase 1).

There are no wetlands on-site.

Staff recommends Approval with Stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS:	7500 S.R. 64 East
GENERAL LOCATION:	South side of S.R. 64 East, east of I-75
ACREAGE:	Phase 1: 6.54 acres Phase 2: 5.38 acres Total: 11.92 acres
EXISTING USE(S):	Phase 1: 47 RV Sites, a caretaker's mobile home, and a proposed 2-story 5,000 SF amenity center/storm shelter/ caretaker apartment Phase 2: Vacant
FUTURE LAND USE CATEGORY(S):	MU (Mixed Use)
DENSITY:	8.81 gross RV sites/acre / 9.12 net RV sites/acre (LDC Section 603.9.2 limits RV sites to 12 sites/acre)
SPECIAL APPROVAL(S):	• Projects located in MU FLUC • Project adjacent to a perennial lake or stream (Cypress Strand) • Project located within the Entranceway
OVERLAY DISTRICT(S):	Entranceway
SPECIFIC APPROVAL(S):	LDC Section 714.8.7 (Tree Replacement)
SURROUNDING USES & ZONING	
NORTH	S.R. 64 / Heritage Harbour / PDR
SOUTH	Vacant / A-1
EAST	Verizon Facility / Vacant / A-1

WEST	Vacant / A-1	
SITE DESIGN DETAILS		
PHASE 2 LOT SIZE(S)/SETBACKS:	**RV Spaces** **Min. Lot Width:** 30' & 32' (1,920 SF & 2,048 SF) **Setbacks:** 5-feet	**Mobile Home Spaces Lots 19 - 25** **Min. Lot Width:** 35' (2,240 SF) **Setbacks:** 5-feet
OPEN SPACE:	4.52± Acres – 37.9% (25% is required for a Planned Development in Entranceway)	
RECREATIONAL AMENITIES:	Amenity Center located in Phase 1	
ACCESS:	S.R. 64	
FLOOD ZONE(S)	Zones X and AE with a Base Flood Elevation of 16.6' NAVD 1988 per FIRM Panel 12081C0327E, effective 3/17/14. Project also lies in the regulatory floodway of Cypress Strand.	
AREA OF KNOWN FLOODING	Yes, rainfall	
UTILITY CONNECTIONS	8" private potable water main connecting to 42" County potable water main on SR 64 8" private sanitary gravity sewer connecting to 12" sanitary force main on SR 64 via a private lift station and a 4" sanitary force main	

ENVIRONMENTAL INFORMATION

Wetlands
According to the environmental narrative provided by Eco Consultants dated December 2014, there are no wetlands on-site. There is one wetland at the southwest corner of project area that is more than 50-feet from the project boundary. No on-site wetland buffer is required for this wetland.

Uplands
According to the FLUCCS Map provided with the environmental narrative there is an area of Pine & Oak (414) within the project area. The total acreage for this habitat is 3.72 acres. To be in compliance with the LDC for native habitat preservation, 1.04 acres is required. The site plan shows a total of 1.64 acres which exceeds the minimum requirement.

Open space is provided in accordance with the LDC with no more than 75% of the required open space in wetlands or open water bodies.

Endangered Species
According to the environmental narrative, there were no listed species found utilizing the on-site habitats during the site visit.

Landscaping/Buffers

The preliminary planting plan shows perimeter landscape buffers 15-feet in width. The applicant intends to retain the "native habitat" (Pine Flatwoods vegetation) within the buffers to serve as screening material.

POSITIVE ASPECTS

- Infrastructure is in place to support the proposed use.
- Phase 2 is an expansion of an existing RV park.
- 37.9% Open Space is provided.

NEGATIVE ASPECTS

None known

MITIGATING MEASURES

None required

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. No attachments to on site recreational vehicles are permitted other than the following: open canvas awnings with no walls, roll-up screen enclosures, pop-out units or similar extensions which are integral to the unit as originally manufactured.

2. Recreational vehicles may remain on the site for a period not to exceed one hundred eighty (180) days within any three hundred sixty-five (365) day period.

3. Prior to the occupancy of the 25th space/lot, the emergency storm shelter shall receive a Certificate of Occupancy.

4. At the time of Final Site Plan, the applicant shall demonstrate that vegetation within areas identified as Upland Habitat / Type "A" Buffer on the Preliminary Site Plan is adequately protected during construction and that the vegetation that remains after nuisance, exotic species removal will meet or exceed the buffering requirements of the Land Development Code. Areas not meeting the minimum buffer requirements shall be planted with vegetation as necessary to meet Land Development Code standards.

B. INFRASTRUCTURE STIPULATIONS

1. Connection to the County wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the County's Wastewater System Master Plan. The connection shall be designed, engineered, and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.

C. FLOODPLAIN MANAGEMENT STIPULATIONS

1. A No-Rise Certificate will be required for all encroachment within the FEMA 100-Year floodway of Cypress Strand. Any existing or proposed structures within the floodway shall be modeled.

D. ENVIRONMENTAL STIPULATIONS

1. Prior to Final Site Plan approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County.

2. In accordance with LDC Section 519 and at Final Site Plan submittal, a Construction Water Quality Monitoring Program and proposed sampling locations shall be included in the Erosion and Sediment Control Plan (ESCP) information.

3. Irrigation for landscaping shall use the lowest water quality source available and shall be identified on the Final Site Plan. Use of the Manatee County potable water supply is prohibited.

E. DEPARTMENT OF HEALTH STIPULATIONS

1. In accordance with Chapter 64E-15, Florida Administrative Code (F.A.C.), mobile home, lodging, recreational vehicle parks, and recreational camps are licensed annually by the Department of Health. Contact the Florida Department of Health at 941-748-0747 (ext 1340) for plan review prior to construction.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED
None

COMPLIANCE WITH LDC				
Standard(s) Required	**Design Proposal**	**Compliance**		**Comments**
		Y	**N**	
BUFFERS				
50' roadway buffer – SR 64 (LDC 603.9.4.2.2)	50'	Y		Shown and provided as part of Phase 1
15' Buffer Strip (LDC 603.9.4.2.2)	15'	Y		Shown
SIDEWALKS				
5' sidewalk – SR 64	5'	Y		Existing
ROADS & RIGHTS-OF-WAY				
24-feet 2-way vehicular travel	24'	Y		Shown
REQUIRED IMPROVEMENTS (LDC 603.9.5)				
Utilities	Connect to Phase 1 infrastructure	Y		Shown

RV Parking Pads	Dustless Surface	Y		Shown
Garbage and Trash	Central collection point in Phase 1	Y		Shown
Amenity Center / Emergency Storm Shelter Building	Located in Phase 1	Y		Shown in Phase 1; currently under FSP review

COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Factors for Reviewing Proposed Site Plans (Section 508.6)

Physical Characteristics: The proposed project does not pose any hazard either on- or off-site. The proposed project is an expansion of an existing RV park. Other than the Verizon switching station located adjacent to the northeast corner of the project site, the surrounding property is vacant.

Public Utilities, Facilities and Services: The site will be served by County water and sewer.

According to the School Board, the type of development--RV sites and 15 mobile home sites-- will not generate any students based on the current Student Generation Rate.

Emergency Services are provided by the East Manatee Fire District, Manatee County EMS, and the Sheriff's Office.

Major Transportation Facilities: SR 64 is adjacent to the project and provides project access. Access to I-75 is available from SR 64.

Compatibility: The south side of SR 64 in this area is generally undeveloped. The use to the west is a paintball field, uses to the south and east are vacant and a Verizon substation, and immediately north of the site is S.R. 64 East. The expansion of the existing RV park will not negatively impact surrounding properties.

Transitions: The proposed project adds an additional 41 RV and 15 mobile home spaces to the property. The total number of spaces is 105 for an overall gross density of 8.81 sites/ac and an overall net density of 9.12 sites/ac. Adjacent properties are undeveloped and zoned A-1; the low intensity nature of the RV park will not adversely impact the A-1 zoned properties.

Design Quality: The proposed project meets all of the criteria of the Comprehensive Plan and LDC Section 603.9 – PDRV – Planned Development Recreational Vehicle.

Relationship to Adjacent Property: The project is surrounded by agriculturally zoned parcels. The low intensity RV park / mobile home sites will not adversely impact those adjacent parcels.

Access, Streets, Drives, Parking and Service Areas: Access to the project is from S.R. 64 and was approved and constructed with Phase 1. The internal streets / driveways are private and meet the minimum requirements of the LDC.

Pedestrian Systems: A 5-foot sidewalk exists on SR 64.

Natural and Historic Features - Conservation and Preservation Areas: According to the narrative provided by the Applicant, there are no known historic or archaeological resources within or adjacent to the project boundaries.

Density/Intensity: LDC Section 603.9.2 limits the number of sites within an RV park to 12 sites/acre. This project has a gross density of 8.81 sites/acre and a net density of 9.12 sites/acre.

Height: In accordance with LDC 603.9.4.3.3, the maximum height is 35' for non-residential uses and 15-feet for residential uses. The PSP includes these height limiations.

Fences and Screening: The project has an existing 50-foot roadway buffer along SR 64 and meets the minimum 15-foot buffer strip adjacent to all other property boundaries (LDC 603.9.4.3.2.)

Yards and Setbacks: The proposed project meets the required minimum frontage for RV sites (30-feet) and mobile home sites (35-feet). The following chart indicates minimum proposed setbacks for the project:

Use/Type	Front	Side	Rear
RV / Mobile Home Space	5'	5'	5'
Non-RV / Mobile Home Space	25'	10'	15'

Trash and Utility Plant Screens: The existing central collection point for solid waste is appropriately screened and is located in Phase 1.

Signs: All signs within the project will meet the requirements of LDC Sections 724 (Signs) and 737 (Entranceway).

Landscaping: Detailed landscaping plans will be provided with the Final Site Plan(s). All landscaping will meet or exceed the standards in LDC Section 715 (Landscape and Screening Standards) and LDC Section 737.5.1 (Entranceway Landscaping).

Water Conservation: Site design will incorporate the water conservation methods listed in Section 715 of the LDC as applicable. Specific designs and methods will be submitted with the Final Site Plan.

Rights-of-Way: The internal streets function as driveways and meet the minimum pavement width of 24-feet.

Utility Standards: All public utilities construction will comply with the requirements of the Manatee County. Sewer and potable water service will be provided through connections to the public sewer and water systems.

Stormwater Management: Stormwater management facilities will meet the requirements of Section 717 and the Manatee County Development Standards. Designs will be provided with Final Site Plan.

Open Space: The open space provided is 4.52± acres (37.9%) of the site. The required open space is 25%.

COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Factors for Reviewing PDRV – Planned Development Recreational Vehicle (603.9.4)

603.9.4.1 – Nature of Surrounding Land Uses. The surrounding land uses include a recreational facility to the west (High Tech Paintball), vacant/agricultural lands to the south and east, a Verizon substation to the east, and S.R. 64 (a 6-lane arterial) and the Heritage Harbor DRI north of S.R. 64. The proposed expansion of the Timberlane RV Park will not create external impacts that will adversely affect surrounding uses. The density is 25% less than what is allowed within an RV park (9 RVs/acre vs. 12 RVs/acre per LDC 603.9.2), the expansion provides the required buffers (50-feet adjacent to S.R. 64 and 15-feet on the perimeter), and the TIS concluded that no off-site concurrency related improvements are required.

603.9.4.2 – Access. Access to the Timberlane RV Park is provided by an existing driveway on S.R. 64 East; Phase 2 will use this existing access. The Timberlane RV Park entrance/exit does not discharge traffic onto any residential district; all traffic movement is internal to the Timberlane RV Park. The project TIS concluded that no off-site concurrency related improvements are required; therefore, this project will not impede the free flow of traffic on the streets serving the use.

603.9.4.3 – Site Plan Sufficiency

- **Landscape and Pervious Area Requirements (20%)**. This project is located within the Entranceway, so an additional 5% of landscape/open space is required resulting in a requirement that 25% of the land area be reserved for landscaping and permeable open areas. The Timberlane RV Park provides 37.9% of the land area for landscaping and permeable open areas.

- **Buffers**. The LDC requires a 50-foot landscaped buffer adjacent to all streets abutting the PDRV. S.R. 64 East is the only street abutting the Timberlane RV Park and the 50-foot landscape buffer was provided as part of Phase 1. The LDC also requires a 15-foot landscaped buffer strip along all other boundaries of the PDRV. The Timberlane RV Park site plan provides this 15-foot landscaped buffer strip.

- **Dimensional Regulations**.

MINIMUM SITE AREA	***REQUIRED***	***PROVIDED***
RV w/o Attachment	1,200 SF	1,920 SF
Designated Camping Site	1,200 SF	N/A
Non-residential Site	10,000 SF	10,000 SF
Dwelling Unit	10,000 SF	N/A
MINIMUM WIDTH	***REQUIRED***	***PROVIDED***
Mobile Home Site	35-feet	35-feet
RV Site	30-feet	30-feet
Designated Camping Site	20-feet	N/A
Non-residential Site	75-feet	75-feet
Yards	5-feet	5-feet
MAXIMUM HEIGHT	***REQUIRED***	***PROVIDED***
Non-residential	35-feet	35-feet
Residential	15-feet	15-feet

603.9.4.4 – Site Conditions, Flood Hazards. The LDC requires that all recreational vehicle sites conform to the applicable requires of LDC Sections 717, Stormwater Management and 718, Floodplain Management. Stormwater Engineering has reviewed the Preliminary Site Plans and will require detailed engineering meeting the County's Stormwater Management requirements at the time of Final Site Plan submittal. The Floodplain Management Coordinator has reviewed the Preliminary Site Plan and Stipulation C.1 is included requiring a No-Rise Certificate for all encroachment within the FEMA 100-Year floodway of Cypress Strand. Any existing or proposed structures within the floodway shall be modeled.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the MU Future Land Use Category. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing. The timing is appropriate given development trends in the area. This application is an expansion of an existing RV park. The project will connect to the existing potable water and sanitary sewer located in Phase 1 of the project.

Policy 2.2.1.21.1 Intent. This project complies with the intent of the MU category, which is to encourage development on functionally classified roadways (S.R. 64 is an arterial) and to locate development in areas where infrastructure exists. Potable water and sanitary sewer are located within Phase 1 of this project and Phase 2 will connect to that infrastructure.

Policy 2.2.1.21.2 Range of Potential Uses. Recreational and lodging uses are within the range of potential uses.

Policy 2.6.1.1 Compatibility. The Preliminary Site Plan design is compatible with surrounding development. Appropriate buffers are provided for compatibility and transition between this site and surrounding uses which are primarily agricultural in nature.

Policy 2.6.5.4 Preserve/Protect Open Space.
The project provides a total of 4.52± acres of open space (37.9%). 25% open space is required. The project is preserving 1.64 acres of native habitat (1.04 acres is required).

TRANSPORTATION

Major Transportation Facilities
The site is located adjacent to SR 64. SR 64 is designated as a six-lane arterial roadway with a planned right of way width of 200+ feet.

Transportation Concurrency
Transportation concurrency was evaluated for the project. The Applicant prepared a Traffic Impact Statement (TIS) to determine impacts on SR 64. The approved TIS indicates there are level of service deficiencies attributable to traffic from existing and approved-but-not-yet-built development (background traffic). Under the transportation concurrency provisions of the State Community Planning Act, new development cannot be required to mitigate adverse impacts caused by background traffic. With the improvements required to address background deficiencies in-place, the conclusion of the TIS is that there are no off-site concurrency-related improvements required for the project (see Certificate of Level of Service Compliance table below).

Access
The Traffic Impact Statement did not include a review of the site access point as the proposed application does not consider a modification to the existing driveway access on SR 64. The project will have access via a single existing connection on SR 64. The TIS did not identify any site-related improvements required as a result of project impacts**.**

CERTIFICATION OF LEVEL OF SERVICE (CLOS) COMPLIANCE

TRANSPORTATION CONCURRENCY

CLOS APPLIED FOR: YES
TRAFFIC STUDY REQ'D: YES

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
SR 64	3060	D	C

OTHER CONCURRENCY COMPONENTS

Solid waste landfill capacity, park needs, and preliminary drainage intent have been reviewed with this Preliminary Site Plan. School capacity, potable water and wastewater will be reviewed at Final Site Plan/Construction Drawings.

SPECIAL APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

1. **Comprehensive Plan Policy 2.2.1.21.4.1 requires any project located within the Mixed Use (MU) Future Land Use Category to obtain special approval.**

   Staff Analysis and Recommendation
   This project was zoned PDRV in January 1989, predating the existing Comprehensive Plan. The Applicant is not requesting additional PD-RV zoning within the MU Future Land Use Category; rather, the Applicant is requesting approval of a Preliminary Site Plan to complete the project that was started in 1989. Staff finds that the project has a mixture of uses, including recreation/open space, residential, and office; however, the office use does not meet the percentage for commercial/professional contained in the MU FLUC.

   Finding for Special Approval
   The Board finds that this Application meets the intent of Comprehensive Plan Policy 2.2.1.21.4.1 by providing a mixture of uses.

2. **Comprehensive Plan Policy 3.2.2.1., requires any project that is adjacent to any perennial lake or stream obtain special approval to ensure that project impacts on these waterbodies are identified and minimized.**

Staff Analysis and Recommendation
This project is adjacent to Cypress Strand which is designated as perennial stream. The preliminary site plan shows the following:

- Home sites concentrated to the greatest extent possible along the periphery and outside of the 100-year floodplain.
- Floodplain compensation is provided for the 100-year storm event.
- Finish floor elevation of RV sites is at least one-foot above B.F.E.
- A No-Rise Permit was approved for the culvert crossing over Cypress Strand with Phase 1 of the project.

The project identified the areas of concern and minimized project impacts to the perennial stream.

Finding for Special Approval
The Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the Staff Report and proposed design which indicates that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

3. Project Located within the Entranceway to obtain Special Approval
The Comprehensive Plan requires projects located within the Entranceway to obtain Special Approval. LDC Section 605 requires projects within the Entranceway to meet the requirements of LDC Section 737.

Staff Analysis and Recommendation
This project meets or exceeds the requirements established in LDC Section 737 with respect to Landscaping, Open Space and Signage.

Finding for Special Approval
The Board finds that this Application meets the requirements of Comprehensive Plan for Entranceways by meeting the requirements of LDC Section 737.

SPECIFIC APPROVAL – ANALYSES, RECOMMENDATIONS, FINDINGS

1. Alternative to LDC Section 714.87 – Tree Replacement
The LDC requires replacement trees be sized at 3” / 4” / 4” depending on the size of the tree to be removed. The Applicant is requesting trees to be located within the upland habitat preservation area to be 1.5” and 2”.

Staff Analysis and Recommendation
Staff is in support of the request for Specific Approval for an alternative to LDC Section 714.8.7 to allow replacement trees within the upland habitat preservation area to be smaller diameter because these trees will require a shorter timeframe for establishment and will ultimately provide superior tree canopy. Additionally, the smaller diameter trees will create less disturbance within the preservation area at the time of installation.

Finding for Specific Approval
Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the equivalent total inch calculation will be met with more trees of a smaller diameter.

ATTACHMENTS

1. Applicable Comprehensive Plan Policies
2. Request for Special / Specific Approval
3. Traffic Impact Statement
3. Copy of Newspaper Advertisement

APPLICABLE COMPREHENSIVE PLAN POLICIES

FUTURE LAND USE

Policy 2.1.2.3 — Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

Policy 2.1.2.4 — Limit urban sprawl through the consideration of new development, when deemed compatible with existing and future development, in areas which are internal to, or are contiguous expansions of the built environment.

Policy 2.1.2.7 — Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
- availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
- limiting urban sprawl
- applicable specific area plans
- (See also policies under Objs. 2.6.1 - 2.6.3)

Policy 2.2.1.21 — **MU:** Establish the Mixed-Use future land use category as follows:

Policy 2.2.1.21.1 — Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Map, areas which are established as major centers of suburban/urban activity and are limited to areas with a high level of public facility availability along functionally classified roadways. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

Policy 2.2.1.21.2 — Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Retail, wholesale, office uses, light industrial uses, research/corporate uses, warehouse/ distribution, suburban or urban residential uses, lodging places, recreational uses, public or semi-public uses, schools, hospitals, short-term agricultural uses, other than special agricultural uses, agriculturally-compatible residential uses, and water-dependent uses.

Policy 2.2.1.21.3 — Range of Potential Density/Intensity:

Maximum Gross Residential Density:
9 dwelling units per acre

Minimum Gross Residential Density: 7.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Net Residential Density:
20 dwelling units per acre

24 dwelling units per acre within the CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Floor Area Ratio: 1.0
2.0 inside the CRA's and UIRA.

Maximum Square Footage for Neighborhood,
Community, or Region-Serving Uses: Large (300,000sf)

Policy 2.2.1.21.4 Other Information:

a) All projects require special approval and are subject to the criteria within b, c, d below, unless all the following are applicable:

1. The proposed project consists of a single family dwelling unit 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, and

2. The proposed project is to be developed without generating a requirement for either subdivision review, or final site or development plan review, or equivalent development order review.

b) Non-Residential uses exceeding 150,000 square feet of gross building area (region-serving uses) may be considered only if consistent with the requirements for large commercial uses, as described in this element.

c) Development in each area designated with the Mixed Use category shall: contain the minimum percentage of at least three of the following general categories of land uses;

- 10% Residential,
- 10% Commercial / Professional,
- 10% Light Industrial / Distribution.
- 5% Recreation / Open Space,
- 3% Public / Semi Public,

d) Access between these uses shall be provided by roads other than those shown on the Major Thoroughfare Map Series of this Comprehensive Plan or alternative vehicular and pedestrian access methods acceptable to the County:

e) Development or redevelopment within the area designated under this category

shall not be required to achieve compliance with the commercial locational criteria described in Objectives 2.10.4.1 and 2.10.4.2 of this element.

Objective 2.6.1 Compatibility through Screening, Buffering, Setbacks, and Other Mitigative Measures: Require suitable separation between adjacent land uses to reduce the possibility of adverse impacts to residents and visitors, to protect the public health, and to provide for strong communities.

Policy 2.10.4.2 Prohibit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with commercial locational criteria. Consistency shall be determined through the application of the commercial location review process described in the operative provisions contained in this Element. Permitted exceptions to these requirements are limited to:

- recreational vehicle parks. However, compliance with Policy 2.10.5.2 shall be required.

Objective 2.10.5 **Recreational Vehicle Parks:** Recreational vehicle parks which are located and planned to ensure maximum compatibility with other commercial, and with residential, land uses.

Policy 2.10.5.1 Regulate recreational vehicle parks and campgrounds as commercial uses, consistent with the function of those uses. All recreational vehicle parks shall be required to demonstrate compliance with Objective 2.6.1, with applicable commercial development standards contained in Policy 2.10.4.3 above, and with other applicable goals, objectives, and policies. Consistent with Policy 2.10.4.2, however, recreational vehicle parks shall not be required to undergo review for compliance with commercial locational criteria identified in the operative provisions of this Element, nor shall Floor Area Ratio requirements be applied to Recreation Vehicle Parks.

Policy 2.10.5.2 Maintain land development regulations which:

- establish appropriate setback and buffer requirements for recreational vehicle parks,
- Maintain locational standards or guidelines for new recreational vehicle parks which address required level of access, level of service, relative intensity and impact of such uses,
- provide for adequate sites on which recreational vehicle parks may be considered for approval,
- require that all new recreational vehicle parks be established pursuant to the special approval process,
- exempt recreational vehicle parks from maximum Floor Area Ratio requirements while establishing alternative maximum intensity standards, and
- establish certain districts on the official zoning atlas within which recreational vehicle parks shall not be located.

CONSERVATION

Policy 3.2.3.2 Require all water used for irrigation in new development to be the lowest quality of available water which adequately and safely meets their water use needs by requiring stormwater reuse,

alternative irrigation sources, reclaimed water use, and gray water irrigation systems. Priority **to receive reclaimed water** shall be given to users who transfer groundwater withdrawal or other permitted quantities to Manatee County. Potable water from County utilities shall not be utilized for landscape irrigation. [See Policies 9.6.1.3, and policies under Objective 9.1.5]

Objective 3.3.1 **Wetlands Protection:** Preserve and protect existing, viable wetland systems to:

- maintain control of flooding and erosion through storage of agricultural and urban runoff in wetland areas;
- achieve biological filtration of pollutants associated with urban and agricultural runoff by wetlands;
- maintain protection of coastal areas from tidal storm surges through maintaining wetlands as a natural buffer;
- achieve water recharge of surficial aquifers through wetland areas;
- maintain unique habitat functions of wetland areas as homes and critical breeding areas for many animal and plant species;
- maintain essential chemical and energy cycles facilitated by wetlands;
- maintain educational and recreational opportunities provided by wetlands.

Policy 3.3.1.2 Require that the extent of wetland areas on any proposed development or redevelopment site be identified on a signed-and-sealed wetlands delineation at time of preliminary site plan, preliminary plat, or other preliminary development plan or similar approval. Manatee County may revoke any development orders where the difference between an estimate of wetland areas shown on a signed-and-sealed survey and actual wetlands on site is determined to be significant enough to warrant substantial project redesign.

Policy 3.3.1.3 When development related impacts are unavoidable (see policy 3.3.1.1), require that all development-related impacts to wetlands be mitigated.

(1) When mitigation is required by the State, the type and quantity of mitigation shall be determined by the Uniform Wetland Mitigation Assessment Method (UMAM) as outlined in Chapter 62-345 F.A.C., as amended.

(2) In those instances where wetland mitigation is not required by the State wetland mitigation shall be provided in accordance with Subparagraphs (a) through (d) below. The type of wetland mitigation or combination thereof as described in subparagraphs (a) through (d) below shall be determined by the County based on site conditions. The order of preference considered by the County shall be as follows:

(a) **Wetland Enhancement/Restoration:** Five acres of enhanced or restored on site wetlands shall be provided for every one acre of wetland to be impacted.

(b) **Upland Preservation:** In the event there is inability to create viable wetland enhancement/restoration on the site, five acres of native upland habitat shall be preserved for every one acre of wetland to be impacted. Preserved uplands utilized for wetland mitigation shall be on site of the proposed development and shall be in excess of the requirement of Policy 3.3.2.2

(c) **Payment in Lieu of Mitigation:** In lieu of the mitigation requirements in subparagraphs (a) and (b) above, the County may collect a mitigation fee. The fee charged shall be based on the acreage of impact and shall be an amount sufficient to achieve full and complete compensation for the impact.

(d) **Wetland Creation:** Two acres of herbaceous wetlands shall be or created for every acre of herbaceous wetlands altered. Four acres of forested or mangrove wetlands shall be created for every acre of such

wetlands altered, unless other requirements are enforced pursuant to (3) below.

3) Wetland mitigation provided in accordance with Section (2) above shall also be subject to the following:
   (a) All approved mitigation shall be required to demonstrate, through appropriate monitoring and reporting by the project's developer, at least an 85% coverage of desirable wetland species for a period of at least two years for herbaceous wetland communities, and an 85% planting survival rate for at least five years for forested and mangrove communities.
   (b) All areas which are created, in accordance with this policy shall be protected.

Objective 3.3.2 **Wildlife and Upland Habitat Protection:** Protect and preserve native wildlife, endangered, threatened and species of special concern, and native upland habitat through appropriate acquisition, restoration, and development controls to provide:

- areas for passive recreation and enhanced quality of life;
- large pervious areas for improved water quality and groundwater recharge;
- species biodiversity; and
- natural area greenways.

Policy 3.3.3.1 Participate in the development and preservation of natural area greenways which should include wildlife corridors, recreation areas, environmentally sensitive lands, and other cultural and historic resources which may serve the passive recreational needs of residents and visitors.

HOUSING

Policy 6.1.1.1 Permit consideration of manufactured homes (mobile homes) in all future land use categories, subject to compliance with other goals, objectives, and policies of this Comprehensive Plan.

First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

January 22, 2015

Board of County Commissioners
Manatee County Government
1112 Manatee Avenue West
Bradenton, Florida 34205

RE: Special and Specific Approval Requests
Timberlane RV Park - Phase II
MEPS 380/DTS 20140521/PDRV-14-29(P)
ZNS No.: 00-43767

Honorable Commissioners:

On behalf of the Applicant, we are respectfully requesting Manatee County's approval of the following Special and Specific Approvals with the request for a Preliminary Site Plan for expansion of an existing Recreational Vehicle Park within the Planned Development Recreational Vehicle zoning district.

The Manatee County Comprehensive Plan provides that all projects proposed in the MU Future Land Use Category require Special Approval pursuant to Policy 2.2.1.21.4.a. "All projects require special approval..." Special Approval is addressed through the adoption of a resolution following a duly noticed public hearing before the Board (LDC Section 605.4). The current zoning designation of Planned Development Recreational Vehicle (PDRV) was provided in January of 1989 pursuant to Manatee County Ordinance No. 80-4 THE MANATEE PLAN, which predates the existing Comprehensive Plan. The proposed use does not exceed 12 sites per acre as allowed in the PDRV zoning district.

The Manatee County Comprehensive Plan also provides that projects adjacent to a Perennial Stream require Special Approval pursuant to Policy 3.2.2.1. Special Approval is addressed through the adoption of a resolution following a duly noticed public hearing before the Board (LDC Section 605.4). There are no proposed impacts to the perennial stream.

Where possible, the strict application of the Land Development Code has been included in the design of the site. The proposed Preliminary Site Plan for the expansion of the recreational vehicle park within the Planned Development Recreational Vehicle district includes a request for Specific Approval of requirements for development under standard district regulations that shall be designed so as to be sensitive to the impacts of the specific approval requested.

ZNS ENGINEERING
201 5th Avenue Drive East | Bradenton, FL 34206 | Office: 941.748.8080 | Fax: 941.748.3316 | www.znseng.com
Engineering-CA0027476 Surveying-LB0006982 Landscape Architecture-LC0000365

We are respectfully requesting the following Specific Approvals to the Land Development Code for the Preliminary Site Plan:

1. Tree Replacement Size – Section 714.8.7

   The Applicant is requesting a Specific Approval for an alternative to Section 714.8.7 of the LDC. This approval will allow the installation of smaller diameter trees (1.5" & 2") within the native upland habitat preservation areas. The smaller diameter trees will require a shorter timeframe for establishment and will ultimately provide superior tree canopy, while creating less disturbance within the upland habitat preservation area at time of installation. Quantities of smaller trees required will be determined by total inch calculations (10" or required trees would equate to five 2" trees).

   This request is in accordance with staff recommendations.

Thank you for your consideration. Please do not hesitate to contact me with any questions regarding the Special Approval requests and Specific Approval request.

Sincerely,
ZNS Engineering, L.C.

Rachel W. Layton, AICP
Director of Planning
cc: Stephen Simone, Simone Property Holdings, LLC
Nathan Kragt, P.E., ZNS Engineering, L.C.

ZNS ENGINEERING
201 5th Avenue Drive East | Bradenton, FL 34206 | Office: 941.748.8080 | Fax: 941.748.3316 | www.znseng.com
Engineering-CA0027476 Surveying-LB0006982 Landscape Architecture-LC0000365

From: Jason Utley
To: "NathanK@znseng.com"
Cc: Margaret Tusing; Steve Kollar; Susan Barfield; Nelson Galeano; Clarke Davis; Tim Collins; Paul Villaluz
Subject: Timberlane RV Park - Traffic Impact Statement Approval Letter
Date: Tuesday, February 10, 2015 11:12:00 AM
Attachments: 2015-02-09_Timberlane_TIS_Final.pdf
Importance: High

RE: Timberlane RV Park - Traffic Impact Statement Approval Letter
Petition # PDRV 14-29(R)/DTS#20140521
Consultant: ZNS Engineering

Dear Mr. Kragt,

Manatee County Transportation Planning Division staff have reviewed and approved the Traffic Impact Statement (TIS), dated February 9, 2015. The project will consist of 15 mobile home sites and 41 campground/recreational vehicle park sites. Staff have found that the Applicant has addressed the County's transportation concurrency-related policy and regulatory requirements, and no additional concurrency related analysis or off-site mitigation is required for the proposed expansion. In conjunction with this outcome, the Transportation Planning Division recommends transportation concurrency approval.

Please note that the project will directly impact the following link:

1) Link # 3060 (SR 64 from Grand Harbour Parkway to Lena Road) with 24 net new pm peak-hour trips.

The TIS contemplated the future construction of the 44th Avenue East Extension which will serve as an alternate east-west route to SR 64 alleviating congestion on SR 64 created by background traffic.

The TIS did not identify any site-related or off-site concurrency improvements which were attributed to the project traffic.

If you have any questions or require further assistance, please contact Clarke Davis at 941.708.7450 Ext 7272 or me at the number below.

Thanks,

Jason Utley, AICP
Transportation Systems Modeler
Manatee County Government
941.708.7478
jason.utley@mymanatee.org
1022 26th Avenue East
Bradenton, FL 34208

Timberlane RV Park

TRAFFIC IMPACT STATEMENT
February 9, 2015
DTS Application Number: 20140521/B00000380 Project Number: PDRV 14-29(R)

Narrative

Timberlane Recreational Vehicle Park is located at 7500 SR 64 East, east of Interstate 75 in Manatee County Florida. The property includes the previously permitted/constructed 49 RV sites on the northern portion of the property, north of the Cypress Strand Creek (Phase 1). The proposed Preliminary Site Plan Application includes an additional 41 RV sites and 15 mobile home sites on the southern portion of the property, south of Cypress Strand Creek (Phase 2). The overall RV Park will include 90 RV sites and 15 mobile home sites. However, for this analysis, only Phase 2 potential traffic impacts were analyzed.

Phase 2 - Southern Portion of the Site

Trip Generation

Table 3 below indicates the estimated trips for the proposed southern portion of the property (Phase 2) using ITE Trip Generation 9th Edition.

TABLE 1

ITE Code	Land Use Type	Size	PM Peak-Hour Trips In	PM Peak-Hour Trip Out	PM Peak-Hour Total Trips
240	Mobile Home Park	15	6	3	9
416	Campground/Recreational Vehicle Park	41	10	5	15
	Total	56	16	8	24

Capacity

Table 4 below indicates the impacted roadway links and the project traffic impacts on the impacted links and the capacity of those facilities for the proposed southern portion of the property (Phase 2).

TABLE 2

Link No.	Road Name	From Street	To Street	Cross Section	Peak Hour Base	Peak Hour Reserved	Peak Hour Total	Peak-Hour two-way LOS Standard Service Volume	Estimated Project Traffic	Avail Peak Hour Capacity (with Project traffic loaded)	5% Peak Hour LOS Vol
3060	SR 64	Grand Harbour Pky	Lena Rd	6D	3,105	3,122	6,227	5,390	24	-861	269.5

ZNS ENGINEERING
201 5th Avenue Drive East | Bradenton, FL 34208 | Office: 941.748.8080 | Fax: 941.748.3316 | www.znseng.com
Engineering-CA0027476 Surveying-LB0006982 Landscape Architecture-LC0000365

Capacity Deficiency

From the analysis presented above, it is clear that there is a capacity deficiency for the segment of SR 64 between Grand Harbour Parkway and Lena Road. This deficiency results from background traffic. Background traffic is existing (counted traffic on the road) and reserved traffic (previously analyzed and approved project traffic from projects which have yet to build). The number of reserved trips (3,122 PM Peak Hour trips) is greater than the existing traffic on this roadway link. Reserved trips have to be considered in the traffic analysis although they do not represent the existing roadway conditions.

One possible scenario which would alleviate traffic congestion on SR 64 would be the construction of the 44th Avenue Extension. This is a cost feasible (but not yet committed) improvement that would offer an alternative east-west thoroughfare connecting areas of Manatee County east of I-75 with areas of Manatee County west of I-75. Based on staff review of the proposed 44th Avenue alternative, the 44th Avenue Extension and other programmed improvement are expected to reduce PM Peak Hour traffic on SR 64 by an estimated 24.7 percent. For the purpose of this analysis, a more conservative 20 percent reduction was used.

A 20 percent reduction in existing PM Peak Hour traffic would equal 2,484 trips. A 20 percent reduction in reserved PM Peak Hour traffic would equal 2,498 trips. It is assumed (using the model as a basis for the assumption) that traffic would be reassigned to alternative links. The total existing and reserved PM Peak Hour traffic resulting from the 20 percent reduction would be 4,982 trips. This scenario is described in Table 3 below.

TABLE 3

Link No.	Road Name	From Street	To Street	Cross Section	Peak Hour Base (20% Reduction)	Peak Hour Reserved	Peak Hour Total	Peak-Hour two-way LOS Standard Service Volume	Estimated Project Traffic	Avail Peak Hour Capacity (with Project traffic loaded)
3060	SR 64	Grand Harbour Pky	Lena Rd	6D	2,484	2,498	4,982	5,390	24	384

Significance

A roadway is determined to be significantly impacted if a project's proposed traffic is greater than 5% of the adopted two-way LOS Standard Service Volume or if the roadway is the first impacted thoroughfare. Table 2 indicates that the project does not generate 5% of the adopted two-way LOS Standard Service Volume of SR 64 from Grand Harbour Parkway to Lena Road, but it is the road to which the project is directly connected.

Level of Service

Based on the most recent Manatee County Link Sheet and the information provided in Table 2, the segment of SR 64 from Grand Harbour Pkwy. to Lena Rd. (link number 3060) is operating at LOS (C). However, the number of reserved trips assigned to this link creates a future background deficiency as the LOS is estimated to fall to LOS F. Due to the projected deficiency, additional analysis was provided in the Capacity Deficiency section above. With the 44th Avenue

Extension and other programmed improvements, the segment of SR 64 between Grand Harbour Parkway and Lena Road is expected to operate at LOS D with the proposed project traffic. Manatee County's adopted Level of Service for this roadway is LOS D and thus the proposed project does not appear likely to adversely impact the analyzed link.

Right of Way

Based upon the Comprehensive Plan's Future Traffic Circulation Map, the segment of State Road 64 from Grand Harbour Parkway to Lena Road has a future right of way need of 200 feet (100 foot half width). The applicant will work with the Manatee County Transportation Planning Division to ensure sufficient area to accommodate a future right of way setback for State Road 64.

Access

The existing access onto SR 64 was constructed when this project was originally permitted and will continue to serve the RV Park. The applicant will coordinate with FDOT and Manatee County Staff during Construction Plan approval to ensure the existing access serving the site is sufficient.

Conclusion

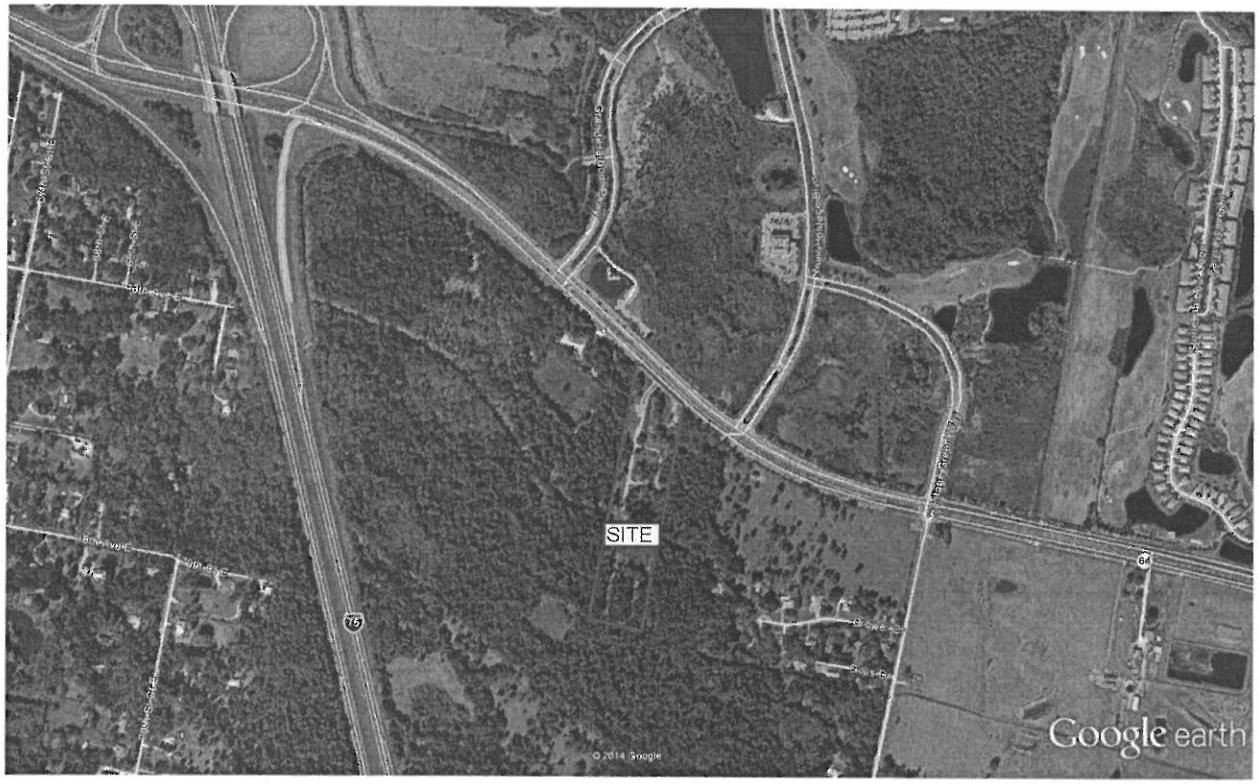
This project does not appear to create adverse transportation impacts on adjacent roadway facilities.

2/9/15

Nathan Kragt, P.E. Date

ZNS ENGINEERING

Site Location



ZNS ENGINEERING

Manatee County Planning Department
Concurrency Transportation Link Sheet

Report run on: November 19, 2014 1:59 PM

Link No	Road Name	From Street	To Street	Jrs Dtn	Fnc Cls	U T R	(#1) Crs Sec	Sig/ Mile	Num Sig	Class Grp	Left Turns	5% Peak Hour LOS Vol	Los Std	Exist Los	Projected LOS	Art Plan LOS	Trf Crit Yr	Exist AADT	K100	OCS	Peak Hour Base	Peak Hour Res	Peak Hour Pend	Peak Hour Total	(#2) Peak Hr LOS Vol	Avail Peak Hour Cap	3 Yr Growth Rate	Cn Yr	Con Typ	De Im Rs	Stn I
3050	SR 64	43RD ST BLVD E	48TH ST CT E	ST	PA	U	4D	2.33	1	II	Y	179	D	F	F		12	40000	0.090	O	3,600	1,308	0	4,908	3,580	-1,328	0.000			0	000
3051	SR 64	48TH ST CT E	MORGAN-JOHNSON RD	ST	PA	U	4D	1.39	1	I	Y	179	D	F	F		12	40000	0.090		3,600	1,329	0	4,929	3,580	-1,349	0.000				000
3052	SR 64	MORGAN-JOHNSON RD	CYPRESS CREEK BLVD	ST	PA	U	4D	2.78	1	II	Y	179	D	F	F		12	40000	0.090		3,600	1,630	0	5,230	3,580	-1,650	0.000				000
3053	SR 64	CYPRESS CREEK BVD	66 ST CT E	ST	PA	U	6D	2.70	1	II	Y	269.5	D	C	F		12	43500	0.090		3,915	1,696	0	5,611	5,390	-221	0.000				004
3054	SR 64	66 ST CT E	I-75	ST	PA	U	6D	3.57	1	II	Y	269.5	D	C	F		12	43500	0.090		3,915	1,637	0	5,552	5,390	-162	0.000				004
3055	SR 64	I-75	GRAND HARBOUR PKWY	ST	PA	U	6D	4.00	1	II	Y	269.5	D	C	F		12	43500	0.090		3,915	1,726	0	5,641	5,390	-251	0.000				004
3060	SR 64	GRAND HARBOUR PKY	LENA RD	ST	PA	U	6D	1.12	1	I	Y	269.5	D	C	F		12	34500	0.090	O	3,105	3,122	0	6,227	5,390	-837	0.000			0	005
3061	SR 64	LENA RD	LAKEWOOD RANCH BLVD	ST	PA	U	6D	0.71	1	I	Y	269.5	D	C	F		12	27500	0.090		2,475	3,485	0	5,960	5,390	-570	0.000				007
3062	SR 64	LAKEWOOD RANCH BL	RYE RD	ST	PA	U	4D	0.00	0	I	Y	179	D	C	F		12	19100	0.090		1,719	2,219	0	3,938	3,580	-358	0.000				007
3063	SR 64	RYE RD	LORRAINE RD	ST	PA	U	4D	0.00	0	I	Y	179	D	C	C		12	8800	0.090		792	1,234	0	2,026	3,580	1,554	0.000				507
3070	SR 64	LORRAINE RD	CR 675/RUTLAND RD	ST	PA	T	2U	0.00	0		Y	81	C	B	B		12	5063	0.090	O	456	341	10	807	1,620	813	0.000			0	014
3080	SR 64	CR 675/RUTLAND RD	HARDEE CO	ST	PA	R	2U	0.00	0		Y	39.5	C	C	C		12	4800	0.095	C	456	63	0	519	790	271	0.000			0	002
3090	SR 70	301 BLVD	US 301	ST	PA	U	6D	1.90	2	I	Y	269.5	D	C	C		12	37000	0.090	O	3,330	229	0	3,559	5,390	1,831	0.000			0	001
3100	SR 70	US 301	30TH ST EAST	ST	PA	U	6D	4.17	1	II	Y	269.5	D	C	C		12	46500	0.090	C	4,185	559	0	4,744	5,390	646	0.000			0	006
3101	SR 70	30TH ST E	33RD ST E	ST	PA	U	6D	3.33	1	II	Y	269.5	D	C	C		12	46500	0.090		4,185	1,000	46	5,231	5,390	159	0.000				006
3102	SR 70	33RD ST E	37TH ST E	ST	PA	U	6D	3.03	1	II	Y	269.5	D	C	D		12	46500	0.090		4,185	1,119	19	5,323	5,390	67	0.000				006
3103	SR 70	37TH ST E	39TH ST E	ST	PA	U	6D	2.22	1	II	Y	269.5	D	C	C		12	46500	0.090		4,185	873	6	5,064	5,390	326	0.000				006
3104	SR 70	39TH ST E	LOCKWOOD RIDGE RD	ST	PA	U	6D	4.17	1	II	Y	269.5	D	C	C		12	46500	0.090		4,185	867	81	5,133	5,390	257	0.000				006
3105	SR 70	LOCKWOOD RIDGE	NATALIE WAY	ST	PA	U	6D	1.32	1	I	Y	269.5	D	C	F		12	46500	0.090		4,185	1,286	113	5,584	5,390	-194	0.000				006
3110	SR 70	NATALIE WAY	CARUSO RD	ST	PA	U	6D	1.96	1	I	Y	269.5	D	C	F		12	46500	0.090	O	4,185	1,388	118	5,691	5,390	-301	0.000			0	006

Sarasota Herald-Tribune
March 25, 2015
Miscellaneous Notices

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, April 9, 2015 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

PDRV-14-29(P) - TIMBERLANE RV PARK (DTS#20140521) (MEPS380)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for Phase 2 of the Timberlane RV Park consisting of an additional 41 RV spaces and 15 Mobile Home spaces (a total of 56 additional spaces) on a total project site of approximately 11.92Â± acres with a total of 105 RV and Mobile Home spaces (Phase 1 - 6.54Â¬Â¬Â¬Â¬Â± acres [47 RV spaces, 1 mobile home space and a 2-story 5,000 square foot amenity center/storm shelter/caretaker apartment and Phase 2 - 5.38Â± acres [41 RV spaces and 15 Mobile Home spaces) located at 7500 SR 64 East, Bradenton in the PDRV (Planned Development - Recreational Vehicle) zoning district; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDR-14-28(Z)(P) - MCCLURE - HONORE AVENUE/LOCKWOOD RIDGE ROAD (DTS #20140503)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 18.6 acres, located at the southwest corner of Honore Avenue and Lockwood Ridge Road, Bradenton, Florida, from the PDC/WP-E/ST (Planned Development Commercial/Watershed Protection-Evers Reservoir/Special Treatment) zoning district to the PDR/WP-E/ST (Planned Development Residential) zoning district, retaining the Watershed Protection-Evers Reservoir/Special Treatment Overlay Districts; approval of a Preliminary Site Plan for 92 single family attached dwelling units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, Local Development Agreements, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans with Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact

Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: March 25, 2015

Bradenton Herald
March 25, 2015
Miscellaneous Notices

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MANATEE COUNTY
PLANNING COMMISSION
Manatee County Building
and Development Services
Department
Manatee County, Florida
03/25/2015

PRELIMINARY SITE PLAN

INDEX

- [X] COVER SHEET 01
- [X] EXISTING CONDITIONS AERIAL 02
- [X] PRELIMINARY SITE PLAN 03
- [X] PRELIMINARY SITE PLAN 04
- [X] PRELIMINARY ENGINEERING PLAN 05
- [X] PRELIMINARY SECTIONS AND DETAILS .06
- [X] PRELIMINARY PLANTING PLAN 07
- [X] PRELIMINARY PLANTING NOTES & DETAILS 08

[X] SHEETS INCLUDED

TO SERVE:

TIMBERLANE RV PARK

(PHASE 2)

LOCATED IN:

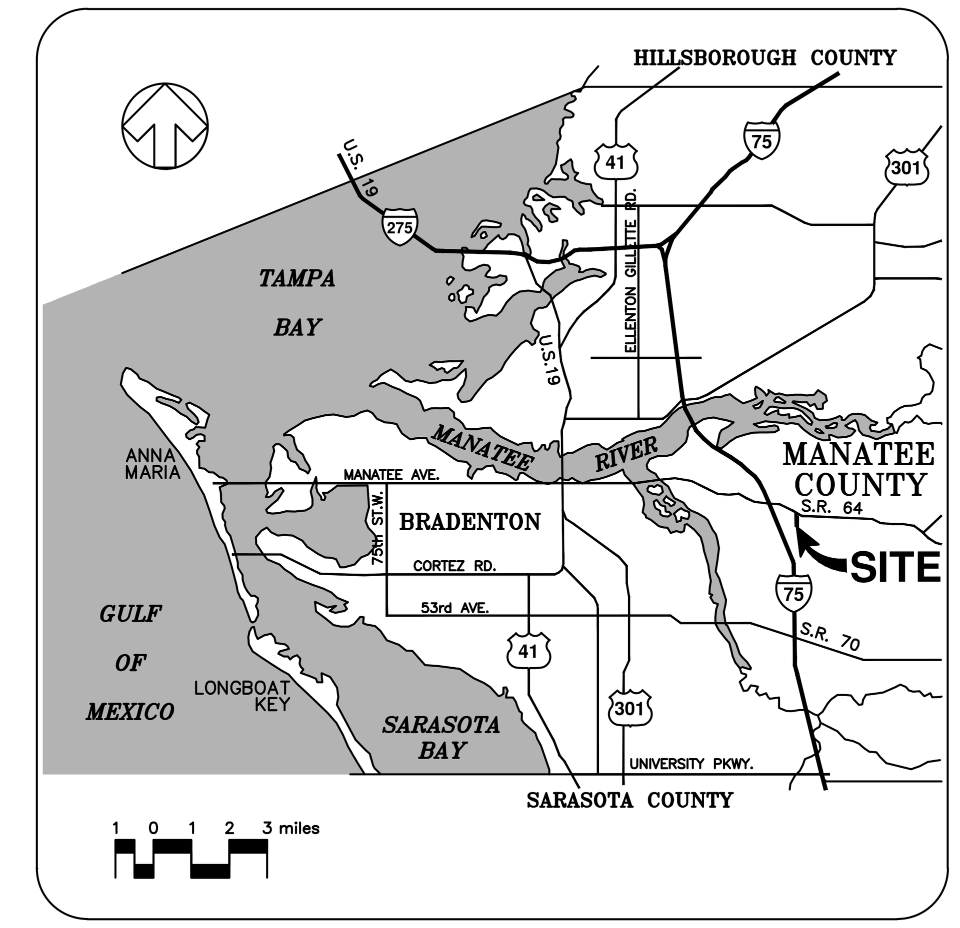
SECTION 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

EXISTING ZONING:

PD-RV

FUTURE LAND USE:

MU



VICINITY MAP

DESCRIPTION:

BEGIN AT THE NW CORNER OF LAND DESCRIBED IN O.R. BOOK 415, PAGE 165, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE RUN S 57°32' E ALONG THE SOUTH R/W LINE OF STATE ROAD 64, A DISTANCE OF 328.14 FEET TO R/W MONUMENT MARKING P.C. OF CURVE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF CURVE, HAVING A RADIUS OF 2914.79 FEET, A DELTA ANGLE OF 01°53'47", ARC DISTANCE OF 96.47 FEET, THENCE RUN S 00°36'34" W A DISTANCE OF 1536.84 FEET; THENCE RUN S 88°02' W A DISTANCE OF 348.62 FEET; THENCE RUN N 00°11' E A DISTANCE OF 1775.3 FEET TO THE P.O.B.

LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NW CORNER OF LAND AS DESCRIBED IN O.R. BOOK 415, PAGE 165, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE RUN S 57°32' E ALONG THE SOUTH R/W LINE OF STATE ROAD 64, A DISTANCE OF 218.14 FEET FOR THE P.O.B.; THENCE CONTINUE S 57°32' E ALONG SAID R/W LINE 110.00 FEET TO A R/W MONUMENT MARKING THE P.C. OF A CURVE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2914.79 FEET, A DELTA ANGLE OF 01°53'47", AN ARC DISTANCE OF 96.47 FEET; THENCE RUN S 00°36'34" W A DISTANCE OF 190.00 FEET; THENCE RUN N 89°23'26" W A DISTANCE OF 210.00 FEET; THENCE RUN N 15°38'26" W A DISTANCE OF 50.00 FEET; THENCE RUN N 01°19'55" W A DISTANCE OF 164.76 FEET; THENCE RUN N 32°28' E A DISTANCE OF 100 FEET TO THE P.O.B.

NOTES:

1. THE SITE IS CURRENTLY ZONED PD-RV.
2. PREVIOUS APPROVALS: PD-RV-96-01
3. THE PROPERTY IS IN AN ENTRANCEWAY.
4. THE SITE IS DESIGNATED AS FLOOD ZONE 'AE' & 'X5' ON F.I.R.M. PANEL #12081C0327E, DATED 3/17/2014, AND IS LOCATED WITHIN A FLOODWAY.
5. THERE ARE NO KNOWN FOUNDATIONS, MOUNDS OR MIDDEN AREAS OF HISTORIC ORIGIN, EXISTING EASEMENTS, PLATTED STREETS LOCATED ON THIS SITE.
6. THERE ARE KNOWN WETLANDS UNDER THE JURISDICTION OF SWFWMD AND FDEP WITHIN THE BOUNDARIES OF THIS PLAN, A PERENNIAL STREAM BISECTS THE PROPERTY.
7. THERE ARE NO EXISTING WELLS WITHIN THE BOUNDARIES OF THIS PLAN.
8. COMMON OPEN SPACE SHALL BE OWNED AND MAINTAINED BY OWNER.
9. THE RESIDENCES WILL BE RECREATIONAL VEHICLES AND/OR MOBILE HOMES, WITH A MAXIMUM HEIGHT OF 15'.
10. MAXIMUM HEIGHT FOR NON-RESIDENTIAL BUILDINGS TO BE 35'.
11. EMERGENCY SHELTER TO BE CONSTRUCTED IN 2015.
12. STREET LIGHTS MAY BE INSTALLED AT THE DEVELOPER'S OPTION.
13. THERE WILL BE PROPOSED SIGNS TO IDENTIFY THE RV PARK IN COMPLIANCE WITH SECTIONS 724 AND 737 OF THE LAND DEVELOPMENT CODE.
14. INFRASTRUCTURE CONSTRUCTION WILL COMMENCE 2015 AND WILL BE COMPLETED WITHIN THREE YEARS UPON CONSTRUCTION PLAN APPROVAL AND CERTIFICATE OF LEVEL OF SERVICE APPROVAL.
15. SANITARY SEWER AND POTABLE WATER WILL BE CONSTRUCTED TO MANATEE COUNTY STANDARDS AND PRIVATELY MAINTAINED.
16. SOLID WASTE DISPOSAL WILL BE PROVIDED BY MANATEE COUNTY BY DUMPSTER PICK-UP.
17. ALL PROPOSED BUILDING FINISHED FLOOR ELEVATIONS ARE TO BE A MINIMUM OF 21" ABOVE THE CROWN OF THE ADJACENT ROADWAY OR IF WITHIN THE 100 YEAR FLOOD PLAIN, A MINIMUM OF ONE FOOT ABOVE THE 100 YEAR FLOOD ELEVATION.
18. SEDIMENTATION AND EROSION CONTROL MEASURES WILL BE IN COMPLIANCE WITH SECTION 519, APPENDIX A-19 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE. TO PREVENT SEDIMENTARY RUNOFF DURING CONSTRUCTION, STAKED HAYBALES, STAKED SILT SCREENS OR INLET DEBRIS CONTROL SCREENS ARE TO BE PLACED AT STORM INLETS, OUTFALL LOCATIONS AND ADJACENT PROPERTY LINES AS REQUIRED PRIOR TO ANY CONSTRUCTION ACTIVITIES. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING THE SEDIMENTATION BARRIERS IN A WORKING MANNER FOR THE DURATION OF CONSTRUCTION AND SHOULD BE CHECKED DAILY. SILTATION ACCUMULATIONS GREATER THAN THE LESSER OF 12 INCHES OR ONE-HALF OF THE DEPTH OF THE SEDIMENTATION BARRIER SHALL BE IMMEDIATELY REMOVED AND REPLACED IN UPLAND AREAS. IN ADDITION TO SPECIFIED EROSION CONTROL LOCATIONS, THE CONTRACTOR SHALL PERFORM DAILY SITE INSPECTIONS FOR POTENTIAL EROSION PROBLEMS. IF PROBLEMS OCCUR, THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING APPROPRIATE EROSION CONTROL IMMEDIATELY. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING TEMPORARY EROSION CONTROL DEVICES FOLLOWING COMPLETION OF ALL CONSTRUCTION AND FINAL STABILIZATION.
19. NOTIFY MANATEE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT (EMD) WATER QUALITY DIVISION PRIOR TO THE INITIATION OF CONSTRUCTION. A PRE CONSTRUCTION INSPECTION OF THE SEDIMENTATION AND EROSION CONTROL (S&EC) DEVICES MAY BE REQUIRED AND WILL BE THE OPTION OF THE EMD STAFF.
20. NUISANCE, EXOTIC SPECIES WILL BE REMOVED FROM ALL UPLAND COMMON AREAS WITHIN THE PLAT BOUNDARY PRIOR TO FINAL PLAT APPROVAL.
21. CONTRACTOR SHALL LOCATE EROSION CONTROL MEASURES (ECM'S) ALONG WETLAND BUFFERS AS IDENTIFIED ON PLAN. EXOTIC NUISANCE SPECIES LOCATED WITHIN WETLAND BUFFER SHALL BE MANUALLY REMOVED WITH CARE TAKEN TO PROTECT EXISTING NATIVE VEGETATION UNLESS OTHERWISE SPECIFICALLY ADDRESSED ON THE APPROVED PLANS. IN THOSE INSTANCES WHERE ADDITIONAL AREAS OF THE WETLAND BUFFER ARE SO HEAVILY VEGETATED WITH EXOTIC NUISANCE SPECIES AS TO MAKE MANUAL REMOVAL UNFEASIBLE, THE CONTRACTOR SHALL PROVIDE PROJECT ENGINEER AND MANATEE COUNTY ENVIRONMENTAL MANAGEMENT DIVISION SHOP DRAWING SHOWING LIMITS OF ADDITIONAL ECHANIZED CLEARING WITHIN BUFFER, PLANS TO RELOCATE ECM'S AND PROPOSED STABILIZATION OF CLEARING WITHIN WETLAND BUFFERS. ALL PROPOSED MODIFICATIONS TO LOCATIONS OF ECM'S, SOIL STABILIZATION, SHOP DRAWINGS AND PROCESSING FOR APPROVAL SHALL BE THE FINANCIAL RESPONSIBILITY OF THE CONTRACTOR.
22. ALL THE SIGNING AND PAVEMENT MARKINGS SHALL BE PROVIDED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), FDOT DESIGN STANDARDS AND THE MANATEE COUNTY TRANSPORTATION DEPARTMENT - HIGHWAY, TRAFFIC AND STORMWATER STANDARDS.
23. TRAFFIC CONTROL DEVICES THAT DO NOT CONFORM TO THE LATEST EDITION OF THE MANATEE COUNTY TRANSPORTATION DEPARTMENT - HIGHWAY, TRAFFIC AND STORMWATER STANDARDS WITHIN THE PUBLICLY MAINTAINED RIGHT-OF-WAY WILL REQUIRE A SIGN AND HARDWARE DIAGRAM AND, IF ACCEPTABLE, AN EXECUTED MAINTENANCE AGREEMENT PRIOR TO APPROVAL OF CONSTRUCTION PLANS.
24. ALL CONTOURS/ELEVATIONS UTILIZED ON THESE PLANS ARE NGVD 1988 DATUM. THE CONVERSION FROM THE NAVD 1929 TO THE NGVD 1988 IS -0.9651'.
25. THE LOWEST QUALITY WATER AVAILABLE SHALL BE USED FOR IRRIGATION.

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

SITE DATA:

• TOTAL PROJECT AREA:	11.92 AC.
• TOTAL SPACES:	105
EXISTING PHASE 1	2 M.H. + 47 R.V. = 49 SPACES
PROPOSED REVISED PHASE 1	1 M.H. + 47 R.V. = 48 SPACES
PROPOSED PHASE 2	15 M.H. + 41 R.V. = 56 SPACES
• OPEN SPACE	
REQUIRED (25%):	2.98 AC.
PROVIDED:	4.52 AC. (37.9%)
• NATIVE UPLAND HABITAT	
REQUIRED (35% OF OPEN SPACE):	1.04 AC.
PROVIDED:	1.64 AC. (36.3%)
• WETLAND (CYPRESS STRAND):	0.22 AC.
• NET AREA: (TOTAL AREA - WETLANDS - REC. AREA)	11.51 AC.
• GROSS DENSITY: (TOTAL LOTS/TOTAL AREA)	105/11.92 = 8.81 DU/AC.
• NET DENSITY: (TOTAL LOTS/NET AREA)	105/11.51 = 9.12 DU/AC.

SETBACKS:

MOBILE HOME (SPACES 14-28)	MINIMUM PROPOSED
FRONT:	5'
REAR:	5'
SIDES:	5'

NON-RESIDENTIAL	MINIMUM PROPOSED
FRONT:	25'
REAR:	10'
SIDES:	15'

BUFFERS:

	MINIMUM REQUIRED	PROVIDED
ROADWAY:	20'	20'
SOUTH:	15'	15'
EAST:	15'	15'
WEST:	15'	15'

MANATEE COUNTY BUILDING & DEVELOPMENT SERVICES SIGNATURE BLOCK

PROJECT NUMBER: ____________ PROJECT NAME: TIMBERLANE RV PARK

APPROVAL TYPE: PRELIMINARY SITE PLAN DTS NUMBER: ____________

PROJECT PLANNER ____________ DATE ____________
PROJECT ENGINEER ____________ DATE ____________
CONCURRENCY ____________ DATE ____________
ENVIRONMENTAL PLANNING ____________ DATE ____________
ENVIRONMENTAL HEALTH ____________ DATE ____________
FIRE DISTRICT ____________ DATE ____________

Attention: The combination of this signed plan and accompanying letter constitutes the complete approval document. Both documents should be provided to interested parties and submitted with any building permit application. There may be other documents, including a CLOS that affects this project approval

Res'd by OWNER/AGENT ____________ DATE ____________

ZNS|ENGINEERING
ENGINEERS | PLANNERS | SURVEYORS
CA 0027476 LB 0006982
LANDSCAPE ARCHITECTS
LC 0000365
201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENG.COM | TELEPHONE 941.748.8080 | FAX 941.748.3316

PREPARED FOR:
SIMONE PROPERTY HOLDINGS, LLC
248 WEST SEAVIEW CIRCLE
DUCK KEY, FL
33050

AUTHORIZED AGENT/PREPARER:
ZNS ENGINEERING
201 5th AVENUE DRIVE EAST
BRADENTON, FL
34208
(941) 748-8080

REVISIONS

1	1ST RESPONSE TO COUNTY COMMENTS	1/22/2015	MLC
2	2ND RESPONSE TO COUNTY COMMENTS	2/23/2015	MLC
3			
4			
5			
6			

PROJECT DATA:
TIMBERLANE RV PARK
43767

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NATHAN J. KRAGT
PROFESSIONAL ENGINEER #69272

SIGNATURE

SHEET 01

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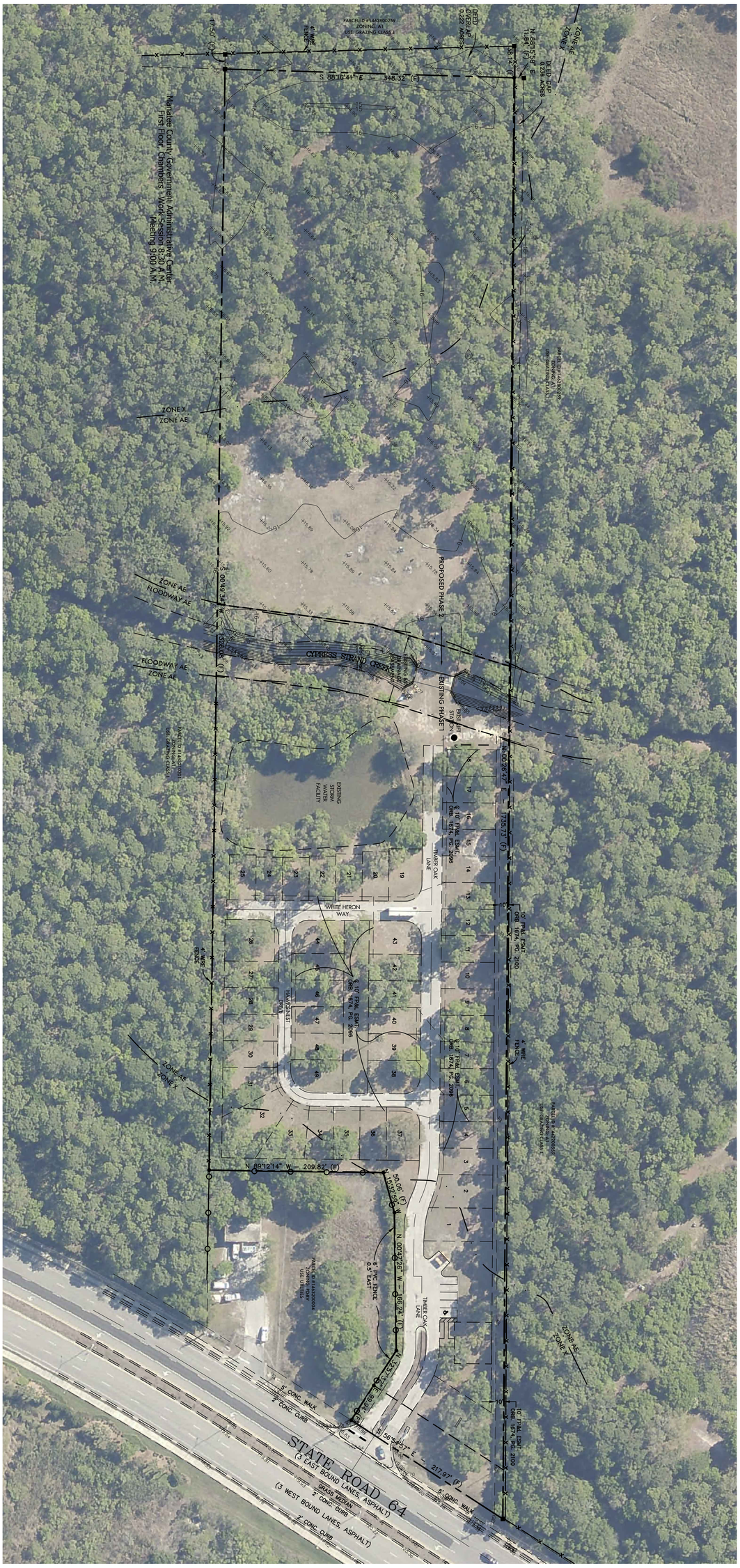
Page 42 of 1574



1" = 60'

DESIGNED	N. KRAGT
DRAWN	M. CONLEY
DATE	2/20/15
JOB NO.	43767
SCALE	1"=60'
SHEET	02

EXISTING CONDITIONS AERIAL PLAN

FOR:

TIMBERLANE RV PARK

LOCATED IN:
SECTION 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

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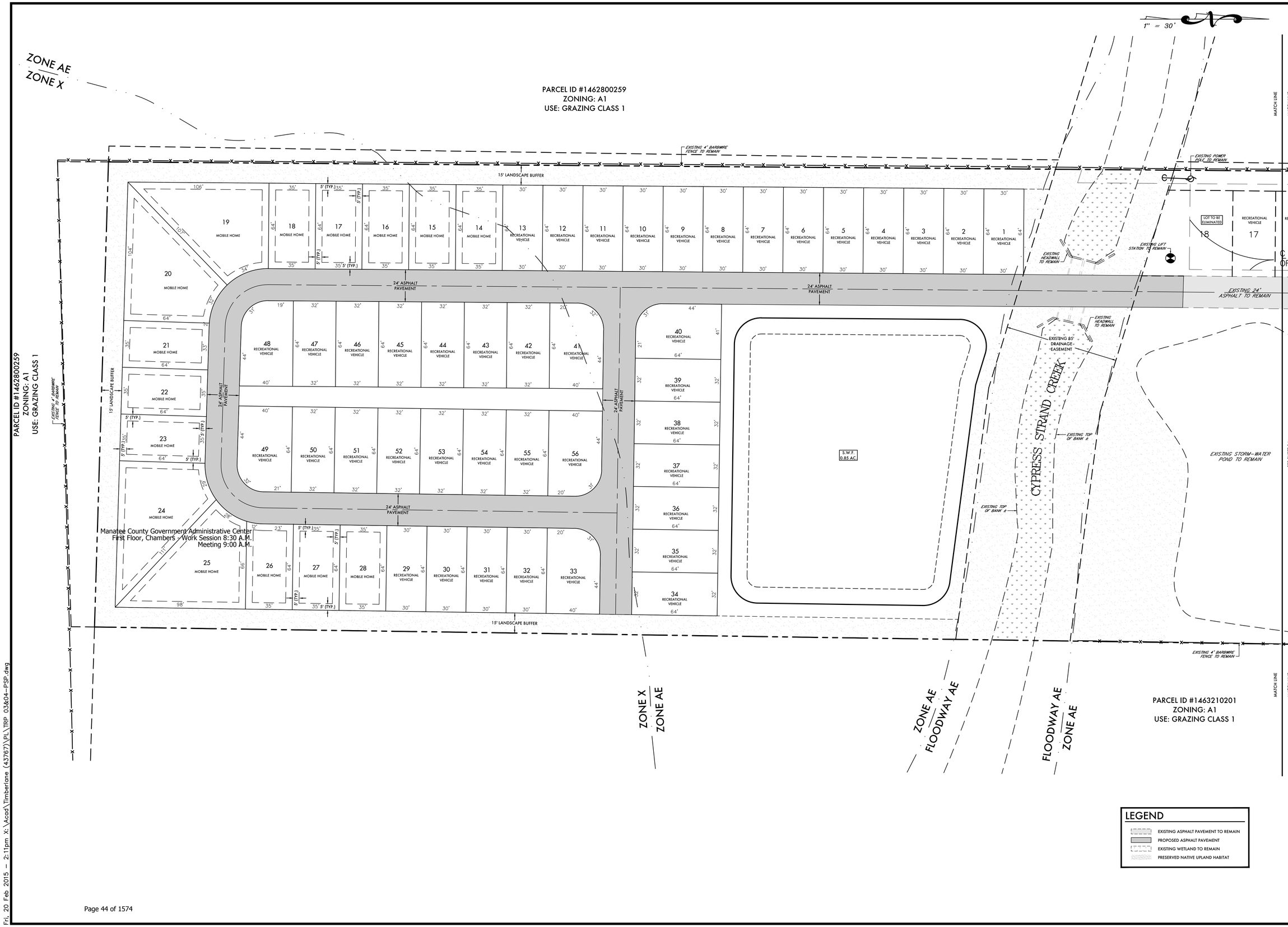

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SEE SHEET 04

	REVISIONS	
1	1ST RESPONSE TO COUNTY COMMENTS	1/22/2015 MJC
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PRELIMINARY SITE PLAN
FOR:
TIMBERLANE RV PARK
LOCATED IN:
SECTION 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED N. KRAGT
DRAWN M. CONLEY
DATE 2/20/15
JOB NO. 43767
SCALE 1"=30'

SHEET 03

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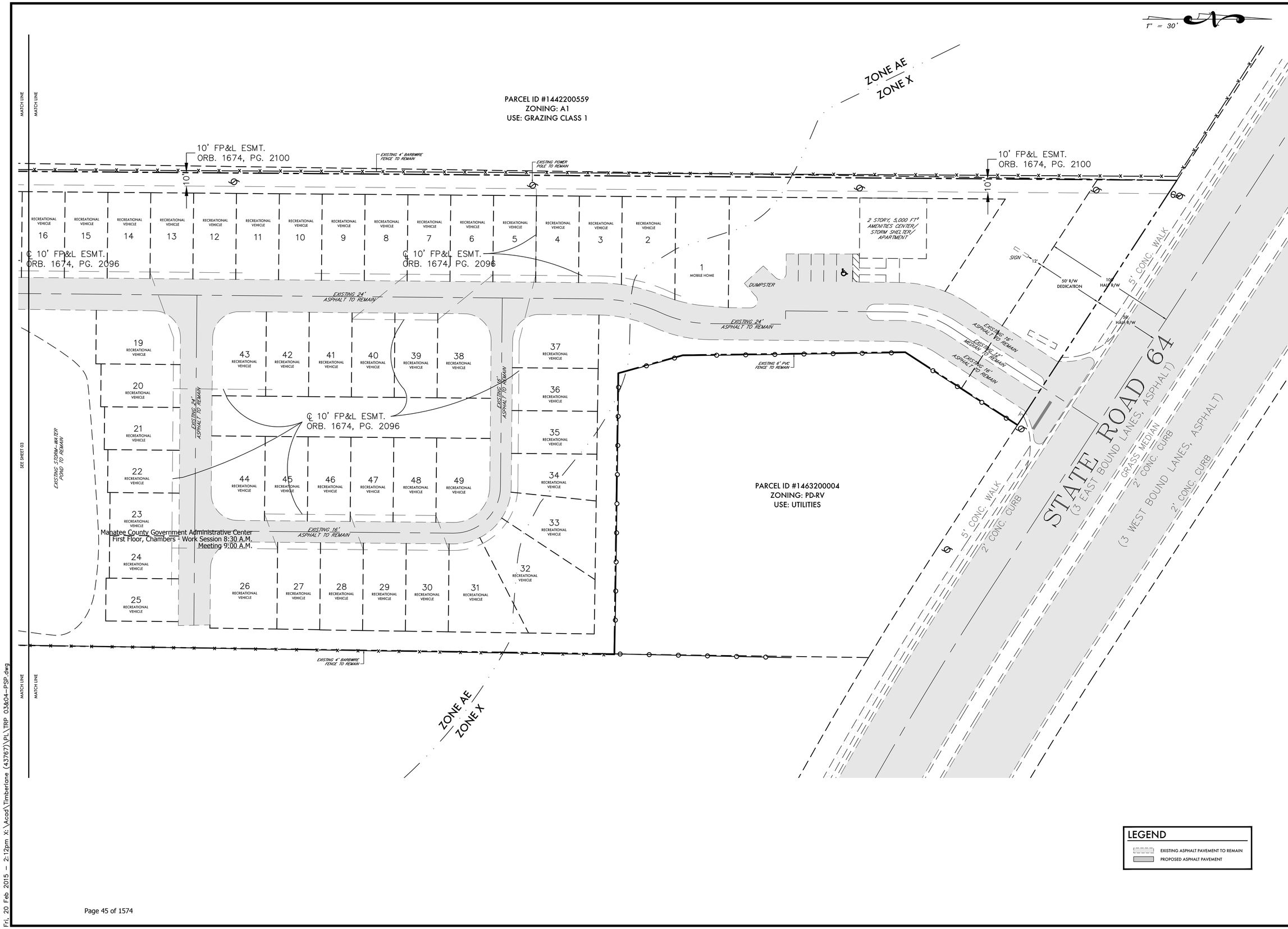

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REVISIONS		
1	1ST RESPONSE TO COUNTY COMMENTS	1/22/2015 MJC
2	2nd RESPONSE TO COUNTY COMMENTS	2/23/2015 MJC
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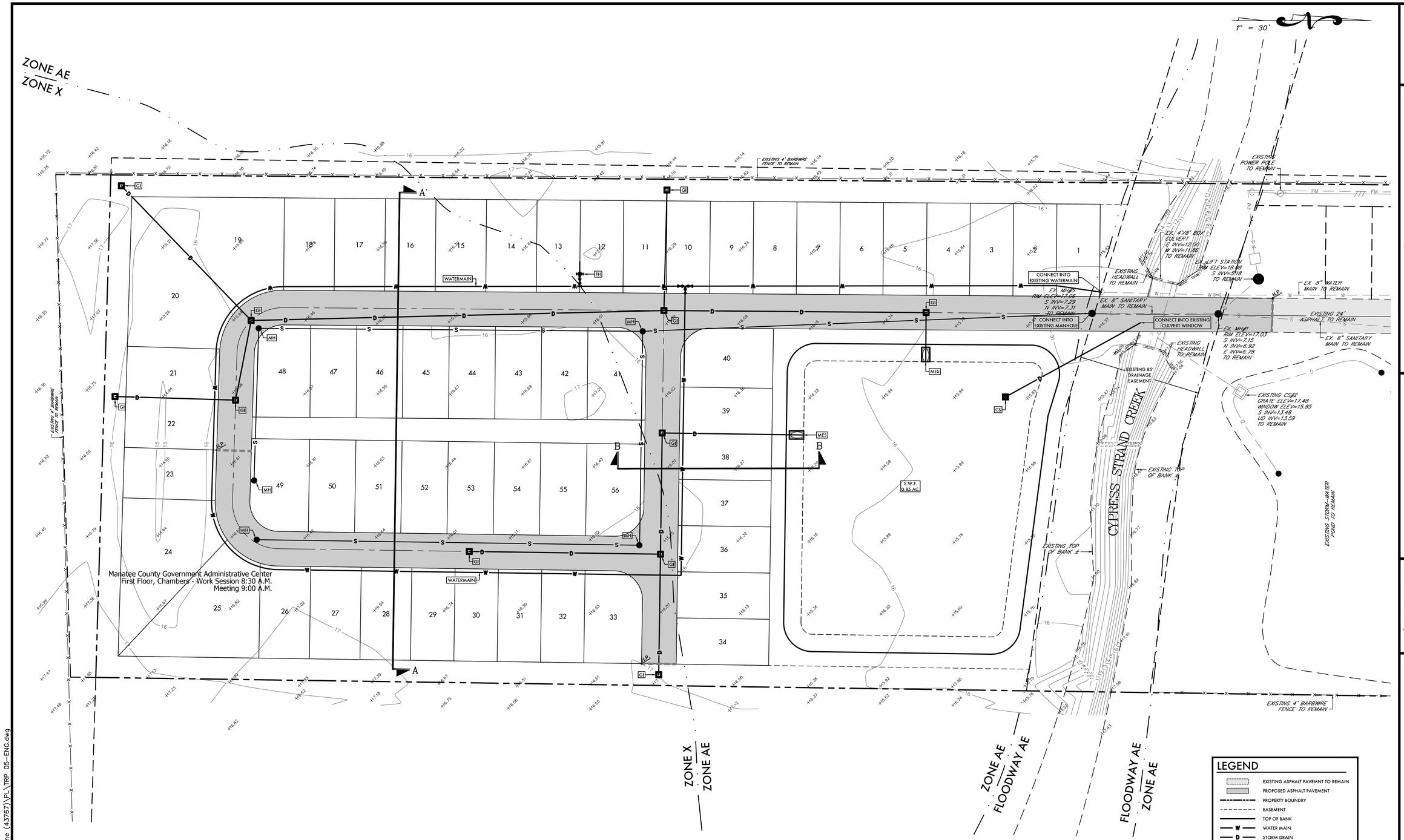
PRELIMINARY SITE PLAN
FOR:
TIMBERLANE RV PARK
LOCATED IN:
SECTION 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED N. KRAGT
DRAWN M. CONLEY
DATE 2/20/15
JOB NO. 43767
SCALE 1"=30'
SHEET 04



NOTE

THE PROPOSED POTABLE WATER, STORM DRAINAGE AND WASTEWATER FACILITIES SHOWN ARE CONCEPTUAL ONLY AND ARE INCLUDED TO GRAPHICALLY DEMONSTRATE THE INTENT TO COMPLY WITH THE REQUIREMENTS OF SECTION 722 OF THE MANATEE COUNTY LDC. THE SIZE AND LOCATION OF THESE FACILITIES WILL BE FINALIZED DURING THE FINAL SITE/CONSTRUCTION PLAN REVIEW PROCESS.

LEGEND

	EXISTING ASPHALT PAVEMNT TO REMAIN
	PROPOSED ASPHALT PAVEMENT
	PROPERTY BOUNDRY
	EASEMENT
	TOP OF BANK
W	WATER MAIN
D	STORM DRAIN
S	SANITARY SEWER
FM	FORCE MAIN
CI	CURB INLET
JB	JUNCTION BOX
CS	CONTROL STRUCTURE
MES	MITERED END SECTION
FH	FIRE HYDRANT
MH	MANHOLE
+12	PROPOSED HIGH POINT

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PRELIMINARY ENGINEERING PLAN
FOR:
TIMBERLANE RV PARK
LOCATED IN:
SECTION 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED N.KRAGT
DRAWN M. CONSETT
DATE 2/20/15
JOB NO. 43767
SCALE 1"=30'

SHEET 05

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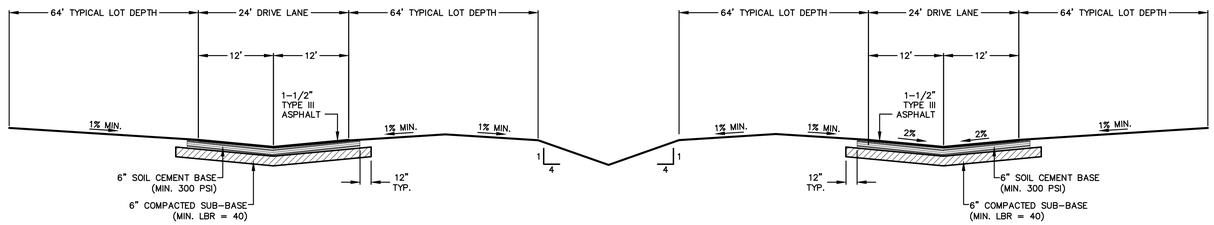
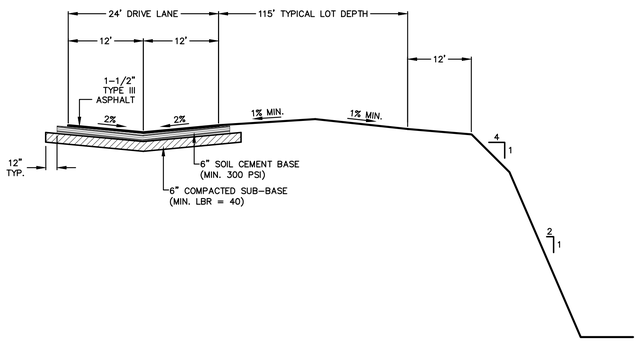


SECTION A-A

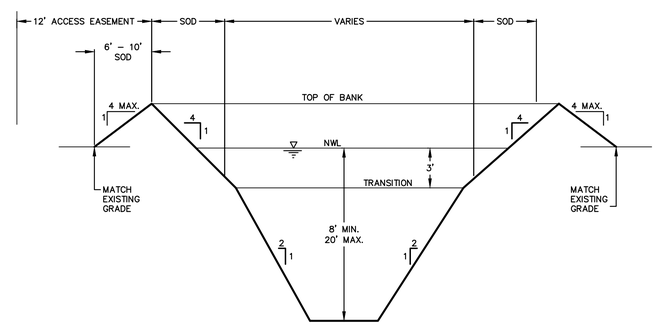
N.T.S.

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.



SECTION B-B

N.T.S.



TYPICAL SWF DETAIL

N.T.S.

Fri, 20 Feb 2015 - 2:13pm X:\Acad\Timberlane (437672)\PL\TRP 06-DET.dwg

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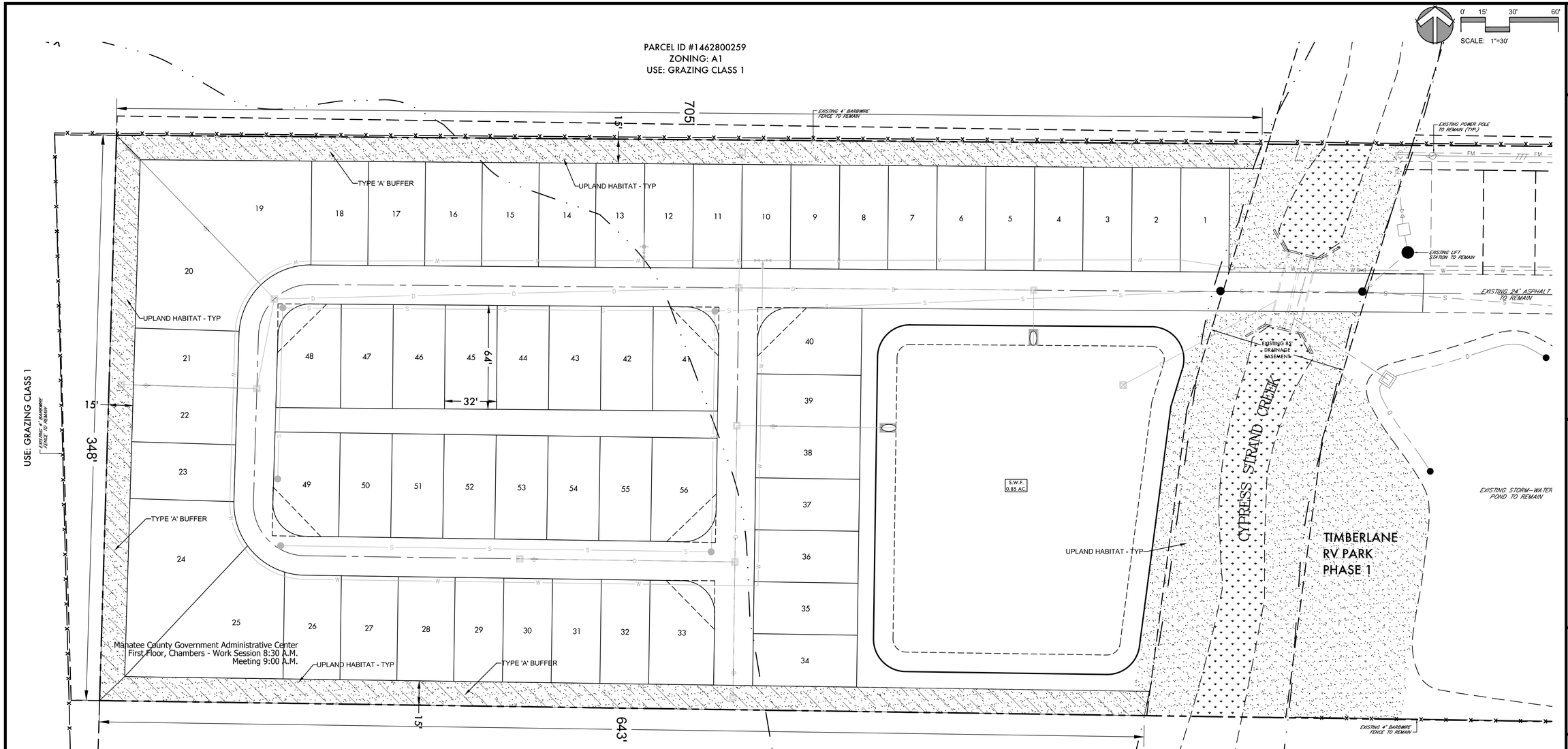
PRELIMINARY SECTIONS
FOR:
TIMBERLANE RV PARK
LOCATED IN:
SECTION 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED N. KRAGT
DRAWN M. CONLEY
DATE 1/21/15
JOB NO. 4372
SCALE N.T.S.
SHEET 06



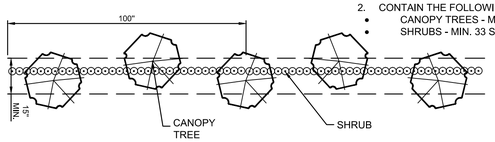
TYPICAL BUFFER TYPES & REQUIREMENTS

NOTE: EXISTING VEGETATION AND UPLAND HABITAT AREAS NOTED TO REMAIN THAT ARE LOCATED WITHIN REQUIRED BUFFERS SHALL BE USED TO MEET PERIMETER BUFFER REQUIREMENTS.

BUFFER TYPE 'A'

AS PER SECTION 715.3.2 BUFFERS ZONES, SHALL MEET THE FOLLOWING CRITERIA:

1. MINIMUM WIDTH OF 15.0'
2. CONTAIN THE FOLLOWING PER 100 LF OR FRACTION THEROF:
   - CANOPY TREES - MIN. TWO & ONE-HALF 2.5" CAL., 10' HT & 4' SPR
   - SHRUBS - MIN. 33 SHRUBS.



PERIMETER BUFFER

EXOTIC PLANT SPECIES MANAGEMENT PLAN

All existing upland exotic and nuisance plant species existing on the site shall be removed per phase prior to the first Certificate of Occupancy issuance of that phase. The Developer agrees to perform an annual exotic inspection during the development process. Any identified exotics will be removed in accordance with Manatee County Land Development Code Section 715.4 and acceptable procedures as established by the Florida Department of Environmental Protection. Annual inspections and removal will be continued by the Owner.

PRELIMINARY SITE PLAN NOTES

1. THIS IS A PRELIMINARY LANDSCAPE PLAN. ADDITIONAL AND MORE SPECIFIED INFORMATION WILL BE PROVIDED AT TIME OF FINAL SITE PLAN SUBMITTAL.
2. AN ON-SITE MEETING WAS HELD 01/21/15 WITH MANATEE COUNTY ENVIRONMENTAL PLANNING. AT THAT TIME IT WAS DETERMINED THAT MORE INFORMATION (UTILITY LOCATIONS, GRADING & DRAINAGE PLANS) WOULD BE REQUIRED TO DETERMINE TREES FOR REMOVAL.
3. A TREE LOCATION SURVEY WILL BE COMPLETED ALONG WITH TREE PROTECTION, TREE REMOVAL AND TREE REPLACEMENT CALCULATIONS AT TIME OF FINAL SITE PLAN SUBMITTAL. CALCULATIONS WILL BE IN ACCORDANCE WITH SECTION 714 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE.
4. THE LOWEST QUALITY WATER SOURCE SHALL BE USED AS AN IRRIGATION WATER SOURCE FOR REQUIRED PLANTINGS.
5. TEMPORARY IRRIGATION SYSTEMS (FOR PLANT ESTABLISHMENT) MAY BE INSTALLED ABOVE GROUND.

LEGEND

- EXISTING WETLAND TO REMAIN CYPRESS STRAND CREEK
- PRESERVED NATIVE UPLAND HABITAT

KIMBER L. BERSTER
LANDSCAPE ARCHITECT FL#001680
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REVISIONS
1 PSP SUBMITTAL 2014.12.11 KLB
2 RESPOND TO MC COMMENTS 2015.01.22 KLB
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PRELIMINARY PLANTING PLAN
FOR:
TIMBERLANE RV PARK
LOCATED IN:
SECTION 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED KSL
DRAWN KSL
DATE 2/20/15
JOB NO. 43767
SCALE 1"=30'
SHEET 07

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PLANTING GENERAL NOTES

1. LANDSCAPE NOTES ARE ALL INCLUSIVE. ALL QUESTIONS CONCERNING THE LANDSCAPE PLAN, DETAILS, AND SPECIFICATIONS SHALL BE DIRECTED TO THE LANDSCAPE ARCHITECT (941) 748-8080.

2. REVIEW THE GENERAL NOTES, PLANT MATERIAL LIST, PLANS, DETAILS, AND WRITTEN SPECIFICATIONS (IF PROVIDED). THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING THE LANDSCAPE PLAN AS DRAWN AND DIRECTED BY THE NOTES AND SPECIFICATIONS. CONTACT THE LANDSCAPE ARCHITECT WHEN SIGNIFICANT FIELD CHANGES REQUIRE PLAN REVISIONS.

3. NO SUBSTITUTIONS SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF THE OWNER OR LANDSCAPE ARCHITECT.

4. PLANT COUNT TOTALS IN THE PLANT MATERIALS LIST ARE FOR THE CONVENIENCE OF THE LANDSCAPE CONTRACTOR. IN THE EVENT OF VARIATION BETWEEN QUANTITIES SHOWN ON THE PLANT LIST AND THE PLANS, THE PLANS SHALL CONTROL. IMPROVISATIONS MADE BY THE LANDSCAPE CONTRACTOR SHALL BE NO CAUSE FOR ADDITIONAL COSTS TO THE OWNER.

5. SOD, MULCH, AND TOPSOIL QUANTITIES SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR. ANY QUANTITIES NOTED ON THE PLANS ARE FOR REFERENCE ONLY. SODDING OF SWALES SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR; HOWEVER, SOD FOR RETENTION AREAS (LAKE BANKS AND DRY RETENTION PONDS) SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.

6. PRIOR TO SUBMITTING THE BID, THE LANDSCAPE CONTRACTOR SHALL VISIT THE SITE TO BECOME FAMILIAR WITH EXISTING CONDITIONS. SEE ENGINEERING (CIVIL) PLANS FOR ADDITIONAL SITE INFORMATION.

7. ALL PLANTS FURNISHED BY THE LANDSCAPE CONTRACTOR SHALL BE FLORIDA NO. 1 QUALITY OR BETTER IN ACCORDANCE WITH GRADES AND STANDARDS FOR NURSERY PLANTS, STATE OF FLORIDA 2ND EDITION (FEB. 1998 & UPDATED MAY 2005) & AS AMENDED. THE OWNER AND/OR LANDSCAPE ARCHITECT SHALL DETERMINE THE ACCEPTABILITY OF ALL PLANT MATERIAL SUPPLIED BY THE LANDSCAPE CONTRACTOR. SPECIMEN MATERIAL SHALL BE APPROVED BEFORE INSTALLATION.

8. ALL B&B OR "FIELD GROWN" MATERIAL (EXCEPT PALMS) SHALL BE OBTAINED FROM "ROOTS PLUS" CERTIFIED NURSERIES.

9. ALL PLANT MATERIAL THAT HAS BEEN FIELD TAGGED BY THE LANDSCAPE ARCHITECT SHALL REMAIN TAGGED UNTIL FINAL ACCEPTANCE OF THE PROJECT. ALL MATERIAL NOT TAGGED BY LANDSCAPE ARCHITECT IS SUBJECT TO REJECTION. REJECTED PLANT MATERIAL SHALL BE REPLACED AT CONTRACTORS EXPENSE UNTIL ACCEPTABLE MATERIAL IS PROVIDED.

10. IT SHALL BE THE LANDSCAPE CONTRACTORS FINANCIAL RESPONSIBILITY TO PREVENT PLANTS AND TREES FROM FALLING OR BEING BLOWN OVER; AND TO REPLACE ALL PLANTS WHICH ARE DAMAGED AT NO ADDITIONAL COST TO THE OVER FOR SUSTAINED WINDS OF LESS THAN 65 MPH.

11. MAINTENANCE SHALL BEGIN AFTER EACH PLANT HAS BEEN INSTALLED AND CONTINUE UNTIL FINAL ACCEPTANCE BY THE LANDSCAPE ARCHITECT. MAINTENANCE SHALL INCLUDE: PRUNING, MULCHING, WEEDING, REPLACEMENT OF STICKS OR DEAD PLANTS, WATERING (INCLUDING THE COST OF EQUIPMENT SUCH AS A WATER TRUCK), AND ANY OTHER CARE WHICH IS NECESSARY FOR PROPER GROWTH OF PLANT MATERIAL.

12. ALL PLANT MATERIAL SHALL BE FULLY GUARANTEED FOR A PERIOD OF ONE (1) YEAR FOLLOWING FINAL ACCEPTANCE BY THE OWNER. RELOCATED MATERIALS AND OWNER SUPPLIED MATERIALS ARE EXEMPT. DURING THE WARRANTY PERIOD THE LANDSCAPE CONTRACTOR WILL NOT BE HELD RESPONSIBLE FOR THEFT, VANDALISM, OR UNUSUAL ACTS OF GOD

13. ALL TRIMMING OF EXISTING TREES SHALL BE CONDUCTED OR OVERSEEN BY A CERTIFIED ARBORIST.

14. TOPSOIL MATERIAL, WHEN CALLED FOR ON THE PLANT LIST, SHALL BE FREE OF STICKS, STONES AND DEBRIS LARGER THAN 1" IN DIAMETER, AS WELL AS, ANY OTHER MATERIAL THAT MAY BE TOXIC OR OTHERWISE HARMFUL TO PLANT GROWTH. TOPSOIL SHALL BE FERTILE, AND HAVE A PH LEVEL BETWEEN 6.5 AND 7.5.

15. ALL BACKFILL SOIL MIXTURES SHALL CONTAIN BEST ON-SITE TOPSOIL, 20% PEAT, AND AMENDMENTS AS PER NOTES AND DETAILS. PH LEVELS SHALL BE BETWEEN 6.5 AND 7.5. IT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO ACHIEVETHE PROPER PH LEVEL. MIX ORGANIC SOIL AMENDMENTS THOROUGHLY WITH THE NATIVE SOIL BEFORE BACKFILLING PLANTS.

16. STAKE ALL TREES. SEE TREE PLANTING DETAIL.

17. PROVIDE ARBORGARD+ FLEXIBLE BARK PROTECTORS (MODEL A69-4) AROUND BASE OF TRUNK FOR ALL SINGLE TRUNK TREES FREESTANDING IN SODDED AREAS. THEY ARE AVAILABLE AT ARBORIST SUPPLY HOUSE, INC., (FT. LAUDERDALE, FL: 1-800-749-9528).

18. ALL TREES SHALL BE PLANTED WITH MYCOR TREE SAVER (3oz PER 1" CAL.) AND PHC HEALTHY START MACRO TABLETS (21 GRAM - 4 PER 1" CAL.) - SEE MANUFACTURERS SPECIFICATIONS FOR INSTALLATION METHOD (PLANT HEALTH CARE, INC. 941-751-9455, JOHN DEERE LANDSCAPES 941-721-8882,SOUTHEAST PARTNERS 239-267-0156, PROFESSIONAL SUPPLY (561) 289-4511 AND UNIVERSAL SUPPLY 954-979-060) - OR APPROVED EQUAL.

19. ALL PALMS SHALL BE PLANTED WITH MYCOR PALM SAVER - SEE MANUFACTURERS SPECIFICATIONS FOR APPLICATION RATE AND INSTALLATION METHOD (PLANT HEALTH CARE, INC. 1-800-421-9051) - OR APPROVED EQUAL.

20. ON NON-IRRIGATED SITES OR AREAS, TREES AND PALMS SHALL ALSO RECEIVE TERRA-SORB HYDRO GEL (PLANT HEALTH CARE INC.) AS PER MANUFACTURER SPECIFICATIONS - OR APPROVED EQUAL.

21. ALL SHRUBS SHALL RECEIVE 1/2 LB. OF MILORGANITE PER FOOT OF HEIGHT; TREES SHALL RECEIVE 5 LBS. PER INCH OF CALIPER; AND GROUND COVERS SHALL BE FERTILIZED AS PER LABEL INSTRUCTIONS - OR APPROVED EQUAL. IN ALL INSTANCES FERTILIZER SHALL BE MIXED IN EVENLY WITH BACKFILL MATERIAL.

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

22. ALL SHRUBS AND GROUNDCOVER SHALL ALSO RECEIVE PHC HEALTHY START MACRO TABLETS (21 GRAM - 1 PER 1 GAL., 3 PER 5 GAL., 4 PER 10 GAL., AND 5 PER 15 GAL.). INSTALL AS PER MANUFACTURERS DIRECTIONS.

23. ONLY PRUNE TREES AND SHRUBS TO REMOVE DEAD OR DAMAGED FOLIAGE - OR TO COMPENSATE FOR ROOT LOSS CAUSED BY TRANSPLANTING. MAKE CERTAIN TO RETAIN THE PLANT MATERIAL'S NATURAL FORM WHEN PRUNING. NEVER CUT THE CENTRAL GROWTH LEADER OF A TREE, OR INSTALL ANY TREE THAT HAS HAD THE CENTRAL GROWTH LEADER CUT. ALL TREES SHALL BE TRIMMED FOR CLEAR TRUNK UNLESS OTHERWISE SPECIFIED.

24. WHERE PLANTING AREAS ABUT PAVEMENT, FINISHED SOIL LEVEL SHALL BE THREE INCHES (3") BELOW TOP OF PAVEMENT.

25. ALL PLANTING AREAS SHALL RECEIVE MULCH AT THE RATE OF 1 CUBIC YARD PER 110 SF. OF AREA (THIS EQUALS A 3" MULCH DEPTH) - UNLESS OTHERWISE NOTED. SEE PLANT MATERIALS LIST FOR SPECIFICATIONS. KEEP MULCH SIX INCHES (6") BACK FROM ALL TREE TRUNKS.

26. SOD SHALL BE INSTALLED WITH TIGHT JOINTS, ROLLED AND FERTILIZED AT TIME OF INSTALLATION. ALL SOD SHALL BE FREE OF NUISANCE SPECIES, INVASIVE AND EXOTIC WEEDS OR THEIR SEED.

27. THE LANDSCAPE CONTRACTOR SHALL CALL 811 OR WWW.CALL811.COM TO FIELD LOCATE EXISTING UTILITIES AND SECURE A PERMIT NUMBER PRIOR TO BEGINNING WORK. USE DUE CAUTION AROUND THE UTILITIES. THE LANDSCAPE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE DONE TO EXISTING UTILITIES.

28. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF ACTIVITIES WILL ALL OTHER CONTRACTORS ON THE JOB SITE.

29. ALL LANDSCAPE MATERIALS INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED TO MEET STATE AND LOCAL CODES AND REGULATIONS.

30. THE LANDSCAPE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ALL EXISTING STRUCTURES AND VEGETATION ON SITE THAT IS TO REMAIN AND SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE CAUSED BY HIS OPERATIONS.

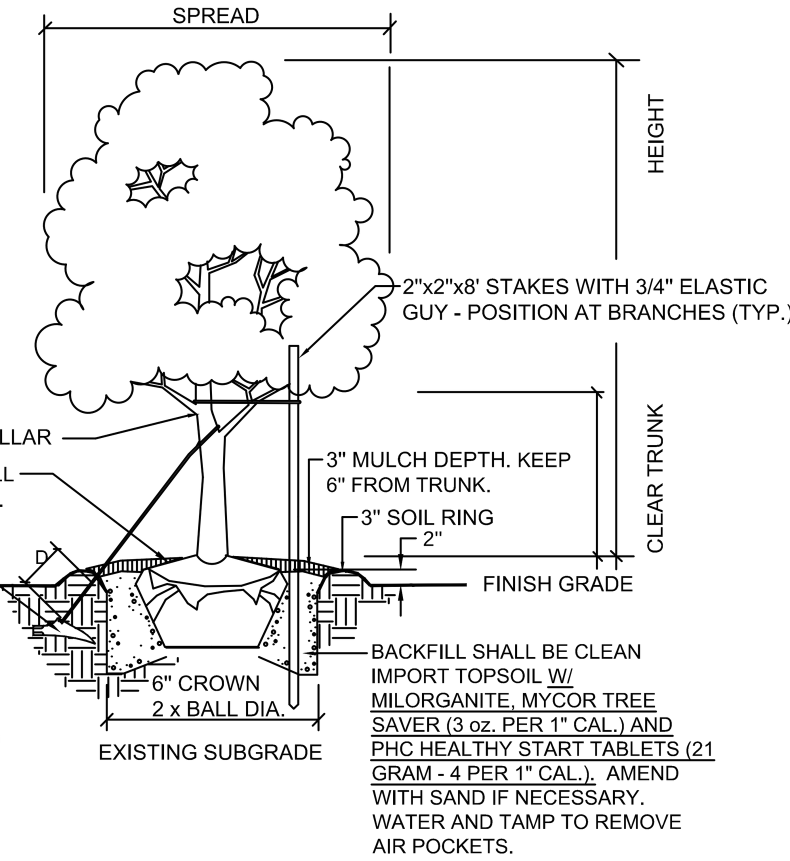
31. THE JOB SITE IS TO REMAIN ORGANIZED. EXCESS WASTE MATERIAL SHALL BE REMOVED DAILY FROM THE SITE AND DISPOSED OF IN A LEGAL MANNER.

32. UPON COMPLETION OF ALL LANDSCAPE MATERIAL INSTALLATION, AN INSPECTION FOR ACCEPTANCE SHALL BE HELD. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT SEVERN (7) DAYS PRIOR TO THE COMPLETION DATE.

PLANTING DIRECTIONS
1. EXCAVATE PLANTING HOLE AND SET TREE IN PIT AS SPECIFIED.
2. SET TOP-MOST ROOT IN THE ROOT BALL 2 INCHES (2") HIGHER THAN FINISH GRADE. PLUMB THE TREE SO THE TRUNK IS VERTICAL.
3. BACKFILL AS DIRECTED BELOW.
4. INSTALL 3" SOIL RING FOR HAND WATERING.
5. PROVIDE 4' DIA. MULCH RING FOR TREES IN SOD AREAS.
6. PRUNE DEAD AND DAMAGED BRANCHES IN KEEPING WITH GOOD HORTICULTURAL PRACTICES. RETAIN NATURAL FORM OF TREE. DO NOT CUT CENTRAL LEADER. PRUNE LIMBS ADJACENT TO WALKS AND CURBS TO PREVENT INJURY TO PEDESTRIANS AND BICYCLE RIDERS.

STAKING DIRECTIONS (TREES 0"-<2" CAL.)
1. ALL TREES TO BE STAKED UNLESS OTHERWISE NOTED IN GENERAL OR SPECIFIC NOTES.
2. STAKE TREES ACCORDING TO CALIPER SIZE OR (UNLESS OTHERWISE SPECIFIED.) 0-1": 1 VERTICAL STAKE. TIE TRUNK TO STAKE WITH GREEN NURSERY TAPE. 1"-2": 2 VERTICAL STAKES. SECURE WITH GUY AS SHOWN.

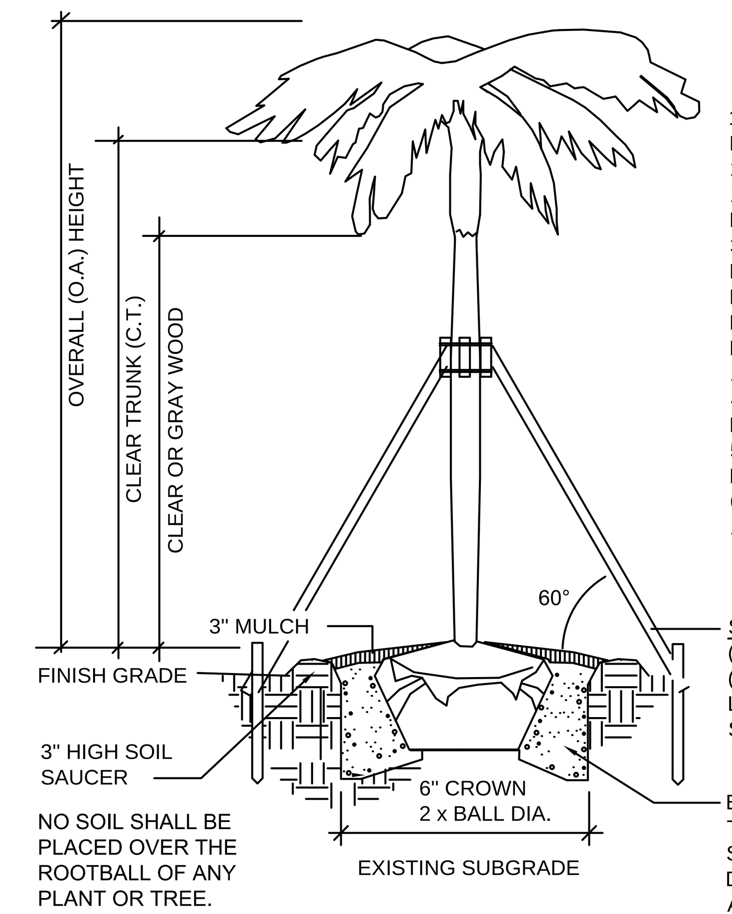
DUCKBILL ANCHOR DIRECTIONS (TREES > 2" CAL.)
1. 2"-3" CALIPER TREES: MODEL 40 DTS KIT D = 18-20"
2. 3"-6" CALIPER TREES: MODEL 68 DTS KIT D = 2' - 2-1/2'
3. 6"-10" CALIPER TREES: MODEL 88 DTS KIT D = 3' - 3-1/2'



NOTE: SEE NOTES TO DETERMINE IF ORGANIC OR OTHER UNLISTED SOIL AMENDMENTS ARE REQUIRED AND PLANT MATERIALS LIST FOR STAKING AND TREEWRAP REQUIREMENTS.

TREE PLANTING DETAIL

NOT TO SCALE



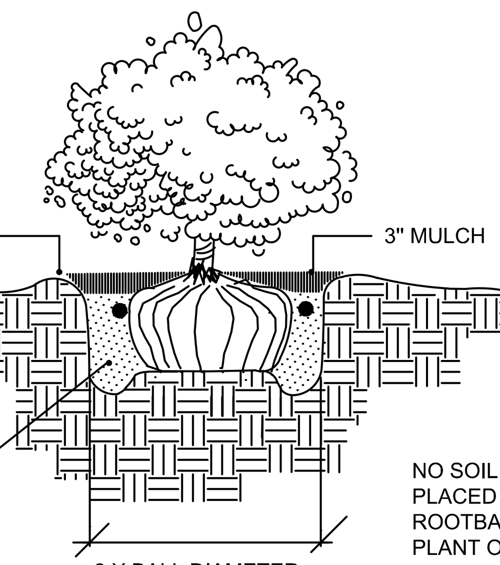
1. IF BURLAP IS PRESENT ROLL TO 1/3 OF FABRIC INTO PIT.
2. ROOTBALL SHALL BE INSTALLED 2" ABOVE ADJACENT FINSH GRADE AND PLUMB.
3. FRONDS SHALL BE TIED UP FOR PROTECTION OF BUDS. LARGE DATE PALMS AND ALL FAN PALMS SHALL REMAIN TIED FOR 1 MONTH MINIMUM. PALMS WITH DAMAGED BUDS WILL NOT BE ACCEPTED.
4. TRUNK SHALL BE FREE OF SCARS, BURNS, HOLES, ETC.
5. ROOTBALL SHALL HAVE 16" MINIMUM RADIUS FROM TRUNK.
6. INSTALL 4' DIAMETER MULCH RING AROUND ALL PALMS IN SOD AREAS.

STAKING DIRECTIONS:
(3) 2"x4"x8" BRACES 120° APART NAILED TO (3) 2"x4"x12" SEATS WIRE-BANDED OVER 5 LAYERS OF BURLAP WRAP (1) 2"x4"x30" STAKE EACH.

BACKFILL SHALL BE CLEAN IMPORT TOPSOIL AMENDED WITH MYCOR PALM SAVER AND SAND, IF REQUIRED, FOR DRAINAGE. WATER AND TAMP TO REMOVE AIR POCKETS

PALM PLANTING DETAIL

NOT TO SCALE



NOTE: SEE GENERAL NOTES TO DETERMINE IF ADDITIONAL SOIL AMENDMENTS ARE REQUIRED.

SHRUB & GROUNDCOVER PLANTING DETAIL

NOT TO SCALE

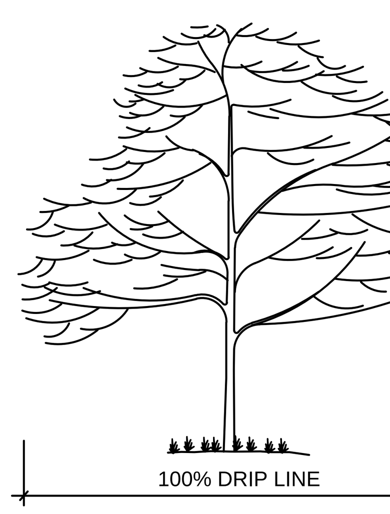


DIAGRAM "A"
N.T.S.

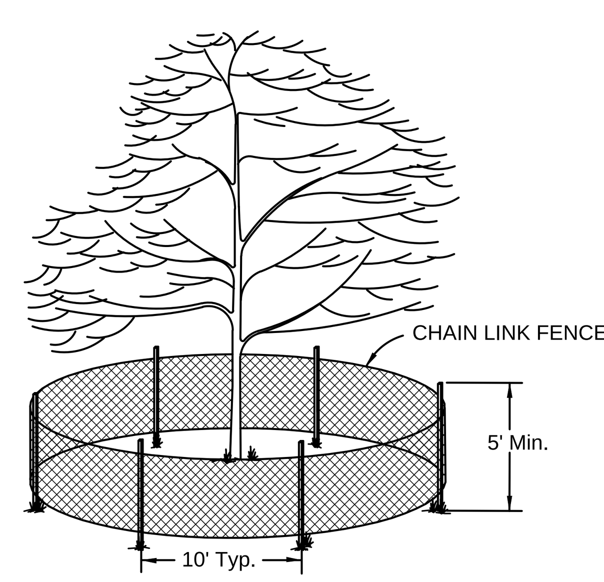


DIAGRAM "B"
N.T.S.

NOTES:
1. PROTECTIVE BARRICADES TO PROTECT 100% OF CANOPY UNLESS OTHERWISE SPECIFIED.
2. CONTRACTOR SHALL MAINTAIN THE BARRIERS UNTIL ALL PAVING, CONSTRUCTION AND HEAVY EQUIPMENT IS OUT OF THE AREA.
3. TREE BARRICADES TO BE CONSTRUCTED OF CHAIN LINK FENCE (NEW OR USED) UNLESS OTHERWISE SPECIFIED.
4. NO DEBRIS, FILL MATERIALS OR CONSTRUCTION ACTIVITY SHALL OCCUR WITHIN CONFINES OF BARRIER.
5. PROTECT DESIGNATED TREES SCHEDULED TO REMAIN AGAINST: UNNECESSARY CUTTING, BREAKING OR SKINNING OF ROOTS, SKINNING OR BRUISING OF BARK, STOCKPILING CONSTRUCTION OR EXCAVATION MATERIALS WITHIN DRIP LINE, EXCESS FOOT AND ALL VEHICULAR TRAFFIC INCLUDING PARKING.
6. PROVIDE WATER TO TREES AS REQUIRED TO MAINTAIN THEIR VIGOR.
7. WHEN NECESSARY TO CUT ROOT OVER 1" DIAMETER OF TREES TO REMAIN, CUT MUST BE A CLEAN, PERPENDICULAR CUT. COAT CUT FACES OF ROOTS WITH AN EMULSIFIED ASPHALT OR OTHER ACCEPTABLE COATING FORMULATED FOR USE ON DAMAGED PLANT TISSUE. TEMPORARILY COVER EXPOSED ROOTS WITH WET BURLAP TO PREVENT DRYING AND COVER WITH EARTH AS SOON AS POSSIBLE.

TREE PROTECTION DETAIL

NOT TO SCALE

PRELIMINARY TREE PROTECTION NOTES

1. A TREE LOCATION SURVEY WILL BE COMPLETED ALONG WITH TREE PROTECTION, TREE REMOVAL AND TREE REPLACEMENT CALCULATIONS AT TIME OF FINAL SITE PLAN SUBMITTAL.

2. TREE REPLACEMENT CALCULATIONS WILL BE IN ACCORDANCE WITH SECTION 714 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE.

3. TREE PROTECTION BARRIER SHALL BE INSTALLED FOR TREES TO REMAIN AS PER DETAIL.

4. ANY TREE NOTED TO REMAIN WITH A > 15% IMPACT TO THE CANOPY (DUE TO CONSTRUCTION/DEVELOPMENT) SHALL HAVE REPLACEMENT TREES PROVIDED IN ACCORDANCE WITH SECTION 714 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE.

KIMBER L. BEREITER
LANDSCAPE ARCHITECT #001680
SIGNATURE

ZNS ENGINEERING
ENGINEERS | PLANNERS | SURVEYORS
EB 0027476 LB 0006982
LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
LC 0000365
201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENG.COM | TELEPHONE 941.748.8080 | FAX 941.748.3316

REVISIONS
1 PSP SUBMITTAL 2014.12.11 KLB
2 RESPOND TO MC COMMENTS 2015.01.22 KLB
3 -
4 -
5 -
6 -
7 -

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PRELIMINARY PLANTING PLAN NOTES & DETAILS
FOR:
TIMBERLANE RV PARK
LOCATED IN:
SECTION 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED KLB
DRAWN KLB
DATE 2/20/15
JOB NO. 43767
SCALE NTS
SHEET 08

Fri, 20 Feb 2015 – 2:13pm X:\Acad\Timberlane (43767)\LS\PSP–Phase 2\TRP PSP LS.dwg

April 9, 2015 Planning Commission Agenda
Agenda Item #3

Subject
PDR-14-28(Z)(P)-DTS#20140503-MEPS#373-McClure Properties LTD-Honore/Lockwood Rezone and Preliminary Site Plan-Quasi-Judicial-Stephanie Moreland

Briefings
None

Contact and/or Presenter Information

Contact and Presenter:

Stephanie Moreland

Principal Planner

941 748 4501 ext. 3880

Contact:

Sonia Zambrano

Senior Planning Technician

941 748 4501 ext. 6207

Action Requested

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. PDR-14-28(Z)(P), APPROVAL of the Preliminary Site Plan with Stipulations A-1, B-1, C-1 through C-3 and D-1; GRANTING Special Approval for a project 1) exceeding a gross density of 4.5 dwelling units per acre in the RES-6 Future Land Use Category (FLUC); and 2) within a Watershed Overlay District and Special Treatment Overlay District; ADOPTION of the Findings for Specific Approvals; GRANTING Specific Approval for an alternative to Land Development Code Sections 603.7.4.5 (reduced perimeter buffer from 15' to 10') and 603.7.4.7 (reduced front yard setback to 20') as recommended by staff.

Enabling/Regulating Authority

Manatee County Comprehensive Plan

Manatee County Land Development Code

Background Discussion

Ms. Rachel Layton (ZNS), agent for Neal Communities and McClure Properties LTD, seeks approval of a rezone to PDR (Planned Development Residential) and a Preliminary Site Plan for 92 lots for single-family semi-detached residences at the southwest corner of 63rd Avenue East and Lockwood Ridge Road..
The 18.64± acre infill site is surrounded by residential developments. In September 2002, the site was rezoned from A-1/WP-E/ST to PDC/WP-E/ST without a plan.
Single-family semi-detached uses are permitted in the PDR zoning district with Board approval.
The site is in the RES-6 Future Land Use Category (FLUC). Suburban or urban residential uses are listed in the range of potential uses for consideration. RES-6 FLUC allows a maximum gross density of six dwelling units per acre and net density of 12 dwelling units per acre. The maximum gross density proposed is 4.95 dwelling units per acre and net density is 5.07 dwelling units per acre. Special Approval is required because the gross density exceeds 4.5 dwelling units per acre.
Special Approval is also required for a project in the Evers Reservoir Watershed Protection and Special Treatment Overlay Districts.
The applicant requests Specific Approvals to allow a reduction of the perimeter buffer from 15 to 10 feet and a reduction of the front yard setback from 25 feet to 20 feet.
The total open space calculation proposed is 37% (6.78± acres). 35% (6.51± acres) is required.
The site is in Flood Zones "X." There are no wetlands.
The site will utilize County water and sewer.
Staff recommends approval with stipulations.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Sarah Schenk reviewed and responded by email on March 19, 2015

Reviewing Attorney

Schenk

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: Staff Report-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-04-09-15PC.pdf
Attachment: Zoning Disclosure Affidavits-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-4-9-15PC.pdf

Attachment: Special and Specific Approval Request Letter-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-04-09-15PC.pdf
Attachment: Traffic Impact Analysis-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-04-09-15PC.pdf
Attachment: Copy of Newspaper Advertising - McClure - Honore- Lockwood - PDR-14-28(Z)(P) - Bradenton Herald -4-9-15PC.pdf
Attachment: Copy of Newspaper Advertising-McClure-Honore - Lockwood-PDR-14-28(Z)(P)-Sarasota Herald-4-9-15PC.pdf
Attachment: Preliminary Site Plan-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-4-9-15PC.pdf
Attachment: Maps FLU, Zoning, and two Aerials-PDR-14-28(Z)(P)-McClure-Honore-Lockwood-4-9-15PC.pdf

PDR-14-28(Z)(P) – McClure Properties LTD –McClure- Honore/Lockwood Rezone and Preliminary Site Plan (DTS #20140503, MEPS #373)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 18.64 acres, from the PDC/WP-E/ST (Planned Development Commercial/Evers Reservoir Watershed Protection /Special Treatment Overlay Districts) zoning district to the PDR (Planned Development Residential) zoning district, retaining the WP-E/ST Overlay Districts; approval of a Preliminary Site Plan for 92 lots for single-family semi-detached dwelling units; The site is at the southwest corner of 63rd Avenue East and Lockwood Ridge Road, Bradenton, subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 04/09/2015 **B.O.C.C.: 05/07/2015**

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. PDR-14-28(Z)(P), APPROVAL of the Preliminary Site Plan with Stipulations A-1, B-1, C-1 through C-3 and D-1; GRANTING Special Approval for a project 1) exceeding a gross density of 4.5 dwelling units per acre in the RES-6 Future Land Use Category (FLUC); and 2) within a Watershed Overlay District and Special Treatment Overlay District; ADOPTION of the Findings for Specific Approvals; GRANTING Specific Approval for an alternative to Land Development Code Sections 603.7.4.5 (reduced perimeter buffer from 15' to 10') and 603.7.4.7 (reduced front yard setback to 20') as recommended by staff.

PROJECT SUMMARY	
CASE#	**PDR-14-28(Z)(P) - DTS # 20140503, MEPS373**
PROJECT NAME	**McClure – Honore/Lockwood**
OWNER(S):	**McClure Properties, LTD**
APPLICANT/CONTRACT PURCHASER(S):	**Neal Communities**
AGENT:	**Rachel Layton, ZNS Engineering**
PROPOSED ZONING:	**PDR (Planned Development Residential)**
EXISTING ZONING:	**PDC (Planned Development Commercial)**
PROPOSED USE(S):	**A 92-lot single-family semi-detached residential subdivision**
CASE MANAGER:	**Stephanie Moreland**
STAFF RECOMMENDATION:	**APPROVAL w/stipulations**

DETAILED DISCUSSION

The 18.64± acre site is at the southwest corner of 63rd Avenue East and Lockwood Ridge Road. The site is surrounded by residential developments, leaving the site as an infill parcel. In September 2002, the site was rezoned from A-1/WP-E/ST to PDC/WP-E/ST without a plan.

The current request seeks approval of a rezone to PDR (Planned Development Residential) and a Preliminary Site Plan for 92 lots for single-family semi-detached residences.

According to the definition contained in the Manatee County Land Development Code (LDC), “single-family semi-detached shall mean a one family dwelling which is joined to no more than one other such unit by a common party, wall, a common floor/ceiling or connecting permanent structure such as breezeways, carports, garages, screening fences or walls, where such two dwelling units are also located on adjoining individual lots such as duplex dwellings which have been divided into two dwelling units on separate lots”.

Single-family semi-detached uses are permitted in the PDR zoning district with Board approval.

The site is in the RES-6 Future Land Use Category (FLUC). This FLUC allows consideration of

suburban or urban residential uses in the range of potential uses. RES-6 FLUC allows a maximum gross density of six dwelling units per acre and net density of 12 dwelling units per acre. The maximum gross density proposed is 4.95 dwelling units per acre. Special Approval is required because the gross density exceeds 4.5 dwelling units per acre.

Special approval is also required because the site is in the Evers Reservoir Watershed Protection (WP-E) and Special Treatment (ST) Overlay districts.

The intent of a Watershed Overlay district is to protect the quality and quantity of potential and exiting potable water supplies within public surface water reservoirs and their watersheds within the unincorporated area of the County.

The Special Treatment Overlay provides additional protection for specific areas of, or resources in the County that are especially sensitive to or subject to drainage by industrial, mining or major earthmoving activities. The overlay districts shall be retained and operated in conjunction with the PDR zoning district.

PDR is the process necessary to achieve Special Approval. PDR zoning provides greater flexibility for the project when establishing appropriate buffers and setbacks to help mitigate any potential adverse impacts on surrounding neighborhoods.

The Preliminary Site Plan shows two access points; a boulevard entrance connecting Lockwood Ridge Road and a secondary entrance designated as an exit-only to 63rd Avenue East. The TIA identified two required site-related improvements to include; a left turn lane and a right turn lane at the project driveway on Lockwood Ridge Road.

The site is surrounded by an existing development on two sides and fronts two streets. There are no logical existing stub-outs for an inter-neighborhood connection to the adjacent subdivision. Therefore, no inter-neighborhood ties are proposed.

Five-foot wide sidewalks are proposed on both sides of the public internal streets (streets may be private if community is gated) and along the west side of Lockwood Ridge Road and south side of 63rd Avenue East adjacent to the property's frontage where there are no existing sidewalks.

There are no existing wetlands on the site. The design shows a 3.84± acre stormwater pond to be constructed in the northeast part of the site.

20-foot wide roadway buffers are proposed adjacent to Lockwood Ridge Road and 63rd Avenue East. The applicant requests Specific Approval for a reduction of the perimeter buffers from the required 15 feet to 10 feet. Staff supports this request since the adjacent subdivision has adequate buffering with an existing wall already.

The applicant also requests Specific Approval to reduce the required front yard setback of 25 feet to 20 feet.

0.45± acres are proposed for recreational acreage. Recreational amenities will be determined at final site plan stage.

The project will utilize County water and sewer.

Staff recommends approval with stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS:	**No assigned address**
GENERAL LOCATION:	**Southwest corner of 63rd Avenue East and Lockwood Ridge Road**
ACREAGE:	**18.64± acres**
EXISTING USE(S):	**Vacant**
FUTURE LAND USE CATEGORY(S):	**RES-6 (Residential - six dwelling units per acre)**
DENSITY:	**Gross - 4.95 dwelling units per acre Net - 5.07 dwelling units per acre**
OVERLAY DISTRICT(S):	**1. WP-E - (Evers Reservoir Watershed Protection) 2. ST – (Special Treatment)**
SPECIAL APPROVAL(S):	**1. Gross density exceeding 4.5 dwelling units per acre within the RES-6 FLUC (Comprehensive Plan Policy 2.2.1.12.4(b); 2. Project in a Watershed Protection Zone and Special Treatment Overlay. Comprehensive Plan Policy 2.2.2.2.4(a).**
SPECIFIC APPROVAL(S):	**1. Reduction of perimeter buffer from 15' to 10' 2. Reduce front yard setback to 20'**
SURROUNDING USES & ZONING	
NORTH	**Across 63rd Avenue East is open space associated with Barrington Ridge Subdivision; To the northeast across Lockwood Ridge Road and Honore Avenue is Mandalay Subdivision zoned PDMU (Planned Development Mixed Use)**
SOUTH and WEST	**Single-family residences in Cascades at Sarasota Subdivision zoned PDR**
EAST	**Across Lockwood Ridge Road are single-family residences in Woodbrook Subdivision zoned PDMU**

SITE DESIGN DETAILS		
LOT SIZE(S):	**4,140 sq. ft. (36' x 115')**	
SETBACKS:	**Front** **Side** **Rear** **Waterfront**	**20'** **0'/6'** **15'** **30'**
OPEN SPACE:	**Required – 35% (6.51 ± acres)** **Provided – 37% (6.78 ± acres)**	
RECREATIONAL AMENITIES:	**To be determined at final site plan stage.**	
RECREATIONAL ACREAGE:	**0.45± acres**	
ACCESS:	**Main boulevard entrance connecting Lockwood Ridge Road; 2nd access connecting 63rd Avenue East**	
FLOOD ZONE(S)	**"X," FIRM Panel 12081C0317E, Effective 3/17/2014**	
AREA OF KNOWN FLOODING	**Yes; Rattlesnake Slough**	
UTILITY CONNECTIONS	**County Water and Sewer**	

ENVIRONMENTAL INFORMATION

Wetland
According to the environmental narrative provided by Eco Consultants, dated November 17, 2014, there are no wetlands within the project limits.

Uplands
According to the environmental narrative, there are no native habitats on site.

Endangered Species
According to the environmental narrative, there are no listed or protected species observed on-site during the survey.

Trees
According to the note provided on the preliminary landscape plan sheet, a detailed tree inventory and totals for trees to be removed and subject to replacement will be provided with the Final Site Plan and will be in accordance with Land Development Code Section 714.8.7.

Landscaping/Buffers
The preliminary landscape plan shows roadway buffers along 63rd Avenue East and Lockwood Ridge Road at 20' in width, with the inner 10' of the buffer along Honore

Avenue containing a utility easement. Required landscape material should be able to be accommodated within the outer 10' for this buffer.

The applicant has requested Specific Approval to reduce the perimeter greenbelt buffers along the west and south property lines where the project abuts the existing Cascades development, from 15' to 10'. The landscape plan sheets of the adjacent Cascades project show a 20' greenbelt to the west and south of the project area with a stipulation that required planting of 2 staggered rows of trees 30' on center with a wall at the inner west edge of the greenbelt buffer, for the buffer to the west and 2 rows of trees staggered at a 30' on center to the south, to provide compatibility with the "future commercial" project.

Providing the reduced 10' wide greenbelt buffer with the required trees to be planted 30' on center should still provide an equivalent screening since the minimum required plantings should still be accommodated, and the extra 5' of buffer is already provided by the adjacent project. Additionally, the adjacent project is providing extra trees for both abutting buffers and a wall within the west abutting buffer.

NEARBY DEVELOPMENT

RESIDENTIAL				
PROJECT	LOTS / UNITS	DENSITY	FLUC	YEAR APPROVED
Cascades of Sarasota	720	2.89 du/acre	RES-6	2001
Woodbrook	248	2.61 du/acre	RES-6	2006-2012
Barrington Ridge	379	2.65 du/acre	RES-6	2005
Mandalay	243	3.3 du/acre	RES-6	2007
Silver Lake @ Gold Tree	208	2.87 du/acre	RES-6	2004

POSITIVE ASPECTS

- **The proposed zoning amendment is a logical expansion of the existing PDR zoning in the area.**
- **The nearby area is transitioning from suburban agricultural uses to single-family residential developments.**
- **There are site-related traffic improvements to ensure continued safety on both 63rd Avenue East and Lockwood Ridge Road.**

NEGATIVE ASPECTS
• **The property is within a watershed protection area.** • **Lots adjacent to Lockwood Ridge Road and 63rd Avenue East may experience some potential adverse impacts such as noise from vehicles.**
MITIGATING MEASURES
• **Stipulations are proposed to ensure the continued protection of the Evers Watershed;** • **Stipulations are proposed to ensure the required traffic improvements occur prior to future development of the subject property.** • **The design shows the required 20-foot wide roadway buffers and a six foot high decorative fence adjacent to Lockwood Ridge Road and 63rd Avenue East.**

STAFF RECOMMENDED STIPULATIONS

A. TRANSPORTATION CONDITIONS:

1. **The following site-related improvements at the Lockwood Ridge Road and Project entrance shall be made prior to Final Plat approval:**
   a. **One southbound right-turn lane of 290 feet (including 50 foot of taper); and**
   b. **One northbound left-turn lane of 290 feet (including 50 foot of taper).**

B. INFRASTRUCTURE CONDITIONS:

1. **Connection to the Manatee County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extensions shall be designed and constructed in accordance with the applicable County System Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by the County Engineer through the construction plans review process for the project.**

C. STORMWATER CONDITIONS:

1. **The Engineer of Record (EOR) shall have the option of submitting a watershed analysis that would demonstrate an alternative stormwater design that would create no adverse impacts to the watershed with respect to staging and flow rates, or the EOR shall demonstrate through modeling a 50% peak rate reduction**

for the project:

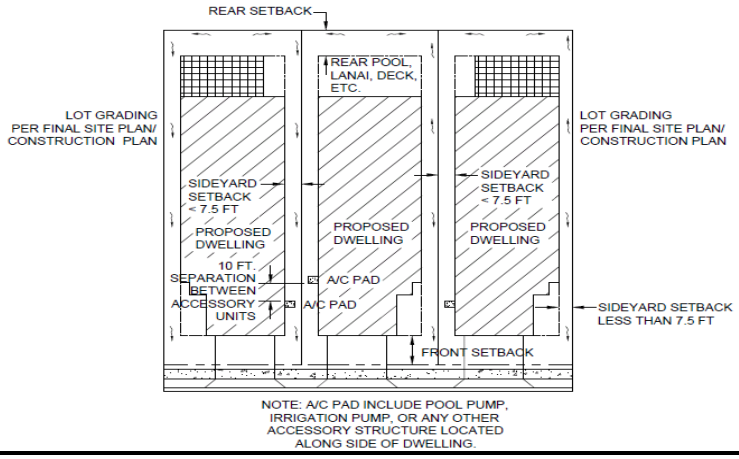
a) If the watershed approach is utilized, it shall utilize the Braden River/Rattlesnake Slough Watershed Study to create and analyze pre- versus post-development condition.

b) If the EOR chooses the peak rate reduction option, the reduction shall only apply to the internal subdivision roadway system and the residential lots. Over-attenuation is not open space areas, upland preservation areas, wetlands and their buffers, and landscape buffers. Attenuation is not required on the stormwater flows that discharge onto and through this property from adjacent roadways, subdivisions, and properties.

2. All fill within the 100-Year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. The 100-year compensation shall be compensated in sole use compensation areas, not dual use dual use facilities (i.e., stormwater attenuation and floodplain compensation), except as provided below. The applicant must demonstrate either:

- **The available storage volume above the 25-Year Design High Water Level of any proposed compensation requirement;**
- **Provide a stormwater routing model that utilizes Rattlesnake Slough reverse flow into the on-site lakes during a 100-year 24 hour storm event the volume of stormater that backfeeds into the on-site lakes will be credited as floodplain compensation volume; or**
- **Provide a stormwater routing model which utilizes the adopted Braden River Watershed Study to demonstrate, in post-development condition, that no adverse impacts are created within the watershed with respect to flood stages, volume, or flow rates associated with the 100-year storm event.**

3. There shall be a minimum ten (10) foot separation between accessory equipment and structures alongside adjoining houses with 5-foot side yard setbacks.



NOTE: A/C PAD INCLUDE POOL PUMP, IRRIGATION PUMP, OR ANY OTHER ACCESSORY STRUCTURE LOCATED ALONG SIDE OF DWELLING.

D. <u>ENVIRONMENTAL CONDITIONS</u>:

1. **Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.**

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

None

COMPLIANCE WITH LDC				
Standard(s) Required	**Design Proposal**	**Compliance**		**Comments**
		Y	**N**	
BUFFERS				
20' roadway buffer, Lockwood Ridge Road	**20'**	**Y**		**Shown on plan**
20' roadway buffer, 63rd Avenue East	**20'**	**Y**		**Shown on plan**
15' perimeter greenbelt buffer	**10'**		**N**	**Applicant request Specific Approval for a perimeter buffer reduction along the southern and western property boundaries**
SIDEWALKS				
5' internal sidewalks	**5' side-walks on both sides of internal streets**	**Y**		**Shown on plan**
5' sidewalk, exterior	**5'**			**Shown on plan**

COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Factors for Reviewing Proposed Site Plans (Section 508.6)
Planned Districts - Rezone Review Criteria (Section 603.4)

<u>Physical Characteristics</u>
The majority of the site is level, grassed, pasture and agricultural land including improved pasture. Residential communities surround the site with an agricultural use to the north.

<u>Public Utilities, Facilities and Services</u>
The site is located in an area of the County where municipal services, utilities, and schools are available.

There is a 16" potable water main along 63rd Avenue East and 30" potable water main along Lockwood Ridge Road with an 8' stub out to the development. There is a 30" reclaimed water main along Lockwood Ridge Road.

There is a 16" sanitary force main along 63rd Avenue East and Lockwood Ridge Road.

EMS will be provided by Manatee County Department of Emergency Medical Services and Fire Protection by Southern Manatee Fire District.

According to the Manatee County School district, the site is in School Area 3. Schools serving this area are Kinnan Elementary, Harllee Middle and Southeast High.

Adjacent Property and Compatibility

The site has been designed to be compatible with the existing nearby residential uses. This segment of Lockwood Ridge Road, 63rd Avenue East and Honore Avenue is developed with residential uses. The site is adjacent to single-family residences (Cascades @ Sarasota) to the south and west. To the north, across 63rd Avenue East are single-family residences in Barrington Ridge Subdivision. Across Lockwood Ridge Road to the east are single-family residences in Woodbrook Subdivision. To the northeast, across Lockwood Ridge Road and Honore Avenue are single-family residences in Mandalay Subdivision.

Transitions

The site is in an area which is transitioning from suburban agricultural uses to residential developments. Timing of the request is appropriate with the growing residential trends in the area.

Design Quality

The site is designed to minimize the potential negative adverse impacts resulting from traffic noise, and lights. The project is designed with the main entrance along Lockwood Ridge Road and an exit-only along 63rd Avenue East. The one phased development consists of 92 lots for single-family semi-detached residences at a gross density of 4.95 dwelling units per acre. Special Approval is required for a project exceeding the RES-6 gross density of 4.5 dwelling units per acre.

The minimum lot size proposed is 4,140 (36'x115') square feet. All lots are arranged to have access from internal roadways.

Yards and Setbacks

The minimum required yards and setbacks are as follows:

Front	Side	Rear	Waterfront
20'	0/6'	15'	30'

The applicant requests Specific Approval for a reduced front yard setback from 25' to 20'.

Open Space
Minimum open space requirements are exceeded by the proposed development. Thirty-five percent (35%) is required for a project in the Evers Reservoir Watershed Protection Overlay District. 37% (6.78± acres) open space is proposed.

Access
The main access to the site is from Lockwood Ridge Road. Access will consist of a 50-foot right-of-way section for a two lane boulevard entrance. There will also be an exit-only on to 63rd Avenue East.

Streets, Drives, Parking and Service Areas
The design shows 50-foot wide internal right-of-ways are proposed with 24' pavement width. Each lot will have access to the proposed internal roadways. All streets and utilities are required to meet all Manatee County standards and will require construction drawing approvals prior to any construction. No inter-neighborhood ties are proposed because there are no logical ties existing in the adjacent Cascades at Sarasota subdivision to the west and south. The property abuts minor arterials to the north and east.

Pedestrian Systems

Five-foot wide sidewalks are proposed on both sides of the public internal streets (streets may be private if community is gated) and along the west side of Lockwood Ridge Road and south side of 63rd Avenue East adjacent to the property's frontage.

Natural and Historic Features, Conservation and Preservation Areas
There are no known archaeological or historic areas on the property. The site is vacant and has been used for agricultural purposes. There are no wetlands on-site.

Density
The RES-6 FLUC permits a maximum gross density of six dwelling units per acre. Special Approval is required for the proposed gross density of 4.95 dwelling units per acre. Though the density proposed is slightly higher than surrounding projects which have densities ranging from 2.61 to 3.3 dwelling units per acre, the proposed use is compatible and consistent with existing residential development patterns in the area.

Height
The maximum height proposed is 35 feet. The proposed residential units will be one or two stories in height.

Fences and Screening
Twenty foot (20') wide roadway buffers are shown along Lockwood Ridge Road and 63rd Avenue East. Ten foot (10') wide perimeter buffers are proposed along the remaining southern and western boundaries. A six foot tall decorative fence is proposed along Lockwood Ridge Road and 63rd Avenue East.

Trash and Utility Plant Screens
Solid waste will consist of individual can curbside pickup for residential units.

Signs
Signs will be provided and reviewed in accordance with Manatee County Sign Ordinance.

Landscaping
Landscaping will meet or exceed the standards required in the Land Development Code Section 715.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the RES-6 (Residential –six dwelling units per acre) and WO/ST (Watershed Overlay/Special Treatment) Future Land Use Categories. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing. The timing is appropriate given development trends in the area. The surrounding area is characterized by other residential with comparable densities and development patterns.

Policy 2.2.1.12.1 Intent. The site is intended for low density urban or clustered low-moderate density urban, residential environment. The proposed density (4.95 gross and 5.07 net) is in compliance with the density allowed in the RES-6 FLUC. Special Approval is required for all projects for which the gross residential density threshold exceeds 4.5 dwelling units per acre.

Policy 2.2.1.12.2 Range of Potential Uses. A residential subdivision is listed in the range of potential uses for the RES-6 FLUC.

Policy 2.3.4.1 Development Consistent with Watershed Protection. The development is proposing uses within single structures instead of multiple structures, and will maintain and improve the water quality and the natural environment and resources within this development.

Policy 2.6.1.1 Compatibility. The Preliminary Site Plan design is compatible with surrounding development because the residential uses proposed, lot sizes, and setbacks are comparable with surrounding development.

Policy 2.6.5.4 Preserve/Protect Open Space.
The site plan shows 37% open space (6.78± acres). 35% open space is required.

TRANSPORTATION

Major Transportation Facilities

The site is adjacent to 63rd Avenue East, which is designated as a four-lane arterial roadway with a planned right-of-way width of 120 feet and Lockwood Ridge Road, which is designated as a four-lane arterial roadway with a planned right-of-way width of 120 feet.

Transportation Concurrency

Transportation concurrency was evaluated for the project. The Applicant prepared a Traffic Impact Analysis (TIA) to determine impacts on 63rd Avenue East, Lockwood Ridge Road and associated intersections. The conclusion of the approved TIA indicated that level of service deficiencies exist at studied intersections prior to the project's build-out year.

The deficiencies are attributable to existing traffic and traffic from approved, but not yet built, development. Under the transportation concurrency provisions of the State Community Planning Act, new proposed development cannot be required to mitigate adverse impacts caused by background traffic. The TIA indicated that there are no off-site concurrency-related improvements required for the project (see Certificate of Level of Service Compliance table, below.

Access

The traffic study also included a review of the site access points. The project will have access via two connections, one on 63rd Avenue East and one on Lockwood Ridge Road. The TIA identified two site-related improvements that will be required:

- A left turn lane and a right turn lane at the project driveway on Lockwood Ridge Road.

The location and design of the Lockwood Ridge Road access point is being coordinated with Manatee County.

CERTIFICATE OF LEVEL OF SERVICE (CLOS) COMPLIANCE

TRANSPORTATION CONCURRENCY

CLOS APPLIED FOR: Y __X____ N _____
TRAFFIC STUDY REQ'D: Y __X___ N ___

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
63rd Avenue East (Honore Avenue)	**1965**	**"D"**	**"C"**
39th Street East (Lockwood Ridge Road)	**2642**	**"D"**	**"C"**

OTHER CONCURRENCY COMPONENTS

Solid waste landfill capacity and preliminary drainage intent have been reviewed with this Preliminary Site Plan. Potable water, waste water, and school facilities will be reviewed at the time of Final Site Plan/Construction Drawings.

SPECIAL APPROVALS
ANALYSES, RECOMMENDATINS, FINDINGS

1. Request

Comprehensive Plan Policy 2.2.1.12.4(b) requires that all projects for which gross residential density exceeds 4.5 dwelling units per acre, or in which any new residential density exceeds 6 dwelling units per acre shall require special approval.

Staff Analysis and Recommendation

Staff is in support of the request for Special Approval of a residential density exceeding 4.5 dwelling units per acre. The gross density for the proposed development is 4.95 dwelling units per acre and net density is 5.07 dwelling units per acre. Densities in the surrounding area range from 2.61 to 3.03 dwelling units per acre.

Finding for Special Approval

The Board finds that the request meets the purpose of Comprehensive Plan Policy 2.2.1.12.4(b), which indicates the intent of the RES-6 FLUC is to establish areas of low to moderate density urban, residential development.

2 Request

Comprehensive Plan Policy 2.2.2.2.4(b) requires any project that is at least partially within the Watershed Overlay District (WO) be reviewed under the Special Approval process.

Staff Analysis and Recommendation

Staff has reviewed the request for Special Approval for this project which is located in the WO district for Evers Reservoir, and finds that the proposed development is appropriate for this area, as none of the following are planned for the property:

- No commercial aviation facility;
- No new mineral resource extraction or associated processing activities;
- No non-residential/non-agricultural development which required an operating permit for industrial waste treatment; and
- No new sanitary landfills or wastewater treatment plants.

At time of future development, indigenous vegetation is required to be preserved. Additionally, minimum percentages of upland areas are to be maintained during the course of development through undisturbed and landscaped areas.

Finding for Special Approval

The Board finds that the purpose of Comprehensive Plan Policy 2.2.2.2.4(a), specifically, the intent to require any project that is at least partially within the Watershed Overlay District (WO) to be submitted and reviewed under the Special Approval process has been met. The Special Approval ensures that services are available to ensure transitioning of these lands is satisfied to an equivalent degree by the proposed design.

SPECIFIC APPROVALS
ANALYSES, RECOMMENDATIONS, FINDINGS

Section 603.3 of the Land Development Code allows the Board of County Commissioners to make specific modifications to the general zoning and subdivision regulations, where the Board of County Commissioners makes a written finding that the public purpose of the regulations is satisfied to an equivalent or greater degree.

1. **Request**

   Land Development Code Section 603.7.4.5, requires that a 15' wide greenbelt be provided around the perimeter of a PDR district, with one tree planted every 30' on center. Where the PDR district abuts another PDR district, each project is required to provide their respective greenbelt buffer, adjacent to each other. This request is to reduce the required 15' greenbelt buffer to 10' and provide the minimum required planting of one tree every 30' on center.

   Staff Analysis and Recommendation

   Staff supports the request to allow a reduction from 15' to 10' for the greenbelt buffer. An additional 5' of buffer is already provided as a part of the adjacent project's buffer, which was increased at the time of their approval in anticipation of the subject property being developed as a commercial use. The buffer also contains additional trees along the existing adjacent south and west buffer, as well as, a wall within the west buffer.

   Finding for Specific Approval

   Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.7.4.5, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required width of greenbelt buffer and plantings will still be provided.

2. **Request**

   LDC Section 603.7.4.7 requires a front yard setback of 25 feet for residential structures. The applicant requests a minimum front yard setback of 20 feet.

   Staff Analysis and Recommendation

   Given the site is an infill project at the corner of two arterial roadways, the project is designed to have sidewalks on both sides of the internal roadways, and the applicant indicates the small subdivision will be a gated community, staff supports the reduction of the front yard setback because no adverse impacts is anticipated to the existing adjacent property which is already separated by a wall.

Finding for Specific Approval

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.7.4.5, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because no adverse impacts are proposed to the existing adjacent property which is already separated by a wall.

ATTACHMENTS

1. Applicable Comprehensive Plan Policies
2. Zoning Disclosure Affidavits
3. Request(s) for Special/Specific Approval
4. Copy of Newspaper Advertising

ATTACHMENT #1
APPLICABLE COMPREHENSIVE PLAN POLICIES

Policy: 2.1.2.3	Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansion of existing development if compatible with future areas of development.
Policy: 2.1.2.7	Review all proposed development for compatibility and appropriate timing. This analysis shall include: - consideration of existing development patterns, - types of land uses, - transition between land uses, - density and intensity of land uses, - natural features, - approved development in the area, - availability of adequate roadways, - adequate centralized water and sewer facilities, - other necessary infrastructure and services. - limiting urban sprawl - (See also policies under Objs. 2.6.1 - 2.6.3)
Policy: 2.2.1.12	**RES-6:** Establish the Residential-6 Dwelling Units/Gross Acre future land use category as follows:
Policy: 2.2.1.12.1	Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established for a low density urban, or a clustered low-moderate density urban, residential environment. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban areas.

Policy: 2.2.1.12.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, small or medium retail and office commercial uses, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.12.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:
6 dwelling units per acre

Maximum Net Residential Density:
12 dwelling units per acre
(except within the WO or CSVA Overlay Districts pursuant to Policies 2.3.1.4 and 4.3.1.5)

Maximum Floor Area Ratio:
0.23
(0.35 for mini-warehouse uses only)

Policy: 2.2.1.12.4 Other Information:

(a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to ' 163.3202, F.S.

(b) All projects for which gross residential density exceeds 4.5 dwelling units per acre, or in which any net residential density exceeds 6 dwelling units per acre shall require special approval.

(c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.

(d) Small commercial (professional) office uses not exceeding 3,000 square feet in gross floor area within this category may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, and detailed in the Land Use Operative Provisions Section E (1) provided such office is located on a roadway classified as a minor or principal arterial, however, not including interstates and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).

Policy: 2.2.2.2.3 Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the WO Overlay District are contained under Objective 2.3.4 of the Future Land Use Element, Objective 9.5.2 and Policy 9.4.1.4 of the Public Facilities Element, Goal 3.2 of the Conservation Element, Objective 5.3.2 of the Traffic Sub-Element, of this Comprehensive Plan. Compliance with all goals, objectives, and policies listed in this subsection, and with other applicable goals, objectives, and policies, and development regulations is required for all activity within the Watershed Overlay District.

Policy: 2.2.2.2.4 Effect of Mapping:

a) Any project which is at least partially within the Watershed Overlay District (WO) shall be submitted for approval under the special approval process. The area designated under the WO District on the Future Land Use Map shall also be subject to all goals, objectives and policies for any future land use category overlaid by the WO District. The extent and coverage of the area designated is shown in greater detail on the official zoning atlas of Manatee County, but is, however, subject to adjustment pursuant to (c) below.

b) See also policies listed under Policy 2.2.2.2.3 above.

c) Manatee County will accept, and review on a case-by-case basis, submittal of appropriate hydrological studies by any owner or authorized representative of property shown on the official zoning atlas as being within the Watershed Overlay where the owner or agent thereof is seeking to demonstrate that property is not located within the Lake Manatee Watershed, the Evers Reservoir, or the Peace River Watershed. Where the review concludes that the subject property, or part thereof, is located outside the Watershed Overlay, adjustments to the zoning atlas should be processed pursuant to an administrative procedure established within any land development regulations developed pursuant to Sec. 163.3202, F.S.

Objective: 2.3.4 **Land Use Consistent with Watershed Protection:** Limit land use in the Lake Manatee, Evers Reservoir, and Peace River WO Districts to maintain and improve water quality and the natural environment and resources within those watersheds which contribute to filtration.

Policy: 2.6.1.1 Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers

- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design
- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy: 2.6.2.1 Limit location of new residential development and residential support uses adjacent to intensive and incompatible agricultural operations.

Policy: 3.2.3.2 Require all water users to use the lowest quality of available water which adequately and safely meets their water use needs by requiring stormwater reuse, alternative irrigation sources, reclaimed water use, and gray water irrigation systems where feasible. [See Policies 9.4.1.11, 9.6.1.2, and policies under objective 9.1.5]

MANATEE COUNTY GOVERNMENT
BUILDING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DISCLOSURE AFFIDAVIT

Project name: McClure - Honore/Lockwood

The Manatee County Land Development Code 90-01, as amended requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

FOR ANY CHANGES OF OWNERSHIP OR CHANGES IN CONTRACTS FOR PURCHASE SUBSEQUENT TO THE DATE OF THE APPLICATION, BUT PRIOR TO THE DATE OF FINAL PUBLIC HEARING, A SUPPLEMENTAL DISCLOSURE OF INTEREST SHALL BE FILED.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

NAME, ADDRESS AND OFFICER	PERCENTAGE STOCK, INTEREST OR OWNERSHIP
Check if owner ( ) or contract purchaser (x)	
McClure Properties, LTD, Robert Spencer	
PO Box 936	
Palmetto, FL 34220	

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature: _____

(Applicant): _____

STATE OF FLORIDA
COUNTY OF Manatee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 14th day of November 2014 by Robert Spencer, who is personally known to me or who has produced _____ as identification.

(type of identification)

NOTARY PUBLIC STATE OF FLORIDA
JAMES A. NELSEN
MY COMMISSION # FF094777
EXPIRES: February 20, 2018

James A. Nelsen
Notary Signature

My Commission Expires: _____

Print or type name of Notary

Commission No: _____

Title or Rank

Revised 2/8/10
B-4

MANATEE COUNTY GOVERNMENT
BUILDING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DISCLOSURE AFFIDAVIT

Project name: McClure - Honore/Lockwood

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If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

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Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

NAME, ADDRESS AND OFFICER	PERCENTAGE STOCK, INTEREST OR OWNERSHIP
Check if owner ( ) or contract purchaser (x)	
Neal Communities, Mark Evans	Patrick K Neal - 100%
5800 Lakewood Ranch Blvd., N	
Sarasota, FL 34240	

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature: _____

(Applicant): JAMES R. SCHIER VP

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was sworn to (or affirmed) and subscribed before me this Nov 14th day of Nov. 20 14 by JAMES R. SCHIER, who is personally known to me or who has produced _____ as identification.
(type of identification)

Notary Signature

My Commission Expires: 5-21-16

SHERRY S. DODDEMA
Print or type name of Notary

Commission No: _____

Title or Rank

SHERRY S. DODDEMA MY COMMISSION EXPIRES May 21, 2016 #EE 194509 NOTARY PUBLIC STATE OF FLORIDA

Revised 2/8/10
B-4

March 26, 2015

Board of County Commissioners
Manatee County Government
1112 Manatee Avenue West
Bradenton, Florida 34205

RE: Special and Specific Approval Requests
McClure – Honore/Lockwood PDR-14-28(Z)(P)
MEPS 373/DTS 20140503
ZNS No.: 00-43804

Honorable Commissioners:

On behalf of the Applicant, we are respectfully requesting Manatee County's approval of the following Special and Specific Approvals with the request to rezone the subject parcel to Planned Development Residential to Preliminary Site plan standards.

The Manatee County Comprehensive Plan provides that all projects proposed in the RES-6 Future Land Use Category require Special Approval pursuant to Policy 2.2.1.12.4.b. "All projects for which gross residential density exceeds 4.5 dwelling units per acre, or in which any net residential density exceeds 6 dwelling units per acre, shall require special approval." Special Approval is addressed through the rezoning of the property to Planned Development Residential (PDR). The proposed residential use does not exceed the net residential density of 6 dwelling units per acre.

Special Approval is also required pursuant to Policy 2.2.2.2.4 for projects within the Watershed Overlay Districts. From the Land Development Code, Chart 605.F. states "Any project which requires Preliminary Site Plan/Plat Approval which is at least partially located in the Evers Watershed Reservoir Overlay category." Special Approval is addressed through the Planned Development process. The project has been designed to meet the requirements of the Comprehensive Plan.

Where possible, the strict application of the Land Development Code has been included in the design of the site. The proposed Planned Development Residential district includes a request for Specific Approval of requirements for development under standard district regulations that shall be designed so as to be sensitive to the impacts of the specific approval requested. The project is designed for 35.6 percent open space as required for projects within the watershed overlay districts.

We are respectfully requesting the following Specific Approvals to the Land Development Code for the Preliminary Site Plan:

1. Greenbelts – Section 604.7.4.5

ZNS ENGINEERING
201 5th Avenue Drive East | Bradenton, FL 34206 | Office: 941.748.8080 | Fax: 941.748.3316 | www.znseng.com
Engineering-CA0027476 Surveying-LB0006982 Landscape Architecture-LC0000365

The Applicant is requesting a Specific Approval for an alternative to Section 604.7.4.5 of the LDC. This Specific Approval will allow for a ten foot buffer where a fifteen foot buffer is required by the Code. There are unique circumstances for this request. The project abuts the Cascades at Sarasota (PB 45/Page 57) to the west. The Cascades at Sarasota has both a six foot wall and a 15 foot drainage and landscape buffer easement. This existing fifteen foot greenbelt buffer is adjacent to the proposed project to the western property line. Cascades at Sarasota Phase II (PB 44/Page 24) abuts the project to the south. Phase I also has a six foot wall and a fifteen foot landscaped buffer.

The intention of the Land Development Code requirement for the fifteen foot greenbelt buffer is to ensure screening between uses. The request is to reduce the greenbelt buffer by five feet. This request proposes no adverse impacts to the adjacent property.

2. Yards and Setbacks – Section 603.7.4.7

The Applicant is requesting a Specific Approval for an alternative to Section 603.7.4.7 of the LDC. This Specific Approval will allow for a twenty foot front yard setback where a twenty five foot setback is required by the Code. The project is proposed as a gated community of 92 semi-detached residential lots. The reduction in the front yard setback proposes no adverse impacts to the adjacent property. The distance from the sidewalk to the garages will be 22 feet and 26 feet for the units. There are other planned development residential communities with reduced setbacks approved within Manatee County. We believe this meets the intent of the Comprehensive Plan and the Land Development Code.

Thank you for your consideration. Please do not hesitate to contact me with any questions regarding the Special Approval request and Specific Approval requests.

Sincerely,
ZNS Engineering, L.C.

Rachel W Layton

Rachel W. Layton, AICP
Director of Planning
cc: Dale Weidemiller, Neal Communities
Patrick K. Neal, Neal Communities
Nathan Kragt, P.E., ZNS Engineering, L.C.

ZNS ENGINEERING
201 5th Avenue Drive East| Bradenton, FL 34206 | Office: 941.748.8080 | Fax: 941.748.3316 | www.znseng.com
Engineering-CA0027476 Surveying-LB0006982 Landscape Architecture-LC0000365

McCLURE PROPERTY

TRAFFIC IMPACT ANALYSIS

APPROVED: 2/17/2015

Prepared for:

ZNS Engineering

Prepared By:

Grimail Crawford, Inc.

grimail crawford inc.

4600 West Cypress Street, Suite 550
Tampa, Florida 33607
Phone: (813) 387-0084 Fax: (813) 387-0085

From: Jason Utley <jason.utley@mymanatee.org>
Sent: Tuesday, February 17, 2015 3:05 PM
To: Richard Matthews
Cc: Shelley Hamilton; Steve Kollar; Nelson Galeano; Clarke Davis; Susan Barfield; Tim Collins; Paul Villaluz
Subject: McClure Property - Honore/Lockwood Rezone w/Preliminary Site Plan Approval Letter

RE: McClure Property – Honore/Lockwood Rezone w/Preliminary Site Plan - Traffic Impact Analysis
Petition # PDR-14-28(Z)(P)/MEPS 373/DTS#20140503
Consultant: Grimail Crawford, Inc.

Dear Mr. Matthews,

Manatee County Transportation Planning Division staff have reviewed and approved the Traffic Impact Analysis (TIA), dated February 4, 2015 and prepared by Grimail Crawford, Inc. This project will consist of 92 single-family, attached (paired) dwelling units. Staff have found that the Applicant has addressed the County's transportation concurrency-related policy and regulatory requirements, and no additional concurrency related analysis or off-site mitigation is required for the proposed McClure Property residential development. In conjunction with this outcome, the Transportation Planning Division recommends transportation concurrency approval.

The TIA did not identify any off-site, concurrency related improvements which were attributed to the projects Impacts.

Background Improvements:

One background related improvement was identified in the TIA. This improvement is not the requirement of the developer. This improvement is listed below:

63rd Avenue East and 39th Street East

1) Add One additional Eastbound Left turn lane for a total of one Eastbound Left turn lane.

Site Improvements

Two site-related improvements were identified in the TIA. These improvements are listed below.

Lockwood Ridge Road and Project Driveway

1) Construct one southbound right-turn lane of 290-ft (including 50-ft of taper)
2) Construct one northbound left-turn lane of 290-ft (including 50-ft of taper)

Please note that the project will directly impact:

1) Link # 1965 (63rd Avenue East (Saunders Avenue) from 39th Street East to Lockwood Ridge Road) with 13 net new pm peak-hour trips and
2) Link # 2642 (Lockwood Ridge Road from Whitfield Avenue to 63rd Avenue East (Saunders Avenue) with 38 net new pm peak-hour trips.

The applicant shall continue to work with Manatee County with regard to proposed accesses and right of way needs on 63rd Avenue East and Lockwood Ridge Road.

Please submit two (2) hard copies of the finalized signed and sealed TIA study, along with a CD of all electronic files and a PDF copy of the final study that includes a copy of this approval letter. Also please indicate on the cover the TIA approval date (2/17/2015) and marked approved. The package will be routed to the Building and Development Services Department, at 1112 Manatee Avenue West, Bradenton, FL 34205, 4th floor Reviewer on Call for Concurrency and Permanent Records.

If you have any questions or require further assistance, please contact Clarke Davis at 941.708.7450 Ext 7272 or me at the number below.

Thanks,

Jason Utley, AICP
Transportation Systems Modeler
Manatee County Government
941.708.7478
jason.utley@mymanatee.org
1022 26th Avenue East
Bradenton, FL 34208

PROFESSIONAL ENGINEERING CERTIFICATION

I hereby certify that I am a Professional Engineer, properly registered in the State of Florida for practicing with Grimail Crawford, Inc., a corporation authorized to operate as an engineering business, Certificate of Authority No. 0008370, by the State of Florida Department of Professional Regulation, Board of Professional Engineers. I am qualified to accomplish work in the areas of Traffic, Transportation and Civil Engineering. I have prepared or been in responsible charge of the evaluations, findings, opinions, conclusions or technical advice attached hereto for:

PROJECT: McClure Property Traffic Impact Analysis

LOCATION: Manatee County, Florida

CLIENT: ZNS Engineering

I hereby acknowledge that the procedures and references used to develop the results contained in these analyses, computations and design are standard to the professional practices of Traffic, Transportation and Civil Engineering as applied through professional judgment and experience.

Name: Richard W. Matthews, P.E.

P.E. No.: 77050

Signature: _____

RICHARD W. MATTHEWS
LICENSE
No. 77050
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

grimail crawford inc.

Date: 2/17/15

MCCLURE PROPERTY
TRAFFIC IMPACT ANALYSIS

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I. INTRODUCTION

The purpose of this report is to document a traffic impact analysis for the proposed McClure Property residential development (Project). The Project site is located in Manatee County, Florida, in the southwest quadrant of Lockwood Ridge Road (45th Street East) and Honore Avenue (63rd Avenue East). ***Figure 1*** illustrates the general location of the Project site, including the adjacent external roadway system. The Project is proposed for 92 single-family, attached (paired) dwelling units. Two gated access points are proposed for the Project: one driveway on Lockwood Ridge Road with full median access, and one "right-out only" driveway on 63rd Avenue East. A site plan is included under ***Appendix 1***.

The analysis undertaken is in response to Manatee County transportation concurrency requirements. The following report summarizes the methodologies, procedures, and findings of the analysis.

II. METHODOLOGY

The methodology for this study was discussed in a meeting with Manatee County staff on October 27, 2014 and subsequently documented in a methodology statement. The approved methodology statement is included under ***Appendix 1***, and its procedures have been implemented into the analysis accordingly.

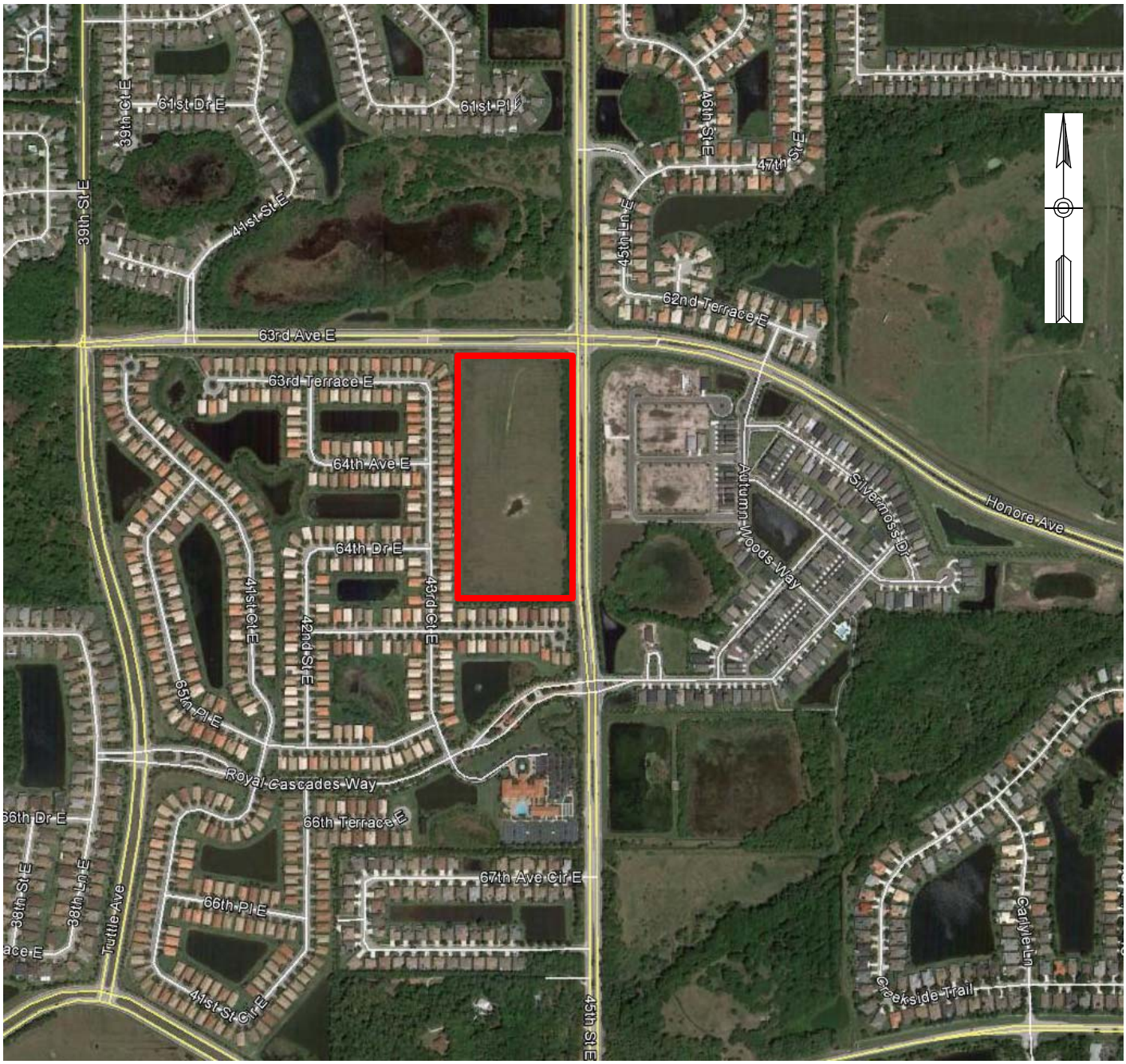


FIGURE 1
Project Site Location

McClure Property
Manatee County, Florida

Key:

= Project Site

grimail crawford inc.

November 2014

III. PROJECT TRIP GENERATION ESTIMATES

Traffic volumes generated by the Project were estimated using the trip generation equations provided in the ITE *Trip Generation Manual, 9th Ed. (2012).* The results from the trip generation calculations included daily, AM and PM peak hour trips. The gross trip generation for the Project is reported in ***Table 1***.

Table 1: Gross Trip Generation

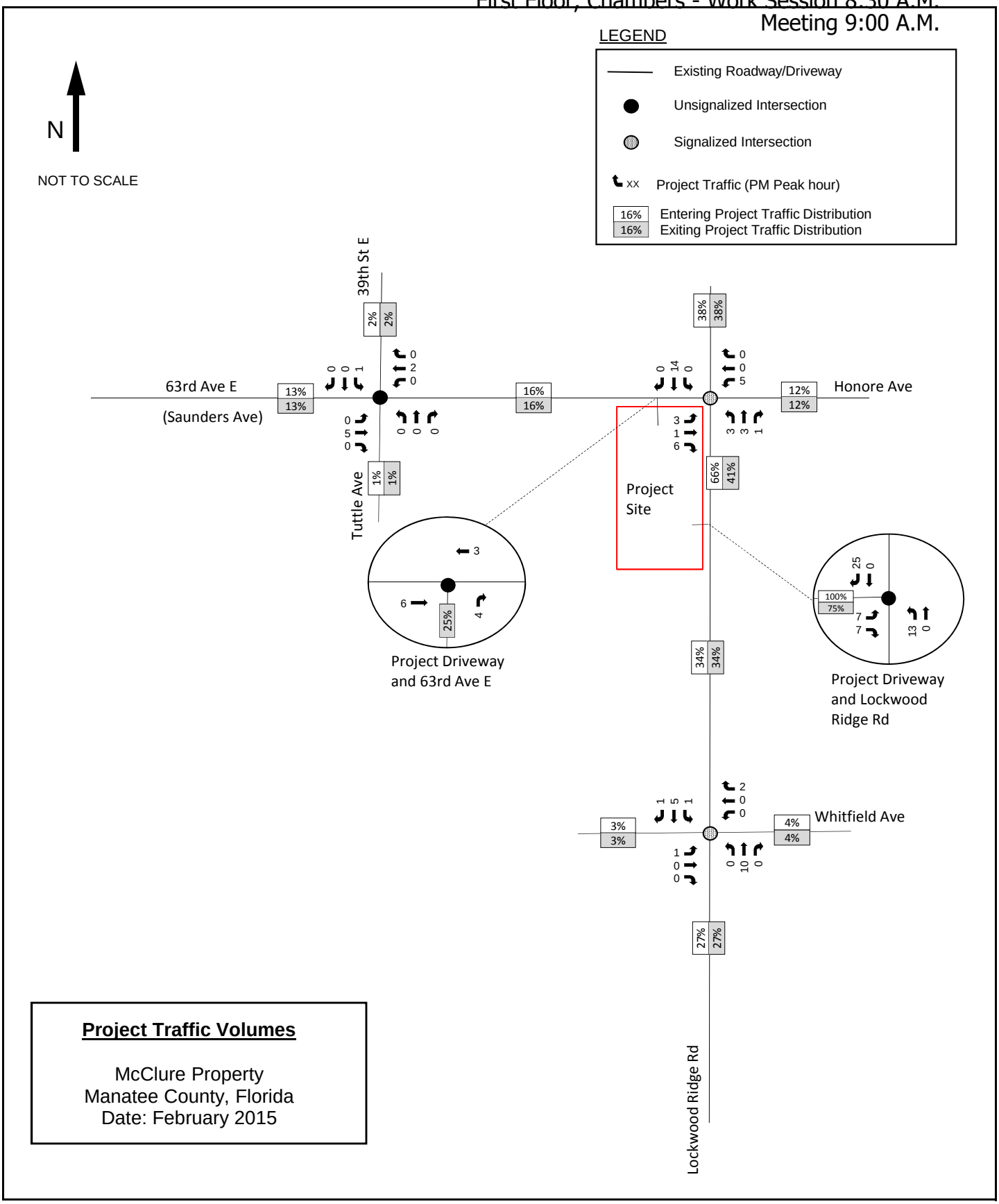
Land Use	LUC	Size	Units	Daily Trips	Gross AM Peak Hour Trips		Gross PM Peak Hour Trips	
					In	Out	In	Out
Single-Family Attached (Condo/Townhnhouse)	230	92	d.u.	598	8	40	38	18
			Gross Trips	598	8	40	38	18

Source: ITE Trip Generation, 9th Edition, 2012

Since there will be no internal capture or pass-by capture for this residential development, the Project's net PM peak hour trip generation is 38 inbound trips and 18 outbound trips (56 total).

IV. PROJECT DISTRIBUTION AND ASSIGNMENT

As documented in the approved methodology under ***Appendix 1***, Project traffic assignments to the roadway network were initially estimated using a select zone analysis on the E+C network of the Sarasota-Manatee-Charlotte (SMC) FSUTMS travel demand model. The model output was reviewed for reasonableness by comparing the resulting distribution to existing travel patterns. As documented under ***Appendix 2***, the model output does not correlate well with the existing distribution of traffic around the Project site. Given the small scale of the Project and its consistency with the surrounding residential area, it is expected that Project traffic will closely follow existing travel patterns. Therefore, Project traffic was distributed and assigned using the existing travel patterns documented in ***Appendix 2***. The resulting distribution and assignment of PM peak hour Project trips is illustrated in ***Figure 2***.



Project Traffic Volumes

McClure Property
Manatee County, Florida
Date: February 2015

V. SCHEDULED IMPROVEMENTS

Based upon review of the Florida Department of Transportation (FDOT) work program and the Manatee County Capital Improvement Program (CIP), there are no road improvements funded for construction within the next three years in the study area.

VI. STUDY NETWORK DETERMINATION

Per Manatee County guidelines, the study area shall include all roadway links on which Project trips consume five percent (5%) or more of the adopted two-way PM peak hour level of service volume. ***Table 2*** reports the percent impact calculations for the surrounding roadway network. Because Project traffic does not exceed a 5% impact on any roadway, only the two directly-accessed roadway segments and their intersection endpoints are included in the study area, as listed below:

Roadway Segments:

- Lockwood Ridge Rd (45th St E)
  - o Whitfield Ave to 63rd Ave E
- 63rd Ave E (Saunders/Honore Ave)
  - o 39th St E (Tuttle Ave) to 45th St E

Intersections:

- 63rd Ave E (Saunders Ave) & 39th St E (Tuttle Ave)
- 63rd Ave E (Honore Ave) & 45th St E (Lockwood Ridge Rd)
- Lockwood Ridge Rd (45th St E) & Whitfield Ave

TABLE 2
STUDY AREA DETERMINATION
MCCLURE PROPERTY

Link No.	Roadway		From	Lanes	LOS Standard	Two-way Pk Hr Service Volume*	Average Project Trip Dist.	PM Peak Hour Project Volumes		Project Vol % of Ser Volume	Significant Impact?
								NB/EB	SB/WB		
1965	63rd Ave E (Saunders Ave)	39th St E	Lockwood Ridge Rd	4LD	D	3,220	16.0%	6	3	0.28%	No
5099	Honore Ave (63rd Ave E)	Lockwood Ridge Rd	Palomino Cir	4LD	D	2,730	12.0%	2	5	0.26%	No
2642	Lockwood Ridge Rd (45th St E)	Whitfield Ave	63rd Ave E (Saunders Ave)	4LD	D	3,220	34.0%	13	6	0.59%	No
2643	Lockwood Ridge Rd (45th St E)	Honore Ave	SR 70	4LD	D	3,220	38.0%	7	14	0.65%	No

Note: Highlighted segments are within study area

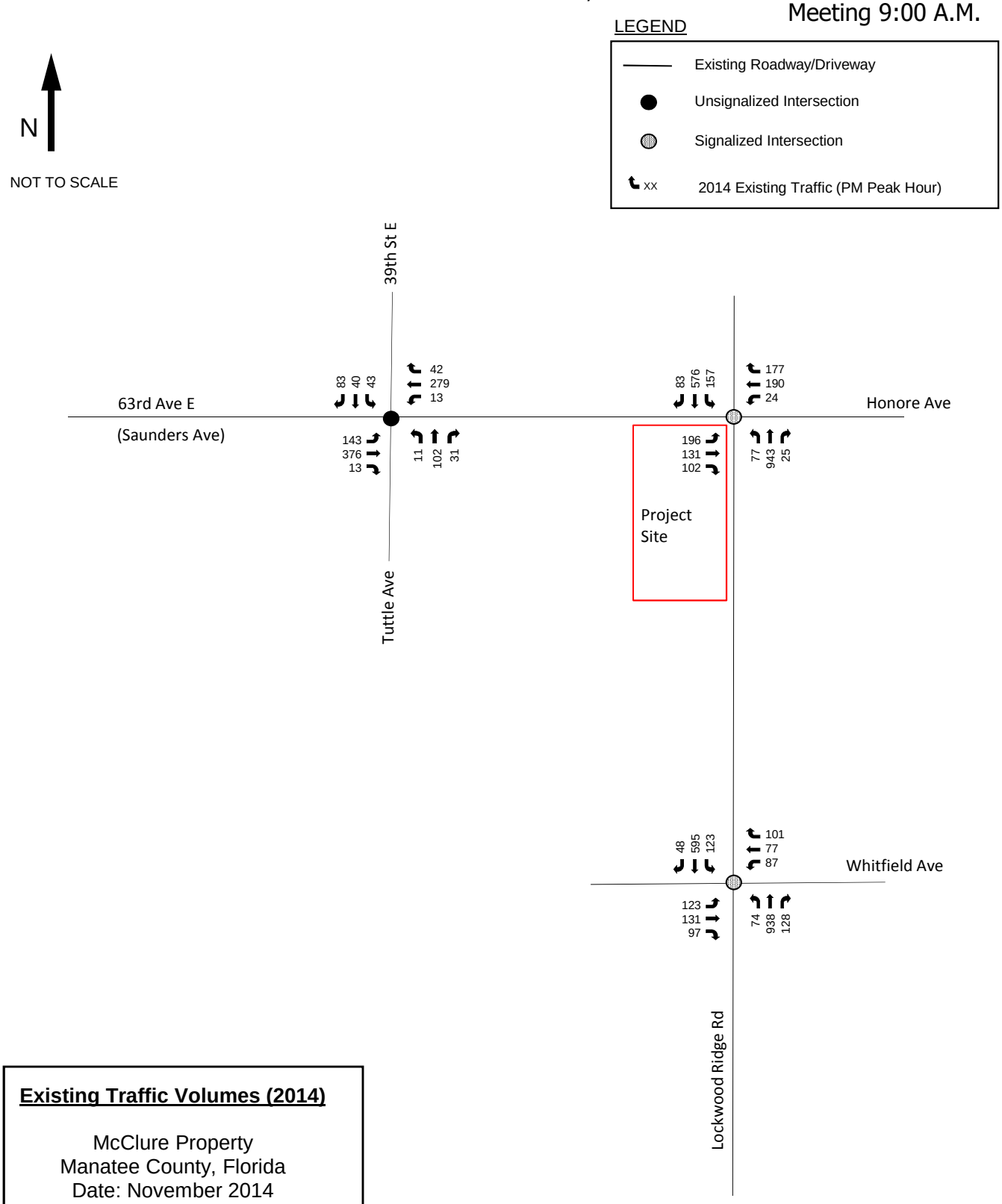
**Source: Manatee County Link Sheet (11/18/14 version)*

Total Project Trips	
38	In
18	Out
56	Total

VII. EXISTING TRAFFIC CONDITIONS

The existing PM peak hour conditions were established by collecting PM peak turning movement counts (from 4:00 PM to 6:00 PM) at each of the study intersections. The raw counts were adjusted to peak-season equivalents using the peak-season conversion factors (PSCF's) documented in ***Appendix 3***. Copies of the raw turning movement counts are included under ***Appendix 3***, and the factored volumes are documented under ***Appendix 6***.

Figure 3 illustrates the existing, seasonally-adjusted traffic volumes at the intersections located within the study area. Due to driveway locations in between the analyzed intersections and minor fluctuations in travel patterns between typical days, segment volumes may not be equivalent from one intersection to the adjacent intersection. Therefore, the average of the two segment volumes between the analyzed intersections was used in the roadway segment analysis. Additional field data collected included lane configurations, posted speed limits and signal timing/phasing. These data are provided under ***Appendix 3***.



Existing Traffic Volumes (2014)

McClure Property
Manatee County, Florida
Date: November 2014

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Figure 3

PM peak hour intersection capacity analyses were conducted for study intersections under existing conditions. Analysis was conducted based on the 2010 Highway Capacity Manual (HCM) using the supporting Highway Capacity Software (HCS 2010). ***Table 3*** provides the results of the analyses, and the corresponding HCS worksheets are provided in ***Appendix 4***.

Table 3: Intersection Capacity Analysis – Existing Conditions

Intersection	Type of Operation	Intersection Standard	2014 PM Peak Hour Existing Traffic Conditions
			max v/c ratio (turning movement)
(1) 63rd Ave E (Saunders Ave) & 39th St E (Tuttle Ave)	4-way stop control	all v/c ratios below 1.0	0.97 (EBL-T-R)
(2) Honore Ave (63rd Ave E) & Lockwood Ridge Rd	Signalized	all v/c ratios below 1.0	0.92 (EBL)
(3) Lockwood Ridge Rd (45th St E) & Whitfield Ave	Signalized	all v/c ratios below 1.0	0.63 (NBT-R)

As reported in ***Table 3***, all of the intersections located within the study area are currently operating within adopted standards.

PM peak hour roadway segment capacity analyses were conducted along all roadway segments located within the study area under existing conditions. ***Table 4*** reports the existing segment volumes, service volumes, and their corresponding level of service (LOS). The service volumes were obtained from the Manatee County Link Sheet (11/18/14 version). As reported in ***Table 4***, all roadway segments located within the study area are currently operating within adopted LOS standards.

Table 4: Roadway Segment Capacity Analysis – Existing Conditions

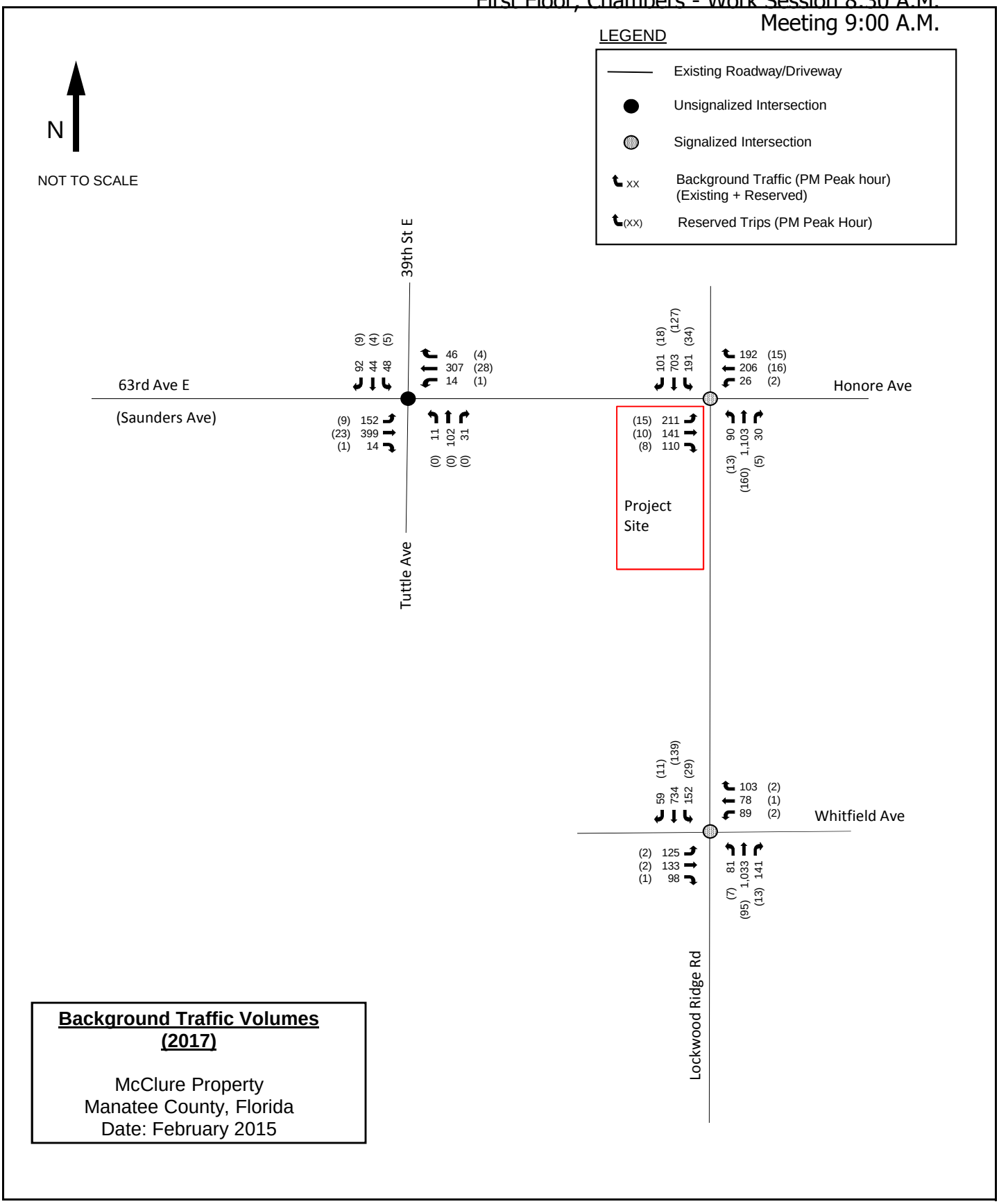
Roadway	From	To	Lanes	2014 Existing PM Peak Hour Volumes			Count Source	Adopted LOS Standard	Peak Hour Service Volumes			Existing LOS	
				NB/EB	SB/WB	Total			NB/EB	SB/WB	Total*	NB/EB	SB/WB
63rd Ave E (Saunders Ave)	39th St E	Lockwood Ridge Rd	4LD	440	342	782	2014 TMC's	D	1,800	1,420	3,220	C	C
Lockwood Ridge Rd (45th St E)	Whitfield Ave	63rd Ave E (Saunders Ave)	4LD	1,104	734	1,838	2014 TMC's	D	1,800	1,420	3,220	C	C

*From *Manatee County Link Sheet (11/18/14 version)*. SV in peak direction obtained from FDOT Generalized Table 7.

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

VIII. FUTURE BACKGROUND TRAFFIC CONDITIONS

Background traffic (future traffic without the Project) for segments within the study area was projected to 2017 by adding (to existing traffic) all of the reserved trips assigned to those segments as contained in Manatee County's *Concurrency Reservations* database. Reserved trips from surrounding developments were obtained from Manatee County staff and are documented in ***Appendix 5***. For roadway segments, a 50/50 directional split was applied to the bidirectional volumes from the reserved trip database. At intersections, the directional reserved trip approach volumes were assigned to individual turning movements by applying the turning movement percentages indicated by existing counts. This process is documented in the turning movement tables under ***Appendix 5***. The assignment of reserved trips at study intersections is graphically illustrated in ***Figure 4***.



Background Traffic Volumes (2017)

McClure Property
Manatee County, Florida
Date: February 2015

PM peak hour intersection capacity analyses for background traffic conditions were conducted based on the 2010 Highway Capacity Manual (HCM) using the supporting Highway Capacity Software (HCS 2010). ***Table 5*** provides the results of the analyses, and the corresponding HCS worksheets are provided in ***Appendix 7***.

Table 5: Intersection Capacity Analysis – Background Conditions

Intersection	Type of Operation	Intersection Standard	2017 Background Traffic Conditions, without Project (PM Peak Hour)		
			max v/c on existing geometry	Background improvements	max v/c ratio with improvement
(1) 63rd Ave E (Saunders Ave) & 39th St E (Tuttle Ave)	4-way stop control	all v/c ratios below 1.0	1.06 (EBL)	add one exclusive eastbound left-turn lane on 63rd Ave E	0.73 (EBT)
(2) Honore Ave (63rd Ave E) & Lockwood Ridge Rd	Signalized	all v/c ratios below 1.0	0.94 (EBL)	none	N/A
(3) Lockwood Ridge Rd (45th St E) & Whitfield Ave	Signalized	all v/c ratios below 1.0	0.71 (EBL)	none	N/A

As reported in ***Table 5***, all of the study intersections are projected to meet standards under background conditions, except for the intersection at 63rd Avenue East and 39th Street East. In order to bring this intersection up to standard, an exclusive eastbound left-turn lane is recommended on 63rd Avenue East. With this turn lane in place, the intersection is projected to operate within capacity. It should be noted that this improvement is needed to address a background deficiency, which occurs without the addition of the Project. Per the transportation concurrency provisions of the State Community Planning Act, a developer is not responsible for mitigating background deficiencies. Therefore, the eastbound left-turn lane improvement can be assumed as "in place" prior to the addition of the Project for analysis purposes.

Roadway analysis for background traffic conditions is reported in ***Table 6.*** Analysis indicates that all study segments will meet adopted LOS standards after the addition of reserved trips, before the addition of the Project.

Table 6: Roadway Segment Capacity Analysis – Background Traffic Conditions

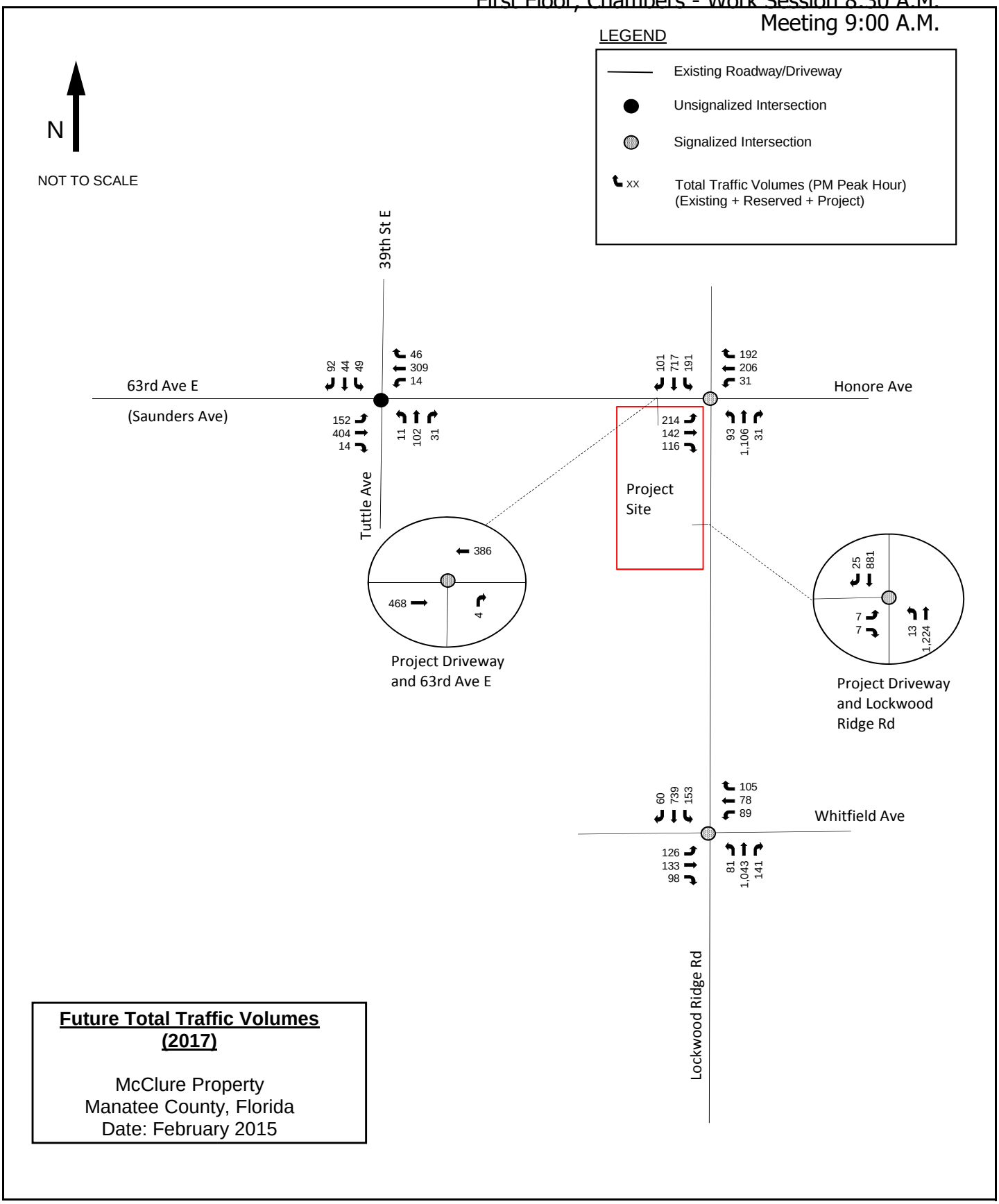
Roadway	From	To	Existing PM Peak Hour Volumes		Reserved Trips*			2017 Background Traffic Volumes		Peak Hour Service Volumes		2017 LOS under Background Traffic Conditions	
			NB/EB	SB/WB	NB/EB	SB/WB	Total	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
63rd Ave E (Saunders Ave)	39th St E	Lockwood Ridge Rd	440	342	33	33	66	473	375	1,800	1,420	C	C
Lockwood Ridge Rd (45th St E)	Whitfield Ave	63rd Ave E (Saunders Ave)	1,104	734	178	179	357	1,282	913	1,800	1,420	C	C

*Obtained from Manatee County Link Sheet (11/18/14 version)

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

IX. FUTURE TOTAL TRAFFIC CONDITIONS

To develop the future total traffic volumes used in this study, Project trips were added to the future background trips. Future total traffic volumes are illustrated in ***Figure 5***. A detailed table of turning movement volumes including the existing volumes, background volumes, and Project volumes for the intersections located within the study area is provided in ***Appendix 6***.



Future Total Traffic Volumes (2017)

McClure Property
Manatee County, Florida
Date: February 2015

PM peak hour intersection capacity analyses for total traffic conditions were conducted using HCS 2010. ***Table 7*** provides the results of the analyses, and the corresponding HCS worksheets are provided in ***Appendix 8***. As mentioned above, the eastbound left-turn lane improvement needed for background conditions was assumed at 63rd Avenue East and 39th Street East. With this improvement in place, all study intersections are projected to operate within capacity under total traffic conditions, after the addition of the Project.

Table 7: Intersection Capacity Analysis –Total Traffic Conditions

Intersection	Type of Operation	Intersection Standard	2017 Total Traffic Conditions, with Project (PM Peak Hour)
			max v/c with background improvements
(1) 63rd Ave E (Saunders Ave) & 39th St E (Tuttle Ave)	4-way stop control	all v/c ratios below 1.0	0.74 (EBT)
(2) Honore Ave (63rd Ave E) & Lockwood Ridge Rd	Signalized	all v/c ratios below 1.0	0.95 (EBL)
(3) Lockwood Ridge Rd (45th St E) & Whitfield Ave	Signalized	all v/c ratios below 1.0	0.72 (EBL)

Roadway analysis for total traffic conditions is reported in ***Table 8.*** Analysis indicates that all study segments will meet adopted LOS standards after the addition of the Project.

Table 8: Roadway Segment Capacity Analysis – Total Traffic Conditions

Roadway	From	To	2017 Background Traffic Volumes		Project Traffic Volumes		2017 Total Traffic Volumes		Peak Hour Service Volumes		2017 LOS Under Total Traffic Conditions	
			NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
63rd Ave E (Saunders Ave)	39th St E	Lockwood Ridge Rd	473	375	6	3	479	378	1,800	1,420	C	C
Lockwood Ridge Rd (45th St E)	Whitfield Ave	63rd Ave E (Saunders Ave)	1,282	913	13	6	1,295	919	1,800	1,420	C	C

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Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

X. ACCESS MANAGEMENT ANALYSIS

Access to the Project is proposed via two gated access points: one driveway on Lockwood Ridge Road with full median access, and one "right-out only" driveway on 63rd Avenue East. The full access driveway on Lockwood Ridge Road is proposed at a location approximately 800 feet south of the signal at 63rd Avenue East (Honore Avenue). An access management analysis was performed to evaluate the need for turn lanes at the Project entrance, future operating conditions at the entrance, and the adequacy of its spacing relative to the adjacent signal at 63rd Avenue East.

To evaluate the need for left and right turn lanes at the driveway on Lockwood Ridge Road, criteria from NCHRP Report 745 and NCHRP Report 279 were first considered. As documented in ***Appendix 9***, these criteria suggest that, at a minimum, a left-turn lane and a "taper only" right-turn lane should be provided at the Project driveway. However, given that the entrance is gated, a full-width right turn lane is recommended to ensure that queued vehicles waiting at the gate do not spill back into the southbound through lanes on Lockwood Ridge Road.

The recommended lengths for the left and right turn lanes were determined as the sum of the required storage and deceleration lengths. The deceleration length was obtained from *FDOT Index 301*, using a design speed of 50 mph (5 mph over the posted speed limit of 45 mph). The storage lengths were first evaluated based upon consideration of HCS analysis at the driveway for total traffic conditions. As documented in ***Appendix 10***, HCS indicates a 95th percentile queue length of less than one vehicle for the northbound left-turn lane. Queuing associated with typical intersection operation (i.e. waiting for gaps in traffic) is therefore anticipated to be minimal. However, a storage length of 50 feet (or two vehicles) is recommended for each turn lane in order to accommodate potential queues caused by the entry gate. The proposed driveway, including the length along the curb radius, will be able to accommodate a queue of two vehicles on-site. Therefore, a total of six vehicles arriving at once (two stored in each

turn lane, two waiting at the gate) could be served at the Project entrance under the recommended turn lane configuration. Note that the deceleration length portion of each turn lane could also be used to store vehicles in the rare event that more than six vehicles arrive at the entrance simultaneously. The recommended turn lane lengths are reported below in ***Table 9***.

Table 9: Project Turn Lane Length Calculations

Intersection	Turning Movement	Design Speed	Deceleration Length* (ft)	HCS 95th Percentile Back of Queue (vehicles)	Recommended Storage Length (ft)	Total Length (ft)
Project Driveway & Lockwood Ridge Rd	NBL	50 mph	240	0.06	50	290
	SBR	50 mph	240	N/A	50	290

**Per FDOT Index 301, including 50-ft taper*

In order to ensure adequate driveway spacing (relative to the signal at 63rd Avenue East), queues associated with the adjacent signal were checked using HCS 2010. At the intersection of 63rd Avenue East and Lockwood Ridge Road, HCS estimates a maximum 95th percentile queue of approximately 19 vehicles for northbound traffic approaching the signal (see ***Appendix 8***). This queue is approximately 475 feet in length, which is less than the proposed driveway spacing of 800 feet. Therefore, as summarized below in ***Table 10***, the proposed location of the Project entrance is not expected to interfere with operations at the adjacent signal.

Table 10: Driveway Spacing Evaluation

Intersection	Turning Movement	95th Percentile Queue Length*		Distance to Project Entrance (ft)	Adequate Distance?
		Vehicles	Feet		
63rd Avenue E & Lockwood Ridge Rd	NBL	3	75	800	yes
	NBT	19	475	800	yes
	NBR	19	475	800	yes

**From HCS analysis of total traffic conditions*

XI. CONCLUSION

This traffic study was prepared to evaluate the potential impacts that the proposed McClure Property residential development will have on the surrounding roadway network in 2017. A total of 56 PM peak hour trips were estimated for the Project. ***Table 11*** reports the estimated number of Project trips on each roadway segment within the study area. Analysis of background conditions indicates that the following intersection improvement will be necessary to accommodate reserved trips within the study area:

Background Intersection Improvements (not attributable to the Project)

- 63rd Avenue East and 39th Street East
  - Add exclusive eastbound left-turn lane

In order to provide for safe ingress at the gated Project entrance on Lockwood Ridge Road, the following turn lane improvements are recommended:

Project Site-related Improvement:

- Lockwood Ridge Road and Project Driveway
  - Construct one southbound right-turn lane of 290-ft (including 50-ft of taper)
  - Construct one northbound left-turn lane of 290-ft (including 50-ft of taper)

With the above improvements in place, all roadways and intersections within the study area are anticipated to operate safely and within adopted standards.

Table 11: Project Trips Summary within Study Area

Link No.	Roadway	From	From	PM Peak Hour Project Volumes (two-way)*
1965	63rd Ave E (Saunders Ave)	39th St E	Lockwood Ridge Rd	13
2642	Lockwood Ridge Rd (45th St E)	Whitfield Ave	63rd Ave E (Saunders Ave)	38

**Sum of max Project volume along segment in each direction*

Bradenton Herald
March 25, 2015
Miscellaneous Notices

NOTICE OF ZONING CHANGES IN UNINCORPORATED
MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, April 9, 2015 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

PDRV-14-29(P) - TIMBERLANE RV PARK (DTS#20140521) (MEPS380)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for Phase 2 of the Timberlane RV Park consisting of an additional 41 RV spaces and 15 Mobile Home spaces (a total of 56 additional spaces) on a total project site of approximately 11.92ñ acres with a total of 105 RV and Mobile Home spaces (Phase 1 - 6.54^{aaaa}ñ acres [47 RV spaces, 1 mobile home space and a 2-story 5,000 square foot amenity center/storm shelter/caretaker apartment and Phase 2 - 5.38ñ acres [41 RV spaces and 15 Mobile Home spaces) located at 7500 SR 64 East, Bradenton in the PDRV (Planned Development - Recreational Vehicle) zoning district; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDR-14-28(Z)(P) - MCCLURE - HONORE AVENUE/
LOCKWOOD RIDGE ROAD (DTS #20140503)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 18.6 acres, located at the southwest corner of Honore Avenue and Lockwood Ridge Road, Bradenton, Florida, from the PDC/WP-E/ST (Planned Development Commercial/Watershed Protection-Evers Reservoir/Special Treatment) zoning district to the PDR/WP-E/ST (Planned Development Residential) zoning district, retaining the Watershed Protection-Evers Reservoir/Special Treatment Overlay Districts; approval of a Preliminary Site Plan for 92 single family attached dwelling units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, Local Development Agreements, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to planning. agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans with Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves

every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY
PLANNING COMMISSION
Manatee County Building
and Development Services
Department
Manatee County, Florida
03/25/2015

Sarasota Herald-Tribune
March 25, 2015
Miscellaneous Notices

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, April 9, 2015 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

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An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for Phase 2 of the Timberlane RV Park consisting of an additional 41 RV spaces and 15 Mobile Home spaces (a total of 56 additional spaces) on a total project site of approximately 11.92Â± acres with a total of 105 RV and Mobile Home spaces (Phase 1 - 6.54Â¬Â¬Â¬Â¬Â± acres [47 RV spaces, 1 mobile home space and a 2-story 5,000 square foot amenity center/storm shelter/caretaker apartment and Phase 2 - 5.38Â± acres [41 RV spaces and 15 Mobile Home spaces) located at 7500 SR 64 East, Bradenton in the PDRV (Planned Development - Recreational Vehicle) zoning district; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDR-14-28(Z)(P) - MCCLURE - HONORE AVENUE/LOCKWOOD RIDGE ROAD (DTS #20140503)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 18.6 acres, located at the southwest corner of Honore Avenue and Lockwood Ridge Road, Bradenton, Florida, from the PDC/WP-E/ST (Planned Development Commercial/Watershed Protection-Evers Reservoir/Special Treatment) zoning district to the PDR/WP-E/ST (Planned Development Residential) zoning district, retaining the Watershed Protection-Evers Reservoir/Special Treatment Overlay Districts; approval of a Preliminary Site Plan for 92 single family attached dwelling units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, Local Development Agreements, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans with Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact

Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: March 25, 2015

PRELIMINARY SITE PLAN

TO SERVE:

McCLURE - HONORE/LOCKWOOD

LOCATED IN:
SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

EXISTING ZONING:
PD-C / ST / WPE

PROPOSED ZONING:
PD-R / ST / WPE

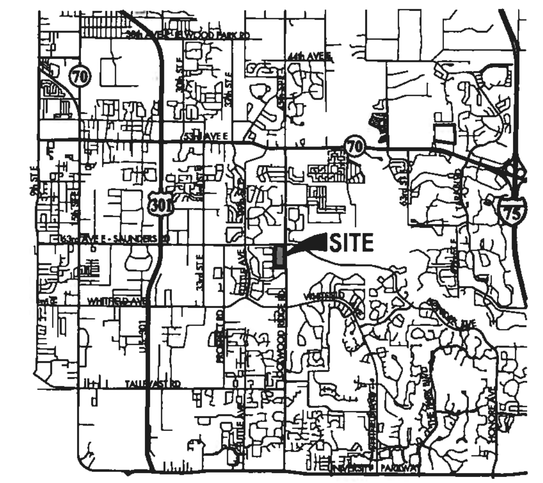
FUTURE LAND USE:
RES-6 / EVERS

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

INDEX

[X] COVER SHEET. 01
[X] EXISTING CONDITIONS AERIAL. 02
[X] PRELIMINARY SITE PLAN. 03
[X] PRELIMINARY ENGINEERING PLAN. 04
[X] PRELIMINARY SECTIONS AND DETAILS. 05
[X] PRELIMINARY PLANTING PLAN. 06
[X] PRELIMINARY PLANTING NOTES & DETAILS. 07

[X] SHEETS INCLUDED



VICINITY MAP

SITE DATA:

TOTAL PROJECT AREA:	18.64 AC
TOTAL LOTS:	92 LOTS
OPEN SPACE	
REQUIRED (35%):	6.51 AC.
PROVIDED:	6.78 AC. (36.5%)
NET AREA: (TOTAL AREA - WETLANDS - REC. AREA - CONSERVATION EASEMENTS)	18.15 AC.
GROSS DENSITY: (TOTAL LOTS/TOTAL AREA)	92/18.64 = 4.95 DU/AC.
NET DENSITY: (TOTAL LOTS/NET AREA)	92/18.15 = 5.07 DU/AC.
TYPICAL LOT SIZE:	36'X115' (4,140 SF)

SETBACKS:

	MINIMUM PROPOSED
FRONT:	20'
REAR:	15'
SIDE:	0'/6'

BUFFERS:

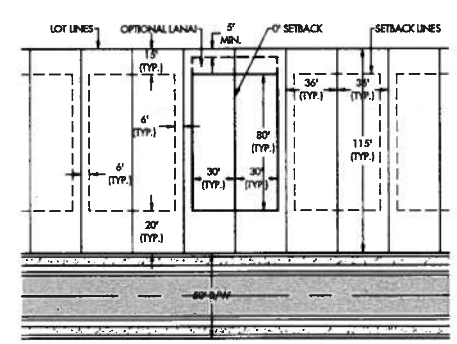
	MINIMUM REQUIRED	PROVIDED
ROADWAY:	20'	20'
SOUTH:	15'	10'
WEST:	15'	10'

NOTES:

1. THE SITE IS CURRENTLY ZONED PD-C / ST / WPE. (McCLURE PROPERTIES, LTD PDC-01-05(Z))
2. THE PROPOSED ZONING IS PD-R / ST / WPE
3. THE SITE IS DESIGNATED AS FLOOD ZONE 'X' ON F.I.R.M. PANEL #12081C0317E, DATED 3/17/2014, AND IS NOT LOCATED WITHIN A FLOODWAY
4. THERE ARE NO KNOWN FOUNDATIONS, MOUNDS OR MIDDEN AREAS OF HISTORIC ORIGIN, EXISTING EASEMENTS, PLATTED STREETS LOCATED ON THIS SITE.
5. THERE ARE NO KNOWN WETLANDS UNDER THE JURISDICTION OF SWFWMD AND FDEP WITHIN THE BOUNDARIES OF THIS PLAN.
6. THERE ARE NO EXISTING WELLS WITHIN THE BOUNDARIES OF THIS PLAN
7. COMMON OPEN SPACE SHALL BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION.
8. THE RESIDENCES WILL BE SINGLE FAMILY SEMI-DETACHED, WITH A MAXIMUM HEIGHT OF 35'.
9. STREET LIGHTS MAY BE INSTALLED AT THE DEVELOPER'S OPTION.
10. THERE WILL BE PROPOSED SIGNS TO IDENTIFY THE SUBDIVISION.
11. INFRASTRUCTURE CONSTRUCTION WILL COMMENCE 2015 AND WILL BE COMPLETED WITHIN THREE YEARS UPON CONSTRUCTION PLAN APPROVAL AND CERTIFICATE OF LEVEL OF SERVICE APPROVAL.
12. SANITARY SEWER AND POTABLE WATER WILL BE CONSTRUCTED TO MANATEE COUNTY STANDARDS AND PUBLICLY MAINTAINED.
13. A 10' MINIMUM UTILITY EASEMENT WILL BE LOCATED ALONG ALL FRONT LOT LINES AND A 5' UTILITY EASEMENT ALONG ALL SIDE AND REAR LOT LINES
14. SUBDIVISION STREETS WILL BE CONSTRUCTED TO MANATEE COUNTY TRANSPORTATION DEPARTMENT STANDARDS LATEST REVISED DATE AT THE TIME OF CONSTRUCTION DRAWING APPROVAL, UNLESS THE GATED COMMUNITY OPTION IS DESIGNED AT THE TIME OF FINAL SITE PLAN. ROADWAYS CONSTRUCTED WITHIN THE 50 FOOT RIGHT-OF-WAY WILL BE PUBLICLY OWNED AND MAINTAINED, UNLESS GATED WHICH WOULD NECESSITATE PRIVATELY OWNED ROADS.
15. SOLID WASTE DISPOSAL WILL BE PROVIDED BY MANATEE COUNTY BY INDIVIDUAL CAN PICK-UP.
16. RESIDENTIAL STREET TREE LAYOUT SHALL BE AS PER MANATEE COUNTY ENVIRONMENTAL PLANNING LAND DEVELOPMENT CODE TEXT AMENDMENT LDCY-14-05/ORDINANCE 14-49. RESIDENTIAL LOTS 100' WIDTH OR LESS SHALL HAVE 1 STREET TREE INSTALLED PER LOT PER ROADWAY FRONTAGE (CORNER LOTS HAVE 2 TREES). RESIDENTIAL LOTS 60' WIDTH OR LESS MAY UTILIZE SMALLER MATURING CANOPY OR UNDER STORY TREES. TREES SHALL BE LOCATED WITHIN THE FIRST 25' OF THE FRONT YARD BUT NOT WITHIN THE RIGHT-OF-WAY PLANTING SHALL TAKE PLACE PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR EACH DWELLING UNIT.
17. ALL PROPOSED BUILDING FINISHED FLOOR ELEVATIONS ARE TO BE A MINIMUM OF 21" ABOVE THE CROWN OF THE ADJACENT ROADWAY OR IF WITHIN THE 100 YEAR FLOOD PLAIN, A MINIMUM OF ONE FOOT ABOVE THE 100 YEAR FLOOD ELEVATION.
18. SEDIMENTATION AND EROSION CONTROL MEASURES WILL BE IN COMPLIANCE WITH SECTION 519, APPENDIX A-19 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE. TO PREVENT SEDIMENTARY RUNOFF DURING CONSTRUCTION, STAKED HAYBALES, STAKED SILT SCREENS OR INLET DEBRIS CONTROL SCREENS ARE TO BE PLACED AT STORM INLETS, OUTFALL LOCATIONS AND ADJACENT PROPERTY LINES AS REQUIRED PRIOR TO ANY CONSTRUCTION ACTIVITIES. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING THE SEDIMENTATION BARRIERS IN A WORKING MANNER FOR THE DURATION OF CONSTRUCTION AND SHOULD BE CHECKED DAILY. SILTATION ACCUMULATIONS GREATER THAN THE LESSER OF 12 INCHES OR ONE-HALF OF THE DEPTH OF THE SEDIMENTATION BARRIER SHALL BE IMMEDIATELY REMOVED AND REPLACED IN UPLAND AREAS. IN ADDITION TO SPECIFIED EROSION CONTROL LOCATIONS, THE CONTRACTOR SHALL PERFORM DAILY SITE INSPECTIONS FOR POTENTIAL EROSION PROBLEMS. IF PROBLEMS OCCUR, THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING APPROPRIATE EROSION CONTROL IMMEDIATELY. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING TEMPORARY EROSION CONTROL DEVICES FOLLOWING COMPLETION OF ALL CONSTRUCTION AND FINAL STABILIZATION.
19. NOTIFY MANATEE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT (EMD) WATER QUALITY DIVISION PRIOR TO THE INITIATION OF CONSTRUCTION. A PRE CONSTRUCTION INSPECTION OF THE SEDIMENTATION AND EROSION CONTROL (S&EC) DEVICES MAY BE REQUIRED AND WILL BE THE OPTION OF THE EMD STAFF.
20. NUISANCE, EXOTIC SPECIES WILL BE REMOVED FROM ALL UPLAND COMMON AREAS WITHIN THE PLAT BOUNDARY PRIOR TO FINAL PLAT APPROVAL.
21. CONTRACTOR SHALL LOCATE EROSION CONTROL MEASURES (ECM'S) ALONG WETLAND BUFFERS AS IDENTIFIED ON PLAN. EXOTIC NUISANCE SPECIES LOCATED WITHIN WETLAND BUFFER SHALL BE MANUALLY REMOVED WITH CARE TAKEN TO PROTECT EXISTING NATIVE VEGETATION UNLESS OTHERWISE SPECIFICALLY ADDRESSED ON THE APPROVED PLANS. IN THOSE INSTANCES WHERE ADDITIONAL AREAS OF THE WETLAND BUFFER ARE SO HEAVILY VEGETATED WITH EXOTIC NUISANCE SPECIES AS TO MAKE MANUAL REMOVAL UNFEASIBLE, THE CONTRACTOR SHALL PROVIDE PROJECT ENGINEER AND MANATEE COUNTY ENVIRONMENTAL MANAGEMENT DIVISION SHOP DRAWING SHOWING LIMITS OF ADDITIONAL ECHANIZED CLEARING WITHIN BUFFER, PLANS TO RELOCATE ECM'S AND PROPOSED STABILIZATION OF CLEARING WITHIN WETLAND BUFFERS. ALL PROPOSED MODIFICATIONS TO LOCATIONS OF ECM'S, SOIL STABILIZATION, SHOP DRAWINGS AND PROCESSING FOR APPROVAL SHALL BE THE FINANCIAL RESPONSIBILITY OF THE CONTRACTOR.
22. ALL THE SIGNING AND PAVEMENT MARKINGS SHALL BE PROVIDED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), FDOT DESIGN STANDARDS AND THE MANATEE COUNTY TRANSPORTATION DEPARTMENT - HIGHWAY, TRAFFIC AND STORMWATER STANDARDS.
23. TRAFFIC CONTROL DEVICES THAT DO NOT CONFORM TO THE LATEST EDITION OF THE MANATEE COUNTY TRANSPORTATION DEPARTMENT - HIGHWAY, TRAFFIC AND STORMWATER STANDARDS WITHIN THE PUBLICLY MAINTAINED RIGHT-OF-WAY WILL REQUIRE A SIGN AND HARDWARE DIAGRAM AND, IF ACCEPTABLE, AN EXECUTED MAINTENANCE AGREEMENT PRIOR TO APPROVAL OF CONSTRUCTION PLANS.
24. ALL CONTOURS/ELEVATIONS UTILIZED ON THESE PLANS ARE NGVD 1988 DATUM. THE CONVERSION FROM THE NAVD 1929 TO THE NGVD 1988 IS -0.9651'
25. THE LOWEST QUALITY WATER AVAILABLE SHALL BE USED FOR IRRIGATION.

DESCRIPTION:

THE EAST 1/2 OF THE SE 1/4 OF THE NW 1/4 OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS RIGHT OF WAY DESCRIBED AS PARCEL 24 IN O.R. BOOK 1625, PAGE 7796, PUBLIC RECORDS MANATEE COUNTY FLORIDA ALSO LESS LAND DESCRIBED IN O.R. BOOK 2147, PAGE 7761, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.



TYPICAL LOT LAYOUT

N.T.S.

MANATEE COUNTY BUILDING & DEVELOPMENT SERVICES SIGNATURE BLOCK

PROJECT NUMBER: ______ PROJECT NAME: McCLURE - HONORE/LOCKWOOD

APPROVAL TYPE: PRELIMINARY SITE PLAN DTS NUMBER: ______

PROJECT PLANNER	______	DATE ______
PROJECT ENGINEER	______	DATE ______
CONCURRENCY	______	DATE ______
ENVIRONMENTAL PLANNING	______	DATE ______
ENVIRONMENTAL HEALTH	______	DATE ______
FIRE DISTRICT	______	DATE ______

Attention: The combination of this signed plan and accompanying letter constitutes the complete approval document. Both documents should be provided to interested parties and submitted with any building permit application. There may be other documents, including a CLOS that affects this project approval

Res'd by OWNER/AGENT ______ DATE ______

ZNS|ENGINEERING
ENGINEERS | PLANNERS | SURVEYORS
LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENG.COM | TELEPHONE 941 748 8080 | FAX 941 748 3316

PREPARED FOR:
NEAL COMMUNITIES
5800 LAKEWOOD RANCH BOULEVARD
SARASOTA, FL
34240
(941) 328-1111

AUTHORIZED AGENT/PREPARER:
ZNS ENGINEERING
201 5th AVENUE DRIVE EAST
BRADENTON, FL
34208
(941) 748-8080

REVISIONS

1	CORRECTED TOTAL PROJECT AREA AND NOTE #8	MJC	3/25/2015
2			
3			
4			
5			
6			

PROJECT DATA:
McCLURE - HONORE/LOCKWOOD
43804

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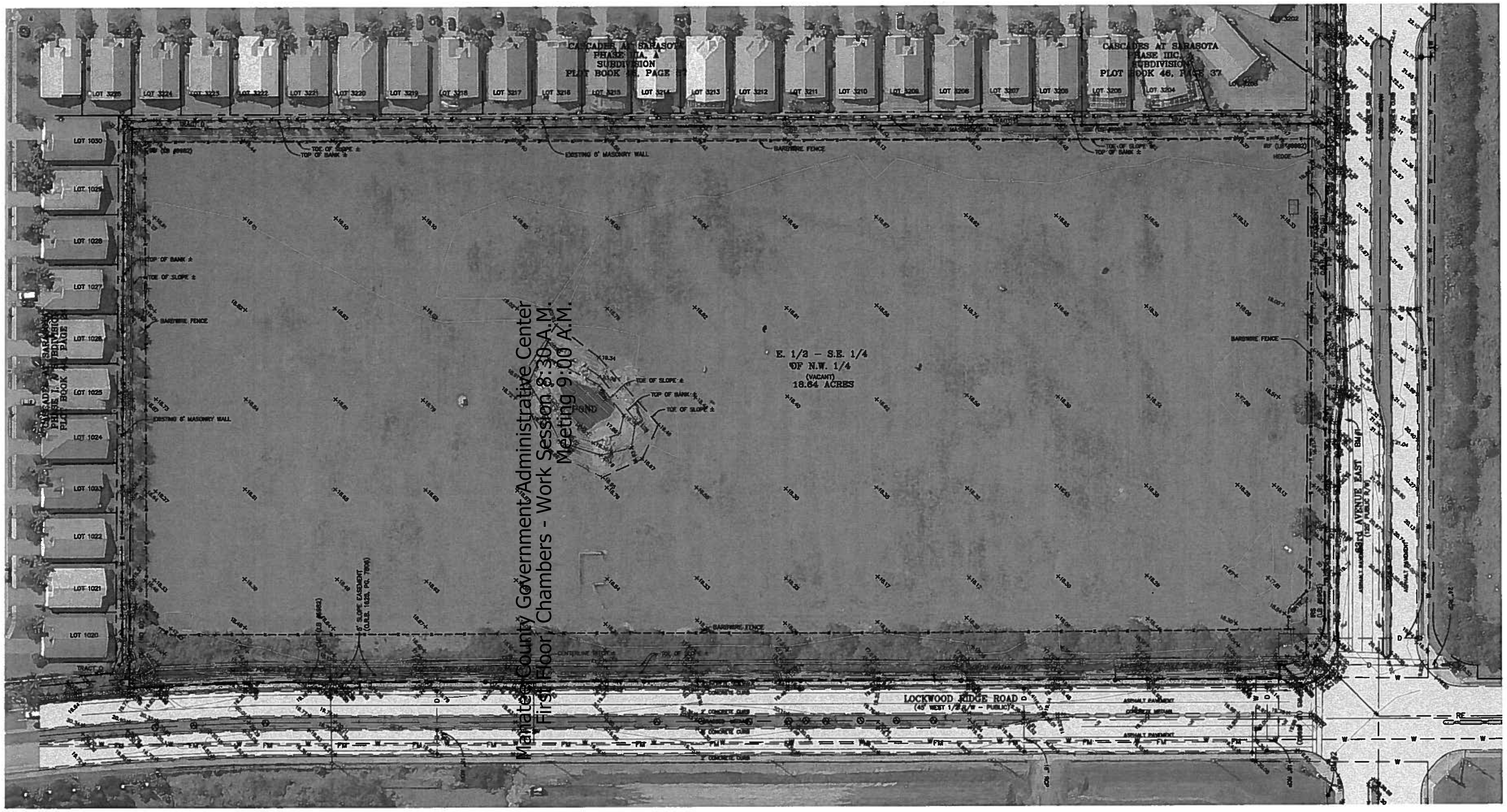
NATHAN J. KRAGT
PROFESSIONAL ENGINEER #59272

______
SIGNATURE

SHEET 01

Fri, 27 Mar 2015 - 5:03pm W:\Acad\McClure (43804)\PL\McClure 01-COV.dwg



LEGEND

	EXISTING CONCRETE
	EXISTING ASPHALT PAVEMENT

NATHAN J. KRAGT
PROFESSIONAL ENGINEER #69272
SIGNATURE

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E-MAIL: ZNS@ZNSENG.COM | TELEPHONE 941.748.8080 | FAX 941.748.3316

REVISIONS

1	4th RESPONSE TO MANATEE COUNTY COMMENTS	MJC	3/27/2015
2			
3			
4			
5			
6			
7			

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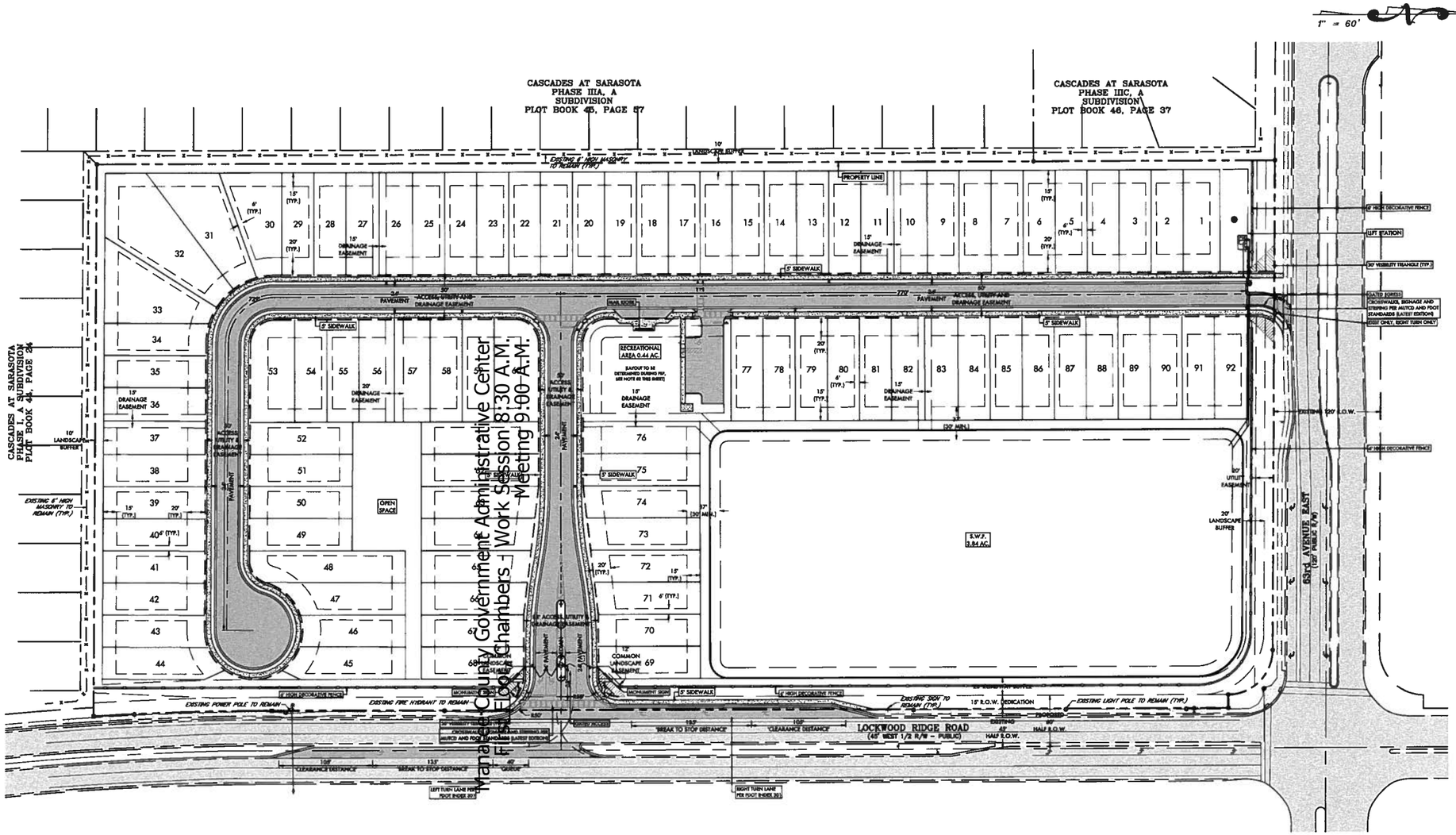
EXISTING CONDITIONS AERIAL SITE PLAN
FOR:
McCLURE - HONORE/LOCKWOOD
LOCATED IN:
SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED N. KRAGT
DRAWN M. CONLEY
DATE 3/27/15
JOB NO. 43804
SCALE 1"=60'
SHEET 02

Fri, 27 Mar 2015 - 5:04pm W:\Acad\McClure (43804)\PL\McClure 02-AER.dwg

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.



LEGEND

- EXISTING CONCRETE TO REMAIN
- EXISTING ASPHALT PAVEMENT TO REMAIN
- PROPOSED CONCRETE
- PROPOSED ASPHALT PAVEMENT

NOTES

1. THE WIDTH OF THE DRAINAGE EASEMENTS SHOWN THROUGHOUT THE STREETS OF THIS PLAN SHALL COMPLY WITH THE STORMWATER MANAGEMENT DESIGN MANUAL AND BE NO LESS THAT 20' IN WIDTH.
2. RECREATIONAL AMENITIES MAY INCLUDE, BUT SHALL NO BE LIMITED TO A RECREATION CENTER WITH A POOL AND FITNESS CENTER, OUTDOOR SEATING, A TOT LOT AND PASSIVE RECREATION SPACE.

NATHAN J. KONAT
PROFESSIONAL ENGINEER #86372
SIGNATURE

ZNS ENGINEERING
ENGINEERS | PLANNERS | SURVEYORS
LB 8890
LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
LC 26000232
201 3RD AVENUE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENG.COM | TELEPHONE 941.748.8080 | FAX 941.748.2316

REVISIONS
1. LA RESPONSE TO MANATEE COUNTY COMMENTS MJC 12/29/2014
2. REVISED RECREATION CENTER AND LIFT STATION LOCATIONS MJC 3/4/2015
3. LA RESPONSE TO MANATEE COUNTY COMMENTS MJC 3/27/2015
4.
5.
6.
7.

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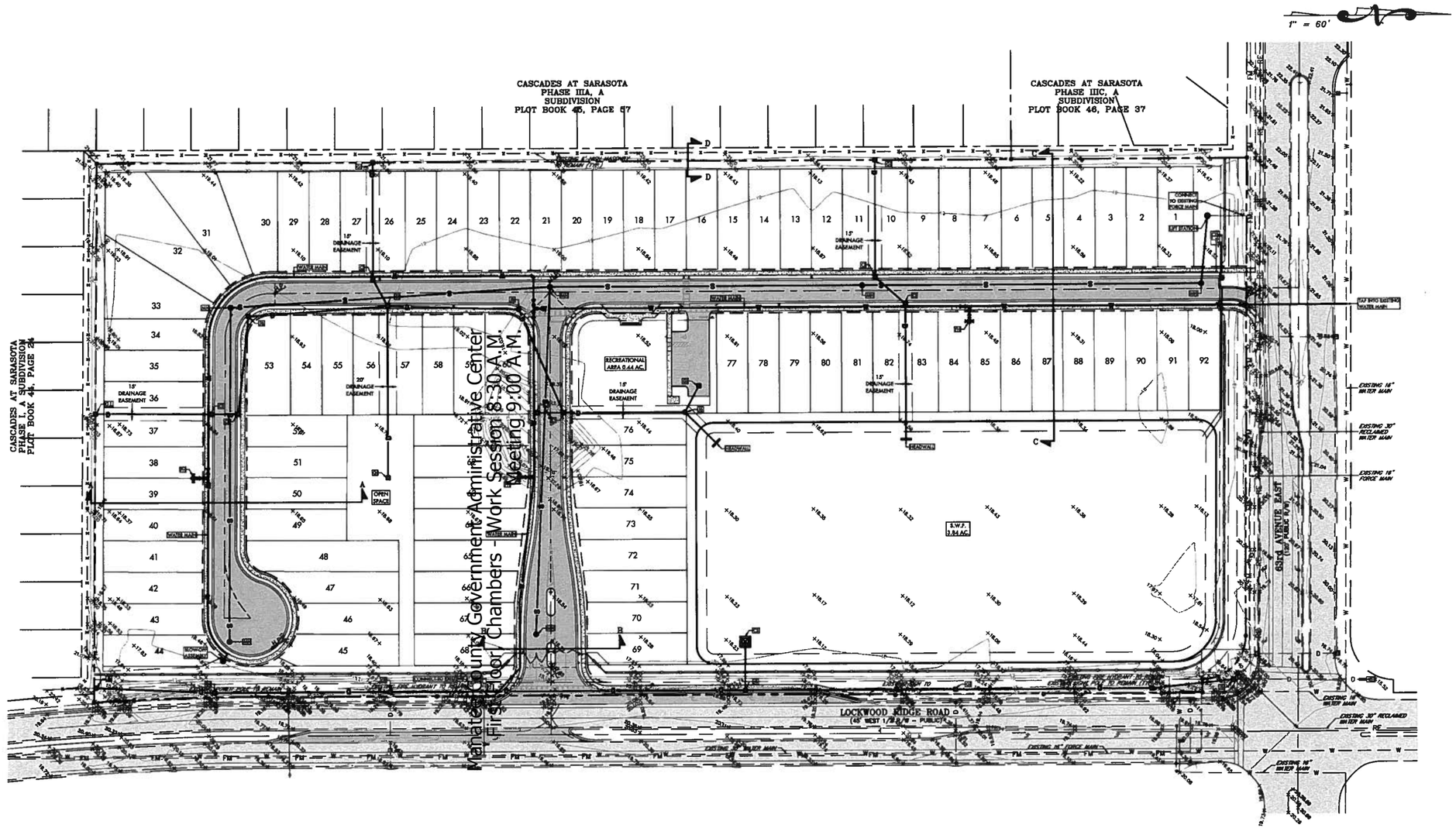
PRELIMINARY SITE PLAN
FOR:
McCLURE - HONORE/LOCKWOOD
LOCATED IN:
SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED: N. KONAT
DRAWN: N. CONLEY
DATE: 3/27/15
JOB NO.: 43804
SCALE: 1"=60'
SHEET: 01

Manatee County Government Administrative Center
Final Hearing Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

Fri, 27 Mar 2015 - 5:04pm W:\Acad\McClure (43804)\Pl\McClure 03-PSP.dwg



LEGEND

- EXISTING CONCRETE TO REMAIN
- EXISTING ASPHALT PAVEMENT TO REMAIN
- PROPOSED CONCRETE
- PROPOSED ASPHALT PAVEMENT
- PROPERTY BOUNDRY
- EASEMENT
- TOP OF BANK
- W — WATER MAIN
- D — STORM DRAIN
- S — SANITARY SEWER
- FM — FORCE MAIN
- CI — CURB INLET
- JB — JUNCTION BOX
- CS — CONTROL STRUCTURE
- MES — MITERED END SECTION
- FH — FIRE HYDRANT
- MH — MANHOLE
- PROPOSED HIGH POINT

NOTE

THE PROPOSED POTABLE WATER, STORM DRAINAGE AND WASTEWATER FACILITIES SHOWN ARE CONCEPTUAL ONLY AND ARE INCLUDED TO GRAPHICALLY DEMONSTRATE THE INTENT TO COMPLY WITH THE REQUIREMENTS OF SECTION 725 OF THE MANATEE COUNTY LDC. THE SIZE AND LOCATION OF THESE FACILITIES WILL BE FINALIZED DURING THE FINAL SITE/CONSTRUCTION PLAN REVIEW PROCESS.

NATHAN A. KONET
PROFESSIONAL ENGINEER #66272
SIGNATURE

ZNS ENGINEERING
ENGINEERS | PLANNERS | SURVEYORS
LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
201 8th AVENUE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENG.COM | TELEPHONE 941.748.8200 | FAX 941.748.3316

REVISIONS

1	1st RESPONSE TO MANATEE COUNTY COMMENTS	JMC	12/29/2014
2	REVISED RECREATION CENTER AND LIFT STATION LOCATIONS	JMC	3/4/2015
3	4th RESPONSE TO MANATEE COUNTY COMMENTS	JMC	3/27/2015
4			
5			
6			
7			

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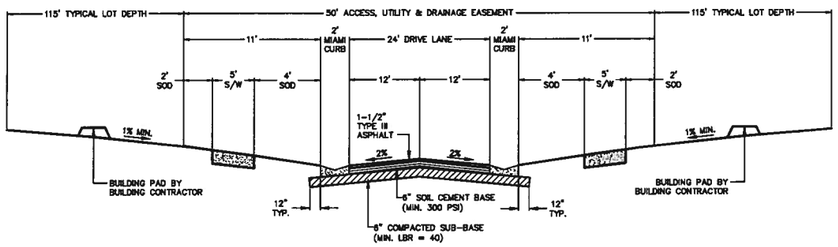
PRELIMINARY ENGINEERING PLAN
FOR:
McCLURE - HONORE/LOCKWOOD
LOCATED IN:
SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA.

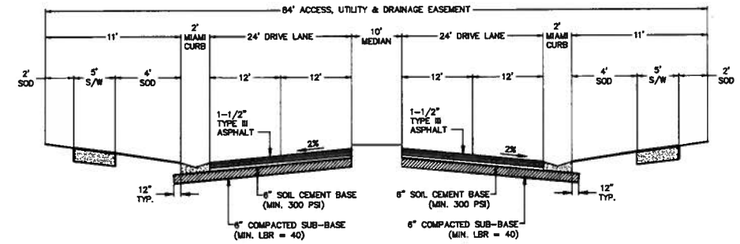
DESIGNED: N. KNAUF
DRAWN: M. CONLEY
DATE: 3/27/15
JOB NO.: 43804
SCALE: 1"=60'
SHEET: 04

Fri, 27 Mar 2015 - 5:05pm W:\Acad\McClure (43804)\PL\McClure 04-ENG.dwg



SECTION A-A

N.T.S.



SECTION B-B

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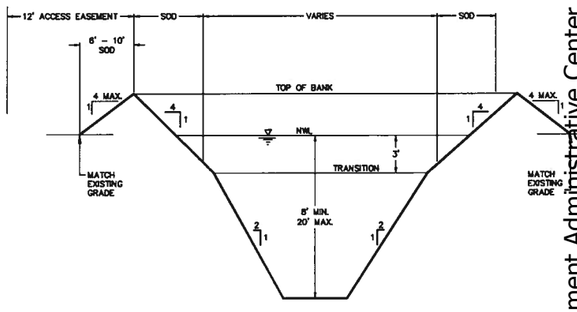
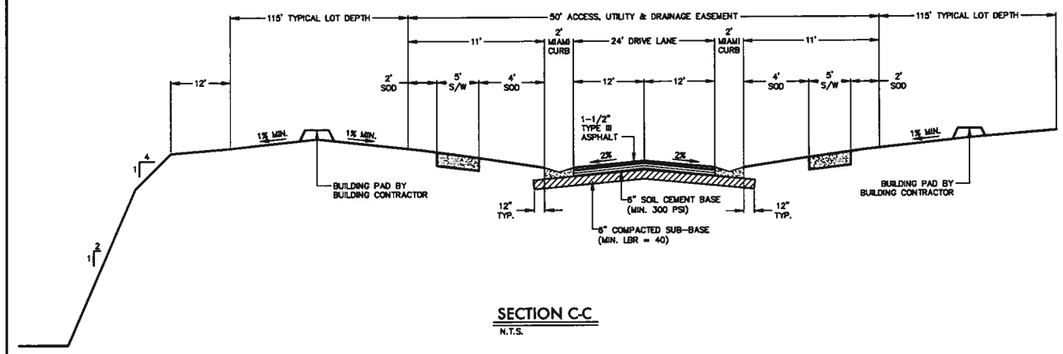


TYPICAL SWF DETAIL

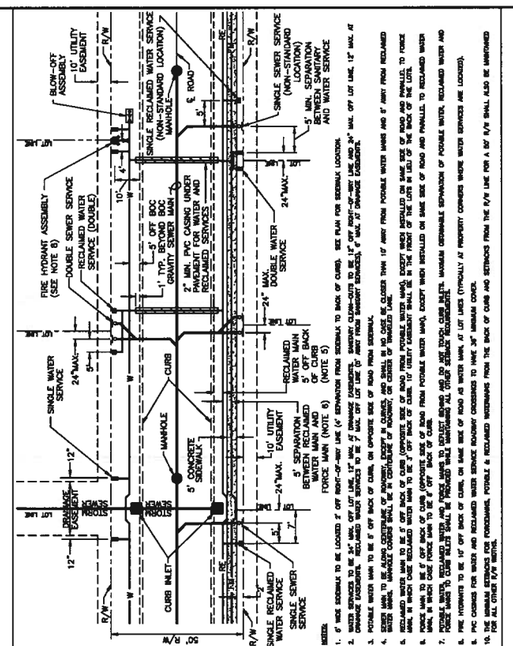
N.T.S.



SECTION C-C

N.T.S.

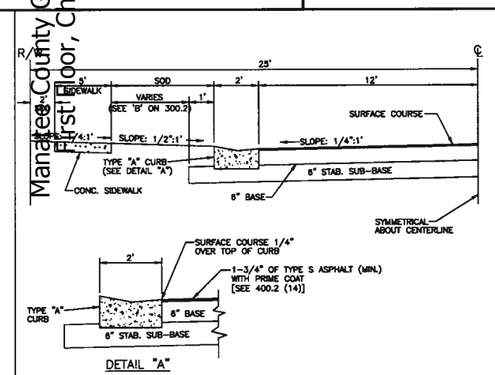
Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.



NOTES:

1. 6' WIDE SIDEWALK TO BE LOCATED 2' OFF RIGHT-OF-WAY LINE (4' SEPARATION FROM SIDEWALK TO BACK OF CURB). SEE PLAN FOR SIDEWALK LOCATION.
2. SINGLE SERVICE TO BE 1" MIN. SINGLE SERVICE LINE, 1" METER, 1" CORP. STOP, 1" MIN. SADDLE, 1" MIN. SERVICE LINE, 1" MIN. CURB STOP TO BE 1" MIN. AT DRAINAGE EASEMENT, 1" MIN. METER BOX, 1" MIN. OFF LOT LINE, 1" MIN. AT RIGHT-OF-WAY, 1" MIN. AT DRAINAGE EASEMENT.
3. POTABLE WATER MAIN TO BE 8' OFF BACK OF CURB, ON OPPOSITE SIDE OF ROAD FROM SIDEWALK.
4. SEWER MAIN, TO BE ALONG CENTERLINE OF ROADWAY, EXCEPT IN CURVES, AND SHALL BE NO CLOSER THAN 10' AWAY FROM POTABLE WATER MAINS AND 8' AWAY FROM RECLAIMED WATER MAINS. SEWER MAIN TO BE 10' OFF BACK OF CURB, ON OPPOSITE SIDE OF ROAD FROM POTABLE WATER MAIN.
5. RECLAIMED WATER MAIN TO BE 5' OFF BACK OF CURB, (OPPOSITE SIDE OF ROAD FROM POTABLE WATER MAIN), EXCEPT WHEN INSTALLED ON SAME SIDE OF ROAD AND PARALLEL TO FORCE MAIN, IN WHICH CASE RECLAIMED WATER MAIN TO BE 5' OFF BACK OF CURB. 10' UTILITY EASEMENT SHALL BE IN THE FRONT OF THE LOTS IN LIEU OF THE BACK OF THE LOTS.
6. FORCE MAIN TO BE 5' OFF BACK OF CURB, (OPPOSITE SIDE OF ROAD FROM POTABLE WATER MAIN), EXCEPT WHEN INSTALLED ON SAME SIDE OF ROAD AND PARALLEL TO RECLAIMED WATER MAIN, IN WHICH CASE RECLAIMED WATER MAIN TO BE 5' OFF BACK OF CURB.
7. POTABLE WATER, RECLAIMED WATER, AND FORCE MAINS TO REMAIN BEYOND AND DO NOT TOUCH CURB INLETS. MAINTAIN DESIRABLE SEPARATION OF POTABLE WATER, RECLAIMED WATER AND FORCE MAINS TO BE 5' OFF BACK OF CURB, ON OPPOSITE SIDE OF ROAD FROM POTABLE WATER MAIN.
8. PVC CASINGS FOR WATER AND RECLAIMED WATER SERVICE ROADWAY CROSSINGS TO EXTEND BEYOND AND DO NOT TOUCH CURB INLETS. MAINTAIN DESIRABLE SEPARATION OF POTABLE WATER, RECLAIMED WATER AND FORCE MAINS TO BE 5' OFF BACK OF CURB, ON OPPOSITE SIDE OF ROAD, IN WHICH CASE RECLAIMED WATER MAIN TO BE 5' OFF BACK OF CURB.
9. SINGLE SERVICE TO BE 5' OFF BACK OF CURB, ON OPPOSITE SIDE OF ROAD FROM POTABLE WATER MAIN, IN WHICH CASE RECLAIMED WATER MAIN TO BE 5' OFF BACK OF CURB.
10. PVC CASINGS FOR WATER AND RECLAIMED WATER SERVICE ROADWAY CROSSINGS TO EXTEND BEYOND AND DO NOT TOUCH CURB INLETS. MAINTAIN DESIRABLE SEPARATION OF POTABLE WATER, RECLAIMED WATER AND FORCE MAINS TO BE 5' OFF BACK OF CURB, ON OPPOSITE SIDE OF ROAD, IN WHICH CASE RECLAIMED WATER MAIN TO BE 5' OFF BACK OF CURB.
11. DOUBLE SEWER SERVICE TO BE 1' MIN. OFF LOT LINE, 1" MIN. AT DRAINAGE EASEMENT, 1" MIN. AT RIGHT-OF-WAY, 1" MIN. AT DRAINAGE EASEMENT.
12. DOUBLE WATER SERVICE TO BE 1" MIN. SINGLE SERVICE LINE, 1" METER, 1" CORP. STOP, 1" MIN. SADDLE, 1" MIN. SERVICE LINE, 1" MIN. CURB STOP TO BE 1" MIN. AT DRAINAGE EASEMENT, 1" MIN. METER BOX, 1" MIN. OFF LOT LINE, 1" MIN. AT RIGHT-OF-WAY, 1" MIN. AT DRAINAGE EASEMENT.
13. THE MINIMUM SEPARATION FOR PERPENDICULAR POTABLE & RECLAIMED WATERMAINS FROM THE BACK OF CURB AND SEPARATION FROM THE R/W LINE, FOR A 50' R/W SHALL ALSO BE MAINTAINED FOR ALL OTHER R/W WIDTHS.

MANATEE COUNTY PUBLIC WORKS DEPARTMENT			UTILITY LAYOUT FOR 50' R/W	UG-17
REV.BY	DATE	MAY 10, 2011 DATE OF APPROVAL		PAGE 117
CLB/BR	11/10			



DETAIL "A"

NOTES:

A) Asphaltic concrete surface course shall be layed in two lifts. The first lift shall be 1" Type S-I or S-III. The second lift shall be 3/4" Type S-III. A performance bond shall be required if the second lift is delayed beyond acceptance of the road.

B) Base course shall consist of 4-1/2" compacted sand asphalt base (1200 lbs. stab.) or 6" Calcareshatchee shell compacted to 98% AASHTO T-180 density LBR 100 or 6" soil cement.*

C) 8" stabilized sub-base shell marl blended with sandy sub-grade minimum LBR 40, 98% T180 AASHTO.

D) On new construction, sanitary sewer may be placed on centerline of R/W if desired. All laterals to be installed at the same time as sanitary sewer main line.

E) See section 201.0 for curb and gutter types.

F) No portion of drainage pipe shall be allowed in sub-base. 12"minimum cover is required on storm drain.

G) Sidewalk shall be 1'or 2' inside R/W line, with 2' preferable. To be constructed per section 300.1

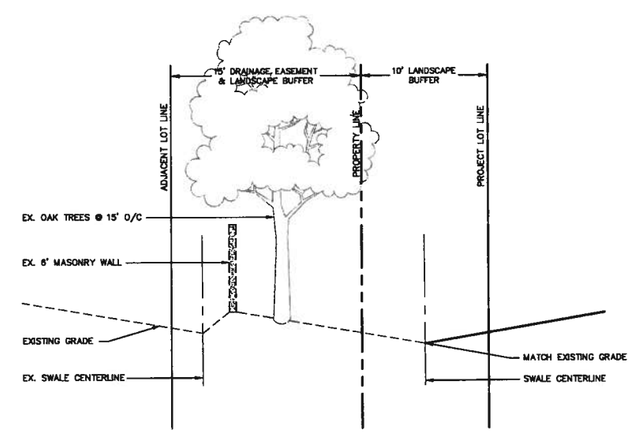
H) Laboratory tests are required to substantiate structural section design. Specifications shown on this sheet are minimum requirements.

I) If sidewalks are not required, only 2' of sod is required back of curb. Hydromulch balance of right-of-way.

J) Sodding shall be installed per section 400.1 (8)

* Or approved equal, meeting same structural number.

MANATEE COUNTY TRANSPORTATION DEPARTMENT			LOCAL URBAN RESIDENTIAL	401.8
REV.BY	DATE	6/12/07 DATE OF B.O.C.C. APPROVAL		



SECTION D-D

N.T.S.

NATHAN J. KENNEY PROFESSIONAL ENGINEER #59272

SIGNATURE/DATE

ZNS ENGINEERING

ENGINEERS | PLANNERS | SURVEYORS
LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS

REVISIONS		
1 1st RESPONSE TO MANATEE COUNTY COMMENTS	JMC	12/29/2014
2 4th RESPONSE TO MANATEE COUNTY COMMENTS	JMC	3/27/2015
3		
4		
5		
6		
7		

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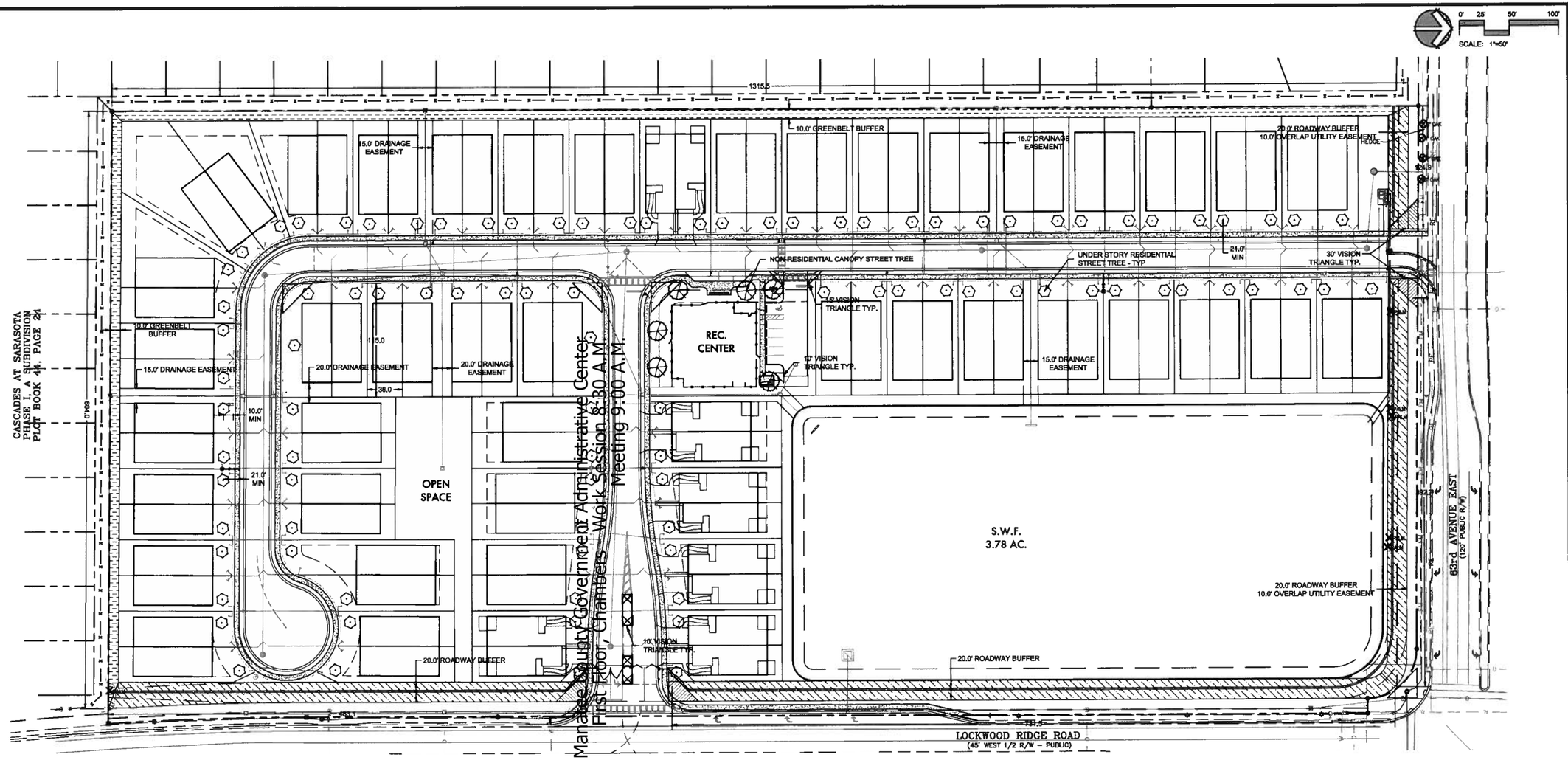
PRELIMINARY SECTIONS AND DETAILS
FOR:
McCLURE - HONORE/LOCKWOOD
LOCATED IN:
SECTION 21, TOWNSHIP 33 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

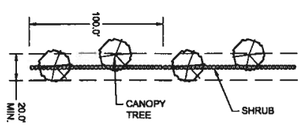
DESIGNED N. KENEY		
DRAWN A. COMBY		
DATE 3/27/15		
JOB NO. 43804		
SCALE N.T.S.		
SHEET 05		

Fri, 27 Mar 2015 - 5:05pm W:\Acad\McClure (43804)\PL\McClure 05-DET.dwg



TYPICAL BUFFER TYPES & REQUIREMENTS

BUFFER TYPE 'A'

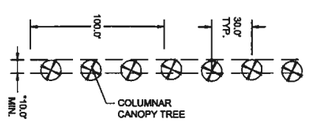


AS PER SECTION 715.3.2, RESIDENTIAL ROADWAY BUFFERS SHALL MEET THE FOLLOWING CRITERIA.

1. MINIMUM WIDTH OF 20.0' ALONG A THOROUGHFARE
2. CONTINUOUS FENCE / WALL.
3. CONTAIN THE FOLLOWING PER 100 LF OR FRACTION THEROF:
   - CANOPY TREES - MIN. TWO 2.5" CAL., 10' HT & 4' SPR
   - SHRUBS - MIN. 33 SHRUBS.
   - OPACITY TO MEET MANATEE COUNTY STANDARDS

ROADWAY BUFFER

BUFFER TYPE 'B'



*PROJECT IS REQUESTING A 5.0' REDUCTION IN BUFFER WIDTH FROM REQUIREMENTS NOTED IN SECTION 715.3.2, RESIDENTIAL GREENBELT BUFFERS TO MEET THE FOLLOWING CRITERIA:

1. WIDTH OF 10.0' (5.0' REDUCTION FROM 15.0' WIDTH)
2. CONTAIN THE FOLLOWING:
   - UPRIGHT/COLUMNAR CANOPY TREES - ONE 2.5" CAL., 10' HT, PER 30' LF OF GREENBELT BUFFER

GREENBELT BUFFER - ADJACENT TO RESIDENTIAL

*SPECIAL APPROVAL FOR REDUCED BUFFER WIDTH

RESIDENTIAL LOT STREET TREES

- LAYOUT AS PER MANATEE COUNTY ENVIRONMENTAL PLANNING LAND DEVELOPMENT CODE TEXT AMENDMENT LDCY-14-05/ORDINANCE 14-49.
- RESIDENTIAL LOTS 100' WIDTH OR LESS - 1 STREET TREE PER LOT PER ROADWAY FRONTAGE (CORNER LOTS HAVE 2 TREES).
- RESIDENTIAL LOTS 80' WIDTH OR LESS MAY UTILIZE SMALLER MATURING CANOPY OR UNDER STORY TREES.
- STREET TREES SHALL BE PLANTED A MINIMUM OF 10' INSIDE THE RIGHT-OF-WAY / 21.0' BEHIND BACK OF CURB.
- ACTUAL TREE LOCATIONS MAY BE ADJUSTED TO ACCOMMODATE DRIVEWAY ACCESS AND SOFT UTILITY LOCATIONS.

CONCEPT PLANT SCHEDULE

STREET TREE - NON RESIDENTIAL LOT

UNDERSTORY STREET TREE - RESIDENTIAL LOT < 60' WIDTH

EXOTIC PLANT SPECIES MANAGEMENT PLAN

All existing upland exotic and nuisance plant species existing on the site shall be removed per phase prior to the first Certificate of Occupancy issuance of that phase. The Developer agrees to perform an annual exotic inspection during the development process. Any identified exotics will be removed in accordance with Manatee County Land Development Code Section 715.4 and acceptable procedures as established by the Florida Department of Environmental Protection. Annual inspections and removal will be continued by the Owner.

ESTIMATED TREE REPLACEMENT

	4"-15" DBH	16"-30" DBH	OVER 30" DBH	PALM
TREES TO BE REMOVED				
OAK	0	0	0	—
PINE	0	0	0	—
HICKORY	0	0	0	—
ORNAMENTAL	0	0	0	—
PALM	—	—	—	6
TOTAL TREES TO REPLACE	0	0	0	6
REPLACEMENT RATIO	1:1	2:1	3 1	1 1
REPLACEMENT SIZE	3" CAL	4" CAL	4" CAL	8' CT
REPLACEMENT TREES REQ.	0	0	0	6

TREE REPLACEMENT STATEMENT

PROPOSED REPLACEMENT IS IN ACCORDANCE WITH SECTION 714.8 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE AND LAYOUT AS PER MANATEE COUNTY ENVIRONMENTAL PLANNING LAND DEVELOPMENT CODE TEXT AMENDMENT LDCY-14-05/ORDINANCE 14-49.

EXISTING TREE LEGEND

- OAK / SIZE GRADE NOTED
- PALM / SIZE NOTED
- TREES TO BE REMOVED NOTED WITH X

PRELIMINARY SITE PLAN NOTES

1. THIS IS A PRELIMINARY LANDSCAPE PLAN. ADDITIONAL AND MORE SPECIFIED INFORMATION WILL BE PROVIDED AT TIME OF FINAL SITE PLAN SUBMITTAL.
2. A TREE LOCATION SURVEY HAS BEEN COMPLETED. FINAL TREE PROTECTION, TREE REMOVAL AND TREE REPLACEMENT CALCULATIONS WILL BE COMPLETED AT TIME OF FINAL SITE PLAN SUBMITTAL. CALCULATIONS WILL BE IN ACCORDANCE WITH SECTION 714 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE.
3. INDIVIDUAL LOT STREET TREES SHALL BE INSTALLED BY BUILDER PRIOR TO HOME OCCUPANCY TREE LOCATIONS MAY BE ADJUSTED TO ACCOMMODATE UTILITIES AND ACCESS. INDIVIDUAL LOT TREES WILL BE IRRIGATION BY THE INDIVIDUAL LOT IRRIGATION SYSTEMS.
4. THE LOWEST QUALITY WATER SOURCE SHALL BE USED AS AN IRRIGATION WATER SOURCE FOR COMMON AREA PLANTINGS. PROPOSED IRRIGATION WATER SOURCE SHALL BE THE STORM WATER POND WITH AN AUGMENTATION WELL TO SUPPLEMENT THE POND'S WATER LEVEL. THE PROJECT LIES WITHIN THE EVERS WATERSHED AREA AND IS THEREFORE PROHIBITED FROM UTILIZING THE RECLAIMED WATERLINE ALONG HONORE AVENUE.
5. A 100% AUTOMATIC UNDERGROUND IRRIGATION SYSTEM SHALL BE INSTALLED TO SUPPLY WATER TO ALL REQUIRED COMMON AREA LANDSCAPE MATERIAL. THE SYSTEM SHALL INCLUDE A CONTROLLER WITH RAIN SENSOR.
6. IRRIGATION FOR INDIVIDUAL RESIDENTIAL LOT STREET TREES SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.

VOLKERT L. BERCHTER
LANDSCAPE ARCHITECT #001600
SIGNATURE

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ENGINEERS | PLANNERS | SURVEYORS
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LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
LC 26000291
20 6th AVENUE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENG.COM | TELEPHONE 941.748.8080 | FAX 941.748.3114

REVISIONS	
1 PSP SUBMITTAL	2014.11.20KLB
2 REVISED PER MC COMMENTS	2014.12.30 KLB
3 RELOCATED AMENITY CENTER	2015.03.02 KLB
4	
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7	

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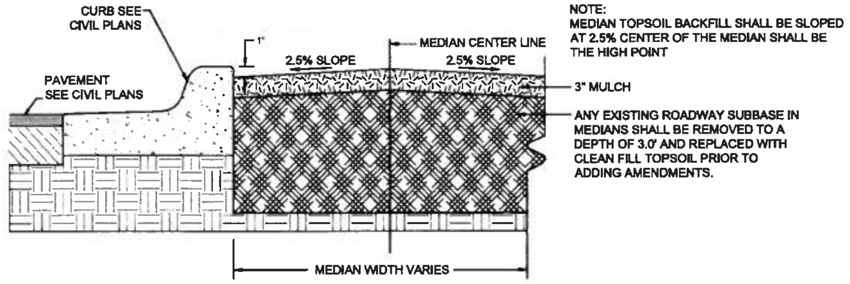
PRELIMINARY SITE PLAN - PLANTING PLAN
FOR:
McCLURE - HONORE/LOCKWOOD
LOCATED IN:
SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED: KLB
DRAWN: KLB
DATE: 3/27/15
JOB NO.: 43804
SCALE: 1"=50'
SHEET: 06

Fri, 27 Mar 2015 - 5:06pm W:\Acad\McClure (43804)\LS\PSP\McClure PSP LS.dwg

PLANTING GENERAL NOTES

1. LANDSCAPE NOTES ARE ALL INCLUSIVE. ALL QUESTIONS CONCERNING THE LANDSCAPE PLAN, DETAILS, AND SPECIFICATIONS SHALL BE DIRECTED TO THE LANDSCAPE ARCHITECT (941) 748-8080.
2. REVIEW THE GENERAL NOTES, PLANT MATERIAL LIST, PLANS, DETAILS, AND WRITTEN SPECIFICATIONS (IF PROVIDED). THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING THE LANDSCAPE PLAN AS DRAWN AND DIRECTED BY THE NOTES AND SPECIFICATIONS. CONTACT THE LANDSCAPE ARCHITECT WHEN SIGNIFICANT FIELD CHANGES REQUIRE PLAN REVISIONS.
3. NO SUBSTITUTIONS SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF THE OWNER OR LANDSCAPE ARCHITECT.
4. PLANT COUNT TOTALS IN THE PLANT MATERIALS LIST ARE FOR THE CONVENIENCE OF THE LANDSCAPE CONTRACTOR. IN THE EVENT OF VARIATION BETWEEN QUANTITIES SHOWN ON THE PLANT LIST AND THE PLANS, THE PLANS SHALL CONTROL. IMPROVISATIONS MADE BY THE LANDSCAPE CONTRACTOR SHALL BE NO CAUSE FOR ADDITIONAL COSTS TO THE OWNER.
5. SOD, MULCH, AND TOPSOIL QUANTITIES SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR. ANY QUANTITIES NOTED ON THE PLANS ARE FOR REFERENCE ONLY. SODDING OF SWALES SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR; HOWEVER, SOD FOR RETENTION AREAS (LAKE BANKS AND DRY RETENTION PONDS) SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
6. PRIOR TO SUBMITTING THE BID, THE LANDSCAPE CONTRACTOR SHALL VISIT THE SITE TO BECOME FAMILIAR WITH EXISTING CONDITIONS. SEE ENGINEERING (CIVIL) PLANS FOR ADDITIONAL SITE INFORMATION.
7. ALL PLANTS FURNISHED BY THE LANDSCAPE CONTRACTOR SHALL BE FLORIDA NO. 1 QUALITY OR BETTER IN ACCORDANCE WITH GRADES AND STANDARDS FOR NURSERY PLANTS, STATE OF FLORIDA 2ND EDITION (FEB. 1998 & UPDATED MAY 2005) & AS AMENDED. THE OWNER AND/OR LANDSCAPE ARCHITECT SHALL DETERMINE THE ACCEPTABILITY OF ALL PLANT MATERIAL SUPPLIED BY THE LANDSCAPE CONTRACTOR. SPECIMEN MATERIAL SHALL BE APPROVED BEFORE INSTALLATION.
8. ALL B&B OR "FIELD GROWN" MATERIAL (EXCEPT PALMS) SHALL BE OBTAINED FROM "ROOTS PLUS" CERTIFIED NURSERIES.
9. ALL PLANT MATERIAL THAT HAS BEEN FIELD TAGGED BY THE LANDSCAPE ARCHITECT SHALL REMAIN TAGGED UNTIL FINAL ACCEPTANCE OF THE PROJECT. ALL MATERIAL NOT TAGGED BY LANDSCAPE ARCHITECT IS SUBJECT TO REJECTION. REJECTED PLANT MATERIAL SHALL BE REPLACED AT CONTRACTORS EXPENSE UNTIL ACCEPTABLE MATERIAL IS PROVIDED.
10. IT SHALL BE THE LANDSCAPE CONTRACTORS FINANCIAL RESPONSIBILITY TO PREVENT PLANTS AND TREES FROM FALLING OR BEING BLOWN OVER; AND TO REPLACE ALL PLANTS WHICH ARE DAMAGED AT NO ADDITIONAL COST TO THE OVER FOR SUSTAINED WINDS OF LESS THAN 65 MPH.
11. MAINTENANCE SHALL BEGIN AFTER EACH PLANT HAS BEEN INSTALLED AND CONTINUE UNTIL FINAL ACCEPTANCE BY THE LANDSCAPE ARCHITECT. MAINTENANCE SHALL INCLUDE: PRUNING, MULCHING, WEEDING, REPLACEMENT OF STICKS OR DEAD PLANTS, WATERING (INCLUDING THE COST OF EQUIPMENT SUCH AS A WATER TRUCK), AND ANY OTHER CARE WHICH IS NECESSARY FOR PROPER GROWTH OF PLANT MATERIAL.
12. ALL PLANT MATERIAL SHALL BE FULLY GUARANTEED FOR A PERIOD OF ONE (1) YEAR FOLLOWING FINAL ACCEPTANCE BY THE OWNER. RELOCATED MATERIALS AND OWNER SUPPLIED MATERIALS ARE EXEMPT. DURING THE WARRANTY PERIOD THE LANDSCAPE CONTRACTOR WILL NOT BE HELD RESPONSIBLE FOR THEFT, VANDALISM, OR UNUSUAL ACTS OF GOD
13. ALL TRIMMING OF EXISTING TREES SHALL BE CONDUCTED OR OVERSEEN BY A CERTIFIED ARBORIST.
14. TOPSOIL MATERIAL, WHEN CALLED FOR ON THE PLANT LIST, SHALL BE FREE OF STICKS, STONES AND DEBRIS LARGER THAN 1" IN DIAMETER, AS WELL AS, ANY OTHER MATERIAL THAT MAY BE TOXIC OR OTHERWISE HARMFUL TO PLANT GROWTH. TOPSOIL SHALL BE FERTILE, AND HAVE A PH LEVEL BETWEEN 6.5 AND 7.5.
15. ALL BACKFILL SOIL MIXTURES SHALL CONTAIN BEST ON-SITE TOPSOIL, 20% PEAT, AND AMENDMENTS AS PER NOTES AND DETAILS. PH LEVELS SHALL BE BETWEEN 6.5 AND 7.5. IT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO ACHIEVETHE PROPER PH LEVEL. MIX ORGANIC SOIL AMENDMENTS THOROUGHLY WITH THE NATIVE SOIL BEFORE BACKFILLING PLANTS.
16. STAKE ALL TREES. SEE TREE PLANTING DETAIL.
17. PROVIDE ARBORGARD+ FLEXIBLE BARK PROTECTORS (MODEL A89-4) AROUND BASE OF TRUNK FOR ALL SINGLE TRUNK TREES FREESTANDING IN SODDED AREAS. THEY ARE AVAILABLE AT ARBORIST SUPPLY HOUSE, INC., (FT. LAUDERDALE, FL: 1-800-749-9528).
18. ALL TREES SHALL BE PLANTED WITH MYCOR TREE SAVER (3oz PER 1" CAL.) AND PHC HEALTHY START MACRO TABLETS (21 GRAM - 4 PER 1" CAL.) - SEE MANUFACTURERS SPECIFICATIONS FOR INSTALLATION METHOD (PLANT HEALTH CARE, INC. 941-751-9455, JOHN DEERE LANDSCAPES 941-721-8882,SOUTHEAST PARTNERS 239-267-0156, PROFESSIONAL SUPPLY (561) 289-4511 AND UNIVERSAL SUPPLY 954-979-060) - OR APPROVED EQUAL.
19. ALL PALMS SHALL BE PLANTED WITH MYCOR PALM SAVER - SEE MANUFACTURERS SPECIFICATIONS FOR APPLICATION RATE AND INSTALLATION METHOD (PLANT HEALTH CARE, INC. 1-800-421-9051) - OR APPROVED EQUAL.
20. ON NON-IRRIGATED SITES OR AREAS, TREES AND PALMS SHALL ALSO RECEIVE TERRA-SORB HYDRO GEL (PLANT HEALTH CARE INC.) AS PER MANUFACTURER SPECIFICATIONS - OR APPROVED EQUAL.
21. ALL SHRUBS SHALL RECEIVE 1/2 LB. OF MILORGANITE PER FOOT OF HEIGHT; TREES SHALL RECEIVE 5 LBS. PER INCH OF CALIPER; AND GROUND COVERS SHALL BE FERTILIZED AS PER LABEL INSTRUCTIONS - OR APPROVED EQUAL. IN ALL INSTANCES FERTILIZER SHALL BE MIXED IN EVENLY WITH BACKFILL MATERIAL
22. ALL SHRUBS AND GROUNDCOVER SHALL ALSO RECEIVE PHC HEALTHY START MACRO TABLETS (21 GRAM - 1 PER 1 GAL., 3 PER 5 GAL., 4 PER 10 GAL., AND 5 PER 15 GAL.). INSTALL AS PER MANUFACTURERS DIRECTIONS.
23. ONLY PRUNE TREES AND SHRUBS TO REMOVE DEAD OR DAMAGED FOLIAGE - OR TO COMPENSATE FOR ROOT LOSS CAUSED BY TRANSPLANTING. MAKE CERTAIN TO RETAIN THE PLANT MATERIAL'S NATURAL FORM WHEN PRUNING. NEVER CUT THE CENTRAL GROWTH LEADER OF A TREE, OR INSTALL ANY TREE THAT HAS HAD THE CENTRAL GROWTH LEADER CUT. ALL TREES SHALL BE TRIMMED FOR CLEAR TRUNK UNLESS OTHERWISE SPECIFIED.
24. WHERE PLANTING AREAS ABUT PAVEMENT, FINISHED SOIL LEVEL SHALL BE THREE INCHES (3") BELOW TOP OF PAVEMENT.
25. ALL PLANTING AREAS SHALL RECEIVE MULCH AT THE RATE OF 1 CUBIC YARD PER 110 SF. OF AREA (THIS EQUALS A 3" MULCH DEPTH) - UNLESS OTHERWISE NOTED. SEE PLANT MATERIALS LIST FOR SPECIFICATIONS. KEEP MULCH SIX INCHES (6") BACK FROM ALL TREE TRUNKS.
26. SOD SHALL BE INSTALLED WITH TIGHT JOINTS, ROLLED AND FERTILIZED AT TIME OF INSTALLATION. ALL SOD SHALL BE FREE OF NUISANCE SPECIES, INVASIVE AND EXOTIC WEEDS OR THEIR SEED.
27. THE LANDSCAPE CONTRACTOR SHALL CALL 811 OR WWW.CALL811.COM TO FIELD LOCATE EXISTING UTILITIES AND SECURE A PERMIT NUMBER PRIOR TO BEGINNING WORK. USE DUE CAUTION AROUND THE UTILITIES. THE LANDSCAPE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE DONE TO EXISTING UTILITIES.
28. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF ACTIVITIES WILL ALL OTHER CONTRACTORS ON THE JOB SITE.
29. ALL LANDSCAPE MATERIALS INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE INSTALLED TO MEET STATE AND LOCAL CODES AND REGULATIONS.
30. THE LANDSCAPE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ALL EXISTING STRUCTURES AND VEGETATION ON SITE THAT IS TO REMAIN AND SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE CAUSED BY HIS OPERATIONS.
31. THE JOB SITE IS TO REMAIN ORGANIZED. EXCESS WASTE MATERIAL SHALL BE REMOVED DAILY FROM THE SITE AND DISPOSED OF IN A LEGAL MANNER.
32. UPON COMPLETION OF ALL LANDSCAPE MATERIAL INSTALLATION, AN INSPECTION FOR ACCEPTANCE SHALL BE HELD. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT SEVERN (7) DAYS PRIOR TO THE COMPLETION DATE.



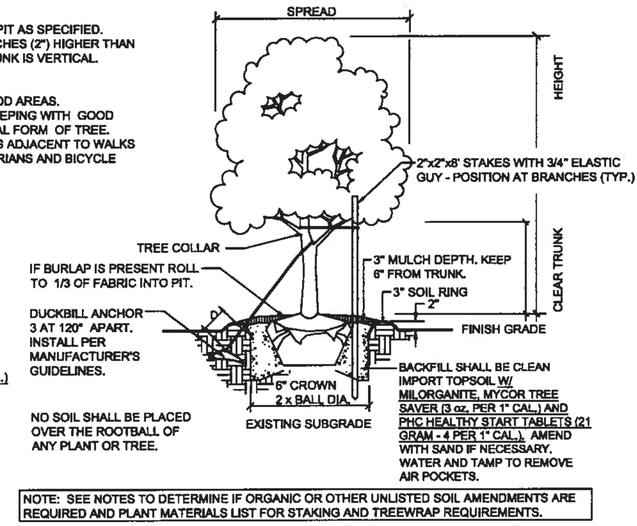
NOTE:
MEDIAN TOPSOIL BACKFILL SHALL BE SLOPED AT 2.5% CENTER OF THE MEDIAN SHALL BE THE HIGH POINT

TYPICAL MEDIAN CROSS SECTION
NOT TO SCALE

PLANTING DIRECTIONS
1. EXCAVATE PLANTING HOLE AND SET TREE IN PIT AS SPECIFIED.
2. SET TOP-MOST ROOT IN THE ROOT BALL 2 INCHES (2") HIGHER THAN FINISH GRADE. PLUMB THE TREE SO THE TRUNK IS VERTICAL.
3. BACKFILL AS DIRECTED BELOW.
4. INSTALL 3" SOIL RING FOR HAND WATERING.
5. PROVIDE 4' DIA. MULCH RING FOR TREES IN SOD AREAS.
6. PRUNE DEAD AND DAMAGED BRANCHES IN KEEPING WITH GOOD HORTICULTURAL PRACTICES. RETAIN NATURAL FORM OF TREE. DO NOT CUT CENTRAL LEADER. PRUNE LIMBS ADJACENT TO WALKS AND CURBS TO PREVENT INJURY TO PEDESTRIANS AND BICYCLE RIDERS.

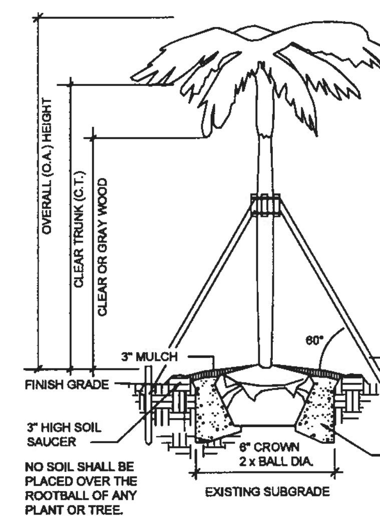
STAKING DIRECTIONS (TREES 0"-<2" CAL.)
1. ALL TREES TO BE STAKED UNLESS OTHERWISE NOTED IN GENERAL OR SPECIFIC NOTES.
2. STAKE TREES ACCORDING TO CALIPER SIZE OR (UNLESS OTHERWISE SPECIFIED.) 0-1": 1 VERTICAL STAKE. TIE TRUNK TO STAKE WITH GREEN NURSERY TAPE. 1"-2": 2 VERTICAL STAKES. SECURE WITH GUY AS SHOWN.

DUCKBILL ANCHOR DIRECTIONS (TREES > 2" CAL.)
1. 2"-3" CALIPER TREES: MODEL 40 DTS KIT D = 18-20"
2. 3"-6" CALIPER TREES: MODEL 68 DTS KIT D = 2' - 2-1/2'
3. 6"-10" CALIPER TREES: MODEL 88 DTS KIT D = 3' - 3-1/2'



NOTE: SEE NOTES TO DETERMINE IF ORGANIC OR OTHER UNLISTED SOIL AMENDMENTS ARE REQUIRED AND PLANT MATERIALS LIST FOR STAKING AND TREEWRAP REQUIREMENTS.

TREE PLANTING DETAIL
NOT TO SCALE

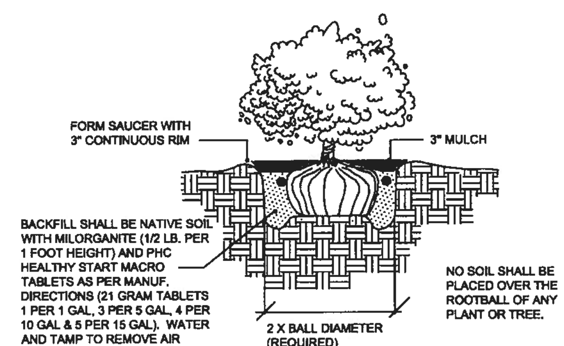


1. IF BURLAP IS PRESENT ROLL TO 1/3 OF FABRIC INTO PIT.
2. ROOTBALL SHALL BE INSTALLED 2" ABOVE ADJACENT FINSH GRADE AND PLUMB.
3. FRONDS SHALL BE TIED UP FOR PROTECTION OF BUDS. LARGE DATE PALMS AND ALL FAN PALMS SHALL REMAIN TIED FOR 1 MONTH MINIMUM. PALMS WITH DAMAGED BUDS WILL NOT BE ACCEPTED.
4. TRUNK SHALL BE FREE OF SCARS, BURNS, HOLES, ETC.
5. ROOTBALL SHALL HAVE 16" MINIMUM RADIUS FROM TRUNK.
6. INSTALL 4' DIAMETER MULCH RING AROUND ALL PALMS IN SOD AREAS.

STAKING DIRECTIONS:
(3) 2"x4"x8" BRACES 120° APART NAILED TO (3) 2"x4"x12" SEATS WIRE-BANDED OVER 5 LAYERS OF BURLAP WRAP (1) 2"x4"x30" STAKE EACH.

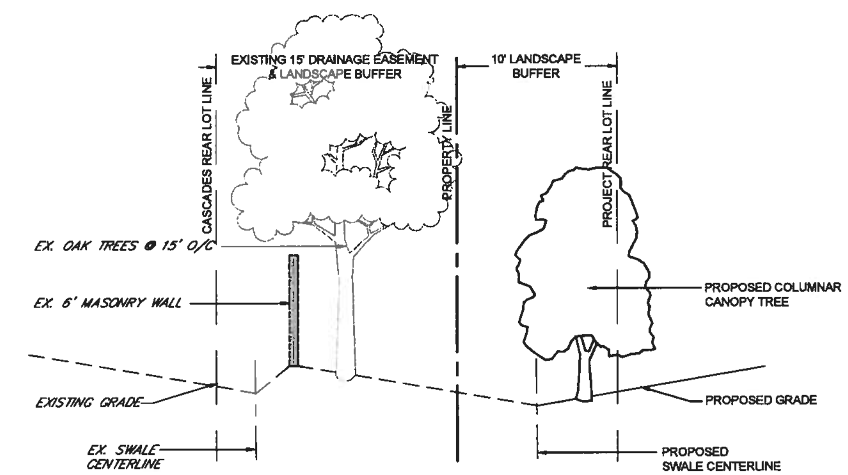
BACKFILL SHALL BE CLEAN IMPORT TOPSOIL AMENDED WITH MYCOR PALM SAVER AND SAND, IF REQUIRED, FOR DRAINAGE. WATER AND TAMP TO REMOVE AIR POCKETS

PALM PLANTING DETAIL
NOT TO SCALE



NOTE: SEE GENERAL NOTES TO DETERMINE IF ADDITIONAL SOIL AMENDMENTS ARE REQUIRED.

SHRUB & GROUNDCOVER PLANTING DETAIL
NOT TO SCALE



REDUCED GREENBELT BUFFER TYPICAL SECTION
NOT TO SCALE

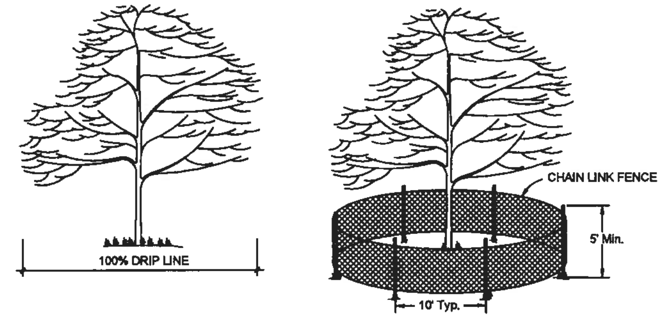


DIAGRAM "A"
N.T.S.

DIAGRAM "B"
N.T.S.

NOTES:
1. PROTECTIVE BARRICADES TO PROTECT 100% OF CANOPY UNLESS OTHERWISE SPECIFIED.
2. CONTRACTOR SHALL MAINTAIN THE BARRIERS UNTIL ALL PAVING, CONSTRUCTION AND HEAVY EQUIPMENT IS OUT OF THE AREA.
3. TREE BARRICADES TO BE CONSTRUCTED OF CHAIN LINK FENCE (NEW OR USED) UNLESS OTHERWISE SPECIFIED.
4. NO DEBRIS, FILL MATERIALS OR CONSTRUCTION ACTIVITY SHALL OCCUR WITHIN CONFINES OF BARRIER.
5. PROTECT DESIGNATED TREES SCHEDULED TO REMAIN AGAINST: UNNECESSARY CUTTING, BREAKING OR SKINNING OF ROOTS, SKINNING OR BRUISING OF BARK, STOCKPILING CONSTRUCTION OR EXCAVATION MATERIALS WITHIN DRIP LINE, EXCESS FOOT AND ALL VEHICULAR TRAFFIC INCLUDING PARKING.
6. PROVIDE WATER TO TREES AS REQUIRED TO MAINTAIN THEIR VIGOR.
7. WHEN NECESSARY TO CUT ROOT OVER 1" DIAMETER OF TREES TO REMAIN, CUT MUST BE A CLEAN, PERPENDICULAR CUT. COAT CUT FACES OF ROOTS WITH AN EMULSIFIED ASPHALT OR OTHER ACCEPTABLE COATING FORMULATED FOR USE ON DAMAGED PLANT TISSUE. TEMPORARILY COVER EXPOSED ROOTS WITH WET BURLAP TO PREVENT DRYING AND COVER WITH EARTH AS SOON AS POSSIBLE.

TREE PROTECTION DETAIL
NOT TO SCALE

PRELIMINARY TREE PROTECTION NOTES

1. A TREE LOCATION SURVEY WILL BE COMPLETED ALONG WITH TREE PROTECTION, TREE REMOVAL AND TREE REPLACEMENT CALCULATIONS AT TIME OF FINAL SITE PLAN SUBMITTAL.
2. TREE REPLACEMENT CALCULATIONS WILL BE IN ACCORDANCE WITH SECTION 714 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE.
3. TREE PROTECTION BARRIER SHALL BE INSTALLED FOR TREES TO REMAIN AS PER DETAIL.
4. ANY TREE NOTED TO REMAIN WITH A > 15% IMPACT TO THE CANOPY (DUE TO CONSTRUCTION/DEVELOPMENT) SHALL HAVE REPLACEMENT TREES PROVIDED IN ACCORDANCE WITH SECTION 714 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE.

KIMBER L. BERGITER
LANDSCAPE ARCHITECT #001680
SIGNATURE

ZNS ENGINEERING
ENGINEERS | PLANNERS | SURVEYORS
LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENG.COM | TELEPHONE 941.748.8080 | FAX 941.748.3316

REVISIONS	
1 PSP SUBMITTAL	2014.11.20 KLB
2 REVISED PER MC COMMENTS	2014.12.30 KLB
3 RELOCATED AMENITY CENTER	2015.03.02 KLB
4	
5	
6	
7	

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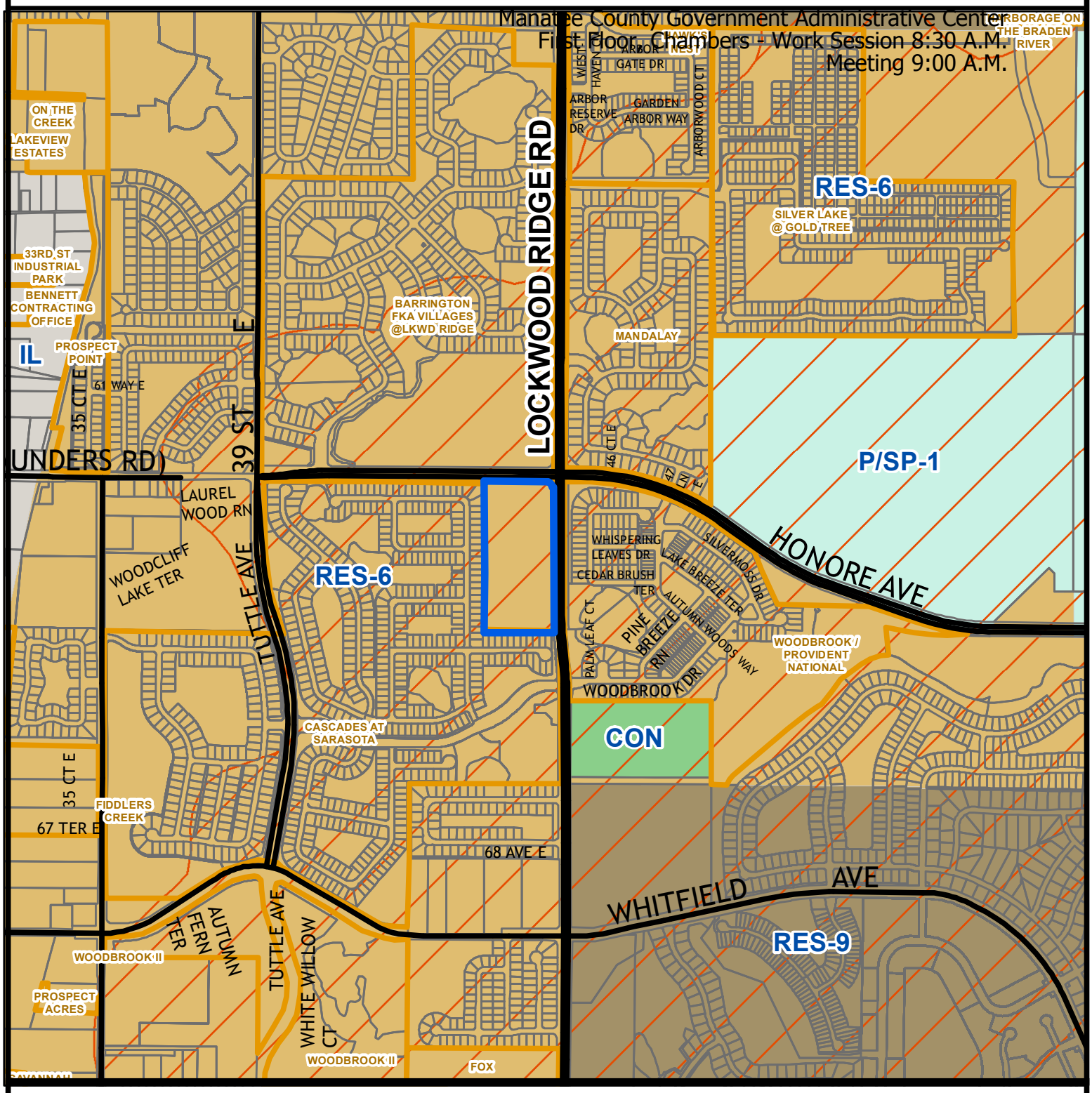
PRELIMINARY SITE PLAN - PLANTING NOTES & DETAILS
FOR:
McCLURE - HONORE/LOCKWOOD
LOCATED IN:
SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED KLB
DRAWN KLB
DATE 3/27/15
JOB NO. 43804
SCALE N.T.S.
SHEET 07

Fri, 27 Mar 2015 - 5:06pm W:\Acad\McClure (43804)\LS\PSP\McClure PSP LS.dwg

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

FUTURE LAND USE



Parcel ID #(s) 1879210050

Project Name: Lockwood
Project #: PDR-14-28 (Z)(P)
DTS#: 20140503
Proposed Use: Residential

S/T/R: Sec 21 Twn 35 Rng 18
Acreage: 18.60
Existing Zoning: PD-C
Existing FLU: RES-6
Overlays: ST
Special Areas: NONE

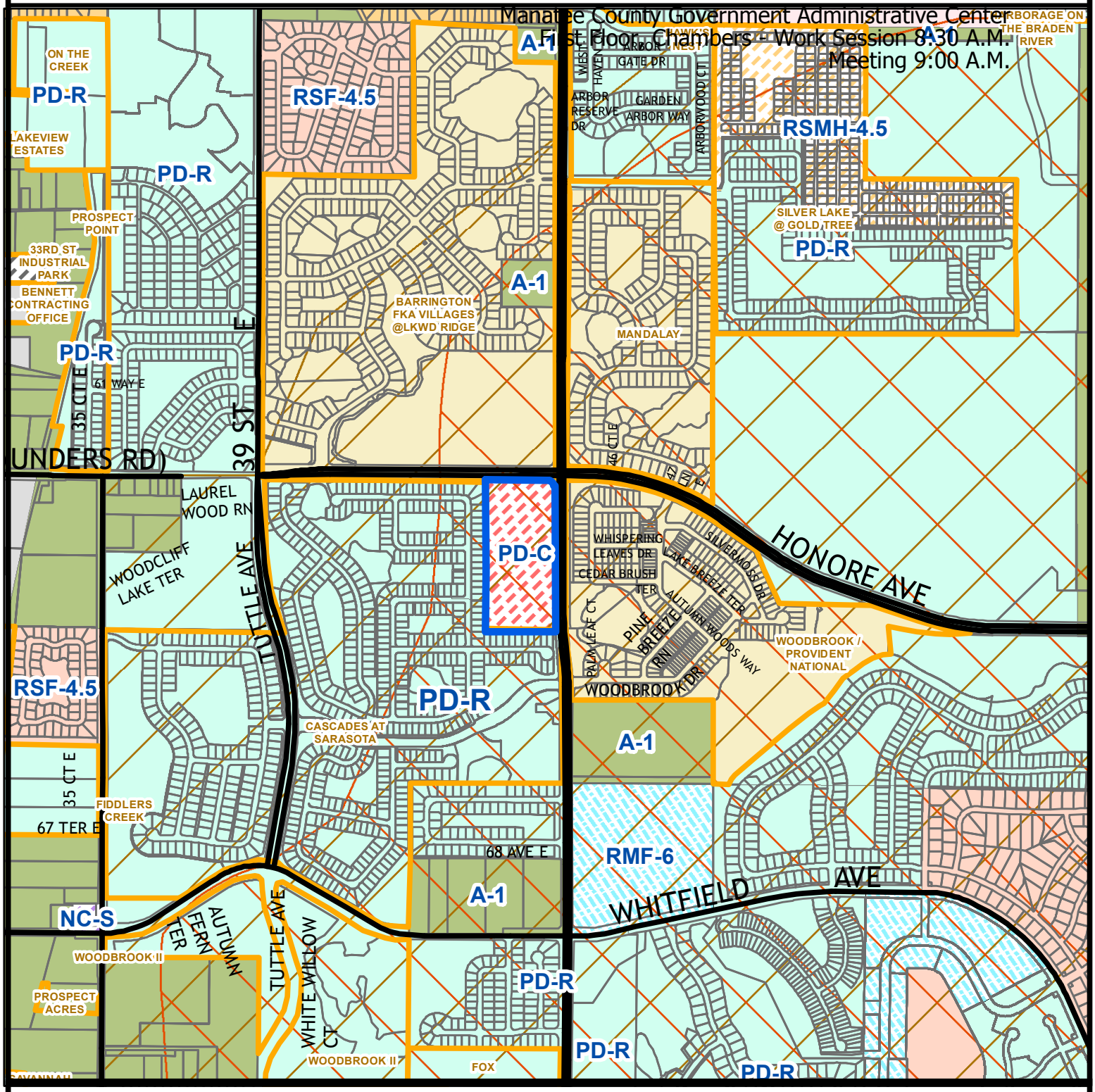
Evers Watershed (WPE)

CHH: NONE
Watershed: WPE
Drainage Basin: RATTLESNAKE SLOUGH
Commissioner: Robin DiSabatino

Manatee County
Staff Report Map
Map Prepared 1/28/2015
1 inch = 1,178 feet

ZONING

Manatee County Government Administrative Center
First Floor Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.



Parcel ID #(s) 1879210050

Evers Watershed (WPE)

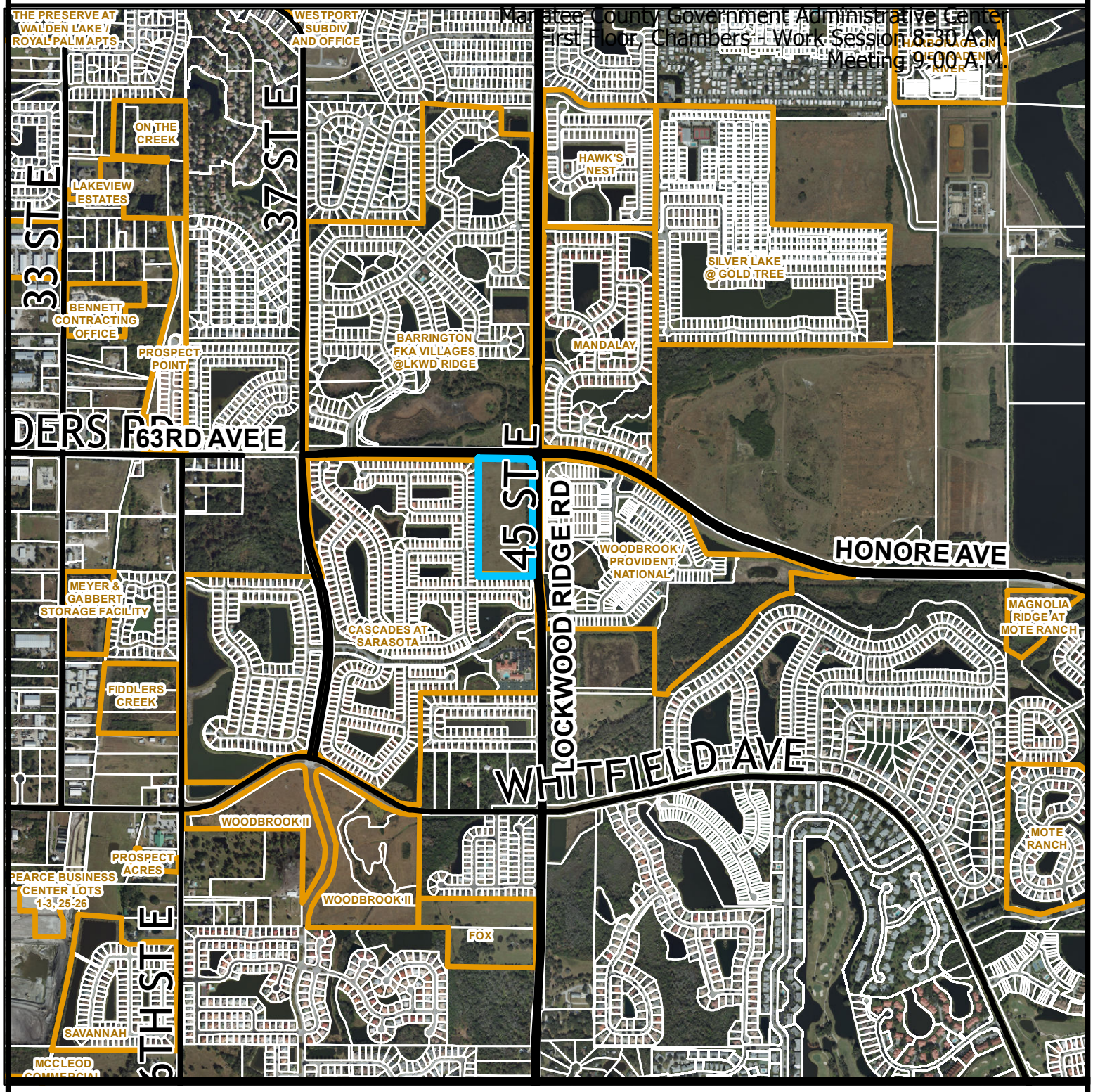
Special Treatment

Project Name:	Lockwood
Project #:	PDR-14-28 (Z)(P)
DTS#:	20140503
Proposed Use:	Residential
S/T/R:	Sec 21 Twn 35 Rng 18
Acreage:	18.60
Existing Zoning:	PD-C
Existing FLU:	RES-6
Overlays:	ST
Special Areas:	NONE
CHH:	NONE
Watershed:	WPE
Drainage Basin:	RATTLESNAKE SLOUGH
Commissioner:	Robin DiSabatino

Manatee County
Staff Report Map
Map Prepared 1/28/2015
1 inch = 1,178 feet

AERIAL

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.



Parcel ID #(s) 1879210050

Project Name:	Lockwood
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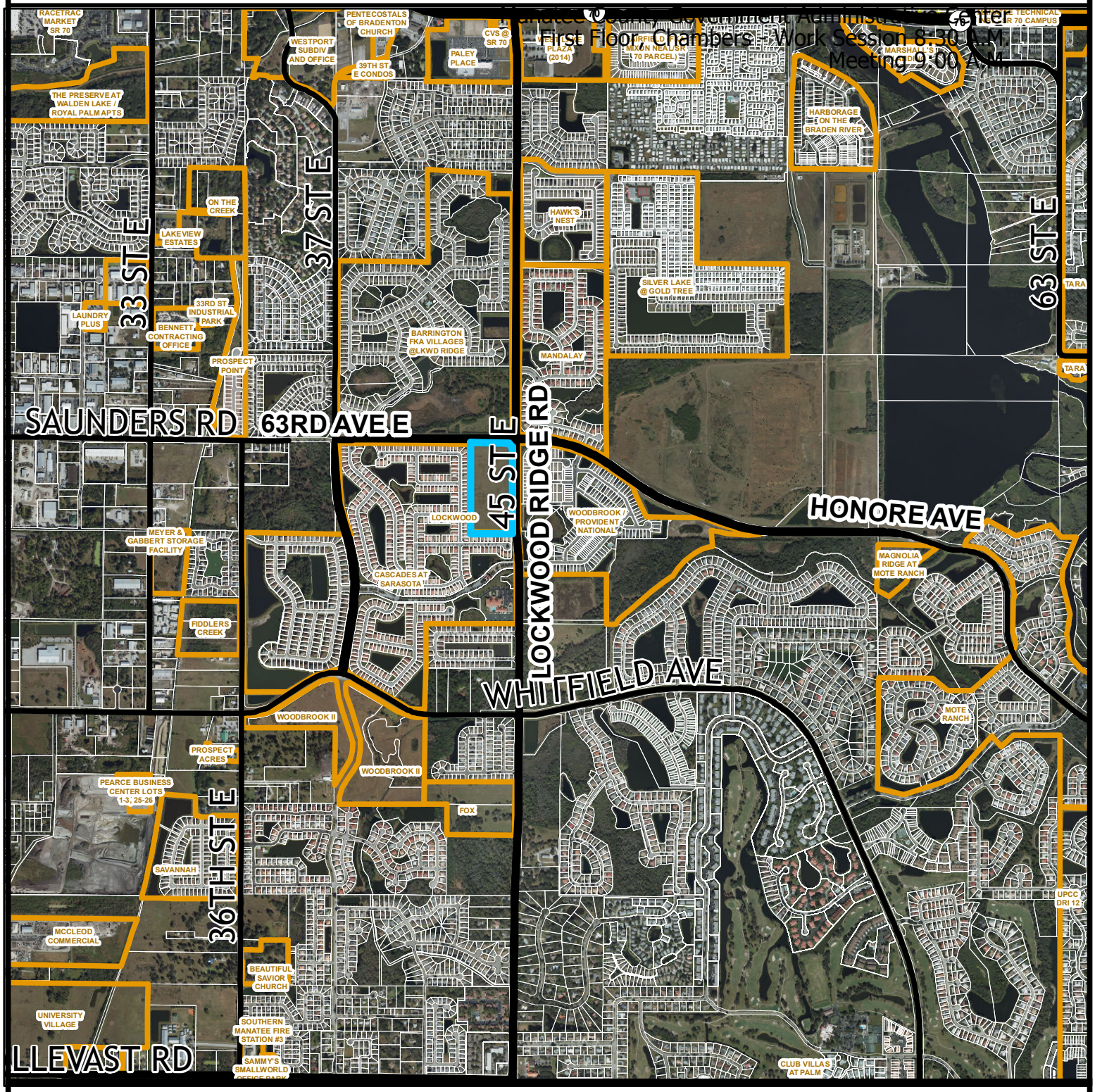
DTS#:	20140503
Proposed Use:	Residential

S/T/R:	Sec 21 Twn 35 Rng 18
Acreage:	18.60
Existing Zoning:	PD-C
Existing FLU:	RES-6
Overlays:	ST
Special Areas:	NONE

CHH:	NONE
Watershed:	WPE
Drainage Basin:	RATTLESNAKE SLOUGH
Commissioner:	Robin DiSabatino

Manatee County
Staff Report Map
Map Prepared 1/28/2015
1 inch = 1,518 feet

AERIAL



Parcel ID #(s) 1879210050

Project Name:	Lockwood
Project #:	PDR-14-28 (Z)(P)
DTS#:	20140503
Proposed Use:	Residential

S/T/R:	Sec 21 Twn 35 Rng 18
Acreage:	18.60
Existing Zoning:	PD-C
Existing FLU:	RES-6
Overlays:	ST
Special Areas:	NONE

CHH:	NONE
Watershed:	WPE
Drainage Basin:	RATTLESNAKE SLOUGH
Commissioner:	Robin DiSabatino

Manatee County
Staff Report Map
Map Prepared 1/28/2015
1 inch = 1,975 feet

April 9, 2015 Planning Commission Agenda
Agenda Item #4

Subject
Land Development Code Rewrite-Phase I-Legislative-Patricia Tygeski, Littlejohn Consultants

Briefings
Briefing Provided Upon Request

Contact and/or Presenter Information

Presenter:

Patricia Tyjeski

Littlejohn Consultants

407-975-1273

Contact:

Lisa Barrett

Planning Manager

941-748-4501 ext. 6884

or

John Osborne

Planning Official

941-748-4501 ext. 6825

Action Requested

Recommended Motion:

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, as conditioned herein, I move to recommend ADOPTION of Manatee County Ordinance 15-17.

Enabling/Regulating Authority

Section 163.3202, Florida Statute

Manatee County Comprehensive Plan

Background Discussion

• The current Manatee County Land Development Code (LDC) was adopted on July 25, 1990. The Land Development Code is enacted pursuant to Section 163.3202 of the Florida Statutes and its purpose is to implement the Comprehensive Plan of the County.
• Since 1990, the LDC has only been updated incrementally, never reviewed and updated holistically. The current LDC is very large (900+ pages) and cumbersome to use and implement. Many subjects and key regulatory information are not logically organized.
• Staff recommends updating the LDC to bring it up-to-date with current policy, trends, and changes that have been made within Manatee County over the last few decades.
• Given the size and complex nature of the document, it was decided that a phased approach to the changes would make the update easier to understand.
• The first phase is considered a major "housecleaning" primarily targeted at reorganizing and better clarifying the language and regulations in the LDC.
• This first phase includes taking language out of the LDC that is not specifically zoning or land use related and moving it into a Public Works Manual or into a Property Maintenance Code.
o The proposed Public Works Manual will be heard by the Board of County Commission for final action at the same hearing as the LDC Update (Ord. 15-17).
o The Property Maintenance Code will be heard by the Board of County Commission for final action on April 2nd, 2015.
• To help assist staff with the LDC update, Manatee County retained Littlejohn Engineering Associates in March 2011. Littlejohn staff are experienced experts in Land Development Code creation, updates and rewrites.
• In March 2014, Littlejohn and County Staff conducted a multi-day work-session with the Board of County Commission and the Planning Commission to discuss the proposed changes to the LDC. Littlejohn, County Staff, and Board members reviewed the proposed edits for Phase I and identified revisions that were better suited to be dealt with in Phase II or future phases of the LDC rewrite. As already stated, Phase I is mainly a clean-up of the LDC and the more substantive changes will occur with later phases.
• Phase I update consists of major "housecleaning" items, including:
o Reorganization (moved, consolidated, deleted repetitive language).
o Deletion of some titles and added others for consistency purposes.
o Updating LDC cross-references. Deleted cross-references where deemed unnecessary. Generalized where possible to avoid ending up with wrong cross-references in the future (e.g. as required in Chapter 5, instead of as required in Section 504.3.2).
o Updating cross-references to Florida Statutes, Florida Administrative Code, and other documents.
o References to departments and staff changed to "Department Director", which is defined as County Administrator designee.
o Made modifications to reflect current practice.
• The following documents are included in this agenda as attachments:
1. Staff Report
2. Memo – Summary of Changes from Littlejohn Consultants
3. Ordinance 15-17

4. Exhibit A-1 to Ord-15-17, Chapter 1 – General Provisions
5. Exhibit A-2 to Ord-15-17, Chapter 2 – Definitions
6. Exhibit A-3 to Ord-15-17, Chapter 3 – Review Authority and Procedures
7. Exhibit A-4 to Ord-15-17, Chapter 4 – Zoning
8. Exhibit A-5 to Ord-15-17, Chapter 5 – Standards for Accessory and Specific Uses and Structures
9. Exhibit A-6 to Ord-15-17, Chapter 6 – Signs
10. Exhibit A-7 to Ord-15-17, Chapter 7 – Environmental and Cultural Resource Protection
11. Exhibit A-8 to Ord-15-17, Chapter 8 – Engineering Design and Utilities
12. Exhibit A-9 to Ord-15-17, Chapter 9 – Design Guidelines
13. Exhibit A-10 to Ord-15-17, Chapter 10 – Transportation Management
14. Exhibit A-11 to Ord-15-17, Chapter 11 – Impact Fees
15. Index Sorted by Old Numbering
16. Legend for Strike-thru/underline changes
17. Strike-thru/underline of all chapters

• Staff recommends approval of the revisions as proposed.

County Attorney Review
Other (Requires explanation in field below)

Explanation of Other
William Clague reviewed and responded by e-mail on February 24, and March 2, 2015

Reviewing Attorney
Clague

Instructions to Board Records
N/A

Cost and Funds Source Account Number and Name
N/A

Amount and Frequency of Recurring Costs
N/A

Attachment: Staff Report- Land Development Code Rewrite-Phase I.pdf
Attachment: Memo from Littejohn - LDC Rewrite-Phase I-04-09-15PC.pdf
Attachment: Ordinance Land Development Code Rewrite-Phase I-04-09-15PC.pdf
Attachment: Exhibit A-1 Ch1_GenProv_v20_CLEAN.pdf
Attachment: Exhibit A-2 Ch2_Definitions_v35_CLEAN.pdf
Attachment: Exhibit A-3 Ch3_RevAuthProcedures_v75_CLEAN.pdf
Attachment: Exhibit A-4 Ch4_Zoning_v61_CLEAN.pdf
Attachment: Exhibit A-5 Ch5_AccesSpecUses_v66_CLEAN.pdf
Attachment: Exhibit A-6 Ch6_Signs_v16_CLEAN.pdf
Attachment: Exhibit A-7 Ch7_EnvCultResProt_v24_CLEAN.pdf
Attachment: Exhibit A-8 Ch8_EngrDesUtilities_v57_CLEAN.pdf

Attachment: Exhibit A-9 Ch9_DesGuide_v20_CLEAN.pdf
Attachment: Exhibit A-10 Ch10_TransMgt_v50_CLEAN.pdf
Attachment: Exhibit A-11 Ch11_ImpctFee_v17_CLEAN.pdf
Attachment: Ch1_GenProv_v20_COMMENTS.pdf
Attachment: Ch2_Definitions_v35_COMMENTS.pdf
Attachment: Ch3_RevAuthProcedures_v75_COMMENTS.pdf
Attachment: Ch4_Zoning_v61_COMMENTS.pdf
Attachment: Ch5_AccesSpecUses_v66_COMMENTS.pdf
Attachment: Ch6_Signs_v16_COMMENTS.pdf
Attachment: Ch7_EnvCultResProt_v24_COMMENTS.pdf
Attachment: Ch8_EngrDesUtilities_v57_COMMENTS.pdf
Attachment: Ch9_DesGuide_v20_COMMENTS.pdf
Attachment: Ch10_TransMgt_v50_COMMENTS.pdf
Attachment: Ch11_ImpctFee_v17_COMMENTS.pdf
Attachment: Legend for Strike-thru-underline of changes-LDC Rewrite Phase I-04-09-15PC.pdf
Attachment: Index Sorted by Old Numbering-LDC Rewrite-Phase I-04-09-15PC.pdf
Attachment: Copy of Newspaper Advertising - LDC Rewrite Phase 1 - Ordinance 15-17 - Bradenton Herald - 4-9-15 PC.pdf
Attachment: Copy of Newspaper Advertising - LDC Rewrite Phase 1 - Ordinance 15-17 - Sarasota Herald Tribune - 4-9-15 PC.pdf

Manatee County Land Development Code Update – Phase I

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

Staff Report

Introduction

The current Manatee County Land Development Code (LDC) was adopted on July 25, 1990. The Land Development Code is enacted pursuant to Section 163.3202 of the Florida Statutes and its purpose is to implement the Comprehensive Plan of the County by establishing regulations, procedures, and standards for review and approval of all development and use of land in the unincorporated portions of the County.

Since 1990, the LDC has only been updated incrementally, never reviewed and updated holistically. The current LDC is very large (900+ pages) and cumbersome to use and implement. Many subjects and key regulatory information are not logically organized.

Given the size and complex nature of the document, it was decided that a phased approach to any changes would make the update easier to understand. This first phase of the LDC rewrite process is considered a major "housecleaning," primarily targeted at reorganizing and better clarifying the language and regulations in the LDC.

This first phase also includes taking language out of the LDC that is not specifically zoning or land use related. For example, language that is specifically engineering standards is moving to the appropriate Public Works Manual (i.e., Highway and Traffic Standards Manual, Utility Standards Manual, and Stormwater Management Design Manual).

Proposed to be removed from the LDC are requirements pertaining to standards and procedures for maintenance of property and structures within the unincorporated area of the County. These requirements are proposed to be put into a Property Maintenance section of the County's Code of Ordinances, similar to other jurisdictions.

The second phase or future phases of the LDC update will be implementation of recommendations from the How Will We Grow? project. This will include the creation of a more urban code for the older and more established areas of Southwest County which has been called for by the Comprehensive Plan for many years. It will also include further stream-lining of the development review process, and updating the County's Comprehensive Plan.

LDC Update – Phase I

To help assist staff with the LDC update, Manatee County retained the Littlejohn Engineering Associates in March 2011. Littlejohn staff are experienced experts in Land Development Code creation, updates and rewrites.

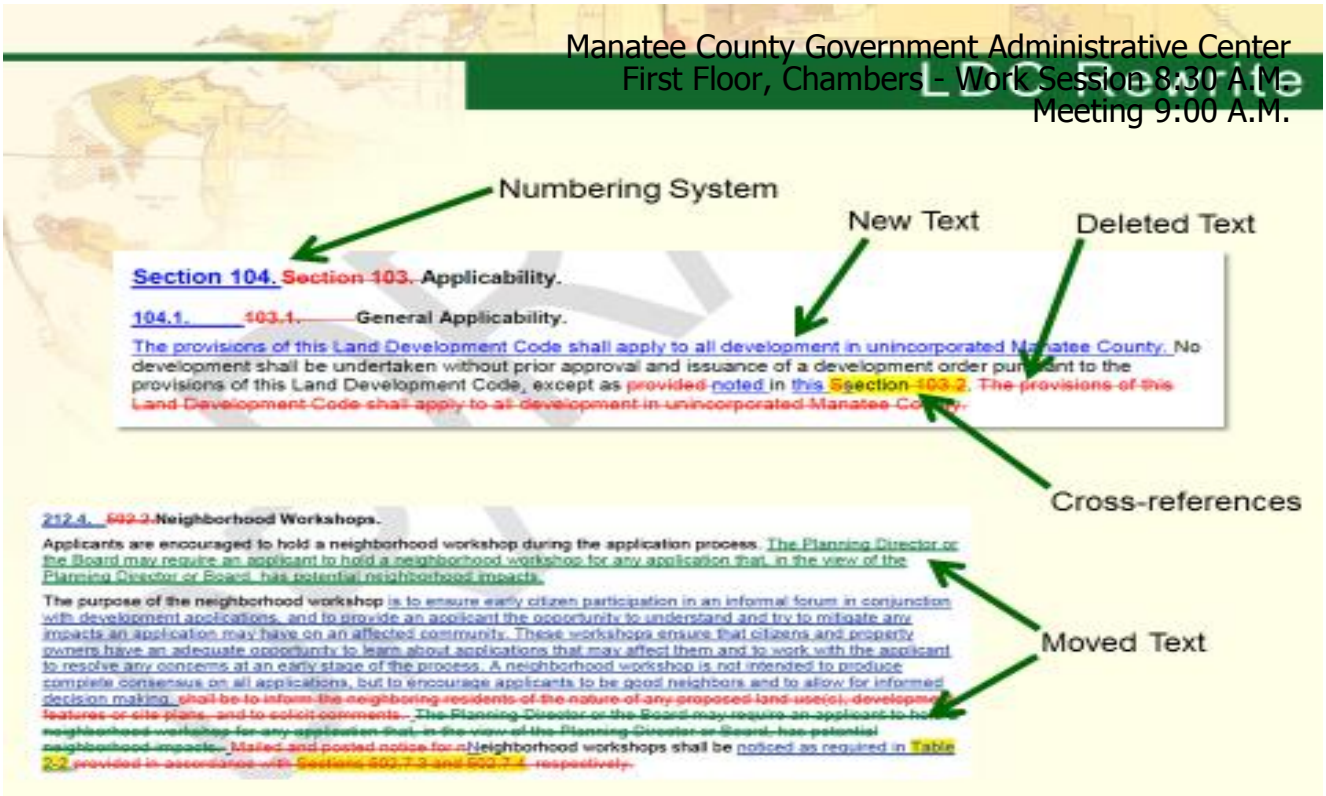
In March 2014, Littlejohn and County Staff conducted a multi-day work-session with the Board of County Commission and the Planning Commission to discuss the proposed changes to the LDC. Littlejohn, County Staff, and Board members reviewed the proposed edits for Phase I and identified revisions that were better suited to be dealt with in Phase II or future phases of the LDC rewrite. As already stated, Phase I is mainly a clean-up of the LDC and the more substantive changes will occur with later phases.

LDC Update – Phase I, Types of Changes

Phase I update consists of major "housecleaning" items, including:

1. Reorganization (moved, consolidated, deleted repetitive language).
2. Deletion of some titles and added others for consistency purposes.
3. Updating LDC cross-references. Deleted cross-references where deemed unnecessary. Generalized where possible to avoid ending up with wrong cross-references in the future (e.g. as required in Chapter 5, instead of as required in Section 504.3.2).
4. Updating cross-references to Florida Statutes, Florida Administrative Code, and other documents.
5. References to departments and staff changed to "Department Director", which is defined as County Administrator designee.
6. Made modifications to reflect current practice.

The proposed revisions to the LDC are attached and shown in strike-thru/underline format. Below is an example of the format provided.



In addition, Littlejohn has prepared a list of changes to each chapter of the LDC which is attached. The Chapters also include comments on the right margin explaining in more detail the changes made to the document.

<u>LDC Update – Phase I, Consistency with the Manatee County Comprehensive Plan</u>

The Land Development Code is enacted pursuant to Section 163.3202 of the Florida Statutes and its purpose is to implement the Comprehensive Plan of the County by establishing regulations, procedures, and standards for review and approval of all development and use of land in the unincorporated portions of the County. It is stated in Chapter 1 of the LDC that "*the Code is adopted in order to foster and preserve public health, safety, comfort, and welfare in the unincorporated areas of the County*." Further, that it is the intent of the Code that the development process in Manatee County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County.

Manatee County has reviewed the proposed changes to the LDC to ensure the purpose and intent stated in the Code (and above) will continue to be met. Since the proposed

revisions are primarily "housecleaning" items a detailed, listed review of each change against the Comprehensive Plan is not needed. The required rules and regulations are not being amended at this time and are therefore still compliant with the existing Comprehensive Plan. In fact, some of the changes are providing for better consistency and clarification between the two documents. For example, definitions that exist or that are different in the Comprehensive Plan versus the LDC are now being added or revised with this update in order to be consistent with those in the Comprehensive Plan.

Future phases of the LDC update will require a more thorough review of the rules and regulations along with amendments to both the Comprehensive Plan and the Code.

Staff recommends approval of the revisions as proposed.

Recommended Motion

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, as conditioned herein, I move to recommend ADOPTION of Manatee County Ordinance 15-17.

Attachments

1. Memo from Littlejohn, dated March 24, 2015, outlining changes to the LDC.
2. Ordinance No. 15-17 w/ "Clean" Version of Chapters 1 thru 11 attached as exhibits.
3. "Strike-thru/underline" Version of Chapters 1 thru 11.
4. Legend for Strike-thru/underline of changes
5. Index Sorted by Old Numbering
6. Copy of Newspaper Advertisement

Memorandum

DATE:	March 24, 2015	**PROJECT NO.:**	20110029
TO:	John Osborne		
FROM:	Patricia Tyjeski		
CC:	Lisa Barrett		
SUBJECT:	Manatee County LDC Update - Summary of Changes		

John,

As requested, we have prepared a list of changes to each chapter of the LDC. Please note that the chapters also include comments on the right margin explaining in more detail changes made to the document.

GENERALLY

Changes made to all chapters include the following:

1. Reorganized (moved, consolidated, deleted repetitive language).
2. Deleted some titles and added others for consistency purposes.
3. Updated LDC cross-references. Deleted cross-references where deemed unnecessary. Generalized where possible to avoid ending up with wrong cross-references in the future (e.g. as required in Chapter 5, instead of as required in Section 504.3.2).
4. Updated cross-references to Florida Statutes, Florida Administrative Code and other documents.
5. References to departments and staff were changed to "Department Director," which is defined as the County Administrator or designee.
6. Modified to reflect current practice.

CHAPTER 1. GENERAL PROVISIONS

Deleted a provision that was tied to a date that already passed (103.2.3).

CHAPTER 2. DEFINITIONS

Moved standards to applicable chapters.

NEW DEFINITIONS:

- Adjacent
- Administrative Adjustment
- Adult Day Care Center
- Adult Family Care Home (ref to Residential Care Facility)
- Assisted Living Facilities (replaced Group Care Homes)

- Buffer Yard
- Build-to-line
- Coastal Evacuation Area (CEA) (from Comp Plan)
- Coastal Planning Area (from Comp Plan)
- Community Residential Home/Resident (formerly "Family Care Homes". Definition taken from 419.001 FS)
- Dancing Establishment
- Drive-through Facilities
- Dry Lines
- Equipment Sales, rental, leasing, storage and repair - heavy and light (combines "Farm Equipment and Supply Establishments"
- Future Development Area Boundary (from Comp Plan)
- Manufacturing Heavy (combines Firework Sparkler Manufacturing)
- Hydric Soil (from Comp Plan)
- Industrial Heavy and Light
- Interneighborhood Tie
- Level of Service
- Local Park (from Comp Plan)
- Major Trip Generators or Attractors (from Comp Plan)
- Manatee County Public Works Standards
- Mass Transit
- Mixed Use (from Comp Plan)
- North American Vertical Datum
- Office Medical and Dental
- Perennial Lake or Stream (per Comp Plan)
- Port Facilities (per Comp Plan)
- Potable Water/System (per comp plan)
- Retail Sales Community and Regional (per Comp Plan)
- Septic Tank (per Comp Plan)
- Setback
- Shooting Ranges
- Special Exception
- Street, Half
- Street Stub (Stub Out)
- Transit Oriented Design
- Use, Temporary

DELETED DEFINITIONS:

- Building Permit Review (not needed in the LDC. The FS chapter was repealed in 2000)
- Dry cleaner neighborhood (combined with general. The code does not differentiate between the two)
- Funeral Chapel (included in church definition)
- Historical Sign (term not used in the LDC)
- Homeless
- Interior Play Space (term not used in the LDC)
- Manatee County Building Codes (replaced with Florida Building Code)
- Manufacturing (replaced with Industrial)
- Mentally Ill (not needed)
- Permanent Control Point (term not used in the LDC)
- Permanent Reference Monument (term not used in the LDC)
- Planning Director (not needed)
- Printing (combined with Intensive Services)
- Rain Garden (term not used in LDC)
- Regularly Moored (not used in LDC)
- Slow Speed Zone (not relevant to LDC)
- Street, (Private, New)
- Use Conditional
- Yard, Special

CHANGED NAME:

- Environmental Land Preserve, Public and Private (formerly County Environmental Preserve)
- Child Care Center (formerly Day Care Center)
- Community Residential Home (now combines Family Care Home)
- Intensive Services (formerly Industrial Services)
- Outpatient Treatment Facility (replaced with rehabilitation center)
- Pet Service Establishment (formerly Kennel)
- Sexually Oriented Business (former Adult Entertainment)

REWRITTEN BUT GENERALLY MAINTAINED MEANING:

- Agricultural Uses

- Alcoholic Beverage Establishment (Formerly drinking establishments. Brought in language from 708)
- Animal Services (new term consolidating numerous terms. Added reference to FS to avoid listing all species)
- Antenna (added a few more examples)
- Auction House (clarified difference between open and closed)
- Bank (noted that banks are deemed offices)
- Civic, Social and Fraternal Organizations/Clubs (formerly "private community uses". Deleted "residents of nearby areas" per CAO recommendation.)
- Construction Service Establishment (clarified that if there is no equipment involved the use is classified as an office)
- Development (modified for consistency with statutes. Comp Plan version is simpler but consistent)
- Development Order (clarified)
- Dumpster (deleted dimensions as they are not needed in definition)
- Duplex
- Dwelling Modular (modified based on Florida Statutes definition)
- Dwelling Single Family Attached (revised for consistency with building code. Deleted reference to fee simple)
- Existing (replaced date of code with a general statement)
- Family Day Care Home (revised to match Statutes)
- Gas Pumps (changed definition to refer to a single pump)
- Hurricane Vulnerability Zone (modified as requested by staff)
- Master Mining Plan (simplified)
- Parapet Wall (deleted height requirement - not necessary)

REWRITTEN TO MATCH COMP PLAN/FLORIDA STATUTES:

- Airport Hazard
- Airport Hazard Area
- Arterial
- Beach and Shoreline Access Point
- Boat Livery
- Boat Yard and Way
- Coastal High Hazard Area
- Collector
- District Park

- Dwelling
- Erosion
- Farm Worker Housing
- Floodplain, One Hundred Year
- Floodway
- Floor Area Ratio
- Hazardous Waste (made consistent with FS)
- Hazardous Waste Generator (made consistent with comp plan)
- Land Development Regulations
- Open Space
- Person
- Recreational Vehicle/Park
- Regional Park
- Residential Treatment Facility
- Road, Local
- Sanitary Sewer (former Sewerage System)
- Water Dependent Use

Added a section with abbreviations and acronyms commonly used in the development fields.

CHAPTER 3. REVIEW AUTHORITY AND PROCEDURES

Part I. This part contains the establishment, membership and duties of the various individuals and groups that review development applications.

1. Added a section describing the establishment, membership and duties of the Development Review Committee. The County has been using a DRC for development review but had not codified it.

Part II. This part addresses the general review procedures common to all types of applications (e.g. submitting the application, staff review for completion, sufficiency review, workshop, public notice, holding hearing, etc.).

1. Added a new section explaining Development Orders (when one is required, exceptions, review/approval).
2. Trimmed down the building permit and certificate of occupancy sections as those details are already addressed in the building code.
3. Added a new section noting that all permits must be obtained prior to start of construction.

4. Used a table to explain the various types or development reviews required, the type of approval (quasi-judicial or legislative) and approving authority for each. Also included the number of the section where that type of approval is explained in detail.
5. Added provisions regarding neighborhood workshops (time and location, elements to be presented, and workshop summary). Not new, codifying current practice.
6. Rearranged the public notice section to start with a table listing the types of notice required for each application type. Then listed details for each type of notice (mailed, published and posted).
7. The public hearings section was reorganized to note general requirements for all hearings, and then detail provisions for quasi-judicial and legislative hearings.
8. New section explaining the effect of an approved development order, and the recording requirements.

Parts III through X were all rearranged to use a common outline addressing the purpose of the review, applicability (when that type of review is required), the steps in the review process (who reviews and what you get in the end), expiration of approvals, extensions, and what happens if the approved plans are changed. Moved "standards" out of this section and placed them in the appropriate chapters (mostly zoning - PD). This chapter should only contain criteria for approval, not standards.

Also made a few changes to reflect current practice (e.g. CLOS expiration for phased developments, expiration of construction drawings vs. preliminary plat, requirement for recording the drainage plan, provision stating that approval of a final plat constitutes acceptance of dedications, expiration of final plats (by law, they do not expire), compensation for easements, school dedications).

<u>Part III.</u> This part includes the review procedures for Administrative Permits and Special Permits.

1. Clarified that the schedule of uses states which uses require administrative permit.
2. Effect of approval was confusing. Replaced with new language to reflect current practice.
3. New sections added to clarify extensions, abandonment, and alterations to approved administrative permits.
4. Deleted provision stating that a building permit constitutes approval of an administrative permit to reflect current practice (Sec. 315.2).
5. New language explaining when special permits are required (reflecting current practice).
6. Deleted excessive mention of other parts of the code that need to be met.
7. Alterations to approved special permits merged two sections that were in different chapters. Repeats were deleted.

<u>Part IV.</u> This part includes the review procedures for the various types of Site Plans.

1. Reorganized to focus on the three levels of site plan review: GDP, PSP and FSP.

2. Consolidated the requirements for reviewing changes to approved site plans (GDP, PSP and FSP).

Part V. This part includes the review procedures for Subdivisions.

1. Updated platting terminology for consistency with Florida Statutes.
2. Deleted provisions for "Lot Consolidation and Reconfiguration." If there are no changes to lot boundaries, there is no need to go through a replat process.
3. Trimmed sections that repeated the Florida Statutes (FS) and replaced instead with the FS section number.

Part VI. This part includes the review procedures for zoning, comp plan and LDC amendments.

1. Added a new section outlining the process for comprehensive plan amendments. Reflects current practice and Florida Statutes.
2. Deleted PD review criteria (actually standards), which repeats the standards in the zoning chapter. As noted earlier, standards do not belong in this chapter.
3. Added new section explaining the effect of a rezoning approval.

Part VII. This part includes the review procedures for other more specific permits required by Manatee County.

1. Added new language for Zoning Compliance Permits to reflect current practice.
2. Deleted Chapter 10 (Development Agreements). This section was supposed to have been deleted when section 518 was established in 2005.
3. The Certificate of Appropriateness section needs to be addressed in the near future to clarify the process for listing on the National Register, and to move specific standards to a more appropriate chapter.

Part VIII. This part includes the provisions for concurrency management.

1. Deleted section 510.2.3 as it is already addressed in other sections.
2. Deleted Proportionate Share Program. This Section was adopted into the Code pursuant to 2005 amendments to the Growth Management Act that have been repealed. Accordingly, this Section should be deleted in its entirety.

Part IX. This part includes the review procedures for variances and modification of standards.

1. Brought together the various sections of the LDC that address modifications of standards, except for floodplain variances which were kept with the floodplain regulations.
2. Administrative variances renamed administrative adjustments to avoid confusion with variances.

Part X. This part addresses appeals.

1. Brought together the various sections of the LDC that address appeals.

CHAPTER 4. ZONING

1. Added a new section establishing the correlation between future land use categories and zoning districts.
2. The section establishing the zoning districts was trimmed down. Any standards not related to the "establishment" or "purpose" of the district were moved to more appropriate locations. Various sections describing districts with very similar characteristics (e.g. all RSF districts, all RSMH districts, etc.) were combined Densities/intensities moved to tables.
3. Schedule of uses streamlined for better viewing/understanding. Consolidated tables.
4. The table of uses now includes a column sending the applicant to chapter 5 where there are additional standards for certain uses.
5. Combined some similar uses into more general categories if the specific uses were all allowed in the same districts.
6. Numerous footnotes moved to the Use Standards chapter.
7. Created a table listing the overlay districts.
8. Proposing to combine the Airport Impact Overlay District (which addresses noise) with the height overlay (which doesn't seem to be treated like a district in the LDC) into a single Airport Impact Overlay. Same regulations, different way of presenting it in the code.
9. Height limitations in the AI district were moved to a table.
10. Renamed the North County Gateway Overlay to Florida International Gateway Overlay. Rewrote the contents to ensure consistency with the comp plan. There are some deficiencies (noted in the document) that will need to be addressed in a future phase.
11. Dimensional standards for Parrish Commercial Village Overlay moved to the tables.
12. The historical and archaeological overlay section has issues differentiating between designating landmarks vs. districts. Standards for designating individual sites and for rehabilitation, demolition, etc. should be moved to the environmental and cultural resources chapter during a future phase.
13. There are two watershed districts but the regulations for these districts are almost identical. Combined the two into a single section, but preserving the differences.

CHAPTER 5. STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES

This chapter includes standards for three types of uses: accessory, temporary and those permanent principal uses which require compliance with specific standards. The County has been using the term "conditional use" to refer to these uses that have specific requirements. This CU terminology should not be continued as it gets confused with the Special Approval uses. Therefore, we are now referring to them as uses that have specific standards. There is no specific "criteria" for approval, unless the schedule of uses requires a use to go through a type of approval that has criteria. "Conditional use criteria" is not a term that should be used in the County. There are only "standards" for these uses.
Other sections in this chapter include the Adverse Impact Performance Standards and the Housing Program.

1. Included an exemption under antennas to address dish customers.
2. Deleted all references to having to meet other sections of the code. Unless noted otherwise, all developments have to meet all sections of the code.
3. Deleted individual references to violations. Already addressed in chapter 1.
4. Added 2 new materials as allowable for fences: aluminum and wrought iron.
5. Garage sales standards moved to Property Maintenance Code.
6. Parking of commercial and restricted vehicles moved to Property Maintenance Code.
7. Part of the Outdoor Display of Merchandise standards moved to Property Maintenance Code.
8. Storage of commercial fishing equipment moved to Property Maintenance Code.
9. Parking or Storage of Junk Vehicles or Refuse moved to Property Maintenance Code.
10. Some swimming pool and spa safety and public pool standards moved to Property Maintenance Code, others are in the Building Code. Preserved those standards related to setbacks.
11. Temporary use section - moved procedures to review chapter.
12. A requirement for Special Permit approval for parcels smaller than 10 acres in the A and A-1 districts was deleted. Could not figure out where this requirement applied (found as a footnote to a use table).
13. The retail section compiles most of the lose retail requirements found throughout the code and in the comprehensive plan.
14. Deleted the sign painting service section. Already addressed in the Intensive Services category.

CHAPTER 6. SIGNS

1. Cleaned up and updated cross-references.
2. Brought in some standards and graphics from the definitions chapter.

3. Revised the public school section to note that charter schools are deemed public schools per FS.

CHAPTER 7. ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION

This chapter contains the tree protection and landscaping standards, natural resource protection and historic and cultural resources standards.

Part I. Tree Protection, Landscaping, Buffers, and Irrigation. LEA reviewed the chapter and provided staff with peer review comments, but didn't perform the same type of work performed on other chapters. Therefore, the changes are minimal.

1. Moved earthmoving standards to this chapter. As part of phase II, chapters 2-20 and 2-25 of the code of ordinances need to be reviewed to identify and address conflicts with this section, and make a decision as to what goes in the LDC other than references to these other chapters. A lot of the information is the same.

Part II, Natural Resources Protection

1. Changed some references from Policies to objectives, as the mentioned policies no longer exist.
2. Sections 721.4.1.1 and 2 regarding no wake zones and slow speed zones deleted as directed by the CAO.
3. Section 719.7.3(h) refers to a section that does not exist. Changed the cross-reference to the chapter instead.

Part III, Historic, Cultural and Archaeological Resources

1. Need to fix the references to the County having authority to list in the National Register.
2. Also need to revisit regulations. It is not clear which resources get reviewed (if just those designated as local landmarks, those shown as "significant" on the FMSF, National Register resources, etc.).
3. The standards for listing should be separated into two sections, one for individual resources and the other for districts.
4. Recommend doing all these during a future phase.

CHAPTER 8. ENGINEERING DESIGN AND UTILITIES

The edits contained in Chapter 8 (Engineering Design and Utilities) largely comprise of reorganization efforts, clarification of current practices and standards and updating external and internal references. Many sections were consolidated to read easier and several redundant provisions were eliminated.

Chapter 8 is now organized in eight section headings. Many of these sections were consolidated from other chapters of the LDC. For example, portions of old chapters 2, 5, 7 and 9 were brought to this chapter for ease-of-use purposes. Subsequent to the consolidation, it was determined that portions of this chapter were more appropriate in other chapters. This occurred with the water dependent uses that were moved to Chapter 5.

Much of the strikethrough represents sections that were too detailed and were moved to the Public Works manuals. Some modifications were the result of past legislation adopted by BCC, but were not reconciled in the Code. For example, LDC amendments from Ordinance 09-055 were integrated into this draft.

Additions to certain standards were made based on clarification of current practices as provided by Public Works staff. This can be found in Section 801.2, which explains that Public Works administers the Stormwater Management portion of the land development regulations.

CHAPTER 9. DESIGN GUIDELINES

Other than rewording a few sections, fixing punctuation, updating maps and reformatting, no changes were proposed by LEA.

CHAPTER 10. TRANSPORTATION MANAGEMENT

Chapter 10 (Transportation Management) revisions are comprised of reorganization, consolidation and removal of redundant provisions, updating of external and internal references, and updating regulations based on recent LDC amendments and current practices.

The chapter was consolidated to seven section headings. Many of these sections were consolidated from other chapters of the LDC. For example, portions of old chapters 7 and 9 were brought to this chapter for ease-of-use purposes. Subsequent to the consolidation, it was determined that portions of this chapter were more appropriate in other chapters. This occurred with vehicle sales requirements that were moved to Chapter 5. Additionally, traffic infraction provisions were moved to the Code of Ordinances.

The parking dimensional standards were consolidated into a table to allow for an easy to follow format.

Much of the strikethrough represents sections that were too detailed and were moved to the Public Works manuals. For example, ingress and egress easement provisions were moved to the manual, which

are usually addressed in an application form provided by the department. Additional modifications were necessary to be consistent with recent legislation adopted by BCC. For example, LDC amendments from Ordinance 14-13 were integrated into this draft.

Some of the standards that were added to Chapter 10, include clarification of current practices as provided by Public Works staff. An example includes the addition of fire lane provisions. Additional insertions include regulations needed to achieve consistency with the comprehensive plan. For example, standards for cross access exceptions were added to be consistent with Transportation policy 5.2.2.12.

CHAPTER 11. IMPACT FEES

Other than rewording a few sections, fixing punctuation, updating maps and reformatting, no changes were proposed by LEA.

CAO DRAFT I
03/10/15

ORDINANCE NO. 15-17

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, ADOPTING BY REFERENCE AN AMENDED AND RESTATED LAND DEVELOPMENT CODE FOR MANATEE COUNTY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR DEFINITIONS; ADOPTING BY REFERENCE THE FOLLOWING TEN CHAPTERS: CHAPTER 1, GENERAL PROVISIONS; CHAPTER 2, DEFINITIONS; CHAPTER 3, REVIEW AUTHORITY AND PROCEDURES; CHAPTER 4, ZONING; CHAPTER 5, ACCESSORY AND SPECIFIC USES AND STRUCTURES; CHAPTER 6, SIGNS; CHAPTER 7, ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION; CHAPTER 8, ENGINEERING AND UTILITIES; CHAPTER 9, DESIGN GUIDELINES; CHAPTER 10, TRANSPORTATION MANAGEMENT; AND CHAPTER 11, IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has been presented with a proposed amended and restated Manatee County Land Development Code (the "Restated Code") for adoption; and

WHEREAS, Section 163.3174(1), *Florida Statutes* (2014), requires that the governing body of each local government in Florida shall designate and by ordinance establish a "local planning agency"; and

WHEREAS, the Manatee County Planning Commission has been duly designated in Section 302 of the current Land Development Code as the Local Planning Agency of the County; and

WHEREAS, Section 163.3174(4)(C), *Florida Statutes* (2014) provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to the consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

WHEREAS, Section 302.1.4 of the existing Land Development Code authorizes the Planning Commission to review and recommend proposed amendments to the text of the Land Development Code; and

WHEREAS, the Planning Commission., acting in its capacity as the County's Local Planning Agency, has been presented with the proposed Restated Code incorporated by reference in this Ordinance; and

WHEREAS, the Planning Commission, acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on April 9, 2015, in accordance with Section 503.4 of the existing Land Development Code, to receive public comment on the Restated Code; and

WHEREAS, the Planning Commission, acting in its capacity as the Local Planning Agency, at the April 9, 2015, public hearing, found the Restated Code to be consistent with the Manatee County Comprehensive Plan (the "Comprehensive Plan") and recommended that the Board of Commissioners adopt the Restated Code as the Land Development Code of the County; and

WHEREAS, the Board held two (2) adoption public hearings on May 7, 2015, and June 4, 2015, to receive public comments, and considered the recommendation of the Planning Commission and the proposed Restated Code; and

WHEREAS, the Board has found and determined that the adoption of the Restated Code will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the County, and thus serve a valid public purpose.

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

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board hereby finds and determines that:

(a) The findings set forth in the recitals to this Ordinance are true and correct.

(b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on April 9, 2015, to consider the Restated Code, found the Restated Code to be consistent with the Comprehensive Plan, and recommended that the Board adopt the Rested Code as the Land Development Code of the County.

Section 3. Adoption of the Restated Code. The Restated Code attached to this Ordinance and incorporated herein by reference as Exhibits "A-1" through "A-10", is hereby adopted as the Land Development Code of the County, amending and restating the Manatee County Land Development Code in its entirety. The Land Development Code shall consist of the following ten Chapters, as set forth in the following ten exhibits:

(a) CHAPTER 1, GENERAL PROVISIONS (Exhibit "A-1");
(b) CHAPTER 2, DEFINITIONS (Exhibit "A-2");

(c) CHAPTER 3, REVIEW AUTHORITY AND PROCEDURES (Exhibit "A-3");
(d) CHAPTER 4, ZONING (Exhibit "A-4");
(e) CHAPTER 5, ACCESSORY AND SPECIFIC USES AND STRUCTURES (Exhibit "A-5");
(f) CHAPTER 6, SIGNS (Exhibit "A-6");
(g) CHAPTER 7, ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION (Exhibit "A-7");
(h) CHAPTER 8, ENGINEERING AND UTILITIES (Exhibit "A-8");
(i) CHAPTER 9, DESIGN GUIDELINES (Exhibit "A-9");
(j) CHAPTER 10, TRANSPORTATION MANAGEMENT (Exhibit "A-10"); and
(k) CHAPTER 11, IMPACT FEES (Exhibit "A-11").

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

Section 5. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

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

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the ____ day of _____, 2015.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: _____
Chairman

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

By: _____
Deputy Clerk

EXHIBIT "A-1"

MANATEE COUNTY LAND DEVELOPMENT CODE
CHAPTER 1, GENERAL PROVISIONS

EXHIBIT "A-2"

MANATEE COUNTY LAND DEVELOPMENT CODE

CHAPTER 2, DEFINITIONS

EXHIBIT "A-3"

MANATEE COUNTY LAND DEVELOPMENT CODE
CHAPTER 3, REVIEW AUTHORITY AND PROCEDURES

EXHIBIT "A-4"

MANATEE COUNTY LAND DEVELOPMENT CODE

CHAPTER 4, ZONING

EXHIBIT "A-5"

MANATEE COUNTY LAND DEVELOPMENT CODE

CHAPTER 5, ACCESSORY AND SPECIFIC USES AND STRUCTURES

EXHIBIT "A-6"
MANATEE COUNTY LAND DEVELOPMENT CODE
CHAPTER 6, SIGNS

EXHIBIT "A-7"

MANATEE COUNTY LAND DEVELOPMENT CODE

CHAPTER 7, ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION

EXHIBIT "A-8"

MANATEE COUNTY LAND DEVELOPMENT CODE

CHAPTER 8, ENGINEERING AND UTILITIES

EXHIBIT "A-9"

MANATEE COUNTY LAND DEVELOPMENT CODE

CHAPTER 9, DESIGN GUIDELINES

EXHIBIT "A-10"

MANATEE COUNTY LAND DEVELOPMENT CODE
CHAPTER 10, TRANSPORTATION MANAGEMENT

EXHIBIT "A-11"
MANATEE COUNTY LAND DEVELOPMENT CODE
CHAPTER 11, IMPACT FEES

CHAPTER 1 – GENERAL PROVISIONS

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DRAFT

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

CHAPTER 1 – GENERAL PROVISIONS

Section 100. Title.

This Manatee County Land Development Code may also be referred to as the Land Development Code or Code.

Section 101. Authority and Purpose.

This Land Development Code is enacted pursuant to the requirements and authority of Chapter 163, Part II, Florida Statutes (the "Community Planning Act") and the general powers established in Chapter 125, Florida Statutes (County Government) and the Constitution of the State of Florida.

The purpose of this Land Development Code is to implement the Comprehensive Plan of the County by establishing regulations, procedures and standards for review and approval of all development and use of land in the unincorporated portions of the county. Further, this Land Development Code is adopted in order to foster and preserve public health, safety, comfort and welfare in the unincorporated areas of the County. It is the intent of this Code that the development process in Manatee County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County.

Section 102. Administrative Procedures.

The County Administrator is authorized to establish administrative procedures for the implementation of this Code by County departments and staff. Such administrative procedures shall establish the technical standards and staff protocols for reviewing and processing development applications. Provided, however, any requirement that constitutes a substantive regulation of land development shall be included in this Code by amendment to the text hereof in accordance with applicable law.

Section 103. Applicability.

103.1. General Applicability.

The provisions of this Land Development Code shall apply to all development in unincorporated Manatee County. No development shall be undertaken without prior approval and issuance of a development order pursuant to the provisions of this Land Development Code, except as noted in this section.

103.2. Exceptions.

A. Projects which have Special Exception status under Chapter 1, Section D.2 of the Comprehensive Plan, to the extent of that status, shall not be required to meet the requirements of the following sections:

1. Section 360, Certificate of Level of Service Compliance;
2. Section 403.8.D, Coastal High Hazard Area Overlay District/Limitations on Permitted Uses;
3. Section 403.8.E, Coastal High Hazard Area Overlay District/Setback Requirements and Wetland Buffers;
4. Section 401.3.D.9, Waterfront Yards;
5. Section 706, Wetland Protection; and
6. Any other Section of this Code where the applicant can clearly demonstrate that the Section is a direct result of the Comprehensive Plan and could not have been required under the previous Comprehensive Plan.

Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

B. Projects which have Special Exception status under Chapter 1, Section 4B of the Plan, or projects that have an approved development order or building permit prior to the effective date of this Code may continue to be developed in a manner consistent with the most recent approval for such project; provided that such approval was lawfully granted and has not expired or otherwise been terminated. However, such projects shall be subject to all provisions of this Code which are not specifically addressed in such approval or are not inconsistent with such approval.

C. Amendments to the projects addressed in A and B, above, shall be reviewed for consistency with Section 107 of this Code if non-conforming.

D. Except where specifically provided for in this Code, the following structures and uses shall be exempt from the regulations of this Code:

1. *Utility Installations.* Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or storm water operated or maintained by a governmental entity or a public utility including customary meter pedestals, telephone pedestals and distribution transformers, whether any such installation is located underground or aboveground but not including any substation located on or above the surface of the ground.

2. *Railroad Facilities.* Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad rights-of-way, and maintenance and repair work on such facilities and equipment.

3. *Public Schools.* Public Schools shall be required to adhere to all requirements of this Code except those requirements which public schools are not required to meet under Chapter 235, Florida Statutes.

4. *Public Parks.* Passive activity recreation and temporary recreation uses conducted on county designated park land. This exemption does not apply to structures greater than one thousand (1,000) square feet or vehicle use areas larger than twenty-five (25) parking spaces located within County park land.

Section 104. Consistency with Comprehensive Plan.

In the event of a conflict between the regulations in the Land Development Code and the Comprehensive Plan, in all instances the Comprehensive Plan shall supersede the Code.

Section 105. Rules of Interpretation.

In the interpretation of the language of this Land Development Code, the rules set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the Board.

105.1. Generally.

A. All provisions, terms, phrases and expressions contained in these regulations shall be liberally construed in order that the true intent and meaning of the Board may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this State for the same terms. The terms used in this Code are intended for use with this Code only and may not apply to other codes or regulations. When a Section number within this Code is referred to, then all Subsections shall apply.

B. In the interpretation and application of any provision of these regulations, the provision shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Land Development Code imposes greater restrictions upon the subject matter than a general provision imposed by another provision of these regulations or other County ordinance, unless stated otherwise the provision imposing the greater restriction or regulation shall be deemed to be controlling. References to Statutes in this Code are deemed to include successive and replacement regulations.

C. It is not the intent of this Code to interfere with, abrogate or annul any order of a court of competent jurisdiction, statute, or other provision of law. Further, this Code is not intended to abrogate any legally

enforceable easement, covenant, or any other private agreement, or restriction; provided that where the provisions of this Code are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this Code shall govern.

105.2. Computation of Time.

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the Board, that day shall be excluded. The next regular business day shall then be considered the last day.

105.3. Delegation of Authority.

Whenever a provision of this Code requires any County officer or employee to do some act or perform some duty, this Code shall be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

Whenever the Code refers to any specific County department or other agency to do some act or perform some duty, this Code shall be construed to allow the performance of such act or duty by the department or its successor that normally performs such act or duty.

In the instance of a conflicting delegation, the County Administrator shall designate the department, County Officer or employee responsible for such act or duty.

105.4. Gender.

Words importing the masculine gender shall be construed to include the feminine and neuter.

105.5. Non-Technical and Technical Words.

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning of law shall be construed and understood according to such meaning.

105.6. Number.

A word importing the singular number may extend and be applied to several persons and things as well as to one person and thing. The use of a plural number shall be deemed to include any single person or thing.

105.7. Shall, May.

The word "shall" is mandatory; "may" is permissive.

105.8. Tense.

Words used in the past or present tense include the future as well as the past or present.

105.9. Written or in Writing.

The term "written" or in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

105.10. Year.

The word "year" shall mean a calendar year, unless otherwise indicated.

105.11. Boundaries of Transportation Construction Districts.

Any road used as a boundary of a transportation construction district may be considered within any district it bounds for the purpose of using the transportation impact fees.

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105.12. Used For.

For the purposes of administration and enforcement of Chapter 11 (Impact Fees) of this Code, the phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

105.13. Connected Terms.

Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by a conjunction "and," "or," "either…or," the conjunction shall be interpreted as follows:

A. "And" indicates that all the connected terms, conditions, provision, or events shall apply.

B. "Or" indicates that the connected terms, conditions, provisions or event may apply singularly and in any combination.

C. "Either…Or" indicates that the connected items, conditions, provisions, or events shall apply singularly, but not in combination.

105.14. References to Other Laws.

References to applicable laws such as Florida Statutes, the Florida Administrative Code, the United States Code, and to provisions of this Code or the County's Code of Ordinances shall include all amendments and successor provisions thereto.

Section 106. Enforcement, Violations, and Penalties.

106.1. Purpose and Intent.

This Section is intended to establish enforcement responsibilities, define Code violations and provide penalties for violations.

A. Authority. In conducting investigations of suspected or known violations, the Department Director shall have the authority, where otherwise lawful, to inspect property, obtain the signed statements of prospective witnesses, photograph violations, and do such other gathering of evidence as is necessary for the complete investigation of a violation.

B. Responsibility. The provisions of this Code, any local Codes or Ordinances, or other Codes, Statutes, Regulations as allowed by law may be enforced by the Department Director.

C. Initiation. Investigations of violations under this Section shall be initiated by the Department Director upon a complaint provided by any person, County official or employee, or upon direction of the Board of County Commissioners.

106.2. Violations.

A. Definition. In this section "violation of this Code" means:

1. Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
2. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
3. Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

In this section "violation of this Code" does not include the failure of a County officer or County employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this Section.

B. Persons in Violation. Any person whether owner, lessee, principal, agent, employee, occupant of any land or

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part thereof, and any architect, builder, contractor, agent or other person who participates, assists, directs, creates or maintains any situation that: (a) violates any provision of this Code, (b) permits any such violation, (c) fails to comply with any of the provision or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, variance, or other such final authorization or approval hereunder, or (d) who erects, constructs or reconstructs any building or structure, or uses any land in violations of any written statement or plan submitted and approved pursuant to this Code, shall be in violation of this Code.

1. Any person(s) in violation of this Code shall be held responsible for due violation and be subject to the penalties and remedies provided herein. Such person(s) upon conviction shall be subject to punishment as provided by law.
2. Each and every person who commits, participates in, assists in, or maintains such violation may individually be found guilty of a separate offense. Each day that such violation continues to exist shall constitute an additional and separate offense.
3. Any structure or lot erected, constructed, altered, occupied or used contrary to any provisions of this Code and all other applicable codes, stipulations, conditions, approvals and variances shall be declared to be unlawful.

106.3. Enforcement.

A. Remedies. The Board of County Commissioners or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to insure compliance with the provisions of this Code, including injunctive relief to enjoin and restrain any person violating the provisions of this Code, and any rules and regulations adopted under this Code, and the court shall, upon proof of the violation of the Code, have the duty to forthwith issue such temporary and permanent injunctions as are necessary to prevent the violation of the Code.

B. Penalty. Any person violating the provisions of this Code or who shall fail to abide by and obey all regulations and orders adopted under this Code shall be punished as provided in Section 106.4. Each day that the violation shall continue shall constitute a separate violation.

106.4. Penalties.

A. General Penalty. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail for a term not exceeding sixty (60) days, or by both such fine and imprisonment. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

1. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise, the imposition of civil fines or other administrative actions.
2. Violations of this Code that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

B. Stop Work Order. The Department Director may issue a Stop Work Order on a premises, lot or parcel that is in alleged violation of any provision of this Code, or is being done in a dangerous or unsafe manner. A Stop Work Order may be issued in place of or in conjunction with the actions and procedures identified in this Chapter. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Department Director shall not be required to give a written notice prior to stopping the work. Upon receipt of a Stop Work Order, all work associated with the violation shall immediately cease. Any person, whether owner, lessee, principal, agent, employee, or other person who continues to work shall be in violation of this Code and upon conviction, may be punished as provided by law. The issuance of a Stop Work Order may be appealed in accordance with Chapter 3, Part X, Appeals, for Land Development Code matters and the Construction Code Board of Appeals for Building Code related matters, by any aggrieved person. An inspection fee shall be paid before any reinspection is conducted. Stop Work Orders may be issued by the Department Director pursuant to the Manatee County Building Code.

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

Schedule of Violations and Penalties

SECTION NUMBER	TITLE	CIVIL PENALTY (DOLLAR) FIRST VIOLATION	REPEAT VIOLATIONS
316	Special Permit	150	400
315	Administrative Permit	100	250
354	Temporary Use Permits	100	250
Ch. 3, Part IV	Site Plans	150	400
347	Certificate of Appropriateness	150	400
401.3	Bulk and Dimensional Regulations	100	250
Ch. 5, Part II	Standards for Accessory Uses and Structures	100	250
Ch. 5, Part IV	Standards for Specific Uses	100	250
Ch. 5, Part III	Standards for Temporary Uses	100	250
1004.2	Access and Drainage Regulations	150	400
531.52	Sexually Oriented Businesses	150	400
531.4	Alcoholic Beverage Establishments	150	400
806	Outdoor Lighting	100	250
1005	Off-Street Parking	100	250
1006	Off-Street Loading	100	250
1004	Driveway Access Regulations	100	250
1001.1	Required Access to Lots	100	250
1002	Visibility Triangle	100	250
700	Tree Protection	150	400
701	Landscape and Screening Standards	150	400
511.4	Emergency Storm Shelters	150	400
801	Stormwater Management	150	400
802	Floodplain Management	150	400
706	Wetland Protection	150	400
705	Habitat, Wildlife and Endangered Species Protection	150	400
337	Installation of Required Improvements	150	400
Ch. 5, Part V	Adverse Impact Performance Standards	150	400
Ch. 6	Signs	100	250
403.2.K	Airport Zones and Airspace	150	400
531.5	Animal Services (Wild and Exotic Animals)	100	250
803.3	Solid Waste Regulations	150	400
1005.9	Fire Access Requirements	150	400
531.33	Moored Water Craft	100	250
702	Earthmoving	150	400
1001.7	Traffic Control Standards	100	250
511.17	Waterfront Structures	150	400
900	Entranceways	100	250
704	Groundwater/Wellhead Protection	150	400
1001.8	Street and Structure Numbering Standards	100	250
106.4.B	Stop Work Order	150	400
347.4.E	Penalties and Remedies	150	400

106.5. Other Remedies Preserved.

The foregoing provisions shall not be construed to preclude initiation by the County at any time of any lawful civil action or criminal action relating to the violation of a County ordinance upon authorization by the Board of County Commissioners, nor to preclude the operation of any other enforcement procedure.

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Section 107. Nonconformities

107.1. Purpose and Intent.

The purpose of this Section is to provide for the regulation and limit the development and continued existence of uses, structures, and lots established prior to the effective date of this Code which do not conform to the requirements of this Code and to address nonconformities that result from the exercise of eminent domain powers. It is the general intent of this Section to reduce nonconformities and eventually bring them into conformance.

107.2. Legally Existing Nonconforming Uses Structures and Lots.

Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Code and which remains nonconforming, and any use, structure, or lot which has become nonconforming as a result of the adoption of this Code or any subsequent amendment to this Code or as a result of an acquisition of real property by Manatee County or a state agency through the exercise or threat of exercise of its power of eminent domain may be continued or maintained only in accordance with the terms of this Section.

107.3. Applicability.

The provisions relating to nonconforming uses and structures shall apply to all nonconforming uses and structures existing, or created on the effective date of this Code, and to all uses and structures that become nonconforming by reasons of any amendment thereof. The provisions shall not apply, however, to any use established or structures erected or expanded in violation of law, regardless of the time of establishment or erection.

107.4. Signs.

Signs on nonconforming uses of land or structures and nonconforming signs shall be controlled by the provisions of Chapter 6 of this Code.

107.5. Nonconforming Uses.

A. Change or Expansion of Nonconforming Use.

1. A legally existing nonconforming use may be changed to a permitted use or conditional use for the zoning district in which the property is located, in accordance with the procedures of Chapter 3 of this Code. A nonconforming use shall not be changed to another nonconforming use.
2. Except as provided in this Section, a lawful nonconforming use shall not be changed, intensified, expanded, extended or enlarged in any manner beyond the floor area or lot area that it occupied on the effective date of this Code or the effective date of any amendment to this Code rendering such use nonconforming. Residential Accessory Uses and Home Occupations are exempted from this provision provided they otherwise comply with this Code.
3. When a lot is used lawfully, as a legal non-conforming use, on the effective date of this Code, and Chapter 4 of this Code classifies such use as a "Special Permit" in the zoning district in which it is located, such use is hereby deemed a lawful Special Permit for the purpose of this Code and shall be subject to the following:
   a. Such use shall not be replaced or expanded except in accordance with the provisions of Section 316, Special Permit and this section.
   b. The structure occupied by such use may be expanded or enlarged by not more than one thousand (1,000) square feet within any period of three (3) years without requiring an additional special permit approval, and provided that all dimensional requirements can be met, unless this Code or the special permit approval specifically prohibits such expansion or enlargement.
4. A lawfully existing nonconforming use that would now require an “administrative permit” shall be deemed to have administrative permit approval and shall be subject to the following:
   a. Such use shall not be replaced or expanded except in accordance with the provisions of Section 315, Administrative Permits, and this section.
   b. The structure occupied by such use may be expanded or enlarged by not more than one thousand

(1,000) square feet or ten (10) percent of the gross floor area, whichever is greater, not to exceed two thousand (2,000) square feet in area within any period of three (3) years without requiring administrative permit approval, and provided that all dimensional requirements can be met, unless this Code or previous approvals specifically prohibit such expansion or enlargement. An existing or new administrative permit shall not authorize or otherwise exempt a project from these square foot provisions.

B. Discontinuation of Nonconforming Use. If a nonconforming use is discontinued for a period of one (1) year or more, including any period of discontinuation before the effective date of this Code except where governmental action impedes, such use, then that use shall not be renewed or re-established thereafter and any subsequent use of the lot or structure shall conform to the use regulations of the zoning district in which it is located.

Standard agriculture practice which results in allowing a field to lie fallow will not be considered a discontinuation of a non-conforming use. Said non-conforming use is subject to verification by the property owner, Agricultural and Natural Resources Department, and other County staff as deemed appropriate.

107.6. Nonconforming Structures

A. Repair or Reconstruction of Nonconforming Structure. Only ordinary repairs and maintenance as defined by this Code may be made to a nonconforming structure, unless exempted below.

1. If a nonconforming structure is damaged by a fire, flood, windstorm, or similar event, and the cost of restoring the structure to its condition immediately prior to the event is not considered a substantial improvement then the structure may be restored to its original nonconforming condition, provided that:

   a. A building permit is secured;

   b. Reconstruction is started within one (1) year from the date of the damage; and

   c. Such reconstruction is diligently pursued to completion.

   Cost of restoration shall be determined in the manner established by the Department Director.

2. If a nonconforming structure is destroyed or damaged by a fire, flood, windstorm, or similar event, and the cost of restoring the structure to its condition immediately prior to the event constitutes a substantial improvement, then the structure shall not be restored unless the structure as restored, and the use thereof, will thereafter conform to all requirements of the zoning district in which it is located and this Code. Structures subject to the exception provision in Section 107.6 and/or Section 107.9.C may be restored pursuant to Section 107.9.C regardless of the cost of restoration. Cost of restoration shall be determined in the manner established by the Department Director.

3. All structures located in the one hundred (100) year floodplain, shall adhere to the provisions of Section 802, Floodplain Management.

4. If Manatee County is declared a disaster area as a result of a storm, hurricane, tornado, flood or other similar act of God, by the Governor of the State of Florida or the President of the United States, then the provisions of Section 107.6.A.1 for the repair or reconstruction of a non-conforming structure shall be hereby modified to allow the replacement or reconstruction of the structure on the original foundation. This exception shall be allowed only if all of the following conditions are met:

   a. The original structure was a multifamily residential building, mobile home in a mobile home park or subdivision, single-family detached home that is located in the Cortez Fishing Village HA Overlay District, or a single-family attached dwelling;

   b. The original structure has Special Exception status as provided for in the Manatee County Comprehensive Plan;

   c. The necessary building permits and final site plans are issued within one (1) calendar year of the aforementioned storm, hurricane, tornado, flood or other similar acts of God; and

   d. The repair or reconstruction is done in a manner substantially consistent with the prior development approvals for those structures in regards to height, area, type of structures, setbacks and density. Other Code and Comprehensive Plan provisions not inconsistent with the foregoing must be met.

   Any Building Permits issued under this Modification may be allowed a maximum of one time extension not to

exceed ninety (90) days as may be allowed by the Manatee County Building Code.

This modification shall not exempt developments from meeting the minimum floor elevation or other provisions of Section 802 (Floodplain Management), Section 403.8.H (Coastal High Hazard Area Overlay District/Reconstruction of Structures), and Manatee County Building Codes.

B. Alteration or Enlargement of a Nonconforming Structure. Except as provided in this Section or in Section 107.9 (Nonconformities Resulting From Exercise of Power of Eminent Domain), a nonconforming structure shall not undergo any substantial improvement or be enlarged or moved in any manner unless provided below:

1. The enlargement, movement, or alteration itself conforms to the requirements of this Code; and/or such alteration or enlargement makes the structure conforming;
2. The use of the structure is conforming; and
3. The property owner or developer secures the Department Director's approval for the enlargement or addition in accordance with this Code and other applicable regulations.

C. Movement of a Nonconforming Structure. Except as provided in this Section or in Section 107.9 (Nonconformities Resulting From Exercise of Power of Eminent Domain), a nonconforming structure shall not be moved in whole or in part to any other location unless every portion of such structure and the use thereof is made to conform with all requirements for the zoning district to which such structure is moved. The relocation of the structure shall also comply with structure relocation the requirements and other applicable County regulations.

D. Changed to Conforming Use. If any nonconforming use is changed to a conforming use, it shall not thereafter be put into any nonconforming use.

E. Nonconforming Structures in the Cortez Fishing Village HA Overlay District. Single-family historic structures in the Cortez Fishing Village HA Overlay District which are legally non-conforming structures due to setbacks may be renovated and expanded at existing side yard setbacks for corner lots, or rear yard setbacks, provided that the renovation, expansion or addition meets the standards of other sections of this Code and the following additional standards:

1. Any addition or renovation must receive a Certificate of Appropriateness by the Historic Preservation Board;
2. The structure for which the renovation or addition is requested is residentially used;
3. The existing side yard setbacks for corner lots on one side, must be no less than two (2) feet and no less than ten (10) feet on the other side;
4. The addition or expansion shall be located no closer than ten (10) feet to another existing structure on an adjacent lot;
5. No fill shall be used to elevate the addition; and
6. The addition or renovation must comply with the Cortez Design Guidelines.

F. Unsafe Structure.

1. Any nonconforming structure determined to be unsafe by the Department Director may be restored to a safe condition, subject to the regulations for nonconforming structures. Such work on any nonconforming structure shall not place it in greater nonconformity.
2. If a nonconforming structure or portion of a structure contains a nonconforming use and becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Department Director to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations for non-conforming structures and district in which it is located. (Refer also to the Manatee County Unsafe Structure Ordinance and Section 106, Enforcement, Violations, and Penalties).

107.7. Nonconforming Densities in Residential Projects.

Existing projects that exceed the allowed density of the zoning district or future land use category are subject to the following provisions:

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A. If individual units within a nonconforming condominium, apartment or mobile home park project are substantially damaged or destroyed by a fire, flood, windstorm, or similar act of God, such units may be replaced to their pre-existing density.

B. No additions, expansions, movement or substantial alteration of existing units within the aforementioned nonconforming residential units and/or projects shall be allowed.

107.8. Nonconforming Lots.

A. Applicability. A lot which does not conform to the applicable district regulations for minimum lot area or minimum lot width, or both, shall be deemed a nonconforming lot. Permitted Uses specified in such district regulations shall be exempt from such minimum lot area and minimum lot width requirements on a nonconforming lot which:

1. Was a legally created lot of record on the effective date of this Code;
2. Was not created in violation of this Code or the previous Code (Ord. 81-4), adopted May 4, 1981 and,
3. Was not part of a series of two or more vacant lots which:
   a. were in a single ownership, and
   b. share continuous street frontage along their front lot lines, and,
   c. are sufficient when taken together to meet the minimum lot area and width requirements of the zoning regulations of this Code or prior zoning Codes which first made the lot nonconforming.

   In the event that a nonconforming structure is located on a lot which is contiguous to one or more vacant lots, all under the same ownership, then the vacant lot(s) may be separated from the lot with a structure provided the lot with the structure maintains minimum district setbacks adjacent to the lot being separated.

B. Reduction in Size Prohibited. Except where necessitated by government action, a lot which is nonconforming by reasons of area shall not be reduced by area, and a lot which is nonconforming by width shall not be reduced by width. No lot shall be reduced in width or area where such reduction will make such lots non-conforming, unless necessitated by government action.

C. Use of Nonconforming Lots. Nonconforming lots may be developed notwithstanding the failure of the lot to meet minimum lot area or minimum lot width requirements specified in the applicable district regulations, provided that the proposed development is a permitted use in the applicable district. All other regulations of this Code, including minimum yards, shall be met.

1. Nonconforming lots which were legally created and are in single ownership, sharing continuous street frontage, if taken together would meet the minimum zoning district regulations, do not have to combine lots to meet the zoning district regulations if all of the lots are developed as affordable housing.
2. Nonconforming lots created prior to this Code that contained more than one dwelling unit, were not in violation of previous Codes, and did not increase the density within the approved subdivision may now gain access by easement per Section 1001.1.C.5.
3. Nonconforming lots which were legally created and are in single ownership, sharing continuous street frontage, if taken together would meet the minimum zoning district regulations, do not have to combine lots to meet the zoning district regulations if the nonconformity exists only as a result of the exercise of eminent domain powers by the County or a state agency.

D. Procedure. As part of the application for a building permit for a nonconforming lot, the applicant shall file the following documents with the Department Director:

1. *Drawing*. Scaled drawing with dimensions and distances showing boundary lines of the lot and the proposed location, size and use of the structure.
2. *Certificate*. Certificate of apparent ownership, or title opinion, stating that the Nonconforming lot of record is exempted from the minimum lot area and width requirements of this Code or prior zoning ordinances which made the lot nonconforming, the date and identification of the instrument by which the lot was created, and the basis for claiming nonconforming status.

E. Lots in Nonconforming Mobile Home, Recreational Vehicle Parks and Subdivisions. In Mobile Home and

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Recreational Vehicle Parks without recorded lots or lot lines, the midpoint of the shortest line that can be drawn between two structures shall be employed as the lot line for the purpose of this Code.

107.9. Nonconformities Resulting From Exercise of Power of Eminent Domain.

A. Applicability. The provisions of this Section shall apply to real property of which a portion is acquired by Manatee County or a state agency through the exercise or threat of exercise of eminent domain powers on or after February 1, 2006. This Section shall apply without regard to whether the real property acquisition is pursuant to an order of a court of competent jurisdiction or is pursuant to a process of negotiated purchase. This Section shall apply without regard to whether the acquisition was initiated by Manatee County or a state agency.

B. Existing Nonconformities Preserved. A nonconformity of any nature whatsoever which existed at the time of the real property acquisition shall not be deemed to be permitted, exempted, or reduced, in any manner, nor to any extent, by the application of this Section.

C. Nonconformities Created by Eminent Domain Proceedings.

1. A nonconformity created through the exercise of eminent domain powers shall not constitute a violation of this Code, and the owner of any property that is the subject of such nonconformity shall not be required to cure such nonconformity.
2. Any structure or site improvement subject to this Section may be rebuilt, relocated, or reconstructed to cure the adverse impacts that result from the exercise of eminent domain powers, even if such rebuilding, relocation, or reconstruction does not conform to this Code with respect to area, width, depth, setbacks, required yards, landscape buffer, location of improvements, location of signs, or parking, so long as the following criteria are met:
   a. The proposed rebuilding, relocation, or reconstruction is necessary to allow use of the property consistent with or similar to the pre-acquisition use of the property;
   b. The size or intensity of the structure or use is not expanded in violation of Section 107.5.A or 107.6.B hereof; and
   c. The rebuilding, relocation, or reconstruction will not result in a violation of the Comprehensive Plan.
3. Either Manatee County or the state agency exercising its eminent domain powers, as the case may be, is authorized to apply for such permits or approvals necessary to carry out the rebuilding, relocation, or reconstruction of a structure or site improvement pursuant to this Section 107.9.C.
4. Following any acquisition of a portion of real property subject to this Section by Manatee County, the County shall endeavor to record with the Clerk of the Circuit Court a notice of severance on the remainder of the real property not acquired. The failure to record such notice shall not limit or prevent the application of this Section to the subject property.

D. Future Right-of-Way and Fire Safety Regulations. The provisions of Sections 107.9.A to 107.9.C shall not apply nor be interpreted to waive or alter the provisions of this Code pertaining to future right-of-way lines, nor shall the provisions of this Section waive or alter the application of any fire prevention code or fire prevention requirements, either current or in the future, or applicable provisions of the Manatee County Building Codes.

Section 108. Public Works Standards Manual

In order to fully implement the requirements of the Comprehensive Plan and the Code, the County adopted the Manatee County Public Works Standards Manual. All development shall be reviewed by the County for compliance with the applicable criteria of this Manual.

A violation of any provision of the Public Works Standards Manual shall be deemed a violation of this Section and enforceable as provided in Section 106 of this Code.

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Chapter 2 – DEFINITIONS

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Chapter 2 – DEFINITIONS

Section 200 Definitions.

Abandoned Sign. (See "Sign, Abandoned.")

Abandonment shall mean the visible or otherwise apparent intention of an owner to discontinue a structure, use of a structure, or lot; or the removal of the characteristic equipment or furnishings used in the performance of the use without its replacement by similar equipment or furnishings, or the replacement of a nonconforming use or structure by a conforming use or structure; for six (6) consecutive months.

Access Improvements (Impact Fees). (See “Impact Fees”.)

Accessory Structure. (See "Structure, Accessory.")

Accessory Use. (See "Use, Accessory.")

Accounts (Impact Fees). (See “Impact Fees”.)

Acroter shall mean a small pedestal placed on the top of a pedestal or post.

Addition shall mean any extension or increase in area or height of a building or structure.

Addition (To an Existing Building) shall mean any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a free wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load bearing walls shall be considered to be new construction.

Adjacent shall mean to have property lines, or portions thereof, in common or facing each other across a street, right-of-way or narrow water body.

Administrative Adjustment shall mean an administratively approved grant of relief from the requirements of this Code, specifically related to errors in yard measurements, front yard setbacks consistent with established neighborhoods, and errors of structure encroachments into county easements or rights-of-way.

Administrative Procedures (Impact Fees). (See “Impact Fees”.)

Adult Day Care Center shall mean any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three (3) or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.

Adult Family Care Home - see *Residential Care Facility*

Adverse Impact shall mean any modification or effect which is or potentially may be harmful or injurious to human health, safety, welfare or property; to biological productivity, diversity, or stability; or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation. The term includes direct, secondary and cumulative impacts.

Affordable shall mean that monthly rents or monthly mortgage payments including taxes and insurance do not exceed thirty (30) percent of that amount which represents the percentage of the median annual gross income for the households which are classified as a Low-Income household, Moderate Income household or a Very-Low Income household. However, it is not the intent to limit an individual household's ability to devote more than thirty (30) percent of its income for housing, and housing for which a household devotes more than thirty (30) percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the thirty (30) percent benchmark.

Agent shall mean any person or firm authorized by a property owner to act on his behalf.

Agricultural Products Retail Stand shall mean a structure used for the retail sale of fruit, vegetables, and other agricultural products accessory to the agricultural use which produced them.

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Agricultural Product Processing Plant shall mean the use of land, buildings or structures for the production of vegetable or fruit crops, and the sorting, grading, cooling, washing, and final packaging and shipping of such agricultural products. This term may include animal products production, however, this term shall not be deemed to include an animal farm, farm, ranch, or feedlot and stockyard.

Agricultural Research Facility shall mean any premises where the principal use is the experimentation, testing, planting, raising, or growing of agricultural flora or fauna for research purposes.

Agricultural Uses shall mean activities such as aquaculture, silviculture, livestock and poultry raising, cattle and animal grazing, cultivation crops and other commercial production for sale to others, including apiculture, aquaculture, floriculture, groves and orchards, horticulture, pasturing of animals, training or instruction of animals, sod farming, tree farming, viticulture, on-farm composting and similar activities. Preparation (sorting, washing, packing) and shipping or sale of value added goods made using products produced onsite shall be considered an agricultural use. Stables or Equestrian Centers, Public or Private, are deemed to be agricultural uses.

Agricultural Uses, Short Term shall mean agricultural uses projected to transition to urban or suburban development. New short term agricultural uses which are subject to development order approval shall be reviewed and conditioned, when appropriate, to ensure that such uses do not have adverse impacts on adjacent existing or future residential uses.

Airport

Aircraft Landing Field shall mean a privately owned area of land or water, state licensed as a limited, temporary, or private airport under Chapter 330 Florida Statutes, which is used or intended to be used for the landing and taking off of aircraft, which provides limited size runways, required surfaces and any appurtenant areas that may be used for buildings or other aircraft facilities.

Airport shall mean any State Licensed Federal Aviation Administration (FAA) approved airport within Manatee County.

Airport Elevation shall mean the highest point of the airport's usable landing area measured in feet above Mean Sea Level (MSL).

Airport Hazard shall mean any structure, tree or use of land which exceed the federal obstruction standards as contained in 14 C.F.R., and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering or landing or is otherwise hazardous to such or taking off, maneuvering or landing of aircraft and for which no person has previously obtained a permit or variance pursuant to Chapter 333, Florida Statutes.

Airport Hazard Area shall mean any area of land or water upon which an airport hazard might be established if not prevented pursuant to Chapter 333, F.S.

Airport Height shall mean the height of the airport runway as designated by the Federal Aviation Administration (FAA).

Airport Obstruction shall mean any structure or object of natural growth or use of land which obstructs the airspace required for flight of aircraft in taking off, maneuvering or landing at an airport or which may otherwise be hazardous to the taking off, maneuvering or landing of aircraft at the airport.

Airport Proposal shall mean any new airport or any expansion, addition or amendment to an existing airport which increases the total length of available runway, square footage of structures or land area.

Airport, Private Use shall mean any privately owned state licensed airport which is used for the landing or departure of aircraft, other than a personal aircraft of the airport owner.

Airport, Public Use shall mean any publicly owned state licensed airport which is used for the landing or departure of aircraft.

Airspace Height shall mean the height limits as established in all zones set forth in this Code. Mean Sea Level (MSL) elevation shall be the datum unless otherwise specified.

Aviation Airport, Commercial shall mean any airport facility which is designed, constructed, or used for the

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operation of commercial air carriers and their passengers.

Climb Gradient shall mean any aircraft instrument departure procedure requiring adherence to a minimum climb slope or grade expressed in feet per nautical mile.

Heliport shall mean any area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop shall mean any designated landing area, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Minimum Descent Altitude (MDA) shall mean the lowest altitude to which descent is authorized on final approach or during circling to land maneuvering in execution of a Standard Instrument Approach (SIAP) where electronic glide slope is not provided.

Minimum En Route Altitude (MEA) shall mean the lowest published altitude between radio fixes that assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

Minimum Obstruction Clearance Altitude (MOCA) shall mean the lowest published altitude between fixes on federal airways, off-airway routes, or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage within twenty-two (22) miles of an en route radio navigation aid.

Minimum Vectoring Altitude (MVA) shall mean the lowest altitude at which aircraft operating on Instrument Flight Rules (IFR) will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

Non-Precision Instrument Runway shall mean a runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in non-precision instrument approach procedure has been approved or planned, and for which no precision instrument approach facilities are planned or indicated on an appropriate civil or military airport planning document.

Non-Standard Take-Off Minimums shall mean conditions of existing weather required for takeoff at an airport which exceeds the standards prescribed in Federal Aviation Regulations.

Other Than Utility Runway shall mean a runway that is constructed for and intended to be used by aircraft of a maximum gross weight greater than twelve thousand five hundred (12,500) pounds.

Precision Instrument Runway shall mean a runway having an instrument approach procedure established by the Federal Aviation Administration utilizing an Instrument Landing System (ILS), Microwave Landing System (MLS), or a Precision Approach Radar (PAR) including a runway for which such a system is planned as indicated on an approved airport layout plan or on any other airport planning document.

Utility Runway shall mean a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Visual Runway shall mean a runway intended for the operation of aircraft using visual approach procedures with no instrument approach procedure planned or indicated on an approved layout plan, or on any other airport planning document.

Alcoholic Beverage Establishment shall mean any use located in any structure or building or portion thereof which:

A. Involves the retail sale of alcoholic beverages for consumption on the premises. This phrase does not include an accessory use which involves the retail sale of alcoholic beverages for consumption on-premises if the principal use is any of the following:

1. Restaurants of any size;
2. Hotels and motels meeting the requirements of F.S. § 561.20(2)(a)1;
3. Country clubs meeting the requirements of F.S. § 561.20(7)(b);

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4. Private, civic and fraternal clubs located in non-residential zoning districts and meeting the requirements of F.S. §§ 561.20(7)(a) and 565.02(4);
5. Performing arts centers meeting the requirements of F.S. § 561.20(2)(j), and theaters with live performances meeting the requirements of F.S. § 565.02(10); or
6. Stadiums.

B. Is a bottle club (bring-your-own-bottle).

Alley shall mean a narrow strip of land intended for vehicular traffic and designed to give main or secondary access, not principal access, to the side or rear of properties whose principal frontage and access is on a street, and is legally established to provide such secondary access.

Alteration shall mean any change or modification.

Alteration of a Sign. (See “Signs”.)

Alternative Support Structure shall mean clock towers, steeples, light poles, buildings, or similar structures that may support telecommunication facilities.

Animal Boarding Facility. (See Animal Services (Wild and Exotic Animals)

Animal Exhibits. (See Animal Services (Wild and Exotic Animals))

Animal Farm shall mean any facility or portion of any facility used for:

A. Pasturage, including but not limited to cow, horse, sheep, or goat grazing;
B. Dairying, including milk processing and distribution;
C. The raising of poultry or livestock; or
D. The raising or breeding of any other animals primarily for the production of food or agricultural products. (See "Agriculture.")

Animal Product Processing Facility shall mean the use of land, buildings or structures for the processing of animal products including the grading, cooling, washing, packaging and shipping of animal products and falls under the classification of Industrial, heavy. This term shall not be deemed to include an animal farm, farm, ranch, feedlot, stockyard or slaughterhouse.

*Animal Services (*Wild and Exotic Animals*)* shall mean the boarding (temporary or permanent), rehabilitation, shelter, breeding, sale, and similar activities, of any Class I or II wildlife as listed in Section 68A-6.002, FAC. For the purpose of this code, this definition does not include zoo, animal exhibit and circus uses (See “Recreation, High Intensity”). In addition to the Class I and Class II Wildlife, the following animals shall be considered Wild and Exotic for purposes of land use regulation:

A. Primates collectively referred to as "prosimians," including but not necessarily restricted to lemurs, bushbabies, lorises and tarsires.
B. Primates collectively referred to as "anthropoids," including but not necessarily restricted to New World Monkeys (cebids), Old World Monkeys (cercopithecids), gibbons and great apes.

Animal Services (Non-Wild and Exotic) - see Pet Services

Animal .Rehabilitation Center (See Animal Services (Wild and Exotic Animals))

Animal Shelter. (See “Animal Services” and “Pet Services”.)

Animated Sign. (See "Sign, Animated.")

Antenna shall mean any exterior apparatus designed for telecommunication and any other electronic communicating devices or services through the sending or receiving of electromagnetic waves. This term includes satellite dish antennas, utility pole mounted antennas, amateur radio antennas, antennas for the reception of television broadcasts, antennas which provide telemetry for lift stations, private mobile service, and antenna arrays.

Apartment. (See "Dwelling, Multi-family.")

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Appeal shall mean any request for a review of a decision of an administrative determination of an official or employee of Manatee County.

Application for Development Approval shall mean a written request for approval of a proposed use and for issuance of a development order, including applications for approval of permitted uses, special permit uses, rezonings, text amendments, and variances.

Approved Agency shall mean an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the appropriate department or governmental agency having jurisdiction.

Aquaculture shall mean the cultivation of animal and plant life in a water environment. (See "Agriculture.")

Aquarium shall mean any facility or structure designed for the keeping of water animals, under the supervision of professional staff, for the purpose of public display, with or without a charge. (See "Recreational Use, High Intensity.")

Aquiclude shall mean a soils formation which contains water but cannot transmit it rapidly enough to furnish a significant supply to a well or spring.

Arterial shall mean a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. The primary purpose of arterials is to provide service to major traffic movements; access to abutting property is a subordinate purpose. An arterial street (or road) is also typically characterized by restricted parking, access control, signals at important intersections and stop signs on the side streets, and typically distributes traffic to and from collector streets or roadways. Existing roads classified as Arterial are indicated on the adopted Roadway Functional Classification Map. Roads which are built or proposed subsequent to the adoption of the Comprehensive Plan shall be initially classified as Arterial only by action of the Manatee County Department of Planning, following a recommendation from the Manatee County Department of Public Works.

Artificial Drainage System. (See "Drainage System, Artificial.")

Asphalt Processing or Manufacturing shall mean a plant utilizing sand, stone, shell, recycled asphalt or other materials, plus petroleum products, to produce asphalt to be used in roadway and other paving.

Assisted Living Facility (ALF) shall mean any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. For the purpose of this code, small ALF facilities house up to fourteen (14) residents. Large ALF facilities house more than fourteen (14) residents.

Auction House, Enclosed shall mean an establishment where the principal use is the public or private sale of property or items of merchandise to the highest bidder within an enclosed building.

Auction House, Open shall mean an establishment where the principal use is the public or private sale of property or items of merchandise, including motor vehicles and/or recreational vehicles, to the highest bidder.

Automatic Teller shall mean any automated facility through which certain banking functions such as deposits or withdrawals can be completed. For the purpose of this Code, when automatic teller is listed as a separate use, it refers to a freestanding facility not a part of a bank or branch bank building.

Average Grade shall mean a horizontal reference plane representing the average of finish ground surface elevations within and for a prescribed area.

Awning Sign. (See "Sign, Awning.")

Bank shall mean any financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans, investments, and fiduciary activities. For the purpose of this Code, this use is classified as an *Office*.

Bank, Drive-Through shall mean any financial institution engaged in deposit banking and closely related functions, where the principal use is drive through banking. Not more than four (4) drive-through lanes may be considered accessory to the enclosed bank facility.

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Banner. (See “Signs”.)

Base Flood. (See “Floodplain Management”.)

Base Flood Elevation (BFE). (See “Floodplain Management”.)

Basement shall mean any building story having a floor below grade.

Beach shall mean the zone of unconsolidated material that extends landward from the mean low waterline to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Beach and Shoreline Access Point shall mean access to beaches and shorelines that are suitable for recreation, boat launches or other use by the general public. Small, unsuitable access points in environmentally sensitive areas are not considered beach and shoreline access points.

Beacon Light shall mean any light with one (1) or more beams having a wattage that exceeds seventy-five (75) watts and is capable of being directed at any direction or directions, capable of being revolved automatically, or capable of having any part thereof revolve automatically. Beacon light shall not be deemed to include any lights used to illuminate either directly or indirectly, a sign, airport, or seaport rotating beacon lights.

Bed and Breakfast shall mean any building of residential character or portion thereof which provides lodging with no more than eight (8) rental room units for transient occupancy on a daily or weekly basis, where food may be served family style and not from a menu.

Bedroom (Impact Fees). (See “Impact Fees”.)

Bench Sign. (See "Sign, Bench.")

Benefit District (Impact Fees). (See “Impact Fees”.)

Berm shall mean any mound of soil used for screening or landscaping purposes which is planted with trees, shrubs or ground cover to prevent erosion.

Best Management Practices shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of this Code (BMP list of approved practices by Board resolution for Special Overlay Districts—Evers Reservoir and Lake Manatee Watershed Areas).

Best Possible Technology shall mean the most advanced technology which provides the maximum protection possible for the public health, safety, and welfare and which minimizes to the greatest degree possible any adverse impacts from industrial uses, mining activities or major earthmoving activities, in the Special Treatment Overlay District. Best Possible Technology may include, but is not limited to: innovative reclamation techniques, augmentation of public water supplies that could be adversely affected by mining activities; construction of secondary containment structures or other measures to ensure against catastrophic failure of primary containment structures; construction of below grade slime ponds; elimination of mine site rock dryers; and zero point discharge; provided however, such requirements shall not be applied if the applicant demonstrates that they are technologically infeasible.

Board shall mean the Board of County Commissioners of Manatee County, Florida.

Boarding House shall mean any building or establishment which provides two (2) or more lodging units for non-transient occupancy, which may provide dining room service; and which is subject to licensing by the Division of Hotels and Restaurants of the Florida Department of Business Regulations as a rooming or boarding house. A rooming or boarding house shall not be deemed to include a Hotel, Motel, Group Care Home, Recovery Home, Residential Treatment Facility, or any similar establishment. For the purpose of this Code, this use is classified as *Group Housing.*

Boat Dock. (See "Single Boat Docking Facility" and "Dock.")

Boat Livery shall mean any commercial establishment providing boat hauling or launching facilities, rental of covered or uncovered boat slips or dock space, or enclosed dry storage space, rental or sale of boats or boat motors, repair and maintenance of boats or boat motors; or the sale of marine fuel or lubricants, and accessory service uses, including onshore restaurants, hotels or motels, and sale of bait and fishing equipment. The term boat livery

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shall be deemed to include Marina, but shall not be deemed to include Boat Yard and Way. (See "Water Dependent Use"(if applicable).)

Boat Yard and Way shall mean A premise or site used as an establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boat slips, or dockspace or enclosed dry storage space, marine railways, listing or launching services. The term boat yard and way shall be deemed to include Boat Livery and Marina. (See "Water Dependent Use"(if applicable).)

Breeding Facility—Non-Wild and Non-Exotic Animals shall mean any facility or a portion of any facility used primarily for the breeding of animals other than Exotic and Wild Animals. This definition does not to include the breeding of common household animals (see Kennels).

Breeding Facility—Wild and Exotic Animals. (See Animal Services)

Buffer, Roadway shall mean that area located within the required front yard of any nonresidential or multifamily lot, and adjacent to any right-of-way (public or private) that contains landscaping materials and/or fencing. The width of the roadway buffer is determined by whether or not the site is located within an entranceway on a collector or higher road.

Buffer, Screening shall mean a landscaped or fenced area providing residential and other low intensity land uses with protection from the visual, noise and other adverse impacts of more intensive land uses. (See Section 701)

Buffer, Wetland shall mean any upland area adjacent to a wetland that is necessary to protect the wetland and wetland species from the detrimental impacts of development or alteration. The buffer shall include canopy, understory, and groundcover, which consists of preserved existing vegetation or planted native species.

Buffer Yard is a landscaped strip along a parcel boundary that serves to separate uses and/or create attractive boundaries.

Buffer Zone shall mean the area which shields a natural community or protected species habitat by prohibiting development activities and the removal of native vegetation. (See Chapter 7)

Building shall mean any structure that encloses a space used for sheltering any occupancy; including a gas or liquid storage tank, that is principally above grade; and shall include mobile homes. The term building shall not be deemed to include any "restricted vehicles."

Building Codes. (See " Florida Building Codes.")

Building Footprint shall mean the two-dimensional area at grade level of a building as measured at the outer perimeter of the structure from the exterior surfaces of the exterior walls. Where a building is elevated above grade level, the building footprint is the area the building would cover if it were located at grade level. In the Parrish Commercial Village Overlay, the building footprint shall not include a one-story covered, unenclosed front porch; canopied patio; one-story gallery or walkway; porte-cochere, etc., even if covered by metal, asphalt, tile, or other permanent roof materials.

Building Frontage shall mean the length of an exterior wall of an establishment facing a street or any rights-of-way, exclusive of alleys and railroad rights-of-way.

Building Height. (See "Height, Building.")

Building Line shall mean a line intersecting the side lot lines of a lot and located parallel to the front lot line at the point closest to and at the farthest point from such front lot line where the principal structure or building is erected.

Building Materials Establishment shall mean any supplier of a wide variety of materials which enter into building construction which shall include but shall not be limited to carpentry including a lumberyard, masonry, painting, plumbing, electrical and heating.

Building Official shall mean the Building Official of the Building Division of the Building and Development Services Department of Manatee County, Florida.

Building Permit shall mean an official document or certification issued by the Building Official authorizing performance of a specified activity.

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Building, Principal shall mean a building in which the principal, main, or primary use is conducted.

Build-to line shall mean a line stated as a setback dimension, along which a facade must be placed.

Bulk Regulations shall mean the dimensional regulations set out in this Code.

Bus, Truck or Train Maintenance Facility shall mean a facility where buses, trucks, railroad cars, railroad engines and other associated equipment is cleaned, maintained and upgraded. This shall not be deemed to include any manufacturing, fabrication or other manufacturing type uses.

Bus Terminal shall mean any area or building where buses stop to load and unload passengers, cargo, or luggage on a regular basis. The sale of tickets may occur in conjunction with this use.

Business Service shall mean any establishment offering primarily services to the business community and to individuals. Such services shall include but shall not be limited to advertising agencies, blueprinting services, interior cleaning services, computer and data processing services, detective agencies and security services, insurance agencies, management consulting and public relations services, news syndicates, personnel services, photofinishing laboratories, photography, art and graphics services, financial services (other than banks), and printing services with no use or storage of noxious chemicals apparent off-site (printing services using noxious chemicals are classified as an Light Industrial).

Caliper shall mean a measurement of the diameter of the tree trunk measured six (6) inches above grade for trees under four (4) inches in diameter and one (1) foot above grade for trees greater than four (4) inches in diameter.

Camouflaged Tower shall mean any telecommunication tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. Towers which have been painted shall not be considered "camouflaged."

Canopy Sign. (See "Sign, Awning.")

Canopy Tree. (See "Tree, Canopy.")

Capital Improvement shall mean physical assets constructed or purchased to provide, improve or replace a public facility, and which are large scale and high in cost. The cost of a capital improvement is generally non-recurring and may require multi-year financing. For the purpose of this Code, physical assets which have been identified as existing or projected needs in the individual Comprehensive Plan elements shall be considered capital improvements.

Capital Law Enforcement Facilities (Impact Fees). (See “Impact Fees”.)

Capital Public Safety Facilities (Impact Fees). (See “Impact Fees”.)

Capital Public Facility Standards (Impact Fees). (See “Impact Fees”.)

Capital Transportation Facilities (Impact Fees). (See “Impact Fees”.)

Capture and Diversion Rate (Impact Fees). (See “Impact Fees”.)

Carport, Attached shall mean an open sided or semi-enclosed shelter intended primarily for the storage of vehicles, which has at least one wall in common with a residence or other main building and has a permanent roof.

Carrier or Cellular on Wheels (COW) shall mean a portable PWSF that can be moved to a location and set up to provide wireless communication service on a temporary or emergency basis. A COW is ordinarily mounted on or towed by a vehicle or trailer and often contains a telescoping boom as the antenna support structure.

Car Wash, Full Service shall mean any facility providing complete car washing and cleaning services. Car washing is generally automatic, with the driver leaving the car during the washing procedure. Waxing and detailing may also be provided.

Car Wash, Incidental shall mean any automated car wash which is incidental to the sale of fuel, and characterized by an automatic wash which requires the driver to remain in the vehicle during operation. The facility may be an attached or a free standing structure.

Car Wash, Self Service shall mean any facility providing stalls with water, soap, wax or other materials for cleaning vehicles by individuals.

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Catering Service. (See "Food Catering Service.")

Cemetery shall mean one of the following:

A. Human—Land used or intended to be used for the burial of the human dead and dedicated to cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery; or

B. Pet—Land used or intended to be used for the burial of animals in individual burial plots or a mausoleum, dedicated to cemetery purposes.

Centerline shall mean a line lying midway between the side lines of the rights-of-way or a street.

Certificate of Appropriateness shall mean a written document permitting specified alterations, demolition, or other work to a designated historic landmark or for a building within a designated historic landmark district.

Certificate of Completion shall mean one of the following certificates:

A. A Certificate other than a Certificate of Occupancy that is issued upon the satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system;

B. A Certificate issued for subdivisions under Chapter 3; or

C. A Certificate that is issued for site plans and other development approvals upon the satisfactory completion of a project. This Certificate is issued when no building permit or Certificate of Occupancy is required.

Certificate of Occupancy shall mean a document issued by the Department Director allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with all applicable County codes and ordinances.

Certificate of Use Compliance shall mean the Certificate of Use and Density/Intensity Compliance under the provisions of the Comprehensive Plan and this Code.

Change of Use shall mean any change, modification or alteration of the use of any structure, lot, or building from one defined use to another. In instances where the specific use is not defined, the defined use closest to that of the specific use shall be used.

Changeable Copy Sign. (See "Sign, Changeable Copy.")

Church or Other Place of Worship shall mean any premises operating as a non-profit organization and used principally as a place of worship and religious education, which shall include, but shall not be limited to chapels, funeral chapels, temples, and synagogues. A church shall not include any Group Housing. A church may also include one (1) accessory dwelling unit for exclusive use of the pastor, priest, rabbi or other church leader.

Child Care Center shall mean any establishment that provides, on a regular basis, supervision and care for six (6) or more children unrelated to the operator and which may or may not receive a payment, fee or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. A Care Center shall not be deemed to include: public and non-public schools and their integral programs, except as provided in Section 402.3025, Florida Statutes; summer camps having children in fulltime residence; summer day camps; Bible schools normally conducted during vacation periods; and operators of transient establishments, as defined in chapter 509, F.S, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435, F.S. The term shall include but shall not be limited to, kindergartens, nurseries, nursery schools, and day nurseries. A Child Care Center shall fall under one of the following categories:

A. Small—6 to 50 persons.

B. Medium—51 or more persons.

Child Care Center, Accessory shall mean any child care facility used in conjunction with any church, school, private community use, or cultural facility. A child care facility built in conjunction with any other professional, commercial, industrial or retail use shall not be deemed an Accessory Child Care Center.

Circus or Circus Exhibition shall mean a permanent facility or temporary, traveling facility where wild and exotic animals are displayed or exhibited to the public during scheduled performances under the supervision of

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Professional Staff, primarily for commercial, entertainment purposes. (See "*Recreation Use, High Intensity*.")

Civic, Social and Fraternal Organizations/Clubs shall mean any recreational or social use, owned, organized and operated by a profitable or non-profit organization, where membership is limited to bona fide members paying dues.

Clearing shall mean the removal of trees that have a two-and-one-half (2½) inch diameter breast height or greater. The term shall not include grubbing, the removal of brush, or the ordinary mowing of grass.

Clinic shall mean any establishment where patients, who are not lodged overnight except for observation or emergency treatment, are admitted for examination and treatment by one (1) person or group of persons practicing any form of healing or health building services to individuals, whether such persons are medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. The term clinic shall not be deemed to include Veterinary Clinics, Hospitals or Personal Service Establishments.

Clinic, Veterinary. (See "Veterinary Clinic.")

Cluster Development. (See "Development, Cluster.")

Coastal Evacuation Area (CEA) shall mean the evacuation Level A for a Category 1 hurricane as established in the regional hurricane evacuation study applicable to Manatee County, as updated on a periodic basis

Coastal High Hazard Area (CHHA) shall mean The geographic area below the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, pursuant to applicable law, as updated on a periodic basis.

Coastal Planning Area (CPA) shall mean those portions of Manatee County which lie within the Hurricane Vulnerability Area (evacuation levels A, B, and C) as updated on a periodic basis. This area shall also include water and submerged lands of oceanic water bodies or estuarine water bodies; shorelines adjacent to such water bodies; coastal barriers; living marine resources, marine wetlands; water-dependent or water-related facilities on oceanic or estuarine waters; public access facilities to oceanic beaches or estuarine shorelines; and all lands adjacent to such occurrences where development activities would impact the integrity of the above mentioned land or water body.

Code shall mean this Land Development Code.

Collapse Zone. See "Falldown Radius."

Collector, shall mean a route A route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Traffic movement is a priority but there is a higher degree of land access than with an arterial road, allowing such a route to collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs. A collector street (or road) is also one which typically collects traffic from local streets and which generally connects with Arterials, as defined herein.

College. (See "School, College/University.")

Collocation shall mean the placement of a second or subsequent wireless antenna on an existing telecommunication tower or existing structure. The term includes the ground, platform or roof installation of equipment enclosures, cabinets or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

Co-location shall mean the ability to use or the use of a common telecommunication facility by more than one (1) telecommunication service provider, or more than one (1) type of telecommunications technology by one (1) provider.

Combination Sign. (See "Sign, Combination.")

Commercial Parking. (See "Parking, Commercial.")

Commercial Vehicle shall mean any motor vehicle (including mobile homes or recreational vehicles) that qualifies as one of the following:

A. Is designed, altered or used principally for business, governmental, institutional, or non-profit organizational

purposes;

B. Has a platform, cabinet, box, rack, compartment, or other facility for transportation of materials, equipment, and items other than the personal effects of private passengers or for carrying passengers for hire;

C. Conspicuously displays the name or other advertising of the business, agency or organization on the exterior thereof, resulting in a total of more than six (6) square feet of sign area on the vehicle;

D. Is designed to carry passengers for hire; or

E. Has a rated gross payload of three-quarter (¾) ton or greater.

Common Household Pet. (See "Pet, Common Household.")

Common Improvement shall mean all streets, driveways, parking areas and other vehicular use areas, and all uses, facilities, structures, buildings, and other improvements, or portions thereof, which are designed and provided for the common use, benefit, and enjoyment of all residents or occupants of all or a designated portion of a development or neighborhood, or for the protection of adjacent property.

Common Open Space. (See "Open Space, Common")

Common Ownership. (See "Ownership, Common")

Community Residential Home. A dwelling unit which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. Homes of six (6) or fewer residents shall be deemed a single-family unit and a non-commercial, residential use. For the purpose of this Code, Adult Family Care Homes, as defined in the Florida Statutes, are deemed to be Community Residential Homes.

Community Residential Home Resident. A frail and elderly person, a physically disabled or handicapped person, a developmentally disabled person, a non-dangerous mentally ill person or child as defined by Florida Statutes.

Compactor shall mean a container ranging from five (5) to forty (40) cubic yards in size, in which wastes are compressed to reduce their volume and are stored for disposal.

Comprehensive Plan shall mean the Manatee County Comprehensive Plan adopted pursuant to the requirements and authority of Chapter 163, Part II, Florida Statutes (the "Community Planning Act").

Conservation Area shall mean any area that has been set aside for environmental protection through conservation easements, dedicated open space, or other legal mechanism.

Consistent shall mean in accordance, in compliance, in agreement, and to the same extent as.

Construction shall mean any manmade change to improved or unimproved real estate, which shall include but shall not be limited to: buildings or other structures, mining, dredging, filling, grading, paving, or excavation.

Construction Drawing shall mean the drawing(s) showing the location, elevations, dimensions, and materials of improvements and facilities to be installed in a development.

Construction Service Establishment shall mean any premises which may contain outside storage of equipment, materials, vehicles and other items, where the principal use is the provision of services off the premises that directly result in the fabrication, construction, addition, alteration, repair or development of land, buildings or other structures. Construction Service Establishment shall also mean an establishment whose principal use is the rental and retail/wholesale sales of heavy equipment over one and one-half (1½) tons in size. This equipment shall include, but not be limited to bulldozers, backhoes, other construction equipment and tractor/trailer rigs. For the purpose of this code, this use is classified as *Equipment Sale, Rental, Leasing, Storage and Service*, if there is equipment stored on the site, or as *Office* if there is no equipment involved.

Construction Sign. (See "Sign, Construction.")

Contiguous shall mean adjoining or separated by no more than a street, railroad, canal, stream, or similar feature.

Control Structure shall mean any structure designed to control the volume of stormwater runoff that passes through it during a given time period.

Convenience Retail. (See "Retail, Convenience.")

Correctional Facility shall mean any facility used for the housing of persons convicted of or being held for a crime. A correctional facility may be:

A. A prison facility regulated by the State of Florida Department of Corrections designed for maximum security to house persons convicted of a crime, or

B. A facility designed to house persons convicted of a crime, or for the custody of persons arrested for a crime and awaiting adjudication. Such facilities shall include community correctional centers, probation and restitution centers, vocational training centers and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

Cost (Floodplain Management). See Floodplain Management.

County shall mean Manatee County, Florida, a political subdivision of the State of Florida.

County Capital Facilities (Impact Fees). (See “Impact Fees”.)

County Impact Fee Administrator (Impact Fees). (See “Impact Fees”.)

County Impact Fee Funds (Impact Fees). (See “Impact Fees”.)

Critical Habitat shall mean viable areas of habitation for Endangered and Threatened species as confirmed by appropriate jurisdictional agency documentation, or by reports which may be submitted by an applicant requesting a development order on a site containing an area of such habitation by Endangered or Threatened species. The extent of these areas shall have a definitive boundary which may vary in extent based upon the individual species, e.g., bald eagle's nest or pond harboring a protected turtle.

Cul-de-Sac shall mean a minor local street, one (1) end of which is closed and consists of a non-symmetrically shaped circular space for turning around vehicles, and designated either as a left cul-de-sac which indicates that the turning is mostly accomplished on the left portion of the center of the turning area, when looking at the subject space from the open end of the street; as a right cul-de-sac which indicates that the turning is mostly accomplished on the right portion of the center of the turning area, when looking at the subject space from the open end of the street. (See also "Turnaround.")

Cultural Facility shall mean the use of land, buildings, or structures to provide educational and informational services to the general public, which shall include but shall not be limited to art galleries, museums, libraries, conference and convention centers which do not include hotels.

Dam or Dike shall mean a barrier erected to impound or restrain the flow of water or fluid materials.

Dancing Establishment shall mean a dance hall or night club where the primary use of the facility is for the purpose of recreational dancing.

Day Care Home, Family. (See "Family Day Care Home.")

Decision Making Body shall mean the person or body designated by this Code to have decision making authority.

Dental Laboratory. (See "Medical and Dental Laboratory.")

Department Director shall mean the staff person designated by the County Administrator to administer this code.

Design Storm shall mean the minimum recurrent interval storm, based upon the current edition of the Florida Department of Transportation Rainfall Duration Charts applicable in the County, for which a stormwater management facility shall be designed.

Detention shall mean the temporary storage of stormwater runoff for subsequent disposal by evapo-transpiration, percolation, or surface release at a rate which is less than the rate of inflow.

Detention Area or Facility shall mean a natural or artificially created area or facility for stormwater detention.

Developer shall mean any person undertaking the use of land, the construction, reconstruction, or demolition of structures or improvements thereon, or the preparation of land for any use. A developer shall be the legal or beneficial property owner of the land involved, or the authorized agent, thereof. The holder of an option of contract to purchase, any person with the power of condemnation, or other person having an enforceable possessory interest in such land shall be deemed to be a developer for the purpose of this Code. Developer shall also mean

the owner(s) of record executing the dedication required for approval of a plat in accordance with Ch. 177, F.S.

Development shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels. The following activities or uses shall be taken, for the purpose of this Code, to involve development:

A. New construction, reconstruction, alteration of, or material change in the external appearance of a structure, or land.

B. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land, or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

C. The alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction as defined in Section 161.021, Florida Statutes.

D. Mining, drilling, or excavation, except to obtain soil samples, on a parcel of land.

E. The demolition of a structure.

F. The clearing of land as an adjunct of construction.r

G. Depositing refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken, for the purpose of this Code, to involve "development":

A. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

B. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

C. Environmental preserve restoration taking place within environmental preserves.

D. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

E. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.

F. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

G. A change in the ownership or form of ownership of any parcel or structure.

H. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

Development shall include all other development customarily associated with it unless otherwise specified. When appropriate to the context, “development refers to the act of developing or to the result of development. (See also "Redevelopment.")

Development, Cluster shall mean a development approach of the division of land into lots which permits a reduction in the minimum lot size requirements for certain residential districts where said lots are arranged into one (1) or more groups while keeping the overall project gross density the same as in a conventional development. These clusters or groups shall be separated from adjacent property and other groups of lots by intervening common land. No lot shall front on a major local street, thoroughfare, or arterial.

Development Order shall mean any order granting, denying, or granting with conditions, an application for a development permit, including a building permit, zoning compliance permit, subdivision approval, rezoning, certification, special permit use, variance, or any other official action of the County having the effect of permitting the development of land. It shall also refer to the final action of a land use hearing officer. The issuance of any development order shall be determined to include the issuance of a certificate of density and intensity compliance

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as required by the Comprehensive Plan.

Development (Impact Fees). (See “Impact Fees”.)

Development Standards shall mean the adopted Manatee County Development Standards, and any amendment thereto, setting forth engineering and construction standards and practices, and associated procedures, for approval of improvements for development.

Development Unit (Impact Fees). (See “Impact Fees”.)

Diameter Breast Height (DBH) shall mean a measurement of the diameter of the tree trunk measured four and one half (4.5) feet above grade.

Directional Sign, Off Site. (See "Sign, Directional Off Site.")

Directional Sign, On Site. (See "Sign, Directional On Site.")

Discharge Rate shall mean the volume of runoff over time, expressed as Gallons Per Minute (G.P.M.) or Cubic Feet per Second (C.F.S.).

Discharge, Stormwater shall mean the stormwater runoff which leaves a site and subsequently directly enters natural or artificial surface drainage systems, artificial subsurface drainage systems, or other property. For water quality purposes, this term shall also include stormwater runoff which directly or indirectly enters surface waters of the State, including surface waters wholly within the site boundaries.

District shall mean all areas of land or water whose boundaries are identified on the Official Zoning Atlas adopted pursuant to the provisions of this Code.

District, Non-Residential shall mean any parcel or parcels of land or water identified as such by this Code, or any areas designated as Professional Office (PR), Neighborhood Commercial (NC), General Commercial (GC), Heavy Commercial (HC), Commercial Recreational Vehicle (CRV), Planned Development Urban Industrial (PDUI), Planned Development Port Manatee (PDPM), Planned Development Office (PDO), Planned Development Commercial (PDC), Planned Development Industrial (PDI), Planned Development Public Interest (PDPI), Planned Development Research Park (PDRP), and Planned Development Mixed Use (PDMU).

District Park shall mean a park designed to serve the recreational needs of several communities or an entire county, and usually provides some areas and facilities that are resource-based. Typical facilities may include play apparatus, natural lands, natural trails, multi-use trails, nature center, boating, swimming, picnic areas and sports fields.

Disturbed Wetland. (See "Wetland, Disturbed.")

Ditch shall mean a man-made channel or excavation, through upland, non-hydric soils, for the purpose of conveying or directing water, draining land, watering livestock or irrigating crops.

Dock shall mean any structure intended to serve a boat which is constructed on pilings over open water, or which is supported by flotation on the water. The term shall include but shall not be limited to piers, wharfs, and loading platforms. (See also "Waterfront Structures" and "Single Boat Docking Facility.")

Domestic Vehicle. (See "Vehicle, Domestic.")

Dormitory shall mean any building used as group living quarters for a student body, religious order, rehabilitation/support group or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp or other similar use. Dormitories shall not include any kitchen facilities but may include a group kitchen facility to serve all residents. For the purpose of this Code, this use is classified as *Group Housing.*

Drainage Facility, Major shall mean any retention/detention pond, ditch, culvert, or other drainage way or facility designed to serve more than one (1) development, and shall include all major drainageways and facilities so designated on the official major drainage plan.

Drainage Outfall shall mean any positive conveyance of stormwater by means of natural or artificial structures.

Drainage Plan, Major shall mean a plan depicting the major drainage facilities for the County as adopted by the Board.

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Drainage System, Artificial shall mean any canal, ditch, culvert, dike, storm sewer, detention or retention facility, or other manmade facility which is designed to control the surface flow of water.

Dredging shall mean excavation by any means in the water or a wetland; also the excavation or creation of a waterbody that is, or is to be, connected to waters, directly or via excavated waterbodies or a series of waterbodies.

Drive-through Facilities shall mean establishments which provide services or sales that are extended mechanically or personally to customers who do not exit their motorized vehicle. Such facilities include banking facilities, restaurants, food and/or beverage sales, dry cleaning, drug stores, retail sales, express mail services and other services. Not included in this definition are auto fuel pumps and depositories which involve no immediate exchange or dispersal to the customer, such as mailboxes, library book depositories and recycling facilities.

Driveway shall mean that portion of a lot unobstructed to the sky, and the portion of the rights-of-way, which provides vehicular access between an abutting street and vehicular parking area.

Dry Cleaner, General shall mean any establishment engaged in providing laundry, dyeing or dry cleaning services General Dry Cleaners shall not be deemed to include a dry cleaning plant. For the purpose of this Code, this use is classified as an *Intensive Service*.

Dry Cleaner, Pick-Up shall mean any establishment where all laundry cleaning operations are conducted off site and where the customer delivers and later retrieves the laundry. For the purpose of this Code, this use is classified as a *Personal Service*.

Dry Lines shall mean pipes used for the transmission of wastewater, which are internal to a project site, and which are installed during initial construction but remain dry (i.e., not used) until an adequate off-site sanitary sewer collection system is available to take wastewater from the development site to the wastewater treatment plant.

Dumpster shall mean a container with a lid, used by businesses to store wastes.

Duplex shall mean a single building that contains two (2) dwelling units attached to each other by a common wall and designed for or used as separate homes or residences of two (2) separate and distinct families.

Dustless Surface shall mean a pavement composed of asphaltic concrete or cement concrete, or other pavement or surface determined by a professional testing laboratory to be equivalent with respect to dust emissions and stability, in accordance with the Development Standards.

Dwelling shall mean a conventional or manufactured, detached or attached structure constituting a single, independent, habitable unit used for, or intended to be used for, living, sleeping, sanitation, cooking, and eating purposes by one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing kitchen, sanitary and sleeping facilities not shared by any other such unit. A dwelling shall not include hotels, rooming or boarding houses, dormitories, fraternity or sorority houses, lodging houses, guest houses, nursing homes, recreational vehicles or any temporary lodging, boarding or rooming building or structure designed for transient residence.

Dwelling, Modular Unit (also known as manufactured dwelling units) shall mean a dwelling unit that may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building. A modular dwelling unit shall be deemed a Single Family dwelling and shall not be deemed a Manufactured Mobile Home Dwelling.

Dwelling, Multi-Family shall mean any residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground such as triplexes, quadriplexes, condominiums and apartments.

Dwelling, Single Family Attached shall mean three (3) single family dwellings or more attached to one another by a common wall. This term includes townhouse development.

Dwelling, Single Family Detached shall mean any building which is developed with open yards on all sides and contains one (1) dwelling unit, not attached to any other building or dwelling unit. A detached dwelling shall not include mobile homes. No such dwelling shall contain more than one kitchen facility.

Dwelling, Single Family Semi Detached shall mean a one (1) family dwelling which is joined to no more than one (1) other such unit by a common party, wall, a common floor/ceiling or connecting permanent structure such as breezeways, carports, garages, screening fences or walls where such two (2) dwelling units are also located on

adjoining individual lots such as duplex dwellings which have been divided into two (2) dwelling units on separate lots.

Dwelling Unit shall mean one (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use as a complete independent living facility for no more than one (1) family and which includes permanent provisions for living, sleeping, eating, cooking and sanitation, and is readily accessible in the interior to all spaces therein.

Dwelling Unit, Substandard shall mean any dwelling unit which is unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

Earthmoving shall mean the removal, extraction, excavation, fill or grading for any purpose of soil, sand, shell, limestone, dolomite, gravel, ore, rock, clay, peat or any material by whatever process.

Easement shall mean a grant by a property owner of the right of use of his land by another party for a specific purpose.

Eating Establishment shall mean any establishment which provides, for compensation, food or drinks for consumption by patrons on the premises. The term shall not be deemed to include a drive-through eating establishment or drinking establishment.

Eating Establishment, Drive-Through shall mean any establishment which provides, for compensation, food or drinks for consumption by patrons. A drive-through eating establishment shall include a pick-up or drive-through window or area and may accommodate individuals dining on the premises. The term shall not be deemed to include an eating establishment or drinking establishment.

Ecosystem Management Plan shall mean a plan for significant, cumulative improvement to the ecological function of the drainage basin in which wetlands are proposed to be impacted by development. The ecosystem management plan shall demonstrate no net loss of wetland quality and function. To mitigate impacts, a combination of restoration, creation, enhancement, and upland preservation may be considered depending on the size, type, function, viability, and historic status of the wetlands proposed to be altered.

Egress Window shall mean any window meeting the requirements of emergency egress openings from bedrooms as required by the Florida Building Code.

Elementary School. (See "School, Elementary")

Eligible Affordable Housing shall mean any dwelling unit located within the County which is designed and intended for the primary purpose of providing decent, safe and sanitary residential units that are designed to meet the standards of Chapter 553, Florida Statutes, (excluding mobile and manufactured homes) for home ownership or rental for eligible persons. Eligible affordable housing units shall not exceed the maximum values as defined by Manatee County's Local Housing Assistance Plan.

Eligible Persons or *"Eligible Household"* shall mean one or more natural persons or a family determined by Manatee County to be of very low income, low income, or moderate income according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

Emergency Shelter shall mean any residence, building, or other place providing, for a period not to exceed an average stay of thirty (30) days per person; room, board, protection, pre-placement screening, or counseling for abused children, abused adults, or similar persons not related to the owner of the premises by law, blood, marriage or adoption; provided that such services shall not include intensive treatment or therapy. The term emergency shelter shall not be deemed to include assisted living facilities, community residential homes, recovery homes, or residential treatment facilities.

Emergency Shelter Home shall mean any dwelling providing, (for a period not to exceed an average stay of thirty (30) days per person), room, board and protection, pre-placement screening or counseling for no more than two (2) abused children, abused adults, or similar persons, not related to the owner of the premises by law, blood, marriage or adoption provided that such services shall not include intensive treatment or therapy.

Encumbered shall mean the obligation to expend funds under a purchase order issued by the County.

Engineer shall mean a professional who is registered with the State of Florida to engage in the practice of engineering and licensed as a professional engineer.

Engineering Standards (See "Manatee County Public Works Standards.")

Enhancement shall mean the increase in one (1) or more values on all or a portion of an existing wetland by man's activities. The intentional alteration of an existing wetland to provide conditions which previously did not exist and by consensus increase more than one (1) wetland value is enhancement for the purpose of this Code.

Environmental Land Preserve, Public and Private shall mean a resource based preserve operated by a public or private entity for the primary purpose of environmental preservation and public enjoyment of environmentally sensitive lands.

Environmental Preserve Management Plan shall mean a management plan depicting or describing the improvements to and uses within, an Environmental Preserve.

Equestrian Centers shall mean any commercial facility designed primarily for the purpose of riding, training, or stabling of horses

Equipment sales, rental, leasing, storage and repair, heavy shall mean establishments primarily engaged in sale, renting, leasing, storing and/or repair of farming, landscaping or construction equipment, industrial trucks, portable toilets, lawn care and similar equipment.

Equipment sales, rental, leasing service and repair*, light* shall mean establishments primarily engaged in sale, renting, leasing and/or servicing computers, electronic equipment, appliances, party supplies, pianos, plants, vending machines, and furniture.

Erosion shall mean the wearing away of the land surface by water, wind, ice or other geologic agents or by the activities of man, other animals, or natural catastrophes.

Erosion Control Structure shall mean any groin, jetty, breakwater, riprap, seawall, or other similar structure intended to control erosion.

Establishment shall mean any entity that functions as a separate economic unit.

Exempt Sign. (See "Sign, Exempt.")

Existing shall mean in existence on or before the effective date of a regulation or standard contained in the Land Development Code.

Existing Structure shall mean a structure that exists at the time an application for permission to place antennae on a structure is filed with the County. The term includes any structure that can structurally support the attachment of antennae in compliance with applicable codes.

Exit Discharge shall mean that portion of a means of egress between the termination of a building exit and a public way.

Expansion of the Capacity of a Road shall mean, but shall not be limited to, any widening, intersection improvement, signalization or other capital improvement designed to increase the road's capacity.

Expansion of the Capacity of a Road (Impact Fees). (See “Impact Fees”.)

Exterminating and Pest Control shall mean an establishment engaged in the service of eliminating insects, mice, rats or other nuisance animals. For the purpose of this Code, this use is classified as *Intensive Service*.

Facility Investment Fee (FIF) (relative to water and sanitary sewer) shall mean the dollar investment, the capital cost of the facilities necessary to collect or distribute and treat the volume purchased by a typical customer in each class of customers pursuant to Article VIII of Chapter 2-31 of the Code of Ordinances. The FIF approximates the customer's proportional share of the total capital costs of facilities serving all customers. It is not transferable from one property to another.

Fair Market Value shall mean that value that has been established prior to the commencement of impact generating land development activity. The value shall be established by the Manatee County Property Appraiser, or an appraisal as provided by a State of Florida licensed real estate appraiser, or an appraiser which is a member of the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers.

Fair Market Value (Impact Fees). (See "Impact Fees.")

Falldown Radius shall mean the designated area of a telecommunication facility surrounding a telecommunication tower, which, in the event of a structural failure of all or part of the telecommunications tower, would likely contain the failed or collapsed telecommunication tower. This area may also be called the collapse zone. The falldown radius size shall equal one hundred twenty-five (125) percent of the tower height, unless an engineering certification (structural) shows that in the event of collapse, the telecommunication tower is designed to collapse within a smaller area.

Family shall mean one (1) or more persons living together on a non-transient basis as a single, housekeeping unit in a dwelling unit, which group is comprised of:

A. A natural family of one (1) or more persons who are all related to each other by law, blood, marriage or adoption.

B. Two (2) or more persons so related (the natural family) and not more than four (4) persons who are not so related to persons in the natural family.

C. A group of not more than six (6) persons who are not so related.

Stepchildren and foster children under State approved care shall be deemed to be part of the family.

Family Day Care Home shall mean an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

A. Small Family Day Care Home:

1. A maximum of four children from birth to 12 months of age.

2. A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

3. A maximum of six preschool children if all are older than 12 months of age.

4. A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

B. Large Family Day Care Home:

5. A maximum of 8 children from birth to 24 months of age.

6. A maximum of 12 children, with no more than 4 children under 24 months of age.

7. Has at least two (2) full-time child care personnel on the premises during the hours of operation One of the two full-time child care personnel must be the owner or occupant of the residence.

Farm Animal shall mean those animals commonly raised, bred or used for agricultural or livestock purposes, including, but not limited to: cattle, sheep, poultry, swine (including miniature pot-bellied pigs), horses, ostriches, emus, rheas, goats and other livestock. Farm animals shall not be deemed to include common household pets, or pot-belly pigs (see definition of Agricultural Uses).

Farm Labor Housing. (See "Farm Worker Housing.")

Farm, Tree. (See "Agricultural Uses.")

Farming Service Establishment shall mean any premises where the principal use is the provision of farming services off of the premises, such as vegetable or fruit picking, harvesting, agricultural pest control, plowing, hauling of agricultural products or similar operations. Farming Service Establishment shall not be deemed to include airfields or landing strips, but may include the carrying out, maintaining, operating or accomplishing repairs upon the user's or occupier's farm implements, vehicles and farming service related equipment.

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Farmworker(s) shall mean a person(s) who has worked twenty-five (25) days or more, earning at least one-half (½) of their income in agricultural work in the last twelve (12) months and was not employed year round by the same employer.

Farm Worker Housing shall mean habitable structures or dwelling units intended to be occupied by, and for which occupancy is limited to, farm employees and their families. Such uses occur exclusively in association with the performance of agricultural labor.

Fascia Sign. (See "Sign, Wall" under “Signs”.)

Federal Communications Commission (FCC) shall mean an independent federal agency charged with licensing and regulating wireless communications at the national level.

Feed Lot and Stock Yard shall mean the use of land, buildings or structures for the confinement of animals for the purpose of producing animal products for consumption or other uses, conducting such activities predominantly outdoors and in partially enclosed buildings. This term shall not be deemed to include farms, ranches, or agricultural product processing plants.

Feepayer (Impact Fees). (See “Impact Fees”.)

Fence shall mean a freestanding structure of metal, masonry, composition or wood or any combination thereof resting on, or partially buried in, the ground and rising above ground level, and used for confinement, screening or partition purposes. This shall not be deemed to include a retaining wall.

Festoon. (See “Signs”.)

Filling shall mean the deposition or burial of materials, such as land clearing debris, soil, rock or other solid materials, onto any land, water, or wetland. For purpose of this Code, filling shall not include permitted Landfills with garbage or other similar waste matter, or the (non-jetted) placement of pilings.

Fire Control District shall mean areas in the County that are units of special purpose government created by a special act and are public municipal corporations having the powers and duties of fire protection and control as set forth in their individual special acts.

Firework/Sparkler Manufacturer shall be the manufacturer of fireworks and/or sparklers as defined in Section 2-21-86 of the Code of Ordinances. For the purpose of this Code, firework/sparkler manufacturer is classified as Manufacturing, Heavy.

Fish Hatchery shall mean any commercial facility designed for the artificial propagation of non-tropical fish species, for the primary purpose of producing food or food products. (See "Agriculture.")

Five-year CIE shall mean the five-year schedule of transportation improvements set forth in the capital improvements element of the Comprehensive Plan.

Flashing Sign. (See "Sign, Flashing.")

Flea Market shall mean any premises where the principal use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser in open air or partly enclosed booths or stalls or within an enclosed building.

Floating Residential Unit shall mean a structure primarily designed or constructed as a living unit, built upon a floating base, which is not designed primarily as a vessel, is not self-propelled although it may be towed about from place to place, and is primarily intended to be anchored or otherwise moored in a fixed location.

Floodplain Management

Base Flood shall mean the flood having a one (1) percent chance of being equaled or exceeded in any given year, also known as the one hundred (100) year flood.

Base Flood Elevation (BFE) shall mean the height above mean sea level that flood waters are estimated to reach during a base flood event.

Cost (Floodplain Management) shall mean the dollar value, actual or estimated, of all material, equipment and labor used in the reconstruction, addition, rehabilitation, or other improvements of a structure. Nationally

published and industry accepted cost valuation or manhour tables may be used as a guide by the Building Official, who may adjust such information as necessary to more accurately verify or estimate the cost.

When material or equipment is donated or discounted below the retail market value, the cost shall be equal to the retail market value.

The value of labor, donated or self, shall be computed based on the standard trade wage in Manatee County, but in no case less than the minimum federal hourly wage.

Surveyors, architects, designers, testing labs, other professional fees, permitting costs, impact fees, and site development costs that are not directly related to the physical construction, reconstruction, rehabilitation, addition or other improvement of a structure are not included in the determination of cost for substantial improvement, (floodplain management).

Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; or

b. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map shall mean an official map of the unincorporated area of the County on which the Federal Emergency Management Agency (FEMA) has delineated the One Hundred (100) and Five Hundred (500) Year Flood Boundary and Floodways.

Flood Insurance Rate Map (FIRM) shall mean an official map of the unincorporated area of the County on which the Federal Emergency Management Agency (FEMA) has delineated both the One Hundred (100) Year Floodplain and the insurance risk premium zones.

Flood Insurance Study shall mean the official flood insurance study, dated September 15, 1983, along with the "Flood Insurance Rate Map (FIRM), dated March 15, 1984, all provided by the Federal Emergency Management Agency (FEMA).

Flood Protection Elevation shall mean the height above mean sea level (MSL) that a building must be elevated in order to substantially minimize property damage. The Flood Protection Elevation (F.P.E.) shall be one (1) foot above the Base Flood Elevation (B.F.E.) established in accordance with the Floodplain Management Section (See "Freeboard.")

Floodplain, One Hundred (100) Year shall mean areas inundated during a 100-year, or other specified flood event or identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

Floodplain Management Code. (See "Manatee County Floodplain Management Code.")

Floodplain Management Permit shall mean a separate permit issued by the Building and Development Services Department for structures within the Floodplain. The purpose is to track and insure compliance with this Code and the Manatee County Floodplain Management Code. Upon issuance, the applicant may apply for a building permit.

Floodway shall mean a channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 100-year flood discharge can be conveyed without increasing the elevation of the 100-year flood more than a specified amount.

Floor, Lowest (For Floodplain Management Purposes) shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR, 60.3.

Habitable Space [shall mean] a space in a structure for living, sleeping, eating, cooking, working, entertainment or otherwise occupied by people for their use. Storage or utility space and similar areas are not considered habitable space. (For Floodplain Management purposes only.)

National Flood Insurance Program (NFIP) shall mean a federal program enabling property owners to purchase flood insurance. NFIP is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. The NFIP is based on an agreement between local communities and the Federal Government which states that if a community will implement measures to reduce future flood risks to construction, the Federal Government will make flood insurance available within the community. The NFIP is administered by the Federal Insurance Administration (FIA), a component of the Federal Emergency Management Agency (FEMA), an independent agency.

Substantial Improvement (Floodplain Management) shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred 'substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Floor Area, Gross shall mean the sum of the horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls, and from the center line of walls separating two (2) or more buildings. The term gross floor area shall be deemed to include but shall not be limited to: basements, wall-less structures, elevator shafts and stairwells at each story, floor space used for mechanical equipment with structural headroom of six (6) feet six (6) inches or more, penthouses, attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet six (6) inches or more, interior balconies, mezzanines and garage space, exclusive of area open and unobstructed to the sky. Gross floor area shall also include that area covered by a roof and not enclosed.

Floor Area, Minimum (Residential) shall mean the minimum habitable gross floor area permitted for a dwelling unit, exclusive of carports, attics, garages, breezeways, porches, terraces, basements or cellars.

Floor Area Ratio shall mean gross nonresidential building floor area divided by gross land area related to such building area. Floor Area Ration (F.A.R.) is a measure of intensity for nonresidential development, and is calculated by determining the ratio of gross floor area of the sum of gross horizontal areas of all floors of an enclosed building measured from the exterior face of exterior walls, but not including interior parking, loading, or heights of less than six feet (in square feet), to the product of the total number of Gross Nonresidential Acres (as defined herein) contained in that lot or parcel times 43,560. Height of any floor within an existing or proposed building shall not be considered in determining F.A.R. of an existing building, nor considered in determining maximum allowable gross floor area by use of a maximum F.A.R. Where projects are proposed to contain more than one lot, Floor Area shall be calculated on a project-wide basis (see also definition of "Intensity").

Floor, Lowest. See Floodplain Management.

Food Catering Service shall mean any establishment primarily engaged in the preparation and sale of prepared food and drinks to be served and consumed off the premises.

Forestry shall mean the use of land for the planting, raising, harvesting, and replanting of trees. (See "Agriculture.")

Foundation Landscaping shall mean a planting area located contiguous to the principal structure on the site.

Freeboard shall mean a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. For the purpose of this Code, the term "Freeboard" shall be deemed the distance between the Base Flood Elevation (BFE) and the Flood Protection Elevation (FPE).

Freestanding Sign. (See "Sign, Freestanding.")

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Front Lot Line. (See "Lot Line, Front.")

Front Yard. (See "Yard, Front.")

Frontage shall mean the length of the property line for a single parcel which runs contiguous to and parallel with each public rights-of-way or private street, exclusive of alleys, that it borders.

Functionally Dependent Facility. (See "Water Dependent Use.")

Functionally Impaired shall mean any person sixty (60) years of age or older with physical or mental limitations which restricts the ability to perform the normal activities of daily living and which impede the capacity to live independently without the provisions of core services. This term shall include those persons who meet the definition of Functionally Impaired according to Section 410.023(f), F.S., and are determined to be such through a function assessment administered in accordance with state provisions.

Funeral Home shall mean any building or part thereof used for human funeral services. Such building may contain space and facilities for any of the following:

A. Embalming and the performance of other services used in the preparation of the dead for burial,

B. The performance of autopsies and other surgical procedures,

C. The storage of caskets, funeral urns and other related funeral supplies,

D. The storage of funeral vehicles, or

E. Facilities for cremation.

Future Development Area Boundary (FDAB) shall mean a boundary generally established to designate on the Future Land Use Map the location for new residential and non-residential development consistent with the adopted Land Use Concept in the Technical Support Document for the Manatee County Comprehensive Plan (May 15, 1989). Those lands east of the Future Development Area Boundary are intended to be preserved for primarily agricultural uses. The boundary is intended to serve as a means to provide an efficient use of land and public and private investment, and to contain urban sprawl. This line shall be consistent with the boundaries of the Water Supply and Wastewater Service Areas established by the Board of County Commissioners.

Game Preserve shall mean a privately owned commercial facility where game is taken or hunted for a fee.

Garage shall mean an enclosed building or portion thereof which is designed for the enclosed parking or storage of automobiles and other motor vehicles. To be considered as a garage, the building or portion thereof shall have a garage door or similar opening to allow automobiles or motor vehicles to enter or exit.

Garage Sale shall mean the sale of used household or personal articles, such as furniture, tools, or clothing, held on residentially used property for a limited time.

Gas Pump shall mean any pump used for the retail sale of fuel for up to two (2) motor vehicles at a time incidental to the sale of other goods or activities on site.

General Development Plan shall mean the initial development approval in the planned development approval process under Section 603 of this Code and shall meet the requirements of Section 508.3.

Generation of Traffic (Impact Fees). (See “Impact Fees”.)

Golf Course shall mean any tract of land for playing golf, improved with tees, greens, fairways, hazards, and other similar improvements. A golf course may include a driving range. (See "Recreational Use, Low Intensity.")

Government Sign. (See "Sign, Government.")

Gross Floor Area. (See "Floor Area, Gross.")

Gross Non-Residential Acreage shall mean the total acreage within a project, or part thereof, which is proposed for nonresidential lots or parcels, and which is also:

A. Exclusive of all areas considered to be part of a project's gross residential acreage;

B. Above the mean high water line or mean high tide of any naturally occurring water body;

C. Occupied by any manmade water body;

D. Wetland acreage subject to the jurisdiction of any local, state, or federal environmental review agency, provided that the jurisdictional wetland area is less than or equal to twenty (20) percent of the total project acreage; and fifty (50) percent less in the WPM, WPE overlay districts;

E. Within any required setbacks from such jurisdictional area as required by the Comprehensive Plan;

F. Within any area reserved for protection of any threatened or endangered species, or species of special concern, including any setback from such species' habitat;

G. Part of any proposed public facility dedicated to, and accepted by the County, or by the Manatee County School Board, or part of any private park or outdoor recreation area;

H. Inclusive of local streets or other streets internal to the project;

I. Occupied by any easement for any public or private utility, including those easements shown as P/SP(1) on the Future Land Use Map of the Comprehensive Plan;

J. Acreage proposed as an open space area; or

K. Adjusted, where applicable, for any reductions in gross residential acreage described in the Future Land Use Element in the Comprehensive Plan, regarding disturbance of wetlands which are directly connected with inflowing watercourses in the WPM and WPE Overlay Districts as shown on the Future Land Use Map in the Comprehensive Plan.

Gross Residential Acreage shall mean the total acreage within a project, or part thereof, which is proposed for residential lots or parcels above the mean high water or mean high tide line of any naturally occurring water body, and exclusive of all areas considered to be part of a project's gross nonresidential acreage, as defined herein. The total acreage shall include:

A. Any manmade water body;

B. Wetland acreage subject to the jurisdiction of any local, state, or federal environmental review agency, provided that the jurisdictional wetland area is less than or equal to twenty (20) percent of the total project acreage; and fifty (50) percent less in the WPE or WPM overlay districts;

C. Acreage within any required setbacks from such jurisdictional area as required by the Comprehensive Plan**;**

D. Acreage within any area reserved for protection of any threatened or endangered species, or species of special concern, including any setback from such species' habitat;

E. Acreage that is part of any proposed public facility dedicated to, and accepted by the County, or by the Manatee County School Board, or part of any private park or outdoor recreation area;

F. Local streets or other streets internal to the project;

G. Any easement for public or private utility, including those easements shown as P/SP(1) on the Future Land Use Map of the Comprehensive Plan;

H. Acreage proposed for any church or religious place of worship; and

I. Acreage proposed as an open space area or community center.

Total acreage shall be adjusted, where applicable, for any reductions in gross residential acreage as described in the Future Land Use Element of the Comprehensive Plan regarding disturbance of wetlands, which are directly connected with inflowing watercourses in the WPE and WPM Overlay Districts shown on the Future Land Use Map of the Comprehensive Plan.

Gross Sales Area. (See "Sales Area, Gross.")

Ground Cover shall mean plants of species which normally reach a height of less than three (3) feet upon maturity, installed in such a manner as to form a continuous cover over the ground.

Group Housing shall mean any premises where the principal use involves the provision of two (2) or more residential

units for transient or permanent occupancy. The term group housing shall be deemed to include rooming and boarding house, hospital guest house, fraternity or sorority houses, dormitories, convents, monasteries, retreat houses or camps, farmworker housing and similar uses, but shall not be deemed to include hotels, nursing homes, or emergency shelters.

Guest House shall mean a structure accessory to a residential use, used for the occasional housing of guests of the occupants of the principal structure, and not as a rental unit or for permanent occupancy as a housekeeping unit. A guest house does not kitchen or dining facilities. Mobile homes, recreational vehicles, or structures built in conformance with Section 320.823 Florida Statutes, shall not be deemed a guest house.

Guyed Tower shall mean a telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

Hazardous Substance shall mean any substance which is defined as a hazardous substance in the U.S. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended.

Hazardous Waste shall mean solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under chapter 497, F.S.

Hazardous Waste Generator shall mean any person, or site, whose action or process produces hazardous waste, identified or listed in 40 CFR 261, or whose act first causes a hazardous waste to become subject to regulation.

Hazardous Waste Transfer Facility shall mean any establishment providing short term storage, less than ninety (90) days, of hazardous waste.

Heavy Utility Use. (See Utility Use, Heavy.)

Hedge shall mean a row of closely planted shrubs, bushes, or other vegetative screening forming a boundary or restrictive barrier. The minimum height of such shrubs shall be twenty-four (24) inches at the time of planting.

Height, Building shall mean the vertical distance from average grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gamble roofs measured from the grade; provided that where land is subject to required minimum flood elevations the building height shall be measured from such required elevation.

Height, Satellite Dish Antenna shall mean the height of a ground mounted antenna measured vertically from the highest point of the antenna when positioned for operation to the bottom of the base which supports the antenna.

Height, Sign. (See “Signs”.)

Height, Telecommunication Tower shall mean the distance measured from base (top of foundation) to the highest point of the tower. This measurement excludes any attached antennas, and lighting. The height of the base exceeding four (4) feet above grade shall be included in height of tower.

Heliport. (See AIRPORT.)

Helistop. (See AIRPORT.)

High School. (See "School, High.")

Highest Adjacent Grade shall mean the highest natural elevation of the ground surface, prior to any construction immediately adjacent to and within two (2) feet of the proposed walls of a structure.

Historic Landmark shall mean any site, building, structure, landscape feature, improvement, aesthetically significant zone, or archaeological site, which has been designated as a historic landmark pursuant to procedures described in this Code.

Historic Property or Historic Resource shall mean any prehistoric or historic district, site, building, object or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, artifacts, or other objects with intrinsic historical or

archaeological value, or any part thereof, relating to the history, government, and culture of Florida or Manatee County.

Historic Resources shall mean all areas, districts or sites containing properties listed as significant on the Florida Master Site File, the National Register of Historic Places, or designated by Manatee County as historically, architecturally, or archaeologically significant.

Historic Structure. (See "Structure, Historic.")

Historical Research shall mean a thorough study of a past event, place, character or society using primary resources such as but not limited to maps, oral histories, newspapers, diaries, photographs, inventories and governmental records.

Historical Significance shall mean a determination based on the U.S. Secretary of the Interior's criteria for eligibility to the National Register of Historic Places (including archaeological and historical resources).

Home Occupation shall mean any use of a dwelling unit for an occupation subordinate to the dwelling unit and only conducted by the resident thereof, entirely within the dwelling unit, and which is clearly incidental to the use of the structure for residential purposes, does not change the character thereof, and which shall not occupy more than twenty-five (25) percent of the gross floor area or two hundred (200) square feet, whichever is less.

Horticulture shall mean the science and art of growing fruits, vegetables, flowers, and ornamental plants. (See "Agriculture.")

Hospital shall mean any establishment that offers services more intensive than those required for room, board, personal service, and general nursing care, and offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment, or care of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy, and regularly makes available at least clinical laboratory services, diagnostic x-rays services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, and including the issuance of a Certificate of Need by the State of Florida. The term "hospital" also includes a medical office building located on the same premises as a hospital facility if the premises were zoned for hospital purposes on January 1, 1992.

Hospital Guest House shall mean any establishment that provides lodging and meals to relatives of patients in a hospital or in a nursing, convalescent or extended care facility associated with the hospital guest house. For the purpose of this Code, this use is classified as *Group Housing.*

Hospital, Veterinary. (See "Veterinary Hospital.")

Hotel shall mean any building or portion thereof, or a group of buildings which provides two (2) or more lodging units for transient occupancy on a daily, weekly, or similar short term basis. Hotel shall include but shall not be limited to motel, inn, boatel, motor inn, motor lodge, tourist cabin and tourist court. A hotel shall also be deemed to include any establishment which provides residential living accommodations on a more or less permanent basis, such as an apartment hotel; provided that where more than twenty-five (25) percent of the units in an apartment hotel have cooking facilities, such establishment shall be deemed a multi-family dwelling and shall be subject to this Code as such, counting each such unit as a dwelling unit for all purposes.

House. (See "Dwelling.")

Hurricane Vulnerability Zone see Coastal Planning Area.

Hydric Soil shall mean soil that is wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants.

Hydrologic Connection shall mean connection to a natural surface water body such as lakes, ponds, rivers, creeks and sloughs, where a flow of surface water occurs on an average of thirty (30) or more consecutive days per year under normal hydrological conditions. In the absence of reliable hydrological records, a continuum dominated by the plant species listed in the Wetlands Planning Guidelines may be used to establish a hydrological connection. Artificial or manmade ditches, canals or channels constructed through uplands that connect previously isolated wetlands to natural surface water bodies shall not be deemed as a hydrological connection. Artificial or manmade ditches, canals or channels constructed in historical natural drainage ways shall be deemed a hydrological connection.

Hydroperiod shall mean a measure of the time (usually in days per year) that water is at or above soil surface under normal hydrologic conditions.

Identification Sign. (See "Sign, Identification.")

Illegal Sign. (See "Sign, Illegal.")

Illuminated Sign. (See "Sign, Illuminated.")

Impact Fees

Access Improvements shall mean improvements designed to insure safe and adequate ingress and egress. The term "access improvements" includes, but is not limited to, acceleration, deceleration and turn lanes, traffic signals and signs and any road capital facility which does not increase the existing road's capacity.

Accounts shall mean any impact fee account established by the County pursuant to Chapter 11.

Administrative Procedures shall mean the manual adopted by the Board by resolution, to implement the provisions of this Chapter 11: Impact Fees.

Bedroom (Impact Fee Calculations) shall mean a room that can be used for sleeping purposes, which exceeds seventy (70) square feet in floor area with no less than seven (7) feet in any dimension, which can be closed for privacy. A bedroom is a room other than a living room, family room, dining room, breakfast nook, sitting area, laundry room, pantry, or walk-in closet. Dens, studies, libraries, game rooms and offices immediately contiguous to a common area (excluding a hallway) and without a closet, shall not be considered a bedroom.

Benefit District shall mean those Benefit Districts established pursuant to Chapter 11: Impact Fees.

Capital Countywide Parks Facilities shall mean lands, as well as buildings, improvements to land, and capital equipment, facilities and vehicles, used for public parks, recreation, open space, and/or trails — and specifically including those park, open space, recreation and trail elements included in the calculation of Countywide Parks Impact Fees in the Impact Fee Study.

Capital Law Enforcement Facilities shall mean land, as well as buildings, improvements to land, and capital equipment, facilities and vehicles, used for county law enforcement services — and specifically including those law enforcement facilities included in the calculation of Law Enforcement Impact Fees in the Impact Fee Study.

Capital Public Facility Standards shall mean those measures of levels of service for countywide parks facilities, law enforcement facilities, public safety facilities, and roads facilities documented and used in the Impact Fee Study to calculate the Impact Fees.

Capital Public Safety Facilities shall mean lands, buildings, improvements to land, and equipment, facilities and vehicles, used for the provision of public safety services — and specifically including those public safety facilities included in the calculation of Public Safety Impact Fees in the Impact Fee Study.

Capital Roads Facilities shall mean transportation planning and the right-of-way acquisition, engineering and construction of road improvements to land of any project to expand the capacity of any arterial or collector shown in Map 5-B (the Future Traffic Circulation Functional Classification Map) of the Manatee County Comprehensive Plan but not including routine or periodic maintenance.

County Capital Facilities shall mean Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, as defined in this chapter.

Capture and Diversion Rate (Impact Fees) shall mean that portion of the travel to and from automobile oriented commercial land uses presented by vehicles making intermediate stops within a longer primary trip.

County Capital Facilities shall mean Capital Local Park Facilities, Capital Countywide Park/Open Space Facilities, Capital Transportation Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, as defined in this chapter.

County Impact Fee Administrator shall mean the County Administrator or a designee, who shall be responsible for the administration of Chapter 11: Impact Fees.

County Impact Fee Funds shall mean the funds established by the County pursuant to Chapter 11 to ensure the Impact Fees collected are designated for the accommodation of impacts reasonably attributable to new Impact-Generating Land Development that paid the Impact Fees. The County Impact Fee Funds include Accounts established pursuant to Chapter 11.

Credit Authorization shall mean the document approved by the Board which grants impact fee credits to a person for the completion of non-site related improvements or non-site related transportation facilities and which includes any conditions placed on the use of those credits.

Development shall mean any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for public services.

Development Unit shall mean any lot, parcel, or phase in a project as depicted in a development order, and for which credit under the provisions of Chapter 11 is sought.

Expansion of the capacity of a road includes any widening, intersection improvements or other capital improvements which results in an increase of the road's capacity.

Fair Market Value shall mean the value of land or land and Capital County Facilities that is determined as part of an Offer of Credit. Fair market value shall be established by the Manatee County Property Appraiser, or through an appraisal provided by a State of Florida licensed real estate appraiser, or an appraiser who is a member of the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers, or, in cases where the value of new construction has not yet been included on the Tax Roll in force, the declared value of the improvement on a Manatee County building permit, pursuant to the Administrative Procedures.

Feepayer shall mean a person commencing Impact-Generating Land Development who is obligated to pay Impact Fees in accordance with the terms of Chapter 11: Impact Fees.

Generation of Traffic (Impact Fees) shall mean both the production and attraction of traffic.

Impact Fees shall mean the Countywide Parks Impact Fees, the Roads Impact Fees, the Law Enforcement Impact Fees, and the Public Safety Impact Fees, established by Chapter 11: Impact Fees.

Impact Fee Component shall mean each separate County Capital Facility for which Impact Fees are exacted. More specifically, the following shall each constitute a separate Impact Fee Component:

a. Capital Countywide Parks Facilities;

b. Capital Roads Facilities

c. Capital Law Enforcement Facilities; or

d. Capital Public Safety Facilities.

Impact Fee Road System shall mean all arterial and collector roads shown in Map 5-B (the Future Traffic Circulation Functional Classification map) of the Manatee County Comprehensive Plan.

Impact Fee Study shall mean the document titled "Impact Fee Rate Study for Roads, Parks, Public Safety, and Law Enforcement in Manatee County, Florida", prepared by Henderson Young & Company, and dated May 26, 2011, that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the County's Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, and for determining the cost of these County Capital Facilities necessary to meet the demands created by new development.

Impact Fee Schedule shall mean a fee schedule comprised of Impact Fee Components for each separate County Capital Facility provided by the County for which Impact Fees are exacted.

Impact-Generating Land Development shall mean either:

a. Land development designed or intended to permit a use of the land that will contain more dwelling units, lots, or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand on Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and/or Capital Public Safety

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Facilities, unless exempted pursuant to Chapter 11. (The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.); or

b. Any "land development activity" as defined in Chapters 2 and 11 of the Manatee County Land Development Code, that is obligated to pay but has not paid impact fees.

Improvements shall mean the results of planning, engineering design, construction inspection, on-site construction, off-site construction, land, the purchase of related equipment, vehicles, and financing associated with new or expanded capital facilities, buildings, and equipment that expand the capacity of a facility or service system, but not including maintenance, operations, or improvements that do not expand capacity.

Independent Impact Analysis Study shall mean a study prepared by a Feepayer, calculating the cost the County will incur in providing the necessary Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and/or Capital Public Safety Facilities to serve the Feepayer's proposed Impact-Generating Land Development, based on the established Capital Facility standard(s).

Land (See “Land.”) .

Law Enforcement shall mean the provision of services for the protection of people and property in existing and proposed developments, and the enforcement of the penal, criminal, traffic or highway laws enforceable by the Manatee County Sheriff's Department.

Manufacturing (Impact Fees) shall mean the use of a building or structure or any portion thereof for assembling, disassembling, repairing, fabricating, finishing, manufacturing, packaging or processing operations.

Non-Site Related Improvements shall mean contributions, construction or dedication of land for Capital Countywide Parks Facilities, Capital Law Enforcement Facilities, Capital Roads Facilities, or Capital Public Safety Facilities that are not Site-Related Improvements.

Nursing Home shall mean the same as outlined in Chapter 400.021 Florida Statutes, and for the purposes of nursing home impact fees shall include residential treatment facilities.

Person shall mean an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

Successor-in-Interest shall mean a person who gains a fee simple interest in land for which Impact Fees are paid or a credit is approved pursuant to the terms of this chapter.

Warehouse (Impact Fees) shall mean any premises where the principal use is the storage of merchandise, products, or materials in bulk, for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales, but shall not be deemed to include retail sales establishments, motor freight terminals, mini-warehouses or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

Impact Fee Component (Impact Fees). (See “Impact Fees”.)

Impact Fee Road System (Impact Fees). (See “Impact Fees”.)

Impact Fee Schedule (Impact Fees). (See “Impact Fees”.)

Impact Fee Study (Impact Fees). (See “Impact Fees”.)

Impact-Generating Land Development (Impact Fees). (See “Impact Fees”.)

Impervious Surface shall mean any surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, shell, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Improvements (Impact Fees). (See “Impact Fees”.)

Incidental Adult Materials Vendor. (See “Adult Entertainment”.)

Incinerator shall mean a facility in which wastes are reduced by combustion.

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Independent Impact Analysis Study (Impact Fees). (See “Impact Fees”.)

Independent Special District shall mean a special district that is not a dependent special district.

Industrial, heavy shall mean an establishment whose principal purpose is the mechanical or chemical transformation of materials or substances, including the bulk storage of raw materials, and which process may emit noise, vibration, dust, odor or pollutants. Activities include animal product processing facility, manufacturing, assembly and fabrication of items, including large scale or specialized industrial operations, firework/ sparklers, processing and compounding of semi-finished products from raw material in bulk form to be used in an industrial operation.

Industrial, light shall mean an establishment whose principal purpose is the manufacturing, assembling, compounding, processing, packing, baling, repairing, storing or distribution of products made from previously prepared basic materials, such as bond, cloth, cork, fiber, leather, paper, plastics, metals (not involving punch presses over fifty (50) tons rated capacity), stones, tobacco, wax, yarns, or wood (except where sawmills or planning mills are employed). Also included in this definition are micro-breweries. See personal and business services for repair of household appliances and office equipment.

Infirm Elderly shall mean any person sixty (60) years of age or older meeting the definition of functionally impaired.

Infrastructure shall mean road, water, sewer, stormwater or drainage facilities, public use area specifically designed to accommodate the impact generating land development activity.

Intensity. See “Floor Area Ratio.”

Intensive Services shall mean any type of service that includes carpet cleaning plants, pest control/exterminating services, industrial-type cleaning and laundry, printing and publishing plants, sign painting establishments, wholesale photo processing, and other similar service uses where personal customer visits to the establishment are not commonly necessary. This use category shall also include taxi/limousine service and towing service establishments as defined in this chapter.

Interior Lot. (See "Lot, Interior.")

Intermodal Terminal shall mean the use of land, buildings or structures for the storage and handling of cargo and the transfer of cargo from one mode of transportation to another. Such intermodal transfer may include the transfer of cargo from water vessels to rail or truck. This term shall not be construed to mean airport or airfield as defined in this section.

Interneighborhood Tie shall mean any future street connection made to an existing residential neighborhood’s local street network.

Interstate Connector shall mean any thoroughfare that both intersects and has access onto Interstate 75 (I-75) and Interstate 275 (I-275).

Irreversible shall mean any action, deed or accomplishment that is incapable of being reversed as it relates to the Code Enforcement citation program.

Isolated Wetland. (See "Wetland, Isolated.")

Junk Vehicle. (See "Vehicle, Junk.")

Junkyard shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles, motor vehicle parts, scrap metal, waste paper rags, used building materials, white goods, etc.

Laboratory, Medical and Dental. (See "Medical and Dental Laboratory.")

Land shall mean the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land pursuant to Section 380.031, Florida Statutes.

Land (Impact Fees). (See “Impact Fees”.)

Land Development Regulations shall mean documented rules, standards and procedures contained in the Manatee County Comprehensive Zoning and Land Development Code or in any regulations developed pursuant to Section 163.3202, F.S.

Land Reserve, Public or Private shall mean land restricted for the protection and preservation of the wildlife, natural

resources or unique features of the land. For the purpose of this Code, this use is classified as *Environmental Land Preserve*.

Landfill shall mean land used for the disposal of waste as defined by the Florida Department of Environmental Protection. All landfills shall be in compliance with Chapter 403, Florida Statutes, as amended. Landfills may include accessory resource recovery or volume reduction facilities. For the purpose of this code, landfills are classified as *Solid Waste Management Facilities*.

Landscape Architecture shall mean the consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas where, and to the extent that the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values.

Landscape Professional shall mean a landscape architect or other professional permitted to prepare plans or drawings in accordance with Chapter 481 Pt. II, Florida Statutes.

Landscaping Service. (See "Lawn Care and Landscaping Service.")

Lattice Tower shall mean a telecommunication tower that consists of vertical and horizontal supports and crossed metal braces, which is usually triangular or square in a cross section.

Law Enforcement (Impact Fees). (See “Impact Fees”.)

Lawn Care and Landscaping Service Establishment shall mean any establishment engaged in performing a variety of lawn and landscaping services such as but not limited to lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping. For the purpose of this Code, this use is classified as *Office* if no storage of equipment is provided on-site. Otherwise it shall be classified as *Equipment sales, leasing, storage and repair.*

Level of Service shall mean an indicator of extent or degree of service which is, or will be, provided by a facility. Level of Service standards are targets or objectives with which compliance is required.

Lighting, Outdoor. (See "OUTDOOR LIGHTING.")

Limits of Clearing shall mean the area of land to be cleared of trees and other vegetation in conjunction with proposed development or land use.

Limousine Service. (See "Taxi-Cab and Limousine Service.")

Liquor Store shall mean an establishment engaged in the retail sale of packaged alcoholic beverages for consumption off-premises. (See "Retail Sales, Other.")

Live Bottom Communities shall mean sub-tidal biological communities which aggregate on the bottom of water bodies. Live bottom communities include oyster bars, clam, scallop and mussel beds, hard and soft coral reefs, seagrass and algae beds.

Local Park shall mean a park that is a "walk-to" or "short drive-to" a public or private park generally located along streets people can walk or bicycle without encountering heavy traffic. It serves the population of a neighborhood/community in radius of up to one and one-half miles and should have at least two acres for each 1,000 population or other space requirement as determined by adopted level of service standards.

Local Road. (See "Road, Local.")

Local Street. (See "Street, Local.")

LOS shall mean the level of service established for a transportation facility pursuant to the Comprehensive Plan.

Lot shall mean a single or continuous plot, parcel, or tract of land all of which is to be used, developed or built upon as a unit under single ownership throughout and defined by boundaries or lot lines ascertainable by recorded deed or plat; and which shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record. This definition shall not include individual units under condominium ownership.

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Lot Area shall mean the total horizontal area within the legal lines of a lot, excluding streams, ponds, canals, rivers, creeks, or other water bodies, except as may be permitted in the General Agricultural District, and any area under an easement for a private street or dedicated as or otherwise having the legal status of a public street except for platted subdivisions in the A District platted or recorded prior to September 9, 1926, in which one-half (½) of the adjacent platted right-of-way or easement for a private street from the extensions of lot lines may be included in calculating lot area. That portion of a lot within the area between the existing right-of-way of a street and any officially adopted future right-of-way lines shall be considered as part of the lot area.

Lot Consolidation shall mean the combining of two or more subdivision lots into a single parcel for the purpose of development and density calculations.

Lot Coverage shall mean the number determined by dividing that area of a lot, which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the lot area.

Lot Depth shall mean the mean horizontal distance between the front and rear lot lines.

Lot Line shall mean any legal boundary line of a lot.

Lot Line, Front shall mean the street line of a lot, except:

Lot, Corner shall mean a lot at the point of intersection of and abutting on two (2) or more intersecting street lines, or in the case of a curved street, extended street lines, being not more than one hundred thirty-five (135) degrees.

Lot, Interior shall mean any lot, including a through lot, other than a corner lot.

A. On a through lot, the front lot line shall be deemed the street line which faces the principal entrance of the principal building.

B. On lots in common or dedicated open space, the front lot line shall be deemed to be the closest lot line which faces the principal entrance to the principal building or structure.

C. On an existing approved flag lot (lot of record), the closest lot line which faces the principal entrance or approach to the principal building shall be deemed to be the front lot line.

Lot Line, Rear shall mean that lot line that is most distant from, and is most nearly parallel with, the front lot line. A corner lot shall not have a rear lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot.

Lot Line, Side shall mean a lot line which is neither a front lot line, nor a rear lot line.

Lot, Nonconforming shall mean any lot of record lawfully existing on the effective date of this Code, which is not in accordance with all provisions of this Code or any amendment hereto for the zoning district in which it is located.

Lot of Record shall mean either a lot or contiguous lots which legally exist, under single ownership at the time of adoption of this Code, and which are part of a subdivision, the plat of which has been recorded in the office of the Clerk of the Circuit Court of the County; or any parcel of land not a part of a subdivision, that has been officially recorded by deed in the office of the Clerk; provided that such platted lot or parcel was legally established at the time of recording, or provided that the deed for the lot or parcel was recorded prior to the effective date of zoning in the area where the lot is located.

Lot, Reverse (or Double) Frontage shall mean any through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a thoroughfare.

Lot, Through shall mean any lot, other than a corner lot, abutting two (2) or more public streets, but not abutting an alley.

Lot Width shall mean the horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line, parallel to the front lot line at the minimum required building setback line.

Low Income Household shall mean one (1) or more natural persons or a family with a total annual gross household income which does not exceed eighty (80) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the County, or the non-metropolitan median for the state,

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whichever amount is greatest. With respect to rental units, the low income household's annual income at the time of initial occupancy may not exceed eighty (80) percent of the area's median income adjusted for family size. While occupying the rental unit, a low income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of eighty (80) percent of the area's median income adjusted for family size.

Lowest Floor. (See "Floodplain Management, Floor, Lowest.")

Lumberyard shall mean any establishment engaged in the cutting, dressing, finishing and wholesale sale of lumber. For the purpose of this Code, lumberyards are deemed *Building Materials Establishments.*

Lumen (Outdoor Lighting). (See "OUTDOOR LIGHTING.")

Mail Order Pickup Facility shall mean any establishment which engages in the taking of requests in person or the on premises delivery of mail order or catalog merchandise.

Major Collector. (See "Collector, Major.")

Major Drainage Facility. ("See Drainage Facility, Major.")

Major Drainage Plan. (See "Drainage Plan, Major.")

Major Earthmoving. (See "Earthmoving, Major.")

Major Subdivision. (See "Subdivision, Major.")

Major Trip Generators or Attractors shall mean concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

Major Wellheads shall mean major ground water wells with a permitted capacity of one hundred thousand (100,000) gallons or greater, or a well casing of six (6) inches in diameter or larger.

Management Practices shall mean, with respect to water quality, design, construction, and operation practices tending to maximize water quality control within the limits of demonstrated technology and reasonable cost. Best management practices for control of non-point sources have been established in the Area-Wide Water Quality Management (208) Plan for the Tampa Bay Region and shall be as set forth in the Manatee County Development Standards, or as the County Engineer may otherwise approve.

Manatee County Floodplain Management Code shall mean Section 802 of this LDC.

Manatee County Public Works Standards shall mean those standards contained in the Public Works Standards Manual. The document, which contains three parts: the Stormwater Management Design Manual, the Traffic and Highway Standards Manual, and the Utility Standards Manual, is adopted and amended by resolution by the Board, and is on file with the Manatee County Building and Development Services Department.

Mangrove Stand shall mean an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one (1) or more of the following species: black mangrove (Germinans); red mangrove (Rhizophora mangle); white mangrove (Languncularia racemosa); and buttonwood (Conocarpus erects).

Mansard Sign. (See "Sign, Mansard.")

Manufacturing (Impact Fees). (See “Impact Fees”.)

Marina shall mean any establishment with a waterfront location for the dockage of watercraft in wet slips, or for the refueling of watercraft used primarily for recreation, and providing minor repair services for such craft, not involving removal of the watercraft from the water or the removal of an inboard or outboard engine from the watercraft. The term marina shall not be deemed to include a boat yard and way, or boat livery. (See Water Dependent Uses).

Marina-Type Uses shall mean any marina, boat livery or boat yard and way.

Mass Transit shall mean passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rapid rail transit, light rail transit, light guideway transit, express bus and local fixed route or demand-response bus.

Master Mining Plan shall mean a Master Mining Plan approved in accordance with Chapter 2-20 of the Code of Ordinances.

Mean High Water Line shall mean the line formed by the intersection of the tidal plane of mean high water with the shore as established by procedures approved under the Florida Coastal Mapping Act of 1974, Ch. 177, Florida Statutes, as amended.

Mean Sea Level shall mean the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain.

Medical and Dental Laboratory shall mean any establishment engaged in the testing and analysis of material for medical or dental services or for the patient on prescription of a health practitioner. This shall also include the creation, fitting and fixing of dentures, crowns, and other dental materials.

Message Center Sign. (See "Sign, Message Center.")

Middle School. (See "School, Middle.")

Minimum En Route Altitude (MEA). (See AIRPORT.)

Minimum Descent Altitude (MDA). (See AIRPORT.)

Minimum Obstruction Clearance Altitude (MOCA). (See AIRPORT.)

Minimum Floor Area (Residential). (See "Floor Area, Minimum (Residential).")

Minimum Project Size shall mean the minimum size in acres or dwelling units, of a development project for which a particular development approval may be obtained. The project size may be divided into phases where initial site or development plan approval is obtained for the entire project, and may include contiguous lands separated only by a public street, canal, or similar feature.

Minimum Vectoring Altitude (MVA). (See AIRPORT.)

Mining shall have the meaning set forth in Chapter 2-20 of the Code of Ordinances.

Mining Activities shall mean all functions, work, facilities, and activities in connection with the development, extraction, drying, transporting or processing of mineral deposits and all uses reasonably incidental thereto. The definition of mining activities shall also include reclamation of lands disturbed by oil, natural gas, or mineral extraction operations incidental thereto.

Mini-Warehouse. (See "Warehouse, Mini.")

Minor Collector. (See "Collector, Minor.")

Minor Earthmoving. (See "Earthmoving, Minor.")

Minor Subdivision. (See "Subdivision, Minor.")

Mitigation. (See "Wetland Mitigation.")

Mixed-use shall mean the mixture of more than one land use within a single building, or within a single project in separate buildings, with such uses planned in a coordinated manner under a single master development plan. Land uses, which when combined constitute mixed or multiple uses, exclude parks, golf courses, schools, and public facilities (fire stations, utility substations, etc.). Land uses, which when combined within a single project constitute mixed or multiple uses include residential, commercial, industrial uses.

Mobile Home shall have the meaning set forth in Section 513.01, Florida Statutes.

Mobile Home and Recreational Vehicle Sale, Rental and Leasing Establishment shall mean any premises where the principal use is the sale, rental or leasing of any mobile home or recreational vehicle. A mobile home and recreational vehicle sale, rental and leasing establishment shall not be deemed to include the storage, except for sales display, of any mobile homes or recreational vehicles or the sale, rental or leasing of any commercial or domestic vehicles.

Mobile Home Park shall have the meaning set forth in Section 513.01, Florida Statutes.

Mobile Home Park, Existing shall mean all mobile home parks or subdivisions built and operating before April 30,

1981.

Mobile Home Park Pre-FIRM shall mean any mobile home park or subdivision that was built and operating before January 1, 1975.

Mobile Home Site shall mean any designated area of land within a mobile home park or a lot within a mobile home subdivision, where such area of land or lot is designed for occupancy by not more than one (1) mobile home dwelling.

Mobile Home Subdivision. (See "Subdivision, Mobile Home.")

Mobile service shall mean a radio communication service that is carried on between mobile stations or receivers and land stations, by mobile stations communicating among themselves, and includes (A) one-way and two-way radio communication services, (B) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and (C) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.

Mobile Service, Private shall mean a radio communication service that is not a commercial mobile service or the functional equivalent of a commercial mobile service, as specified by Federal Communication Commission (FCC). This term, shall also include aviation and emergency services.

Model Home shall mean any residential structure used for demonstration or sales purposes, open to the public for inspection, and not occupied as a dwelling unit.

Moderate Income Household shall mean one (1) or more natural persons or a family with a total annual gross household income which does not exceed one hundred twenty (120) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the County, or the non-metropolitan median for the state, whichever is greatest. With respect to rental units, the moderate income household's annual income at the time of initial occupancy may not exceed one hundred twenty (120) percent of the area's median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of one hundred twenty (120) percent of the area's median income adjusted for family size.

Modular Unit shall mean any factory fabricated transportable building, approved by the Department of Economic Opportunity (DEO)designed to be used by itself or to be incorporated with similar units at a building site into a modular structure, that will be a finished permanent building in a fixed location on a permanent foundation. This term is intended to apply to major assemblies, and does not include pre-fabricated panels, trusses, plumbing trees, and other pre-fabricated sub-elements incorporated into a structure at the site.

Monopole Tower shall mean a telecommunication tower of a single pole design.

Monument shall mean a survey marker which must:

A. Be composed of a durable material.

B. Have a minimum length of eighteen (18) inches.

C. Have a minimum cross-section area of material of 0.2 square inches.

D. Be identified with a durable marker or cap bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable.

E. Be detectable with conventional instruments for locating ferrous or magnetic objects.

Motel. (See "Hotel")

Motor Freight Terminal shall mean a building or area where freight brought by truck is assembled and/or stored for routing and reshipment, or where semitrailer trucks, including tractor and/or trailer units, are stored.

Motor Pool Facility shall mean any premises where the principal use is the outdoor or indoor storage, service,

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maintenance or repair of any truck, bus, van, automobile or other motor vehicle fleets. A motor pool facility shall not be deemed to include motor vehicle rental establishments.

Motor Vehicle Repair shall include neighborhood serving, community serving or major repair establishments, as follows:

A. Neighborhood Serving, which may include any of the following:

1. Sale and service of spark plugs and batteries.
2. Replacement of fan belts, brake fluids, light bulbs, fuses, floor mats, windshield wipers and blades, and mirrors.
3. Fluid replacement.
4. Greasing and lubrication.
5. Emergency repair of wiring.
6. Minor adjustment not involving removal of the head of crankcase and grinding valves.
7. Battery recharging.
8. Safety inspections.

B. *Community Serving,* which may include all neighborhood serving motor vehicle repair and may include any of the following:

1. Sale or service of distributor and ignition system parts.
2. Sale, service or repair of tires, but shall not include recapping or regrooving.
3. Replacement of mufflers, tail pipes, water hoses, seat covers, grease retainers, wheel bearings, and the like.
4. Radiator cleaning and flushing.
5. Providing and repairing fuel pumps, oil pumps, and the like.
6. Minor adjustment and repair of carburetors.
7. Adjusting brakes and installing exchange brake shoes.
8. Wheel balancing.
9. Warranty maintenance.
10. Other minor servicing of a similar intensity to those listed above.

C. *Major.* Activities of greater intensity than those listed in (A) or (B). Major motor vehicle repair shall also include the repair of boats and boat motors. (See Section 704, Motor Vehicle Repair).

Motor Vehicle Sale, Rental or Leasing Establishment shall mean any premises where the principal use is the sale, rental or leasing of any commercial or domestic vehicle. Vehicle sale, rental or leasing establishments shall not be deemed to include the storage, except for sales display, of trucks, machinery or equipment of more than one-and-one-half (1½) tons in weight or buses, or the sales, rental or leasing of mobile homes or recreational vehicles.

Multiple Occupancy Parcel shall mean any parcel which is occupied by more than one (1) establishment.

Multiprism Sign. (See "Sign, Multiprism")

National Flood Insurance Program (NFIP). (See “Floodplain Management”)

National Geodetic Vertical Datum (NGVD) as corrected in 1929 shall mean a vertical control used as a reference for establishing varying elevations.

Native (Natural) Vegetation shall mean flora which naturally occurs in the County.

New shall mean a specific entity which is existing legally for the first time on or after the effective date of this Code.

New Construction shall mean any structure for which the "start of construction" commenced on or after the effective date of this Code.

Nonconforming Lot. (See "Lot, Nonconforming")

Nonconforming Structure. (See "Structure, Nonconforming")

Nonconforming Use. (See "Use, Nonconforming")

Non-Precision Instrument Runway. (See AIRPORT.)

Non-Preferred Zone Districts, shall mean the zone districts listed in Table 5-1 within which new telecommunication towers are discouraged to be located.

Non-Residential District. (See "District, Non-Residential.")

Non-Site Related Capital Transportation Facilities (Impact Fees). (See “Impact Fees”.)

Non-Standard Take-Off Minimums. (See AIRPORT.)

North American Vertical Datum of 1988 shall mean the official vertical datum of the Federal Government.

North Central Overlay District

Architectural Feature shall mean a prominent or significant part or element of a building or structure.

Awning shall mean a roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building. Awnings are temporary or portable devices.

Building, Multi-tenant shall mean a structure for the use of multiple businesses with a roof supported by columns or walls, separated by dividing walls without interior openings to the individual businesses, where each business has a separate exterior access.

Building Scale shall mean the relative size of a structure in relationship to other nearby and adjacent structures or to the human form.

Colonnade shall mean a series of columns set the same distance apart to support a roof.

Column shall mean a vertical shaft or pillar that supports, or appears to support, a structure such as a roof, porch, or portico.

Cornice shall mean a horizontal molded projection that finishes or completes a wall or building.

Court shall mean any open space, unobstructed from the ground to the sky, bounded on two (2) or more sides by the walls of a building or buildings located on the same lot.

Eaves shall mean a projecting overhangs at the lower borders of a roof.

Elevation shall mean a scaled drawing of the side, front, or rear project view of a structure without any allowance for the laws of perspective.

Facade shall mean the front or principal face of a building or any side of a building that faces a street or other open space.

Fascia shall mean a flat board with a vertical face that forms the trim along the edge of a flat roof, or along the eaves of a pitched roof. The rain gutter is often mounted to it.

Kiosk shall mean a free-standing structure upon which temporary information and/or posters, notices, and announcements are posted.

Mass shall mean the physical bulk or volume of a building. In architectural terms, a single mass building is a single geometric form such as a rectangle or square, and may include simple roof form with no variation in the roof line. Massing refers to variation in the mass and may involve multiple masses joined together.

Natural shall mean materials present in or produced by nature and not produced or changed artificially.

Outdoor Gathering Space shall mean a plaza, courtyard, or other open space designed for the assembly of people.

Parapet shall mean the extension of the main walls of a building above the roof level.

Pavers shall mean the reformed paving blocks that are installed on the ground to form patterns that articulate pathways or driveways.

Pediment shall mean a wide low-pitched gable surmounting the facade of a building in a classical style, and any similar triangular crowing elements used over doors, windows, and niches.

Pitch shall mean the angle of a roof, usually expressed as a ratio of units of vertical distance to twelve (12) units of horizontal distance. For example, 4:12 means four (4) units of vertical rise to every twelve (12) units of horizontal run.

Plaza shall mean an open space that may be improved and landscaped, usually surrounded by streets and buildings.

Primary Structure shall mean a structure designed to serve as a focal point to the site and to suggest a point of activity. On parcels with more than one (1) structure, it is the primary or anchor tenant building.

Roof shall mean the outside top covering of a building.

Roof, Flat shall mean a roof that is pitched less than 1:12 and the surface of which is generally parallel to the ground.

Roof, Gable shall mean a ridged roof forming a gable at both ends of the building.

Roof, Gambrel shall mean a roof with two (2) slopes on each side, the lower steeper than the upper.

Roof, Hip shall mean a roof with sloping ends and sides.

Roof, Mansard shall mean a roof with two (2) slopes on each of four (4) sides, the lower steeper than the upper. In current use the upper slope may be flat.

Scale of Development shall mean the relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

Storefront shall mean that portion of the front of a building which is especially arranged to afford extensive show windows for a shop or store. Characteristically, it is a screen of windows, glazed with large sheets of plate or tempered glass so as to give the greatest possible space for display of goods.

Nursing Home shall mean any facility licensed under Chapter 400, Part II Florida Statutes, which shall include but shall not be limited to skilled nursing facilities and intermediate care facilities.

Nuisance, Exotic plants shall mean those species introduced to Florida from a natural range outside of Florida that have naturalized and have altered native plant communities by displacing native species, changing community structures or ecological functions, or through hybridizing with natives. The list shall include those upland plant species indicated as Florida prohibited noxious weeds or Florida prohibited aquatic plants species in the document entitled Non-Native Plant Species Restricted by Federal, State, or Local Law in Florida, and compiled by the Bureau of Invasive Plant Management, Florida Department of Environmental Protection.

Nuisance Species shall mean species of flora whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to compromise the viability of desirable native species.

Nursery, Retail shall mean an establishment whose principal use is the sale of plant materials including trees, flowers, shrubs, sod and other such items, as well as accessory fertilizer, pesticides and garden equipment. This may include accessory cultivation and transplantation, however the principal use is the retail sale of plant materials. Retail Nurseries shall not include the accessory retail sales where the principal use is growing and cultivating plant materials on-site for sale in other locations.

Occupancy shall mean any structure or premises, or portion thereof which is owned, leased, rented, or otherwise occupied for a given use.

Occupied Space shall mean the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections allowed by this Code.

Office shall mean any room, studio, suite or building in which a person transacts business or carries on a stated occupation. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods and products; or the sale or delivery of any materials, goods or products which are physically located on the premises. Unless specified otherwise, the term Office when used in this code shall include professional and medical offices, banking, and lawn care/landscaping and construction headquarter offices.

Office, Medical and Dental shall mean an office in which the principal use is the dispensing of health and/or dental services by licensed practitioners. The use shall include, but not be limited to, physicians and dentists offices, veterinarians, and massage therapists (masseurs/ masseuses) licensed by the State of Florida.

Office, Professional shall mean any office wherein the primary use is the conduct of a business by professionals such as engineers, architects, bankers, planners, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, and landscape architects.

Off Site Sign. (See "Sign, Off Site.")

Off Street Parking. (See "Parking, Off Street.")

On Site Sign. (See "Sign, On Site.")

One Hundred (100) Year Floodplain. (See "Floodplain, One Hundred (100) Year" under “Floodplain Management”)

Open Sales Area. (See "Sales Area, Open")

Open Space shall mean any parcel or area of land or water which is unimproved, or is landscaped using plant cover and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the protection of natural resources. .

Open Space, Common shall mean any open space provided and maintained for common use of and owned by a homeowner's or other such association for the use and enjoyment of the owners, tenants and/or their guests.

Open Space, Dedicated shall mean all open space which is to be dedicated or conveyed to the County, or to an appropriate public agency, board or body, for public use as open space.

Open Space, Landscaped shall mean that open space that is designed to enhance privacy and the amenity of the development by providing landscaping features; screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness.

Open Space, Recreational shall mean that open space that is designated and improved for recreational use by residents of a development. Recreational open space may be located on or off the site but shall be reasonably accessible to all dwelling units therein. Land designated as recreational open space shall be suitable for active and passive recreational use, and may include without limitation, playgrounds, tot lots, golf courses, beach frontage, nature trails, horseback riding trails, bikeways, recreational clubhouses, swimming pools, tennis courts and similar facilities, provided that such open space shall be comprised of not more than:

A. Thirty (30) percent by other utility easements or rights-of-way provided they are at least twenty-five (25) feet wide, located entirely outside a street right-of-way, and signed and reserved to adequately serve as recreational open space. Utility easements or rights-of-way where all utility facilities associated therewith are below ground and completely covered may be fully credited as recreational open space; OR

B. Twenty-five (25) percent of which lies within a floodplain.

Recreational open space shall not be deemed to include required minimum yards or minimum distances between buildings, retention or detention areas, or landscaped medians or islands in parking or other vehicular use areas.

Ordinary High Water Mark shall mean the line formed by the intersection of the plane of mean high water with the shore for freshwater bodies and watercourses by reference to current USGC or other official governmental records, or in their absence by the determination of the Department Director based upon historical or empirical evidence presented.

Ordinary Repairs and Maintenance shall mean any work for the maintenance of or minor repairs of a non-structural nature.

Other Than Utility Runway. (See AIRPORT.)

Outdoor Advertising Sign. (See "Sign, Outdoor Advertising.")

Outdoor Shooting Range See Shooting Range.

Outdoor Gathering Space shall mean a plaza, patio, porch, gallery or promenade; green space; or focal elements such as water features, public art, and public gardens in non-residential developments that are appropriate for public gathering, outdoor dining, farm markets, seasonal events, vendor carts, kiosks, and other outdoor activities. Outdoor gathering space shall not mean parking facilities. A public garden is one that is identified with signs or other educational materials (e.g., butterfly or demonstrational gardens) and open to the public.

Outdoor Sales. (See "Sales, Outdoor.")

Outdoor Lighting

Fixture (Outdoor Lighting) shall mean The light source, the lamp holder, the shields, and their housing in an assembly that may include other components, e.g., electrical devices. Including but not limited to: security, flood, spot, wall, fascia, back, advertising, landscape, foot path, accent, outline, swivel, directional, movable, portable, yard, seawall, or dock light.

Footcandle (Outdoor Lighting) shall mean the unit for measurement of illumination received by a surface located at a distance from a source of visible light. Typically calculated for a lighting plan and measured with a light meter.

Full horizontal shielding (Outdoor Lighting) shall mean a design for a fixture that does not emit light above the horizontal plane running through the lowest point on the light source. Does not include a drop lens, sag lens, or convex lens if the lens extends below the shield. Sometimes called fully shielded by manufacturers of outdoor lighting.

Full oblique shielding (Outdoor Lighting) shall mean a design for a fixture that does not emit light above the line of sight to the light source when viewed from protected property. The shield blocks direct illumination of protected property. The fixture completely conceals and recesses the light source from all viewing positions except those positions permitted to receive illumination.

An observer can establish a sight line at any location where the observer can see only a small part of the fixture's light source. By moving away from the fixture until the light source no longer appears, the observer will cross the sight line. Where the observer's eyes coincide with the sight line, the observer can project the sight line to the ground. The sight line coincides with the oblique line along the bottom of the shielding angle (see definition). If the sight line falls on protected property, then the fixture does not provide adequate full oblique shielding.

Light source (Outdoor Lighting) shall mean the medium producing the visible light or changing the direction of the light. Such media may include bulbs, lenses, refractors, reflectors, diffusers, or any emitter of visible light either directly from the material discharging the visible radiant energy or indirectly from material that redirects the illuminating light.

Lumen (Outdoor Lighting) shall mean the unit of measurement of the total visible light produced by a light source. Typically published in specifications by the manufacturer.

Protected area (Outdoor Lighting) shall mean an area intended for protection from outdoor lighting including any property: 1) in residential use, 2) in a residential zoning district that may develop into a residential use, 3) in a planned development zoning district that may develop into a residential use, or 4) in a public street right-of-way.

Shield (Outdoor Lighting) shall mean the opaque barrier on the fixture to block the light from illuminating certain distant surfaces. No light escapes through a shield.

Shielding Angle (Outdoor Lighting) shall mean the opaque angle shielded below the horizontal plane that runs through the bottom of the light source in a fixture with full oblique shielding. The oblique line along the bottom of the angle coincides with the sight line (see definition of full oblique shielding) along the oblique boundary between the illumination cone and the shielded area above it. Lighting plans use the shielding angles in calculations to plot projections of the sight lines onto land areas.

Outdoor Storage. (See "Storage, Outdoor.")

Overburden shall mean the natural covering of any solid mineral sought to be mined, which shall include, but shall not be limited to, soils, sands, shell, rocks, gravel, limestone, clays, water, oil, or peat.

Owner shall mean any person recorded as such on official records as holding fee simple title.

Owner, Sign shall mean the owner of the property on which any sign is located. (See Chapter 6)

Ownership, Common shall mean the ownership of common open space or common improvement which grants at least some undivided and common rights in such lands or improvements to the residents or occupants of a development or a neighborhood either directly, or indirectly, through shares or other interests in the property of a separate legal entity.

Ownership, Single shall mean the possession of land under single or unified control, whether sole, joint, common or other ownership recorded as such on official records, as holding fee simple title.

Parapet Wall shall mean that portion of any exterior wall, party wall or fire wall which extends above the roof line.

Parcel shall mean any area of land with its appurtenances and buildings which, because of its unity of use or commonality of ownership, may be regarded as the smallest conveyable unit of real estate.

Parcel Identification Number shall mean a unique number assigned by the Manatee County Property Appraiser's office which identifies each lot(s) or parcel. The parcel identification number shall also be known as the data processing number or D.P. number.

Parking shall mean any space located outside of any street right-of-way or easement, and designed to accommodate the parking of domestic vehicles.

Parking, Commercial shall mean a principal use of land or structures designed primarily for the parking of personal vehicles, and excluding recreational vehicles, commercial vehicles, or trailered vehicles (boats, RV's etc.), and vehicles over one-ton, for a fee. .

Parking, Off Street. (See Section 1005)

Parking Space shall mean a designated striped space on an off street area, which is available and usable for the parking of one (1) motor vehicle.

Perennial Lake or Stream shall mean any lake or stream shown as perennial on the most recent United States Geological Survey Topographical Quadrangle Maps, in the most recent Soil Survey of Manatee County published by the United States Department of Agriculture, or by a method accepted by Manatee County.

Permanent Sign. (See "Sign, Permanent.")

Permitted Use. (See "Use, Permitted.")

Person shall mean any individual, group of individuals, firms, associations, joint ventures, partnerships, estates, trustees, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Person (Impact Fees). (See “Impact Fees”.)

Personal Pets. (See "Pets, Personal.")

Personal Service Establishment shall mean any establishment that primarily provides services generally involving the care of a person or a person's apparel which shall include but shall not be limited to barber shops, beauty salons, seamstress shops, shoe repair and shining shops, coin operated laundry, optician shops, tanning salons, health clubs, diet centers, nail salons, pick-up dry cleaners and pet grooming shops.

Personal Wireless Service Facility (PWSF) shall mean a facility for the provision of personal wireless services as defined in the Telecommunications Act of 1996. A PWSF is any facility for the transmission and/or reception of personal wireless services, which may consist of an antennae array, transmission cables, equipment shelter or building, access road, telecommunication towers and a guy system.

Pest Control. (See "Exterminating.")

*Pet Service Establishments (Kennel)*shall mean any land or structure where dogs and other common household pets are kept, sheltered, boarded, trained, or bred for compensation, or a non-profit establishment for the rescue, rehabilitation and adoption of common household pets.

Pets, Common Household shall mean any animal domesticated by man so as to live and breed in a tame condition. The term common household pet includes the keeping of domesticated animals, such as dogs, cats, birds, and the like, but does not include farm, livestock, poultry, or wild and exotic animals.

Pets, Personal shall mean animal species that are primarily for personal use and enjoyment rather than for commercial purposes.

Physical Culture Establishment. (See “Adult Entertainment”.)

Planning Commission shall mean the Commission created and governed by this Code.

Plat shall mean any preliminary or final subdivision plat.

Platform shall mean a support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

Pole Cover. (See “Signs”.)

Political Sign. (See "Sign, Political.")

Pollution shall mean the presence in the outdoor atmosphere, soil or waters of the state of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of the air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

Pool, Cage. (See "Screen Cage.")

Pool, Public Swimming shall mean a watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A public swimming pool shall mean a conventional pool, spa, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, child care centers, group homes facilities for eight (8) or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects, such as apartment, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses. However the term does not include a swimming pool located on the premises of a single-family or duplex dwelling. Any swimming pool not accessory to, and not situated on the premises of a single-family, or duplex dwelling for the purposes of this code shall be considered a public swimming pool.

Pool, Single-Family Swimming shall mean any swimming pool, spa, or spa-like structure, that are accessory to, and situated on the premises of a single-family, or duplex dwelling that is intended for swimming or recreational bathing and contains water over twenty-four (24) inches deep, including, but not limited to, in-ground, above ground, and on-ground swimming pools, hot tubs, and non-portable spas.

Port Facility shall mean a harbor or shipping improvements used predominantly for commercial purposes, including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges, tunnels, roads, causeways and all other property or facilities necessary or useful in connection with commercial shipping.

Portable Sign. (See "Sign, Portable.")

Portable Spa shall mean a non-permanent structure intended for recreational bathing, in which all controls and water heating and water circulating equipment are an integral part of the project and which is cord connected and not permanently electrically wired.

Potable Water shall mean water which is satisfactory for drinking, culinary, and domestic purposes and which meets the appropriate requirements of the Florida Department of Health.

Potable Water System(Facilities) shall mean a system of structures designed, constructed or used to collect, treat or distribute potable water, which includes water wells, treatment plants, reservoirs and distribution mains.

Pot-Belly Pig or *Pot-Bellied Pig* shall mean a domesticated miniature Vietnamese, Chinese, or Asian pot-bellied or

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pot-belly pig not exceeding one hundred fifty (150) pounds in weight.

Precision Instrument Runway. (See “Airport”)

Preferred Zone Districts, shall mean the zone districts preferred as siting preferences for PWSF as described in Table 5-1.

Pre-FIRM Structure. (See "Structure, Pre-FIRM.")

Premises shall mean any parcel or parcels of land with its appurtenances and buildings. A premise includes any business, activity or land use which may be composed of one or more establishments and is conceived as an unified concept (this includes shopping centers).

Principal Building. (See "Building, Principal.")

Principal Use. (See "Use, Principal.")

Privacy Yard. (See "Yard, Privacy.")

Private School. (See "School, Private.")

Private Stable. (See "Stable, Private.")

Private Street. (See "Street, Private.")

Private Use Airport. (See "Airport, Private Use" under “Airport.”)

Professional Engineer shall mean a duly qualified individual currently licensed to practice engineering in the State of Florida pursuant to Chapter 471, Florida Statutes, practicing in the discipline required for the particular task as indicated in this Code.

Professional Office. (See "Office, Professional.")

Professional Staff (Wild and Exotic Animals). (See Animal Services (Wild and Exotic Animals).)

Project shall mean any land use or combination of more than one (1) land use, either existing or proposed, for which application for approval has either been submitted or is in the process of being reviewed, or which has been issued a development order. Cultivation or raising of agricultural or other farm or plant products shall not be considered a project unless either:

A. The proposed or existing agricultural use is considered a special agricultural use, as defined herein; or

B. The proposed or existing agricultural use is conducted along with uses other than residential dwelling unit(s) for the family of the individual or individuals carrying out the agricultural activity.

A project shall also constitute a parcel or tract of land which is proposed or exists as a single development, with all portions of the parcel or tract being contiguous, except where divided by roadways, railroads, streams, rivers, lakes or utility transmission corridors.

Projecting Sign. (See "Sign, Projecting")

Protected Species shall mean any plant or animal species listed for the purpose of special protection in Rules 68A-27 F.A.C. or 50 C.F.R. 17.11 and 17.12.

Public (when used in any reference to any use, building, or structure), shall mean held, used, or controlled exclusively for public purposes by a department or branch of government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

Public Community Use shall mean a non-profit community organization, which provides a service to the County as a whole or to specific residents within the County.

Public Garage. (As defined in the Florida Building Code.)

Public Need shall mean for the benefit of a significant portion of the residents of the County.

Public School. (See "School, Public.")

Public Stable. (See "Stable, Public.")

Public Street. (See "Street, Public.")

Public Swimming Pool. (See "Pool, Public Swimming.")

Public Use Airport. (See "Airport, Public Use" under AIRPORT.)

Public Use Area shall mean a dedicated area possibly with an option to purchase property that may include any of the following uses in any combination: parks, schools, fire stations, police stations, and other public uses.

Public Use Facility shall mean the use of land, buildings, or structures by Manatee County or other governmental agency to provide protective, administrative, social, or recreational services directly to the general public, including police or fire stations, County buildings, post offices and any other public facility providing the above services, but shall not be deemed to include public land or buildings devoted solely to the storage and maintenance of equipment and materials and shall not include cultural facilities.

Public Way shall mean any street or navigable waterway, but shall not be deemed to include alleys, private parking areas, or private pedestrian areas.

Public Works Standards. (See "Manatee County Public Works Standards.")

Railroad Switching and Classification Yard shall mean any facility engaged in the furnishing of terminal facilities for rail traffic for linehaul service and in the movement of railroad cars between terminal yards, industrial sidings and other such facilities.

Ready for Highway Use shall mean a recreational vehicle that is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and security devices and does not have any additions.

Real Estate Sign. (See "Sign, Real Estate.")

Rear Lot Line. (See "Lot Line, Rear.")

Rear Yard. (See "Yard, Rear.")

Recovery Home, Large shall mean a group residential facility with one (1) or more supervisors residing on the premises, serving seventeen (17) persons or more, with professional staff services as needed, providing board, lodging, supervision, medication and other treatment and counseling, for persons progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full normal participation in community life or persons otherwise in need of a structured environment to deal with such conditions. A recovery home shall not be deemed to include a Residential Treatment Facility, Assisted Living Facility, Family Care Home, Nursing Home, Hospital or Emergency Shelter.

Recovery Home, Small shall mean a group residential facility with one (1) or more supervisors residing on the premises, serving sixteen (16) persons or less, with professional staff services as needed, providing board, lodging, supervision, medication and other treatment and counseling, for persons progressingfrom relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full normal participation in community life or persons otherwise in need of a structured environment to deal with such conditions. A recovery home shall not be deemed to include a Residential Treatment Facility, Assisted Living Facility, Family Care Home, Nursing Home, Hospital or Emergency Shelter.

Recreational Facility shall mean any land or improvements designed for scenic, recreational, or open space purposes, and includes scenic easements and all other interests in land which may be acquired or created for such purposes.

Recreation, High Intensity shall mean any public, quasi-public, or private premises where the principal use is one of the following: amusement park, aquarium, zoo, permanent circus exhibition, stadium, drive-in theater, or a similar facility.

Recreation, Low Intensity shall mean any public, quasipublic, or private premises where the principal use is one of the following: a park, playground, athletic field, tennis court, handball court, shuffleboard courts, golf course, golf driving range, paintball field (outdoor) or a similar facility.

Recreation, Medium Intensity shall mean any recreational facility such as billiard or pool halls, bowling alleys, or dancing establishments, skating rinks, shooting arcades, indoor firing ranges, miniature golf courses, theaters, and similar facilities.

Recreation, Passive Activities shall mean any public recreational pastime such as low impact camping, horseback riding, education/nature studies, canoeing and kayaking, fishing, hiking, off-road bicycling, swimming, or a similar activity as well as those support facilities associated with said uses.

Recreation, Rural shall mean any commercial or noncommercial recreational use, which by the nature of either the customary operation of the use or the noise impacts of such uses require that the use be located on a large parcel of land and is most appropriately located outside the urban area. Rural recreation uses shall include, but not be limited to, game preserves, outdoor shootingranges, rodeos, and off road vehicle facilities. This definition shall not include major attractor or intensive recreational uses.

Recreation, Temporary shall mean any recreational facility which will be a temporary use such as carnivals, circuses, festivals, fairs, horse shows, dog shows, steeplechases, tent meetings, music festivals, turkey shoots, and similar activities.

Recreational Vehicle shall mean a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle pursuant to Section 320.01, F.S. The basic types of recreational vehicles are travel trailers, motor homes, camping trailers, campers and recreational vans.

Recreational Vehicle Park shall mean a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and the term also includes buildings and sites set aside for group camping and similar recreational facilities pursuant to Section 513.01, F.S.

Recreational Vehicle Park, Pre-FIRM shall mean any recreational vehicle park or subdivision built and operating before January 1, 1975.

Recreational Vehicle Sales. (See "Mobile Home and Recreational Vehicle Sale, Rental and Leasing Establishment.")

Recreational Vehicle Site shall mean a designated area of land within a Recreational Vehicle Park, which is intended to be occupied by not more than one (1) recreational vehicle for a limited period of time.

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

Recyclable Material shall mean those components of the waste stream which can be reused after separation or processing.

Regional Park shall mean large, resource-based areas that serve two or more counties and are usually within an hour's driving distance of the residents they serve. The park should serve a population of 500,000 and should range in size from a minimum of 250 acres to as much as several thousand acres. Because regional parks are generally designed for resource-based activities, location is dependent upon the availability of high quality natural resources capable of being developed and used for outdoor recreation.

Rehabilitation Center shall mean a facility providing professional care, nonresident only, for those requiring therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse, social disorders, physical disabilities, intellectual disabilities or similar problems.

Religious Symbol shall mean crosses and other religious symbols which shall be considered as monuments, not signs.

Rental Service Establishment shall mean any premises where the principal use is the rental of tools, household, or gardening equipment, small appliances, musical instruments, apparel, sports equipment, or similar items. For the purposes of this Code, a rental service establishment shall not be deemed to include motor vehicle, sales, rental, and leasing establishments.

Repair Service Establishment shall mean any premises where the principal use is the repair and general service of common home items such as musical instruments, sewing machines, jewelry, televisions and radios, bicycles, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers, or any premises where the principal use is taxidermy, gunsmithing, or similar uses, or interior decorating to include reupholstering and the making of draperies, slipcovers and other similar articles, but not to include furniture or cabinet making

establishments.

Replat shall mean the further division, since May 4, 1981, of lots or the relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law that increases the density of any such subdivision or the alteration of any streets or the establishment of any new streets within any such subdivision, but shall not include conveyances made so as to combine existing lots by deed or other instrument.

Required Yard. (See "Setback.")

Research and Development Activity shall mean any research, development, or prototype testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Research Facility, Agricultural. (See "Agricultural Research Facility.")

Residential Care Facility shall mean any Emergency Shelter, assisted living facility, community residential home, or recovery home, as individually defined herein.

Residential Development shall mean any residential subdivision, mobile home park or mobile home subdivision, planned residential development, or planned commercial development involving residential dwelling units, including mobile home dwellings but excluding hotels.

Residential Support Use shall mean any Church or Other House of Worship, Child Care Center, Accessory Child Care Facility, Family Day Care Home, Environmental Education Facility, or School (whether it is elementary, middle, high, or college/university; public or private; or school of special education).

Residential Treatment Facility shall mean a 24-hour residential program providing relatively intensive diagnostic or therapeutic services for its residents for alcoholism, drug abuse, mental illness, development disabilities, emotional or social problems, or similar conditions. A residential treatment facility shall not be deemed to include a nursing home, hospital, assisted living facility, dormitory (although a dormitory facility may be included as a part of a residential treatment facility), family care home, or emergency shelter. Nothing in this Code shall prevent a residential treatment facility from having outpatients. For the purpose of this code, “small” treatment facilities house up to fourteen (14) residents. A residential treatment facility with more than fourteen (14) residents is deemed “large.”

Resource Recovery Facility shall mean any facility at which solid waste is processed for the purpose of extracting, converting into energy, or otherwise separating and preparing solid waste for reuse. For the purpose of this code, resource recovery facilities are classified was Solid Waste Management Facilities.

Restricted Vehicle shall mean any vehicle that qualifies as one of the following:

Type A: A commercial vehicle.

Type B: Motor homes, campers and house trailers, or any other vehicle in which the interior contains the facilities for any two (2) or more of the following personal needs: sleeping, food preparation, or toilet.

Type C: Boats of any size regardless of whether the boat rests on a trailer or other supporting structure, except when docked in a navigable waterway or suspended from a davit immediately adjacent to a navigable waterway.

Type D: Trailers and other vehicles which are not self-propelled and which are designed to be moved by other vehicles which are self-propelled.

Retail Sales, General shall mean any premises where the principal use is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for the use or consumption by the immediate purchaser. This shall include but shall not be limited to apparel, shoes, appliances, art supplies, automotive supplies, camera and photography supplies, furniture, guns and ammunition, hardware supplies, toys, crafts, jewelry, lawn and garden supplies, retail nurseries, musical instruments and supplies, office equipment, office supplies, paint, wallpaper, pets, stereos, televisions, florists, tobacco shops, candy, nut and confectionery shops, sporting goods, trading stamps and redemption outlets.

Retail Sales, Community shall mean establishments, or groupings thereof, that in addition to serving day-to-day commercial needs of a neighborhood, also supply the more durable and permanent needs of a community (e.g., office supplies, home improvement centers, furniture stores, junior department stores).

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Retail Sales, Neighborhood Convenience shall mean any commercial establishment, or groupings thereof which generally serve the day-to-day commercial needs of a residential neighborhood which shall include but shall not be limited to food stores, convenience stores, drug stores, liquor stores, newsstands, bakeries, delicatessens, dairy product stores, meat and seafood shops, video rental and sales stores, and produce markets.

Retail Sales, Neighborhood General shall mean a commercial establishment or groupings thereof which generally serves more than the day-to-day commercial needs of a residential neighborhood, and which includes all uses listed under "Retail Sales, General" but which shall be limited to three thousand (3,000) square feet.

Retail Sales, Regional shall mean commercial establishments, or groupings thereof, which serve any or all commercial needs of a broadly distributed population and work force (e.g., regional malls) in addition to including community-serving and other commercial uses. However, region serving retail uses shall not include bulk warehousing or uses for which distribution of goods to other than a residential end-user is a primary or major use.

Retention shall mean storage of stormwater runoff for subsequent disposal by evapo-transpiration, percolation or filtration.

Retention Area or Facility shall mean any natural or artificially created area or facility for stormwater retention.

Reverse Frontage Lot. (See "Lot, Reverse Frontage")

Revolving Sign (a/k/a Rotating Sign). (See "Sign, Revolving")

Rights-of-Way shall mean the strip of land over which facilities such as roads, highways, railroads, or power lines are built.

Road shall mean the area of pavement or other surface that is driven or travelled upon within a street right-of-way.

Road, Local shall mean a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements and high volume land access for abutting property.

Roadway Functional Classification System shall mean the system of existing and proposed streets that comprise the Roadway Functional Classification Map as described in the Traffic Sub-Element of the Comprehensive Plan.

Roll-off Container shall mean a container for storing solid wastes, ranging in size from ten (10) to forty (40) cubic yards and having rollers attached to the bottom.

Roof Sign. (See "Sign, Roof")

Rotating Sign. (See "Sign, Revolving")

Runoff Co-efficient shall mean an empirical value used in the calculation of stormwater runoff. Said value varies and is determined by the perviousness of the area being drained.

Runoff, Stormwater shall mean that portion of precipitation which is not passed into the soil by infiltration, evaporated into the atmosphere, or entrapped by small surface depressions and vegetation, and which flows over the land surface during, and for a short duration following any rainfall.

Runway shall mean a defined area on an airport prepared for the landing and takeoff of aircraft along its length.

Rural Street. (See "Street or Thoroughfare, Rural")

Rural Thoroughfare. (See "Street or Thoroughfare, Rural")

Rural Village shall mean an area within a planned development agricultural project set aside for neighborhood general and neighborhood convenience retail sales uses, public community uses and other similar uses to service the development.

Sales Area, Gross shall mean that area designated within the gross floor area of the structure for the display of vehicles or merchandise. (This definition shall be used only for parking calculations.)

Sales Area, Open shall mean the area designated which is not within the gross floor area of the structure(s) and used for the display or storage of vehicles or merchandise. (This definition shall be used only for parking calculations.)

Sales, Outdoor shall mean the use of any lot for the purpose of the buying, selling, or trading of any goods or commodities and including the storage of the same prior to sale or exchange.

Salvage shall mean the recovery of materials from the waste stream, particularly metals and white goods.

Sand Dunes shall mean any accumulation of sand in ridges or mounds landward of the beach.

Sandwich Sign. (See "Sign, Sandwich.")

Sanitary Sewer System shall mean structures or systems designed for the collection, transmission, treatment or disposal of sewage, and includes trunk mains, interceptors, treatment plants and disposal systems.

Satellite Dish Antenna shall mean all parabolic or spherical antennas with a diameter or width exceeding one (1) meter in residential zoning districts, or two (2) meters in non-residential, industrial, agricultural, Conservation, Village, manufacturing, Extraction, Planned Development Waterfront, Planned Development Golf Course, or Planned Development Agricultural zoning districts.

Satellite Dish Antenna Height. (See "Height, Satellite Dish Antenna.")

School, College/University shall mean any degree granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training; and shall include but shall not be limited to colleges, community colleges, universities, technical institutes, seminaries, and professional schools (architectural, dental, engineering, law, medical, planning, etc.).

School, Elementary shall mean any public or private school that has an enrollment of students in the grades pre-school or any of the grades kindergarten through Five (5).

School, High shall mean any public or private school that has an enrollment of students in any of the grades Nine (9) through Twelve (12).

School, Middle shall mean any public or private school that has an enrollment of students in any of the grades Six (6) through Eight (8).

Schools, Private shall mean any use, building or structure, which is held, used, or controlled for private or non-profit purposes by any non-governmental entity.

Schools, Public shall mean any use, building or structure, which is held, used, or controlled exclusively for public educational purposes by the School Board of Manatee County or other government entity.

School, Other shall mean any public, parochial, or private school primarily devoted to giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious, athletic or other special subjects, and shall include business or secretarial schools, but shall not include a riding school or child care center unless accessory to such school, however designated.

Screen Cage or Enclosure (only for the purpose of allowing setbacks per Section 511) shall mean a type of screen enclosure consisting of a structural network of metal, wood or concrete columns with open mesh panels for both walls and roofs.

Secondary School shall mean any public or private school that has an enrollment of students in any of grades six (6) through twelve (12) defined as a Middle and/or High School.

Secondary School (Impact Fees). (See “Impact Fees”.)

Security/Caretaker's Residence shall mean a dwelling unit used solely for a security guard or caretaker for an agricultural, commercial or industrial use.

Sedimentation shall mean the general settling process by which soil particles, debris, or other materials are deposited in water bodies or drainage facilities.

Septic Tank shall mean a watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

Service Bay shall mean a specified area and approved as such, whether enclosed or not, capable of accommodating one (1) motor vehicle, in which repair or maintenance work takes place.

Service Station shall mean any premises where the principal use is the retail sale of gasoline, oil, batteries, tires, or other motor vehicle accessories, and the performance of automotive maintenance services and minor repair work

not involving major motor, drive train, or suspension system adjustments or repair, other major mechanical and body work, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations in the County. Service station may also include the sale of cold drinks, packaged foods, tobacco products, or similar convenience goods for service station customers, but only when such sales are conducted entirely inside the principal building or accessory refreshment center buildings.

Setback shall mean the physical distance which serves to minimize the effects of development activity on any adjacent property, structure or natural resource; and within which it is necessary to restrict activities for the area. Also, a required horizontal distance from the subject land or water area designed to reduce the impact on any adjacent land uses or cover types located on the subject land or water area. The term setback shall include required yards.

Setback, Front shall mean the physical distance on a lot measured from the front lot line to the nearest main wall of a principal building or structure.

Setback, Rear shall mean the physical distance on a lot measured from the rear lot line to the nearest main wall of a principal building or structure.

Setback, Side shall mean the physical distance on a lot measured from the side lot line to the nearest main wall of a principal building or structure.

Setback, Street shall mean the physical distance on a lot measured from the right-of-way line to the nearest main wall of a principal building or structure.

Sewer Use Ordinance shall mean Ordinance No. 89-02, as amended and supplemented and codified in Chapter 2-31 of the Code of Ordinances, which provides for connection of building sewerage systems within an assessment district to available public sewerage systems.

Sexually Oriented Business

Adult Bookstore shall mean any establishment, having more than ten (10) percent of its business stock, as measured in relation to total gross floor area of the business, including books, magazines, films, newspapers, photographs, paintings, drawings, or other publications or graphic media, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such materials; however, a place will not be considered an adult bookstore if it is an incidental adult materials vendor.

Adult Entertainment Establishment shall mean any adult bookstore, adult photographic studio, adult theater, physical cultural establishment, or special cabaret.

Adult Photographic Studio shall mean any establishment which offers or advertises the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas.

Adult Theater shall mean any establishment, located in an enclosed building or an enclosed space within a building or an open air theater designed to permit viewing by patrons seated in or on vehicles, which presents either filmed or live plays, dances, or other performances, either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Incidental Adult Materials Vendor shall mean a place where at all times, not more than ten (10) percent of the business stock, as measured in relation to total gross floor area of the business, is devoted to books, magazines, films, newspapers, photographs, paintings, drawings, or other publications or graphic media, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities, or specified anatomical areas, which materials will hereinafter be referred to as "adult materials";

Physical Culture Establishment shall mean any establishment which offers or advertises massage, body rubs, or physical contact with specified anatomical areas, whether or not licensed. Establishments which routinely provide medical services by state licensed medical practitioners or technicians licensed by the State to operate electrolysis equipment shall be excluded from the definition of adult physical culture

establishments.

Special Cabarets shall mean any bar, bring your own bottle club, dance hall, restaurant, or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or other entertainers, or waiters or waitresses, or other employees or any other persons that either engage in specified sexual activities, or display specified anatomical areas, or any such establishment which advertises for, or a sign or signs identifying which, uses the words "topless," "nude," "bottomless," or other words of a similar import.

Specified Anatomical Areas shall mean:

a. Less than completely and opaquely covered:

1. Human genitals or pubic region;

2. The entire cleft of the male or female buttocks, also known as the natal cleft;

3. Female breasts including the nipple and the areola and outside area of such gland wherein the outside area is:

(i) Reasonably compact and contiguous to the areola, and

(ii) Contains at least the nipple and areola and ¼ of the outside surface area of such gland.

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

Specified Sexual Activities shall mean that the following will be considered specified sexual activities:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse, or sodomy, whether actual or simulated;

c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Shooting Range shall mean any indoor or outdoor area designed for the use of firearms, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, BB guns, air guns, or similar devices for recreation or training purposes. Archery falls under this definition (see, Recreation, Rural).

Shopping Center shall mean any group of two (2) or more commercial uses exceeding one thousand (1,000) square feet of gross floor area in total which:

A. Are designed as a single commercial group, whether or not located on the same lot;

B. Are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by walkways and access ways designed to facilitate customer interchange between the uses;

C. Share a common parking area; and

D. Otherwise present the appearance of one (1) continuous commercial area.

Shoreline shall mean the interface of land and water in oceanic and estuarine conditions which follows the general configuration of the mean high water line (tidal water) and the ordinary high water mark (fresh water). This term shall include the shorelines of lakes, streams and rivers.

Short Term Agricultural Use. (See "Agricultural Use, Short Term.")

Shrub shall mean any woody perennial plant of low height, characterized by multiple stems and branches continuous from the base.

Side Lot Line. (See "Lot Line, Side.")

Side Yard. (See "Yard, Side.")

Sidewalk Sign. (See "Sign, Sidewalk.")

Signs

Abandoned shall mean any sign or sign structure which bears no sign or copy for a period of six (6)

consecutive months, or for onsite signs that display for a period of six (6) consecutive months, information which incorrectly identifies the business, owner, lessor, or principal activity conducted on the site. Abandoned sign shall also mean any sign on which proper maintenance is not being done; any on site sign on a parcel that has been vacant or unoccupied for six (6) months or more; or any sign which pertains to a time, event or purpose which no longer applies, regardless of the message or lack of message.

Adjustment shall mean relief granted by either the County Administrator, designee, or Hearing Officer limited to relief from certain specifications as to height of sign, size of sign and setback of sign as described in Chapter 6 of this Code.

Allowable Sign shall mean all signs for which a sign permit is not required but which must, nonetheless, conform to all the other terms and conditions of this Code.

Alteration of a Sign shall mean but shall not be limited to the following: The addition of sign area, the changing or relocation of light source, or the relocation of an outdoor advertising display from one location to another location. "Alteration" includes any and all structural changes in the sign, but shall not include the changing of copy on a sign which is designed as a changeable copy sign.

Animated Sign shall mean any sign which changes physical position by any action, motion, or gives the optical illusion of action or motion, or color changes of all or part of the sign area, requiring electrical energy, or set in motion by movement of the atmosphere.

Awning (a/k/a Canopy) shall mean any shelter, supported partially or entirely from the exterior wall of a building, which is used for advertising. Such sign may be constructed of canvas, plastic, metal, or other similar material.

Figure 2- 1: Awning/Canopy Signs

Bench shall mean any bench whose primary purpose is collateral with providing transportation service to the public upon which a sign is indelibly drawn, painted, or printed.

Changeable Copy Sign shall mean an integral part of a sign not covering more than sixty-five (65) percent of the sign area and designed so as to readily allow the changing of its message either manually or electronically. Signs with changeable copy that utilize a computer generated message, images or is controlled or changed by some other electronic means are included in this definition.

Combination Sign shall mean a single, permanent on site non-animated sign composed of:

a. One (1) message relating to the entire premises on which it is located, and

b. One (1) or more additional messages of substantially the same size, material, and design, arranged in a compact group on the same structure, and identifying the establishments on the premises.

Figure 2- 2: Combination Signs

Construction Sign **shall** mean any temporary on-site identification sign erected at a building site while active construction is underway.

Directional DRI Sign shall mean a free standing sign located within a project approved as a Development of Regional Impact (DRI) which indicates the distance, direction, location and name of the facilities and services located within the boundaries of the same DRI project.

Directional Off-Site Sign shall mean a sign which indicates no more than the distance, direction, location, and name of any facility or activity located in Manatee County.

Figure 2- 3: Directional Off-Site Sign

Directional On-Site Sign shall mean a permanent on-site sign which directs traffic within a parcel, or which identifies the location of entrances, exits, restrooms, telephones, freight, etc.

Fascia Sign. (See "Wall Sign.")

Flags shall mean any fabric or similar material or bunting containing the same colors, patterns or symbols used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity and which is not a banner.

Flashing Sign shall mean any sign on which any electric lighting by any device is either alternated on and off or raised and lowered in brightness or intensity, or reflects lighting or gives the appearance of flashing.

Freestanding Sign shall mean a sign on or in the ground and not supported by any building. This term shall include ground sign, monument sign, pole sign and pylon sign.

Gateway Sign shall be a ground or monument sign that identifies the CDD or DRI located at major thoroughfare intersections or points along major thoroughfares near the CDD or DRI boundaries.

Government Sign shall mean any sign erected by or on the order of a public official or quasi-public entity (i.e., Community Development District, Community Redevelopment Agency, Water Management District) in the performance of his or her official office or duty including but not limited to, on and off-site signs identifying a government building or service, traffic control signs, street name signs, warning and information signs, public notices of events, or signs of a similar nature. Signs posted for the purposes of providing public notice for identifying a proposed change of land use or zoning shall be deemed to serve similar purposes as Government Signs.

Ground (a/k/a Monument sign) shall mean a freestanding sign whose structural system is that other than a pole(s), column(s) or post(s) or other similar type structural system.

Figure 2- 4: Ground Sign

Illegal Sign shall mean any sign erected unlawfully.

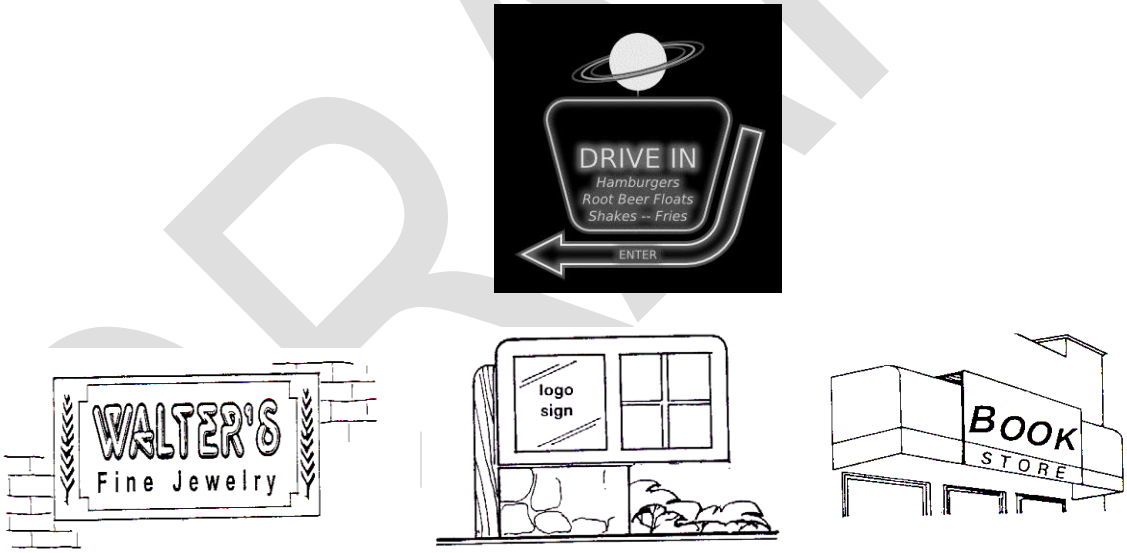
Illuminated Sign shall mean any sign which either:

a. Provides artificial light through exposed bulbs, lamps, or luminous tubes on the sign surface; or

b. Emits light through transparent or translucent material from a source within the sign; or

c. Reflects light from a source intentionally directed upon it.

Figure 2- 5: Illuminated Signs



Mansard Sign shall mean any sign which is attached to a mansard style roof with the face parallel to the structure to which it is attached and which does not project more than twenty-four (24) inches from such structure. Since such sign is to be mounted parallel to and within the limitations of the building wall or mansard roof on which it is to be mounted, a mansard sign shall be considered a wall sign and not a roof sign.

For the purposes of this definition, the term mansard roof shall mean a single slope roof, usually found along the front of a building, with a maximum angle of forty-five (45) degrees measured from the roofing surface upward to the vertical.

Figure 2- 6: Mansard Sign

Monument Sign. (See "Ground Sign.")

Moving Sign shall mean any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of such movement or rotation.

Mural Sign shall mean a wall sign painted on the exterior wall of a roofed building with its face in a parallel plane to the plane of the building façade.

Multiprism Sign shall mean any sign made with a series of triangular vertical sections that turn and stop to show two (2) or more pictures or messages in the copy area.

Nonconforming Sign shall mean a sign which does not conform to this Code but was in conformance with all sign, permitting and other regulations applicable at the time it was permitted or erected. The term legal nonconforming sign shall mean the same as nonconforming sign. This term does not include signs that were erected without a permit when one was required.

Off-site Sign shall mean any sign not located on the same lot as the business, commodity, service or entertainment to which it relates. This shall include any structure designed primarily for the display of offsite signs. (See "Outdoor Advertising.")

On site Sign shall mean any sign located on the same lot or parcel as, and is accessory to, the business, commodity, service or entertainment to which it relates.

Outdoor Advertising Sign shall mean any sign structure advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which the sign is located. This shall include but shall not be limited to billboards, off-premises signs or off site signs. (See "Off site.")

Permanent Sign shall mean any sign which is affixed to a building or the ground in accordance with the requirements of the Florida Building Code and any other applicable federal, state, or local laws, and in such a manner as to be immobile without the use of extraordinary means such as disassembly.

Pole Sign shall mean a freestanding sign whose structural system consists of a pole(s), column(s), post(s) or other similar type structural system. Pole signs may also be referred to as pylon signs.

Pole Cover shall mean covers that enclose or decorate the poles or other structural supports of a sign.

Political Sign shall mean a type of temporary off-site sign which constitutes a political advertisement, the primary purpose of which is related to the candidacy of any person for public office or any issue which has been submitted for referendum approval.

Portable Sign shall mean any sign which is manifestly designed to be transportable, including transportation by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support, constructed without wheels, is converted to an A or T frame sign, or attached temporarily or permanently to the ground, since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consists of a changeable copy sign.

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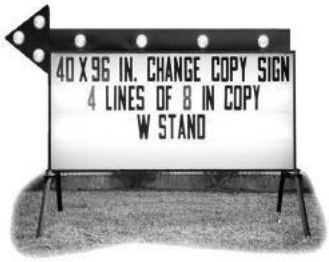
Figure 2- 7: Portable Sign



Projecting Sign shall mean any sign which is attached to and which projects more than twenty-four (24) inches from the outside wall of any building or structure.

Figure 2- 8: Projecting Sign

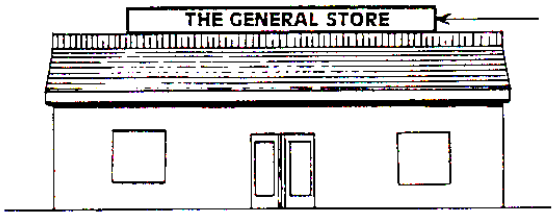
Real Estate Sign shall mean a temporary non-illuminated on-site ground sign offering for sale, lease or rent a structure or parcel.

Restricted Temporary Sign shall mean animated signs, banners, flashing or moving signs, multi-prism signs, portable signs, roof signs, snipe signs, twirling signs and other similar signs.

Revolving Sign (a/k/a Rotating) shall mean any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.

Roof Sign shall mean a sign erected upon or above the roof surface of any building. This term shall not include a mansard sign or a sign erected on the vertical wall portion of a cupola.

Figure 2-20: Roof Sign



Sandwich Board shall mean a portable, free-standing, movable and double-faced sign and shall be displayed as a temporary sign.

Sidewalk Sign shall mean any sign placed on a public or private sidewalk.

Sign shall mean any combination of sign structures (poles, fences, walls) and writing, pictorial presentation, illustration decoration, symbol, any material, color, lighting or other device which:

a. Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and

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b. Is visible from any public way or adjoining property.

The term “sign” shall not be deemed to include the terms “building,” “landscaping,” any architectural embellishment of a building not designed to communicate information, religious symbols, memorials or tablets.

Sign Contractor shall mean any individual who is qualified to install, repair, add to, or change signs.

Sign Face shall mean the area, display surface, or part of a sign on which the copy or message is placed.

Sign Permit shall mean a permit issued by the Director that authorizes the holder to erect, move, enlarge or substantially alter a sign.

Snipe Sign shall mean an off-site temporary sign made of any material in the public right-of-way or utility easement which is tacked, nailed, posted, glued, or otherwise attached to any utility pole, tree, fence, fence post supports, stakes, or other signs or other similar objects.

Figure 2- 9: Snipe Sign

Structure Sign shall mean any structure which is designed specifically for the purpose of supporting a sign, has supported, or is capable of supporting a sign, including any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

Subdivision Sign shall mean an identification sign which is designed to identify a major subdivision (defined generally as 11 or more residential lots and more specifically in Chapter 2 of this Code).

Figure 2- 10: Subdivision Sign

Tag Sign shall mean a sign for scannable information without readable text.

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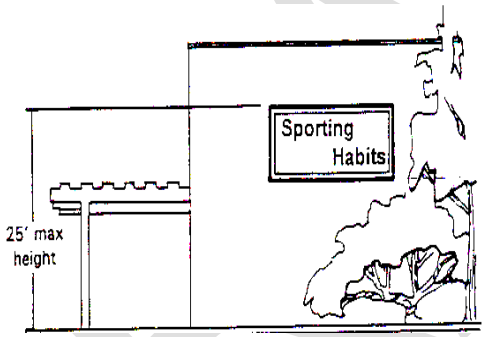
Figure 2- 11: Tag Sign

Temporary Sign shall mean any sign erected on-site for a specific purpose (e.g., construction sign) intended to be displayed for 3 months or less at the end of which the temporary sign is expected to be removed along with the pole, mast, frame or other structure to which it is attached if it is a free standing sign.

Temporary Off-Site Sign shall mean any temporary sign not located on the same lot as the business commodity, service or entertainment to which it relates. This shall include any structure designed primarily for the display of off-site signs.

Wall Sign shall mean any sign which is painted on, fastened to, or erected against an exterior wall of a roofed building with its face in a parallel plane to the plane of the building facade or wall and which shall not project more than twelve (12) inches from such wall.

Figure 2- 12: Wall Sign



Warning Sign shall mean any sign which is designed to provide public notice of a clear and present danger to public health, safety, or welfare and shall not exceed six (6) square feet of sign area.

Window Sign shall mean any sign which is painted on the inside of, or attached to, the inside of, or visible through a window, excluding the display of merchandise.

Silviculture shall mean the branch of forestry dealing with the development and care of forests and forest products. (See "Agriculture.")

Single Boat Docking Facility shall mean any structure for the storage of watercraft which serves a single residential building containing only one (1) dwelling unit on a single building lot. (See also "Waterfront Structures" and "Dock*Single Family Attached Dwelling.* (See "Dwelling, Single Family Attached.")

Single Family Semi Detached Dwelling. (See "Dwelling, Single Family Semi Detached.")

Single Family Swimming Pool. (See "Pool, Swimming Single-Family.")

Single Occupancy Parcel shall mean any parcel which is occupied by a single establishment.

Single Ownership. (See "Ownership, Single.")

SIS shall mean the strategic intermodal system of state highways established pursuant to general law.

Site shall mean that portion of a subject property where a PWSF is to be placed and which contains all associated telecommunication towers, equipment buildings, and shelters, security fencing, landscaping, access and utility

easements and any guy wires and anchors. An acceptable property may have several potential sites within it.

Site-Related Capital Transportation Facilities (Impact Fees). (See “Impact Fees”.)

Site-Related Improvements (Impact Fees). (See “Impact Fees”.)

Site-Related Improvements shall mean all Capital Local Park Facilities, Capital Countywide Parks/Open Space Facilities, Capital Law Enforcement Facilities, Capital Roads Facilities, or Capital Public Safety Facilities, located inside or outside the boundaries of the proposed development and designed and intended to serve only the needs of that development.

Slaughterhouse shall mean an establishment where animals are killed, butchered and prepared for further processing.

Small Animal Specialty Farm shall mean any premises where the principal use is the commercial production of rabbits, birds, fish, mink, bees, worms, or similar small animals or their products. Small animal specialty farms shall not be deemed to include kennels or animal shelters. For the purpose of this code, small animal specialty farms are deemed to be "Agricultural Uses.")

Snipe Sign. (See "Sign, Snipe.")

Solid Waste shall mean, for the purposes of this code, garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations, but shall not include recyclable materials (which are separated, at the point of generation, by the generator or his agent, and donated or sold by the generator for recycling purposes, nor shall it include hazardous wastes (including fecal wastes, carcasses and pathological wastes).

Solid Waste Management Facility shall mean any solid waste disposal area, volume reduction plant, transfer station or similar facility. The term shall not include facilities which use or ship recovered materials unless such facilities are managing solid waste.

Source Separation shall mean the segregation of recyclable materials from the waste stream at the point of generation.

Special Cabarets. (See “Adult Entertainment”.)

Special District shall mean a local unit of special purpose, as opposed to general purpose, government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.

Special Exception shall mean a type of approval given in accordance with the comprehensive plan.

Special Needs Population shall mean those persons who have incomes not exceeding moderate income and, because of particular social, economic, or health related circumstances have greater difficulty acquiring or maintaining affordable housing. Such persons may include, but not be limited to, persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaway and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

Special Permit Use shall mean uses that are deemed to be generally compatible with the other land uses permitted in a zoning district. However, because of their unique characteristics or potential impacts on the surrounding neighborhood and the County as a whole, such uses are subject to individual review of its location, design, configuration, operation and the public need for the particular use at the particular location proposed to assure consistency with this Code and the Comprehensive Plan.

Special Waters shall mean any water body or area so designated in accordance with Section 17-302.700, Florida Administrative Code.

Special Yard. (See "Yard, Special.")

Species. (See "Nuisance Species or Protected Species.")

Specified Sexual Activities. (See “Adult Entertainment”.)

Stable, Private shall mean any boarding facility for horses or livestock in which use is limited to the property owner or occupants of the property only.

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Stable, Public shall mean any boarding facility for horses or other livestock with stall space available for rental to the public.

Stadium shall mean a large outdoor facility designed for the performance of athletic activities with seating for the viewers of such activities. (See "Recreational Use, High Intensity.")

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L 97-348)) shall mean the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, filling, nor does it include excavation for a basement, footings, piers, foundations or the erection of temporary forms or temporary fences; nor does it include the installation on the property of temporary construction offices. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes the "start of construction" means the affixing of the mobile home to its site.

Storage, Outdoor (Principal Use) shall mean the use of any lot for either the primary outdoor storage of domestic vehicles, restricted vehicles, and recreational vehicles, goods, commodities or equipment. This definition shall not include residential outdoor storage.

Storage, Residential Outdoor shall mean outdoor storage, including compost piles, associated with a residential dwelling unit or units.

Stormwater shall mean surface water resulting from rainfall.

Stormwater Discharge. (See "Discharge, Stormwater.")

Stormwater Management System shall mean all natural and artificial drainage facilities which convey, store, or control the flow of stormwater runoff from one (1) or more drainage basins.

Stormwater Runoff. (See "Runoff, Stormwater.")

Story shall mean a portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street shall mean any public or private way intended for vehicular and pedestrian traffic; and providing the principal means of access to the property.

Street, Cul-de-Sac. See "Cul-de-Sac."

Street Frontage shall mean the length of the property line for a single parcel which runs parallel to, contiguous, and along each public right-of-way or private street (exclusive of alleys) that it borders.

Street, Half shall mean any street improved to a width of less than twenty-four feet (24') or with concrete curb and sidewalk on only one side of said street.

Street Line shall mean the dividing line between a street and a lot. For public streets, the street line shall be the existing right-of-way line. For private streets, the street line shall be the street parcel boundary of the legally described street. For existing private streets, the street line shall be the street parcel boundary or the easement boundary of the legally described street. However, for any street exhibited on the Roadway Functional Classification Map, the street line shall be the proposed right-of-way line on such map, or the existing street curb line, whichever is the greater distance from the center line established on the map.

Street, Local shall mean any street, not classified as an expressway, arterial, major collector, or minor collector, which primarily provides direct access to residential, commercial, industrial, or other abutting property. A local street is designed to carry light volumes of traffic, usually fewer than three thousand (3,000) vehicles per day, on rights-of-way that are typically fifty (50) feet wide. Overall operating speeds are low in order to permit frequent stops or turning movements to be made with maximum safety.

Street, Private shall mean any street, which is not a component of the state system or county thoroughfare system, that is privately owned and affords access in perpetuity to all adjoining property.

Street, Public shall mean any street, road, thoroughfare or highway that is dedicated to and owned by any city or county, state, or federal government.

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Street Stub or Stub-out shall mean a portion of a road that terminates at the edge of a site but is aligned to eventually extend to a new road or adjacent development.

Street or Thoroughfare, Rural shall mean any street which connects and provides accessibility to urban centers. While traffic volumes on rural thoroughfares may be low, such streets provide the necessary accessibility that ensures personal mobility to urban services and movement of goods between cities. The term rural street shall be limited to all streets so designated on the Roadway Functional Classification Map.

Structure shall mean any combination of materials used to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Accessory shall mean a structure, the use of which is incidental to that of the main structure and which structure is located on the same lot as the main building.

Structure, Habitable [shall mean] a structure that is used for living, sleeping, eating, cooking, working, entertainment or otherwise occupied by people for their use.

Structure, Historic shall mean any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, or eligible for listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as registered historic district, or eligible for listing on the National Register; or

C. Certified or preliminarily determined by Manatee County as historically or archaeologically significant to Manatee County.

Structure, Nonconforming shall mean any structure lawfully established prior to and existing on the effective date of this Code, or any amendment hereto, which does not conform to the requirements of this Code for the zoning district in which it is located and all applicable floodplain regulations.

Structure, Pre-FIRM shall mean a structure that was built and occupied before January 1, 1975.

Structure, Waterfront shall mean any dock, wharf, pier, boathouse, boat hoist, mooring pile, or similar structure.

Structure, Waterfront Multi-family shall mean any waterfront structure associated with a multi-family or multi-family condominium development.

Structure, Waterfront Other shall mean any waterfront structures that are associated with non-residential development.

Structure, Waterfront Residential shall mean any waterfront structure associated with individual single-family or duplex lots.

Subdivision shall mean the division of a parcel of land or lot of record that results in the creation of a third parcel of land since May 4, 1981, under five (5) acres in size for the purpose, whether immediate or future, of transfer of ownership, or, if the establishment of a new street is involved, any division of such parcel. The term subdivision shall also include any replat.

Subdivision shall not be deemed to include, if the division of land results in parcels:

A. Each greater than five (5) acres in area except in conjunction with the creation of a new street, or

B. Any change in street lines or easements.

The combining or reconfiguration of platted lots or portions thereof, does not constitute a subdivision when the lot area, required access and width of the resulting lots is not less than the original lots or than allowed by this Code, whichever is less provided the number of lots is not increased.

The division of property for the conveyance of land to a federal, state, county or municipal governmental agency, entity, political subdivision, or public utility does not constitute a subdivision, if such property is accepted by the governmental body (See Chapter 3, Part V).

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Subdivision, Major shall mean any subdivision of eleven (11) or more residential lots or parcels of land; or any non-residential subdivision; or any time the division of land results in the establishment of a new street; or the creation of six (6) or more lots on an existing unpaved, county street (See Chapter 3, Part V).

Subdivision, Mobile Home shall mean any subdivision where lots are sold or offered for sale for the placement of mobile home dwellings which are occupied on a non-transient residential basis.

Subdivision, Minor shall mean a subdivision creating three (3) to ten (10) residential lots or parcels of land; and never involves the establishment of a new street and does not include any type of non-residential subdivision (See Chapter 3, Part V).

Subdivision, Replat. (See "Replat")

Subdivision Sign. (See "Sign, Subdivision")

Substandard Dwelling Unit. (See "Dwelling Unit, Substandard")

Substantial Damage shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the "fair market value" of the structure before the damage occurred. The fair market value in the substantial damage provision is the market value of the mobile home or park trailer itself and its foundation and shall not include the fair market value of the land or of other improvements made to the land.

Substantial Improvement shall mean any combination of repairs, reconstruction, addition, alteration, or improvement to a structure, taking place during the life of the structure, which the cumulative cost equals or exceeds fifty (50) percent of the fair market value of the structure either,

A. Before the improvements or repair is started, or

B. If the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term shall not, however, include:

1. The cost of the minimum improvements necessary to correct existing violations of a health, sanitary, handicap accessibility or safety code which is solely necessary to assure safe conditions only when such improvement is initiated, as a result of the issuance of an order, citation, unsafe notice or other directive from an appropriate governmental agency or official prior to the repair or improvement.

2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Suburban Development shall mean a pattern of built up land areas exhibiting moderate intensity, primarily residential uses, functionally connected to adjacent urban areas by transportation and public utility links and providing for a gradual transition from these urban areas to neighboring rural, primarily open, land areas.

Successor-in-Interest (Impact Fees). (See “Impact Fees”.)

Swimming Pool. (See "Pool, Swimming.")

Tall Tower shall mean any telecommunication tower with an overall height of five hundred (500) feet or more above grade, which contains one (1) or more antennas for telecommunication services.

Tall Tower Cluster shall mean a grouping of two (2) or more tall towers in a specified geographical location with established dimensions of area and height, where tall towers with a common impact on aviation may be grouped.

Taxi-Cab and Limousine Service shall mean any establishment engaged in providing passenger transportation by automobile, taxi-cab, truck, limousine, or other similar vehicle, not operating on regular schedules or between fixed terminals, and containing space for vehicle fleets and related office facilities. For the purpose of this code, this use is classified as Intensive Services.

Telecommunication Equipment Building shall mean the telecommunication support facility structure located on a tower site, which houses the electronic receiving and relay equipment.

Telecommunications Facility shall mean a facility, site, or location that contains one (1) or more antennas,

telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals.

Telecommunication Support Facility shall mean the telecommunication support equipment and cabinets associated with a telecommunication facility.

Telecommunication Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more wireless provider's antennae, including camouflaged towers, lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, and common-carrier towers. The term shall exclude alternative support structures.

Telephone Answering Service shall mean any business whose only function is that of answering telephone calls for others and recording messages. This occupation shall not generate any vehicular traffic.

Temporary Recreational Use. (See "Recreational Use, Temporary.")

Temporary Sign. (See "Sign, Temporary.")

Temporary Use. (See "Use, Temporary.")

Temporary Wireless Telecommunication Facility shall mean any Carrier or Cellular on Wheels (COW) or antenna designed for use while a permanent wireless facility is under construction or reconstruction, for a large-scale special event or conference or during a declared emergency by the County.

Thoroughfare shall mean any major street or roadway that is designated as collector, arterial or limited access facility within the Comprehensive Plan for the purposes of this Code.

Thoroughfare, Rural. (See "Street, Rural.")

Through Lot. (See "Lot, Through.")

Towing Service and *Storage Establishment* shall mean any establishment where the principal use is the towing of disabled or otherwise non-operative motor vehicles and the subsequent storage of such vehicles. This definition shall not be deemed to include a junkyard or motor vehicle repair. For the purpose of this code, this use is classified as *Intensive Services*.

Traffic Generation shall mean both the production and attraction of traffic.

Transit Oriented Design (TOD) shall mean mixed use higher density development that occurs within a walkable distance (generally ½ mile) of a transit station.

Transportation CLOS shall mean a certificate of level of service compliance for transportation concurrency to be issued pursuant to this Code.

Transportation CMS shall mean the concurrency management system established for transportation concurrency pursuant to Section 163.3180, F.S., and the Comprehensive Plan, and implemented pursuant to this Code.

Travel Way. (See "Street.")

Tree shall mean any self-supporting woody plant which usually produces one (1) main trunk, has a more or less distinct and elevated head with many branches, normally grows to an overall height of at least fifteen (15) feet in the environs of the County, and provides shade or is capable of providing shade at maturity. For the purpose of this Code, a mangrove shall be considered a tree.

Tree, Canopy shall mean a tree species which produces one (1) main trunk and normally reaches a height of thirty (30) feet or more upon maturity.

Tree, Understory shall mean any tree species which produces single trunk or multiple trunks and normally reaches a height of less than thirty (30) feet upon maturity.

Trip Length/Rate Study (a/k/a TLS) shall mean an analysis of the trip length, trip rate, capture and diversion rate or any combination thereof.

Truck Terminal shall mean the use of land, buildings or structures for the parking of trucks, and the storage and transfer of cargo to and from trucks on a regular basis. This term shall not be deemed to mean intermodal terminal.

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Turnaround shall mean the closed end of a minor local street, one (1) end of which is closed and consists of a symmetrically shaped circular space for turning around vehicles (see also "Cul-de-Sac").

Understory Tree. (See "Tree, Understory.")

Use shall mean the purpose for which a structure is arranged, designed, or intended to be used, occupied, or maintained.

Use, Accessory shall mean a use or structure which meets all of the following:

A. Is clearly incidental to, customarily found in association with, and serves a principal use;

B. Is subordinate in purpose, area, or extent, to the principal use served;

C. Is located on the same lot as the principal use, or on an adjoining lot in the same ownership and district as that of the principal use; and

D. Is not the principal use.

Use, Nonconforming shall mean any use lawfully existing at the time of adoption of this Code, or any subsequent amendment thereto, which does not conform to one (1) or more provisions of this Code, including an existing use permissible as a special permit use but which has not been so specifically authorized.

Use, Permitted shall mean any land use permitted by right in a zoning district (see Chapter 3).

Use, Principal shall mean the main or primary purpose for which a structure, building, or lot is designed, arranged, constructed, or intended, or for which it may be used, occupied or maintained under this Code.

Use, Special Permit. (See "Special Permit Use.")

Use, Temporary shall mean a use permitted for a fixed period of time with the intent to discontinue such use at the expiration of the time period.

Urban Development shall mean a pattern of built up land areas exhibiting relatively intense residential, commercial, industrial, institutional, governmental or recreational uses, generally in combination, and functionally connected by a system of transportation and public utility networks. These built up areas are characterized by concentrations of population and activities.

Utility Pole Mounted Antenna shall mean an antenna attached to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar structure.

Utility Runway. (See “Airport”).

Utility Use shall mean any of the following uses:

A. Electric substations or distribution centers including transformer stations.

B. Natural gas, oil or other petroleum product metering, regulating, compressor, control or distribution stations, and local office space incidental thereto and necessary for the operation of such station, but shall not include any storage facilities.

C. Major sewage pumping facilities.

D. Telecommunication facilities, including but not limited to exchanges, dial centers, or repeater stations. Telecommunication towers and antennas are not included in the definition of "Utility Use."

E. Major potable water storage, control, or pumping facilities.

F. Service or supply yards for any of the above uses, where such yards are less than one (1) acre in area.

G. Wastewater Treatment Plants.

Utility Use, Heavy shall include, but is not limited to, power generating facilities and multiple transmission line facilities.

Variance shall mean a grant of relief upon appeal in specific cases by a governmental entity empowered to authorize relief from the requirements of this Code.

Vehicle, Commercial. (See "Commercial Vehicle.")

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First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

Vehicle, Domestic shall mean any vehicle used in operation on streets or waterways and shall include but shall not be limited to automobiles, private pickup trucks, and vans, and private pleasure crafts. (See "Motor Vehicle Repair" definition).

Vehicle, Junk shall mean any motor vehicle, trailer, or semi-trailer which is inoperable or would not be allowed to operate legally upon the public roads under the laws of the State of Florida in its present condition. This definition does not include vehicles used for legal competition which are in an operable condition.

Vehicle, Recreational. (See "Recreational Vehicle.")

Vehicle, Restricted. (See "Restricted Vehicle.")

Vehicle or Trailer Sign. (See "Sign, Vehicle or Trailer.")

Vehicle Use Area shall mean the area of a site devoted to driveways, drive aisles, parking stalls and loading zones.

Vertical Clearance shall mean the lateral vision that shall be maintained between a height of two-and-one-half (2½) feet and eight (8) feet above the average elevation of the existing surface of both streets, measured along the center lines, and adjacent to the visibility triangle.

Very Low Income Household shall mean one (1) or more natural persons or a family, with a total annual gross household income that does not exceed fifty (50) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the County, or the non-metropolitan median for the state, whichever is greatest. With respect to rental units, the low income household's annual income at the time of initial occupancy may not exceed fifty (50) percent of the area's median income adjusted for family size. While occupying the rental unit, a very low income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of fifty (50) percent of the area's median income adjusted for family size.

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

Veterinary Hospital shall mean any facility rendering surgical or medical treatment to animals, and may provide other related services such as grooming, boarding and animal disposal, which may include cremation, and shall allow boarding without limitation to number of animals, provided that those animals were treated at the facility.

Visibility Triangle shall mean an area of a lot or parcel where development is restricted adjacent to the intersection of streets with other streets or driveways, to allow for vehicular visibility.

Visual Runway. (See “Airport”).

Volume Reduction Facility shall mean a facility which removes materials from the overall solid waste process entering a landfill for further recycling.

Walking Mile shall mean a distance measured in miles of the shortest pedestrian route along public or private roadways. Such distance shall be measured from the closest pedestrian entry point of the school to the closest pedestrian entry point of the development. The pedestrian entry point shall be where private property meets the public right-of-way.

Wall, Decorative, Opaque, shall mean any solid fence constructed of concrete aggregate, stucco finish, brick, stone, concrete masonry split face design or other such substantial material, as determined by the Department Director.

Wall, Retaining shall mean any wall, fence or other structure erected to hold back or support a bank of earth. This term shall not include erosion control structures (seawalls).

Wall Sign. (See "Sign, Wall.")

Warehouse shall mean any premises where the principal use is the storage of merchandise, products, or materials in bulk, for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales, but shall not be deemed to include retail sales establishments, motor freight terminals, mini-warehouses or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

Warehouse (Impact Fees). (See “Impact Fees”.)

Warehouse, Mini shall mean any building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of goods belonging to the individual lessees of the stalls and accessible to the lessees through individual doors.

Warning Sign. (See "Sign, Warning.")

Waste Minimization shall mean the reduction of the amount of wastes generated through:

A. The use of nondisposable products and durable materials;

B. The purchase of only the exact amounts of a material or product needed;

C. Modifications to systems and operations to reduce the amounts of material needed;

D. The use of closed rather that open ended systems;

E. Reuse of byproducts; and

F. Any other procedure by which the creation of wastes is avoided or reduced.

Wastes shall mean sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters of the state.

Water Animal. (See Animal Services (Wild and Exotic Animals))

Water Body shall mean any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water or which has a discernible shoreline.

Water Dependent Use shall mean activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electric generating facilities; or water supply. This term includes structures meeting Title 44, Code of Federal Regulations (C.F.R.) definition of functionally-dependent use.

Watercourse shall mean any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks or other discernible boundary. Watercourse shall not include irrigation and drainage ditches constructed in the uplands which are not more than thirty-five (35) square feet in total cross section area and which normally has a water depth of no more than three (3) feet, provided they are not in and do not directly connect to Outstanding Florida Waters, Class I Waters and Class II Waters.

Waterfront Property shall mean any property abutting any gulf, bay, bayou, navigable stream, canal, lake, or impounded reservoir.

Waterfront Structure. (See "Structure, Waterfront.")

Waterfront Yard. (See "Yard, Waterfront.")

Water Management System shall mean a system of natural or artificial waterbodies or watercourses which stores or conveys water; a stormwater management system.

Waters shall mean, but shall not be limited to, rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one (1) person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but shall not be limited to, all underground waters passing through pores of rocks or soils or flowing through in channels, whether manmade or natural.

Waters of the State shall mean the same as defined in Chapter 403, Florida Statutes.

Watershed; Discharge Basin shall mean a geographic land area which because of its geography, collects all precipitation falling within its boundaries and stores or discharges all resulting stormwater runoff through a single drainage outfall.

Water Shortage Emergency shall mean a condition when the Southwest Florida Water Management District declares that a water shortage exists and pursuant to the provision of Chapter 120, Florida Statutes issues an Emergency Order.

Water Shortage Plan shall mean Chapter 40D-21, Florida Administrative Code, the codification of the Water Shortage Rule adopted and published by the Southwest Florida Water Management District and any amendments thereof. The enforcement of this shall not apply to any persons using treated effluent or saltwater.

Wetland, as defined by SWFWMD Rule Chapter 40D-4.021(21), shall mean those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Wetland, Disturbed shall mean any wetland that has been substantially affected by the actions of man, but which continues to be dominated by wetland or transitional vegetation, and retains some degree of wetland function.

Wetland, Isolated shall mean any wetland that does not have hydrological or vegetative connections with "Waters of the State" as defined in Section 403.031, Florida Statutes.

Wetland Mitigation shall mean actions including, but not limited to, restoration, enhancement, creation of wetlands, upland preservation, or a combination of the above required to be taken to offset environmental impacts of permitted activities.

Wetland Vegetation shall mean as defined in Rule 62-340.400, Florida Administrative Code.

Wholesale Trade Establishment shall mean any premises where the principal use is the conduct of Wholesale Sales, or the sale of merchandise to institutional, commercial, or industrial customers. Wholesale trade establishment shall not be deemed to include warehouse or any retail sales.

Wild and exotic animals. (See “Animal Services”).

Window Sign. (See "Sign, Window.")

Workforce Housing shall mean attainable, safe, decent housing purchased by an individual or family with income at or below the income equivalent no higher than twenty (20) percent above the moderate income level for a family of three (3) and where the sales price of the home is no higher than twenty (20) percent above the moderate income home sales price established by the Manatee County Local Housing Assistance Plan.

Yard shall mean any area on the same lot with a building or building group lying between the building or building group and the nearest lot line, or streetline, whichever is closer, unobstructed to the sky and unoccupied except by specific uses and structures allowed pursuant to this Code.

Yard, Front shall mean a yard extending across the full width of a lot, measured from and perpendicular to the front lot line, or streetline, whichever is closer, and extending to the principal building or structure.

Yard, Privacy shall mean a small area adjoining a building and enclosed on at least two (2) sides with a fence of at least six (6) feet in height.

Yard, Rear shall mean a yard extending across the full width of the lot and lying between the rear lot line of the lot, or street line, whichever is closer, and the principal building group, and measured perpendicular from and along a line parallel with the rear lot line.

Yard, Required. (See "Setback.")

Yard, Side shall mean a yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The side yard shall be measured perpendicular from and along a line parallel with the side lot line.

Yard, Waterfront shall mean a yard required on waterfront property with depth measured from shore line.

Zonal Landscaping shall mean a landscaping method which groups plant materials with similar water requirements

together, i.e. planting drought resistant plants together, etc.

Zoo shall mean any permanent facility where exotic and wild animals are housed or maintained under the supervision of professional staff, and exhibited to the public on a regularly scheduled basis, in a variety of natural or habitat like settings, for the purposes of education, conservation, scientific studies, or recreation and whether operated for profit or not. Zoo shall also be deemed to include "Zoological Parks" and "Zoological Gardens." For the purpose of this code, Zoos are classified as *Recreation Use, High Intensity*.

Zoological Parks and Zoological Gardens. (See "Zoo.")

Section 201 Abbreviations & Acronyms.

A .....General Agriculture
A-1 .....Suburban Agriculture
AASHTO .American Association of State Highway and Transportation Officials
ACSC .....Areas of Critical State Concern
AD .....Administrative Determination
ADA .....Americans with Disabilities Act (1990)
ADT .....Average Daily Traffic (or Average Daily Trips)
ADU .....Accessory Dwelling Unit
AG/R .....Agriculture/Rural
AHCA .....Agency for Healthcare Administration
AI .....Airport Impact
AI .....Airport Impact Overlay
AIA .....American Institute of Architects
AICP .....American Institute of Certified Planners
ALF .....Assisted Living Facilities
ANSI .....American National Standards Institute
AO-D .....Airport Overlay District
AP .....Administrative Permit
APA .....American Planning Association
APTA .....American Public Transit Association
APWA .....American Public Works Association
AQI .....Air Quality Index
ASAP .....As Soon As Possible
ASCE .....American Society of Civil Engineers
AT .....Major Attractors

BEBR .....Bureau of Economic & Business Research
BFE .....Base Flood Elevation
BLM .....Bureau of Land Management (US)
BMPs .....Best Management Practices
BOCC .....Board of County Commissioners
BPA.....Bayshore Planning Area
BPAB .....Bicycle Pedestrian Advisory Board
BZA .....Board of Zoning Appeals

CA .....Coastal Area
CAA .....Clean Air Act (see also FCAA)
CAC .....Citizen Action Center
CAC .....Citizen Advisory Committee
CARL .....Conservation & Recreational Lands Committee
CBD .....Central Business District
CCCL .....Coastal Construction Control Lines
CDBG .....Community Development Block Grant
CEA .....Coastal Evacuation Area
CEM .....Comprehensive Emergency Management
CERCLA ..Comprehensive Environmental Response, Compensation, and Liability Act
CFASPP ..Continuing Florida Aviation System Planning Process
CFR ..... Code of Federal Regulations
CH ..... Coastal High Hazard Area Overlay
CHHA ..... Coastal High Hazard Area
CHHA ..... Coastal High Hazard Area
CIE ..... Capital Improvements Element
CIP ..... Capital Improvements Plan
CLOS ..... Certificate of Level of Service
CMAQ ..... Congestion Mitigation and Air Quality Improvement Program
CMAQ ..... Congestion Mitigation and Air Quality Program
CO ..... Certificate of Occupancy
COD ..... Corridor Overlay District
COG ..... Council of Governments
COMP ..... Comprehensive Planning
CON ..... Conservation
CON ..... Conservation Lands
CPTED .... Crime Prevention Thru Environmental Design
CRA ..... Community Redevelopment Area
CRV ..... Commercial Recreational Vehicle
CS ..... Community Services
CTC ..... Citizen Trail Committee
CURRENT Current Planning
CUTR ..... Center for Urban Transportation Research (USF)

DA ..... Duplex Access Overlay
DBH ..... Diameter Breast Height
DCA ..... Florida Department of Community Affairs
DDA ..... Downtown Development Authority
DEM ..... Florida Department of Emergency Management
DEP ..... Florida Department of Environmental Protection
District 8 .. Tampa Bay LEPC area (Hillsborough, Manatee, Pasco & Pinellas Counties)
(F)DNR ... (Florida) Department of Natural Resources
DO ..... Development Order
DOE ..... Department of Energy (US)
DOT ..... Department of Transportation (US)
DP ..... Property Identification Number
DRC ..... Development Review Committee
DRI ..... Development of Regional Impact
DU ..... Dwelling Unit

EAR ..... Evaluation & Appraisal Report
ELMAC ... Environment Lands Management & Acquisition Committee
EMD ..... Environmental Management Department
EMS ..... Emergency medical services
EOC ..... Emergency Operations Centers
EPA ..... (Federal) Environmental Protection Agency

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EPCRA .... Emergency Planning & Community Right-To-Know Act
ER ..... Estate Rural
ESCP ..... Erosion and Sediment Control Plan
EX ..... Extraction
EZ ..... Enterprise Zone

F.S. ..... Florida Statutes
FAA ..... Federal Aviation Administration
FAC ..... Florida Administrative Code
FAR ..... Floor Area Ratio
FBC ..... Florida Building Code
FCC ..... Federal Communications Commission
FDAB ..... Future Development Area Boundary
FDEO ..... Florida Department of Economic Opportunity
FDER ..... Florida Department of Environmental Regulation
FDF ..... Florida Department of Forestry
FDOH ..... Florida Department of Health
FDOEA .... Florida Department of Elder Affairs
FDOT ..... Florida Department of Transportation
FEMA ..... Federal Emergency Management Agency
FFWCC ... Florida Fish & Wildlife Conservation Commission
FHA ..... Farmers Housing Administration
FHP ..... Florida Highway Patrol
FHWA ..... Federal Highway Administration
FIA ..... Federal Insurance Administration
FIF ..... Facility Investment Fee
FIRE ..... Finance, Insurance, and Real Estate
FIRM ..... Flood Insurance Rate Map
FISH ..... Florida Institute of Saltwater Heritage
FLUC ..... Future Land Use Category
FLUM ..... Future Land Use Map
FMSF ..... Florida Master Site File (Historical)
FPE ..... Flood Protection Elevation
FPL ..... Florida Power & Light
FPZA ..... Florida Planning and Zoning Association
FQD ..... Florida Quality Development
FSP ..... Final Site Plan
FSUTMS . Florida Standard Urban Transportation Modeling Structure
FTA ..... Federal Transit Administration
FTC ..... Florida Communities Trust
FTCM ..... Future Traffic Circulation Map

GC ..... General Commercial
GDP ..... General Development Plan
GFA ..... Gross Floor Area
GIS ..... Geographic Information Systems
GLA ..... Gross Leasable Area
GOPs ..... Goals, Policies & Objectives
GPM ..... Gallons Per Minute
GPS ..... Global Positioning System

HA ..... Historical and Archaeological Overlay
HBA ..... Home Builders Association
HC ..... Heavy Commercial
HC ..... Manatee County Historical Commission
HM ..... Heavy Manufacturing
HMGP ..... Hazard Mitigation Grant Program
HOV ..... High Occupancy Vehicle
HPB ..... Historic Preservation Board
HR ..... Historic Resources
HUD ..... US Department of Housing and Urban Development

ICMA ..... International City/County Managers Association
IH ..... Industrial-Heavy
IL ..... Industrial-Light
ISTEA ..... Intermodal Surface Transportation Efficiency Act
ITE ..... Institute of Transportation Engineers
ITS ..... Intelligent Transportation System
IU ..... Urban Industrial

LDC ..... Land Development Code
LEPC ..... Local Emergency Preparedness Committee
LIS ..... Land Information System
LM ..... Light Manufacturing
LOS ..... Level of Service
LULU ..... Locally Unwanted Land Use

MF ..... Multi-Family
MGD ..... Million Gallons Per Day
MPO ..... Metropolitan Planning Organization
MPO TAC Metropolitan Planning Organization Technical Advisory Committee
MRSWCD Manatee River Soil and Water Conservation District
MSL ..... Mean Sea Level
MSO ..... Manatee County Sheriff's Office
MU ..... Mixed Use
MU-C ..... Mixed Use Community
MUTCD ... Manual for Uniform Traffic Control Devices

NAAQS ... National Ambient Air Quality Standards
NACo ..... National Association of Counties
NAHB ..... National Association of Home Builders
NCG ..... North County Gateway Overlay
NC-M ..... Neighborhood Commercial - Medium
NCO ..... North Central Overlay
NC-S ..... Neighborhood Commercial - Small
NEP ..... National Estuary Program
NFIP ..... National Flood Insurance Program
NFPA ..... National Fire Protection Association
NGVD ..... National Geodetic Vertical Datum
NHPA ..... National Historic Preservation Act
NIABY ..... Not in Anyone's Back Yard
NIMBY .... Not in My Back Yard
NIMTO .... Not in My Term of Office
NOAA ..... National Oceanic and Atmospheric Administration
NOI ..... Notice of Intent
NOPC ..... Notice of Proposed Change
NTHP ..... National Trust for Historic Preservation
NWS ..... National Weather Service

OFW ..... Outstanding Florida Waters
OGT ..... Office of Greenways and Trails (FDEP)
OHWM .... Ordinary High Water Mark
OL ..... Low Intensity Office
OM ..... Medium Intensity Office
OMB ..... Office of Management and Budget
OPP ..... Off-Street Parking Plan
ORD ..... Ordinance
ORV ..... Off-Road Vehicle
OSHA ..... Occupational Safety and Health Administration

P/SP(1) ... Public/Semi-Public(1)

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P/SP(2) ....Major Public/ Semi-Public (2)
P-2000 .....Preservation 2000 Program
PC .....Planning Commission
PCS .....Personal Communication Services
PCV .....Parrish Commercial Village Overlay
PHT .....Peak Hour Traffic (or Peak Hour Trips)
PHU .....Manatee County Parks & Recreation Department
PPB .....Parts Per Billion
PPM .....Parts per Million
PR-M .....Professional -Medium
PR-S .....Professional - Small
PSM .....Professional Surveyor an Mapper

QCT .....Quality Communities Team

R/OS .....Major Recreation/Open Space
RAC .....Regional Activity Center
RCRA .....Resource Conservation and Recovery Act
RDD (3,4,5,6) Residential Duplex
RES-1 .....Residential-1 DU/GA
RES-12 ....Residential-12 DU/GA
RES-16 ....Residential-16 DU/GA**
RES-3 .....Residential-3.0 DU/GA
RES-6 .....Residential-6 DU/GA
RES-9 .....Residential-9 DU/GA
RFCM .....Roadway Functional Classification Map
RFP .....Requests for Proposals
RFQ .....Requests for Qualifications
RMF (6,9) Residential Multi-Family
ROR .....Retail/Office/ Residential
ROW .....Right-of-Way
RPC .....Regional Planning Council
RSF (1,2,3,4,5,6) Residential Single-Family
RSMH (4,5,6) Residential Single-Family Mobile Home
RV .....Recreational Vehicle
RV .....Restricted Vehicle Overlay

SAIL .....State Apartment Incentive Loan Program
SARA .....Title III of the Superfund Amendments and Reauthorization Act of 1986, often referred to as "SARA Title III."
SBNEP ....Sarasota Bay National Estuary Program
SCS .....U.S. Dept. of Agriculture, Soil Conservation Service
SERC .....State Emergency Planning Commission for Hazardous Materials
SF .....Single Family
SLOSH ....Sea, Lake and Overland Surges from Hurricanes
SMAA .....Sarasota-Manatee Airport Authority
SMATS ....Sarasota Manatee Area Transportation Study
SOV .....Single Occupancy Vehicle
SP .....Special Permit
SQG .....Small Quantity Generator
ST .....Special Treatment Overlay
STP .....Sewage Treatment Plant
SWFWMD Southwest Florida Water Management District

TBNEP ....Tampa Bay National Estuary Program
TBRPC ....Tampa Bay Regional Planning Council
TCO .....Temporary Certificate of Occupancy
TDM .....Transportation Demand Management
TDR .....Transfer of Development Rights
TIF .....Tax Increment Financing
TIP .....Transportation Improvement Program
TOD .....Transit Oriented Design
TSD .....Technical Support Document

UF-3 .....Urban Fringe-3.0 DU/GA
UIRA .....Urban Infill and Redevelopment Area
ULI .....Urban Land Institute
UMTA .....Urban Mass Transit Administration
URPL .....Urban and Regional Planning
USCG .....US Coast Guard
USDA .....US Department of Agriculture
USDI .....US Department of the Interior
USFS .....US Forest Service
USFWS ...US Fish and Wildlife Service
USGS .....US Geological Survey
USPLS ....US Public Land Survey
UTM .....Universal Transverse Mercator Grid

VFP .....Vehicle Fueling Positions
VIL .....Villages—Myakka, Parrish, Rubonia
VMT .....Vehicle Miles Traveled
VOAD .....Volunteer Organizations Active in Disasters

WMD .....Water Management District
WO .....Potable Water Reservoir Watersheds
WO-E .....Evers Reservoir Watershed Overlay District
WO-M .....Lake Manatee Reservoir Watershed Overlay District
WPE .....Evers Reservoir Watershed Protection Overlay
WPM .....Lake Manatee Reservoir Watershed Protection Overlay
WR .....Whitfield Residential Overlay
WRAP .....Waste Reduction Assistance Program (FDEP)

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CHAPTER 3 - REVIEW AUTHORITY AND PROCEDURES

Part I. Review Authority.

Section 300. Board of County Commissioners.

As the governing board of the County, the Board of County Commissioners reserves all powers to be exercised under this Code except where otherwise delegated pursuant to the provisions hereof. In addition to any authority granted to the Board by state law or the Code of Ordinances of Manatee County, the Board shall have the following powers and duties in regard to this Land Development Code:

A. To approve, approve with modifications, or deny applications for development approval for Developments of Regional Impact (DRI's) and Florida Quality Developments (FQD), and to issue Development Orders in accordance with the Board's decision;

B. To enter into development agreements, as provided for in this chapter and as provided in Section 163.3220, Florida Statutes;

C. To approve and execute final plats and replats prior to recording, as provided in this chapter;

D. To vacate and annul plats, as required by Section 177.101, Florida Statutes;

E. To approve, approve with modifications or deny site plans in planned development zoning districts, where no plan currently exists, or an approved plan is requested to be modified as provided in Section 321.5.

F. To adopt and amend the Official Zoning Atlas after recommendation by the Planning Commission as provided in this chapter;

G. To initiate, review and adopt amendments after recommendation of the Planning Commission to the text of the Land Development Code as provided in this chapter;

H. To employ hearing officers to make recommended findings of fact, conclusions of law, final decisions on special permit uses, appeals from determinations regarding levels of service, and such other decisions as the Board may deem appropriate;

I. To hold public hearings regarding DRI's, FQDs, development agreements, amendments to the Official Zoning Atlas, and amendments to the Land Development Code;

J. To set such fees as necessary to implement the provisions of this Code;

K. To take such other action not delegated to decision-making and administrative bodies designated in this chapter as the Board may deem desirable and necessary to implement the provisions of this Code and the Comprehensive Plan;

L. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, determination made by any administrative official acting pursuant to this Code, except where state or County regulations or this Code specifically provide otherwise;

M. To hear and decide requests for interpretation of the Official Zoning Atlas where there is uncertainty as to the location of a zoning district boundary.

N. To interpret this Code at the request of the Department Director;

O. To review and approve Environmental Preserve Management Plans; and

P. Vacation or abandonment of streets, as provided in this chapter.

Section 301. Planning Commission.

301.1. Powers and Duties.

The Planning Commission shall have the following powers and duties:

A. To act as the Local Planning Agency under Section 163.3174, Florida Statutes; and to carry out such duties as may be prescribed by the Comprehensive Plan;

B. To hold and regulate public hearings on Official Zoning Atlas amendments, planned development site plans, site and development plans where no plan currently exists, or modifications to an approved plan, developments of regional impact and Florida Quality Developments;

C. To initiate, review and make recommendations to the Board in regard to adoption and amendment of the text of this Code;

D. To hold and regulate public hearings on applications for amendments to the text of this Code;

E. To hold and regulate public hearings on applications for development agreements and make recommendations to the Board on said agreements;

F. To make its special knowledge and expertise available, upon reasonable written request and authorization of the Board, to any official, department, board, commission or agency of the County, state, or federal governments;

G. To recommend to the Board that special studies be performed as may be deemed necessary and proper to conduct the work of the Planning Commission, subject to the approval of the Board and available appropriations;

H. To adopt rules of procedure which are not inconsistent with this Code and are necessary for the administration of the commission's responsibilities and to govern its proceedings; and

I. To perform any other duties that may be lawfully assigned to it.

301.2. Membership: Appointment, Removal, Terms, Officers and Vacancies.

A. Membership. The Planning Commission shall be composed of seven (7) members appointed by the Board. Additionally, there shall be a non-voting member serving as a representative of the Manatee County School Board. This non-voting member shall be appointed by the school board and not subject to the qualifications of subsection 301.2.B.

B. Qualifications. Members of the Planning Commission shall be qualified electors in Manatee County. While no particular expertise is required, persons with experience or training in the substantive areas of planning, engineering, environmental science, and the development industry shall be considered in appointing members. No member of the Planning Commission shall otherwise be elected office holders, or employed by the Board. No member of the Planning Commission shall be a member of another land development related advisory board serving unincorporated Manatee County, except as specifically provided for.

C. Terms of Office. The term of office of the Planning Commission members shall be for four (4) years. Not more than two (2) of such members' terms shall expire in any one year. A member whose term expires shall continue to serve until his or her successor is appointed. The school board representative shall serve until replaced by the school board.

D. Removal from Office. Any member of the Planning Commission may be removed from office, with or without cause, by majority plus one vote of the full membership of the Board. In the event that any member is no longer a qualified elector or is convicted of a felony or any offense involving moral turpitude while in office, the Board shall terminate the appointment of such person as a member of the Planning Commission.

E. Vacancies. Whenever a vacancy occurs on the Planning Commission, the Board shall fill such vacancy for the remainder of the term.

F. Compensation. Members of the Planning Commission may, after written authorization from the Board, receive

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compensation, travel and other expenses while on official business for the Planning Commission. Compensation for the school board representative shall be furnished by the school board.

G. Officers. The Planning Commission shall annually elect a chairman and vice-chairman among its members and may create and fill such other offices as necessary. Terms of all offices shall be for one (1) year with eligibility for re-election. The school board representative shall not be eligible for election to any office on the Planning Commission. All Planning Commission members shall be subject to Chapter 112, Part II, Florida Statutes

H. Disclosure. Applicants for appointment to the Planning Commission shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency including serving on an advisory board.

I. Ethics. Members of the Planning Commission shall be subject to all applicable provisions of Chapter 112, Part III, Florida Statutes, regarding ethics for public officers.

301.3. Agendas, Meetings, Hearings and Procedures.

A. Agenda Preparation. The Department Director shall prepare the Planning Commission agenda and shall maintain the correspondence of the Planning Commission.

B. Quorum. Except as provided in this section, no meeting of the Planning Commission shall be called to order, nor shall any business be transacted by the Planning Commission, without a quorum consisting of at least four (4) members of the Planning Commission being present. The chairman shall be considered and counted as a member. When there is no quorum, those members of the commission who are present may convene for the purposes of continuing a public hearing or scheduling a special meeting.

C. Regular Meetings. Regular meetings of the Planning Commission shall be held as necessary. Meetings may be called by the chairman of the Board, the chairman of the Planning Commission, a majority of the members of the Planning Commission, a majority of the Board or the Department Director. If consideration of a matter is postponed due to lack of a quorum, the chairman of the Planning Commission shall continue the meeting as a special meeting to be held within seven (7) working days thereafter. In the case of delays caused by other reasons, the meeting should be rescheduled to the next Planning Commission meeting. The Department Director shall notify all members of the date of the continued meeting.

D. Rules of Procedure. The Planning Commission shall, by majority vote of the entire membership, adopt written rules of procedure as may be necessary for the transaction of its business.

E. Public Meetings. All meetings of the Planning Commission and its committees shall be open to the public.

F. Vote. No action of the Planning Commission shall be valid unless authorized by a majority vote of the membership present.

G. Minutes and Public Records. The Clerk of Circuit Court shall serve as clerk to the Planning Commission as it serves as clerk to the Board. The clerk shall keep minutes of all Planning Commission proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Planning Commission and the vote of each member, or if absent, or failing to vote, such fact. The clerk shall be the custodian of the official record of the Planning Commission and shall keep indexed records of all resolutions, transactions, findings and determinations. All such records shall be official public records and shall be covered by all Florida Statutes pertaining to public records.

Section 302. Hearing Officers.

302.1. Duties.

Each Hearing Officer shall have the following duties related to land development:

A. To conduct public hearings regarding applications for special permits and appeals from determinations on certificates of Level of Service;

B. To decide applications for Special Permits;

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C. To make recommended findings of fact and conclusions of law, in accordance with relevant standards and criteria set forth in this Code;

D. To decide appeals from determinations regarding certificates of Level of Service;

E. To decide requests for variances, except floodplain variances in Historical and Archaeological Overlay Districts

F. To issue reports and make recommendations to the Board;

G. To take any other action authorized by ordinance or resolution of the Board;

H. To visit the site of a land development application;

I. To decide applications for adjustments to the sign regulations not authorized to be granted administratively; and

J. To decide upon any other matter assigned to the Hearing Officer pursuant to this Code

302.2. Powers.

Each Hearing Officer shall, in the course of carrying out the duties described above, be empowered to:

A. Administer oaths and affirmations;

B. Issue notices;

C. Receive relevant evidence; and

D. Take or cause other such action as necessary to perform such duties.

302.3. Appointment, Qualifications, Term, Removal and Compensation.

The Board shall appoint one or more qualified Hearing Officers. Each Officer shall be appointed for a renewable term of one to four years.

A. Qualifications. Generally, Hearing Officers shall have a degree in law from an accredited American Bar Association law school, be licensed to practice law in the State of Florida, and have a minimum of two (2) years of experience in land use, zoning, or other land use regulatory experience; or have a bachelor's degree in planning or other directly related field and a minimum of five (5) years of experience as listed above. A master's degree in planning or directly related field and American Institute of Certified Planners designation is preferred. The Board may modify these qualifications as needed.

B. Limitations on Hearing Officer Activities While Appointed. A Hearing Officer shall not hold other appointive or elective office or position in the County government. Further, a Hearing Officer shall not present nor assist in the preparation of any land use matter or application before another Hearing Officer or the Board during his or her term nor shall the Hearing Officer present or assist in preparation of any land use matter or application requiring Administrative Approval by the Planning Director. The firm with which a Hearing Officer is or was associated with shall not present or assist in the preparation of any land use matter before that Hearing Officer. All Hearing Officers shall be subject to Chapter 112, Part III, Florida Statutes.

C. Limitations on Activities after Term. Hearing Officer are, for a period of six months from the date of termination as holder of such office, hereby expressly prohibited from acting as agent or attorney in any proceeding, application or matter before any commission, board, agent or other office of County government. The firm with which a Hearing Officer is or was associated with shall not present or assist in the preparation of any land use matter before that Hearing Officer. The limitation above shall be for a period of two years if the property was the subject of an application heard by the Hearing Officer during his or her term.

D. Removal. A Hearing Officer shall be removed only for cause by a majority plus one of the Board.

E. Compensation. A Hearing Officer shall be compensated for his or her services and expenses. The Board shall have authority and responsibility for setting the amount of the compensation, the source of such compensation and limitations on compensable expenses.

F. Disqualification of Hearing Officer. The Hearing Officer shall disqualify himself or herself when it reasonably appears that he or she has a conflict of interest. When a Hearing Officer is disqualified, the case shall be randomly assigned to another Hearing Officer.

302.4. Freedom from Improper Influence.

A. No person who is or may become a party of record before the Hearing Officer, nor anyone appearing on behalf of a party of record before the Hearing Officer, shall communicate ex parte with any Hearing Officer about an application currently before him or her.

B. No member of the Board shall communicate ex parte with any Hearing Officer about an application currently before him or her. Communication between the Hearing Officer and the Board acting as a collegial body shall be undertaken in accordance with the terms of this Code.

C. In order to assure that the Hearing Officers are free from improper influence, a Hearing Officer shall neither initiate nor consider ex parte communications concerning a pending or impending application. A Hearing Officer, however, may obtain the advice of a disinterested expert other than another Hearing Officer on law, planning, or zoning applicable to a proceeding before him, if he gives notice to the parties of record of the person consulted and the substance of the advice, and affords the parties of record reasonable opportunity to respond.

D. Ex parte communications as contemplated herein shall not include the required transmission of official documents by staff pursuant to the terms of this Code nor shall it include discussion with representatives of the Manatee County Attorney's Office, regarding discussions, not related to a specific land use case to be heard before him or her.

302.5. Maintenance of Records.

The Clerk of the Circuit Court shall serve as Clerk to the Hearing Officers as it serves as Clerk to the Board. The Clerk shall keep the minutes of the Hearing Officers' proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Hearing Officers and the determination of the Hearing Officers. The Clerk shall be the custodian of the official record of the Hearing Officer and shall keep indexed records of all resolutions, transactions, findings and determinations. All such records shall be official public records and shall be covered by all Florida Statutes pertaining to public records.

Section 303. Historic Preservation Board.

303.1. Purpose and Intent.

The Historic Preservation Board is established in order to preserve and protect Manatee County's archaeologically and historically significant sites, districts and zones; to encourage historical and archaeological preservation; to identify historic buildings and sites and archaeological sites in Manatee County; and to ensure appropriate preservation, restoration, renovation, development and adaptive reuse of historical buildings and archaeological sites.

303.2. Duties and Powers.

The Historic Preservation Board, in addition to such other powers, duties and authority as may be set forth elsewhere in this Code, shall have the following powers and duties:

A. Maintain and update files of the Manatee County Historic Survey for the purpose of identifying and conserving those sites, districts and zones of special archeological, historic, architectural, or cultural value or interest. In exercising this authority, the Historic Preservation Board shall endeavor to improve and expand the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and to periodically re-evaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance. The Manatee County Historic Survey shall utilize the format provided by the Florida Master Site File (FMSF), and the Building and Development Services Department shall provide copies of all survey forms to the FMSF.

B. Recommend properties for designation as historic landmarks, historical and archaeological overlay districts, and historic vista protection areas in accordance with the criteria and procedures specified in this Code for each type of action. Regulate and administer properties as historic landmarks and historic landmark districts.

C. Participate in, and review nominations of landmarks to, the national register program for Florida to the greatest possible extent, as specified by the 1981 amendments to the National Historic Preservation Act of 1966, as amended, and by regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Historic Preservation Office, which encourages such local participation and initiative.

D. Approve or deny Certificates of Appropriateness pursuant to this Code, or provide standards for administrative approval of certain Certificates of Appropriateness.

E. Recommend zoning text or atlas amendments to the Board for referral to the Planning Commission.

F. Recommend to vary, waive, or supersede provisions of this Code when appropriate as a means of encouraging significant historic preservation.

G. Recommend approval for certificates of transfer of development rights in accordance with procedures set forth by the Board.

H. Make recommendations to the Board concerning the transfer of development rights, facade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.

I. Maintain a record of archaeologically or historically significant sites, districts or zones within the County and update the record through ongoing historical resources surveys. The County shall provide copies of the current record to the Florida Master Site File (FMSF) and the State Historic Preservation Officer (SHPO).

J. Increase public awareness of the value of historic preservation by developing and participating in public information programs.

K. Make recommendations to the Board concerning the utilization of grants from Federal and State agencies or private groups and individuals, and utilization of County funds to promote the preservation of archaeologically, historically and aesthetically significant sites, districts and zones.

L. Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archaeologically, historically and aesthetically significant sites, districts and zones.

M. Contact public and private organizations and individuals and endeavor to arrange intervening agreements and/or actions to ensure preservation of archaeologically or historically significant sites, districts and zones for which demolition or destruction is proposed.

N. Recommend and approve placement of historic markers and plaques and issue recognition to designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas within Manatee County and those persons, organizations or entities deserving of recognition in the field of archeological, historic or aesthetically significant site preservation.

O. Advise the Board on all matters related to the use, administration and maintenance of County owned designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas.

P. Review and approve all projects and construction requiring Certificates of Appropriateness issued by the Historic Preservation Board pursuant to Section 347.

Q. Recommend to vary, waive or supersede provisions of this Code, to the appropriate agencies, when appropriate as a means of encouraging significant historic preservation. Request that the appropriate agencies or departments investigate alternative methods so that alterations required by the Florida Building Code, Florida Fire Prevention Code, Florida Americans with Disabilities Accessibility Implementation Act, and state health code are done in a manner to preserve character-defining spaces, features and finishes.

R. Determine, through a resolution, which activities may be approved administratively, without further review by the Historic Preservation Board for certain Certificates of Appropriateness.

S. Review and approve any variance regarding floodplain elevation of structures within the Cortez Fishing Village Historical and Archaeological Overlay District.

T. Subject to availability and appropriation of funds and advanced approval by the Board, attend local, state and national information or education meetings, workshops and conferences when such attendance is relevant to the duties of the Historic Preservation Board.

U. Any other function which may be designated by the Board.

The Historic Preservation Board is authorized to exercise the foregoing powers throughout unincorporated Manatee County. The responsibilities assigned to the Historic Preservation Board pursuant to this Section shall be complementary to the Historic Preservation Office of the State of Florida.

303.3. Membership and Meetings.

A. Membership. A Historic Preservation Board is hereby established which shall consist of five (5) members appointed by the Board.

B. Qualifications. Members of the Historic Preservation Board shall be qualified residents in Manatee County who have knowledge of archaeological, historical or architectural development or have deep concern for the preservation, development and enhancement of historic resources in the County. The Historic Preservation Board shall, whenever possible, be composed of professional members from the following disciplines: architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, and historic preservation or related disciplines. In the event there are insufficient professionals in the County, lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall comprise the balance of the historic preservation board.

C. Terms of Office. The term of office of the Historic Preservation Board members shall be for four (4) years. Not more than two (2) of such members' terms shall expire in any one (1) year. A member whose term expires shall continue to serve until his or her successor is appointed.

D. Removal from Office. Any member of the Historic Preservation Board may be removed from office, with or without cause, by majority plus one vote of the full membership of the Board following a hearing by the Board. In the event that any member is no longer a qualified elector or is convicted of a felony or any offense involving moral turpitude while in office, the Board shall terminate the appointment of such person as a member of the Historic Preservation Board.

E. Officers. The Historic Preservation Board shall annually elect a Chairman and Vice Chairman from among its members and may create and fill such other offices as necessary. Terms of all offices shall be for one (1) year with eligibility for re-election.

F. Vacancies. Whenever a vacancy occurs on the Historic Preservation Board, the Board shall fill such vacancy for the remainder of the term. The Board shall attempt to appoint new members within sixty (60) days of the date any vacancy, subject to availability of qualified individuals.

G. Quorum. Except as provided in this section, no meeting of the Historic Preservation Board shall be called to order, nor shall any business be transacted by the Historic Preservation Board, without a quorum consisting of at least three (3) members of the Historic Preservation Board being present. The Chairman shall be considered and counted as a member. When there is no quorum, those members of the Preservation Board who are present may convene for the purposes of continuing a public hearing or scheduling a special meeting.

H. Attendance. Historic Preservation Board members shall be removed from office by the Building and Development Services Director for failure to attend three (3) successive meetings, excluding workshop meetings, or when a member's absences exceed 25% of all scheduled meetings, including workshop meetings, in a calendar year if the absence is not approved by the Board for cause. Any member who fails to attend a meeting during a least 75% of the time of the meeting is in session shall be considered not to have attended the meeting,

I. Rules of Procedure. The Historic Preservation Board shall, by majority vote of the entire membership, adopt written rules of procedure as may be necessary for the transaction of its business. In any proceeding deemed quasi-judicial under this Code, the Historic Preservation Board shall adhere to the procedures established pursuant to this Code, and any additional procedures established by resolution by the Board.

J. Disclosure. Applicants for appointment to the Historic Preservation Board shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency including serving on an advisory board.

K. Ethics. Members of the Historic Preservation Board shall be subject to all applicable provisions of Chapter 112, Part III, Florida Statutes, regarding ethics for public officers.

L. Regular Meetings. Regular meetings of the Historic Preservation Board shall be held as necessary, with at least one (1) meeting held every three (3) months. Meetings may be called by the Chairman of the Board, the Chairman of the Historic Preservation Board, a majority of the members of the Historic Preservation Board, a majority of the Board or the County Administrator or his or her designee. If consideration of a matter is postponed for any reason, the Historic Preservation Board may continue the meeting to a special meeting or reschedule the matter to the next Historic Preservation Board meeting. The Building and Development Services Department shall notify all Historic Preservation Board members of the date of any continued meeting. A public notice and the agenda for each Historic Preservation Board meeting shall be advertised in a newspaper of general circulation in Manatee County at least thirty (30) calendar days before the meeting. Meeting agendas shall include information required by the rules of procedure.

M. Public Meetings. All meetings of the Historic Preservation Board shall be public meetings and conducted in accordance with the applicable rules of procedure.

N. Vote. No action of the Historic Preservation Board shall be valid unless authorized by a majority vote of the quorum. The Historic Preservation Board members shall be subject to Chapter 112, Part III, Florida Statutes.

O. Appeals. Any aggrieved person, including Manatee County, may file a petition for review of any final decision of the Historic Preservation Board to the Circuit Court (see Appeals section at the end of this chapter).

P. Staff. The Building and Development Services Department shall provide staff to the Historic Preservation Board for the performance of its duties and powers. Subject to availability and appropriation of funds, the County may enter into contracts to obtain additional expertise to the Building and Development Services Department in considering national register nominations when a professional discipline is not represented as a member of the Historic Preservation Board.

Q. Clerk. The Clerk of Circuit Court in his or her capacity as Clerk to the Board of County Commissioners shall likewise serve as Clerk to the Historic Preservation Board. The Clerk shall keep minutes of all Historic Preservation Board proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Historic Preservation Board and the vote of each member, or if absent, or, failing to vote, such fact. The Clerk shall be the custodian of the official record of the Historic Preservation Board and shall keep indexed records of all Resolutions, Certificates of Appropriateness, variances, transactions, findings and determinations.

R. Records. All records of the Historic Preservation Board, including but not limited to historic survey files and rules of procedure, shall be official public records and shall be open to the public in accordance with Chapter 119, Florida Statutes, pertaining to public records.

303.4. Certified Local Government Program.

A. Responsibilities of the Building and Development Services Department. The Building and Development Services Department shall perform all activities required for compliance with the Certified Local Government Program administered by the State Historic Preservation Officer ("SHPO"). The Building and Development Services Department shall provide written notice to the SHPO the next business day following the approval of any new historic landmark designation or alteration of any existing historic landmark designation. The Building and Development Services Department shall provide written notice to the SHPO no later than thirty (30) calendar days after any of the following events:

1. Changes in Historic Preservation Board membership.

2. Amendment of regulations governing the Historic Preservation Board: provided, however, that the SHPO shall review and approve any amendments prior to adoption by the Historic Preservation Board.

B. Reporting. The Building and Development Services Department shall provide duplicates of all documents to the SHPO and maintain written records verifying receipt of documents by the SHPO.

1. The Building and Development Services Department shall submit advance written notice of each Historic Preservation Board meeting to the SHPO at least thirty (30) calendar days before each meeting.
2. The Building and Development Services Department shall submit proposed amendments to any ordinance governing the Historic Preservation Board to the SHPO at least thirty (30) calendar days before the meeting at which such amendments will be considered; provided, however, that no amendments shall be adopted by the Historic Preservation Board until after the SHPO has reviewed and approved such amendments.
3. The Building and Development Services Department shall submit draft minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
4. The Building and Development Services Department shall submit approved minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting at which such minutes were approved.
5. The Building and Development Services Department shall submit written records of attendance by Historic Preservation Board members at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
6. The Building and Development Services Department shall submit written records of attendance by the public at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
7. The Building and Development Services Department shall submit an annual written report to the SHPO no later than November 1 of each year covering the time period from the previous October 1 through September 30. The annual report shall include the following information:
   a. A copy of the rules of procedure for the Historic Preservation Board;
   b. A copy of the historic preservation ordinance;
   c. Resumes of all Historic Preservation Board members;
   d. Changes to the membership of the Historic Preservation Board;
   e. The total number of projects reviewed by the Historic Preservation Board;
   f. A review of survey and inventory activity with a description of the system used;
   g. New historic landmark designations;
   h. New listings on the National Register of Historic Places; and
   i. A report of all grant assisted activities.

Section 304. Development Review Committee (DRC).

304.1. Establishment of Development Review Committee

There is hereby established a Development Review Committee (DRC). The structure, membership, and duties may be modified by the Department Director.

304.2. Duties and Powers

The DRC, in addition to such other powers, duties, and authority as may be set forth elsewhere in this Code, shall have the following powers and duties:

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A. To review the following applications and prepare comments addressing the application of all relevant codes:

1. Site Plans;
2. Subdivisions and Vacation of Streets;
3. Amendments to the Comprehensive Plan and Future Land Use Map;
4. Amendments to the Official Zoning Atlas;
5. Special Permits;
6. Land Development Code Amendments;
7. Developments of Regional Impact; and
8. Other applications referred to the Committee by the Department Director.

B. To determine the impact of proposed developments upon the County's public facilities and services.

C. To provide comments regarding consistency of the proposed application with the County's adopted Land Development Code.

D. To perform any other duties that may be lawfully assigned to it.

304.3. Membership, Officers and Meetings

A. Membership. The Development Review Committee shall be composed of representatives of County departments including, but not limited to, representatives of the following:

1. Building and Development Services Department
2. Health Department
3. Parks and Natural Resources
4. Neighborhood Services - Economic Development
5. Property Management
6. Public Safety
7. Public Works - Engineering
8. Public Works - Transportation & Concurrency
9. Utility Department

B. Officers. The Chairman of the Committee shall be the Department Director or a designee. Other offices and subcommittees to carry out the purposes of this section may be appointed by the Department Director as needed.

C. Meetings. The Committee shall meet on a regular schedule to be determined by the Department Director. Meetings will be noticed on the County Calendar and meeting minutes will be recorded. The DRC meetings shall be open to the public.

304.4. Rules of Procedure

The Committee shall, by majority vote of the membership, adopt written rules of procedure as may be necessary for the transaction of its business.

Section 305. to 309 Reserved.

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Part II. Development Review Procedures.

Section 310. Applicability.

310.1. Purpose and Intent.

The purpose of this Part is to set forth the procedural requirements and review criteria for decisions made pursuant to this Code and the Comprehensive Plan.

310.2. Development Order Required

The purpose of requiring a Development Order is to ensure the availability of adequate urban services, determine compliance with specific development standards, and calculate impact fee assessments, when applicable, prior to the issuance of a building permit.

A. Activities Requiring a Development Order. It shall be unlawful to change the use of an existing structure, modify an approved site plan, commence the clearing of land, excavations for, or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Department Director has issued a Development Order authorizing such activity.

B. Exceptions. In addition to the activities exempted in Section 101 of this Code, the following construction activities do not require a Development Order:

- swimming pools,
- decks,
- patios,
- fences,
- sheds (under 250 sq. ft.),
- sign installation,
- tree removal,
- exterior above-ground renovations,
- residential driveways,
- interior renovations which do not add dwelling units or change the occupancy of the building, and
- other minor additions to single family homes.

C. Review and Approval. The following sections contain the specific processing and review requirements for the various types of Development Orders required.

310.3. Building Permit Required.

All approvals, permits and certificates required by this Code must be applied for and obtained before an application for a building permit can be approved by the County. Where the Florida Building Code, this Code or other applicable Code requires a Building Permit, no start of construction or development shall occur until and unless the Building Department has issued a Building Permit for that development in accordance with the terms of this Code and the Florida Building Code.

310.4. Certificate of Occupancy Required.

A Certificate of Occupancy is required prior to:

A. Occupying a new building or structure, building addition, or structure alteration;

B. Establishing a new non-residential use within an existing building or structure; or

C. Changing the occupancy classification of an existing non-residential building or structure

310.5. Certificate of Completion**.**

Upon the satisfactory completion of improvements for a site plan approval, when no Building Permit is required, the Building Official shall issue a Certificate of Completion. This Certificate is proof that a structure or system is complete and, for certain types of building permits, is released for use and may be connected to a utility system. The Certificate of Completion does not grant authority to occupy or connect electrical service to a building, such as a shell building, prior to the issuance of a Certificate of Occupancy. This Certificate is issued by the Building Official.

310.6. Other Permits Required.

In addition to obtaining a Development Order from the County, the developer must also obtain all other applicable permits or exemptions as may be required by law prior to commencement of development.

Section 311. Code Interpretation.

311.1. Purpose.

The Department Director may, subject to the procedures and limitations of this section, issue written letters of interpretation of the provisions of one or more standards or requirements of this Code or the Comprehensive Plan as it relates to a particular type of development on a particular property.

311.2. Scope and Applicability.

Code interpretations may include, but shall not be limited to:

A. A determination of whether a particular use, which does not clearly fall under the definition of one of the uses specified in this Code and is not specifically allowed in the zoning district, is substantially similar to one of the permitted uses, Special Permit, or Administrative Permit uses allowed in the district and therefore should be allowed as such;

B. An interpretation of the definition of any term used in this Code or the Comprehensive Plan as it affects any development being proposed on a particular property;

C. An interpretation of the boundaries of a zoning district on the Official Zoning Atlas; and

D. A government-initiated interpretation, for the following circumstances:

1. Interpretation or clarification of a standard, requirement, zoning district boundary or term set forth in this Code, as applied to a particular property or development proposal, which will or could lead to a development approval; and

2. Where in the view of the Department Director or the requesting body or official, the formal establishment of such an interpretation or clarification is appropriate.

311.3. Application for Interpretation.

A letter of interpretation may be requested by any person. The request shall include a description of the facts and circumstances which are the basis for the request for an interpretation, including a description of the proposed development.

311.4. Action by Department Director.

Within a reasonable time after receipt of an application, the Department Director shall issue a letter of interpretation specifying the facts, reasons, analysis and standards upon which the interpretation is based.

A. No interpretation shall authorize any use in a zoning district unless the Director determines that the use is substantially similar to a use specified as a permitted, administrative permit or special permit use in that district and is no more similar to any other use specified in this Code as a permitted, administrative permit or special permit use in any district.

B. No interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question and no interpretation shall have the effect of amending, abrogating or waiving any standard or requirement established in this Code.

C. No interpretation shall have the effect of changing zoning on a parcel of land.

D. No interpretation of this Code shall result in an inconstancy between this Code and the Comprehensive Plan.

E. No interpretation shall itself authorize the carrying out of any development.

311.5. Official Record.

The Department Director shall maintain an official record of all formal interpretations and shall periodically prepare Code amendments to incorporate the interpretations into the code.

Section 312. Procedures of General Applicability.

312.1. Level of Review Required

Decisions made pursuant to this Land Development Code shall be classified as Legislative, Quasi-Judicial or Administrative. Based on the type of application, various levels of review are required prior to the issuance of a development order as shown in Table 3-1. The following sections contain the specific requirements for each level of review:

Table 3 - 1: Development Order Review Authorities

APPICATION TYPE	SEE SECTION	APPROVAL TYPE	PRE-APPLICATION MEETING	DRC	DEPARTMENT DIRECTOR	WORK-SHOP [3]	HEARING OFFICER	PLANNING COMMISSION	BOCC
Site Plans:									
General Development Plan	321	Q	No	Yes	Yes	Yes	No	Yes	**Yes**
Preliminary Site Plan	322	Q	No	Yes	Yes	**Yes**	No	Yes	**Yes**
Final Site Plan	323	Q	No	No	**Yes**	**No**	No	**No**	No
Subdivisions:									
Vacation of Streets/Plats	331	L	Yes	No	Yes	No	No	No	**Yes**
Preliminary Plat	333	Q	Yes	Yes	**Yes[1]**	No[1]	No	No[1]	No[1]
Construction Drawings	334	A	No	No	**Yes**	No	No	No	No
Final Plat	335	Q	No	No	Yes	No	No	No	**Yes**
Comprehensive Plan/LDC/Zoning Map Amendments[2]:									
Comprehensive Plan/Future Land Use Map amendments (area-wide)	340	L	Yes	Yes	Yes	Yes	No	Yes	**Yes**
Comprehensive Plan/Future Land Use Map amendments (site-specific)	340	L	Yes	Yes	Yes	Yes	No	Yes	**Yes**
LDC Amendments	341	L	Yes	No	Yes	Yes	No	Yes	**Yes**
Zoning Atlas amendments (area-wide)	342	L	Yes	Yes	Yes	Yes	No	Yes	**Yes**
Zoning Atlas Amendments (site specific, PD)	342	Q	Yes	Yes	Yes	Yes	No	Yes	**Yes**
Other Activities:									
Administrative Permit	346	A	No	No	**Yes**	No	No	No	No
Certificate of Appropriateness	347	Q	Yes	No	Yes	No	No	**HPB**	No

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APPICATION TYPE	SEE SECTION	APPROVAL TYPE	PRE-APPLICATION MEETING	DRC	DEPARTMENT DIRECTOR	WORK-SHOP [3]	HEARING OFFICER	PLANNING COMMISSION	BOCC
Certificate of Appropriateness (Administrative)	347	A	Yes	No	**Yes**	No	No	No	No
Certificate of Level of Service (extension 1+ yrs.)	360	Q	No	Yes	Yes	No	No	Yes	**Yes**
Certificate of Level of Service (new)	360	A	No	Yes	Yes	No	No	Yes	**Yes**
Code Interpretations	311	A	No	No	**Yes**	No	No	No	No
Special Permit	316	Q	Yes	Yes	Yes	Yes	**Yes**	No	No
Development Agreement	350	L[4]	Yes	Yes	Yes	Yes	Yes	Yes	**Yes**
DRI Development Order	348	Q	Yes	Yes	Yes	Yes	Yes	Yes	**Yes**
Environmental Preserve Management Plans	351	Q	No	Yes	Yes	No	No	Yes	**Yes**
Floodplain Variances	802.8	Q	Yes	No	Yes	No	No	**HPB**[5]	No
General Plan for Educational Facilities	353	Q	No	No	Yes	No	No	No	**Yes**
Historic Designations	710	Q	Yes	No	Yes	No	No	**HPB**	No
Modification of Standards	365	A	No	No	**Yes**	No	No	No	No
Temporary Use Permits	354	Q	No	No	**Yes**	No	No	No	No
Variance	367	Q	Yes	No	Yes	No	**Yes**	No	No
Zoning Compliance Permit	346	A	No	No	Yes	No	No	No	No

Legend: A = Administrative; L = Legislative; Q = Quasi-judicial; HPB = Historic Preservation Board; **Bold** = Indicates approving authority.

[1] Required if the application also triggers the thresholds for General Development Plan review and the applications are processed concurrently.

[2] Amendments to the Official Zoning Map are deemed to be legislative if they are County initiated and include a large number of properties which would be similarly affected by the proposed change. Otherwise, the application is deemed quasi-judicial.

[3] Optional

[4] Development Agreements will generally be treated as Legislative except when required to be treated as quasi-judicial pursuant to applicable law.

[5] HPB review in lieu of Hearing Officer for floodplain variances within the Cortez Fishing Village HA Overlay.

312.2. Pre-Application Meeting.

Whenever a pre-application meeting is required per Table 3-1, the applicant must request such meeting with the Department Director, prior to filing an application, to discuss the development review process requirements. The applicant is encouraged to bring preliminary plans and data to show existing conditions of the site and its vicinity and the proposed layout. It is intended that the meeting will assist the applicant in preparing plans which will meet the requirements of the code. Comments made by staff at a pre-application meeting are made solely for preliminary informational purposes and shall not be construed as an approval or denial or agreement to approve or deny any development order. Failure of staff to identify any required permits or procedures at a pre-application conference shall not relieve the applicant of any such requirements nor constitute waiver of the requirement by the decision-making body.

312.3. Application Submittal.

A. Application Forms and Requirements. The Department Director shall establish application forms and submittal requirements for all development applications required by this Chapter. Application fees are established by Resolution by the Board of County Commissioners.

B. Concurrent Applications. Applicants for projects requiring more than one type of review (e.g. Special Permit and General Development Plan) may submit concurrent applications if determined appropriate by the Department Director.

C. Authority to Enter Premises. The submission of an application for development approval shall confirm or authorize the right of reasonable entry to a premises, lot or parcel associated with the development approval request. This right of entry shall extend to all County employees, members of various boards, appropriate reviewing agencies, and any other agencies, or any designee of the above, along with their motor vehicles, which are responsible for the review of development approval requests and inspections of those approvals.

312.4. Completeness **Review** of Application.

When an application for development approval is submitted, the Department Director shall make a determination as to whether the application is complete and whether the application is in conformance with the land uses, density and intensity allowed by the future land use category.

A. If the Department Director determines that the application for development approval is not complete or not in conformance with the land uses, density and intensity allowed by the future land use category, he or she shall notify the applicant in writing that the application is incomplete and shall specify the additional information required in order for the application to be determined to be complete or the modification necessary for conformance. No further action shall be taken on the application unless and until the additional information is submitted and determined to be complete by the Department Director. If the incompleteness has not been remedied within thirty (30) days of receipt of notice thereof, the application shall be deemed withdrawn. Application fees may be refunded in accordance with Section 312.5.E.

B. When an application for development approval is determined to be complete, the Department Director shall notify the applicant, and shall forward the application to the Development Review Committee for sufficiency review. A determination of completeness shall not constitute a determination of compliance with the requirements of this Code or Comprehensive Plan.

312.5. Sufficiency **Review** of Application**.**

A. Review

1. After an application is determined to be complete, the Planning Director shall forward copies of the application to the DRC for sufficiency review. Applications that do not require DRC review per Table 3-1 shall be reviewed by the Planning Director for sufficiency. For purposes of this Section, "sufficiency review" shall constitute an analysis of whether a proposed application:

   a. Meets the stated objective requirements of the Comprehensive Plan, this Code and the County's rules and regulations; and

   b. Includes the necessary analysis and information to enable the approving authority to make the necessary determinations under the Comprehensive Plan and this Code.

2. The Department Director will notify the applicant of the date and time when the DRC will review the application. Applicant attendance at this meeting is optional.

3. The DRC shall notify the Department Director if the application was determined to be sufficient, if any insufficiencies were found, or if additional information is required to be submitted. If the application is found insufficient, the DRC shall issue a report listing the code requirements that need to be addressed. The DRC reserves the right to require a second review meeting based on the level of plan changes requested.

4. The DRC or Department Director, as applicable, may also include comments and recommendations regarding evaluative and case-specific factors for consideration under this Code and the Comprehensive Plan, but shall not treat such comments or recommendations as insufficiencies for purposes of this Section.

5. Upon receipt of a sufficiency determination from the DRC, or election to proceed from the applicant notwithstanding insufficiencies, the Department Director shall:

   a. In the case of administrative decisions, take administrative action required by this Code; or

b. In the case of legislative or quasi-judicial decisions, prepare a report and recommendation to the appropriate decision-making or recommending body and schedule a hearing.

Specified insufficiencies may be resolved by the written consent of the applicant, which shall be provided in writing to the Planning Director in advance of scheduling the hearing.

B. Incorrect Information.

1. The DRC shall have the right to rely on the accuracy of statements, documents and all other information presented to them by the applicant, applicant's attorney or agent, in review of an application for development approval issued under this Code.
2. In the event that an applicant, its attorney or agent presents or submits false or incorrect information, regardless of whether such information is presented fraudulently or deceitfully, concerning a material fact or consideration relating to an application for any type of development order or permit issued under this Code, the approving authority may take action to rescind such development approval or development order. Upon notice to an applicant that the County is considering rescission of a development approval or development order because it was based in part on false or incorrect information, any work performed by or at the request of the applicant on the subject property shall be at the risk of the applicant.

C. Abandonment. An application for development approval shall be deemed to have been abandoned six (6) months after the date of issuance of review comments if the applicant has failed to respond in writing to review comments in a manner that addresses each item identified by staff as necessary to render the application complete or to address an insufficiency.

D. Extension. One (1) or more extensions of time for periods of not more than ninety (90) days each may be allowed by the Department Director for abandoned applications provided each extension is requested in writing and justifiable cause is demonstrated.

E. Withdrawn Applications. Upon written request to the Department Director, an applicant who has paid the appropriate fee but withdraws the application prior to any review or advertising by County staff may be entitled to a refund.

F. Additional/Revised Information. If an applicant submits additional or revised data or information at any time after a determination of sufficiency has been made, or if previously submitted data or information is determined by the County to be unreliable because of passage of time or changed circumstances, the revised application will be subject to the same sufficiency review and fee as the initial application.

G. Examination and Copying of Application and Other Documents. At any time upon reasonable request, and under the supervision of the Department Director, any person may examine an application for development approval and materials submitted in support or in opposition, in accordance with Chapter 119, Florida Statutes. Copies of such materials shall be made available upon payment of the appropriate fee as prescribed in an official fee schedule.

312.6. Neighborhood Workshops.

Applicants are encouraged to hold a neighborhood workshop during the application process. The Department Director or the Board may require an applicant to hold a neighborhood workshop for any application that, in the view of the Department Director or Board, has potential neighborhood impacts.

The purpose of the neighborhood workshop is to ensure early citizen participation in an informal forum in conjunction with development applications, and to provide an applicant the opportunity to understand any impacts an application may have on an affected community. These workshops ensure that citizens and property owners have an adequate opportunity to learn about applications that may affect them. A neighborhood workshop is not intended to produce complete consensus on all applications, but to provide information about the application to adjacent property owners. Neighborhood workshops shall be noticed as required in Table 3-2.

A. Workshop Time and Location. Prior to scheduling a neighborhood workshop, the applicant shall coordinate the meeting date, time and location with the Department Director. The initial workshop shall be held within the general area of the subject property. Additional workshops may be held but are not required.

B. Workshop Elements. At the workshop, the applicant shall present the plans, information and data as needed to inform the public of the proposed development.

C. Workshop Summary. The applicant shall submit to the Department, as part of the application, a summary of the materials presented at the workshop, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, and a copy of the workshop advertisement and a copy of the mailed notices sent to property owners.

312.7. Notice of Public Hearings.

All meetings of the Board of County Commissioners, the Planning Commission, Hearing Officer, and the Historic Preservation Board are subject to the notice requirements under this section, the Florida Statutes and the Rules of Procedure of the Board of County Commissioners. If there is ever a conflict between the provisions of this Code and state law relative to notice matters, the most restrictive shall prevail and apply. The applicant shall be responsible for all costs incurred by the County in the issuance and publishing of notices.

A. Notice Types. The types of public notice used for various public hearings include *mailed* notice, *published* notice, and *posted* notice by signs located on the subject property. The public notices noted in Table 3-2 are required for each public hearing.

Table 3 - 2: Required Public Notice for Development Applications

	Type of Notice		
Application	**Mailed**	**Published**	**Posted**
Neighborhood Workshop	X	-	-
Comprehensive Plan Amendment, Text	-	X	-
Comprehensive Plan Amendment, Map	X	X	X
LDC Text Amendment	-	X	-
Rezoning (incl. Rezoning to Planned Development)	X	X	X
Special Permit	X	X	X
General Development Plan	X	X	X
Final Site Plan	-	-	-
Preliminary Plat	-	-	-
Final Plat	X	X	X
Vacation of Streets/Plats	-	X	X
Variance	X	X	X
CLOS Appeal to Hearing Officer (other than administratively approved)	-	X	X
Local Development Agreement	-	X	-

B. Mailed Notices.

1. *To Whom Provided.* Public notices for public hearings shall be mailed by the County to all individuals and property owners indicated below. In any instance where applicable law requires additional notice or a different publication time frame, the form or timeframe of the notice shall be adjusted accordingly to comply with such applicable law.

   a. All property owners of the land subject to the application.

   b. The Manatee County School Board if the application involves residential development.

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c. All property owners within five hundred (500) feet of the boundaries of the development site. If any dwelling unit within the required notification area is part of a neighborhood association or property owner's association, and that information is a matter of record with the Department, the association shall receive written notice of public hearing and workshop.

2. *Mailing and Postmarking.* Notices shall be mailed a minimum of ten (10) days prior to the hearing and fifteen (15) days prior to the neighborhood workshop, with the exception of Board initiated changes to the Official Zoning Atlas for properties ten (10) acres or larger, which shall be mailed a minimum of thirty (30) days prior to the initial public hearing. Notice shall be deemed mailed by its deposit in the mail, properly addressed and with sufficient postage paid.

3. *Notices for Neighborhood Workshops.* Public notices for neighborhood workshops, as well as a mailing list, will be provided by the Department Director to the applicant, who shall be responsible for mailing the notice.

C. Published Notices.

1. The Department Director shall prepare the content of the notice and be responsible for publishing the notice in a newspaper of general circulation selected by the county.

2. The cost of publishing such notice shall be borne by the applicant. .

3. Unless otherwise required by State law, the advertisement shall be published no less than ten (10) days prior to the date of the public hearing.

4. To the extent authorized by, and in accordance with, applicable law, the Board may direct the Department Director to mail a notice to each person owning real property within the area covered by amendments involving changes to the actual list of permitted, special or prohibited uses within a zoning category, or Board initiated changes to actual Official Zoning Atlas designations of ten (10) contiguous acres or more, in lieu of the published notice otherwise required. Such notice shall clearly explain the proposed ordinance and shall notify the person of the place and location of both public hearings on the proposed ordinance. In lieu of publishing the advertisements set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution (Section 125.66(4)(b)3, FS).

D. Posted Notices. Signs shall be posted by the applicant as instructed by the Department Director. Notice shall be posted on weather resistant signs in a form established by the Department.

1. *Timing of Posted Notice.* The sign shall be posted not less than ten (10) days nor more than forty (40) days in advance of the scheduled hearing date, unless the Department Director requires earlier notice.

2. *Maintenance.* The applicant shall ensure that the signs are maintained and remain on the site until completion of the final action on the application.

3. *Location of Signs.* Notice shall be posted no more than fifteen (15) feet from the front lot line, so as to be clearly visible from the public way.

4. *Lack of Street Frontage.* If the land does not have frontage on a street, at least one sign shall be placed on the property at the access point and additional signs shall be placed on the nearest public right-of-way with an indication of the location of the subject property.

5. *Additional Signage Required.* More than one (1) sign and/or a larger sign may be required to be posted by the Department Director, if it is determined to be necessary to ensure adequate public notice. Such additional signs shall be posted in a number and location determined by the Department Director.

6. *Removal of Posted Signs.* The applicant shall remove all posted signs within ten (10) days after final action on the application.

E. Contents of Mailed and Published Notices. All mailed and published notices shall include the following information:

1. *Statutory Requirements.* For public notice required by Sections 125.66 or 163.3184, Florida Statutes, the standards for those sections shall apply.

2. *Title.* The title of the published notice for hearings shall be "Notice of Public Hearing";
3. *Nature of Application.* The application number, the application type, and the description of the proposal or request.
4. *Location, Time and Date.* The scheduled date, time and location of the hearings or workshops.
5. *Location of the Subject Property.* A description of the land involved by street address, if any, or by legal description or parcel number(s). For mailed notices, a location map shall be included, indicating the location and general boundaries of the property with reference to the closest intersection of public streets, when possible.
6. *Size of Subject Property.* The total size of the parcels, rounded to the nearest one-tenth of an acre.
7. *Comprehensive Plan and Zoning Designations.* The future land use map designation and zoning district of the property subject to the application.
8. *Materials Available for Public Information.* The application, staff report and related materials may be inspected by the public during normal business hours at the county administration building or on the County's website (www.mymanatee.org).
9. *Other Information.* The notice shall also state,
   a. that persons may appear and be heard;
   b. that written comments filed with the Department Director will be entered into the record;
   c. that the hearing may be continued from time to time as necessary;
   d. a telephone number for more information;
   e. the title of the ordinance under consideration, if applicable; and
   f. such additional information as may be required pursuant to this Code or applicable law for specific types of development approval.

F. Additional Notice for Continued, Rescheduled or Reopened Meetings. Notice of subsequent hearings shall be mailed and published in accordance with this section for:

1. Any hearing for which the Board, Department Director or County Attorney determines new notice should be provided, because of the time elapsed from the original notice, or to correct any defect or apprise affected parties of significant changes to the application as originally noticed;
2. Any hearing continued to an unspecified date, time and place; and
3. Any hearing where such new notice is required pursuant to applicable law or this Code.

G. Affidavit of Notice. Affidavits confirming that the required publication, mailing and/or posting of the notice was provided shall be filed with the Department Director at least five (5) days prior to the date of the hearing. Such affidavits shall be accompanied by a complete list of the names and last known addresses of the persons entitled to notice and the method by which notice was provided. Such affidavits shall also certify that signs were posted in compliance with the standards of this Chapter including provision of photographs upon request of the Department Director of all signs as part of the affidavit. Failure to provide such affidavits will require postponement of the hearing date and may require repeat of required notification procedures.

H. Defects in Notice. If a defect in notice not caused by an intentional or negligent act or omission of the applicant is discovered after the conclusion of the hearing, it shall not in any way affect the action taken at such hearing. In accordance with applicable law, if a substantial defect in notice is discovered prior to the hearing, then such notice shall be redone and the hearing rescheduled.

312.8. Public Hearings.

Upon issuance of the written recommendation by staff, the application shall be scheduled for a public hearing before the applicable approval/reviewing authority pursuant to this Code. The approving/reviewing authority (Planning Commission, Hearing Officer, Historic Preservation Board or Board of County Commissioners) shall conduct the public hearing in

accordance with the hearing requirements noted in this section. At the hearing, the authority shall approve, approve with conditions, or deny the application.

A. General Hearing Requirements. Public hearings held by the Hearing Officer, Historic Preservation Board, Planning Commission and Board of County Commissioners to review Development Order requests shall be conducted in accordance with the requirements of the Florida Statutes and the following provisions:

1. *Scheduling.* When the Department Director has determined that an application has been found sufficient, and that a public hearing is required by this Code, he or she shall schedule a date, time and place for the required hearing.
2. *Public Notice.* The public shall be notified of the hearing as provided in this chapter.
3. *Representation.* Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization, upon receiving proper recognition from the person presiding over the hearing. Anyone representing an organization must present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration, unless the person presiding over the hearing waives this requirement. Each person who appears at a public hearing shall identify himself/herself and his/her address and, if appearing on behalf of an organization, shall state the name and mailing address of the organization.
4. *Irrelevant Testimony Excluded.* The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. Any person may ask relevant questions of other persons appearing as witnesses, but shall do so only through the person presiding over the hearing. Such questions may be excluded by the person presiding over the hearing where the answer to the question would be repetitious, or is an attempt to harass the witness.
5. *Continuance and Adjournment.* The body conducting the hearing may, on its own motion or at the request of any person, continue the hearing to a fixed date, time and place. In the event that the continuance is to a specified date, time and place, the specific date, time and place of the continued public hearing shall be publicly announced at the meeting at which the continuance is approved.
6. *Hearing Reopening.* The Hearing Officer may reopen a hearing for extraordinary cause. Reopening of a hearing shall take place prior to the issuance of a Development Order or variance. To reopen a hearing, the Hearing Officer must file with the Clerk of the Circuit Court a statement of the reasons for such reopening. Such reopening shall only be ordered when the Hearing Officer has insufficient information to make a recommendation or decision where it is necessary to avoid undue injury to the County or the applicant, or other similar causes. Upon making a finding that the hearing should be reopened the Hearing Officer shall schedule with the Department Director a date for the hearing, not to exceed forty-five (45) days from the filing of the affidavit. Notice of the reopened hearing shall be provided in accordance with this chapter.

B. Quasi-Judicial Hearing Procedures. All quasi-judicial hearings conducted pursuant to this Code by the Board, Planning Commission, Hearing Officer, Historic Preservation Board, or any other body or official, shall be conducted in accordance with this Code and the rules of procedure for quasi-judicial hearings established by the Board. In all quasi-judicial proceedings, the applicant shall bear the burden of demonstrating by competent and substantial evidence that the application satisfies the standards and requirements of this Code and the Comprehensive Plan. Quasi-judicial hearings shall meet the following requirements:

1. *Oaths Required.* In all public hearings for quasi-judicial matters, all testimony and evidence shall be given under oath or by affirmation to the body conducting the hearing.
2. *Procedure.* The reviewing authority may call and question witnesses as deemed necessary and appropriate.
3. *Transcript.* For Hearing Officer proceedings, the Department Director shall ensure that a transcript of the hearing will be made available upon request of the Hearing Officer, or any party at its expense, and shall be part of the record for the hearing. If requested, a copy of the transcript shall be furnished to the Hearing Officer or any party at its expense within ten (10) days of the close of the hearing.
4. *Action by the Hearing Officer.* Upon the close of the public hearing and consideration of the record, the Hearing Officer shall:

a. Issue a decision to approve, approve with conditions, or deny the Development Order; or

b. Determine that more information is necessary, refer the application back to the staff, and schedule an additional public hearing to consider any additional evidence necessary to decide upon the Development Order; or

c. Issue a Notice of Intent to approve, approve with conditions, deny, or determine more information is necessary and reopen the public hearing by the Hearing Officer.

5. *Final Order.* After issuance of the Notice of Intent by a Hearing Officer, parties of record shall have five (5) business days in which to file a response with the Department Director. Within ten (10) business days from the date of receipt of response, the Hearing Officer shall:

a. Issue the order approving, approving with conditions or denying the application; or

b. If, after reviewing the responses, the Hearing Officer determines that there is substantial new information which would materially affect the decision and which was not reasonably available at the time of the public hearing, he/she shall reopen the public hearing pursuant to Section 312.8.A.6.

6. *Findings and Recommendations.* For Hearing Officer proceedings, the Hearing Officer shall, within twenty-one (21) calendar days of the public hearing, issue a written report detailing the findings of fact, conclusions of law and recommendation regarding approval or denial of the application. The Hearing Officer's findings shall include:

a. A summary of record of the public hearing;

b. The standards relevant to the application;

c. Conclusions of law as to whether each standard has been satisfied; and

d. A Notice of Intent to issue a final decision, if involving an appeal of determinations regarding levels of service or a Development Order.

7. *Notice of Action/Recommendation.* Any person wishing to receive notice of a final decision or recommendation may supply the Department Director with his/her name, address, and a stamped self-addressed envelope for that purpose.

C. Legislative Hearing Procedures. When reviewing applications of a legislative nature (see Table 3-1), the Historic Preservation Board, Planning Commission and Board of County Commissioners shall comply with the provisions of Subsection A (General Hearing Requirements), above. Upon the close of the public hearing and consideration of the record, the approving authority shall:

1. Approve, approve with conditions or deny the application (if acting as final approval authority), or issue a recommendation to the BOCC for approval, approval with conditions or denial; or

2. Determine that more information is necessary, refer the application back to the staff, and schedule an additional public hearing to consider any additional evidence necessary to decide upon the application.

D. Approval Subject to Conditions. When approving special use permits, the Hearing Officer may attach such conditions to the approval as deemed necessary to assure compliance with this Code. Such conditions may address matters including, but not limited to: limitations on size, bulk and location; duration of construction period; requirements for landscaping, signage, outdoor lighting and the provision of adequate ingress and egress; duration of the approval; design and appearance; hours of operation; and the mitigation of traffic and environmental impacts. Such conditions may be imposed for a specified period of time, after which time the condition shall expire and the obligations of the applicant pertaining to such condition shall be automatically terminated. The applicant shall address the conditions prior to the issuance of a building permit or a zoning compliance permit if no building permit is required.

312.9. Effect of Development Order Approval.

The issuance of a Development Order does not authorize the disturbance of any part of the subject property involved. A Development Order only authorizes the filing of an application for a building permit, or to proceed to the next step in the process, as indicated in Table 3-1.

Development orders are not transferable to other properties. However, so long as the land or structure or any portion thereof covered under the development order continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the development order) may make use of the land except in accordance with the conditions and requirements of the development order. The provisions of the development order run with and burden the real property to which it relates.

312.10. Enforcement and Administrative Errors.

A. Applicants for Development Order approval shall be responsible for ensuring that all development proceeds in accordance with the terms and conditions of any development order, permit, or certificate issued to the applicant. A determination by the Department Director that the terms and conditions of the approval have been violated shall constitute a violation of this Code subject to the provisions of Chapter 1.

B. When a Development Order is issued through administrative error, the error shall be called to the attention of the applicant as soon as possible after it is discovered. If the error is not voluntarily corrected within fourteen (14) days, the matter shall be processed pursuant to the provisions of Chapter 1.

C. An applicant shall be responsible for any aspect of an application that fails to comply with the requirements of this Code or the Comprehensive Plan, such that approval of such application in error by the County shall not operate to grant the applicant an exemption from any such requirement. The applicant shall be responsible for bringing the development into compliance with such requirement, or, if such development cannot be brought into compliance for whatever reason, obtaining such additional development orders or approvals as are necessary under this Code to reconcile such error.

312.11. Recording of Approved Development Orders.

An approved Development Order for Special Permits, Variances, and Developments of Regional Impact shall be recorded, at the applicant's expense, in the official records of the County maintained by the Clerk of the Circuit Court. The purpose of recording the development order shall be to notify subsequent purchasers of any limitations on the use of the land.

Section 313. to 314 Reserved.

Part III. Administrative Permit and Special Permit Approval.

Section 315. Administrative Permits.

315.1. Purpose.

This Section is established to provide for the granting of Administrative Permits by the Department Director for certain activities, which by their scale, duration or nature, would not generally have an adverse impact on their surroundings when controlled in accordance with the standards set forth in this Code.

315.2. Administrative Permit Required.

Those uses listed in the schedule of uses in Chapter 4 as AP may be established in that district only after issuance of an Administrative Permit in accordance with this section. The issuance of an Administrative Permit does not waive the requirements for a building permit or other required approvals.

315.3. Approval Authority.

The Department Director is hereby authorized to decide all applications for Administrative Permits but shall not have the authority to attach conditions, to waive or modify the requirements of this Code, rule on the compatibility of

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proposed uses, or exercise any other discretionary authority except as may be specifically authorized pursuant to this Code. The Department Director may, however, include terms in Administrative Permits that impose time limitations, limitations on transfer, and restrictions on renewals or extensions of such permits.

315.4. Application Requirements.

The Department Director shall establish administrative procedures setting forth the requirements for information to be submitted with any application for an Administrative Permit.

315.5. Review Procedures.

All applications for Administrative Permit shall be reviewed and processed for completeness and sufficiency pursuant to this Chapter. Within a reasonable time after receipt of the sufficiency review comments, the Department Director shall approve or deny the application and shall furnish the applicant a written statement (if requested in writing by the applicant) of the reasons for any denial.

315.6. Standards for Review and Approval.

All Administrative Permits shall be reviewed under the standards set forth in this Code, including, without limitation, Chapter 5. No Administrative Permit shall be issued unless found to be in compliance with such provisions.

315.7. Appeals.

See Part X of this Chapter.

315.8. Effect of Approval.

Administrative approvals authorize the applicant to proceed with a Building Permit application (if not processed concurrently), or Certificate of Occupancy if no building permit is required.

315.9. Expiration.

An Administrative Permit approval without a site plan approval (general development, preliminary or final) shall expire automatically without notice in one (1) year unless, before that time, the applicable Building Permits or Certificate of Occupancy or Certificate of Completion have been issued or the use has been otherwise legally established in accordance with this Code. Administrative permit approvals with a site plan approval shall be valid for the life of the site plan approval.

315.10. Extension.

An extension of this time period may be requested by filing, prior to the expiration, a letter requesting an extension with the Department Director. The letter must state the reasons for the request. No more than one (1) extension may be granted under the provisions of this subsection. Such extensions may not exceed a period of one (1) year from the original date of expiration of the Administrative Permit.

315.11. Abandonment.

An Administrative Permit for any use that is discontinued for longer than one (1) year shall be deemed abandoned, and rendered invalid. Such use may be reestablished only through the approval of a new Administrative Permit pursuant to this section.

315.12. Alterations to Approved Administrative Permits.

Modifications to a development approved through the AP process shall be handled as follows:

A. Site plan layout modifications and changes to the use require a new Administrative Permit.

B. Building additions of less than 1,000 square feet, which do not affect the site plan layout, do not require

Administrative Permit approval

Section 316. Special Permits

316.1. Purpose.

The purpose of Special Permits to provide individual review of the location, design, configuration, operation and the public need for the particular use at the particular location proposed to assure consistency with this Code and the Comprehensive Plan. Each Special Permit may require the imposition of individualized conditions to achieve such consistency and to ensure that the proposed use is appropriate at its particular location.

316.2. Special Permit Required.

Those uses listed in the schedule of uses in Chapter 4 as SP may be established in that district only after issuance and recordation of a Special Permit in accordance with this section. The issuance of a Special Permit does not waive the requirements for a building permit or other required approvals.

316.3. Approval Authority.

The Hearing Officer is hereby authorized to decide all applications for Special Permits and may attach conditions pursuant to Section 312.8.D, rule on the compatibility of proposed uses, or exercise any other discretionary authority except as may be specifically authorized pursuant to this Code. The Hearing Officer may also include terms in Special Permits that impose time limitations, limitations on transfer, and restrictions on renewals or extensions of such permits.

316.4. *Application Requirements.*

The Department Director shall establish administrative procedures setting forth the requirements for information to be submitted with any application for a Special Permit.

316.5. Review Procedures.

A. Staff Review. All applications for Special Permit shall be reviewed for completeness and sufficiency pursuant to this Chapter. Within a reasonable time after receipt of the sufficiency review comments, the Department Director shall deliver to the Hearing Officer a copy of the application and a written report summarizing the facts of the case, incorporating or summarizing the comments of the Planning Department and the DRC, and schedule a date for a public hearing. The staff report shall include an analysis of compliance with the general and specific standards set forth in this Section and recommended action on the case, including approval, denial or approval with conditions.

B. Neighborhood Workshop. The applicant shall hold a public workshop per Section 312.6.

C. Public Hearing on Special Permit. Upon receiving the application, report and recommendation from the Department Director and comments from the DRC, the Hearing Officer shall hold at least one (1) public hearing on an application for a proposed Special Permit in accordance with the procedures set forth in this Code.

316.6. Standards for Review and Approval.

A Special Permit request shall not be approved unless it meets the following:

A. The proposed use shall be consistent with the Comprehensive Plan and the requirements of this Code;

B. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare;

C. The establishment of the use shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district;

D. Adequate measures shall already exist, or shall be taken, to provide ingress and egress to the proposed use

in a manner that minimizes traffic congestion in the public streets;

E. The use, as proposed, is compatible with the surrounding uses and the general desired character of the area (height, bulk, scale, intensity, traffic, noise, drainage, lighting, and appearance);

F. Development of the proposed use shall not have a substantial adverse effect on a known archaeological, historical or cultural resource located on or off the parcel proposed for development;

G. Screening and buffers are proposed of such type, dimension and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.

316.7. Appeals.

See Part X of this Chapter.

316.8. Effect of Approval.

Issuance of an order approving a Special Permit shall authorize the applicant to proceed through the development process required pursuant to this Code. Any County department responsible for considering an additional required approval (such as site plan, CLOS, Building Permit, Certificate of Occupancy, for example) shall review the application for such additional required approval to assure compliance with the Special Permit and any conditions thereof, and shall not grant any additional approvals for development that does not comply with the Special Permit and any conditions thereof.

Upon the satisfactory completion of all required improvements and applicable approvals required pursuant to this Code, the Special Permit shall authorize the establishment of the approved use, structure and improvements, subject to any conditions of the Special Permit, the requirements of this Code and applicable law.

316.9. Expiration.

Unless otherwise provided in the order approving the Special Permit, a Special Permit shall automatically expire one (1) year after the date of approval if the next approval in the process (final site plan approval, building permit or certificate of occupancy) has not been issued.

316.10. Extension.

An extension of this time period may be requested by filing, prior to the expiration, a letter requesting an extension with the Department Director. The letter must state the reasons for the request. No more than one (1) extension may be granted under the provisions of this subsection. Such extensions may not exceed a period of one (1) year from the original date of expiration of the Special Permit.

316.11. Abandonment.

A Special Permit for any use that is discontinued for longer than one (1) year shall be deemed abandoned, and rendered invalid. Such use may be reestablished only through the approval of a new Special Permit pursuant to this section.

316.12. Alterations to Approved Special Permits.

Non-substantial amendments to an approved Special Permit may be approved by the Department Director. Any substantial amendment or modification shall require the issuance of a subsequent development order by a Hearing Officer. Substantial amendments include the following:

A. Any modification to the conditions of approval;

B. A major shift in the location of a building or structure;

C. Changes that would affect the project's Certificate of Level of Service;

D. Changes that will conflict with the applicable zoning district requirements or other requirements of this Code;

E. An increase or decrease of more than ten (10) percent of the number of parking spaces approved;

F. Structural alterations affecting the basic size, construction and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within fifty (50) feet of the boundaries of the lot or within fifty (50) feet of any part of the structure subject to the Special Permit which has been constructed or sold to any owner or owners different from the applicant requesting the change;

G. A reduction in the total amount of open space of more than five (5) percent or any minor change in the location or characteristics of open space;

H. Major change in the location or type of pedestrian or vehicular access points or circulation.

I. An increase in intensity or density within five hundred (500) feet of the use subject to the Special Permit boundaries or within two hundred (200) feet of any part of a structure subject to the Special Permit which has been constructed or is now under different ownership;

J. An increase in number of stories. An increase in structure height of less than eight (8) feet, not resulting in additional stories may be approved administratively.

K. An increase in height of a telecommunication tower of forty (40) feet or more;

L. The relocation of a telecommunication tower beyond fifty (50) feet of its original location;

M. A decrease in the number of pedestrian access points;

N. A change in the phasing schedule which affects timing or the amount of improvements or the satisfaction of specific conditions

O. A reduction of the approved yards setbacks of more than ten (10) percent, and any yard change which would encroach upon or affect any utility or drainage easement.

P. A change in intensity of use by increasing usable floor area by more than one thousand (1,000) square feet, by increasing the number of dwelling units by more than five (5) percent, or by increasing the area devoted to outdoor sales, displays and demonstrations by more than five (5) percent.

Q. An increase in traffic generation by more than ten (10) percent.

R. An increase in the area allocated to any land use type by more than ten (10) percent;

S. A change in use, except that the addition of any of the following permitted and accessory uses, if no specific approval is required, shall be deemed non-substantial: family care homes, permitted home occupations, bed and breakfast facilities, utility uses, and waterfront structures (residential); provided that any applicable use standards in Chapter 5 shall be met.

316.13. Recording of Approved Special Permits.

A notice of an approved Special Permit shall be recorded in the official records of the County maintained by the Clerk of the Circuit Court. The purpose of such notice shall be to notify subsequent purchasers of any limitations on the use of the land.

Section 317. to 319 Reserved.

Part IV. Site Plan Review.

Section 320. Generally

320.1. Purpose and Intent.

The purpose of site plan review is to ensure that development is carried out in compliance with this Code and the Comprehensive Plan. In addition, a site plan describing and portraying both existing and proposed conditions of the development is required in order that the approving body or official can make an informed decision. There are three levels of site plan review: General Development Plan (GDP), Preliminary Site Plan, and Final Site Plan review.

320.2. Applicability.

Pursuant to this Code, in certain circumstances a site plan may be required as part of a submitted application for development approval, or may where authorized by this Code, be considered and approved as a separate step in the development process. An applicant has the option of proceeding directly to preliminary site plan approval without first obtaining approval of a General Development Plan.

A. General Development Plan Review Required for Planned Development. General development plans shall be required in connection with applications for Planned Development zoning, for all Planned Development projects on property which is zoned for Planned Development but which have no plan approval, , Large Projects, Developments of Regional Impact. An applicant may be required to proceed directly to preliminary site plan approval where the Board determines a General Development Plan will not provide adequate detail to assure compliance with this Code and the Comprehensive Plan. If the applicant is allowed to submit a preliminary site plan without receiving General Development Plan approval, the preliminary site plan shall meet all of the requirements hereunder for a General Development Plan and shall be reviewed for all of the criteria in this Code for both a General Development Plan and a preliminary site plan.

B. Preliminary Site Plan Review Required: Preliminary site plans shall be required for the following:

1. *Office and Commercial Projects.* Prior to the submission of Final Site Plans for office and commercial projects greater than thirty thousand (30,000) square feet of gross floor area and for projects greater than three thousand (3,000) square feet of gross floor area in the Agricultural/Rural category of the Comprehensive Plan.
2. *Multi-Family.* Prior to the submission of Final Site Plans for multi-family projects with ten (10) or more dwellings.
3. *Industrial.* Prior to the submission of Final Site Plan for industrial projects of greater than fifty thousand (50,000) square feet of gross floor area except in platted industrial subdivisions.

An applicant may choose to combine the Preliminary Site Plan review and submit a Final Site Plan instead, provided that all requirements for both Preliminary and Final Site Plans are met.

C. Final Site Plan Review Required. Final site plan review is required for all development projects except the following activities:

1. *Dwellings.* One family, two family, or mobile home dwellings and their accessory uses and structures, including home occupations, but not including such uses which allow more than two (2) dwelling units per lot.
2. *Temporary Uses.*
3. *Limited Increase in Gross Floor Area.* When additions, improvements, or alterations to existing uses do not result in an increase of all the structures on the lot in excess of one thousand (1,000) square feet of gross floor area or equals ten (10) percent of the total existing gross floor area, whichever is greater, not to exceed two thousand (2,000) square feet in area.
4. *Change of Use with no Additional Parking Spaces Required.* When a change of use to existing structures, not requiring special use approval, requires no additional parking spaces pursuant to Section 1005, Off-Street Parking.

5. *Exempted Special Permits.* When the Department Director determines that the external modifications to an existing structure to be occupied by a Special Permit site would not require submission of a Final Site Plan.

6. *Agriculture.* Non-commercial agricultural buildings such as barns, storage structures and similar facilities which contain no wholesale or retail sales activities. Commercial agricultural buildings, such as greenhouses, shall, however, meet all requirements outlined in Chapter 5, Part II, Standards for Accessory Uses and Structures. Any agricultural use in either the WP-E or WP-M Overlay Districts shall require Administrative Permit approval. This exemption shall not apply to any retail agricultural use, building or operation such as farm equipment and supply establishment.

D. Previously Approved Plans. All active conceptual development plans and conceptual site plans approved before adoption of this Code shall be considered General Development Plans for the purposes of this Code. All active preliminary development plans and final Site plans approved before adoption of this Code shall be considered Preliminary site plans and Final Site Plans, respectively.

E. Site Plans Submitted in Conjunction with Rezoning Application. For all site plans submitted in as part of a rezoning application (for a rezoning to a Planned Development zoning district, for example), the site plan shall be reviewed and approved or denied in accordance with the procedures set forth for rezoning applications.

Section 321. General Development Plans (GDP).

General development plans shall be designed to show the general location and nature of a project and existing site conditions, outlining the type and intensity of land use and principal improvements.

321.1. Application Requirements.

A General Development Plan shall depict internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities systems and facilities. A General Development Plan shall include all data reasonably necessary for determining whether the proposed development meets the specific requirements and limitations and the intent, concerning a particular type of Planned Development district. Specific items to be included in the plan include:

A. Proposed Uses. Each use listed in the application must be a permitted or accessory use in the requested Planned Development district and shall be listed using the terminology used in this Code. The range of permitted uses may be limited or certain uses not permitted by the Board at the time of General Development Plan approval as it is necessary to meet the criteria set forth in Section 322.2.

B. Large Projects, Developments of Regional Impact. For large projects, DRI's and County Facilities, a proposed phasing schedule for the submittal of future Preliminary or Final Site Plans shall be included with the application. Such schedule shall provide for a logical division of the units and/or square footage between the phases. The approval of such schedule shall authorize the applicant to apply for construction drawing and final site plan approval in phases, so long as each preliminary site plan has not expired at the time of application. The timing of approvals for each phase of project approval within a preliminary site plan shall be subject to the requirements of Section 321.5 (Expiration and Extensions of General Development Plan).

C. Additional information. Additional information including, but not limited to market studies, tree surveys, topographical surveys, and view perspectives where view protection is an objective, may be requested by the Department Director, when necessary to review a particular General Development Plan. Such information, if requested by the Director, shall be provided before processing the application.

321.2. General Development Plan (GDP) Review Process.

A. Pre-Application Meeting. The applicant shall schedule and attend a first-step meeting consistent with the requirements of this Chapter.

B. Application Submittal. The application shall be submitted per this Chapter. If the proposed development also requires Special Permit approval, the applications for GDP and Special Permit may be submitted concurrently.

C. DRC Review. The DRC must review the GDP in accordance with the provisions of this Chapter.

D. Planning Commission Review. Upon issuance of the written comments by the DRC, the General Development Plan shall be scheduled for a quasi-judicial hearing before the Planning Commission.

E. Board of County Commissioner Review. The Board shall conduct a quasi-judicial hearing on the plan per the requirements of this Chapter.

321.3. Review Criteria.

In deciding whether to recommend for approval, approval with modifications or denial of a proposed GDP, the approving authority shall consider whether the proposed plan is consistent with the Comprehensive Plan and this Code. In making such determination, the approving authority shall consider the approval criteria particular for each PD district, contained in Chapter 4.

321.4. Effect of GDP Approval.

Upon approval of a General Development Plan, the applicant may proceed with the submittal of Preliminary and Final Site Plans or, in the case of subdivisions, the submittal of a Preliminary Plat/Plan.

321.5. Expiration and Extensions of General Development Plans.

General Development Plans in effect as of January 1, 2012 shall not expire, notwithstanding any stipulations to the contrary in any ordinances approving a general development plan. General Development Plans shall not contain an expiration date unless otherwise provided for in the development order approving the general development plan or a local development agreement. The build out dates in development orders for developments of regional impact are governed by the Florida Statutes and are not amended by this Code.

Extensions to expiration dates for plans initially approved by the Board may only be granted only by the Board. The Extensions to expiration dates for plans initially approved by the Department Director may only be granted by the Department Director.

Section 322. Preliminary Site Plans (PSP).

Preliminary site plans shall be designed to show the location and nature of a project at a greater detail, to allow analysis of the arrangement of land uses and improvements on the site in relation to each other, existing conditions, and surrounding property.

322.1. Application Requirements.

The Department Director shall establish administrative procedures setting forth the requirements for information to be submitted with any application for a preliminary site plan approval. Such requirements may include distinct requirements for different types of site plans, and/or distinct requirements for different types of development approvals for which site plans are required. The matters which may be addressed by such requirements may include, and shall not be limited to:

A. Graphic, documentary and technical standards;

B. Information relating to project design, configuration, proposed uses, buffering, delineation of lots, uses, easements, public and private improvements, conservation and preservation areas;

C. Information relating to existing and pending approvals, conditions, related off-site improvements, external surroundings, existing and proposed facilities; and

D. Any other information necessary to assure compliance with this Code and the Comprehensive Plan.

322.2. Preliminary Site Plan Review Criteria.

In deciding whether to recommend for approval, or approval with modifications, or denial of a proposed preliminary site plan, the approving authority shall consider the following factors:

A. Previous Approvals: The site plan substantially conforms and is consistent with prior approvals such as a General Development Plan, rezoning, Special Permit, variance, etc.

B. Comprehensive Plan. The proposed plan must be consistent with all applicable provisions of the Manatee County Comprehensive Plan.

C. Land Development Code. The proposed plan must be in conformance with Land Development Code.

D. Use and District Requirements. The proposal must conform to the requirements of the zoning district(s) in which it is located and, where applicable, to the requirements of Chapter 5 for the particular use or activity under consideration.

E. Environment. The proposal shall not adversely impact environmentally sensitive lands or natural resources.

F. Circulation. Ingress and egress to the property and internal traffic patterns must be designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe.

G. Concurrency. The site plan must meet the requirements of Section 360, Certificate of Level of Service, or the site plan must be conditioned upon a Certificate of Level of Service being granted prior to Construction Drawing approval (this second option is available only where the applicant is required to obtain Construction Drawing approval).

322.3. Preliminary Site Plan Review Process.

A. Pre-Application Meeting. The applicant shall schedule and attend a first-step meeting consistent with the requirements of this Chapter.

B. Application submittal. The application shall be submitted per this Chapter. If the proposed development also requires Special Permit approval, the applications for PSP and Special Permit may be submitted concurrently.

C. Development Review Committee Review. The DRC must review the PSP in accordance with the provisions of this Chapter.

D. Planning Commission Review. Upon issuance of the written comments of the DRC and the staff report, the Preliminary Site Plan shall be scheduled for a quasi-judicial hearing before the Planning Commission.

E. Board of County Commissioner Review. The Board shall conduct a quasi-judicial hearing on the plan per the requirements of this Chapter.

322.4. Effect of Preliminary Site Plan Approval.

Upon approval of a preliminary site plan under this Section, the applicant may apply for Final Site Plan approval.

322.5. Expiration of Preliminary Site Plans.

The applicant must submit a Final Site Plan application within five (5) years of the preliminary site plan approval. If the applicant does not receive final site plan approval within this time, then the preliminary site plan is no longer valid.

The expiration date for a preliminary site plan may be extended by the Board for a maximum of two (2) years beyond the original expiration date. The applicant must request such an extension in writing. When reviewing requests for extension, the Board shall consider the following criteria:

A. The proposal remains consistent with applicable provisions of the adopted Comprehensive Plan, including a consideration of any change to the future land use map designation for adjacent properties since the original approval of the preliminary site plan.

B. Whether the proposal remains consistent with applicable provisions of the adopted Land Development Code, including a consideration of any change to the zoning map designation for adjacent properties since the original approval of the preliminary site plan.

C. Whether the proposal remains compatible with existing development on adjacent properties, including a consideration of any new development on adjacent properties since the original approval of the preliminary

site plan.

Section 323. Final Site Plan (FSP).

Final Site Plan review is intended to assess compliance of a proposed development with the specific use, dimensional, and other regulations of this Code and the terms of any prior approval of the project. Therefore, Final Site Plans shall be designed to show the specific arrangement of buildings and other improvements on a site in relation to each other, existing site conditions, and surrounding property, together with specific information on the nature and intensity of land use. Final site plans shall be generally required:

A. Prior to the application for a Building Permit,

B. Prior to the establishment or expansion of a Special Permit use,

C. Concurrently with the issuance of an Administrative Permit,

D. Prior to the establishment, expansion, or change of any use, activity, or structure, pursuant to the provisions of this Code.

323.1. Review and Approval.

A. Application submittal. The application for Final Site Plan review shall be submitted on a form prescribed by the County. A developer may apply for Final Site Plan and Building Permit concurrently, at his or her own risk, provided that no Building Permits shall be issued until the Final Site Plan is approved. All applications for site plan approval shall be reviewed and processed for completeness and sufficiency prior to proceeding with the review.

B. Administrative Review. The Department Director shall review the Final Site Plan for conformance with the land development code.

323.2. Final Site Plan Review Criteria.

Every site plan shall be evaluated based upon the following criteria, in addition to the criteria for General Development Plan approval:

A. Whether the plan meets the requirements of the land development code;

B. Whether the proposed development is consistent with the comprehensive plan;

C. Whether the proposed development is consistent with prior applicable approvals; and

D. Whether the proposed development meets the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applicable at the particular development review stage), or certificate of conditional concurrency reservation.

323.3. Effect of Final Site Plan Approval.

Approval of the Final Site Plan authorizes the applicant to proceed with an application for Building Permit. Any comments issued by the DRC will need to be addressed prior to the approval of the Building Permit.

Prior to commencement of construction activities authorized with the approved Final Site Plan, an Erosion and Sediment Control Plan (ESCP) shall be approved by the Department Director, as required pursuant to the Manatee Public Works Standards Manual.

Developments requiring approval of a tree protection plan and tree removal permit, parking lot landscaping plan, screening plan, off-street parking or loading plan, driveway permit, private street application and similar approvals, may be processed concurrently with the final site plan, within the discretion of the Department Director and based upon prior written approval of the appropriate County approving authority for such other plan or permit. The request for specific approvals shall be clearly stated in the formal submission of the site plan.

323.4. Expiration and Extension of Final Site Plans.

Final site plans shall be valid for four (4) years, unless the Board specifically approved a longer time frame as part of a DRI or large project. Final Site Plan approvals shall expire as noted above, unless all Building Permits for the principal structures are issued before that date.

The approval authority may, as a condition of approval of a site plan, establish an expiration date that is sooner than otherwise required pursuant to this Section, in order to ensure prompt compliance with the Code in a case involving code enforcement action, or to further the public health, safety and welfare.

The expiration date of a final site plan may be extended by the Department Director for a maximum of three (3) years beyond the original expiration date. The expiration date of a Final Site Plan scheduled to expire concurrently with the expiration of a Certificate of Level of Service may not be extended beyond the date of expiration of the Certificate. When reviewing requests for extensions, the Director shall consider the criteria for preliminary site plan extensions (section 322.5). The expiration date for any approved site plan may be extended for a period longer than three (3) years, in connection with a development agreement.

Section 324. Changes to Approved Site Plans (GDP, PSP and FSP).

324.1. Requests for Change.

All requests for review of changes to site plans shall include a drawing indicating the property, a location drawing indicating the relationship of the portion to be revised with respect to the entire project; and such other information concerning the lot, adjoining lots, or other matters, to clearly represent the entire proposed change and any associated impacts upon the project and adjacent properties; and for determining whether the provisions of the district and this Code are being observed.

324.2. **Approval Authority**

A. Administrative Approval. The following changes to approved site plans may be approved by the Department Director:

1. Any change in the required number of parking areas resulting in an increase of less than ten (10) percent in the number of spaces approved;
2. Structural alterations not significantly affecting the basic size and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within fifty (50) feet of the boundaries of the site (or district in the case of a PD GDP) or within fifty (50) feet of any part of any of the structures which have been constructed or sold to any owner or owners different from the applicant requesting the change;
3. Any reduction in the amount of open space of less than five (5) percent or any non-substantial change in the location or characteristics of open space;
4. Non-substantial changes in location or type of pedestrian or vehicular accesses or circulation, which will still adhere to the Manatee County Development Standards;
5. Any increase in density or intensity for a portion of the project beyond five hundred (500) feet of the site boundaries or beyond two hundred (200) feet from any part of the site which has been constructed or sold to an owner or owners different from the applicant requesting the change. For Planned Development GDPs, it shall be one hundred (100) feet from the district boundaries and beyond fifty (50) feet from any part of the site which has been constructed or sold to an owner or owners different from the applicant requesting the change.(This does not authorize an increase in overall density or intensity);
6. An increase in structure height less than eight (8) feet, or within fifteen (15) percent of the approved height, whichever is less, provided there is no increase in number of stories;
7. Any increase in the number of pedestrian access points;
8. Any changes in the phasing schedule which do not impact timing, amount, or completion of improvements; or

the satisfaction of specific conditions;

9. Any change in required yard setbacks of less than ten (10) percent, except any yard change which would encroach upon or affect any utility or drainage easement. In PDs, such changes may only be approved either on the perimeter of the project or in a nonresidential project. ;
10. Any increase in gross floor area of less than or equal to five (5) percent of the gross floor area for the project, since the adoption of this Code; and
11. The addition of any of the following uses, if no specific approval is required: family care homes, permitted home occupations, bed and breakfast facilities, utility uses, and waterfront structure (residential); provided that any applicable use criteria in Chapter 5, Part IV shall be met.
12. A change from multi-family to single family, if it does not increase external impacts such as, but not limited to transportation, schools, parks or utilities; and is consistent in lot size, coverage and yards with other single family portions of the development. If the zoning district does not specify dimensional requirements for single family units, or no single family units were included in the original PD GDP approval, the minimum requirements of the RMF-9 district shall be met.

B. Board Approval. All other changes shall require approval by the Board at a noticed public hearing, except for those noted below as requiring a new application.

C. Changes Requiring a New Application. The following types of changes shall be considered substantial modifications requiring the submittal of a new application for GDP, PSP or FSP approval:

1. An increase in intensity of use of more than five (5) percent of the usable floor area, or an increase of more than three (3) percent of the number of dwelling units, or an increase of more than five (5) percent of the amount of outside land area devoted to sales, displays or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the zoning district or the Comprehensive Plan.
2. Any change in use from the approved use, except as noted in subsection, A, above.
3. Any increase in traffic generation by more than ten (10%) percent.
4. Any increase in the area allocated to any land use type by more than ten (10%) percent.
5. Any change in structure height greater than fifteen (15) feet.
6. Any combination of changes which cumulatively are deemed by the Department Director to be of such significance that a new application is required.
7. Any new airport runaway or expansion to an existing airport runway.
8. Any change of a similar nature to the foregoing.

324.3. Review Criteria:

Plan changes may only be approved if the Department Director (for changes listed under section 324.2.A) or the Board (for changes listed under section 324.2.B) determine that such changes are consistent with the requirements of this Code and the Comprehensive Plan, but only upon making a finding that such changes are:

A. In accord with all applicable regulations in effect at the time of the original plan approval;

B. In accord with all applicable regulations currently in effect; and

C. In accord with all the conditions and requirements specified in the amendment creating the Planned Development, in cases where the site is zone PD.

324.4. Effect on Expiration.

Changes approved pursuant to this Section shall not operate to extend the expiration date of a site plan.

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Section 325. to 329 Reserved.

Part V. Subdivision Procedures.

Section 330. General Requirements

330.1. Purpose.

The purpose of this section is to set forth the procedures and standards for subdividing land, reviewing and approving subdivision plats.

330.2. Subdivision Approval Required.

No person, firm, or corporation shall create a subdivision, pursuant to section 177.031(18), Florida Statutes, of any land, or proceed with the improvement of lots in a subdivision or the construction of streets, or the installation of utility services therein until the appropriate subdivision and, when applicable, the construction drawings are approved by the County.

There are three (3) levels of subdivision review based on the nature of the subdivision, as follows. Table 3-3 outlines the general steps required for each.

A. **Major subdivision** shall mean any subdivision of land creating eleven (11) or more residential lots or parcels of land; or any non-residential subdivision; or any time the division of land results in the establishment of a new street; or the creation of six (6) or more lots on an existing unpaved, county street.

B. **Minor subdivision** shall mean any residential subdivision of land creating three (3) to ten (10) lots or parcels of land; and does not include any type of non-residential subdivision. The minor subdivision shall front on an existing public street or private street built to the current Manatee County Development Standards; and which meets the following three (3) requirements:

1. Not involving the establishment of a new street;
2. Not involving the extension of any public facility mains within the rights-of-way and creation of any new general public improvements involving the review or approval of construction drawings, as determined by the Manatee County excluding individual lot service connections; and
3. Not in conflict with any provision of the Comprehensive Plan, Land Development Code, Building Code or other officially adopted plans, policies or regulations.

C. **Lot Split (Certified Lot(s))** shall mean any subdivision, dividing or splitting of unplatted land for no more than two lots, all of which are buildable per the current zoning of the proposed parcel(s) and consistent with the LDC and Comprehensive Plan and which meets the following three (3) requirements:

1. Not involving the establishment of a new street;
2. Not involving the extension of any public facility mains within the rights-of-way and creation of any new general public improvements involving the review or approval of construction drawings, as determined by the Manatee County excluding individual lot service connections; and
3. Not in conflict with any provision of the Comprehensive Plan, Land Development Code, Building Code.
    a. Each new lot shall be a legal conforming lot of sufficient size to meet minimum zoning requirements, uplands, and setbacks as required by the Land Development Code. Flag lots shall not be permitted.
    b. The parent parcel shall front on an existing public or private street built to the current Manatee County Development Standards. Creation of a new public or private street shall require a Major Subdivision. Access by easement is permitted pursuant to LDC Section 1001.1.C.5.

Table 3 - 3: Review by Subdivision Type

	Preliminary Plat (see Section 220)	Construction Plans (see Section 221)	Final Plat (see Section 222)
Major Subdivision	Required	Required	Required
Minor Subdivision	Not required	Not required	Required
Lot Split (Certified Lots)	Not required	Not required	Not required

Section 331. Vacation of Streets and Plats.

331.1. Purpose.

This section is established to provide procedures for the exercise of the authority granted to the Board to vacate and annul plats or portions thereof, pursuant to Section 177.101, Florida Statutes, and to vacate, abandon, discontinue, close, renounce and disclaim streets, roads, alleys, and other appropriate property; or any portion thereof; and termination of County easements; pursuant to Section 336.09 through 336.12, Florida Statutes, lying within the unincorporated area of the County.

331.2. Review Process.

A. Pre-Application Meeting. The applicant shall attend a pre-application meeting as provided for in Section 312.2.

B. Application Submittal. An applicant proposing to vacate certain streets, roads, or other appropriate property, and to terminate County easements pursuant to the provisions of this section shall complete and submit an application to the Department Director subject to the provisions of Section 312.3. It will be the responsibility of the applicant to furnish any additional maps, charts, surveys, legal descriptions, title opinions, and title policies as required by the Department Director for clarification to the reviewing agencies and the Board.

C. Advertising Requirements. In accordance with the Florida Statutes the Public Hearing Notice will be provided.

D. Board Review. The Board shall conduct the public hearing in accordance with the procedures of Section 312.8. The Board shall, at the conclusion of the public hearing on any particular application, or subsequent thereto, consider the adoption of a resolution granting the particular application of any portion thereof, or such other actions as the Board may deem appropriate under the circumstances.

331.3. Notice of Adoption of Resolution Pursuant to Section 336, F.S. Only.

Upon the adoption of any such "Resolution Vacating Certain Streets, Roads or Other Appropriate Property," for streets and property vacated and County easements terminated under Section 336.09 through 336.12, Florida Statutes only, the applicant shall cause same to be duly published one (1) time in a newspaper of general circulation in Manatee County, Florida, within thirty (30) days following the adoption of said resolution. The Notice shall be in substantial compliance with the "Notice of Resolution Vacating Certain Streets, Roads or Other Appropriate Property" form established by the County.

331.4. Recording Requirements.

The applicant shall be responsible for filing the following documents, whichever is applicable, within thirty (30) days after adoption of the resolution by the Board, with the Clerk of Circuit Court and duly recorded in the Official Records Book among the Public Records of Manatee County, Florida.

A. For vacations and annulment of plats or portions thereof, pursuant to Section 177.101, Florida Statutes:

1. A certified copy of the subject resolution.
2. Original proof of the two (2) publications of the Notice of Public Hearing.
3. Location maps, survey, legal description or other appropriate data as determined by the Department Director.
4. All applicable easements, if required.

B. For vacations, abandonment, discontinued, closed, renounced and disclaimed streets, roads, alleys and other appropriate property of portions thereof, and termination of County easements, pursuant to Section 336.09 through 336.12, Florida Statutes:

1. A certified copy of the subject resolution.
2. Original proof of the one (1) publication of the Notice of Public Hearing.
3. Location maps, survey, legal description or other appropriate data as determined by the Department Director.
4. Original proof of publication of the Notice of Adoption of the subject resolution within thirty (30) days after adoption of the resolution by the Board.
5. All applicable easements, if required.

Within forty-five (45) days after the adoption of the resolution, the applicant shall provide the Department Director, with a copy of the recorded documents.

331.5. Effective Date.

No vacation shall become effective until the documents required under Section 331.4.A or B, whichever is applicable, have been filed with the Clerk of Circuit Court and duly recorded in the public records of Manatee County.

331.6. Applicants Responsibility.

The County, the Board, the reviewing agencies and all of the officers, employees and agents thereof shall not assume any responsibility or liability for any matters to be done or completed by the applicant, pursuant to the provisions required herein. It is recognized that this procedure may affect substantial interests in real property and other proprietary rights; and the applicant shall assume full and complete responsibility for compliance with the requirements of law and these procedures in connection with or arising out of any vacation proceedings instituted by the applicant.

Section 332. Replatting Requirements.

Notwithstanding the previous section, if replatting of lands previously platted or parts thereof is proposed, the applicant shall provide a notation upon the face of the proposed plat which expressly states that the new plat vacates the same identical lands previously platted. The notation shall specifically reference the plat being vacated. The application, all advertisements, notices, Board agenda, and resolution shall specifically state the action being taken by the Board is to vacate specifically referenced identical lands previously platted, if applicable, in addition to the new plat being proposed. The specific notation placed on the proposed plat (replatted land) will eliminate the need to adopt a separate resolution to vacate the previous plat. The recording requirements stipulated under Section 331.4 shall be adhered to for all replatting.

Section 333. Preliminary Plat Review Procedures.

333.1. Purpose.

The purpose of a preliminary plat review is to provide the County with sufficient information at an early stage of a

major subdivision in order to permit alterations in plans as may be required prior to the developer preparing construction plans and a final subdivision plat; and prior to the County expending significant amounts of time reviewing incomplete or substandard plat applications. Developments that require both General Development Plan and Preliminary Plat approval may be submitted for concurrent review.

333.2. Preliminary Plat Review Process.

A. Pre-Application Meeting. The applicant shall attend a pre-application meeting as provided for in Section 312.2.

B. Application Submittal. Applications for preliminary plat review shall be submitted to the Department Director for review and approval in accordance with Section 312.3. If the proposed project triggers the thresholds for General Development Plan review, the applicant may submit the GDP and preliminary plat applications concurrently.

The preliminary plat shall be clearly and legibly drawn to scale showing sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the construction drawings and final plat. Such information shall address in sufficient detail all the items required by Code. In addition, the general information required to be submitted as part of the preliminary subdivision plat shall include the location and classification of any proposed changes in zoning on the site. A preliminary subdivision plat shall be prepared under the direction of a professional land surveyor, engineer, architect or landscape architect, in accordance with the laws and regulations set forth by the State of Florida.

C. Development Review Committee. The Development Review Committee shall review the request in accordance with Section 312.5.

D. Review by the Department Director. The Department Director shall review and approve, approve with conditions, or disapprove the preliminary plat, furnishing the developer a statement in writing of its reasons for any disapproval. The acquisition of necessary rights and the presentation of complete and correct information to the Department Director are responsibilities of the applicant and the failure to do so, including the failure or inability to obtain all necessary permits, licenses, releases or rights may constitute a reason for disapproval and/or rescission of approval of the prepared subdivision plat.

333.3. Phased Development.

A. Delineation of Phases. Any subdivision project involving phased development shall be identified as such on a preliminary subdivision plat. The preliminary plat shall designate the limits of the various construction phases and the proposed detailed development schedule. When preliminary plats are submitted separately for each phase, the developer shall also submit a plan, for general informational purposes, showing all phases, phase lines, and other information to clearly represent the proposed project.

B. Phasing Identification. All projects shall identify phasing on their plats consistent with the numbering and titles listed below from the largest unit/increment to the smallest:

1. Phase - Roman Numeral (i.e. III).
2. Sub phase - Capital Letter (i.e. G).
3. Unit - Number (i.e. 8).
4. Subunit - Small Case letter (i.e. j).
5. Tract - Number (i.e. 6).

C. Independent Operation. All construction phases in a development shall be capable of operating independently with respect to drainage, circulation, utilities, and other applicable public facilities and services; provided however, the County may permit the posting of performance security to guarantee the installation of recreational facilities and similar improvements to serve particular phases of the development at a later time.

333.4. Effect of Approval.

Approval of a preliminary plat by the Department Director shall not constitute approval of the final plat, nor authorize recording of the plat, nor effect the acceptance of any dedications or improvements proposed to be dedicated to the County. Upon approval or approval with conditions, the applicant may proceed to the construction drawings approval stage.

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333.5. Expiration of Preliminary Plats.

Preliminary Plats shall expire within one (1) year, unless the applicant submits construction drawings. If a Certificate of Level of Service was obtained in conjunction with the Preliminary Plat, the expiration of the preliminary plat shall be three (3) years from approval date.

Phase and plat timing for DRI's and Large Projects shall be consistent with the requirements found in Sections 348 and 349.

333.6. Graphic Standards.

Preliminary subdivision plats shall include the following information:

A. The project name, boundaries, north arrow, legend and scales shall be indicated on each plan. The date drawn and revision dates shall be indicated on the subdivision plat.

B. The name of the plat shall be shown in bold legible letters of uniform size and type, including the words "section," "unit," "replat," "amended," etc., although the latter need not be in bold letters of the same size as the basic name. The name of the subdivision shall be shown on each sheet. A prominent "North Arrow" shall be drawn on every sheet including showing any portion of the lands subdivided.

C. The first sheet shall indicate the location and classification of zoning on the site; total acreage of the site; total number of lots, specified by type of intended use; and gross residential acreage.

D. Names and address of record owner and applicant and the subdivision designer, engineer, and land surveyor shall be provided on the plat. In addition, any citation and general description of any existing covenants, private restrictions, easements and rights-of-way affecting the use and development of the property, including the Section, Township, Range, and if in a land grant, the plat will so state. The application shall include a complete legal description of the property.

E. The plans shall be at a scale of one inch equals fifty (50) feet (1″ = 50′) or such other scale as the County may accept to show details clearly and adequately. In all cases, the scale used shall be of sufficient size to show all detail. Sheet sizes shall not exceed twenty-four (24) inches by thirty-six (36) inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire development with a key plan on each sheet properly orientated and a title box on each sheet properly labeled.

F. All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated.

G. The one hundred (100) year Floodplain and floodway within the subject project with references noted with respect to the panel number from the Flood Insurance Study shall be shown on the Subdivision Plat.

H. The twenty-five (25) year floodplain within the subject project (see requirements in Section 801.3) shall be shown on the Subdivision Plat.

I. Location of waterways and water bodies existing within and adjacent to the subdivision.

Section 334. Construction Drawings.

334.1. General Requirements.

Construction drawings, which provide detailed technical information on all site improvements prior to actual construction, are required to ensure that development will be in conformance with County Codes and any conditions of the approved development. The completeness and adequacy of the construction drawings shall be determined by the Department Director based on the type of development approval required. Construction drawings shall be prepared and certified by an engineer, except as exempted by Chapter 471, Florida Statutes, and shall conform to the requirements of the Manatee County Development Standards and the requirements of this Code.

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334.2. Construction Drawings Not Required.

The review and approval of construction drawings will not be required when:

A. No improvements are required by this Code, or

B. Only rights-of-way, drainage, or utility easements are required by this Code, provided that such rights-of-way shall be dedicated and easements granted to the County by plat or separate instrument, or

C. The only improvements required by this Code are usually installed by the County and the developer has paid or posted security for such improvements.

334.3. Review Procedures.

Prior to or concurrently with submission of the final plat, the developer shall submit construction drawings to the Department Director for the installation of required improvements for the entire subdivision; or approved construction phase, if part of an approved phasing plan. The construction drawings shall be submitted and approved prior to commencing any site work, grading, or other on-site construction activities connected with the development, except brush removal in connection with surveying. If submitted in conjunction with or in advance of a Final Site Plan for a Planned Development project, no site work may commence until such Final Site Plan has been approved.

Within sixty (60) days after receipt of complete construction drawings, the Department Director will approve, approve with conditions, or disapprove the construction drawings, stating in writing any reasons for disapproval. The approval of the construction plans shall be subject to the approvals and permits by other necessary state and federal agencies. Construction drawing approval shall not be granted unless the applicant has secured a valid certificate of level of service compliance.

334.4. Review Criteria.

Construction drawings duly submitted to the Department Director during the effective period of the preliminary plat approval shall conform to such approved plat, including any conditions, and shall state that all work shall be subject to the County's regulations and development standards in effect at the time of such plat approval. Construction drawings shall be approved by the Department Director for major subdivisions which comply with the requirements of the preliminary plat approval, Manatee County Development Standards and this Code.

334.5. Effect of Approval.

Upon the written approval of the construction drawings by the Department Director, the developer shall schedule an inspection pursuant to Section 337.3 of this code. After obtaining a pre-construction inspection by the Department Director, the developer may commence site development and the installation of improvements, provided that all guarantees required by Section 337 of this Code have been approved and posted. This approval shall not constitute approval to commence any construction which is subject to separate approval required by other federal, State, and local development codes including the Florida Building Code.

Prior to commencement of construction activities authorized with the approved construction drawings, an Erosion and Sediment Control Plan (ESCP) shall be approved.

334.6. Expiration.

Construction drawings shall expire three (3) years after approval of the construction drawings

334.7. Required Improvements.

No development in the County shall be approved unless adequate assurance as stipulated under Section 337 is provided that the improvements required under this Code will be installed in accordance with professional engineering standards.

334.8. Design Requirements for Construction Drawings

A. Preparation. Construction Drawings shall be prepared and certified for all required improvements by an engineer,

except as exempted by Chapter 471, Florida Statutes. Plans shall be drawn at a scale no smaller than one (1) inch equals fifty (50) feet, unless otherwise specifically authorized in writing by the Department Director. All revisions shall be prepared and submitted as required for original drawings. All drawings shall be proofread, clear, legible, and complete with all necessary plans, details, sections required to represent a complete set of engineered drawings. Incomplete drawings may be rejected and returned to the applicant for resubmission. Within sixty (60) days after receipt of complete construction drawings, the Department Director will approve, approve with conditions, or disapprove the construction drawings, stating in writing any reasons for disapproval.

B. Contents.

1. An accurate vicinity map shall be included on the construction plans, at a scale not less than one inch equals one mile (1″ = 1 mile), which shows the site in relationship to its surroundings. The vicinity map shall include the rights-of-way lines of all proposed streets in the subdivision and their location in relation to one or more existing streets, or portions thereof, in the immediate vicinity which is shown and readily identifiable, as to locus on the County map.
2. The construction plans shall show:
   a. The location of the property with respect to contiguous development, together with the existing zoning on adjoining property, and existing land uses adjacent to the property at a scale 100 feet = one inch minimum.
   b. The name, location and width of existing or platted streets, street rights-of-way within or contiguous to the site.
   c. The approximate location, size and depths of sewers, water mains, storm drains, electric power and cable and other underground facilities, within or contiguous to the site.
   d. The location and width of easements for all above and below ground utilities, including electric power and cable lines, within and adjacent to the site.
   e. Topographic contours at one (1) foot intervals, based on Mean Sea Level datum for the site and a minimum of fifty (50) feet beyond the property line for a single lot development and one hundred (100) feet beyond the limits of the site for subdivisions. Topographic survey information shall be furnished by a professional land surveyor which meets the minimum requirements as set forth in Chapter 21-HH-6, of the Florida Administrative Code. The survey must have been made within the last ten (10) years.
   f. Major existing site features, such as stone walls, fences, buildings, identifiable historical sites, and special attention should be given to noting physical features which define the boundaries of the subdivision.
   g. The type and location of trees, and native vegetation as defined in Section 700, Tree Protection, within six (6) feet of, or within the limits of clearing; the type and approximate location of other trees more than four (4) inches DBH.
   h. The twenty-five (25) year floodplain (see Section 801.3.P), the one hundred (100) year floodplain (see Section 802), watercourses, wetlands, and other significant and natural features.
   i. Existing stormwater management facilities, and drainage structures.
   j. Existing easements, both public and private.
3. *Required Improvements.* The improvement requirements of this Section, shall apply only to subdivisions requiring a final subdivision plat. All improvements required by this Code shall be installed by and at the expense of the developer, as required by the Department Director in accordance with professional engineering standards.
   a. Plans shall show the overall project street layout, with street names and all traffic control signage as per the Manatee County Public Works Standards. Profiles on the lines of proposed streets and fifty (50) feet beyond, at a horizontal scale of 1″ = 50′ and a vertical scale of 1″ = 5′, or such other scales acceptable to the Planning Department. All elevations shall refer to NGVD of 1929 datum. Profiles shall also include the location of any intersecting public or private streets, and the location, material and size of proposed storm water management facilities, water mains, and sewers and their appurtenances; street lighting; and other

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underground utilities to be placed in the rights-of-way. The proposed topographic contours shall be at the same scale as the existing topographic contours. The exterior lines of existing streets ingressing to the subdivision and existing utility lines and appurtenances or easements shall be shown on the plan to clearly indicate location of proposed connections.

b. On the same sheet, there shall be drawn typical cross sections of the proposed street, properly located and identified by station number, at such intervals along the streets as will adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, sidewalks, and similar physical features.

c. Utility and highway construction details shall be shown.

d. Storm drainage system construction details shall be shown.

e. Any special construction and safety details including guardrails or other pertinent information, as necessary, to construct the project based on the proposed design.

f. Names of all streets, location of all proposed buildings and other structures, parking areas, loading areas, and other pedestrian and vehicular use areas, yards and open spaces.

g. Any special construction features, deviating from or not covered by Manatee County Public Works Standards shall be shown on detail drawings. Such detail drawings may be incorporated as part of a utility plan or profile or may be shown on a separate sheet or sheets; and shall provide information as to dimensions, location, elevations, cross sections, materials, etc., of the construction details involved. The requirement for detail drawings shall be applicable, but not limited to, culverts, structurally stabilized slopes, utility piping encased in concrete, ditches and brooks shaped or constructed to a definite cross section, spillways, and similar construction features.

h. A plan with a suitable scale, satisfactory to the Department Director, outlining the entire drainage basin which includes the subject development therein shall be submitted indicating surface water flow to the development, within the development and impact after exiting the development. The plan shall cross reference the drainage calculations. Both the twenty-five (25) year floodplain (see Section 801.3.P) and the one hundred (100) year floodplain shall be shown.

i. Traffic sight distances, vertical and horizontal, for all intersections within the project and for the rights-of-way adjoining the project, at the location for ingress or egress, shall be shown.

j. Details showing connections to existing and proposed utility systems.

k. Easements required for any purpose including access easements for maintenance purposes.

l. The following information shall be provided in graphic or narrative form, as necessary, to satisfy the requirements set forth below.

   i. Computation sheets or other closure method showing closure of boundary surveys in accordance with Section 800, shall accompany submission of Final Plats.

   ii. All calculations and descriptions, prepared by an engineer, needed to show evidence of compliance with Section 801, Stormwater Management, and Section 802, Floodplain Management.

   iii. Type and location of any erosion and sedimentation controls to be used during the construction process.

   iv. All calculations and descriptions, prepared by an engineer, used in sizing water and sewer mains, including any impact on existing systems and fire flow requirements.

   v. All plans, calculations, and descriptions necessary to show that the sewage disposal system is in compliance with all applicable requirements of the HRS/Manatee County Public Health Unit and the Florida Administrative Code Chapter 10D-6.

   vi. All plans, calculations, and descriptions necessary to show that the potable water supply system is in compliance with all applicable requirements of the Manatee County Health Department, Environmental Health Services and the Florida Administrative Code Chapters 62-532, 62-555 and 17-

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vii. Cost estimates for completion of all required improvements to be covered by performance security shall be prepared by an engineer for all required improvements, or bids by two (2) reputable bondable contractors. Cost estimates shall be submitted prior to approval and acceptance of all performance bonds and defect security.

viii. The location and dimensions of easements reserved or dedicated recreational open space, including the percent of open space. The nature, location, dimensions of any buffer areas.

ix. Such information may include the results of any tests or copies of calculations used in design, copies of agreements granting the developer rights essential to development of the land and construction work involved, including the right of access over existing ways.

4. Requirements for Developments that Require Administrative Approval. Construction drawing for developments which require the approval of the Department Director, other than development of subdivisions stipulated under Section 334.8.B.3, shall be prepared by an engineer unless exempted by Chapter 471, Florida Statutes. The construction drawings shall include all design and drawing requirements applicable to the respective development approval sought after. The construction drawings shall be complete to reflect the full extent of the proposed scope of work and to insure that all parts of the construction can be adequately put together. The completeness and adequacy of the construction drawings shall be determined by the Planning Department based on the type of development approval required.

Section 335. Final Plat Review Procedures.

335.1. Purpose.

The purpose of final plat review is to ensure that the plat complies with the standards of this Code and, in the case of major subdivisions, also to determine whether the final plat is in compliance with the approved preliminary plat.

335.2. Final Plat Preparation.

Final plats submitted to the County for review and approval shall meet the requirements of Section 177.091, Florida Statutes.

335.3. Review Procedures.

A. Application. An application for approval of a final plat shall be submitted to the Department Director consistent with the requirements of Section 312.3.

B. Staff Review. The Department Director shall review the application in accordance with the requirements of Section 312.5 and shall submit the application and recommendation to the Board for approval.

C. Review and Action by the Board of County Commissioners. Upon receipt of the recommendation from the Department Director, the Board shall review the application in accordance with the provisions of this Code.

335.4. Review Standards.

No plat shall be approved unless the applicant demonstrates:

A. That the plat complies with the requirements of the State Statutes, this Code and any previously approved Development Orders;

B. That all required improvements have been completed and installed and a certificate of completion issued therefor, or where the Board may permit, the developer has posted adequate performance security in accordance with Section 337, Installation of Improvements, and has received approval of all construction drawings, in accordance with Section 334; and

C. That all required fees or charges have been paid, dedications accepted, and any required escrow arrangements have been established.

335.5. Required Improvements Agreement.

In connection with the approval of any final subdivision plat where the developer intends to install the required improvements after such approval, a required improvements agreement, in substantial conformance with the form agreement set forth by the County, shall be executed. All required improvements agreements shall be recorded with the approved final subdivision plat.

335.6. Modifications to Approved Final Plat.

No changes, erasures, name changes, modifications, phase lines, or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted for a new approval by the Board. This shall not affect the right to file an affidavit confirming an error on a recorded plat, as provided by law.

335.7. Recording.

Upon approval of the final plat, it shall be forwarded to the Clerk of the Circuit Court for recording together with any other related legal documents as the County Attorney or other County Departments may require for recording.

335.8. Effect of Approval.

Approval of a final plat by the Board shall authorize the recording of the plat for all purposes under state law.

335.9. Condition of Approval.

If, for whatever reason, an approval from another governmental entity expires prior to the time frame herein established, and was a prerequisite approval necessary to obtain a final plat approval, or a required approval subsequent thereto; the final plat approval shall automatically expire. Active permits from all appropriate governmental agencies shall be necessary, at all times, for both major and minor final plats.

335.10. Expiration of Final Plat.

An approved final plat shall expire if it is not recorded within thirty (30) days of final plat approval.

335.11. Surveyor Review.

Prior to approval by the appropriate governing body, the plat shall be reviewed for conformity to this section by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs which shall be borne by the legal entity offering the plat recordation, and evidence of such review shall be placed on such plat. Said surveyor/mapper shall certify as to the plat's conformity on the face of the plat.

335.12. Distribution of Certified Recorded Plat.

Prior to the Board approval the applicant shall deposit a fee with the Department to cover the cost of obtaining two certified copies of the recorded final plat from the Clerk of the Circuit Court. One copy each shall be retained by the Department.

335.13. Survey Data Required for Final Subdivision Plats.

Plats made for recording shall meet the requirements of Section 177.091, F. S., Plats Made for Recording.

Section 336. Dedications and Reservations.

336.1. Authorization.

In connection with the approval of a final plat, the developer shall be required to dedicate or reserve any lands and required improvements according to the provisions of this Code, and may be required to dedicate or reserve other land and improvements as provided by the comprehensive plan, to provide for circulation, stormwater management, drainage, utilities, open space, lighting, schools, fire service, public safety and law enforcement protection, park land

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and other appropriate public needs related to the development.

336.2. Manner of Dedication to Manatee County.

A. Generally. No final plat shall be approved unless it is accompanied by a dedication to Manatee County of all land, easements, and improvements which are required to be dedicated to Manatee County under this Code. Such dedication shall be in a form acceptable to the County.

B. Execution. The dedications shall be executed by all persons having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the land being subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.

C. Notation on Plat. All final plats shall bear the notation in a form prescribed by the County.

D. Protection of Reversionary Interests. Nothing herein shall be construed as affecting or abridging any rights or responsibilities related to reversionary interests as provided in state law.

336.3. Reservations.

A. Release by Board of County Commissioners. The Board, after ten (10) years, may release any reserved land at any time by formal resolution, if it is found to be no longer necessary for any public purpose.

B. Designation on Plat. The developer shall be required to clearly show the location and purpose of all reservations on the final subdivision plat; and, to also show in dotted lines, or by other means specifically, how any reserved land shall be used in event the reservation is released or otherwise void.

C. Common Areas and Common Improvements. Any common areas or commonly used improvements in a subdivision which are not dedicated to Manatee County, shall be subject to the requirements of Section 336.4, unless otherwise provided for as the County may require or approve.

D. Jurisdictional areas and conservation areas. All jurisdictional areas and conservation areas shall be shown as such on the final plat.

336.4. Common Areas.

A. Purpose and Intent. This subsection is established to assure that adequate ownership and management measures will be provided in residential and other developments to protect and perpetually maintain all common open space and common improvements required pursuant to this Code or other applicable County law or regulations, in order to ensure their continued availability and utility for the residents or occupants of the development, and to prevent such facilities or the need for such facilities from becoming an unnecessary burden or nuisance to the County or surrounding property; provided that nothing in this subsection shall be construed as creating any obligation upon the County to maintain such facilities or otherwise ensure their availability and condition.

B. Applicability.

1. *Generally.* Except as provided below, this Section shall apply to all common open space and all common improvements, which are required to be provided pursuant to this Code, the Comprehensive Plan, or other applicable County laws and regulations.

2. *Exceptions.* This subsection shall not apply to:

   a. *Dedicated Lands and Improvements.* Any lands or improvements to be dedicated or conveyed to the County, or to an appropriate public agency, board or body, for designated or general public use.

   b. *Private Lands and Improvements.* Any lands or improvements to be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on the lot or parcel where such lands and improvements are situated or on other lots or parcels owned by the landlord, as for typical multi-family or shopping center development.

c. *Condominiums and Cooperatives.* Any lands or improvements to be owned and maintained under a condominium or cooperative, which shall be established and regulated in accordance with Florida law.

d. *Other Open Space and Improvements.* Any open space and improvements provided in excess of County requirements, unless such facilities are otherwise included, at the election of the developer, within any common ownership and management system established pursuant to this subsection.

C. Common Ownership General Requirements. Prior to final approval of an application for development, the developer shall provide documents and other assurances satisfactory to the Department Director, to establish a means of common ownership and management of all common open space and common improvements subject to this subsection. Such means of common ownership and management shall conform to the following minimum requirements. Such documents, once approved, shall become part of the recorded subdivision plat or approved special use.

1. *Establishment of Non-profit Organization.* The applicant or developer shall provide for and establish a non-profit organization or other legal entity under the laws of Florida for the ownership, care, and maintenance of all such lands and improvements.

2. *Membership; Responsibilities.* Such organization shall be composed of all persons having ownership within the development. Such organization shall be responsible for the perpetuation, maintenance, and function of all common lands, uses and facilities, subject to these regulations.

3. *Covenants and Restrictions—Generally.* All such common lands and improvements shall be described and identified as to location, size, use and control in a restrictive covenant, and such covenant shall set forth the method of assessment for the maintenance of such land. These restrictive covenants shall be written so as to run with the land and be in full force and effect for a period of not less than twenty-five (25) years, and shall be automatically extended for successive periods of ten (10) years unless terminated in a manner set forth in this subsection. These covenants shall become part of the deed to each lot or parcel within the development.

4. *Covenants and Restrictions—Responsibilities; Disposition of Common Open Space.* Such restrictive covenant and organization shall continue in effect so as to control the availability of the facilities and land thereby provided, to maintain the land and facilities for their intended function, and to protect the development from additional and unplanned densities of use. Such organization shall not be dissolved, nor shall such organization dispose of any common open space, by sale or otherwise except to an organization conceived and organized to own and maintain the common open space, without first offering to dedicate the same to the County or other appropriate governmental agency.

5. *Conservation Easements within Common Open Space.* No lands in common open spaces shall be denuded, defaced or otherwise disturbed in any manner at any time, except for maintenance or repair, without the prior written approval of the Department Director.

   Activities within Common Open Space Conservation Easements, other than those specifically allowed by this Code, shall be prohibited. Restrictive covenants relating specifically to the Conservation Easement shall be included in the documentation prepared to satisfy requirements set forth in Section 336.4.C of this Code.

6. *Maintenance by County.* If the Department Director determines that the public interest requires assurance as to adequate maintenance of common open space areas and improvements, the Department Director may require that the covenants creating such organization shall provide that in the event the organization established to own and maintain such common open/improvements, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space/improvements in reasonable order and condition in accordance with the approved plans, then the following provisions shall apply:

   a. *Initial Notice.* The County may serve notice in writing upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common space/improvements in reasonable condition, and said notice shall contain a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of public hearing thereon which shall be held within twenty (20) days of the notice.

      If the Department Director, after consultations with the Public Works Department, Manatee County

Sheriff, Parks and Recreation Department, Health Department, or the Building Division of the Building and Development Services Department, determines an emergency exists which is detrimental to the health, safety and welfare of the public, [he] may direct in writing the non-profit organization to immediately correct the deficiency. If the non-profit organization fails to correct the deficiency within seven (7) days, the Department Director may cause the emergency deficiency to be corrected and all charges related thereto shall be borne by the non-profit organization in accordance with subsection b, below. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured.

b. Modification of Initial Notice. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured.

c. *Failure to Comply.* If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within said thirty (30) days or any authorized written extension thereof, the County, in order to preserve the taxable values of the properties within the development and to prevent the common open space/improvements from becoming a public nuisance, may, at its option, enter upon said common space/improvements and maintain the same for one (1) year.

d. *Public Use Excluded.* Said entry and maintenance shall not vest in the public any rights to use the common open space/improvements, except when the same is voluntarily dedicated to the County by the owners and accepted by the County.

e. *Subsequent Periods.* Before the expiration of said one (1) year period, the County, shall, upon its initiative or upon the request of the organization responsible for the maintenance of the common open space/improvements, call a public hearing, upon notice in writing, to such organization or to the residents of such development, to be held by the Board; at which hearing the organization shall show cause why such maintenance by the County shall not, at the election of the Board, continue for a succeeding one (1) year period.

f. *Termination of County Maintenance.* If the Board shall determine that such organization is ready and able to maintain the common open space/improvements in reasonable condition; the County shall cease to maintain the common open space/improvements at the end of said one (1) year period.

g. *Continuation of County Maintenance.* If the Board shall determine that such organization is not ready and able to maintain the common open/improvements in a reasonable condition, the County may, in its discretion, continue to maintain the common open space/improvements during the next succeeding year, and subject to a similar hearing and determination in each year thereafter.

h. *Assessment of Costs.* The covenants creating such organization shall further provide that the cost of such maintenance by the County shall be assessed pro-ratedly, against the properties within the development that have a right of enjoyment of the common open space/improvements, and shall become a charge on said properties, and such charge shall be paid by the owners of said properties within sixty (60) days after receipt of a statement therefor, and shall become a lien on the property if unpaid at the end of such period.

7. *Submission Requirements.* Before an applicant or developer can establish a non-profit organization as required in Section 336.4.C.1 above, the following documents shall be submitted to the Department Director:

a. *Articles of Incorporation.* The articles of incorporation or other organizational documentation for the non-profit organization.

b. *By-laws.* The by-laws of the non-profit organization.

c. *Covenants and Restriction.* The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.

d. *Fiscal Program.* A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the non-profit organization.

e. *Right of Entry by County.* A documentation granting the right of entry upon such common property to the

County law enforcement officers, health and pollution control personnel, emergency medical service personnel, and firefighting personnel while in the pursuit of their duties and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access.

f. *Listing of Holdings.* A complete listing of all land, buildings, equipment, facilities, and other holdings of the non-profit organization, as proposed, and a complete description of each.

g. *Maintenance Program.* A recommended program for the maintenance of all major facilities, including streets, street signs, stormwater facilities, pools, sidewalks, parking areas and buildings.

h. *Notice to Buyers.* A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program.

i. *Lands to be Dedicated.* A copy of the deed of conveyance and title certificate, or dedication, where applicable, for all lands proposed to be conveyed or dedicated to the County or other appropriate governmental agency.

8. *Required Approval; Filing.* The documents set forth in Section 336.4.C.7, above shall be submitted to the Director for filing before any final plat is recorded or building permit is approved, and such approval shall be obtained before any Final Plat is recorded or Building Permit is approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved special use.

D. Election of Officers. In no event shall a certificate of completion be issued for a development until it has been substantiated that the non-profit organization responsible for the ownership, care, and maintenance of common open space and common improvements has been constituted and has elected officers.

Section 337. Installation of Required Improvements

337.1. Certification, Approval of Plans.

The engineer of record shall certify the design of all required improvements such as streets, drainage structures, bridges, bulkheads, and water and wastewater facilities. All construction drawings for improvements shall be prepared by such engineer in a form acceptable to the County Engineer and. prior to construction, must be approved by the County Engineer.

337.2. Construction.

Upon approval of all construction drawings, and the approval of any required performance security and written notification to the County Engineer, the developer may commence installation of the required improvements in accordance with such approved drawings, or approved written modifications thereto, and the performance standards set forth in Section Chapter 8. Such installation shall be subject at all times to inspection by Federal. State and County agencies, and the developer shall employ an engineer, which need not be full time, for complete observation and approval during such construction activities as necessary to assure compliance with the approved plans. All field and construction changes shall require approval of the County Engineer and shall be filed in such written form and detail as specified by the County Engineer; and incorporated into the record drawing as applicable.

A. Posting of Permit. Work requiring a development order, approved plans or permit shall not commence until the permit holder posts the development order, one set of approved plans and permit card in a conspicuous place on the property. The permit placard for all inspection services will be issued by the County Engineer. The development order and permit card shall be protected from the weather and located in such position as to permit the County Engineer to conveniently make the required entries thereon. The development order and permit card shall be maintained in such position by the permit holder until the Certificate of Completion or final approval is issued in writing by the County Engineer.

B. Survey Layout. The developer shall establish lines and levels, to locate and layout, by instrumentation and similar appropriate means, all construction work required to be done under the development order. The physical laying out of the construction work shall be a prerequisite for any field inspection by the County Engineer.

C. Access for Inspections. Inspections by County agencies and all other agencies having jurisdiction shall be

permitted at all times during the installation of all improvements. The applicant shall provide safe and convenient access to all parts of the work for inspections.

D. Inspections During Construction. At each of the stages hereinafter indicated, inspections shall be requested by the applicant at least two (2) working days in advance by notice to the County Engineer.

1. Clearing, grubbing, filling, grading, and erosion control. (Spot inspection required at beginning and at completion. See also inspection required by Section 801.)
2. The installation of underground utilities and services including the storm drainage system. (Spot inspections required before the backfilling of trenches or other covering of structures.)
3. The storm water management system. (Spot inspection required at completion.)
4. All rights-of-way (inspections required at completion of the subgrade, subbase, base course, and curbing prior to the placement of the surface course).
5. All rights-of-way and easements (spot inspections required during completion of surface course, sidewalks, finish grading, stripping, traffic control and street signs, sodding, seeding and final cleanup).
6. Final inspection of all components required by Section 337.3.

E. Material Testing. The County Engineer may require tests and test reports for any and all materials incorporated into the work, as proof of compliance with County engineering specifications. Required tests are to be made at the expense of the owner, by an approved testing laboratory or other approved agency.

F. Correction or Removal of Defective Work. If required by the County Engineer, the developer shall promptly, as directed, either correct all defective work, whether or not fabricated, installed or completed, or if the work has been rejected by the County Engineer, remove it from the site and replace it with non-defective work. The developer shall bear all costs associated with the removal and replacement.

G. Construction Subject to Continued Compliance. Unless the approval of the work completed, including approval of type of materials specified on the approved plans, to each stage has been given by the County Engineer, no further work shall be done on that particular aspect of construction until such work is subsequently completed to the satisfaction of the County Engineer.

H. Notice to Stop Work. Upon notice by the Public Works Department that work at any stage is being done contrary to the provisions of this Code, the Public Works Development Standards, or in a dangerous or unsafe manner, the work shall immediately cease. Such notice shall be given in writing and shall be given to developer, owner or agent or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Public Works Department shall not be required to give a written notice prior to stopping the work.

I. Damage to Public Property. It shall be the responsibility of the developer to restore and/or replace all public property damaged or destroyed which was caused by work of the developer. A pre-inspection of the contiguous and adjacent public property will be conducted by the County Engineer prior to the developer commencing any work of the development order. An inspection will be conducted by the County Engineer, as a prerequisite to the final approval, which inspection shall review and observe the same contiguous and adjacent public property for possible damage thereto.

337.3. Final Inspection of Improvements.

After all required improvements have been installed, the engineer of record shall submit certified record drawings, in a form acceptable to the County Engineer, to the County that the improvements have been constructed substantially according to approved plans and specifications. The County Engineer shall periodically inspect all construction subject to this Section. Noncompliance with approved plans or specifications or evidence of faulty materials or workmanship shall be immediately called to the attention of the developer or the engineer and, if not corrected in an expeditious manner, all work on the project will be suspended.

337.4. Performance Security.

When platting is proposed prior to completion of construction, the developer shall:

A. Agreement. Record an agreement acceptable to the Board of County Commissioners which commits the developer and/or financial institution to comply with this Section 337; and

B. Security. Submit a performance security that satisfies the requirements of Section 337.10. Such performance security shall be in the penal sum of one hundred and thirty percent (130%) of the estimated cost of the required improvements. The performance security shall cover the cost of all improvements and may be adjusted by the County Engineer to reflect the completion or partial completion of such improvements.

In the event that the County Engineer determines that the developer has failed to complete required improvements, or has failed to provide the County with a substitute performance security in advance of expiration of a performance security, the County Engineer shall exercise the County's rights under the developer's agreement and performance security to assure the completion of such required improvements.

337.5. Defect Security.

Before issuance of a certificate of completion, the developer shall submit to the County Engineer a defect security that satisfies the requirements of Section 337.10. Such defect security shall be in the penal sum of ten (1 0) percent of the actual construction cost of all the required public improvements and any private water or wastewater utility improvements. The defect security shall have an expiration date of three (3) years from the date of issuance of the certificate of completion. The financial institution shall be responsible for notifying the County Engineer in writing of the expiration date no less than thirty (30) days before the expiration date. (The defect security shall be renewed for an additional ninety (90) days upon the written request of the County Engineer.) Defect Securities are required for public improvements that are county maintained

A. Guarantee of Workmanship. The purpose of the defect security is to guarantee the materials, workmanship, structural integrity, functioning, and maintenance of the required improvements during the three-year period following issuance of the certificate of completion.

B. Determination of Defect. If the County Engineer determines after issuance of the certificate of completion that the materials, workmanship, structural integrity, functioning, or maintenance of any of the required improvements is unacceptable, or if he determines that the developer has failed to provide the County with a substitute defect security in advance of expiration of a defect security, he shall so notify the developer by registered mail of the unacceptable condition, and, subject to subsection C below, he shall afford the developer a reasonable period of time in which to correct the unacceptable condition. If the County Engineer thereafter determines that the unacceptable condition has not been corrected, the County may present to the financial institution a demand for payment on the defect security.

C. Expiration. The reasonable period of time referenced in subsection B above may be shortened or waived at the discretion of the County Engineer (a) if the defect security will expire before the end of a reasonable period of time, unless the defect security is renewed for an additional ninety (90) days before the expiration date, or (b) if the unacceptable condition poses a risk or danger to the health, safety, And welfare of the people of the County.

337.6. Certificate of Completion: Approval for Maintenance; Acceptance.

A. Maintenance Prior to Acceptance. The developer shall be responsible for the maintenance and operation associated with the public improvements facilities until approval for maintenance is issued.

B. Certificate of Completion. After successful completion of all improvements, and after receipt of the required documents, the County Engineer will provide a certificate of completion verifying the satisfactory construction of all required improvements. The required documents shall include the following:

1. Completion of satisfactory final inspections.
2. Submission and approval of a certification by the engineer and registered land surveyor of record, on forms prescribed by the County.
3. Posting and approval of the required defect security, in accordance with Section 337.5.

C. Acceptance of Public Required Improvements. Upon the issuance of any Certificate of Completion by the County Engineer for any public required improvements, the County shall thereby accept responsibility for the maintenance of such improvements, provided such improvements are on land which the County owns, or for

which it has accepted an offer of dedication. Maintenance of improvements to be owned by a community development district or other government or private entity shall remain the responsibility of such district or entity.

337.7. Monuments.

A. Permanent reference monuments. Permanent reference monuments shall be placed as required by Ch. 177, F.S., as amended. Monuments shall be set in the ground so that the top is flush or no more than one (1) foot below the finished grade.

B. Permanent control points. Permanent control points shall be placed as required by Ch. 177. F.S., as amended. Points shall not be more than one (1) foot below finished grade.

337.8. Certified record drawings.

Certified record drawings shall contain the following:

A. Original approved design;

B. All field modifications;

C. Field verified elevations and locations as required under the engineer's certification of completion. Field elevations and locations shall be shown on the record drawings and denoted as such; and

D. Engineer's certification in accordance with Section 337.9.

337.9. Engineer's certification of completion.

The engineer of record shall provide the following certification on certified record drawings:

In the professional opinion of _____P.E., as a registered engineer in the State of Florida, I certify that the improvements for grading, paving, drainage facilities, water distribution system and wastewater collection system for the project (description of platted lands) have been completed substantially in compliance with the engineering plans approved by Manatee County and in compliance with the Manatee County Code and the Public Works Standards Manual. This determination is based on construction site observations and review of test reports by me or a representative under my direction. Enclosed are record drawings which I have reviewed prior to this certification.

337.10. Requirements for Performance and Defect Securities.

Each performance security posted in accordance with Section 337.4, and each defect security posted in accordance with Section 337.5, shall be an irrevocable letter of credit or surety bond, in a form acceptable to, and issued by a financial institution acceptable to, the County Administrator.

A. Replacement Security. If, at any time after posting of a performance or defect security, a material change occurs in the condition of the financial institution, or if the financial institution fails to honor the posted security, and the developer fails to provide a replacement security in satisfaction of this Section 337, (a) the developer may be deemed in violation of this Code, and may be subject to a stop work order or any other remedy available hereunder, and (b) the County Engineer may draw upon the security.

B. Cash Security. The County Engineer may, in his or her discretion. Accept cash in lieu of a performance security or defect security, to be held by the County in its depository accounts, if and only if (a) the amount to be secured by such cash deposit does not exceed twenty five thousand dollars ($25.000), and (b) the total amount of improvements secured through cash deposits by the developer and its affiliates for all projects in the County does not exceed fifty thousand dollars ($50,000).

337.11. Designation of County Engineer.

The County Administrator shall designate an employee in the Public Works Department to serve as the County Engineer and carry out the functions set forth in this Section. The County Engineer may designate subordinate employees to carry out such functions under his authority and supervision.

Part VI. Comprehensive Plan, Land Development Code and Zoning Atlas Amendments.

Section 340. Comprehensive Plan Amendments

340.1. Purpose.

The Comprehensive Plan (Goals, Objectives and Policies, and Map Series) may be amended from time to time in accordance with the procedures and standards set forth in the Florida Statutes and this section. The purpose of this section is to outline the general review requirements for plan amendments.

340.2. Review procedures.

Comprehensive plan amendments may be initiated by a property owner or the County. The following procedures shall apply to all applications for comprehensive plan amendment.

A. Pre-Application Meeting. A pre-application meeting is required. See Section 312.2 for specific requirements.

B. Application submittal. Applications shall be filed as prescribed in Section 312.3.

C. Department Director and DRC Review. The Development Review Committee shall review the application as prescribed in Section 312.5. The Department Director shall prepare a written report that includes analysis of the application and a recommendation based on the findings required in this Section.

D. Planning Commission Review. The Planning Commission shall review the proposed application at a public hearing. After consideration of the petition, the Commission shall transmit the petition and its recommendation thereon to the Board of County Commissioners.

E. Board of County Commissioners Review.

The Board shall consider the application at one (1) public hearing for small-scale comprehensive plan amendments as required by Section 163.3187, Florida Statutes, or two (2) hearings (transmittal/first reading and adoption) for expedited comprehensive plan amendments per Section 163.3184(3), Florida Statutes.

340.3. Review Criteria for Future Land Use Map and Comprehensive Plan Text Amendments

In reviewing proposed changes to the future land use map that are privately initiated, the reviewing authorities shall consider and evaluate the changes in relation to all pertinent factors, including the following:

A. The goals, objectives and policies of the comprehensive plan.

B. An analysis, conducted by the Department Director, of the need for the additional land based on the projected population of the County and the availability of property designated for the land use being requested by the petitioner.

C. The location of the site in relation to adjacent uses and other similar uses.

D. The potential impact of the proposed use on adopted level of service standards.

Section 341. LDC Amendments.

341.1. Purpose.

The text of this Land Development Code may be amended from time to time in accordance with the procedures and standards set forth in this section. The purpose of this section is not to relieve particular hardships, and not to confer special privileges or rights on any person, but only to make adjustments to the text of this Code that are necessary in light of changed conditions or changes in public policy or that are necessary to implement the Comprehensive Plan, to resolve issues of interpretation, or to advance the general welfare of the County.

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341.2. Review Procedures

Land Development Code amendments may be initiated by a property owner or the County. The following procedures shall apply to all applications for amendment.

A. Pre-Application Meeting. A pre-application meeting is required. See Section 312.2 for specific requirements.

B. Application Submittal. An amendment to the text of this Code may be initiated by any public body or any applicant. The LDC Amendment application must be submitted as provided in Section 312.3.

C. Development Review Committee Review. The DRC shall review the application as prescribed in Section 312.5.

D. Department Director Review. The Department Director shall review the request as provided in Section 312.5.

E. Planning Commission Review. Public hearings shall be conducted in accordance with the general procedures and requirements of Section 312.8 of this Code, Section 125.66, Florida Statutes, and other applicable law. Public hearings to enact emergency ordinances to amend the text of this Code need not comply with the notice requirements of Section 125.66(3), Florida Statutes.

F. Board of County Commissioners Review. At the hearing, the Board may:

1. Determine that the proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare, and adopt the proposed amendment as proposed, or with such modifications as are necessary to assure consistency with the Comprehensive Plan and to promote public health, safety and welfare;
2. Refer the matter back to the Planning Commission for further consideration; or
3. Determine that the proposed amendment is not consistent with the Comprehensive Plan or does not promote the public health, safety or welfare, and deny the proposed amendment.

Section 342. Amendments to Official Zoning Atlas.

342.1. Purpose.

The Official Zoning Atlas may be amended from time to time in accordance with the procedures and standards set forth in this section. The purpose of this section is not to relieve particular hardships or to confer special privileges or rights on any person, but to allow adjustments to the Official Zoning Atlas that are necessary to:

A. Accommodate changed conditions or changes in public policy;

B. Implement the Comprehensive Plan;

C. Create a new zoning district; or

D. Advance the general welfare of the County.

342.2. Review Procedures.

The following procedures shall apply to all applications for amendment to the Official Zoning Atlas:

A. Applicant: An amendment to the Official Zoning Atlas may be initiated by:

1. A motion of the Board expressing its intent to consider amending the Official Zoning Atlas;
2. A person owning the property that is subject to the proposed amendment; or
3. Owners of fifty (50) percent or more of a parcel of land that is subject to the proposed amendment.

B. Pre-Application Meeting. A pre-application meeting is required, as provided in Section 312.2.

C. Application Submittal. All applications for amendments to the Official Zoning Atlas shall be prepared and submitted pursuant to Section 312.3. The Department Director shall prepare and file the applications initiated by the Board unless another County department is so directed.

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In addition to the information required in Section 312.3, the following shall be submitted with each application:

1. Completed disclosure forms listing the individuals who have a material interest in the approval of the application. The completed disclosure forms shall be included in the materials distributed to the Planning Commission and the Board for all Official Zoning Atlas amendment requests. Completed disclosure forms shall not be required for County initiated Official Zoning Atlas amendments, or for applications filed by governmental entities for the rezoning of property for the purpose of developing public facilities.
2. Applications for rezoning to Planned Development shall be accompanied by a General Development Plan.

D. Department Director and Development Review Committee Review. The Director and DRC shall review the application.

E. Planning Commission Review. Public hearings shall be conducted in accordance with the general procedures and requirements of this Chapter.

F. Board of County Commissioners Review. At the hearing, the Board may:

1. Determine that the proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare, and adopt the proposed amendment as proposed, or with such modifications as are necessary to assure consistency with the Comprehensive Plan and to promote public health, safety and welfare;
2. Refer the matter back to the Planning Commission for further consideration; or
3. Determine that the proposed amendment is not consistent with the Comprehensive Plan or does not promote the public health, safety or welfare, and deny the proposed amendment.

342.3. Review Criteria for Zoning Map Amendments.

In deciding whether to recommend adoption of, or to adopt, a proposed amendment, the Department Director, Planning Commission or the Board, as the case may be, shall consider whether the proposed amendment is consistent with this Code and the Comprehensive Plan. In determining such consistency, the following factors shall be addressed and considered:

A. Compatibility with the existing development pattern and the zoning of nearby properties.

B. Changes in land use or conditions upon which the original zoning designation was based.

C. Consistency with the current comprehensive plan.

D. Conflicts with existing or planned public improvements.

E. Availability of public facilities, based upon a consideration of the following factors:

1. Impact on the traffic characteristics related to the site, specifically trip generation potential.
2. Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are adversely affected.
3. Impact on public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the comprehensive plan and applicable law.

F. Health, safety or welfare of the neighborhood and County.

G. Conformance with all applicable requirements of this Code.

H. Consistency with the development patterns in the area and appropriateness for orderly development of the community. The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

I. Logical expansion of adjacent zoning districts.

J. Impact on historic resources.

K. Environmental impacts.

L. Types of allowable uses and impact of those on surrounding residential areas.

M. Relocation of mobile home owners, if applicable, within the meaning of, and pursuant to, Section 723.083, Florida Statutes.

N. In the case of rezones to Planned Development, consistency with the Planned Development District standards contained in Chapter 4.

O. Any other matters which may be appropriate for consideration pursuant to this Code, the comprehensive plan or applicable law.

342.4. Additional Requirements for Amendments to Planned Development Zoning Districts.

A. Submittal Requirements

In addition to the other requirements of the previous section, applications for amendments to rezone property to a Planned Development district shall be subject to the following requirements.

1. *Planned Development Application Without Site Plan.* Applications for amending the Official Zoning Atlas to Planned Development districts may be submitted and approved without an accompanying General Development Plan or preliminary site plan, unless required by the Department Director

2. *Amendments Approved Without a Site Plan.* An application which does not include a General Development Plan or preliminary site plan shall be reviewed for the range of potential uses allowed within that zoning district. The density/intensity of the use shall be reviewed when the General Development Plan or preliminary site plan is submitted. The zoning map amendment to a Planned Development district may include conditions, limitations and specific approvals. The approval of a Planned Development zoning category without the approval of a General Development Plan or preliminary site plan shall authorize the submittal of a General Development Plan or preliminary site plan by the property owner, but shall not authorize any development on the subject property.

   In any zoning district established without an accompanying General Development Plan or preliminary site plan, or any zoning district in which a General Development Plan or preliminary site plan has been approved pursuant to this Chapter but has subsequently expired, a General Development Plan or preliminary site plan shall be submitted and reviewed pursuant to this Code in the same manner as a General Development Plan or preliminary site plan submitted in conjunction with an application to rezone to a Planned Development district.

B. Planned Districts – Review Criteria.

Planned development districts may be established in appropriate locations, with respect to intended function; in conformance with the goals, objectives, and policies of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where they will not adversely impact facilities and services of the County; where they will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage nonresidential strip development along streets.

C. Procedures for Planned Development Zoning Atlas Amendments.

1. *Applications for Planned Development Zoning.* Applications for Planned Development Zoning Atlas amendments shall be submitted, processed and reviewed as for other amendments to the Official Zoning Atlas. Material submitted with the application, or on subsequent request by the Department Director, shall include the specific zoning district classification requested, the material required by Chapter 5 and other plans, maps, studies and reports, as required below, with sufficient copies for necessary referrals and records.

   An application which does not include a General Development Plan shall be reviewed for the range of potential uses allowed within that zoning district. The density/intensity of the use shall be reviewed when the General Development Plan is submitted. The approval of a Planned Development zoning category without the approval of a General Development Plan shall authorize the submittal of a General Development Plan by the

property owner, but shall not authorize any development on the subject property.

Applications for zoning atlas amendments for the Planned Development Districts may include submission for approval of a General Development Plan or a General Development Plan may be submitted after the approval of a zoning atlas amendment for the Planned Development District.

If Planned Development Zoning Atlas amendment is submitted without a General Development Plan, conditions, limitations, and specific approval may be placed on the application and approval of a Planned Development Zoning Atlas amendment.

2. *General Development Plan Requirements.* Where No Plan Exists. A General Development Plan shall be submitted in accordance with the requirements for and reviewed in the same manner as a General Development Plan which is submitted with an application for a rezone.

3. *Public Hearings.* Public hearings shall be conducted in accordance with the general procedures and requirements of Section 312.8 of this Code.

D. Effect of Approval.

1. Approval of an amendment to the Official Zoning Atlas or rezone to PD does not entitle the owner/applicant to do any work on the property, unless the appropriate approvals are obtained.

2. Approval of a PD entitles the applicant to proceed with final site plan review for the entire development or individual phases. Prior to submitting an application for final site plan approval or within ninety (90) days from the approval of the PD, whichever is first, the applicant shall submit the general development plan approved in conjunction with the PD to the Department Director for signature. The General Development Plan shall reflect all changes and conditions approved by the Board.

3. With each application for development plan approval, the developer of a planned development shall submit a progress report to the review body. At a minimum, the progress report shall include the following information listed below. If the required progress report is not up to date or is not filed, additional development approvals shall not be granted.

   a. Updated general development plan for the entire development indicating the status of approvals, phasing schedule, undeveloped areas and within developed areas, the number, size, type and locations of all structures and improvements that have been installed or constructed.

   b. Subsequent developers or owners. The names of any subsequent developers and owners of any increments, phases or portions of the planned development.

E. Typographical or Drafting Errors.

Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors on the Official Zoning Atlas may be adopted by the Board at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.

F. Resubmission of Application after Denial.

An application for amendment of the Official Zoning Atlas shall not be resubmitted for consideration for a period of one (1) year after the date on which an application for substantially the same proposed amendment has been rejected. This section shall not apply to proposed amendments initiated by the County, or where the Board specifically authorizes resubmittal based upon new information.

342.5. Additional Requirements for Rezoning to the MP-I District.

A. Filing of Application. Any person wishing to rezone property into the MP-I District and to undertake development within the MP-I district shall file an application with the Director in accordance with the provisions of Section 342, and this Section. Such application shall include a copy of an Institution Master Plan.

B. Review Procedures. The review and approval procedures for an Institutional Development shall be the same as for a rezoning pursuant to Section 342, Amendments to Official Zoning Atlas.

C. Institution Master Plan. In addition to the application requirements for rezoning, the applicant shall provide an

Institution Master Plan for review and approval. The plan shall provide sufficient detail for the Board to determine that compatibility between adjacent uses will be achieved upon build out. The plan shall include, at a minimum, the following information:

- Property Boundary
- General Range of Uses, including principal and accessory uses
- Range of Density and/or Intensity, as appropriate
- Building Height
- External Access Points
- Minimum Setbacks from Property Boundary
- Upland Preservation Areas
- Wetlands, wetland buffers and proposed wetland impacts
- Perimeter buffers

D. Board of County Commissioner Approval. In review of the Institution Master Plan, the Board of County Commissioners may limit the range of uses to ensure compatibility with adjacent existing or future land uses. The Board may also approve specific building heights, perimeter buffers, and setbacks not in strict compliance with Chapter 4 based upon a review of the plan. The Board of County Commissioners shall also be authorized to grant Special Approval with the approval of the Institution Master Plan.

E. Further Development Review Procedures. Upon approval of a Zoning Atlas Amendment and accompanying Institution Master Plan by the Board of County Commissioners, the applicant may proceed with approvals of site plans in accordance with this chapter. Such approvals shall be consistent with the approved Institution Master Plan and may be approved in phases. Future development shall occur in accordance with regulations in effect at the time, with the exception of the information contained on the Institution Master Plan (e.g., details of landscaping, lighting, parking, etc. will not be shown on the master plan but future approvals will be required to comply with the most current regulations).

F. Uses Proposed. Uses must be consistent with and allowed under the range of potential uses for the applicable Future Land Use Category of the Comprehensive Plan. Uses listed as permitted in Chapter 4 must be declared as either principal or accessory on the Institution Master Plan.

The following uses may be considered principal uses: Office, Hospital, Research and Development Activity, Churches or other places of worship, College/University, Schools of Special Education, Cultural Facilities, and Nursing Home.

All remaining uses permitted in Figure 6-1 shall be allowed as accessory uses if they are listed on the Institution Master Plan.

G. Effect of Approval. Upon approval of the Institution Master Plan by the Board through adoption of a Development Order, the applicant may apply directly for approval of a Preliminary/Final Site plan and may indicate phases on that plan. Subsequent applications may depart from the phasing plan if each site plan provides access and other common improvements adequate to serve all cumulative developments in the event other phases fail to develop timely.

H. Modification. Minor Modifications may be approved by the Director after a finding of consistency with the Institution Master Plan and Comprehensive Plan. Should future development conditions warrant a major modification to the Institution Master Plan, such an amendment shall be reviewed and approved in the same manner as the original plan.

I. Expiration. Upon approval, the Institution Master Plan shall not expire.

J. Other Permits Required. Nothing in this Section shall eliminate the obligation of the applicant to obtain any required permits from State or Federal agencies.

K. Revocability. In the event the Director determines, in his or her sole discretion, that the applicant has failed to suitably monitor the progress of the development under the Institution Master Plan so as to trigger or have a factual basis to conclude that the numerical thresholds will be exceeded such as to trigger review as a development-of-regional-impact, the Director shall notify the applicant in writing of his or her determination. The applicant(s) receiving such notice shall have the right to appeal pursuant to Section 516, LDC, of the decision or

interpretation of the Director in the enforcement of this Code requirement. The applicant shall record a notice to buyers in the public records at such time as any parcel or portion of the property is sold or transferred to another legal entity of the requirement of a subsequent purchaser to comply with the monitoring requirements regarding numerical thresholds and development-of-regional-impact review.

Such appeal shall be heard by the Board. The Board, at its option, based upon evidence in the record and exclusive of all other remedies available to the Board pursuant to Land Development Code and applicable law, may revoke the approval of a portion of the Institution Master Plan for which no Preliminary/Final Site Plan has been issued in order to prevent issuance of further development orders and prevent the exceedance of numerical thresholds for development-of-regional-impact review. In the event the approval of all or a portion of the Institution Master Plan is revoked by the Board, the Board shall adopt a resolution providing for such revocation and a Notice of Revocation shall be recorded in the public records.

Section 343. to 344 Reserved.

Part VII. Other Applications.

Section 345. Special Approval Process as Required by the Manatee County Comprehensive Plan.

345.1. Purpose.

Special approval is a process requiring an additional level of review that is required pursuant to the Comprehensive Plan. The special approval process as required by the Manatee County Comprehensive Plan is outlined in Table 3-4.

The Special Approval table is not intended to replace any development review procedures which are required pursuant to Tables 4-1 and 4-2 and this Chapter, but rather must be read in conjunction with those development review procedures.

345.2. Timing of Special Approval.

Special approval needs only to be granted on a single development application. Table 3-4 indicates with regard to many types of special approvals that there are options as to what type of development review process may simultaneously provide the review necessary to grant special approval; however, special approval is not required to be granted at each stage of review. No development order, administrative or otherwise, may be approved for projects which require special approval prior to the granting of special approval. Therefore, special approval shall be granted prior to or concurrent with the earliest approval required.

345.3. Duration of Special Approval.

A special approval shall continue in effect until such time as the use for which the special approval was granted is discontinued for a period exceeding one (1) year. However, the use must have been established prior to the expiration of the special approval. A special approval shall expire at the time specified in the instrument granting the special approval or, if no time was specified in the instrument, the special approval shall expire seven (7) years from the date on which the special approval was granted.

345.4. Manner of Granting Special Approval.

Special approval may be granted as part of another development order when allowed pursuant to Table 3-4 or may be granted through the adoption of a resolution following a duly noticed public hearing before the Board.

To the maximum extent possible, special approval is to be granted with whatever development application is required elsewhere in this Code. In many cases, special approval may be granted with administrative approvals (Preliminary and Final Site Plans, Preliminary Plats, etc.). In other cases, only the Board or a Hearing Officer may grant special

approval (Rezone, General Development Plans, Special Permits, etc.). Where rezoning is required pursuant to Table 3-4, the Planned Development process will be required to obtain special approval.

345.5. Standards for Granting Special Approval.

Special approval may be granted only upon findings that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities and only when the specific criteria for the special approval established in the Comprehensive Plan or this Code, if any, have been satisfied. Conditions may be placed on the special approval to ensure the standards for granting are met and maintained through the life of the special approval.

345.6. Submittal Requirements.

The County Administrator shall establish by administrative regulation the submittal requirements for special approval. At a minimum, the regulations shall require (i) preliminary data and analysis regarding existing public facilities and the impact of the project on those facilities, and (ii) an aerial photograph and project plan showing the arrangements of existing and proposed buildings; existing wetlands, trees, and other natural resources; proposed buffers and landscaping; neighboring land uses and the distances of those uses from the uses within the project.

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Table 3 - 4: Special Approval as Required by the Manatee County Comprehensive Plan

		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
A.	Mixed and multi-use projects in residential, agricultural, urban fringe, low intensity office, and retail/office residential categories:	X	X	X		X					
B.	Residential developments at or above a specified density in the Comprehensive Plan which require Special Approval(5)	X									
C.	Non-residential projects which exceed 30,000 square feet of gross building area and are located in the RES-1, RES-3, UF-3, RES-6, RES-9, RES-12, or RES-16 future land use categories.	(9) See Note (9) Below									
D.	All projects in the mixed use future land use categories (5)	X							X		
E.	Any project which requires Preliminary Site Plan/plat approval which is at least partially located in the Manatee Watershed Reservoir Overlay category:(5)(7)	X									
F.	Any project which requires Preliminary Site Plan/Plat Approval which is at least partially located in the Evers Watershed Reservoir Overlay category. (5)(7)	X									
G.	Any project at least partially located in the Coastal High Hazard category which requires Preliminary Site Plan/Plat Approval except a project located on land owned, leased or operated by the Manatee County Port Authority; (1)(5)(6)(7)	X	X								
H.	Any project involving noise-sensitive uses within the Sarasota-Bradenton Airport's Airport Impact Overlay										

		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
	category: See Section 403.2 of this Code										
I.	Any project in which density is transferred from part of a wetland site to another part of the same project site (1)(2).	X	X	X	X	X	X	X			
J.	Any project involving the siting of marina-type uses	X									
K.	All new recreational vehicle parks. Must rezone to CRV.			X		X					
L.	Development in ROR (retail/office/residential) IL (light industrial) and OL (office light) Future Land Use categories at special approval floor area ratios specified in the Plan plus any development exceeding 6 du/ac in the R/O/R F.L.U. designation (5)	X									
	Note: In IL categories retail commercial uses over 3,000 square feet require planned development.										
M.	Newly proposed non-residential non-agricultural development in the Manatee and Evers Watershed Overlay categories which require a construction or operating permit for industrial waste treatment as referred to in F.A.C., Chapter 17-4.	X									
N.	Modifications to Special Exception projects, see note (3).										
O.	Any projects involving continued agricultural uses where clustering option farm working housing has been utilized in the AG/R or implementing the cluster option for farmworker housing until approved development is started on the project.						X				
P.	Any project adjacent to all interstate	See Section 900									

		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
	connectors designated as entranceways										
Q.	When alternative scenarios for project access yield substantially different impacts on the number and magnitude of impediments to traffic on any functionally classified roadway or on any roadways shown on the Future Traffic or Circulation Map.						X				
R.	Any support uses located within a planned office or industrial park in the light industry and heavy industry land use categories seeking exemption from commercial location criteria	X	X	X		X	X		X		X
S.	Mineral resource extraction activities which are regulated by the Manatee County Mining and Reclamation Ordinance and which are within the Manatee or Evers Watershed Overlay categories: (6)	X									
T.	Mineral resource extraction activities which are exempted by the Manatee County Mining and Reclamation Ordinance but which are defined as major earthmoving under the Land Development Code and which are within the Manatee or Evers Watershed Overlay categories:		X							X	
U.	Mineral resource extraction activities which are exempted by the Manatee County Mining and Reclamation Ordinance but which are defined as minor earth moving under the Land Development Code and which are within the Manatee or Evers Watershed Overlay categories:									X	
V.	Any project adjacent to perennial lake or stream	X	X	X	X	X	X	X			

		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
W.	Any project in the Aviation Overlay District: See Section 403.2										
X.	Additions under 50,000 square feet to existing (prior to approval of the LDC) non-residential projects which already exceed 50,000 square feet in size, located within the R/O/R and MU future land use categories: (5)	X	X	X		X	X		X		
Y.	Additions over 50,000 square feet to existing non-residential projects located within the R/O/R and MU future land use categories: (5)	X									
Z.	New non-residential projects located within the R/O/R and MU future land use categories having more than 50,000 square feet: (5)	X									
AA.	Legally established light industrial uses located within the R/O/R who wish to change light industrial uses or increase their square footage. (See Note 3 below)										
BB.	Permit consideration of densities in excess of the maximum densities in a residential zoning category for projects which qualify as affordable housing, pursuant to the criteria approved by the Board of County Commissioners. (See note 8).										
CC.	Additions of less than 50,000 sq. ft. to existing (prior to approval of the Code) nonresidential projects located within the IL and IH Future Land Use Categories. (5)	X	X	X		X	X		X		
DD.	Additions over 50,000 sq. ft. to existing nonresidential projects located within the IL and IH future land use categories. (5)	X									
EE.	Projects where nuisance, exotic	X	X	X	X	X	X	X	X	X	X

		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
	vegetation will not be removed, pursuant to Section 701.4.E.										
FF.	When a project in the Wastewater Service Area proposes use of a septic tank in conjunction with development. (10)										

NOTES:
(1) All development proposed in the Coastal Wetland Habitat requires BOCC approval.
(2) Any proposed mitigation ratios below 2:1 for herbaceous wetlands and 4:1 for forested wetlands require approval by the BOCC (excluding single family homes on a lot of record).
(3) All modifications, except those which are listed under Section 324.2.A of this Code require BOCC approval. Those items listed as minor modifications may be approved administratively.
(4) In AG/R, and OL Category non-residential development over 3,000 s.f. requires Planned Development.
(5) Parcels which already have a Planned Development category do not need to be rezoned.
(6) Mineral Resource extraction requires a rezone to EX. The Master Mining Plan may serve as the General Development Plan.
(7) Commercial RV Parks may be established on property zone CRV.
(8) A Land Use and Deed Restriction Agreement must be approved.
(9) Special approval for non-residential projects which exceed 30,000 square feet and are located in a residential (FLU) category shall be heard and decided by the Board of County Commissioners. Notwithstanding the Board review of special approval, such projects shall comply with all other development review procedures and applicable provisions of this Code. Special approval may be granted by the Board as part of any other development order or through a separate process. Where special approval is granted by the Board through a separate review process, the granting of any other development order for such a project shall occur only subsequent to the Board's adoption of a resolution granting special approval for that project, and the granting of any other development order must be consistent with the Board's special approval resolution.
(10) Approval shall be determined as provided in the Manatee County Public Works Standards Manual (Utilities).

Manatee County Government Administrative Center
First Floor, Chambers – Work Session 8:30 A.M.
Meeting 9:00 A.M.

Section 346. Zoning Compliance Permit.

346.1. Zoning Compliance Permit Required.

Except as otherwise specifically provided in this chapter, it shall be unlawful to conduct any of the following activities until the Department Director or designee has issued a zoning compliance permit confirming that such activity complies with the applicable provisions of this chapter.

A. Make a change of use, as the term is defined in Chapter 2 of this Code, of any land or structure, or to extend any use or any lot on which exists a nonconforming use.

B. Establish any business, profession or occupation, or to change the location of a business, profession or occupation which is subject to an occupational license (local business tax receipt).

346.2. Review Procedures.

A. Application Submittal. An application for a zoning compliance permit shall be submitted to the Department Director.

B. Department Director Review. Upon receipt of a completed application, the Department Director or designee shall cause an analysis to be made as expeditiously as possible by qualified representatives of the County and such other agencies or officials as appear appropriate in the circumstances of the case, to determine compliance with the applicable provisions of this chapter. Final action shall be based on findings as to compliance with all applicable provisions of this chapter. The permit may be approved, approved subject to conditions, or denied.

C. Actions Subsequent to Decision. In the case of approval or approval with conditions, the Department Director or designee shall issue the zoning compliance permit. In the case of denial of an application, the applicant shall be notified as soon as possible, in writing, of the reasons for such denial.

346.3. Expiration.

If the use, construction or activity authorized by approval of an application for a zoning compliance permit is not commenced within six (6) months of the date of issuance of the permit, or within such further time stipulated in such permit, the zoning compliance permit shall automatically expire. Any other approval, grant, certificate, building permit or special permit issued or granted by the County pursuant to or in conjunction with the zoning compliance permit shall become null and void unless any required work thereon is substantially underway or lawful use has begun within six (6) months after the effective date of the issuance of such approval, certificate, grant, building permit or special permit, unless otherwise provided in this chapter. The Department Director or designee shall determine whether the use, construction or activity is substantially underway or has begun upon review of substantial competent evidence.

Section 347. Certificate of Appropriateness.

347.1. Certificate of Appropriateness Required.

No person may remove, relocate, alter, restore, renovate, demolish, destroy, excavate or build on a historic landmark, in a historical and archaeological overlay district, or in a historic vista protection area without first obtaining a certificate of appropriateness. The following are the specific activities requiring a certificate of appropriateness in each designated district:

A. Whitfield Estates Historical and Archaeological Overlay District. The removal, relocation, alteration, restoration, or renovation that includes a change in exterior facade materials; the demolition or construction on any site that contains a principal building built prior to 1932.

B. Terra Ceia Historical and Archaeological Overlay District. The removal, relocation, alteration, restoration or renovation that includes a change in exterior facade materials; the destruction of any exterior portion of a building built prior to 1942; or the construction of any waterfront structure in excess of two hundred (200) square feet in area.

Manatee County Government Administrative Center
First Floor, Chambers – Work Session 8:30 A.M.
Meeting 9:00 A.M.

C. Cortez Fishing Village Historical and Archaeological Overlay District. The removal, relocation, alteration, restoration, renovation, destruction or building of any structure or the excavation of any site, except for mobile homes and recreational vehicles located in the Cortez Trailer Park.

347.2. Review Authority.

Unless the application meets criteria for administrative approval as adopted by the Historic Preservation Board by resolution, the Historic Preservation Board shall review all applications for a Certificate of Appropriateness.

347.3. Review Procedures.

A. Pre-Application Meeting. The applicant shall schedule a pre-application meeting in accordance with this Chapter. The pre-application meeting shall be optional for Certificates of Appropriateness requiring administrative approval.

B. Application Submittal. A person desiring a certificate of appropriateness shall submit a written application to the Department Director.

C. Department Director Review. Upon receipt of the complete certificate of appropriateness application, the Department Director shall review and act on the application in accordance with Section 312 if the request qualifies for administrative review.

D. Historic Preservation Board Review. Applications that do not qualify for administrative approval shall be forwarded to the Historic Preservation Board for review and approval subject to the provisions of Section 312.8.

E. Criteria for Board Review. In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the Historic Preservation Board shall consider:

1. the relationship between such work and other structures in the landmark Historical and Archaeological Overlay District or on the historic landmark;
2. the extent to which the historic, architectural, or archaeological significance of the historical and archaeological overlay district will be affected;
3. the extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the historic or archaeological landmark will be affected;
4. whether the denial of a certificate of appropriateness would deprive the property owner of reasonable beneficial use of his property; and
5. whether the plans may be reasonably carried out by the applicant.

F. Deferral of Application for Demolition. The Historic Preservation Board may approve. deny or continue a decision for a period not to exceed one (1) year on an application for a Certificate of Appropriateness for demolition in order to:

1. Contact interested individuals and organizations for assistance in seeking an alternative to demolition; or
2. Allow an applicant to supply additional information as requested by the historic preservation board which may include, but is not limited to, evidence showing that plans for a new building on the site will be implemented.

Section 348. Developments of Regional Impact (DRI).

A Development of Regional Impact (DRI) shall be as defined in Chapter 380, Florida Statutes. All review shall occur as specified by the statutes, and in accordance with the procedures established by the Regional Planning Council.

Any request for an Official Zoning Atlas Amendment or, where an atlas amendment is not required, the first request for any other type of development application for a project which is deemed to be a DRI shall be processed simultaneously with a request for approval of a DRI development order. Prior to a review of the development order, the rezone ordinance shall be considered for approval by the Board. Generally, local conditions of approval shall be stipulated in the rezone ordinance and regional conditions of approval shall be stipulated in the development order. However, applicable conditions of approval which have both regional and local impact may be stipulated in both the

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development order and rezone ordinance.

Following approval of a development order and rezone ordinance, all subsequent requests for development approval shall be processed in accordance with the provisions of this Code.

Section 349. Large Projects.

349.1. Large Project Application Required.

Projects which are not deemed to be a DRI, but which meet one or more of the following criteria, shall be considered large projects, and shall file, in addition to all requests for approval as required by this Code, a large project application (LPA):

A. Residential development project containing eight hundred (800) units or more.

B. Projects which are between eighty (80) and one hundred and twenty (120) percent of a numerical threshold for DRI's, as provided in Section 380.0651(3)(a) through (i), Florida Statutes.

349.2. Binding Letter.

A Binding letter of Interpretation (BLI) shall be required for the following projects. A BLI, however, shall not be required if the applicant submits an Application for Development Approval (ADA) for a DRI.

A. Projects between one hundred (100) percent and one hundred twenty (120) percent of a numerical threshold for DRI's, as established in Chapter 380.06, Florida Statutes, shall require a BLI prior to submitting a request for a Zoning Atlas Amendment for that project.

B. Projects between eighty (80) percent and one hundred (100) percent of a numerical threshold for DRI's, as established in Chapter 380.06, Florida Statutes, require a BLI at the development stage upon findings that the character and magnitude of the development creates a likelihood that the development will have a substantial effect on the health, safety and welfare of citizens of more than one County.

349.3. Large Project Application (LPA).

The Large Project Application shall be processed simultaneously with the first application for development approval.

A. Pre-Application. Prior to submittal of a Large Project, the applicant shall have a pre-application conference with the Building and Development Services Department and the Environmental Management Department.

B. Required Information. Information that shall be required upon submittal of a Large Project Application shall include, but not be limited to:

1. Recent aerial photo, including at one (1) foot contours (for areas within five hundred (500) feet of project boundaries).
2. Topographic map at one (1) foot contours (for areas within five hundred (500) feet of project boundaries).
3. Map showing existing land uses within the development area and adjacent land within five hundred (500) feet of the project boundaries. (Note: all above information may be combined on a single map or aerial photo, if appropriate.)
4. Master Development Plan for site, including a breakdown (acreage and percentages) of the types of proposed land uses; rights-of-way (major roads); open space areas; general areas of stormwater retention; acreage and number of proposed residential units for each parcel, acreage and size (square feet) of each non-residential component of the project.
5. Development Phasing Plan depicting general breakdown in types of proposed land uses by project phase (including acreage, number of residential units and size of non-residential components).
6. An existing native habitat map or list. Indicate on this map or list, acreage for each native habitat area lying within the project site.

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7. A native habitat preservation, alteration and mitigation plan. Indicate on this map acreage of each native habitat area to be preserved, conserved, altered or mitigated, if applicable. Provide on this map a summary of native habitat acreage to be preserved, conserved, and mitigated by habitat type.

8. An existing drainage map. Indicate on this map existing basin/subbasin boundaries, drainage flow directions, drainage easements, discharge points, natural creeks, manmade canals, lakes, other waterbodies, drainage structures (both on-site and within one (1) mile downstream), coastal construction control lines, DEP jurisdictional lines, floodplains and floodways, as determined by FEMA and any other studies available through the Engineering Division of the Public Works Department. Summarize in tabular form on this map the following information:

    a. Basin area(s), slope(s) and length(s);

    b. Acreage and percent impervious coverage for each basin;

    c. Acreage and percent directly connected impervious coverage for each basin;

    d. Acreage and percent wetland/depression surface coverage for each basin; and

    e. Wetland/depression storage capacity within each basin.

9. A traffic impact analysis that satisfies the standard for a DRI traffic impact analysis.

10. A map or list identifying any locations of existing public facilities (e.g., water supply, wastewater treatment, transportation facilities, emergency service facilities, recreational parks, schools, etc.) which would serve the project site.

11. A map showing future improvements necessitated by the proposed development (e.g., water supply, wastewater treatment, transportation facilities, emergency service facilities, recreational parks, schools, etc.).

C. General Project Description.

1. Describe and discuss in general terms all major elements of the proposed development in its completed form. Include in this discussion the proposed phases of development, and expected beginning and completion dates for construction. For non-residential Large Projects, also include target dates for facility operation or utilization. If the development will have a proposed build-out of ten (10) years or less, phasing should be shown on an annual or biannual basis.

2. Project the number of on-site permanent fulltime employees with low or moderate incomes that could afford to rent or purchase within the development. Specify if any affordable housing provisions will be available to these employees within the development.

3. If the proposed project would include low and moderate income housing units, describe how these units would be provided. Indicate what available mechanisms or incentives the applicant is seeking to achieve affordable housing within the project.

4. Provide a market study which has been prepared for the proposed commercial development. If such a study has not been prepared, describe in general terms how the overall demand for this project has been determined.

D. Industrial Uses.

Indicate the type of anticipated operations that would occupy the proposed industrial park (e.g., manufacturing).

E. Environmental Systems.

1. *Native Habitats*.

    a. Methodology.

        i. The applicant shall use a methodology for determining on-site hydroperiods and flow conditions which has been approved by the Pollution Control Department prior to submittal of this application.

        ii. Describe the acreage, species composition and degrees of disturbance for each habitat existing within the development site, based on the Comprehensive Plan Conservation Element. Identify the occurrence of any on-site unique habitats such as those listed by the Florida Natural Areas Inventory,

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and describe the ecological values and functions of these unique habitats.

iii. Provide an analysis of historic flow conditions and hydroperiods, with seasonal water elevations, of on-site wetlands.

b. Post-Development Conditions.

i. Discuss how the project would not adversely affect the base flow or the periodicity of flow in water courses.

ii. Indicate all native habitats that will be preserved in their natural or existing state.

iii. Indicate all native habitats that will be conserved. Discuss how this proposal is consistent with the Comprehensive Plan Conservation.

iv. Indicate all wetlands, or portions thereof, that are proposed for alteration. Discuss the reason for alteration, and indicate whether alternatives were investigated to either limit or eliminate the need for wetland alteration. Discuss how this proposal is consistent with the Comprehensive Plan Conservation Element residential component of the project.

v. Development Phasing Plan. General breakdown in types of proposed land uses by project phase (including acreage, number of residential units and size of non-residential components).

c. Conceptual Mitigation Plan for all wetlands, meeting the criteria for alterations as specified in Section 719.

d. A list of species likely to occur or present within the development area listed as threatened, endangered, rare, unique, or of special concern.

F. Drainage.

1. Provide a general overview of existing drainage conditions, including any potential flooding and/or erosion problems.
2. Indicate that steps will be taken during development construction and maintenance to prevent or control soil erosion caused by wind and/or water action.

G. Surface Water—Existing Conditions.

1. Indicate any surface water quality monitoring stations existing on and near the development.
2. Describe in terms of appropriate water quality parameters the existing surface water quality conditions on and abutting the project site.
3. Provide the existing surface water pollutant loading rates for the site based on site-specific data and/or literature sources.

H. Surface Water—Post Development Conditions.

1. Identify any potential sources and the significance of pollution to the surface waters of the development area which could adversely affect the quality of water resources.
2. Estimate post-development pollutant loading rates of the surface waters and compare with pre-development loading rates.
3. Provide a surface water quality monitoring program for the development which identifies proposed monitoring stations, frequency of sampling, parameters and method for reporting results.
4. Indicate what measures would be utilized in the proposed drainage system to ensure acceptable water quality.

I. Groundwater—Existing Conditions.

1. Indicate any groundwater quality monitoring stations existing on and near the development site.
2. Describe in terms of appropriate water quality parameters the existing groundwater conditions on and abutting the project site.

J. Groundwater—Post-Development Conditions.

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Identify any potential sources and the significance of pollution to the groundwater of the development area which could adversely affect the quality of water resources.

K. Floodplains.

1. If any structures and roadways are proposed within the 100-year flood prone area as identified by FEMA, indicate what measures will be taken to mitigate the potential flood hazard and to maintain the 100-year floodplain storage volume.
2. Identify all areas within the 25-year floodplain.

L. Historical and Archaeological Sites.

1. Describe any known historical or archaeological sites on the development site. Provide a letter from the Department of State, Division of Historical Resources (DHR) which includes:
   a. A list of archaeological and historic sites located within the development site;
   b. The results of any site surveys; and
   c. Whether a site survey is needed.
2. If available, indicate the results of any archaeological or historical survey conducted for the development site.

M. Public Facilities.

1. *Transportation*. The applicant shall use a traffic impact assessment methodology that has been approved by the Manatee County Planning Department.
2. *Water Supply*.
   a. Provide a general description of the type of potable water system or combination of systems, available within the development area.
   b. Project water usage for the proposed development, in accordance with the Manatee County Comprehensive Plan standards.
3. *Non-Potable Water—Existing Conditions*. Provide a general description of the type of non-potable water system (e.g., private wells) existing within the development area.
4. *Non-Potable Water—Post-Development Conditions*.
   a. Project average daily non-potable water demands generated by the proposed development. Indicate any large consumers of water (e.g., domestic irrigation) and seasonal peaks. Specify what consumption rates have been assumed in this analysis.
   b. Identify the non-potable water sources to meet project demands (e.g., proposed wells). Provide pumping rates (average and maximum) for each existing and proposed well within the development area.
5. *Wastewater Management*. Provide a general description of the wastewater treatment and disposal system, or combination of systems available within the development area (e.g., septic systems or central system(s)).
6. *Wastewater Management—Post-Development Conditions*.
   a. Project wastewater generation for the proposed development by land use classification. These projections are to be based on County infrastructure standards.
   b. If applicable, generally describe the volumes, characteristics and pre-treatment techniques of any industrial or other effluents prior to discharge from proposed industrial-related use(s).
7. *Solid Waste Management*.
   a. Provide a general description of the solid waste management system, including methods of collection and disposal, existing within the development area.
   b. Identify any proposed uses that are potential generators of hazardous waste. Hazardous waste has been defined by EPA as any substance that exhibits ignitable, corrosive, reactive and/or toxic properties. Identify the proper on-site handling and temporary storage procedures for any hazardous waste that may

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be generated on site, in accordance with local, regional, state, and federal hazardous waste programs. Discuss provisions that will be made for disposal of these hazardous materials.

8. *Education*.

   a. If any school facilities and/or sites within the project boundaries are proposed to be dedicated to the Manatee County School Board, the applicant shall meet with representatives from the School Board prior to submittal of the application to discuss site suitability and any other relevant issues.

   b. Indicate what existing public schools would serve the development area. Identify any present excess student capacities within these schools that would be available for the proposed development.

   c. Based on the demographic information given, estimate the number of school-aged children by development phase that would be attending public schools.

   d. Attach a letter from the Manatee County School Board, acknowledging approval of the public school age population estimates given above, and providing a statement of what capital improvements would be necessary to accommodate these students for each phase of development.

   e. Indicate any school facilities and/or sites within the project boundaries which are proposed to be dedicated to the Manatee County School Board. Describe the suitability of each proposed site dedication to support a school based on size and configuration criteria and other aspects including environmental, drainage, transportation and land use compatibility. Discuss what measures will be taken to reduce or eliminate any potential compatibility conflicts.

   f. Indicate any private and/or proprietary schools proposed within the project boundaries. Identify type of school, student capacity, schedule of facility utilization, and service area. In addition, for each proposed school facility, estimate the number and percentage of students drawn from individual counties.

9. *Recreation*.

   a. If any park facilities and/or sites within the project boundaries are proposed to be dedicated to Manatee County, the applicant shall meet with representatives from the County's Parks and Recreation Department prior to submittal of the application to discuss site suitability and any other relevant issues.

   b. Inventory any existing passive and active recreation facilities or open space areas within the development area. Indicate whether public access to these areas is currently provided.

   c. Indicate any recreational areas within the development that would not be dedicated to Manatee County. Provide information on each of these recreational areas as follows:

      i. Type of recreational area (active vs. passive);

      ii. Acreage of the recreational area;

      iii. The development stage in which the recreational area would become operational;

      iv. The entity or entities responsible for the operation and maintenance of the recreational area; and

      v. The users (residents vs. open to the general public).

10. *Emergency Services*. Provide a letter of service availability and capacity from the appropriate ambulance service for the proposed project. This letter should contain a statement of the ambulance service's ability to provide service with adequate emergency response time as the project is currently phased.

11. *Fire Protection*.

   a. Provide correspondence from the appropriate fire protection agency indicating: (1) whether or not the present facilities and manpower of the department are capable of serving the project with adequate emergency response times as the project is currently phased, and (2) what additional manpower and equipment the project would require.

   b. Identify any proposed on-site facilities or services (e.g., land dedication for fire station, private fire protection service, built-in fire protection systems) that would be utilized to compliment public protection and safety services. Provide an estimated percentage of total service that would be provided by private fire protection services.

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c. Identify any proposed development that would create a demand beyond present fire flow capabilities (sustained and immediate). Indicate what steps (e.g., sprinkler system) would be taken to ensure adequate fire protection for this development.

12. *Police Protection*. Identify any proposed on-site facilities or services (e.g., private security service, built-in alarm systems) that would be utilized to compliment public protection and safety services.

13. *Hurricane Evacuation*. Provide a breakdown of proposed land uses to be located within Category 1, 2 and/or 3 storm zones.

Section 350. Development Agreements.

350.1. Purpose and Intent.

Pursuant to Sections 163.3220 through 163.3243, Florida Statutes, development agreements may be entered into by a developer and the County to secure the completion of improvements or performance of other developer obligations in consideration for any procedural or substantive right or entitlement, as may be authorized and required by this Code, the comprehensive plan and applicable law.

Development agreements may be required in conjunction with a rezone to Planned Development (PD) district,

350.2. Application.

Application for a development agreement shall be made to the Department Director, and may be filed in conjunction with an application for development approval.

Development agreements shall be reviewed, approved and administered as provided in this section and Sections 163.3220 through 163.3243, Florida Statutes. If, in the course of such review, approval or administration of a development agreement, a conflict arises between this section and state law, state law shall govern. Amendments and modifications to development agreements shall be treated in the same manner as approvals of development agreements under this section.

350.3. Form of Agreement for Public Improvements.

Applicants shall be responsible for preparing a draft development agreement using the standardized form provided by the County, and shall specifically identify each substantive change to such form in the draft.

350.4. Review Procedures.

A. Staff Review. All development agreements shall be reviewed and processed for completeness and sufficiency pursuant to the requirements of this Chapter.

B. Standards of Review. All proposed development agreements shall be reviewed to assure that:

1. Any requirement for Manatee County or a private party to invest in any new construction or improvement of any facility is based upon compliance with all other applicable level of service standards, unless compliance, with adopted level of service standards is made a condition of the local government land development agreement;

2. Any construction or improvement complies with the County's design, engineering and construction standards; and

3. Any rights or entitlements granted pursuant to the development agreement are consistent with this Code and the comprehensive plan.

C. Approval. Development agreements are to be treated as quasi-judicial matters. Accordingly, the applicant shall bear the burden to demonstrate that a development agreement satisfies the requirements of this Section. Except to the extent otherwise required by applicable law, the approval of any development agreement that requires the County to accept or to construct public improvements, or requires the County to accept funds or other consideration toward public improvements, shall be subject to the fiscal and managerial discretion of the Board of County Commissioners.

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D. Public Hearings. At least two (2) public hearings shall be held prior to the approval of a development agreement by the Board. One (1) of the two (2) required public hearings may be held before the Planning Commission. The hearings must be noticed in accordance with this Chapter.

350.5. Recording.

The County, at the applicant's expense, shall record the development agreement in accordance with the State Statutes.

350.6. Administration of Development Agreements.

Development agreements shall be subject to periodic review, amendment or cancellation, modification or revocation, and enforcement, pursuant to and in accordance with this section.

350.7. Application of Subsequently Adopted Local Laws and Policies.

The County may apply subsequently adopted laws and policies to a development that is subject to a development agreement only in accordance with the requirements of the State Statutes.

Section 351. Environmental Preserve Management Plan (EPMP).

351.1. EPMP Required.

A. Purpose and Intent. An environmental preserve management plan (EPMP) is required to ensure improvements and uses within an Environmental Preserve are designed to adequately protect natural features on the site.

B. Applicability. EPMPs prepared and approved in accordance with the provisions of this section shall be utilized to assure compliance with all applicable requirements of this Code. The EPMP shall include appropriate measures for stormwater management, wetland protection, and habitat, wildlife and endangered species protection.

351.2. Plan Requirements.

The EPMP shall include a site plan that contains sufficient detail to ensure compliance with all applicable development standards in the Code. In circumstances where detailed development information is not available at the time of the EPMP, acknowledgement of the need to comply with applicable development standards will suffice.

The application for an EPMP shall be submitted by the County Administrator to appropriate reviewing agencies including the Development Review Committee.

Notwithstanding the provision of Section 345 Special Approval, an EPMP may be used as the vehicle to obtain special approval as required by the Comprehensive Plan.

351.3. Review Procedures.

A. Planning Commission Review. The Planning Commission shall hold a public meeting pursuant to this Chapter to review the proposed management plan.

B. Board of County Commission Review. The EPMP shall be considered by the Board at a public hearing pursuant to this Chapter.

C. Modifications*.* Where action, designs, or solutions proposed are not literally in accord with applicable general regulations, but the Board makes a written finding in the particular case that the public purposes of the regulation are satisfied to an equivalent or greater degree, the Board may grant modifications for the particular case. However, where floor area and similar building ratios, as well as maximum permitted densities have been established by these regulations, the Board shall not grant specific approval to increase such ratios, maximums, or minimums.

Minor modifications may be approved by the Department Director, after a finding of Comprehensive Plan consistency.

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351.4. Review Criteria.

Environmental preserve management plans shall show compliance with the standards outlined in the following sections:

354. Temporary uses.
360. Certificates of Level of Service.
310.3. Building permits.
520. Standards for Temporary Uses.
806. Lighting.
1002. Visibility triangles.
802. Floodplain management.
403.6. Historic vista protection.
803. Utility Service Requirements.
801. Stormwater Management.

351.5. Other Permits Required.

Nothing in this section shall eliminate the obligation of the County to obtain any required permits from state or federal agencies. A Certificates of Level of Service compliance, all required County permits, and approval for utility connections shall be obtained.

351.6. Effect of Approval.

The approval of an EPMP pursuant to this section shall satisfy the requirement for Final Site Plan approval for purposes of compliance with this Code. In circumstances where a property is zoned Planned Development, the approved EPMP shall supersede any previously approved plan and/or stipulation. All required Building Permits, Floodplain Management Permits, Erosion, and Sedimentation Control Plans, Certificates of Level of Service and Construction Drawing approvals for utility connections shall be obtained.

Section 352. Public School Determinations of Consistency.

352.1. Purpose and Intent.

This section sets forth the procedures and criteria for issuance of determinations of consistency for public educational facilities pursuant to Section 1013.33(6), Florida Statutes, and the alternative procedures adopted pursuant to Section 1013.33(8), Florida Statutes, under the Amended and Restated Interlocal Agreement ("Interlocal Agreement") for Public School Facility Planning among the School Board of Manatee County ("School Board"), the County and certain municipalities.

352.2. Applicability.

This section shall apply to the development of all public educational facilities by the School Board within the meaning of Section 1013.01, Florida Statutes. Pursuant to Section 1002.33(16), Florida Statutes, this Section shall not apply to the development of charter schools.

352.3. Review Procedures.

With respect to each proposed educational facility, the School Board and the County shall follow the procedures and requirements set forth in Section 1013.33(6), Florida Statutes, as amended, for the issuance of a determination of consistency with the comprehensive plan (including, without limitation, the requirement that a complete request be deemed approved if the County fails to act upon it within ninety (90) days), subject to the following conditions:

A. Completeness. In order to be deemed "complete", a request for determination of consistency must include the following items:

1. School site plan application;
2. All applicable information required by the School Site Plan standards set forth in Exhibit "C" to the Interlocal Agreement, as amended from time to time; and
3. Pedestrian plan for new educational facilities illustrating sidewalks which exist or are proposed on thoroughfare roads within a two-mile radius of the school site.

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4. Other items may be requested of the School Board and considered by the County, but are not required in order for the request to be deemed "complete".

B. Statutory Time Limit. The time periods set forth in Section 1013.33(6), Florida Statutes, shall begin to run from the date that the Director acknowledges in writing that the County has received a complete request for determination of consistency. If the County does not issue either (a) a written acknowledgement that the request is complete, or (b) a written determination that the request is incomplete with a list of the specific items from the School Site Plan standards set forth in Section 352 that should be provided in order to complete the request, then, within ten (10) business days from the initial date of submittal and within five (5) business days of subsequent submittals, the request shall be deemed to have been determined to be complete. The ninety (90) day window for issuing the determination of consistency shall not apply if the school board submits a General School Plan to the County for review.

C. Board Consideration. A request for determination of consistency for a public school facility shall be decided by the Board. A determination of consistency shall also constitute the sole method for special approval of an educational facility pursuant to the comprehensive plan.

D. Quasi-Judicial Procedures. The Board shall consider determinations of consistency in accordance with the requirements for quasi-judicial decisions pursuant to Section 312.8. No affected party shall be deemed to have waived any requirement of any statutory provision referenced herein unless such waiver is made by written instrument expressly stating such party's intent to waive such provision.

E. Existing Schools. With respect to the expansion of any proposed educational facility, the County shall adhere to the requirements of Sections 1013.33(3) and (15), Florida Statutes. Existing educational facilities shall be considered consistent with the comprehensive plan. When the need for closure of an education facility is identified, the School Board's superintendent shall notify the County in writing and shall give due consideration to any concerns and alternatives set forth by the County. Any expansion of an existing educational facility shall only be subject to the informational requirements, procedures, timeframes, and review process requirements of this section, and only if the proposed expansion constitutes a major renovation or construction in that the expansion:

1. Increases school permanent FISH capacity by more than ten (10) percent;
2. Provides for a change to the primary use of the educational facility (with respect to change in type of school from elementary, middle or high school to a different type of school); or
3. Provides for the construction of a stadium.
4. Review of any such expansion shall be limited to those aspects of the educational facility affected by the expansion.

F. Compliance with Decision. As required pursuant to the Interlocal Agreement, the School Board shall not act in a manner that is contrary to the County's decision regarding a determination of consistency. In the event the School Board does not agree with the County's decision, the School Board may initiate dispute resolution procedures in accordance with the Interlocal Agreement.

352.4. Standards and Criteria.

All determinations of consideration shall be subject to the following standards and criteria:

A. Zoning Districts. Public educational facilities shall be allowable uses in all zoning districts, except heavy manufacturing and conservation zoning districts subject to compliance with applicable development standards set forth in this section. Public Educational Facilities may be allowed in heavy manufacturing and conservation zoning districts at the discretion of the County.

B. Criteria for Approval. The Board shall review for consistency with the comprehensive plan in regard to impacts on natural resources, surrounding land uses and public facilities. If the request is determined to be consistent with the County's comprehensive plan land use policies and categories in which public school facilities are allowable uses, and with this section, then the County shall not deny the request for determination of consistency but shall issue a determination of consistency. The issues to be considered by the Board in deciding whether to grant a determination of consistency request shall be limited to those specified in Section 1013.33(13), Florida Statutes.

C. Conditions of Approval. With respect to each proposed educational facility, the Board may place reasonable development standards and conditions upon the approval of a determination of consistency relating to environmental concerns, health, safety and welfare, and effects on surrounding property. Any condition requiring

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off-site improvements by the School Board shall be subject to the limitations established by Section 1013.51, Florida Statutes.

D. Determination of, Agreement for, On-Site and Off-Site Improvements. In conjunction with a determination of consistency provided pursuant to this chapter, the School Board and the County shall determine the need for and timing of on-site and off-site improvements necessary to support a proposed Educational Facility construction or renovation and the needs and/or opportunities for construction of additional area improvements on a cooperative basis. Any improvements by the School Board required or agreed to in order to fulfill the requirements of this Section shall be subject to the limitations established by Section 1013.51, Florida Statutes. A written agreement between the School Board and the County may be entered into concerning the timing, location, and the party or parties responsible for constructing, operating and maintaining such improvements.

352.5. On-Site and Off-Site Improvements.

In conjunction with a determination of consistency , the School Board and the County shall determine the need for and timing of on-site and off-site improvements necessary to support a proposed educational facility construction or renovation and the needs and/or opportunities for construction of additional area improvements on a cooperative basis. Any improvements by the School Board required or agreed to in order to fulfill the requirements of this section shall be subject to the limitations established by Section 1013.51, Florida Statutes. A written agreement between the School Board and the County may be entered into concerning the timing, location, and the party or parties responsible for constructing, operating and maintaining such improvements.

352.6. Effect of Determination of Consistency.

Issuance of a determination of consistency by the County for an educational facility shall satisfy the requirements for development approval for the education facility, including without limitation:

A. All development approvals required pursuant to this Code and the comprehensive plan; and

B. All development approvals required from the County pursuant to Section 1013.33, Florida Statutes.

Accordingly, upon issuance of a determination of consistency by the County, the School Board shall not be required to seek any additional approvals from the County for development of the subject educational facility, so long as it is developed in accordance with the determination of consistency and any conditions imposed there under pursuant to this section.

Section 353. General Plans for Educational Facilities.

353.1. Purpose and Intent.

This section sets for the procedures and criteria for submission by the School Board, at their option, of a General School Plan for purposes of long-range school planning. The submittal of a General School Plan is intended to facilitate implementation of the Public School Facilities Element of the comprehensive plan so as to provide for collaboration in the planning for future sites for educational facility site selection consistent with the comprehensive plan and growth and development patterns of Manatee County. The submittal of a General School Plan by the School Board shall be supplemental to the procedure for the future determination of a school site plan as to consistency pursuant to Section 352 of this Code.

353.2. Review Procedures.

A. Application. In order to be deemed "complete", a request for review of a General School Plan must include the following items:

1. School General Plan application;
2. All applicable information required by the General School Plan standards set forth in Exhibit "B" to Ordinance 09-59.
3. Other items may be requested of the School Board and considered by the County, but are not required in order for the request to be deemed "complete."

B. Board Consideration. The Board shall consider and comment on a General School Plan in accordance with the

requirements for quasi-judicial decisions pursuant to this Chapter. A request for consideration of a General School Plan shall be decided by the Board. A General School Plan shall not be the method for special approval of an educational facility pursuant to the comprehensive plan.

C. Conditions. There shall be no conditions of approval placed upon the review of the General School Plan by the Board. Provided, however, the Board may place reasonable development standards and conditions upon the future consideration of a determination of consistency relating to environmental concerns, health, safety and welfare, and effects on surrounding property.

353.3. Review Criteria.

The Board shall review the degree to which the proposed General School Plan complies with the standards set forth in Exhibit "B" to Ordinance 09-59.

353.4. Effect of Review and Consideration of General School Plan.

The review of a General School Plan by the Board shall serve as a planning tool for the following:

A. The General School Plan shall guide the siting of schools and remain in effect until such time the School Board submits a school site plan which is approved by the Board for the subject site. The action by the Board shall be codified as a resolution to approve or deny the proposed General School Plan.

B. The General School Plan shall serve only as a planning tool and shall not be relied upon for determinations of satisfying school concurrency requirements as described in Article VII of the Interlocal Agreement and in Chapter 163, Part II, Florida Statutes.

Section 354. Temporary Use Permits.

354.1. Temporary Use Permit Required.

No temporary use which is not otherwise treated by this Code as a permitted use or Special Permit use in a particular zoning district shall be conducted or erected without a temporary use permit issued by the Department Director. The issuance of a temporary use permit shall not be deemed to amend the Official Zoning Atlas or this Code. The issuance of a temporary use permit does not waive any requirements for a Building Permit.

354.2. Review Procedures.

Applications for a temporary use shall be made at least thirty (30) days prior to the proposed commencement date for the use. The application shall include a description of the proposed activities, the time period for which the permit is requested, a site plan depicting the proposed use of the site and any temporary site or building improvements proposed, and any additional information and documentation as may be required by the Department Director. Plans for sanitation and public health protection including temporary bathroom facilities, inspection of food facilities, drainage, garbage and litter control, and recycling, shall be approved by the Department Director and the Health Department, when applicable.

Unless otherwise provided herein, the Department Director has the authority to approve a temporary use permit in accordance with procedures set forth in Section 315.

The Department Director may impose reasonable conditions upon the temporary use permit including, without limitations, any conditions or restrictions placed on the proposed use activities to address hours of operation, traffic control and access, lighting, sanitation, and noise control to ensure compliance with the standards above.

354.3. Duration of Temporary Use Permit.

Unless specifically authorized in Chapter 5, no temporary use permit shall allow continuation of the use for a period of more than six (6) months, unless approved at a public hearing of the Board of County Commissioners in accordance with Section 312.8. Such a request shall not require a Planning Commission review.

By the end of the time period for which the temporary use was permitted, including any renewal or extension periods, the use shall be discontinued, all temporary structures involved removed, and the site restored to an acceptable condition free of debris and code violations.

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354.4. Extension of Temporary Use Permit.

An applicant who has obtained a temporary use permit may request an extension of the permit period by filing, before expiration, a letter stating the reasons for the request with the Department Director. The Director may grant, for good cause shown by the applicant, one renewal or extension of a temporary use permit for a maximum period not to exceed ninety (90) days, unless otherwise specified in this Chapter or by the authority initially approving the temporary use permit. Such renewal or extension may be granted, subject to the standards and procedures of this section. Only one extension may be granted under this subsection

354.5. Consolidated Permits.

Where an activity or project, such as a construction project, involves more than one (1) temporary use regulated under this section, a consolidated temporary use permit may be issued for all such uses involved in the activity or project.

354.6. Violations.

Enforcement and violations of this section shall be addressed as specified in Chapter 1 of this Code.

Section 355. Erosion and Sediment Control Plan.

355.1. Applicability.

Development approval that, pursuant to this Code, requires a final site Plan or construction plan shall also be subject to the requirement of an Erosion and Sediment Control Plan (ESCP) pursuant to this Section.

355.2. Application Requirements.

Prior to commencement of construction activities, the applicant shall submit an ESCP to the Department Director for review and approval. Construction activities shall not commence unless and until such approval is obtained. Pursuant to Section 102, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with any application for an ESCP.

355.3. On-Site Meeting.

The applicant shall schedule an on-site meeting with staff from the Building and Development Services Department and the Public Works Department, as well as the engineer of record and the contractor. Final approval of the ESCP and authorization of construction will be granted only after an on-site meeting has been conducted. Prior to scheduling the on-site meeting the developer shall:

A. Obtain all applicable approvals (final site plan, construction plans, environmental resource permit and NPDES permit);

B. Stake the boundaries of the wetland buffers, upland preservation areas or other environmentally sensitive areas, as indicated on the approved final site plan/construction plans; and

C. Stake all silt screen locations every one hundred (100) feet, as indicated on the approved Final Site Plan/construction plans.

355.4. Changes.

Prior to approval of the ESCP, the applicant shall make any changes to the ESCP that staff deem necessary to assure compliance with this Code and the Comprehensive Plan. Changes to an approved ESCP must be submitted to staff by the engineer of record for review and approval prior to implementation, and are subject to the approval of the Department Director. Additionally, changes to an ESCP that also constitute changes to a Final Site Plan are subject to the requirements of Section 324. Changes to an ESCP that also constitute changes to construction plans are subject to the approval of the Department Director.

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Section 356. Mining Activity Permitting

Mining operations require the approval of a Master Mining and Reclamation Plan meeting the requirements of the Manatee County Phosphate Mining Code (Chapter 220, Code of Ordinances). Approval of such plans shall follow the procedures defined herein.

356.1. Review and Approval Procedures**.**

A. Pre-application Conference. The developer of a proposed mining activity shall meet with the Department Director and other affected County agencies prior to the preparation or submission of a Master Mining and Reclamation Plan. The purpose of this meeting shall be to discuss informally the minimum requirements and design standards for proposed mining activities as well as to discuss existing or proposed developments which may affect, or be affected by the proposed activities. For the purpose of such discussion, it is advised that the applicant have a sketch plan indicating the proposed project area, its relationship to the surrounding area, and its general development scheme. Formal application or filing of a plan with the Department Director is not required for the Pre-application Conference.

B. Filing of Application. Following the Pre-application Conference, a developer wishing to undertake a mining activity shall file an application with the Department Director in accordance with the provisions of Section 342, Amendments to Official Zoning Atlas, and this Section. Such application shall include a copy of the Master Mining and Reclamation Plan.

C. Review Procedures. The review and approval procedures for Master Mining and Reclamation Plan shall be the same as for a rezoning pursuant to Section 342, Amendments to Official Zoning Atlas.

D. Modifications. In approving a Master Mining and Reclamation Plan, the Board may require such modifications as shall assure compliance with the purpose and intent of the EX district regulations.

E. Rezoning Application. In the event that a Master Mining and Reclamation Plan shall be disapproved by the Board, the application for rezoning shall thereby be deemed to be denied. In the event that the Board shall approve, or approve with modifications or conditions, a Conceptual Site Plan, the Board may thereupon grant the rezoning application accompanying said plan.

F. Additional Information. Prior to or in addition to approval of a Master Mining and Reclamation Plan, and upon a determination that additional information is necessary for proper review of the proposed mining activity, the Board may require the submission of additional information by the applicant. The review of such additional information shall follow the same procedures applicable to review of the Master Mining and Reclamation Plan with which such information is to be associated.

G. Amendment. Once a Master Mining and Reclamation Plan has been approved, and there is cause for amendment of same or any portion thereof, such amendment shall be processed in like manner as the original submission. However, there shall be no requirement to file an amended rezoning application unless the proposed amendment would so dictate.

356.2. Deviations from Approved Plans.

Deviations from the approved plans or failure to comply with any requirements or safeguard imposed by the Board during the approval procedure shall constitute a violation of this Code.

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Part VIII. Concurrency Management.

Section 360. Certificate of Level of Service Compliance.

360.1. Purpose.

This section is intended to prevent the issuance of Development Orders which result in a reduction in the adopted level of service standards for public facilities below the level required by the Comprehensive Plan.

360.2. Applicability.

The following development order requests shall not be issued unless the applicant has obtained a Certificate of Level of Service Compliance. All development shall obtain a certificate. If proposed development qualifies as a special exception to the Comprehensive Plan, the certificate will be issued indicating the exception.

A. Approval to commence development.

B. Construction drawing approval.

C. Final site plan.

D. Final subdivision plat.

E. Administrative permit with a Final Site Plan.

F. Earthmoving permit, minor or major.

G. Off-street parking plan.

H. Building permits for the following:

1. More than one thousand (1,000) square feet of non-residential floor area as either a new building or an addition.
2. Dwelling unit as a whole unit but not an addition to a unit.
3. Other use that would increase parking spaces, traffic generation, potable water use, wastewater generation, or solid waste generation beyond that of a dwelling unit or an office with one thousand (1,000) square feet of floor area.
4. Installation of drainage, water, sewer or roadway improvements.
5. Request for public water or wastewater service. (Comprehensive Plan special exception status does not give applicant automatic approval for water or wastewater service.)

I. Construction approval for required improvements (except as performed by Manatee County) to a site, such as the installation of drainage, water, sewer, parking or roadway improvements.

360.3. Optional Certification.

A. Concurrent Approvals. An applicant may apply for and receive a certificate concurrently with the approval of the following Development Orders or approvals:

1. Development of regional impact or Florida Quality Development.
2. Preliminary site plan.
3. Preliminary subdivision plat.
4. Special permit with a preliminary site plan.

B. Exceptions. The optional certification provided in this section shall not be available for the wastewater and potable water components of concurrency. In the event an applicant does not apply for and receive a certificate concurrently with any of the forgoing Development Orders and approvals, such Development Orders and approvals shall not grant any rights or entitlements to a certificate, shall not exempt the proposed development

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from eventual requirements for a certificate, and shall not grant any rights to commence development without a certificate.

360.4. Special Permits, Rezonings and Site Plan Approvals.

A. Certificate Not Required, A certificate shall not be required in connection with a Special Permit, rezoning or approval of a General Development Plan or Preliminary Site Plan. However, the County may consider the availability of public services and facilities when evaluating the appropriateness of any such approval, and may deny a request for any such approval if public facilities and services are not expected to be available as required pursuant to the Comprehensive Plan.

B. Recommendation for Denial. In the case where there is a recommendation of denial of the requested future land use map, comprehensive policy plan, rezoning, or site plan application, the applicant is not precluded from applying for a development agreement in accordance with this Code, or otherwise proposing conditions of approval that would achieve consistency with the requirements of the Comprehensive Plan.

360.5. Application Review Procedures.

A. Staff Review. All applications for certificates shall be reviewed and processed for completeness and sufficiency pursuant to Section 312.4 and 312.5. Within a reasonable time after receipt of the sufficiency review comments, the Department Director shall act upon the application.

B. Standards of Review and Approval. All proposed certificates shall be reviewed under, and shall only be approved if found to be in compliance with, the following standards:

1. The standards for concurrency and level of service set forth in the Comprehensive Plan;
2. Any professionally accepted techniques for measuring level of service in order to assure compliance with the Comprehensive Plan and applicable law; and
3. The procedures established for concurrency review.

C. Action by Department Director. Upon receipt of all comments from reviewing departments and agencies, the Department Director shall:

1. Approve the application and issue the certificate with conditions; or
2. Issue to the applicant a Notice of Intent to deny the application and:
   a. If the applicant fails to respond within thirty (30) days of the date of such notice requesting to undertake proportionate fair share mitigation, the application shall be deemed denied without further notice to the applicant.
   b. If the applicant responds and requests to undertake proportionate fair share mitigation, the certificate shall be issued if and when the requirements of that section are satisfied.

D. Conditions of Approval. The Department Director may attach such conditions to the approval of a certificate as are necessary to assure compliance with this Section, which may include, but shall not be limited to, development phasing, facility phasing, and capital improvements programming, and may be required to be secured by land development agreements, construction contracts, and/or posting of performance security.

E. Effect of Approval. Issuance of a certificate shall satisfy the concurrency requirements of the Comprehensive Plan, subject to all conditions imposed pursuant to the certificate, and any other conditions or requirements imposed pursuant to any other applicable Development Order or approval, this Code or the Comprehensive Plan.

F. Succession. If a proposed development requires subsequent development orders, e.g., a preliminary site plan followed by a Final Site Plan followed by a Building Permit, the original certificate will serve all such subsequent development orders, unless and until such certificate expires.

G. Modification. Requests for modifications to certificates shall be reviewed and approved in the same manner as applications for new certificates. An applicant that has received approval of a certificate may request approval of a modification to such certificate, and the Department Director may approve such request, so long as such modification:

1. Does not result in a reservation of additional infrastructure capacity over and above capacity reserved in the original certificate, unless there are no complete applications for certificates pending before the County that

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would require such additional capacity; and

2. Does not result in the release of the applicant from any obligation to construct public improvements, or provide payment in lieu thereof, for impacts to public facilities.

H. Appeals. Appeals of decisions to approve and issue, or deny, certificates shall be heard by a Hearing Officer pursuant to Part X of this Chapter.

360.6. Expiration.

All certificates shall expire three (3) years from the date of issuance except as otherwise provided in this Section. If a certificate is issued for transportation concurrency, a subsequent certificate for potable water shall be given the same expiration date as the original certificate for transportation. The issuance of a certificate for potable water at the final development stage shall not operate to extend the expiration of a prior certificate for other concurrency requirements. Certificates valid for more than three (3) years may be issued in connection with a development order for a development of regional impact, Florida quality development or a development agreement.

A. Building Permits. Building permits shall be obtained prior to the expiration of a certificate. Construction may continue to completion after the certificate's expiration if the Building Permits remain valid and do not expire.

B. Subdivisions. Building permits for single family and duplex dwelling units on individual lots within a residential subdivision, which previously received a certificate, shall not be required to obtain a new certificate if:

1. Said subdivision received final subdivision plat approval;
2. Such Final Plat was recorded in the public records before its certificate expired; and
3. All necessary conditions of the certificate have been met.

360.7. Extensions.

No later than thirty (30) days before the expiration date, the applicant may request one (1) extension, not to exceed two (2) additional years. Such extension shall be subject to approval of the Board. In connection with any requested extension, a limit may be placed on the amount of capacity which may be carried forward and allocated to the two-year extension term, and a limit may be placed upon the timeframe for which the extension is granted. The Board may, by resolution, approve blanket extensions to certificates for development projects in all or part of the County to reflect market conditions or availability of unused infrastructure capacity. The Department Director shall recommend to the Board whether the extension is warranted, based on criteria including, but not limited to, the following:

A. Size of the project;

B. Amount of capacity requested;

C. Phasing;

D. Location of the project;

E. Capacity availability within the service area;

F. Reasons for requesting the reservation time period extension;

G. Whether the developer exercised good faith in attempting to secure issuance of a Building Permit;

H. Whether the applicant has substantially completed all required improvements to public facilities or provided the County with payment in lieu of such improvements; and

I. Whether the applicant has applied for or has made a proportionate fair-share contribution for the provision of transportation facilities or pre-paid estimated transportation impact fees.

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Section 361.

Section 361. to 364 Reserved.

Part IX. Variances and Modifications.

Section 365. Modification of Standards.

365.1. Applicability.

In connection with any development approval, the final approving authority of the development application may modify any of the following requirements in accordance with this section:

A. Section 337, Installation of Required Improvements

B. Section 800.8, Lot Requirements

C. Section 800.9, Blocks

D. Section 805, Easements

E. Section 1000, Right-of-Way Standards

F. Section 1001, Street Standards

G. Open Space requirements per Table 4-3 to 4-6

H. Section 800.10, Non-Residential Subdivisions

I. Section 1001.1.C.5, Ingress and Egress Easements,

365.2. Review Criteria.

No modification may be granted under this Code unless:

A. The modification is consistent with the stated purpose and intent of this Code and with the comprehensive plan;

B. The modification would not have an adverse impact on the public interest, or on adjacent property;

C. The modification is not discriminatory. Similar situations in the general area and in past decisions under this Code shall be reviewed prior to a modification being granted;

D. The modification will permit superior design, efficiency, and performance;

E. If applicable, the modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic or archeological sites or public facilities, related to the development site;

F. The strict application of the requirement would be technically impractical or effectively deprive the owner of all reasonable use of the land to be subdivided, due to it unusual size, shape, topography, natural conditions, or location; Provided, such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case. Also, the unusual conditions involved are not personal to, nor the result of actions of the developer or property owner which occurred after the effective date of this Code;

G. The deferral of the installation of required improvements will allow for improved efficiency, performance, safety, or construction practices; provided, the development will provide an alternative adequate to achieve the purposes of the requirement, including security for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and

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H. The modification will not result in a negative impact on the public facilities, land use, traffic, or environment of the neighborhood and the general community.

365.3. Approval of Modification.

The approving authority may approve, approve subject to conditions or deny the application. Reasonable conditions, and additional or alternative requirements, include, but are not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land.

All modifications shall be duly noted in writing on the final plat or site plan documents as a public record of each specific modification granted.

Section 366. Administrative Adjustments.

366.1. Types of Administrative Adjustments.

A. Errors in Yard Measurements. The Department Director is authorized to approve a deviation to a yard requirement if it is determined that there was an error in the location of an existing building or structure relative to the minimum yard requirements, provided that:

1. The requested adjustment shall not exceed ten (10) percent of the required yard or one (1) foot, whichever is greater; and
2. The error was unintentional and unforeseen.

B. Front Yard Setbacks Consistent with Established Neighborhoods. The Department Director may approve an adjustment to the front yard setback to allow a setback that meets or exceeds the average setback of the existing homes on the same side of the street, provided that:

1. The use is either:
   a. A new single-family or duplex dwelling within an established neighborhood.
   b. An expansion of existing, non-elevated single-family or duplex dwellings in the Cortez Fishing Village HA Overlay District.
2. The approved front yard setback is not less than twenty (20) feet, or fifteen (15) feet if located within the Cortez Fishing Village HA Overlay District; and the adjustment is less than ten (10) feet.
3. The average front yard setback of existing homes shall be calculated based on the front yard setbacks of existing homes on the same side of the street for a distance of either four (4) homes on either side of the lot in question or the length of the block, whichever is less.

C. Errors of Structure Encroachments into County Easements or Rights-of-Way. If it is discovered that an error has been made in the location of a building or structure, including a swimming pool, fence, wall, or similar structure, such that the structure is partially located within a County easement or right-of-way, the property owner or authorized agent, may apply for an administrative adjustment to allow the structure to remain within the easement or right-of-way provided that:

1. The adjustment is limited to five (5) feet or fifty (50) percent of the width of the easement, whichever is less;
2. The structure does not obstruct, impede, or unreasonably interfere with the intended use of the right-of-way or easement; and
3. The error was unintentional and unforeseen.

366.2. Review and Approval of Administrative Adjustments.

Requests for administrative adjustments shall meet the criteria listed above. If the adjustment is denied, the applicant shall comply with the code requirements or cure the encroachments, or apply for a variance pursuant to Section 366.

Property owners with errors of encroachment shall file an application for vacation of the easement or right-of-way in accordance with the standards for such applications which shall include a release of Manatee County for any claims

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or damages that may result from such encroachment. After review by the appropriate agencies, the County may approve an Administrative Adjustment if the standards above are met.

366.3. Effect of Approval.

The granting of an administrative adjustment authorizes the applicant to proceed with any additional applications for development approval, certificates of occupancy, and other permits which the County may require for any proposed development of the property, or to continue and use or encroachment permitted by such adjustment.

Section 367. Variances.

367.1. Purpose and Scope.

The purpose of a variance is to provide limited relief from the requirements of this Code in those cases where strict application of those requirements will create a practical difficulty or unnecessary hardship, or where the requirements of this Code render the land difficult to use because of some rare and unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. Floodplain elevation variances are addressed in Section 802, Floodplain Management.

367.2. Limitations on Granting of Variances.

Variances may be granted for no other purpose than to allow a single lot or parcel to depart from the dimensional regulations of this Code that restrict the following matters:

A. Minimum floor area per dwelling units;

B. Required yards, buffers, or setbacks;

C. Maximum lot coverage;

D. Maximum heights; and

E. Errors of encroachments.

367.3. Prohibitions.

Even if a requested variance complies with the requirements of this Section, such variance shall not be granted if such variance:

A. Allows the expansion or establishment of a use in a zone or district in which such use is not permitted by this Code;

B. Permits the establishment or expansion of a Special Permit or Administrative Permit use without the required approvals;

C. Relates in any way to a nonconforming use, except to the extent such use has been approved pursuant to this Code;

D. Purports to modify any definitions set forth in Chapter 2, Definitions;

E. Results in an increase in density above that permitted in the applicable zoning district regulations;

F. Will be inconsistent with the Manatee County Comprehensive Plan;

G. Results in approval of any action which would violate any floodplain management provision of Manatee County; any floodplain management provision of the National Flood Insurance Program; and/or any floodplain management provision of the Community Rating System Program; or

367.4. Certificate of Appropriateness.

Any proposed work in any historical overlay district established pursuant to this Code must first be granted a Certificate of Appropriateness by the Manatee County Historic Preservation Board in accordance with the requirements of this Chapter.

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367.5. Review Procedures.

A. Application. All applications for variances shall be reviewed and processed for completeness and sufficiency. Within a reasonable time after receipt of the sufficiency review comments, the Department Director shall deliver to the Hearing Officer a copy of the application and a written report summarizing the facts of the case including all relevant documents and incorporating or summarizing the comments from the appropriate reviewing departments and agencies, and schedule a date for a public hearing.

B. Review.

1. Upon receiving the report from the Department Director, the Hearing Officer shall hold at least one (1) public hearing on the proposed variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with this Chapter.
2. The Hearing Officer shall review the application, the report of the Department Director, and the evidence presented and shall issue a variance only if it is found that all the standards set forth in this section have been satisfied.
3. The Hearing Officer may impose such conditions and restrictions upon the variance as may be necessary to comply with the requirements of this section and the comprehensive plan, and to prevent or minimize adverse effects on other property in the neighborhood. Such conditions may include, but shall not be limited to: limitations on size, bulk and location; requirements for landscaping, signage, outdoor lighting, and the provision of adequate ingress and egress; hours of operation; and the mitigation of environmental impacts. Such conditions may also include limitations on the duration of a variance.

367.6. Review Criteria.

All variances shall comply with the following criteria:

A. The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

B. The conditions upon which the request for a variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity;

C. The variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application;

D. The alleged hardship has not been created by any person presently having an interest in the property or was created as a result of a bona fide error;

E. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity;

F. The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety;

G. The variance granted is the minimum variance that will make possible the reasonable use of the property; and

H. The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted.

I. Alternatively, a variance may be issued to correct a bona fide staff error that has been made and has led to construction that does not comply with the Code.

367.7. Effect of Approval.

The granting of a variance authorizes the applicant to proceed with any additional applications for development approval, certificates of occupancy, and other permits which the County may require for any proposed development of the property.

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Part X. Appeals.

Section 370. Appeals of Administrative Decisions.

Appeals from the decisions from any written order, requirement, decision, determination or interpretation made by an administrative official in the enforcement of these regulations shall be heard by the Board.

370.1. Application.

An application and notice of appeal authorized under the provisions of this Section shall be filed with the Department Director in accordance with the general requirements of Section 312 of this Code; provided however that the application shall be filed no more than thirty (30) days after the date of the decision to be appealed.

370.2. Hearing Scheduled.

Within forty-five (45) days after receipt of a complete application and notice of appeal, the Department Director shall schedule a public hearing. Published notice of the public hearing shall be given in accordance with the requirements of Section 312. Mailed and posted notices shall not be required.

370.3. Department Director Recommendation**.**

At least ten (10) days prior to the date of the hearing, the Department Director shall forward a copy of the application to the Board together with a report and recommendation summarizing the facts of the case, any relevant documents and any comments received.

370.4. Review and Decision.

The Board shall review the application and report and recommendation of the Department Director and conduct a public hearing on the application in accordance with the requirements of Section 312. After the public hearing is held, the Hearing Officer shall issue a written decision and order granting the relief sought in the application, with or without conditions, or denying the appeal.

Section 371. Appeals of Quasi-Judicial Decisions.

Any final action, including final order, and/or any alleged impropriety of the approving authority may be appealed, within thirty (30) days of the date of the action taken, by any aggrieved person, including Manatee County, or any officer, or department thereof, with the appropriate court of record as provided by law. All such appeals shall be filed with the court of record and shall include a petition, duly verified, setting forth that such decision is illegal, and/or improper, and specifying the grounds of the illegality.

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CHAPTER 4 – ZONING

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CHAPTER 4 – ZONING

Section 400. Generally

400.1. Official Zoning Atlas.

Manatee County is divided into zones or districts, as shown on the Official Zoning Atlas (Atlas) or as described in this Code. Such Atlas, together with all explanatory matter thereon, shall be considered a part of this Code. Said Atlas is composed of a series of sheets or maps, properly identified as such, and shall be on file in the Office of the Clerk of the Circuit Court, and shall be the official record of zoning status of unincorporated lands within the County. A copy shall be maintained in the office of the Building and Development Services Department and is hereby incorporated by reference.

400.2. Recording Amendments to the Maps of the Official Zoning Atlas.

On the effective date of any amendment to the Zoning Atlas the change shall be posted on the Atlas by the Department Director and the maps shall identify the official action by which such amendment was made, the date of such action and the area involved.

400.3. Unauthorized Changes in Zoning Atlas Prohibited.

No substantive changes of any nature affecting property shall be made in the Official Zoning Atlas or any matter shown thereof except in conformity with the procedures and requirements of this Code and/or other applicable law.

400.4. Replacement of Official Zoning Atlas.

In the event that the Official Zoning Atlas or any portion thereof becomes damaged, destroyed, lost or illegible or difficult to interpret because of the nature or number of changes and additions, the Board is authorized to replace said Atlas, map or portion thereof by resolution and the same shall supersede said replaced portion.

The new Atlas, map or portion thereof may correct drafting or other errors or omissions in the prior map, but no replacement map shall have the effect of amending the Official Zoning Atlas, which shall be amended only as provided in Section 354 (Amendments to Official Zoning Atlas). The replacement shall be properly identified as such, with the date of the resolution of the Board. Unless the prior Atlas, map or portion thereof has been lost or totally destroyed, any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

400.5. Unclassified Areas.

Unless areas are classified on or by the Official Zoning Atlas, or classification can be established by the rules above, such areas shall be considered to be classified as General Agricultural (A) until rezoned by the Board.

400.6. Rules for Interpretation of District Boundaries.

Interpretations regarding boundaries of zoning districts shown on the Official Zoning Atlas shall be made in accordance with the following:

A. Center Lines as Boundaries. Where district boundaries appear to follow center lines of streets, alleys, easements, railroads and the like, they shall be construed as following such center lines.

B. Property Lines and the Like as Boundaries. Where district boundaries appear to follow street, lot, property, or similar lines, they shall be construed as following such lines.

C. Boundaries in or Adjacent to Bodies of Water.

1. Where district boundaries appear to follow shorelines or center lines of bodies of water, they shall be construed as following such shore lines or center lines. In case of change in shore lines or course or extent of

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water, the boundaries shall be construed as moving with the change.

2. Boundaries indicated as entering any body of water, but not continuing to intersection with other zoning boundaries or with the limits of jurisdiction of the County shall be construed as extending in the direction in which they enter the body of water to intersect with other zoning boundaries or with the limits of jurisdiction.

D. Boundaries Indicated as Parallel to or Extensions of Features Listed. Where district boundaries are indicated as parallel to or extension of features listed above, they shall be so construed.

E. Dimensions. Where dimensions are not otherwise indicated on or by the Official Zoning Atlas, the scale of the map shall govern.

F. Variation of Actual Location from Mapped Location. Where physical or cultural feature existing on the ground are at variance with those shown on or by the Official Zoning Atlas, the actual location shall govern.

400.7. Minimum District Size.

After the effective date of this Code, where a minimum district size is specified for a given district, no area of land of lesser size shall be so zoned in a given location in the County, except where initiated by the Planning Commission or the Board acting on its own motion pursuant to a comprehensive rezoning; however, if the same district classification or that of similar nature and similar or greater intensity exists in a given location, additional lands may be rezoned to such classification in accordance with the following:

A. If such additional lands are contiguous to such existing same or similar district;

B. If the rezoning of such additional lands would be consistent with the Comprehensive Plan;

C. If such additional lands satisfy the minimum lot area and lot width requirements specified for the given district; and

D. Provided that with the addition of such lands, the total area zoned for the same intensity and type of use will be equal to or greater than the minimum district size.

400.8. Future Land Use Categories and Zoning Districts.

No property shall be rezoned unless it is to a district that implements the future land use designation of the site. The following table correlates individual zoning districts with future land use categories. In no event shall the density or intensity in a given zoning district exceed the maximum permitted in the Future Land Use designation of the site. Properties with a zoning designation not consistent with the future land use category are not required to rezone. However, if the property owner wishes to rezone the property, it shall be eligible to be rezoned to a designation that is consistent with the assigned future land use category.

Future Land Use Category	Zoning Districts
Conservation (CON)	CON
Agriculture/Rural (AG/R)	A, A-1, RVP, EX
Estate Rural (ER)	A
Residential-1 DU/GA (RES-1)	A-1, RSF-1, PDGC, PDMH, PDR
Residential-3 DU/GA (RES-3)	A-1, RSF-1, RSF-2, VIL, PDGC, PDMH, PDR
Urban Fringe-3 DU/GA (UF-3)	A-1, VIL, RSF-1, PDGC, PDMH, PDR
Residential-6 DU/GA (RES-6)	VIL, RSF-2, RSF-3, RSF-4.5, RSMH-4.5, RDD-3, RDD-4.5, PDGC, PDMH, PDR
Residential-9 DU/GA (RES-9)	VIL, RSF-3, RSF-4.5, RSF-6, RSMH-4.5, RSMH-6, RDD-3, RDD-4.5, RDD-6, RMF-6, PDGC, PDMH, PDR
Residential-12 DU/GA (RES-12)	RSF-4.5, RSF-6,RSMH-4.5, RSMH-6, RDD-3, RDD-4.5, RDD-6, RMF-6, RMF-9, PDGC, PDMH, PDR
Residential-16 DU/GA (RES-16)	RSF-6, RSMH-6, RDD-3, RDD-4.5, RDD-6, RMF-6, RMF-9, PDGC, PDMH, PDR
Low Intensity Office (OL)	RSF-3, RSF-4.5, RSF-6, RSMH-4.5, RSMH-6, RDD-3, RDD-4.5, RDD-6, RMF-6, RMF-9, PR-S, PR-M, PDO
Medium Intensity Office (OM)	PR-S, PR-M, NC-S, NC-M

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Future Land Use Category	Zoning Districts
Retail/Office/Residential (R/O/R)	RSMH-6, RDD-3, RDD-4.5, RMF-6, RMF-9, HC, PDGC, PDMH, PDR, PDC, PDMU, PR-S, PR-M, NC-S, NC-M, GC, PDO
Light Industrial (IL)	LM, HC, PDRP, PDI, PDMP
Heavy Industrial (IH)	LM, HC, HM, PDRP, PDI, PDMP
Urban Industrial (IU)	LM, PDUI
Mixed Use (MU)	PDGC, PDI, PDMH, PDO, PDR, PDMU, PDC, PDRP, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/AC-1)	RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/AC-2)	RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/AC-3)	A, A-1, RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/R)	RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/RU)	RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Public/Semi-Public (P/SP(1))*	PDPI
Public/Semi-Public (P/SP(2))	PDPI
Major Attractors (AT)	PDPI
Major Recreation/Open Space (R/OS)	PDGC

Section 401. Standard Zoning Districts Established.

Zoning districts are hereby established for the purpose of regulating the location and development of residential and non-residential uses. The rezoning of land to any of the zoning districts established in this code must be consistent with the Comprehensive Plan directives, must discourage non-residential strip development along transportation corridors, shall not adversely impact the facilities and services of the County, and shall not set a precedent for the introduction of inappropriate use into an area. All development and redevelopment activities shall be consistent with the Comprehensive Plan regarding permitted uses and densities and intensities of uses, as well as applicable performance criteria, best management practices and standards set forth in the Plan and this Code.

401.1. Purpose of Districts

A. Conservation District (CON). The CON District is intended to preserve and protect large areas of open space, vegetative habitat, natural drainage systems, aquifer recharge areas, soils, and wildlife habitats located on public property or on privately-held lands as desired by the property owner. Conservation lands are intended primarily for the purpose of preserving natural resources.

All commercial agricultural operations within CON Districts must possess approved Conservation Plans consistent with the Comprehensive Plan, and incorporate site specific best management practices approved by Manatee County and applied by the applicant.

B. General Agriculture District (A). The A District is intended to preserve agricultural lands, promote general agricultural economic activity, and allow for the co-existence of other uses generally consistent with agricultural activities. In addition, it is intended that agricultural areas be protected from the encroachment of incompatible uses and that development be guided within the district.

C. Agricultural Suburban District (A-1). The purpose of this district is to permit short-term agricultural and related uses and to provide for areas transitioning from rural to suburban or urban character.

D. Village Districts (Myakka City, Parrish, Rubonia) (VIL). The village districts are established to conserve the distinctive rural village character of rural communities where conventional urban zoning would be inconsistent with established patterns of land use and to ensure that new uses which might be located in these areas can be harmoniously incorporated into their surroundings.

E. Residential Single Family Districts (RSF-1, RSF-2, RSF-3, RSF-4.5, and RSF-6). The purpose of these

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districts is to provide for residences in a suburban environment at low to medium densities, to accommodate support non-residential uses, and to protect these areas from the encroachment of incompatible uses.

F. Residential Single Family Mobile Home Districts (RSMH-4.5, and RSMH-6). The RSMH-4.5 District is intended to accommodate mobile home parks and subdivisions in a suburban residential environment.. The minimum size to establish this district shall be twenty (20) acres.

G. Residential Duplex Districts (RDD-3, RDD-4.5, RDD-6). The purpose of this district is to provide for medium density residential uses, including single-family and duplex development, and to accommodate support non-residential uses. .

H. Residential-Multi-Family Districts (RMF-6, RMF-9). The purpose of these districts is to provide areas for multiple family dwelling units at medium to high densities at appropriate locations. In addition, the districts are intended to accommodate complementary support uses.

I. Professional Small and Medium Office Districts (PR-S and PR-M). The PR districts are designed to provide for office development on a small (PR-S) and medium (PR-M) scale to serve nearby residential neighborhoods. Therefore, this district shall only be applied at appropriate locations: to serve the needs of such neighborhoods.

J. Neighborhood Commercial Small and Medium Districts (NC-S and NC-M). The purpose of these districts is to provide for limited retail uses, personal services and offices in free-standing parcels or small shopping centers to serve residential neighborhoods. This district shall only be applied at appropriate locations to supply the daily retail and service needs of such neighborhoods.

K. General Commercial District (GC). The purpose of this district is to provide for a variety of retail use and services in free-standing parcels or shopping centers to serve the community's general commercial needs.

L. Heavy Commercial District (HC). The purpose of this district is to provide areas for intense commercial activities permitting commercial and service uses which have greater external effects such as noise, traffic, vibration, outdoor storage and other such impacts than those permitted in less intensive districts.

M. Recreational Vehicle Park District (RVP). The RVP district is established to provide for development of recreational vehicle parks intended for overnight or limited stay occupancy, consistent with the Comprehensive Plan classification of these uses as non-residential.

N. Light Manufacturing District (LM). The purpose of this district is to provide areas for light manufacturing, processing or assembling uses, intensive commercial uses and other light industrial uses in appropriate areas of Manatee County.

O. Heavy Manufacturing District (HM). The purpose of this district is to provide for areas of intensive manufacturing and industrial uses in appropriate areas of Manatee County that are capable of supporting such uses.

P. Extraction District (EX). The EX District is established to provide for areas in which mining, beneficiation, and other closely related activities may be conducted in a manner that will not interfere with surrounding land uses and the general character of the area. The district is intended to ensure the orderly extraction of mineral resources in a manner compatible with the overall development of the County; assure the use of best management practices and developing technology for maximum control of potential adverse environmental impacts, ensure that mining activity and reclamation will be conducted in such a manner as not to preclude future normal uses of mined-out land; and permit the beneficial use of such lands consistent.

Q. Master Planned Institutional District (MP-I). The MP-I District is established to provide for areas for institutional uses such as churches, schools, medical facilities, or other similar uses with multiple buildings and/or facilities in a campus setting. The district is designed to allow for future expansions and eventual build-out of master planned campuses while ensuring compatibility with adjacent land uses. In addition, this district shall allow for vertical integration of structures and a compact form of development in a village setting. This zoning district shall not be construed to grant entitlements to any property approved for an institution master plan in excess of any statutorily prescribed threshold for a development-of-regional-impact review under applicable state law. The permissible uses within the MP-I District shall be limited to those uses authorized pursuant to Table 4-2 within such District.

401.2. Schedule of Uses.

Except as specifically provided in this Code, regulations governing the use of land, water and structures within the

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various districts in the unincorporated portion of Manatee County shall be as shown in Tables 4-1 for agriculture and residential districts and Table 4-2 for non-residential districts.

Uses of land or structures not expressly listed in this Schedule of Permitted, Administrative and Special Permit Uses are prohibited and shall not be established in that district. Uses listed as Special Permit Uses (SP) or Administrative Permit (AP) Uses or subject to additional standards (section number listed in table) may be established in that district only after approval of an application in accord with the procedures and requirements in Chapter 3. Notwithstanding the development review requirements (P, AP, SP) noted in Tables 4-1 and 4-2 or any other provision of this Code, the development review procedures required pursuant to Section 345 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.

Whenever there is any uncertainty as to the classification of a use, the Department Director shall determine the classification, if any, within which the use falls, based on its characteristics and similarity to other uses in the district. If a use has characteristics similar to more than one classification, the use shall be construed as the classification having the most similar characteristics. In the event that a particular use is determined not to be within an allowed defined use, then the particular use shall be prohibited.

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Table 4 - 1: Uses in Agriculture and Residential Districts

Land Use	See Sec #	CON	A	A-1	RSF	RSMH	RDD	RMF	VIL
Adult Day Care Center	--	X	P	P	P	P	P	P	X
Agricultural Research Facilities	--	X	P	P	X	X	X	X	P
Agricultural Uses	531.1	SP	P	P	AP	SP	SP	SP	P
Agricultural Products Processing Plants	531.1	X	AP	X	X	X	X	X	SP
Animal Products Processing Facility	531.1	X	SP	X	X	X	X	X	SP
Short Term Agricultural Uses	531.1	X	P	P	AP	AP	AP	AP	P
Stables or Equestrian Centers: Private	531.1	X	P	P	X	X	X	X	P
Stables or Equestrian Centers: Public	531.1	X	AP	AP	X	X	X	X	AP
Tree Farm	531.1	P	P	P	P	P	P	P	P
Aircraft Landing Field	531.2	X	AP	X	X	X	X	X	X
Airport, Commercial	531.3	X	X	X	X	X	X	X	X
Airport, Private or Public	531.3	X	SP	X	X	X	X	X	X
Alcoholic Beverage Establishment	531.4	X	X	X	X	X	X	X	X
Alcoholic Beverage Establishment - 2 COP License	531.4	X	X	X	X	X	X	X	X
Animal Services (Wild and Exotic)	531.5	AP	AP	AP	AP	AP	AP	AP	AP
Assisted Living Facility, Large	531.45	X	SP	SP	SP	SP	SP	SP	SP
Assisted Living Facility, Small	531.45	X	SP	AP	AP	AP	AP	P	AP
Auction Houses, Enclosed	--	X	X	X	X	X	X	X	X
Auction Houses, Open	531.6	X	X	X	X	X	X	X	X
Bed and Breakfast	531.7	X	AP	SP	SP	X	AP	AP	AP
Breeding Facility (Non-Wild & Exotic)	531.8	X	AP	SP	X	X	X	X	P
Building Materials Sales Establishment	531.9	X	X	X	X	X	X	X	SP
Lumberyard	531.9	X	AP	X	X	X	X	X	X
Bus and Train Passenger Station	--	X	AP	AP	X	X	X	AP	AP
Business Services	--	X	X	X	X	X	X	X	AP
Printing, Medium	--	X	X	X	X	X	X	X	P
Printing, Small	--	X	X	X	X	X	X	X	P
Car Wash: Full Service	531.10	X	X	X	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	X	X	X	X	X	SP
Car Wash: Self-Service	531.10	X	X	X	X	X	X	X	AP
Cemetery: Human and Pet	531.11	X	SP	SP	SP	SP	SP	SP	AP
Child Care Center, Large	531.12	X	SP	SP	X	X	X	AP	SP
Child Care Center, Medium	531.12	X	SP	SP	X	X	X	AP/ SP	SP
Child Care Center, Small	531.12	X	SP	SP	AP	X	AP	AP	AP
Child Care Center, (Accessory)	531.12	X	AP	AP	AP	X	AP	AP	AP
Churches /Places of Worship	531.13	X	AP	AP	AP	AP	AP	AP	AP
Civic, Social, and Fraternal Organizations/Clubs	531.14	X	AP	AP/SP	AP/SP	AP/SP	AP/S P	AP/ SP	AP

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Land Use	See Sec #	CON	A	A-1	RSF	RSMH	RDD	RMF	VIL
Clinics	--	X	X	X	X	X	X	X	AP
Community Residential Homes	531.45	X	P	P	P	P	P	P	P
Correctional Facilities: Community	--	X	SP	X	X	X	X	X	X
Correctional Facilities: Major	--	X	SP	X	X	X	X	X	X
Cultural Facilities	531.15	X	AP	AP	SP	SP	SP	SP	SP
Drive- Through Establishments	531.16	X	X	X	X	X	X	X	AP
Earthmoving, Major	702	X	SP	SP	X	X	X	X	SP
Earthmoving, Minor	702	X	AP	AP	AP	AP	AP	AP	AP
Emergency Shelters	531.45	X	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP
Emergency Shelter Home	531.45	X	P	P	P	P	P	P	X
Environmental Education Facilities	--	AP	AP	AP	AP	X	AP	X	AP
Environmental Land Preserves, Public and Private	531.17	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy	531.18	X	AP	SP	X	X	X	X	AP
Construction equipment	531.18	X	X	X	X	X	X	X	SP
Equipment Sales, rental and leasing, light	--	X	X	X	X	X	X	X	P
Family Day Care Home	--	X	P	P	P	P	P	P	P
Farming Service Establishments	531.18	X	AP	SP	X	X	X	X	AP
Farm Worker Housing	531.19	X	AP	SP	X	X	X	X	SP
Flea Markets: Enclosed	531.20	X	X	X	X	X	X	X	X
Flea Markets: Open	531.20	X	X	X	X	X	X	X	X
Food Catering Service Establishment	531.21	X	X	X	X	X	X	X	X
Funeral Chapel	531.22	X	AP	AP	SP	SP	SP	SP	AP
Funeral Home	531.22	X	SP	SP	SP	SP	SP	SP	SP
Game Preserve	--	AP	AP	SP	X	X	X	X	AP
Gas Pumps	531.51	X	X	X	X	X	X	X	AP
Group Housing	531.23	X	SP	SP	X	X	X	AP	SP
Hazardous Waste Transfer Facility	--	X	X	X	X	X	X	X	X
Heliport	--	X	X	X	X	X	X	X	X
Helistop	531.24	X	SP	X	X	X	X	X	SP
Hospital	--	X	X	X	X	X	X	X	X
Industrial, Heavy	531.25	X	X	X	X	X	X	X	X
Firework/Sparkler Manufacture	531.25	X	X	X	X	X	X	X	X
Industrial, Light	--	X	X	X	X	X	X	X	X
Intensive Services:	531.26								
Intensive Services: Exterminating and Pest Control	531.26	X	X	X	X	X	X	X	AP
Intensive Services: Motor Pool Facilities	531.26	X	X	X	X	X	X	X	X
Intensive Services: Printing, Heavy	--	X	X	X	X	X	X	X	X
Intensive Services: Industrial Service Establishment	531.26	X	X	X	X	X	X	X	AP

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Land Use	See Sec #	CON	A	A-1	RSF	RSMH	RDD	RMF	VIL
Intensive Services: Sign Painting Service	531.26	X	X	X	X	X	X	X	AP
Intensive Services: Taxi-Cab, Limousine Service	531.26	X	X	X	X	X	X	X	X
Intensive Services: Towing Service and Storage Establishment	531.26	X	X	X	X	X	X	X	X
Intermodal Terminal	--	X	X	X	X	X	X	X	X
Junkyards	531.27	X	X	X	X	X	X	X	X
Laboratories, Medical and Dental	--	X	X	X	X	X	X	X	AP
Lodging Places: Boarding House	531.28	X	X	X	X	X	X	AP	X
Lodging Places: Dormitories	531.28	X	X	X	X	X	X	AP	X
Lodging Places: Hospital Guest House	531.28	X	X	X	X	X	X	SP	X
Lodging Places: Hotel/motel	531.28	X	X	X	X	X	X	X	SP
Mining	531.30	X	X	X	X	X	X	X	X
Mini Warehouses, Self-storage	531.31	X	X	X	X	X	X	X	SP
Mobile Homes, Individual	531.32	X	SP	X	X	P	X	X	AP/SP
Mobile Home Parks	--	X	X	X	X	P	X	X	X
Mobile Home Subdivisions	--	X	X	X	X	P	X	X	X
Motor Freight Terminal/Maintenance	531.34	X	X	X	X	X	X	X	X
Bus RR/Maintenance Facility		X	SP	X	X	X	X	X	SP
Nursing Homes	531.35	X	X	X	SP	X	SP	SP	AP
Office, Medical or Professional	--	X	P	P	X	X	X	X	AP
Miscellaneous Services: Office	--	X	X	X	X	X	X	X	AP
Banking: Bank	--	X	X	X	X	X	X	X	AP
Banking: Bank/Drive-through	--	X	X	X	X	X	X	X	AP
Outdoor Advertising Signs	--	X	X	X	X	X	X	X	X
Outdoor Storage (Principal Use)	531.36	X	X	X	X	X	X	X	X
Parking, Commercial (Principal Use)	--	X	X	X	X	X	X	X	X
Personal Service Establishment	--	X	X	X	X	X	X	X	AP
Dry Cleaners: General	--	X	X	X	X	X	X	X	X
Dry Cleaners: Neighborhood	--	X	X	X	X	X	X	X	X
Dry Cleaners: Pick-up	--	X	X	X	X	X	X	X	AP
Rental Service Establishment	--	X	X	X	X	X	X	X	AP
Repair Service Establishment	--	X	X	X	X	X	X	X	AP
Personal Wireless Service Facilities	531.37	See Section 531.34							
Pet Service (Kennel) Establishments	531.38	X	AP	SP	X	X	X	X	SP
Public Community Uses	531.39	X	AP	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP
Public Use Facilities	531.40	X	AP	AP	AP	AP	AP	AP	AP
Post Offices	--	X	AP	AP	AP	AP	AP	AP	AP
Radio, TV, Communications, Microwave Facilities	--	SP	AP/SP	SP	SP	SP	SP	SP	X

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Land Use	See Sec #	CON	A	A-1	RSF	RSMH	RDD	RMF	VIL
Railroad Switching/Classification Yard	--	X	X	X	X	X	X	X	X
Recreation, High Intensity	531.41	X	SP	X	X	X	X	X	X
Recreation, Low Intensity	531.41	X	AP	AP	AP	AP	AP	AP	AP
Recreation, Medium Intensity	531.41	X	X	X	X	X	X	X	X
Recreation, Passive	531.41	AP	AP	AP	AP	AP	AP	AP	AP
Recreation, Rural	531.41	X	SP	SP	X	X	X	X	X
Recreational Vehicle Parks and subdivisions	531.42	X	X	X	X	X	X	X	X
Recreational Vehicle/Mobile Home Sales, Rental & Leasing	531.43	X	X	X	X	X	X	X	SP
Rehabilitation Center	531.44	X	SP	SP	SP	SP	SP	SP	SP
Research and Development Activities	--	X	X	X	X	X	X	X	X
Recovery Home, Large	531.45	X	SP	X	X	X	X	SP	X
Recovery Home, Small	531.45	X	SP	SP	SP	SP	SP	SP	SP
Residential Treatment Facilities	531.46	X	SP	SP	SP	SP	SP	SP	SP
Residential Use: Duplexes	531.47	X	X	X	X	X	P	P	SP[1]
Residential Use: Single Family Semi-Detached Dwellings	531.47	X	X	X	X	X	P	P	SP
Residential Use: Multiple Family Dwellings	531.47	X	X	X	X	X	X	P	X
Residential Use: Triplex and Quadruplex Dwellings (Multifamily, four (4) units maximum)	531.47	X	X	X	X	X	X	P	SP[1]
Residential Use: Waterfront Structures, Multi-Family	531.47	X	X	X	X	X	X	AP	AP
Residential Use: Waterfront Structures (Residential)	531.47	X	AP	AP	AP	AP	AP	AP	AP
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.47	X	X	X	X	X	X	P	SP
Residential Use: Single Family, Detached Dwellings	531.47	X	P	P	P	X	P	P	P
Restaurant	531.48	X	X	X	X	X	X	X	AP
Retail Sales, Neighborhood Convenience	531.49	X	X	X	X	X	X	X	AP
Retail Sales, Neighborhood General	531.49	X	X	X	X	X	X	X	AP
Retail Sales, General	531.49	X	X	X	X	X	X	X	SP
Sawmills	531.1	X	AP	X	X	X	X	X	SP
Schools, College/Universities	531.50	X	X	X	X	X	X	X	X
Schools, Elementary	531.50	X	AP	AP	AP	AP	AP	AP	AP
Schools, High and Middle	531.50	X	SP	SP	SP	SP	SP	SP	SP
Schools, other	531.50	X	AP	AP	AP	AP	AP	AP	SP
Service Station	531.51	X	X	X	X	X	X	X	SP
Sexually Oriented Businesses	531.52								

[1] Allowed in Rubonia only.

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Land Use	See Sec #	CON	A	A-1	RSF	RSMH	RDD	RMF	VIL
Slaughterhouses	531.1	X	SP	X	X	X	X	X	X
Solid Waste Management Facilities	531.53	X	SP	X	X	X	X	X	X
Landfills	531.53	X	SP	X	X	X	X	X	X
Stockyards and Feedlots	531.1	X	SP	X	X	X	X	X	SP
Utility Use	531.54	SP	AP	AP	AP	AP	AP	AP	AP
Vehicle Repair: Major	531.56	X	X	X	X	X	X	X	X
Vehicle Repair: Community Serving	--	X	X	X	X	X	X	X	SP
Vehicle Repair: Neighborhood Serving	--	X	X	X	X	X	X	X	SP
Vehicle Sales, Rental, Leasing	531.57	X	X	X	X	X	X	X	SP
Veterinary Clinic	531.58	X	AP	SP	X	X	X	X	AP
Veterinary Hospitals	531.56	X	AP	SP	X	X	X	X	AP
Warehouses	531.57	X	X	X	X	X	X	X	X
Water Dependent Uses	531.58	X	X	X	X	X	X	X	X
Wholesale Trade Establishment	--	X	X	X	X	X	X	X	X

AP = Administrative Permit; SP = Special Permit; P = Permitted; X = Not Permitted
AP/SP = Administrative Permit required as specified in Chapter 5 or elsewhere in this Code.

NOTES:

a. Uses may be further restricted or modified by the overlay district regulations.
b. Notwithstanding the development review procedures set forth in this table or any other provision of this Code, the development review procedures required pursuant to Chapter 3 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.
c. Waterfront structures shall be allowed as described within Section 402.14, PDW—Planned Development Waterfront.

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Table 4 - 2: Uses in Non-Residential Districts

Land Use	See Sec. #	PR	NC	GC	HC	RVP	LM	HM	EX	MP-I
Adult Day Care Center	--	AP	AP	AP	AP	X	X	X	X	X
Agricultural Research Facilities	--	X	X	X	P	X	P	P	X	X
Agricultural Uses	531.1	AP	AP	AP	AP	AP	AP	AP	P	X
Agricultural Products Processing Plants	531.1	X	X	X	X	X	AP	AP	X	X
Animal Products Processing Facility	531.1	X	X	X	X	X	AP	AP	X	X
Short Term Agricultural Uses	531.1	AP	AP	AP	X	X	X	X	X	X
Stables or Equestrian Centers: Private	531.1	X	X	X	X	X	X	X	X	X
Stables or Equestrian Centers: Public	531.1	X	X	X	X	X	X	X	X	X
Tree Farm	531.1	P	P	P	P	X	P	P	X	X
Aircraft Landing Field	531.2	X	X	X	X	X	X	X	X	X
Airport, Commercial	531.3	X	X	X	X	X	X	X	X	X
Airport, Private or Public	531.3	X	X	X	X	X	X	X	X	X
Alcoholic Beverage Establishment	531.4	X	SP	SP	SP	X	X	X	X	X
Alcoholic Beverage Establishment- 2 COP License	531.4	X	AP	AP	AP	X	X	X	X	X
Animal Services (Wild and Exotic)	531.5	AP	AP	AP	AP	AP	AP	AP	AP	AP
Assisted Living Facility, Large	531.45	AP	AP	AP	AP	X	X	X	X	X
Assisted Living Facility, Small	531.45	AP	AP	AP	AP	X	X	X	X	P
Auction Houses, Enclosed	--	X	X	AP	AP	X	AP	X	X	X
Auction Houses, Open	531.6	X	X	SP	SP	X	AP	X	X	X
Bed and Breakfast	531.7	AP	AP	X	X	X	X	X	X	P
Breeding Facility (Non-Wild & Exotic)	531.8	X	X	X	X	X	X	X	AP	X
Building Materials Sales Establishment	531.9	X	X	P	P	X	P	X	X	X
Lumberyard	531.9	X	X	X	AP	X	AP	X	X	X
Bus and Train Passenger Station	--	AP	AP	AP	AP	AP	AP	AP	X	X
Business Services	--	P	P	P	P	X	P	X	X	P
Printing, Medium	--	X	X	P	P	X	P	X	X	X
Printing, Small	--	P	P	P	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	SP	AP	X	AP	X	X	X
Car Wash: Incidental	531.10	X	AP	AP	AP	X	AP	X	X	X
Car Wash: Self-Service	531.10	X	X	AP	AP	X	AP	X	X	X
Cemetery: Human and Pet	531.11	AP	AP	AP	AP	X	X	X	X	X
Child Care Center, Large	531.12	AP	AP	AP	AP	X	AP	AP	X	P
Child Care Center, Medium	531.12	AP	AP	AP	AP	X	AP	AP	X	P
Child Care Center, Small	531.12	AP	AP	AP	AP	SP	AP	AP	X	P
Child Care Center, (Accessory)	531.12	AP	AP	AP	AP	X	AP	AP	X	P
Churches /Places of Worship	531.13	AP	AP	AP	AP	AP	X	X	X	P
Civic, Social, and Fraternal Organizations/Clubs	531.14	AP	AP	AP	AP	AP	X	X	X	X
Clinics		P	P	P	P	X	X	X	X	P

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Land Use	See Sec. #	PR	NC	GC	HC	RVP	LM	HM	EX	MP-I
Community Residential Homes	531.44	P	P	P	X	X	X	X	X	X
Correctional Facilities: Community	--	X	X	X	SP	X	SP	SP	X	X
Correctional Facilities: Major	--	X	X	X	X	X	SP	SP	X	X
Cultural Facilities	531.15	AP	AP	AP	AP	X	AP	AP	X	P
Drive- Through Establishments	531.16	X	AP	AP	AP	X	AP	X	X	X
Earthmoving, Major	702	X	X	X	X	X	AP	AP	P	X
Earthmoving, Minor	702	AP	AP	AP	AP	AP	AP	AP	AP	X
Emergency Shelters	531.45	AP/SP	AP/SP	AP/SP	AP/SP	X	X	X	X	X
Emergency Shelter Home	531.45	AP/SP	AP/SP	AP/SP	AP/SP	X	X	X	X	X
Environmental Education Facilities	--	AP	X	X	X	X	X	X	X	X
Environmental Land Preserves, Public and Private	531.17	P	P	P	P	X	P	P	X	X
Equipment sales, rental and leasing, heavy	531.18	X	X	AP	AP	X	AP	X	X	X
Construction equipment	531.18	X	X	SP	AP	X	AP	AP	X	X
Equipment Sales, rental and leasing, light	--	X	X	P	P	X	P	X	X	X
Family Day Care Home	--	P	X	X	X	X	X	X	X	X
Farming Service Establishments	531.18	X	X	AP	AP	X	AP	AP	X	X
Farm Worker Housing	531.19	X	X	X	X	X	X	X	X	X
Flea Markets: Enclosed	531.20	X	X	AP	AP	X	AP	X	X	X
Flea Markets: Open	531.20	X	X	SP	AP	X	AP	X	X	X
Food Catering Service Establishment	531.21	X	SP	AP	AP	X	AP	X	X	X
Funeral Chapel	531.22	AP	AP	AP	AP	X	X	X	X	X
Funeral Home	531.22	AP	AP	AP	AP	X	X	X	X	X
Game Preserve	--	X	X	X	X	X	X	X	X	X
Gas Pumps	531.51	X	SP	AP	AP	X	SP	X	X	X
Group Housing	531.23	X	AP	AP	X	X	X	X	X	P
Hazardous Waste Transfer Facility	--	X	X	X	X	X	SP	SP	X	X
Heliport	--	X	X	X	X	X	X	AP	X	X
Helistop	531.24	SP	SP	SP	SP	X	AP	AP	AP	X
Hospital	--	X	X	X	X	X	X	X	X	P
Industrial, Heavy	--	X	X	X	X	X	X	P	X	X
Firework/Sparkler Manufacture	531.25	X	X	X	X	X	X	SP	X	X
Industrial, Light	--	X	X	X	X	X	P	P	X	X
Intensive Services:										
Intensive Services: Exterminating and Pest Control	531.26	X	X	X	SP	X	AP	AP	X	X
Intensive Services: Motor Pool Facilities	531.26	X	X	X	X	X	SP	AP	X	X
Intensive Services: Printing, Heavy	--	X	X	X	X	X	P	P	X	X
Intensive Services: Industrial Service Establishment	531.26	X	X	SP	AP	X	AP	AP	X	X
Intensive Services: Sign Painting Service	531.26	X	X	AP	AP	X	AP	AP	X	X

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Land Use	See Sec. #	PR	NC	GC	HC	RVP	LM	HM	EX	MP-I
Intensive Services: Taxi-Cab, Limousine Service	531.26	X	X	AP	AP	X	AP	X	X	X
Intensive Services: Towing Service and Storage Establishment	531.26	X	X	SP	SP	X	AP	AP	X	X
Intermodal Terminal	--	X	X	X	X	X	SP	AP	X	X
Junkyards	531.27	X	X	X	X	X	X	SP	X	X
Laboratories, Medical and Dental	--	X	X	P	P	X	P	X	X	P
Lodging Places: Boarding House	531.28	AP	AP	AP	AP	X	X	X	X	P
Lodging Places: Dormitories	531.28	X	X	AP	X	X	X	X	X	P
Lodging Places: Hospital Guest House	531.28	AP	AP	AP	AP	X	X	X	X	P
Lodging Places: Hotel/motel	531.28	X	X	P	P	X	P	AP	X	P
Mining	531.30	X	X	X	X	X	X	X	P	X
Mini Warehouses, Self-storage	531.31	X	SP	AP	AP	X	AP	X	X	
Mobile Homes, Individual	531.32	X	X	X	X	X	X	X	X	X
Mobile Home Parks	--	X	X	X	X	X	X	X	X	X
Mobile Home Subdivisions	--	X	X	X	X	X	X	X	X	X
Motor Freight Terminal/Maintenance	531.34	X	X	X	X	X	AP	AP	X	X
Bus RR/Maintenance Facility		X	X	X	X	X	AP	AP	X	X
Nursing Homes	531.35	AP	AP	AP	X	X	X	X	X	P
Office, Medical or Professional	--	P	P	P	P	P	P	X	X	P
Miscellaneous Services: Office	--	P	P	P	P	X	P	P	X	P
Banking: Bank	--	P	P	P	P	X	P	X	X	P
Banking: Bank/Drive-through	--	AP	AP	AP	AP	X	AP	X	X	P
Outdoor Advertising Signs	--	X	X	P	P	P	P	P	X	X
Outdoor Storage (Principal Use)	531.36	X	X	AP	AP	X	AP	AP	X	X
Parking, Commercial (Principal Use)	--	P	P	P	P	X	P	P	X	X
Personal Service Establishment	--	P	P	P	P	X	X	X	X	P
Dry Cleaners: General	--	X	X	P	P	X	P	P	X	X
Dry Cleaners: Neighborhood	--	X	P	P	P	X	X	X	X	X
Dry Cleaners: Pick-up	--	AP	AP	AP	AP	X	X	X	X	X
Rental Service Establishment	--	X	X	P	P	X	P	X	X	X
Repair Service Establishment	--	X	AP	AP	AP	X	AP	X	X	X
Personal Wireless Service Facilities	531.37									
Pet Service (Kennel) Establishments	531.38	X	X	AP	AP	X	X	X	X	X
Public Community Uses	531.39	AP	AP	AP	AP	AP	AP	AP	X	X
Public Use Facilities	531.40	AP	AP	AP	AP	AP	AP	AP	AP	X
Post Offices	--	AP	AP	AP	AP	AP	AP	AP	X	X
Radio, TV, Communications, Microwave Facilities	--	AP/SP	AP/SP	AP/SP	AP/SP	SP	AP/SP	AP/SP	SP	X
Railroad Switching/Classification Yard	--	X	X	X	X	X	X	AP	X	X
Recreation, High Intensity	531.41	X	X	SP	SP	X	SP	SP	X	X

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Land Use	See Sec. #	PR	NC	GC	HC	RVP	LM	HM	EX	MP-I
Recreation, Low Intensity	531.41	AP	AP	AP	AP	AP	AP	AP	X	P
Recreation, Medium Intensity	531.41	X	SP	AP	AP	X	X	X	X	P
Recreation, Passive	531.41	AP	AP	AP	AP	AP	AP	AP	X	P
Recreation, Rural	531.41	X	X	X	X	X	AP	AP	AP	X
Recreational Vehicle Parks and subdivisions	531.42	X	X	X	X	P	X	X	X	X
Recreational Vehicle/Mobile Home Sales, Rental & Leasing	531.43	X	X	AP	AP	AP	AP	X	X	X
Rehabilitation Center	531.44	SP	SP	SP	SP	X	X	X	X	X
Research and Development Activities	--	X	X	X	P	X	P	P	X	P
Recovery Home, Large	531.45	SP	AP	AP	AP	X	X	X	X	X
Recovery Home, Small	531.45	AP	AP	AP	AP	X	X	X	X	X
Residential Treatment Facilities	531.46	SP	SP	SP	SP	X	X	X	X	X
Residential Use: Duplexes	531.47	X	P	P	P	X	X	X	X	P
Residential Use: Single Family Semi-Detached Dwellings	531.47	X	X	X	X	X	P	X	X	P
Residential Use: Multiple Family Dwellings	531.47	P	X	X	X	X	P	X	X	X
Residential Use: Triplex and Quadruplex Dwellings (Multifamily, four (4) units maximum)	531.47	X	X	X	X	X	X	X	X	X
Residential Use: Waterfront Structures, Multi-Family	531.47	X	X	X	X	X	X	X	X	X
Residential Use: Waterfront Structures (Residential)	531.47	AP	X	X	X	AP	P[2]	X	X	X
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.47	X	X	X	X	X	P	X	X	P
Residential Use: Single Family, Detached Dwellings	531.47	P	P	P	P[,]	X	P	X	X	P
Restaurant	531.48	X	P	P	P	X	P	X	X	P
Retail Sales, Neighborhood Convenience	531.49	X	P	P	P	P	X	X	X	P
Retail Sales, Neighborhood General	531.49	X	P	P	P	X	X	X	X	P
Retail Sales, General	531.49	X	X	P	P	X	X	X	X	P
Sawmills	531.1	X	X	X	X	X	X	AP	X	X
Schools, College/Universities	531.50	X	X	X	X	X	X	X	X	P
Schools, Elementary	531.50	AP	AP	AP	AP	X	AP	AP	X	P
Schools, High and Middle	531.50	SP	SP	SP	SP	X	SP	SP	X	P
Schools, other	531.50	AP	AP	AP	AP	X	AP	AP	X	P
Service Station	531.51	X	SP	AP	AP	X	AP	X	X	X
Sexually Oriented Businesses	531.52	See Section 531.49								
Slaughterhouses	531.1	X	X	X	X	X	X	SP	X	X
Solid Waste Management Facilities	531.53	X	X	X	X	X	SP	SP	SP	X
Landfills	531.53	X	X	X	X	X	X	X	X	X
Stockyards and Feedlots	531.1	X	X	X	X	X	X	SP	X	X
Utility Use	531.543	AP	AP	AP	AP	AP	AP	AP	AP	X

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Land Use	See Sec. #	PR	NC	GC	HC	RVP	LM	HM	EX	MP-I
Vehicle Repair: Major	531.56	X	X	SP	AP	X	AP	AP	X	X
Vehicle Repair: Community Serving	--	X	SP	AP/SP	AP	X	AP	X	X	X
Vehicle Repair: Neighborhood Serving	--	X	AP	AP/SP	AP	X	AP	X	X	X
Vehicle Sales, Rental, Leasing	531.57	X	X	AP/SP	AP	X	AP	X	X	X
Veterinary Clinic	531.58	AP	AP	AP	AP	X	X	X	X	X
Veterinary Hospitals	531.58	X	X	SP	SP	X	AP	AP	X	X
Warehouses	531.59	X	X	X	AP	X	AP	AP	X	
Water Dependent Uses	--	X	X	X	X	X	P[2]	X	X	X
Wholesale Trade Establishment	--	X	X	X	P	X	P	P	X	X

AP = Administrative Permit; SP = Special Permit; P = Permitted; X = Not Permitted
AP/SP = Administrative Permit required as specified in Chapter 5 or elsewhere in this Code.

NOTES:

- Uses may be further restricted or modified by the overlay district regulations.
- Notwithstanding the development review procedures set forth in this table or any other provision of this Code, the development review procedures required pursuant to Chapter 3 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.

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[2] Waterfront structures shall be allowed as described within Section 402.14, PDW—Planned Development Waterfront.

401.3. Bulk and Dimensional Regulations.

In order to carry out the purposes, intent and provisions of this Code, bulk and dimensional regulations for particular zoning districts are hereby established. Except as may be qualified by the provisions of this Code, no structure or part thereof, shall hereafter be built or moved on a lot which does not meet all of the minimum bulk and dimensional regulations for the zoning district in which the structure is located; and except as may be qualified by the provisions of this Code, no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all of the minimum bulk and dimensional regulations for the zoning district in which such structure is located.

A. Maximum Density.

In no instance shall the maximum density specified for a given zoning district be exceeded in the approval of any application for development approved, except where bonuses are permitted pursuant to the Housing Program (Chapter 5). For residential zones, maximum density shall be expressed in number of dwelling units per gross residential acre. In the determination of the maximum number of units to be allowed on a lot, the permitted number shall be made proportional to any fraction of the acreage that is part of the lot.

No more than one (1) single-family dwelling unit shall hereafter be erected on any one (1) lot, nor shall a dwelling unit be located on the same lot with any principal building, unless such dwelling unit is permitted as an accessory use to such principal building.

B. Lot Size Requirements.

1. *Generally.* Except as may be qualified by the provisions of the Code, including Section 107.8, Nonconforming Lots, no structure or part thereof shall hereafter be used, occupied or arranged for use on a lot which does not meet all the minimum lot size requirements presented for the zoning district in which such structure or land is located.

2. *Reduction of Lot Size or Yards; Subdivision*. No lot or yard existing on the effective date of this Code shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation and purchase. Lots or yards created after the effective date of this Code shall meet the minimum requirements established herein. Only a lot that exceeds the minimum provisions of this Code may be subdivided to create more lots, and only then where the resultant lots shall themselves meet such minimum provisions; however, this limitation shall not bar the replat of lots for the alteration of dimensions or boundary locations where each lot conforms to the zoning requirements and the total number of lots is not increased.

3. *Waterfront Lots and Inclusion of Wetlands*. No land below a shoreline or part of a wetland shall be considered part of a lot for the purposes of determining compliance with the required minimum lot area or size under this Code, nor shall such land be part of any required yard; except that twenty (20) percent of the required minimum lot area or size in the A land use district that is outside of the CH Overlay District, may include wetlands. For lots in the A district created before November 16, 1998, a minimum of one (1) acre of the required lot area shall be upland, if consistent with the Comprehensive Plan. Any wetland impacts on these lots shall be consistent with Section 706.

4. *Minimum Front Lot Line*. Every lot shall have a front lot line which is at least eighty (80) percent of the minimum required lot width, except flag lots, existing duplexes which are split into two (2) single-family semi-detached units as referenced below Lots with curvilinear street lines or which front on a cul-de-sac or a curve in a street, where the radius of the arc of such street line, cul-de-sac, or curve is seventy (70) feet or less, may have a front lot line not less than sixty (60) percent of the minimum lot width, or forty (40) feet, whichever is less.

5. *Operation Face Lift Area*. Any existing duplex in the Operation Face Lift area, defined as 53rd Avenue East to the north, 63rd Avenue East to the south, 1st Street to the west and 15th Street East to the east, where the side of the duplex faces the street (and therefore the rear unit does not have frontage on any street), may be split into two (2) single-family semi-detached lots, without the required minimum front lot line, provided that: (1) the rear semi-detached unit is granted a non-exclusive ingress/egress, utility and drainage easement from the attached lot which fronts on the street; (2) an appropriate party wall agreement is provided; and (3) the common wall meets all Florida Building Code requirements. If the parking for the rear lot is located on the front parcel, additionally, a parking easement shall be required to be granted to the rear lot.

C. Maximum Building Height.

1. *Generally.* Maximum building height, where specified, shall apply to all structures located in the zoning district, except those structures and appurtenances excluded below or specifically provided elsewhere in this Code.

2. *General Height Exclusions*. The height limitations of this Code shall not apply to barns, agricultural silos, residential chimneys, spires, cupolas, gables, scenery lofts, domes, birdhouses, flues, religious symbols, monuments, water towers, water tanks, smokestacks, flag poles or other similar roof structures and mechanical appurtenances; or any similar structure approved by the Department Director provided, however:

   a. No such structure, when located on a building roof, shall occupy an area greater than ten (10) percent of the total roof area.

   b. No such structure shall be used for any purpose other than a use incidental to the main use of any principal building.

   c. No such structure over thirty-five (35) feet in height shall be located nearer to a lot line less than a distance equal to its height, except for public or private utility facilities/use. Structures which are self-collapsing within the lot lines, without impacting overhead utility lines, are exempt from this requirement. All structures shall maintain appropriate clearance from overhead electrical conductors in accordance with applicable codes and regulations.

   d. No such accessory freestanding structure shall be located except in strict accordance with the provisions of Chapter 5, Part II, Accessory Uses and Structures.

   e. A parapet wall, cornice, or similar projection may exceed the height limit established for a given zoning district by not more than four (4) feet, but such projection shall not extend more than four (4) feet above the roof level of the building of which it is a part.

3. *Telecommunication Height Exclusions*. The district height limitations of this Code shall not apply to telecommunications towers, antennas, or facilities which are a principal use. Telecommunication towers and antennas shall comply with Section 531.36.

4. *Height Limitation in the Vicinity of Airports*. See Section 403.2, Airport Impact Overlay District.

D. Required Yards.

1. *Generally.* Minimum yard requirements shall be as specified for a given zoning district. The yard requirements shall apply to all buildings and structures as they relate to the lot lines, except as otherwise specifically provided in this Code or as exempted below.

2. *Exempt Structures*. The following structures shall be exempt from the minimum yard requirements set forth in this Code, provided however that these exemptions shall not permit encroachment into the visibility triangle: residential air conditioning units, telephone booths and pedestals, underground and overhead utility equipment, U.S. Post Office authorized mail boxes, bus shelters and bus benches, public bicycle shelters, backflow preventers, or any similar structure or device as determined by the Department Director (see also Chapter 5, Part II, Accessory Uses and Structures, and subsection E, Yard Encroachments, below).

3. *Lots within Development Site.* Individual lots within any office, commercial or industrial project may share a common wall when approved under a unified preliminary or Site Development plan for the entire project. Side yard setbacks will not be required for contiguous units within shopping centers if a common wall agreement is included within the recorded deeds. Projects approved under this section shall be considered as one premises, regardless of ownership.

4. *Corner Lots—Required Yards*. Corner lots shall be provided a front yard on each street frontage. Remaining yards shall be provided as side yards.

5. *Through Lots—Required Yards*. Front yards shall be provided on all street frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Department Director may substitute a special yard requirement which shall not exceed the average of the yards provided on the two adjacent lots.

6. *Reverse Frontage Lots—Required Yards*. Notwithstanding any other provision of this Code, on any lot designed to have reverse frontage along a major thoroughfare, the minimum front yard requirements, as set forth for a given zoning district, shall be deemed to apply to that yard in front of the principal entrance or

containing the approach to the principal building occupying the lot. The opposing yard shall be deemed to be the rear yard and shall be subject to the requirements set forth for such yards (see also Section 800.8.D, *Double and Reverse Frontage Lots*).

7. *Side Yard Reductions*. Notwithstanding any other provision of this Code, any lot of record within the urban core areas, as identified in the Comprehensive Plan, having lot widths of fifty-five (55) feet or less, and which do not share continuous frontage with an adjoining vacant lot in the same ownership on the effective date of this Code, (October 15, 1990) shall be permitted to reduce the minimum side yard setback to five (5) feet.

8. *Yards Adjacent to Agricultural Operations*. On all lots created after the effective date of this Code, which are adjacent to active agricultural operations involving citrus groves, orchards, field crops, cattle/pasture land, or truck farming, all yards contiguous to such operations shall be at least thirty-five (35) feet greater than otherwise required by this Code, unless separated from such agricultural operations by a street or other designated open space at least thirty-five (35) feet in width.

9. *Waterfront Yards.* This required waterfront setback shall apply to lots adjacent to Waters of the State or waterbodies owned by a community or homeowners association. Water owned entirely by one (1) person and completely contained within the parcel, is exempt from this requirement unless otherwise provided for in this Code. Commercial Fish Houses in the Cortez Fishing Village Overlay District shall be exempt from all waterfront setback requirements.

10. *Residential Cluster Development Subdivisions*. The minimum yard requirements (setbacks) for existing residential Cluster subdivisions approved as a Cluster Development under Ordinance 81-4 shall be front yard—twenty (20) feet, side yard—eight (8) feet, rear yard—fifteen (15) feet.

11. *Wetland Buffer.* When a wetland buffer is required or designated pursuant to this Code, a fifteen (15) foot setback shall be required between the upland edge of the buffer and adjacent structures. Yard encroachments that are otherwise allowed by this Code shall be allowed to encroach in the same manner into this setback provided. The Department Director may approve a reduction of this setback if the applicant can demonstrate that the proposed reduction will not impact the adjacent wetland buffer.

E. Yard Encroachments. Every part of a required yard shall be open and unobstructed from thirty (30) inches above the finished grade of a lot upward, except as hereinafter provided or as otherwise permitted in this Code. Structures less than thirty (30) inches in height above final grade are not considered yard encroachments, except in drainage swales and easements, where no encroachments are permitted, except as described in paragraph 6 below. No structure shall be built or erected which would require railings or construction to encroach or extend upward above thirty (30) inches above the finished grade, except as provided under paragraph 1, below. No structure shall be built or finish grade to be constructed or altered which will cause stormwater to flow onto adjacent property. In those developments where yard requirements are determined by a specified distance between buildings, this regulation shall likewise apply and the midpoint of the shortest line that can be drawn between the two (2) buildings shall be employed as the lot line.

1. *Cornices and Similar Features*. Cornices, awnings, leaves, gutters or other similar features shall be at least eight (8) feet above finish grade and may extend three (3) feet into any required yard or yard setback, but not nearer to any lot line than a distance of five (5) feet. Such features may encroach a maximum of eighteen (18) inches into an easement. The Department Director may approve encroachments of cornices and similar features closer to the property line than five (5) feet after making a finding that the encroachment will have no negative effect, specifically on the stormwater management plan for the property. In no case may the County Administrator approve an encroachment closer than four (4) feet to the property line.

2. *Sills, Leaders, and Belt Courses*. Sills, leaders, belt courses and similar ornamental features may extend twelve (12) inches into any required yard.

3. *Fences and Hedges.* Fences and hedges are permitted in required yards, subject to the provisions of Chapter 5, Part II, Accessory Uses and Structures, and the provisions of the Whitfield Residential Overlay District and the Cortez Fishing Village Overlay District.

4. *Balconies, Chimneys, Bay Windows, etc.* Bay windows, oriels, balconies and chimneys not more than ten (10) feet in width may extend three (3) feet into any required front or side yard; ten (10) feet into any required rear yard; but not nearer to any side lot line than a distance of five (5) feet nor to any rear lot line than a distance of fifteen (15) feet. A mobile home may have one (1) bay window that encroaches no more than one (1) foot into

any required yard, but not nearer to any lot line than four (4) feet.

5. *Outside Stairways.* An outside stairway, unenclosed above and below the steps thereof, may extend four (4) feet into any required side or rear yard, but not nearer to any side lot line than a distance of ten (10) feet.

6. *Easement Encroachments*. Minor encroachments into side or rear yard drainage and/or utility easements for air conditioning and pool equipment may be permitted, provided that all of the following conditions are met:

   a. A determination is made by the Public Works Department that the drainage function of the easement will not be impeded;

   b. Property Owner must agree to remove the encroachment at his/her expense should Manatee County and/or the easement holder deem that the encroachment poses a conflict to their use of the easement. Additionally, the Property Owner shall record an agreement to release and Hold Harmless the easement holder prior to Certificate of Occupancy.

   c. If the encroachment requires the relocation of an existing utility, permission from the respective utility shall be obtained prior to its relocation;

   d. The functionality of the easement shall not compromised; and

   e. No encroachment shall be permitted within a Conservation Easement.

F. Open Space Requirements. The open space requirements presented for a given zoning district shall be considered as a minimum, and such open space shall be located on the same lot as the primary use or structure, except as specifically provided otherwise in this Code. Open space requirements shall be expressed as a percentage of the gross area of the lot. No part of the required open space in any development shall be subsequently reduced below the minimum requirements of this Code, nor be utilized in any manner contrary to the provisions of this Code.

G. Minimum Floor Elevation. The minimum finished floor elevation for structures in the floodplain shall be in accordance with the requirements of this section, in addition to Section 801, Stormwater Management and Section 802, Floodplain Management.

401.4. Schedule of Area, Height, Bulk and Placement Regulations.

Except as specifically provided in this Code, regulations governing the minimum lot area, width and area per dwelling unit, required front, side and rear yards, maximum permitted floor area ratio, maximum permitted height of structures, maximum permitted lot coverage, maximum permitted impervious surface and related matters for the standard districts shall be as shown in this section. More specific standards for certain uses are listed in Chapter 5.

Permitted variations shall result from peculiar shapes of land, the necessity of extending streets, or other unusual circumstances, but shall not be permitted simply because the existing lots, mobile home spaces, streets, buffers, etc., do not meet these standards. Improvement of nonconforming conditions in existing developments may be required as a precedent to expansion of such developments when such improvement is feasible.

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Table 4 - 3. Schedule of Bulk and Dimensional Standards for Village Districts

	Village		
	Myakka	Rubonia	Parrish[3]
DENSITY/INTENSITY			
Max. Residential Density	6.0[4]	3.0	3.0
Max. FAR	0.23	0.23	0.23
Min. Open Space(%), Non-residential	20	20	20
LOT STANDARDS			
Min. Lot Area (sq. ft.)			
Single Family Detached	10,000	6,000	10,000
Single Family Semi-Detached	6,000	6,000	6,000
Duplex	8,000	5,000	8,000
Single Family Attached [5]	2,400/3,600	2,400/3,600	2,400/3,600
Individual Mobile Homes	217,800	217,800	217,800
Non-residential	10,000	10,000	10,000
Min. Lot Width (ft.)			
Single Family Detached	75	60	75
Single Family Semi-Detached	50	50	50
Duplex	120	100	120
Single Family Attached[6]	24/34	24/34	24/34
Individual Mobile Homes	200	200	200
Non-residential	100	100	100
Min. Unit Floor Area			
Residential	600	600	600
MINIMUM SETBACKS (ft.)			
Front			
Single-Family Detached[7]	20	20	20
All other residential	25	25	25
Non-residential	25	25	25
Side (street & interior)			
Residential	10	8	10
Non-residential[8]	10	10	10
Rear			
Residential	20	20	20
Non-residential [8]	15	15	15
Waterfront[9]	30	30	30
BUILDING HEIGHT			
Maximum (ft.)	35	35	35

Notes:
Properties within an Overlay District must also comply with the standards of such district.

[3] For commercial properties in the Parrish Commercial Village Overlay District, also see Section 403.4. PCV – Parrish Commercial Village Overlay District.
[4] Shall not exceed 3 units/acre if located within the velocity zone of the coastal high hazard area.
[5] Minimum lot/acreage lot.
[6] When two dimensions are given, the second dimension is for corner and end lots.
[7] Front-loaded garages, detached or attached to a single-family dwelling, require an additional 5-foot front yard setback.
[8] Twenty-five (25) feet when abutting a residential land use.
[9] Waterfront setback may be reduced by 5 ft. for platted lots of record and special exception status waterfront lots. Mobile homes and recreational vehicles are exempt from this waterfront setback requirement.

Table 4 - 4. Schedule of Bulk and Dimensional Standards for Agricultural and Residential Districts

	Agricultural		Single Family					Duplex			Multi-Family	
	A	A-1	RSF-1	RSF-2	RSF-3	RSF-4.5	RSF-6	RDD-3	RDD-4.5	RDD-6	RMF-6	RMF-9
DENSITY/INTENSITY												
Max. Residential Density	0.2	1.0	1.0	2.0	3.0	4.5	6.0	3.0	4.5	6.0	6.0	9.0
Max. FAR	0.2	0.2	0.23	0.23	0.23	0.23	0.23	0.15	0.15	0.15	0.15	0.15
Min. Open Space (%), Non-residential	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20	20	20	20	20
LOT STANDARDS												
Min. Lot Area (sq. ft.)												
Single Family Detached	217,800[10]	43,560	30,000	15,000	10,000	7,000	6,000	8,000	7,000	6,000	6,000	6,000
Single Family Semi-Detached								4,000[11]	4,000[11]	3,500	6,000	
Duplex								8,000[11]	7,000[11]	7,000	7,000	3,000
Single Family Attached[12]											2,400/ 3,400	2,400/ 3,400
Multi-Family											7,000	10,000
Non-residential uses	217,800	43,560	30,000	15,000	10,000	7,000	6,000	12,000	8,000	7,000	6,000	10,000
Min. Lot Width (ft.)												
Single Family Detached	200	100	100	80	75	70	60	75	70	60	50	50
Single Family Semi-Detached								40[11]	40[11]	35	50	
Duplex								75[11]	70[11]	70	100	35
Single Family Attached [12]											24/34	24/34
Multi-Family											100	100
Non-residential uses	200	100	100	80	75	70	60	75	80	70	50	100
Min. Unit Floor Area (sq. ft.)[13]												
Single-Family Detached	850	1,000	1,200	1,200	1,200	1,000	600	1,200	1,000	650	900	900
Mobile Homes	400	400										
Single-Family Semi-Detached								600	600	650	900	
All other residential uses								600	600	650	650	650

[10] The minimum lot size cannot include wetlands, unless the standards of Section 702.4.3 are met.

[11] Lots of record existing prior to 1981 shall contain a minimum of 7,000 square feet and a width of 70 feet to allow a duplex, or 3,500 square feet and 35 feet in width for a single-family semi-detached unit. Side yard setbacks may be reduced to 8 feet. Existing duplexes may be split into semi-detached units provided that these minimum requirements are met.

[12] When two dimensions are given, the second dimension is for corner and end lots.

[13] Areas within the Whitfield Residential Overlay District are subject to the minimum yards and floor area requirements of Section 403.13.

	Agricultural		Single Family					Duplex			Multi-Family	
	A	A-1	RSF-1	RSF-2	RSF-3	RSF-4.5	RSF-6	RDD-3	RDD-4.5	RDD-6	RMF-6	RMF-9
MINIMUM SETBACKS (ft.)												
Front[13]												
Single-Family Detached	50	50	40	25	25	20[14]	20[14]	25	25	25	20[17]	20[17]
Single-Family Semi-Detached								25	20[14]	20[14]	25	
Duplex								25	20[14]	25	25	25
Single-Family Attached											25	25
Multi-Family											25[15]	25[15]
Other Allowed Uses	50	50	40	25	25	20[14]	20[14]	25	25	25	25	25
Side (street and interior):												
Single-Family Detached	10	10	10	10	10	8	8	10	8	8	10	10[15]
Single-Family Semi-Detached								10[11]/15[16]	10[11]/15[16]	8/15[16]	10/15[15]	
Duplex								10	10	8	10	10
Single-Family Attached											10	10
Multi-Family											10	10[15]
Other Allowed Uses	10	10	10	10	10	8	8	15	15	15	15	10[15]
Rear												
Single-Family Detached	25[17]	25	25	25	20	20	20	20	20	20	20	20
Single-Family Semi-Detached								20	20	20	20	
Duplex								20	20	20	20	20
Single-Family Attached											20	20
Multi-Family											25[15]	25[15]
Other Allowed Uses	25[17]	25	25	25	20	20	20	20	20	20	25	25[15]
Waterfront	30	30	30	30	30	30	30	30	30	30	30	30
BUILDING HEIGHT												
Max. Height	35	35	35	35	35	35	35	35	35	35	35	35

[14] Front-loaded garages, detached or attached to a single-family dwelling, require an additional 5-foot front yard setback.
[15] Increase 10' for each story over 1 where abutting a single family residential district.
[16] Per side/where only one (1) side yard is provided.
[17] 50' for manufactured homes.

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Table 4 - 5. Schedule of Bulk and Dimensional Standards for Mobile Home Districts

	Mobile Home[18]	
	RSMH-4.5	RSMH-6
DENSITY/INTENSITY		
Max Residential Density	4.5	6.0
Max. FAR	0.15	0.15
Min. Project Area (acres)	20	20
MIN. OPEN SPACE (%)		
Residential	20	20
Non-Residential	15	15
LOT STANDARDS		
Min. Lot Area (sq. ft.)		
Single-wide M.H. Site	3,000	3,000
Double-wide M.H. Site	4,000	4,000
Triple-wide M.H. Site	4,750	4,750
Non-residential use	10,000	10,000
Min. Lot Width (ft.)		
Single-wide M.H. Site	40	40
Double-wide M.H. Site	50	50
Triple-wide M.H. Site	60	60
Non-residential use	75	75
MINIMUM SETBACKS (ft.)[19]		
Front	5	5
Side (street & interior)	5	5
Rear	5	5
Waterfront	30	30
MINIMUM BUFFERS (ft.)		
Street/Residential District	50	50
Non-Residential District	15	15
BUILDING HEIGHT (Max) (ft.)		
Residential	15	15
Non-Residential	35	35

[18] A Recreation/Stormwater Shelter Building is required in conjunction with all RV and mobile home parks and subdivisions. See Section 511.4.

[19] 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 mobile home parks without recorded lots or lot lines refer to Section 107.7.E.

Table 4 - 6: Schedule of Bulk and Dimensional Standards for Office, Commercial, Industrial and Extraction Districts

	Office		Commercial					Industrial		Extraction	Institutional
	PR-S	PR-M	NC-S	NC-M	GC	HC	RVP	LM[20]	HM	EX	MP-I
DENSITY/INTENSITY											
Maximum Density per FLUM							12 sites/acre				
Max. FAR	0.23[22]	0.23 [22]	0.23 [22]	0.23 [22]	0.25/ 0.35[21 22]	0.25/ 0.35[22]		0.35/ 0.75[22]	0.5	0.23	
Max Building Size (sq. ft.) Non-residential	3,000	30,000	3,000	30,000	50,000	50,000[23]					
Min. Landscaped Open Space (%)	15	15	15	15	15	15	20 (RV Parks) 15 (Non-Resid)	15	15	N/A	25%
LOT STANDARDS											
Min. Lot Size (sq. ft.)	10,000[24]	10,000[24]	7,500[24]	7,500[24]	7,500	7,500	1,600/ 1,200/ 10,000[25]	10,000	10,000	5 acres	40 acres
Minimum Width (ft)	75	75	75	75	75	75	30/ 20/ 75[26]	100	100	200	
MINIMUM SETBACKS (ft.)											
Front & street side[27]	25	25	25	25	25	25	50	25[28,20]	25[28]	50	25/40[29]

[20] Single-family residential uses within the LM District shall have 20 foot front yard setbacks, 8 foot side yard setbacks and 20 foot rear yard setbacks.
[21] For mini-warehouse uses, the maximum FAR may be used without special approval.
[22] To receive the greater FAR, Special Approval is required, as determined by Section 345.
[23] Further restrictions affect property located in the IL (Industrial Light) future land use category. All relevant locational criteria shall be met 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 Approval.
[24] For residential development see comparable residential district based on comprehensive plan category (In Res 6 see e.g., RSF-4.5 or FSMH-4.5.)
[25] RV without attachments/Site in Designated Camping Area/Non-residential or dwelling site
[26] RV site/Site in Designated Camping Area/Non-residential or dwelling Site
[27] Areas within the Whitfield Residential Overlay District are subject to the minimum yards and floor area requirements of Section 403.13.
[28] One additional foot in height may be added for each additional foot that is added to all required yards.
[29] Roadway buffer/setback from exterior roadways (structures)

	Office		Commercial					Industrial		Extraction	Institutional
	PR-S	PR-M	NC-S	NC-M	GC	HC	RVP	LM[20]	HM	EX	MP-I
Side	10[30]	10[30]	10[30]	10[30]	10[30,31]	10[30]	15	20/75/0[20, 32, 33]	20/75/0[32, 33]	10	20/30/40[34]
Rear	15[30]	15[30]	15[30]	15[30]	15[30]	15[30]	15	20/75/0[20, 32, 33]	20/75/0[32, 33]	25	
Waterfront	30	30	30	30	30	30	30	30	30	30	30
BUILDING HEIGHT											
Max. Height	35	35	35	35	35	35	35 (Non-Resid) 15 (Resid)	45	55	N/A	7 stories or 84 feet[35]

[30] 20 ft. yard required if adjacent to a residential district or future land use designation of Res or UF not meeting commercial locational criteria.
[31] Side yard setbacks in the GC district shall be increased to 15 feet if the non-residential structure(s) onsite exceed 50,000 square feet.
[32] One additional foot in height may be added for each additional foot that is added to all required yards.
[33] 75 ft. required if adjacent to a residential district or future land use designation of Res or UF not meeting commercial locational criteria. No yard required if abutting a railroad track for that portion of the building to be used for the transportation of products and material to and from the site. There is no minimum waterfront yard required for water dependent use structures.
[34] Perimeter buffer/setback from adjacent property 20 ft./30 ft. (non-residential) or 30 ft./40 ft. (residential)
[35] Building in excess of 35 ft. must be located a minimum of 100 ft. from any property boundary or 500 ft. from any waterfront property boundary. The Board of County Commissioners may allow structures in excess of 35 ft. within closer proximity to property boundaries under the provisions of Section 402.7.

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401.5. Expansion of Existing Large Commercial Projects.

A. Eligibility. For the purposes of this code an existing large commercial project is a project which is not a planned development, is between 50,000 and 100,000 square feet in size, was an existing use prior to May 11, 1989, and is proposing expansion of less than 50,000 square feet.

B. Access. Expansion of an existing large commercial project may take place if the project and/or expansion is located upon a road designated as collector or higher.

C. Configuration. The proposed expansion must be located upon a site that contains adequate size and configuration in order to minimize impacts upon adjacent residential land uses.

D. Screening. Expansion of 0 to 24,999 square feet to an existing large project shall require a minimum ten (10) foot screening buffer meeting the requirements of Chapter 7 around that portion of the site where the expansion is located. Expansions of 25,000 to 49,999 square feet shall require the entire project to be upgraded, if necessary, to meet the screening requirements of Chapter 7.

E. Landscaped Open Space. A minimum of twenty (20) percent of the expansion area shall be provided as landscaped open space.

F. Parking. Any new required parking spaces shall be in conformance with the stall configuration of the existing spaces. For example, an existing lot with ninety (90) degree parking stalls shall provide ninety (90) degree parking stalls for the entire new parking lot. If no increase in parking is required, the existing project and addition shall meet the requirements of Chapter 10, in reference to design standards for the existing ramps and handicap parking stalls.

G. Historical, Archaeological Overlay. If the proposed expansion is located within the HA Overlay District, then the existing project shall also be subject to review by the Historic Preservation Board.

H. Other Requirements. These expansions shall also be subject to all other Code Requirements.

I. Waiver. In the event that these standards cannot be met, the Department Director may waive these requirements where the applicant can clearly demonstrate that the intent of this section has been met.

Section 402. Planned Development (PD) Districts.

402.1. Generally

A. Purpose and Intent.

1. Planned development districts are intended to be established for: specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a planned development review process; or when the ability to attach conditions to a site plan is warranted.
2. Planned development may be used as a vehicle to permit developments when the innovative use of buffering and modern design techniques mitigate the external impacts of development and create a helpful physical environment. Through the utilization of a planned district, the Board may allow mixed dwelling types and/or housing densities; provide for the safe, efficient, convenient, harmonious groupings of structures, uses, facilities, and support uses; for appropriate relationships of space, inside and outside buildings, for intended uses; for preservation of desirable natural features; and minimum disturbance of natural topography.
3. Within Planned Development Districts, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots; to promote economical and efficient land use; improve levels of amenities for harmonious, creative design, and a better environment.
4. In view of the substantial public advantage of planned development, it is the intent of these regulations to promote and encourage development in this form, where appropriate, in location and character.

B. PD Designations. The PD category includes the following districts.

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- PDA—Planned Development Agriculture.
- PDR—Planned Development Residential.
- PDRV—Planned Development Recreational Vehicle.
- PDC—Planned Development Commercial.
- PDRP—Planned Development Research Park.
- PDW—Planned Development Waterfront.
- PDMU—Planned Development Mixed Use.
- PDUI—Planned Development Urban Industrial.
- PDGC—Planned Development Golf Course.
- PDI—Planned Development Industrial.
- PDMH—Planned Development Mobile Home.
- PDO—Planned Development Office.
- PDPI—Planned Development Public Interest.

402.2. Consistency with the Comprehensive Plan and Other Ordinances.

A. Future Land Use Map. PD Districts are allowed within all Comprehensive Plan Future Land Use Map categories; however, the proposed PD shall be consistent with the Comprehensive Plan.

B. Density/Intensity. Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.

C. Height. Building height in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.

D. Open Space. Minimum open space requirements shall be established based upon a site-specific evaluation of the project and surrounding land uses

402.3. Planned Development, Defined.

For purposes of this Code, a planned development is:

A. Land to be planned as a whole;

B. Built in a single development operation or a definitively programmed series of development operations;

C. To include principal and accessory structures and uses substantially related to the character and purposes of the district;

D. Built according to plans, which include not only streets, utilities, lots, building locations, and the like; but also, site plans for all buildings intended to be located, constructed, used and related to each other; and plans for other uses and improvements on the land as related to the buildings; and

E. To include a program to provide for operation and maintenance of such areas, facilities, and improvements for common use by the occupants of the planned development district; but which will not be provided, operated or maintained at general public expense.

402.4. Relation of PD Regulations to General Zoning, Subdivision or Other Regulations.

The following regulations shall apply to the initiation of and regulation for all planned development districts.

A. Where there are conflicts between the special Planned Development regulations herein and general zoning, subdivision, other regulations or requirements; these Planned Development regulations shall apply in Planned Development districts unless the Board finds, in the particular case, that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.

B. Where actions, designs or solutions proposed by the applicant are not literally in accord with applicable Planned Development or general regulations, but the Board makes a written finding in the particular case, that

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the public purposes of these regulations are satisfied to an equivalent or greater degree, the Board may grant specific approval for the particular case. However, where floor area and similar building ratios, as well as maximum permitted densities have been established by these regulations, the Board shall not grant specific approval to increase such ratios, maximums, or minimums. The Board shall not grant specific approval for Chapter 6, Sign Regulations. The method for approval of alternatives to the sign regulations shall be to apply for an adjustment in accordance with Chapter 6 of this Code.

C. Except as indicated above, and notwithstanding procedures and requirements generally in effect, the procedures and requirements set forth in this section shall apply in all Planned Development districts.

D. Agricultural property rezoned to Planned Development may continue in agricultural use. Any expansion or increase in intensity of the agricultural use shall require an Administrative Permit in compliance with Chapter 3.

E. Any single-family residential lot that received Planned Development Zoning without site plan approval shall be exempt from the Planned Development process. The Building Permit shall serve as the development order approval.

402.5. Schedule of Uses for PD Districts.

Except as specifically provided in this Code, regulations governing the use of land, water and structures within the PD districts shall be as shown in the following table. Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.

Uses of land or structures not expressly listed in the table are prohibited and shall not be established in that district.

Uses and structures which are customarily and clearly incidental to permitted principal uses and structures, shall be also permitted.

Table 4 - 7. Schedule of Uses for PD Districts

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Adult Day Care Center	--	P	P	P	X	X	X	P	P	X	P	X	AP	X
Agricultural Research Facilities	--	X	X	P	P	X	P	X	P	X	X	X	P	P
Agricultural Uses	531.1	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	P	P
Agricultural Products Processing Plants	531.1	X	X	X	X	P	X	X	P	X	X	X	P	P
Animal Products Processing Facility	531.1	X	X	X	X	SP	X	X	SP	X	X	X	P	P
Short Term Agricultural Uses	531.1	P	X	P	X	X	X	X	P	X	X	X	P	P
Stables or Equestrian Centers: Private	531.1	P	X	X	X	X	X	X	P	P	P	X	P	X
Stables or Equestrian Centers: Public	531.1	X	X	P	X	X	P	X	P	X	X	X	P	X
Tree Farm	531.1	X	X	X	X	X	P	X	P	X	X	X	P	X
Aircraft Landing Field	531.2	X	X	X	X	X	P	X	P	X	X	X	X	X
Airport, Commercial	531.3	X	X	X	X	X	P	X	P	X	X	X	X	X
Airport, Private or Public	531.3	X	X	X	X	P	P	X	P	X	X	X	X	P
Alcoholic Beverage Establishment	531.4	X	X	SP	X	SP	X	SP	SP	X	X	X	X	X
Alcoholic Beverage Establishment- 2 COP License	531.4	X	X	AP	X	X	X	X	AP	X	X	X	X	X
Animal Services (Wild and Exotic)	531.5	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP
Assisted Living Facility, Large	531.44	P	P	P	X	X	P	X	P	X	X	X	P	X
Assisted Living Facility, Small	531.44	AP	AP	AP	X	X	AP	X	AP	X	X	X	AP	X
Auction Houses, Enclosed	--	X	X	P	X	P	X	X	P	X	X	X	X	X
Auction Houses, Open	531.6	X	X	P	X	P	X	X	P	X	X	X	X	X
Bed and Breakfast	531.7	P	X	P	X	X	X	P	P	X	X	X	P	X
Breeding Facility (Non-Wild & Exotic)	531.8	X	X	P	P	P	P	X	P	X	X	X	P	X
Building Materials Sales Establishment	531.9	X	X	P	X	X	X	X	P	X	X	X	X	X
Lumberyard	531.9	X	X	X	X	P	X	X	P	X	X	X	X	P
Bus and Train Passenger Station	--	P	X	P	P	P	P	X	P	X	X	X	P	P
Business Services	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Printing, Medium	--	X	X	P	X	P	X	X	P	X	X	X	X	
Printing, Small	--	X	P	P	X	P	X	X	P	X	X	X	X	X

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Car Wash: Full Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Self-Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Cemetery: Human and Pet	531.11	X	X	P	X	X	P	X	P	X	X	X	X	X
Child Care Center, Large	531.12	P	P	P	P	P	P	X	P	X	X	X	P	X
Child Care Center, Medium	531.12	P	P	P	P	P	P	X	P	X	X	X	P	X
Child Care Center, Small[Error! Bookmark not defined.]	531.12	AP	AP	AP	X	AP	AP	X	AP	AP	AP	X	P	X
Child Care Center, (Accessory)	531.12	P	P	P	P	P	P	P	P	P	P	X	P	P
Churches /Places of Worship	531.13	P	P	P	X	X	X	X	P	X	X	X	P	X
Civic, Social, and Fraternal Organizations/Clubs	531.14	P/SP	P	X	X	X	X	P	P	P	P	X	P	X
Clinics	--	X	P	P	X	X	P	X	P	X	X	X	X	X
Community Residential Homes	531.44	P	X	X	X	X	P	X	P	P	P	X	P	X
Correctional Facilities: Community	--	X	X	X	X	X	P	X	P	X	X	X	X	X
Correctional Facilities: Major	--	X	X	X	X	X	P	X	P	X	X	X	X	X
Cultural Facilities	531.15	P	P	P	P	P	P	P	P	X	X	X	P	P
Drive- Through Establishments	531.16	X	X	P	P	P	X	X	P	X	X	X	X	P
Earthmoving, Major	702	X	X	X	X	X	X	X	X	X	X	X	X	P
Earthmoving, Minor	702	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	P
Emergency Shelters	531.44	P	P	P	X	X	X	P	P	X	P	X	AP	X
Emergency Shelter Home	531.44	P	P	P	X	X	X	P	P	X	P	X	AP	X
Environmental Land Preserves, Public and Private	531.17	P	P	P	P	P	P	P	P	P	X	X	P	X
Equipment sales, rental and leasing, heavy	531.18	X	X	P	X	P	X	X	P	X	X	X	X	P
Construction equipment	531.18	X	X	P	X	P	P	X	P	X	X	X	X	X
Equipment Sales, rental and leasing, light	--	X	X	P	X	P	X	X	P	X	X	X	X	
Environmental Education Facilities	--	AP	X	X	X	X	AP	X	AP	X	X	X	AP	X
Family Day Care Home	--	P	X	X	X	X	P	X	P	P	P	X	P	X
Farming Service Establishments	531.18	X	X	P	X	X	X	X	P	X	X	X	P	P
Farm Worker Housing	531.19	X	X	X	X	X	X	X	X	X	X	X	X	X

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Flea Markets: Enclosed	531.20	X	X	P	X	X	X	X	P	X	X	X	X	X
Flea Markets: Open	531.20	X	X	P	X	X	X	X	P	X	X	X	X	X
Food Catering Service Establishment	531.21	X	X	P	X	P	X	X	P	X	X	X	X	X
Funeral Chapel	531.22	P	P	P	X	X	X	X	P	X	X	X	P	X
Funeral Home	531.22	X	P	P	X	X	X	X	P	X	X	X	X	X
Game Preserve	--	X	X	P	X	X	P	X	P	X	X	X	X	X
Gas Pumps	531.50	X	X	P	P	P	P	P	P	P	X	X		P
Group Housing	531.23	X	X	X	X	X	P	X	P	X	X	X	X	X
Hazardous Waste Transfer Facility	--	X	X	X	X	P	P	X	P	X	X	X	X	X
Heliport	--	X	X	P	X	P	P	X	P	X	X	X	X	P
Helistop	531.24	P	P	P	P	P	P	AP	P	X	X	X	P	P
Hospital	--	X	X	X	X	X	P	X	P	X	X	X	X	X
Industrial, Heavy	--	X	X	X	X	P	X	X	P	X	X	X	X	P
Firework/Sparkler Manufacture	531.25	X	X	X	X	P	X	X	X	X	X	X	X	X
Industrial, Light	--	X	X	X	P	P	P	X	P	X	X	X	X	P
Intensive Services:														
Intensive Services: Exterminating and Pest Control	531.26	X	X	X	X	X	X	X	SP	SP	X	AP	X	P
Intensive Services: Motor Pool Facilities	531.26	X	X	X	X	P	P	X	P	X	X	X	X	P
Intensive Services: Printing, Heavy	--	X	X	X	X	P	X	X	X	X	X	X	X	
Intensive Services: Industrial Service Establishment	531.26	X	X	P	P	P	X	X	P	X	X	X	X	P
Intensive Services: Sign Painting Service	531.26	X	X	P	X	P	P	X	P	X	X	X	X	X
Intensive Services: Taxi-Cab, Limousine Service	531.26	X	X	P	X	P	X	X	P	X	X	X	X	X
Intensive Services: Towing Service and Storage Establishment	531.26	X	X	P	X	P	X	X	P	X	X	X	X	P
Intermodal Terminal	--	X	X	X	X	P	P	X	P	X	X	X	X	P
Junkyards	531.27	X	X	X	X	X	X	X	P	X	X	X	X	X
Laboratories, Medical and Dental	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Lodging Places: Boarding House	531.28	P	P	X	X	X	X	X	P	X	X	X	X	X

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Lodging Places: Dormitories	531.28	P	X	X	X	X	P	X	P	X	X	X	X	X
Lodging Places: Hospital Guest House	531.28	X	X	P	X	X	P	X	P	X	X	X	X	X
Lodging Places: Hotel/motel	531.28	X	X	P	P	P[36]	P	P	P	X	X	X	X	P
Mining	531.30	X	X	X	X	X	P	X	X	X	X	X	X	X
Mini Warehouses, Self-storage	531.31	X	X	P	X	P	X	X	P	X	X	X	X	X
Mobile Homes, Individual	531.32	X	X	X	X	X	X	X	X	X	P	X	X	X
Mobile Home Parks	--	X	X	X	X	X	X	X	P	X	P	X	X	X
Mobile Home Subdivisions	--	X	X	X	X	X	X	X	P	X	P	X	X	X
Motor Freight Terminal/Maintenance	531.33	X	X	X	X	P	X	X	P	X	X	X	X	P
Bus RR/Maintenance Facility	531.33	X	X	X	X	P	P	X	P	X	X	X	X	X
Nursing Homes	531.34	X	P	P	X	X	P	X	P	X	X	X	X	X
Office, Medical or Professional	--	X	P	P	P	P	P	P	P	P	X	X	X	X
Miscellaneous Services: Office	--	X	P	P	P	P	P	P	P	X	X	X	P	X
Banking: Bank	--	X	P	P	P	P	X	X	P	X	X	X	X	X
Banking: Bank/Drive-through	--	X	P	P	P	P	X	X	P	X	X	X	X	P
Outdoor Advertising Signs	--	X	X	P	X	P	X	X	X	P	X	X	X	P
Outdoor Storage (Principal Use)	531.35	X	X	P	X	P	X	X	X	X	X	X	X	P
Parking, Commercial (Principal Use)	--	X	P	P	P	P	P	P	P	X	X	X	X	X
Personal Service Establishment	--	P	P	P	P	P	P	X	P	P	P	X	P	X
Dry Cleaners: General	--	X	X	P	X	P	P	X	P	X	X	X	X	X
Dry Cleaners: Neighborhood	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Dry Cleaners: Pick-up	--	X	P	P	P	P	P	X	P	X	X	X	P	P
Rental Service Establishment	--	X	X	P	P	P	X	X	P	X	X	X	X	
Repair Service Establishment	--	X	X	P	P	X	P	X	P	X	X	X	X	X
Personal Wireless Service Facilities	531.36	See Section 531.34												
Pet Service (Kennel) Establishments	531.37	X	X	P	P	X	X	X	P	X	X	X	P	X
Public Community Uses	531.38	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP/SP	P

[36] Hotels are allowed only where the underlying Future Land Use category is Industrial-Light (IL).

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Public Use Facilities	531.39	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	P
Post Offices	--	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	P
Radio, TV, Communications, Microwave Facilities	--	X	X	P	P	P	P	X	P	X	X	X	X	P
Railroad Switching/Classification Yard	--	X	X	X	X	P	P	X	X	X	X	X	X	P
Recreation, High Intensity	531.40	X	X	P	X	X	P	P	P	X	X	X	X	X
Recreation, Low Intensity	531.40	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X
Recreation, Medium Intensity	531.40	X	X	P	X	X	P	P	P	X	X	X	X	X
Recreation, Passive	531.40	P	P	P	P	P	P	P	P	P	P	AP		P
Recreation, Rural	531.40	X	X	X	X	P	P	X	X	X	X	X	X	X
Recreational Vehicle Parks and subdivisions	531.41	X	X	P	X	X	X	X	X	P	X	X	X	X
Recreational Vehicle/Mobile Home Sales, Rental & Leasing	531.42	X	X	P	X	X	X	X	P	X	X	X		X
Rehabilitation Center	531.43	P	P	P	P	P	P	P	P	P	P	X	P	X
Research and Development Activities	--	X	X	X	P	P	P	X	P	X	X	X	X	P
Recovery Home, Large	531.44	X	P	P	X	X	P	X	P	X	X	X	X	X
Recovery Home, Small	531.44	P	P	P	X	X	P	X	P	P	P	X	P	X
Residential Treatment Facilities	531.45	P	X	X	X	X	P	X	P	X	X	X	P	X
Residential Use: Duplexes	531.46	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Single Family Semi-Detached Dwellings	531.46	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Multiple Family Dwellings	531.46	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Triplex and Quadruplex Dwellings (Multifamily, four (4) units maximum)	531.46	P	X	X	X	X	X	P	P	X	X	X	X	X
Residential Use: Waterfront Structures, Multi-Family	531.46	P	X	X	X	X	X	P	P	X	X	X	P	X
Residential Use: Waterfront Structures (Residential)	531.46	AP	X	X	X	X	X	AP Error! Bookmark not defined.	AP	AP	AP	X	AP	X

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.46	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Single Family, Detached Dwellings	531.46	P Error! Bookmark not defined.	X	X	X	X	P	P	P	X	X	X	P	X
Restaurant	531.47	X	P	P	P	P	X	P	P	X	X	X	X	P
Retail Sales, Neighborhood Convenience	531.48	X	P	P	P	P	X	P	P	P	P	X	P	X
Retail Sales, Neighborhood General	531.48	X	P	P	P	P	X	P	P	P	P	X	P	X
Retail Sales, General	531.48	X	X	P	P	P	X	P	P	P	P	X		X
Sawmills	531.1	X	X	X	X	P	X	X	P	X	X	X	X	P
Schools, College/Universities	531.49	X	X	X	X	X	P	X	P	X	X	X	X	X
Schools, Elementary	531.49	P	P	X	P	X	P	X	P	X	X	X	P	X
Schools, High and Middle	531.49	P	P	X	P	X	P	X	P	X	X	X	P	X
Schools, other	531.49	P	P	P	P	X	P	X	P	X	X	X	P	X
Service Station	531.50	X	X	P	X	P	X	X	P	X	X	X		P
Sexually Oriented Businesses	531.51	See Section 531.49												
Slaughterhouses	531.1	X	X	X	X	SP	X	X	P	X	X	X	X	X
Solid Waste Management Facilities	531.52	X	X	P	X	P	P	X	P	X	X	X	X	X
Landfills	531.52	X	X	X	X	X	P	X	X	X	X	X	X	X
Stockyards and Feedlots	531.1	X	X	X	X	P	P	X	P	X	X	X	X	X
Utility Use	531.53	SP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP/SP	AP	P
Vehicle Repair: Major	531.54	X	X	P	X	P	X	X	P	X	X	X	X	P
Vehicle Repair: Community Serving	--	X	X	P	X	P	X	X	P	X	X	X	X	X
Vehicle Repair: Neighborhood Serving	--	X	X	P	X	P	X	X	P	X	X	X	X	X
Vehicle Sales, Rental, Leasing	531.55	X	X	P	X	P	X	X	P	X	X	X		X
Veterinary Clinic	531.56	X	P	P	P	X	X	X	P	X	X	X	P	X
Veterinary Hospitals	531.56	X	X	P	X	P	P	X	P	X	X	X	X	X
Warehouses	531.57	X	X	X	P	P	P	X	P	X	X	X	P	X

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Water Dependent Uses		X	X	X	X	X	X	P	P	X	X	X	X	X
Wholesale Trade Establishment		X	X	P	P	P	X	X	P	X	X	X	X	X

AP = Administrative Permit; SP = Special Permit, P = Permitted,
X = Not Permitted
AP/SP = Administrative Permit required as specified in Chapter 3 or elsewhere in this Code.

NOTES:

- Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.
- Uses may be further restricted or modified by the overlay district regulations.
- Notwithstanding the development review procedures set forth in this table or any other provision of this Code, the development review procedures required pursuant to Chapter 3 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.

402.6. General Design Requirements for all Planned Development Site Plans.

In addition to the specific requirements stated in the following sections for each PD district, planned developments shall meet the following standards. Compliance must be demonstrated at the Preliminary Site Plan approval stage.

A. Physical Characteristics of the Site; Relation to Surrounding Property. The tract shall be suitable, or it shall be possible to make the tract suitable, for development in a manner proposed without hazard to persons or property, on or off the tract, without risk of erosion, subsidence, flood hazard, destruction of wetlands or other dangers. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of the proposed use.

B. Relation to Public Utilities, Facilities and Services. Planned development districts shall be located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations to ensure that services can reasonably be expected to be available at the time of request for Certificate of Level of Service.

C. Relation to Major Transportation Facilities. Planned development districts, where appropriate because of the size or intensity of proposed districts, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the district.

D. Compatibility. Planned development districts shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.

E. Transitions. Planned development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.

F. Design Quality. All site plans in Planned Development districts shall be designed in such manner to address all of the criteria as set forth in this section and shall generally be superior in design to conventional development site plans, and consistent with all other factors in this Section. All Planned Developments proposing specific approval of requirements for development under standard zoning district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.

G. Relationship to Adjacent Property. Projects in Planned Development districts shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.

H. Access. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes, or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need. The location of specific access points shall not be required at the General Development Plan stage in the PDEZ District.

Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.

Pedestrian access shall, where practical, be separated from vehicular access points in order to reduce congestion, friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movement safety.

I. Streets, Drives, Parking and Service Areas. Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and general facilities. Commercial and office uses shall be grouped in relation to parking areas so that after visitors arrive by automobile, establishments can be visited with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic. Loading zones where customers pick up goods shall be located and arranged so as to prevent interference with pedestrian movement, fire lanes, and

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other vehicular travel ways.

For all rights-of-way and private streets in planned developments, the following minimum design considerations shall be adequately addressed:

1. Safe vehicular travel;
2. The manner in which pedestrians, including the physically handicapped, can traverse in the planned development;
3. Structural stability of all construction materials;
4. Utility distribution, power, sewer, cable, potable water and fire protection routing, location, and sizing;
5. Horizontal and vertical sight distances;
6. Traffic safety requirements;
7. Emergency vehicle maneuverability and access;
8. Logical future extension of inter-neighborhood ties.

J. Pedestrian Systems. Development in all Planned Development districts shall provide internal or external walkways where pedestrian circulation requires them.

The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent to the district, with a minimum of conflicts with vehicular traffic.

Pedestrian systems through buildings shall be related to a network of exterior open spaces reserved for pedestrian use and enjoyment, consistent with the handicap accessibility standards. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district, and shall connect to principal access points within and outside the district.

Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Where there are crossings of pedestrian ways and vehicular routes at edges of Planned Developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, safeguards shall be required to prevent crossings, except at designated points. Bicycle or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.

K. Natural and Historic Features, Conservation and Preservation Areas. Development in Planned Development districts shall be designed to preserve the natural features of the land, such as existing trees and natural topography, and archaeological and historic resources, as much as possible.

L. Density/Intensity. Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Planned development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.

M. Height. Height in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.

N. Fences and Screening. Fences or vegetative screening at periphery of Planned Development district shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences. When adjacent development is of either similar use or intensity, such screening may be reduced at the discretion of the Department Director.

O. Yards and Setbacks. Yard and setback requirements shall be consistent in each Planned Development district to promote general health, safety, welfare, design excellence and neighborhood compatibility. Notwithstanding other required wetland and jurisdictional buffer requirements, all setbacks within a Planned Development subphase shall maintain consistency with the approved General Development Plan or preliminary site plan throughout the development. All proposed setbacks shall be shown on the General Development Plan or preliminary site plan in either graphic or tabular form.

P. Trash and Utility Plant Screens. In the Planned Development district all central refuse, trash and garbage

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collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development district.

Q. Signs. Signs in the Planned Development district shall be in accordance with Chapter 6.

R. Landscaping. Landscaping shall be equal to or exceed the standards stipulated pursuant to 701, Landscaping and Screening Standards.

S. Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways. The Comprehensive Plan establishes interstate interchange as critical gateways to Manatee County. In these areas, additional scrutiny shall be given to the potential visual impacts of the proposed projects, pursuant to Section 900.

T. Environmental Factors.

1. *Water Conservation.* Creative site development concepts shall be used in order to promote water conservation. Water requirements may be reduced by providing for:
   a. The preservation of existing plant communities;
   b. The reestablishment of native plant communities;
   c. Limited amount of lawn grass areas;
   d. The use of site specific plant materials;
   e. The use of shade trees to reduce transpiration rates of lower story plant materials;
   f. Site development that retains stormwater runoff on site;
   g. The use of pervious paving materials;
   h. Site development that addresses the carrying capacity of the land in its present form; and
   i. Other environmentally sensitive site development concepts.
2. *Minimum Open Space Requirements.* Minimum open space requirements shall be established based upon a site-specific evaluation of the project and surrounding land uses.
3. *Preservation of Existing Plant Communities.*
   a. Existing native plant communities on sites proposed for development should be preserved and incorporated into the required open space wherever possible. Existing native plant communities that are specified to remain shall be preserved in their entirety, with all desirable trees, understory, and ground covers left intact and undisturbed. In most cases, preservation of existing native plant communities will decrease the initial costs of site development, decrease future water and maintenance requirements and enhance the aesthetic appearance of the property.
   b. When existing native plant communities occur on a parcel of land and are located within planned open spaces, thirty-five percent (35%) of the required open space or seventy-five percent (75%) of the existing native plant communities, whichever is less, shall be in the form of preserved native plant communities.

U. Rights-of-Way and Utility Standards. All improvements shall adhere to the requirements of the County's administrative procedures for all public and private rights-of-way construction.

V. Stormwater Management. Stormwater management facilities shall adhere to the requirements of Section 801, Stormwater Management, and the County's administrative procedures.

W. Consistency with Comprehensive Plan. No Planned Development shall be approved if it is inconsistent with the Comprehensive Plan.

X. Other Factors. Other factors shall be applied which:

1. Address views from interstates and major connectors;
2. Generally require greater open space than permitted in standard districts;
3. Prohibit visible exterior storage;

4. Prohibit parking and loading areas adjacent to interstate and connectors;
5. Provide quality construction material and superior design;
6. Maximize use of buffers and berms; and
7. Otherwise encourage the establishment of high quality projects at these critical locations.

In the case of a site plan subject to Board approval (for example, a General Development Plan or preliminary site plan considered in conjunction with a rezone to a Planned Development district), such factors shall be addressed and considered in the staff review of the site plan and the consideration of the site plan by the Planning Commission.

402.7. PDR—Planned Development Residential.

A. Intent. It is the intent of these regulations to provide for development of residential areas in areas adequately served or in areas which can be served by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses in accord with the goals, objectives, and policies of the Comprehensive Plan and in compliance with the standards set forth herein.

It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience and ease of use as well as external compatibility. It is further intended that PDR districts may provide a broad range of housing types appropriate to the general need of the area served.

Uses in PDR districts shall be consistent with Comprehensive Plan requirements regarding use, type, locational criteria and other applicable Comprehensive Plan criteria.

B. Permitted Uses. Permitted uses are identified in Table 4-7.

C. Density. PDR districts shall be consistent with the Comprehensive Plan density requirements.

Projects sponsored by community based non-profit organizations shall be eligible to receive density in excess of the maximum established in the Comprehensive Plan. The adopted Manatee County Housing Program shall establish the maximum degree to which the plan density may be exceeded. Individual limits shall be established with each development approval.

D. PDR Standards.

1. *Site Planning.* Site planning within the district shall provide protection of the development from potentially adverse surrounding influences. The orientation of the development shall generally be toward internal streets and pedestrian systems and away from adjacent local streets and other adjacent land uses. In particular a buffer of a minimum of twenty (20) feet wide shall be provided along district boundaries which abut and run parallel to any public road in the PDR District.
2. *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, an area equal to at least twenty-five (25) percent of the land area of the district shall be reserved for landscaping and permeable open areas, for projects developed under common ownership, and shall be improved and maintained by the developer/homeowner's association. For projects within the watershed overlay districts, the percentage of open space shall increase to thirty-five (35) percent for new residential projects. Single family residential subdivision projects shall have an area equal to at least twenty-five (25) percent of the land area of the district for landscaping and open areas, and may utilize the area of water bodies contained entirely within the site, not to exceed seventy-five (75) percent of the total open space requirement, or a portion of the total open space proposed for the site, with all such open space improved and maintained by the developer/homeowner's association. (See the definition of Open Space.)
3. *Frontage and Accessibility.* Every dwelling unit or other use permitted in the Planned Development shall have vehicular access to a public street either directly or via an approved private street, pedestrian way, court, or other area dedicated to public use or private use, or common element guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. Adequate emergency vehicular access is required to every dwelling unit.
4. *Neighborhoods.* All Planned Residential Developments shall be designed in such a manner as to promote neighborhoods. This shall be done by creating a neighborhood focal point within the development such as

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water bodies, recreation areas or community centers. Other methods of achieving neighborhood unity include: use of natural features, unified theme, use of greenbelts and pedestrian/bikeway corridors.

5. *Greenbelts.* In order to promote and enhance the creation of unique neighborhood units, each distinct neighborhood shall be bordered by a continuous greenbelt buffer measuring fifteen (15) feet in width and containing one shade tree, meeting minimum planting size standards in Section 715, planted every thirty (30) feet on center. Greenbelts are to be so planned that where two (2) PDR districts abut one another, the greenbelt buffer areas are contiguous. Streets and utilities providing inter-neighborhood ties may be permitted to pass through greenbelt buffer areas.

   In PDR Districts consisting entirely of fifteen (15) or less single-family lots, greenbelt width may be reduced to ten (10) feet.

6. *Traffic Circulation.* Provide for inter-neighborhood ties; however, the neighborhood focal points shall not be located, when possible, along collector/connector roads.

7. *Yards and Setbacks.* For each PDR District yard and setback requirements shall be established which promote general health, safety, welfare, design excellence and neighborhood compatibility. Yard and setback standards shall be consistent within each Planned Development district or "phase." Each new planned development project may propose specific setbacks for that project. Unless otherwise specified within the development approvals, the following minimum yard requirements shall apply to all previously approved projects:

   Minimum front yard of twenty (20) feet, except that all front loaded garages and carports shall have minimum setbacks of twenty-five (25) feet

   Minimum side yard of eight (8) feet

   Minimum rear yard of fifteen (15) feet

   If no minimum setbacks are established for the project at the General Development Plan stage, the minimum standards shall be:

   Minimum front yard—twenty-five (25) feet

   Minimum side yard—eight (8) feet

   Minimum rear yard—fifteen (15) feet

8. *Minimum Lot Width.* If no minimum lot width is established at the General Development Plan stage, then the minimum lot width shall be sixty (60) feet for single-family residences.

9. *Building Height.* The maximum height in the PDR District is thirty-five (35) feet. Telecommunication towers shall not exceed a maximum height of 150 feet.]

   Requests to increase height above thirty-five (35) feet may be approved by the Board of County Commissioners after review of the nature of surrounding uses, and the criteria listed below. The Board shall make a determination that the proposed development is compatible with the surrounding area and will not create any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceways. An applicant requesting an increase in building height over thirty-five (35) feet, shall provide, at the time of public hearing, conceptual architectural drawings, elevations and plan views, showing the buildings and their relationship on the property.

   a. Compatibility. Whether the height of the proposed development creates any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceway areas.

   b. Relationship to Adjacent Properties.

      i. Whether the proposed building(s) has varied setbacks giving the appearance of less bulk to the street frontage and adjacent buildings. Whether the minimum setback is equal to the proposed height of the building, with variations a minimum of five (5) feet in depth.

      ii. Whether the heights of buildings step down or otherwise provide an appropriate transition to adjacent properties.

      iii. Whether the site is designed to provide a desirable transition from the street, pedestrian areas, and

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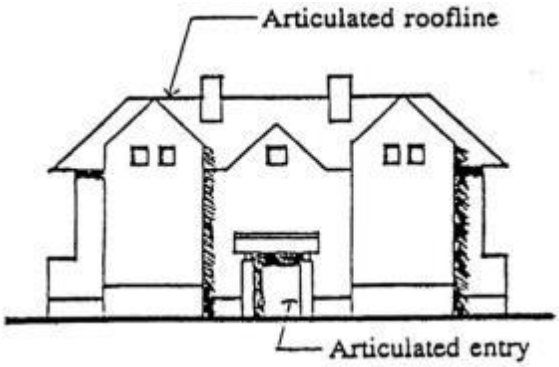
parking areas to the buildings.

c. Roofline Design. Whether the proposed building(s) has/have an articulated roofline, including elements such as windows, balconies and other architectural features. (See Figure 4-1.)

Figure 4 - 1: Articulated Roofline



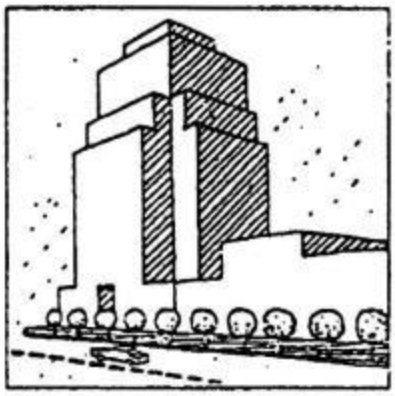
d. Facade Design.

i. Whether the proposed building(s) have facade modulations and varied rooflines. (See Figure 4-2.)

Figure 4 - 2: Facade Modulations and Varied Rooflines

ii. Whether buildings greater than thirty-five (35) feet in height provide a graduated step back on higher stories. (See Figure 4-3.)

Figure 4 - 3: Facade Modulations, Graduated Stepback on Higher Stories



e. Building Materials.

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i. Whether building materials are compatible and/or complementary with the adjacent existing construction.

ii. Whether materials have superior architectural character, selected for consistency and compatibility with adjoining buildings.

iii. Whether materials selected are suitable with the type of buildings proposed and the design in which they are to be used.

f. Open Space. Whether the provided open space exceeds the required minimums.

g. Comprehensive Plan. Whether the project as proposed is designed to implement the policies of the Comprehensive Plan.

402.8. PDMH—Planned Development Mobile Home.

A. Intent.

It is the intent of these regulations to provide for development of mobile home parks as residential areas in areas adequately served or in areas which can be served by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses in accord with the goals, objectives, and policies of the Comprehensive Plan and in compliance with the standards set forth herein.

It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience and ease of use as well as external compatibility.

B. Permitted Uses and Density/Intensity.

Permitted uses are identified in Table 4-7. A PDMH district may include units designated as recreational vehicles, subject to the limitations of the Comprehensive Plan regarding commercial uses, and subject to the requirements of Section 513.014, Florida Statutes, so long as at least percent (51%) of the units within the site are designated for mobile homes.

C. Permitted Accessory Uses and Structures.

Uses and structures which are customarily and clearly incidental to permitted principal uses and structures, shall be permitted. Such accessory uses may include but are not limited to:

1. Non-commercial low intensity recreation facilities.
2. Centralized facilities for park offices, maintenance facilities, dumping stations, toilets, showers and laundry, for the exclusive use of all park residents.
3. Park Manager or caretaker residence of either a mobile home, one-family or two family dwelling with a limit of two (2) dwelling units maximum, for the exclusive residence of the park management or caretaker.
4. Centralized enclosed storage structures and storage garage facilities, with use limited to park residents only. No such structure shall be located within any required yard setback, any required perimeter buffer of the manufactured home development, or any utility or drainage easement.
5. Accessory service uses shall be for the exclusive use of the park residents only, and shall be limited to the following:

	Aggregate Total Square Foot Area
Non-commercial low intensity recreation facilities	NA
Retail sales establishments	1,000
Personal service establishments	1,000
Food service establishments	3,000
Child care centers	3,000

6. All accessory uses are subject to the following restrictions:

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a. Such accessory service uses and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park, except for non-commercial outdoor recreation facilities.

b. Such accessory service uses shall present no visible evidence of the commercial character from any street outside the park.

c. The structures housing such accessory service facilities shall not be located closer than one hundred (100) feet to any public street; shall not be directly accessible from any public street, and shall be accessible only from a street within the park.

d. Such uses otherwise conform to the applicable regulations of the NC-S Neighborhood Commercial Small District.

e. Accessory service uses shall be specifically requested with the application for PDMH.

D. PDMH Standards.

1. *Nature of Surrounding Land Uses.* The nature of surrounding land uses shall be considered in order to ensure that the intensity of the proposed mobile home park will not create external impacts that adversely affect surrounding uses.

   The nature of surrounding land uses shall be considered in order to ensure that the intensity of the proposed mobile home park provides, where appropriate, a transition between surrounding uses.

2. *Access.* Available access shall be evaluated in order to ensure that the intensity of the proposed mobile home park will not adversely impede the free flow of traffic on the streets serving the district.

3. *Site Plan Sufficiency.* The proposed site plan shall be evaluated to ensure consistency with the following criteria:

   a. *Landscaped and Pervious Area Requirements.* At least twenty-five (25) percent of the land area to the district shall be reserved for landscaping and permeable open areas, and shall be improved and maintained accordingly, such areas may include landscaped buffers, vegetated yards, parking area screening, landscaped islands, mulched or vegetated play or seating areas and areas paved with permeable paving blocks. No more than twenty-five (25) percent of the required landscaped and pervious area shall be composed of permeable paving block.

   b. *Buffers.* Perimeter buffers shall be required along all streets abutting the PDMH and along all other boundaries. There shall be a landscaped buffer strip not less than fifty (50) feet in depth along all streets abutting the PDMH, and a landscaped buffer strip not less than fifteen (15) feet in depth along the other boundaries of the mobile home park except where such boundaries abut a residentially zoned district or an area designated in the Comprehensive Plan for residential development, the buffer shall be seventy-five (75) feet. Streets shall not be permitted in the landscape buffer, except where providing direct access off-site and in such case shall run perpendicular through buffer. Screening shall be provided as appropriate.

   c. *Dimensional Regulations.* PDMH projects shall be subject to the following dimensional requirements unless other guidelines are specifically approved by the Board:

Minimum Site Area For:	
Single Wide Park Trailer	2,000 sq. ft.
Single Wide Manufactured Home	3,000 sq. ft.
Double Wide Manufactured Home	3,000 sq. ft.
Triple Wide Manufactured Home	4,750 sq. ft.
Non-residential site	10,000 sq. ft.
Management or caretakers dwelling unit	10,000 sq. ft.
Minimum Width For:	
Single Wide Park Trailer	35 feet
Single Wide Manufactured Home	40 feet
Double Wide Manufactured Home	50 feet
Triple Wide Manufactured Home	60 feet

Non-residential site or dwelling	75 feet
Minimum Yards	**5 feet**
Minimum Floor Area:	
Single Wide Manufactured Home	600 sq. ft.
Double Wide Manufactured Home	850 sq. ft.
Single Wide Park Trailer	375 sq. ft.
Maximum Height:	
Non-Residential	35 feet
Residential	15 feet

4. *Site Conditions*.

   a. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. All mobile home sites shall conform to the applicable requirements of Section 801, Stormwater Management and Section 802, Floodplain Management.

   b. The approval of any new mobile home site shall be prohibited within the Hurricane Vulnerability Area of the Coastal Area.

E. Required Improvements for All Areas Except Designated Camping Areas.

1. *Generally.* All standards and improvements required in Chapters 3, 8 and 10 shall be required in PDMH projects; however, dedication of street rights-of-way to the County shall be prohibited for internal streets.

2. *Utilities.* All mobile homes and mobile home sites shall be connected to utilities in compliance with the Manatee County Building Code. Electrical meters shall not be energized for any mobile home site until a Certificate of Occupancy has been issued unless approved otherwise by the Building Official, in conjunction with a development order approval.

3. *Parking Pads and Tie-Downs Required.* Each mobile home site shall contain a dustless surface vehicular parking pad. Each mobile home shall be tied down in accordance with the manufacturer's instructions and Chapter 15C of the Florida Administrative Code, Manatee County Building Code or other applicable law.

4. *Garbage and Trash.* Park management shall be strictly responsible for internal trash and garbage collection. Central park collection points shall be sited and screened in accordance with the requirements of this code and the Public Works Manual.

5. *Required Recreation/Storm Shelter Building.* Within all new PDMH projects containing twenty-five (25) or more lots, a building shall be constructed which complies with the requirements of Section 511.4.

6. *Application Requirements.* Each application for a PDMH district must clearly specify the type of units which are being requested and the designation of the sites where units will be located, including a specific description and location of any sites designated for recreational vehicles.

7. *Review.* The review will include compliance with safety, flood protection, building and other Land Development Code requirements.

402.9. PDRV—Planned Development Recreational Vehicle.

A. Intent. PDRV districts shall hereafter be established in accordance with the general requirements, standards, and criteria set forth in this chapter. It is the intent of this district to provide a limited opportunity for existing recreational vehicle parks to formalize their existing development pattern and establish guidelines for further operation and expansion, and to provide criteria and regulations for the development of new recreational vehicle parks. The requirements of Sections D, E, and F, below, shall be met when existing RV parks are expanded. Existing parks shall not be required to meet minimum lot area, lot size, and the dustless parking pad requirements.

B. Permitted Uses and Density/Intensity. Permitted uses are identified in Table 4-7. PDRV districts do not permit

new attachments to recreational vehicles other than open canvas awnings having no walls, rollup screen enclosures, pop-out units and similar attachments which are integral to the unit as originally manufactured. Portions of individual PDRV districts which permit recreational vehicles shall be considered commercial and are limited to 12 sites per acre.

A PDRV district may include sites designated for mobile home, subject to the limitations of the Comprehensive Plan regarding residential uses, and subject to the requirements of Section 513.014, Florida Statutes, so long as at least percent (51%) of the units within the site are designated for recreational vehicles.

C. Permitted Accessory Uses and Structures for the Park or Subdivision. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be permitted.

1. Such accessory uses shall only include the following:

   a. Non-commercial low intensity recreation facilities.

   b. Centralized facilities for park/subdivision offices, maintenance facilities, dumping stations, toilets, showers and laundry, for the exclusive use of all park visitors.

   c. One mobile home, one-family or two family dwelling with a limit of two (2) dwelling units maximum, for the exclusive residence of the park/subdivision management or caretaker.

   d. Centralized enclosed storage structures and storage garage facilities, with use limited to park visitors only. No such structure shall be located within any required yard setback, any required perimeter buffer of the recreational vehicle park/subdivision, visibility triangle or any utility or drainage easement.

   e. Accessory service uses for the exclusive use of the park residents only, shall be limited to the following:

	Maximum Gross Floor Area
Non-commercial low intensity recreational facilities	NA
Retail sales establishments	1,000 sq. ft.
Personal service establishments	1,000 sq. ft.
Food service establishments	3,000 sq. ft.
Child care centers	3,000 sq. ft.
Recreational vehicle, model units, sales and service	7,500 sq. ft.

2. All Accessory Uses are subject to the following restrictions:

   a. Such accessory service uses and the parking areas primarily related to their operations shall not occupy more than five percent (5%) of the gross area of the park except for non-commercial outdoor recreation facilities.

   b. Such non-retail accessory service uses shall present no visible evidence of the commercial character from any street outside the park.

   c. The structures housing such accessory service facilities shall be accessible only from a street within the park.

   d. Such uses otherwise conform to the applicable regulations of the NC Neighborhood Commercial District.

   e. Accessory service uses shall be specifically requested with the application for PDRV.

D. PDRV Standards and Review Criteria.

1. *Nature of Surrounding Land Uses.* The nature of surrounding land uses shall be considered in order to ensure that the intensity of the recreational vehicle park will not create external impacts that adversely affect surrounding uses. The nature of surrounding land uses shall be considered in order to ensure that the intensity of the recreational vehicle park provides, where appropriate, a transition between surrounding uses.

2. *Access.* Available access shall be evaluated in order to ensure that the intensity of the recreational vehicle park will not adversely impede the free flow of traffic on the streets serving the district. A PDRV shall be located so that no entrance or exit from the park shall discharge traffic onto any residential district, nor require movement of traffic from the park through a residential district.

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3. *Site Plan Sufficiency.* The site plan shall be evaluated to ensure consistency with the following criteria:

   a. *Landscaped and Pervious Area Requirements.* At least twenty (20) percent of the land area to the district shall be reserved for landscaping and permeable open areas, and shall be improved and maintained accordingly, such areas may include landscaped buffers, vegetated yards, parking area screening, landscaped islands, mulched or vegetated play or seating areas and areas paved with permeable paving blocks. No more than twenty-five percent (25%) of the required landscaped and pervious area shall be composed of permeable paving block.

   b. *Buffers.* Perimeter buffers shall be required along all streets abutting the PDRV and along all other boundaries. There shall be a landscaped buffer strip not less than fifty (50) feet in depth along all streets abutting the PDRV, and a landscaped buffer strip not less than fifteen (15) feet in depth along the other boundaries of the recreational vehicle park except where such boundaries abut a residentially zoned district or an area designated in the Comprehensive Plan for residential development, where the buffer shall be seventy-five (75) feet. Streets shall not be permitted in the landscape buffer, except where providing direct access off-site and in such case shall run perpendicular through buffer. Screening shall be provided as appropriate.

   c. *Dimensional Regulations.* PDRV projects shall be subject to the following dimensional requirements. Existing lots and sites in existing parks and subdivisions are exempt from the minimum site area and minimum lot width requirements.

Minimum Site Area For:	
Rec. Vehicle without attachments	1,200 sq. ft.
Site in designated camping area	1,200 sq. ft.
Non-residential site	10,000 sq. ft.
Dwelling unit	10,000 sq. ft.
Minimum Width For:	
Mobile home site	35 feet
RV site	30 feet
Site in designated camping area	20 feet
Non-residential site	75 feet
Minimum Yard - Non-Residential	See Neighborhood Commercial Small Standards
Minimum Yards - Residential	5 feet
Maximum Height:	
Non-Residential	35 feet
Residential	15 feet

4. *Site Conditions, Flood Hazards.* Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. All recreational vehicle sites shall conform to the applicable requirements of Section 801, Stormwater Management and Section 802, Floodplain Management.

E. Required Improvements for All Areas Except Designated Camping Areas.

1. *Generally.* All standards and improvements required in the Manatee County Subdivision Regulations and Development Standards shall be required in PDRV projects; however, dedication of street rights-of-way to the County shall be prohibited for all internal streets.

2. *Utilities.* All recreational vehicles and recreational vehicle sites shall be connected to utilities in compliance with Manatee County Building Code, in a manner that maintains the ability of the owner of each recreational vehicle to manually disconnect and travel. Electrical meters shall not be energized for any mobile home site until a Certificate of Occupancy has been issued unless otherwise approved by the Building Official, in conjunction with a development order approval.

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3. *Parking Pads and Tie-Downs Required.* Each site shall contain a stabilized vehicular parking pad composed of a dustless surface. Any recreational vehicle that the owner elects to tie down shall be tied down in accordance with the Manatee County Building Code, manufacturer's instruction, or other applicable law, in a manner that maintains the ability of the owner of the recreational vehicle to manually disconnect and travel.

4. *Garbage and Trash.* Park management shall be strictly responsible for internal trash and garbage collection. Central park collection points shall be sited and screened in accordance with the Manatee County Public Works Standards.

5. *Required Recreation/Emergency Storm Shelter Building.* Within all new and expanded PDRV projects containing twenty-five (25) or more lots, a building shall be constructed which complies with Section 511.4.

F. Required Improvements for Designated Camping Areas.

1. Streets in such areas shall be private and properly stabilized. Private streets shall be paved with a smooth, dustless surface, clearly marked as to internal circulation and direction of travel; and the minimum width:

   a. One-way vehicular travel—eighteen (18) feet of paving.

   b. Two-way vehicular travel—twenty-four (24) feet of paving.

   c. Cul-de-sac diameter—eighty (80) feet of paving.

2. Each recreational vehicle site shall contain a dustless surface vehicular parking pad.

3. No mobile home sites shall be allowed in designated camping areas.

4. Sanitary facilities for designated camping areas shall be in accordance with requirements of the State of Florida and the County Health Unit and Section 802, Floodplain Management.

G. Additions and Accessory Uses. Additions and accessory uses are only allowed to mobile homes. The addition shall be of a similar construction and is limited to screen rooms, carports, laundry and storage rooms, and family room. The addition of bathrooms and bedrooms is prohibited.

H. Application Requirements. Each application for a PDRV district must clearly specify the type of units that are being requested and the designation of the sites where units will be located, including a specific description and location of any sites designated for mobile homes and sites designated for recreational vehicles. Included in the request for additions shall be the type of materials, specifications, and dimensional guidelines for the additions.

I. Review. The review will include compliance with safety, flood protection, building and other Land Development Code requirements.

J. Limitations. No recreational vehicle or mobile home shall be occupied in any area of the park except on a specifically approved site with individual sanitary, potable water and electrical hookups. There shall be no encroachment (from the finish grade up) in the required yards except for eaves, gutters, and air conditioning equipment. Eaves and gutters shall be at least eight (8) feet above grade and may extend two (2) feet into any required yard but not nearer than three (3) feet to a lot line.

K. Time Limitations. In new or expanded parks or subdivisions, recreational vehicles 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.

402.10. PDO—Planned Development Office.

A. Intent. PDO districts shall hereafter be established in accordance with the general procedures, requirements, standards and criteria set forth in Section 603. It is the intent of these regulations to provide for development of offices at appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and in compliance with standards set forth herein.

It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience and ease of use as well as external compatibility. It is further intended that PDO districts shall provide a broad range of office facilities and services appropriate to the general need of the area served.

Uses in PDO districts shall be consistent with the Comprehensive Plan requirements regarding permissible uses,

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intensity, locational criteria and other applicable standards.

Additionally, PDO districts shall be located to facilitate ease and convenience of use; and where negative impacts on the surrounding transportation systems, public services and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; where the development will not encourage the expansion of office or commercial strip development along adjacent streets; and where the intensity of the project is consistent with the use that is provides.

B. Permitted Uses. The uses permitted in PDO are listed in Table 4-7.

C. Maximum Floor Area Ratio and Project Size. The floor area ratio and project size for a PDO district shall not exceed the maximum established in the Comprehensive Plan.

D. PDO Standards and Review Criteria.

1. *Intensity Review Criteria.* PDO districts shall be permitted a range of floor area ratios, heights, and square footages. Review of the criteria contained in this Chapter and Chapter 3, shall provide a basis for intensity determinations (floor area ratio, height and square footage).

2. *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, an area equal to at least twenty-five (25) percent the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.

3. *Yards and Setbacks.* Yard and setback requirements shall be established for each PDO district which promote general health, safety, welfare and design excellence and neighborhood compatibility. A minimum front yard of twenty-five (25) feet and side yard of fifteen (15) feet, the minimum rear yard setback of fifteen (15) feet is required.

402.11. PDC—Planned Development Commercial.

A. Intent. PDC districts shall hereafter be established in accordance with the general procedures, requirements, standards and criteria set forth in this section and Chapter 3. It is the intent of these regulations to provide for development of commercial centers in scale with surrounding market areas, at appropriate locations, in conformance with the goals, objectives, policies and locational criteria of the Comprehensive Plan and in compliance with standards set forth herein.

It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience and ease of use and is compatible with adjacent and surrounding land uses. It is further intended that PDC districts shall provide a broad range of commercial facilities and services appropriate to the general need of the area served.

PDC districts shall be consistent with Comprehensive Plan requirements regarding permissible uses, maximum floor area ratio, maximum project size, intensity, locational requirements and other applicable standards. All RV Parks in the PDC District shall meet the standards and limitations of Section 531.39, RV Parks and Subdivisions.

Additionally, PDC districts shall be located where they will facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services and surrounding land uses; where the use is compatible with surrounding land uses will be minimized; where the development will not encourage the expansion of office or commercial strip development along adjacent streets; and where the intensity of the project is consistent with the use that it provides.

B. Permitted Uses. The uses permitted in PDC are listed in Table 4-6. Outdoor Storage in PDC shall comply with the standards of Section 531.35.

C. Permitted Accessory Uses and Structures. Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted.

D. PDC Standards.

1. *Intensity.* PDC districts shall be permitted a range of floor area ratios, heights, and square footages. Review of the criteria contained in this Chapter and Chapter 3 shall provide a basis for intensity (floor area ratio,

height and square footage) determinations.

2. *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, at least twenty (20) percent of the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.

3. *Yards and Setbacks.* Yard and setback requirements shall be established for each PDC district which promote general health, safety, welfare, design excellence and neighborhood compatibility. A minimum front yard of thirty (30) feet shall be required along all thoroughfare streets and thirty-five (35) feet along all local streets. A side setback of fifteen (15) feet is required. A rear yard setback of twenty (20) feet is required.

402.12. PDRP—Planned Development Research Park.

A. Intent. It is the intent of the PDRP, Research Park district, to provide for the development of research facilities, high amenity specialized prototype development and testing activities, and corporate and general office uses while protecting nearby, existing and future residential uses and activities. The district will promote the proper location of permitted uses with regard to transportation and other public facilities, compatibility between uses internal and external to the district, development according to a plan which is in compliance with the Comprehensive Plan, and harmony in physical design.

Because it is the intent of the PDRP district to have an internally and externally integrated development, the location of buildings and roadways shall be delineated on the site plan. The percentage mix of uses shall also be given on the site plan.

Within the district, it is intended that uses shall be arranged horizontally or vertically such that:

1. Major vehicular traffic flows and other disquieting influences are separated from surrounding residential areas;
2. General office and permissible commercial uses are concentrated for maximum pedestrian convenience and located for easy accessibility by workers and visitors; and
3. Certain research facilities and related uses are concentrated together where appropriate.

Where such a district adjoins residential neighborhoods, the arrangement of buildings, uses, open space and vehicular access shall provide appropriate transitions and reduce potentially adverse effects by providing a transition between the residential districts and incompatible PDRP uses.

Uses must be consistent with the Comprehensive Plan with regard to intensity, floor area ratio, project size, locational criteria and other standards.

B. Location. PDRP districts shall be located where they will facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides. PDRP districts shall be located only within the mixed use, light industrial, heavy industrial and urban industrial categories of the Comprehensive Plan.

C. Permitted Uses. The uses permitted in PDRP are listed in Table 4-7.

D. Permitted Accessory Uses and Structures. Uses and structures which are customarily accessory and clearly incidental, to permitted principal uses and structure, shall be permitted.

Additionally, uses which are designed to primarily serve the occupants and visitors of the PDRP district, rather than as attractors of business from outside the district, shall be permitted as follows:

1. Identified accessory uses may occupy up to fifty (50) percent of any building containing a principal use, provided the use complies with the Manatee County Building Code as adopted.
2. Identified accessory uses occupying greater than fifty (50) percent of a structure or freestanding structures shall be located internally within the project with limited visibility from adjacent streets or surrounding properties; and shall have no direct access to adjacent streets outside of the district, provided the use complies with the Manatee County Building Code as adopted.

E. Standards and Review Criteria.

1. *Intensity.* PDRP districts shall be permitted a range of floor area ratios, heights, and square footages. In evaluating proposals, the criteria in this Chapter and Chapter 5 shall provide a basis for intensity controls (floor area ratios, height, square footage, setbacks).

2. *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, at least thirty-five (35) percent of the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.

3. *Yards and Setbacks.* Yard and setback requirements shall be established for each PDRP district which promote general health, safety, welfare, design excellence, and neighborhood compatibility. A minimum front yard of forty (40) feet shall be required. The minimum side yard setback of fifteen (15) feet and the minimum rear yard setback of twenty (20) feet.

4. *Limitation on Open Air Operations.* All research, manufacturing, processing or assembly operations and related operations shall be conducted completely within structures. No materials, supplies, equipment, or merchandise shall be stored outside of any structure. Overnight parking of service vehicles shall be permitted.

5. *External Effects.* No noise, smoke, glare, vibration or odor from research, manufacturing, processing, assembly and related operations which is detectable outside the building shall be permitted within the boundary lines of a PDRP District. (See also Chapter 5, Part V.)

402.13. PDI—Planned Development Industrial.

A. Intent. It is intended that PDI districts shall encourage concentration of complimentary uses grouped adjacent to major streets or streets serving industrial areas, providing well planned development on sites with adequate frontage and depth to permit controlled access to streets and reduce marginal traffic friction; serve as an alternative to further extensions of industrial zoning allowing disorderly strip development; protect stability and property values in surrounding neighborhoods; and to establish complimentary groupings of related manufacturing, processing, assembly, research activities, distribution activities, offices and associated uses.

Uses must be consistent with the Comprehensive Plan permitted uses, locational criteria, project size, intensity and other criteria.

B. Location. PDI districts shall be located where they will facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides. PDI districts with light industrial uses may be located only within the light industrial, heavy industrial, urban industrial and mixed use categories of the Comprehensive Plan and PDI districts with heavy industrial uses shall be located only within the heavy industrial and urban industrial categories of the Comprehensive Plan.

C. Permitted Uses. The permitted uses in PDI are listed in Table 4-7.

D. Standards and Review Criteria.

1. *Intensity.* PDI districts shall be permitted a range of floor area ratios, heights, and square footages. In evaluating proposals, the criteria contained in this Chapter and Chapter 3 shall provide a basis for intensity determinations (floor area ratio, height, square footage, and setbacks).

2. *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, at least twenty-five (25) percent of the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.

3. *Yards and Setbacks.* Yards and setback requirements shall be established for each PDI district which promote general health, safety, welfare, design excellence, and neighborhood compatibility. A minimum of front yard of thirty (30) feet shall be required. The minimum side yard setback of fifteen (15) feet and rear yard setback of twenty (20) feet.

4. *Required Enclosures.*

Unless specifically approved otherwise, all permitted principal and accessory uses must be conducted entirely

indoors, except as provided below.

a. Products, Materials. Finished products awaiting shipment and materials awaiting processing must be stored within the buildings of the plant or within an area which is fenced or walled in a manner which will not permit the viewing of such activity from any public way, private street or from any other establishment.

b. Merchandise. No outside storage, sale, or display of merchandise shall be permitted.

c. Trash. All garbage, trash and waste materials must be stored indoors or in well-screened enclosures on the premises.

E. Off-street Loading, Travelways and Parking Areas. Off-street areas for loading or handling of materials and products, travelways, and parking areas shall be paved with a smooth, all-weather, dustless surface, and conform to Section 1005.

F. Disposal of Waste—Required Approval. Disposal of industrial or other wastes, gaseous, liquid or solid, shall be approved by the HRS/Manatee County Public Health Unit and/or other appropriate regulatory agencies.

402.14. PDW—Planned Development Waterfront.

A. Intent. The PDW district is established to implement the provisions of the Manatee County Comprehensive Plan by providing a specialized district for marinas, boat liveries, boat yards and ways, and other waterfront uses that are oriented and enhanced by the water.

1. The district is established to ensure that development within the coastal area is compatible with its natural character through the establishment of locational criteria and review guidelines which encourage innovative and creative design to facilitate use of the most advantageous construction techniques in the development of waterfront land uses; ensure ample provision and efficient use of open space; promote high standards in the layout, design and construction of development on navigable waters of the County; promote environmentally sensitive use of waterfront property; and preserve waterfront vistas.

2. Uses must be consistent with the Comprehensive Plan criteria regarding uses, density, intensity, project size, maximum floor area ratio, and locational criteria, as applicable.

3. It is the intent of the PDW district that marina-type uses not be located in areas where manatee sightings are frequent and it can generally be assumed that they inhabit these areas on a regular or continuous basis. These areas shall include, but not be necessarily limited to, those cited in Section 379.2431(2)(g)12, Florida Statutes.

4. Marina-type uses preferably should be located outside any Aquatic Preserve or any approved, or conditionally approved, shellfish harvesting area.

5. Marina-type uses shall be encouraged to locate in areas which have been altered by man, particularly when such areas have historically been used for marine related activities.

6. Waterfront development shall be prioritized as to whether the proposed use is (a) water-dependent; (b) water-related; (c) water-enhanced; (d) non-water dependent; or (e) non-water dependent resulting in irretrievable commitment of coastal resources. In order of listing, uses listed first shall be given the highest priority. Uses listed under (e) shall be given the least preference as a Planned Waterfront Development.

7. It is also the intent of the PDW district to allow single family and multi-family dwelling units. If the proposed single family dwelling unit is located upon property zoned PDW with no General Development Plan approval, such unit shall be permitted by Building Permit. However, should multi-family dwelling units or multiple single family units be proposed, such development shall require General Development Plan approval.

B. Permitted Uses. The uses permitted in PDW are listed in Table 4-7.

C. Review Criteria. When evaluating an application for PDW, the following criteria shall be utilized in determining the appropriateness of the request, in addition to the criteria in Chapter 3.

1. Protection of Waterway Bottom and Grassbeds. For bodies of water considered to be Outstanding Florida Waters, no new dredging is allowed unless it can be shown the proposed dredging is clearly in the public interest per Section 62-312, FAC. However, restrictions of the Comprehensive Plan prevail.

2. Waterfront uses shall demonstrate sufficient upland area to accommodate all non-water dependent uses such

as, but not limited to parking areas and restaurants.

3. Proposed waterfront uses shall demonstrate no significant adverse impact on established recreational and commercial fishing activities.

4. Dredging and filling of wetlands or open water in order to accommodate non-water dependent uses shall not be allowed. Exceptions may be granted in cases shown to be an overriding public interest, such as the presence of sensitive upland habitats.

5. New marina-type uses shall be located only in areas having adequate depths for ingress and egress without dredging productive (vegetated) submerged areas. A minimum water depth of four (4) feet mean low water shall be required. Greater depth shall be required for those facilities designated for or capable of accommodating boats having more than a three (3) foot draft. These depth requirements shall apply to the area between the proposed facility and any natural or other navigational channel, inlet, or deep water. Marking of navigational channels may be required where necessary.

6. In reviewing applications for docking facilities, ways to mitigate adverse environmental impacts of proposed or past activities shall be explored. This may include shallowing dredged areas, restoring wetland or submerged vegetation, or marking navigational channels. Such mitigation or restoration may be required as a condition of approval.

7. Boat maintenance and other intense activities shall be located as far as possible from open water bodies in order to reduce contamination of water bodies by toxic substances common to boat maintenance. Runoff from boat maintenance activities must be collected and treated prior to discharge.

8. Open wet slips shall be preferred to covered wet slips in design to reduce shading of water bodies which results in reduced biological productivity.

9. Cumulative effects of several marinas/boat ramps in one area shall be considered in the review of proposed waterfront uses.

10. All new/expanded marinas shall provide adequate capacity to handle sewage, either by means of on-site pumpout and treatment facilities or connection to a treatment plant. Applicants shall document the availability and capacity of the above sewage facilities to handle the anticipated volume of waste. All marinas with fueling facilities shall provide pumpout facilities at each fuel dock. Marinas which serve liveaboards shall provide direct connections to municipal sewage collections at every liveaboard slip.

11. The applicant shall provide documentation of capability to respond as rapidly and effectively to contain any spills of petroleum or other hazardous materials. Documentation shall be in the form of a spill contingency plan, which shall include a list of clean-up equipment and where it will be stored, fuel pump operation and emergency shutdown procedures, and a description of the training which will be provided to marina personnel who will operate the pumps and deploy cleanup equipment. Also included shall be provisions for surprise drills and material/equipment testing.

12. All marina-type uses shall demonstrate compliance with State Water Quality Standards by maintaining a water quality monitoring program approved by the Florida Department of Environmental Protection (FDEP).

13. Grassbeds and other submerged habitat deemed valuable by the Florida Department of Environmental Protection (FDEP) shall be protected, regardless of their size.

14. All fuel handling associated with residential docks shall meet all Local, State and Federal standards. No sale of fuel may occur from a residential waterfront structure.

D. Operational Guidelines.

1. Approved marina-type uses shall prepare hurricane preparedness plans;

2. Approved marina-type uses shall prepare, if appropriate, a fuel management/spill contingency plan which shall describe methods to be used in dispensing fuel and all procedures, methods, and materials to be used in the event of a fuel spill;

3. All basins for marina-type uses will be designated idle speed zones and access channels shall be designated slow speed zones;

4. Approved uses shall comply with Florida Department of Environmental Protection Manatee Protection Plan

when developed, if approved subsequent to the development of the DEP Plan; otherwise, uses utilizing waterfront access for boats shall:

a. *Construction.* If the Department of Environmental Protection has identified the waters surrounding the Planned Development Waterfront District as an area frequented by the manatee, the West Indian Manatee shall be protected during the construction period. The contractor shall instruct all personnel associated with the project of the presence of manatees and the need to avoid collisions with manatees. All personnel will be advised that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, and the Florida Manatee Sanctuary Act of 1978. The developer will be held responsible for any manatee harmed, harassed or killed as a result of construction of the project. All construction activities in open water will cease upon the sighting of manatees within one hundred (100) yards of the project area. Construction activities will not resume until the manatee have departed the project area. A log detailing sightings, collisions, or injury to manatees which have occurred during the construction period shall be kept.

b. *Post Completion.* Following project completion, a report summarizing the above incidents and sightings shall be submitted to the Florida Department of Environmental Protection, Manatee Recovery Program (100 Eighth Ave., SE, St. Petersburg, FL 33701-5095) and to the U.S. Fish and Wildlife Service (2747 Art Museum Drive, Jacksonville, FL 32207).

c. *No Wake Zone.* If the Department of Environmental Protection has identified the waters surrounding the Planned Marina Development District as an area frequented by the manatee, an idle/no wake speed zone shall be clearly marked in the channel from the marina facility to a point beyond the manatee area or to the Intracoastal Waterway. Signs are to be shown on Preliminary Site Plan.

d. *Signs*.

   i. Manatee awareness signs shall be installed and maintained at prominent locations within the construction area/facility. A marina site plan shall be sent to the Florida Department of Environmental Protection, (FDEP) (100 Eighth Ave., SE, St. Petersburg, FL 33701-5095). FDEP personnel will specify sign locations.

   ii. The signs shall be 3′ X 4′, 125 gauge 61TS aluminum, covered with white, engineer-grade, reflective sheeting; black painted lettering; black screened design; and orange, engineer-grade, reflective tape border. The 3′ X 4′ "Caution Manatee Area" signs shall be fabricated to the specifications of the uniform waterway markings for design.

   iii. The installation of the 3′ X 4′ signs shall be made in accordance with the specifications of the Department of Environmental Protection for such signs. Sign installation specifications will be furnished to the permittee when sign locations are designated.

   iv. Placement and installation of signs will be certified as on designated stations to FDEP by the project Professional Engineer before the marina facility is in use.

   v. Signs and pilings are to remain the responsibility of the owner(s) and are to be maintained for the life of the marina in a manner acceptable to the Department of Environmental Protection.

e. *Collision.* Any collision with a manatee shall be reported immediately on the manatee "hotline" (1-800-342-1821) and to the U.S. Fish and Wildlife Service, Jacksonville Endangered Species Field Station (904-791-2580).

f. *Educational Display.* A permanent educational display shall be established and maintained at a prominent location to increase the awareness of boaters using the facility of the presence of manatees and need to minimize the threat of boats to these animals. The display should include information on the location of the facility with respect to boat speed zones in the area, the threat which boats pose to manatees and the manatee "hotline" number (1-888-404-FWCC), maintained by the Florida Fish and Wildlife Conservation Commission. Other information which may aid in the conservation of the species may be obtained from the Florida Department of Environmental Protection.

g. *Seagrass Replacement.* A sea grass bed replacement and maintenance program shall be established by the property owner and approved by the Department of Environmental Protection when appropriate. This

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program shall include a baseline survey of sea grass beds which shall be submitted with the Preliminary Site Plan or next development plan and a program for replacement of sea grass beds disturbed during construction and any cumulative damage caused by increased boat traffic generated by the facility. The replacement ratio shall be two to one. A permit for the removal or transplanting of sea grass beds shall be obtained from the Department of Environmental Protection, Bureau of Aquatic Weeds, prior to approval of a final site plan.

h. *Boat Launch Facilities for Marinas.* A marina shall include boat launch facilities for the use of the general public unless the applicant can demonstrate the infeasibility of providing such facilities.

i. *Restrooms for Marinas.* Marinas shall have adequate restroom facilities in compliance with Health Department Regulations and the County Plumbing Code. Regulations prohibit the use of vessel toilets while moored unless these toilets are self-contained or have an approved treatment device.

j. *Garbage Receptacles for Marinas.* Garbage receptacles shall be provided and maintained by the marina operator at several locations convenient to users.

k. *Pump-out, Holding, and Treatment Facilities for Wastes from Mobile Sources.* Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be collected and disposed of in a manner acceptable to state and local authorities regulating wastes from mobile sources.

E. Design Standards for Allowed Uses or Special Uses.

1. *Generally.* In addition to other standards contained in this section, the following standards apply to those uses which are water-dependent uses. Permitted water-dependent uses shall be designed to:

   a. Allow the free movement of aquatic life requiring shallow water;

   b. Maintain existing flood channel capacity; and

   c. Assure stable shoreline banks.

2. *Prohibitions.* Development that encroaches on shoreline areas shall not be located:

   a. In areas where there is inadequate water mixing and flushing; or

   b. In areas identified in the Technical Support Document of the Manatee County Comprehensive Plan as hazardous due to high winds and flooding.

3. *Location of Non-water-de-pendent Accessory Uses.* Access roads, parking lots, non-water dependent accessory buildings and similar structures shall be located on upland sites.

4. *Requirement for Restoration of Damaged Shoreline Areas.* Non-developed portions of shoreline areas that are altered during construction shall be restored or replaced through type for type replanting of vegetation, restocking of finfish, shellfish, and wildlife, re-establishment of drainage patterns, or other measures deemed appropriate by the Department Director. Vegetation shall be replanted as required to ensure eighty-five (85) percent survivability.

5. *Limitation of Accessory Uses.* Accessory uses shall be limited to those that are water-dependent or necessary for operation of the development. Accessory uses will be consistent in scale and intensity with the surrounding uses. Fill shall not be placed in waters or associated wetlands to create usable land space for accessory uses.

F. Special Design Standards Applying Within Buffers or Setbacks Adjacent to Shorelines.

1. *Native Vegetation.* The development shall comply with Section 701 of this Code as regards landscaping.

2. *Point Source and Non-Point Source Discharges.* Point source and non-point source discharges to DEP designated shellfish harvesting areas shall be prohibited, except for stormwater, which may be discharged only if it meets the following minimum standards:

   a. Stormwater management systems shall afford a level of treatment equal to one-hundred fifty (150) percent of the treatment criteria specified in applicable sections of Chapter 25, Florida Administrative Code, as implemented through Chapter 40D-4.301(2), Florida Administrative Code.

   b. Any more stringent stormwater rules or regulations subsequent to adoption of this Code shall apply.

3. *Dredging.* Dredging shall be conducted only as follows:

   a. Any channels constructed shall be of the minimum depth and width required to achieve the intended purposes. Sides of channels shall be sloped in a manner at will prevent slumping and erosion and allow revegetation.

   b. Any dredging shall be conducted at times of minimum biological activity to avoid adverse impacts on fish migration and spawning.

   c. Any spoil that results from dredging shall be disposed of at upland sites and stabilized within thirty (30) days, unless the spoil is causing turbidity violations or other problems, in which case the developer must stabilize the spoil immediately.

   d. If dredging changes the littoral drift processes and causes adjacent shoreline to erode, the developer shall periodically replenish the adversely affected shoreline with the appropriate quantity and quality of shoreline materials.

   e. Dredging shall be prohibited where live bottom communities are present.

   f. At the discretion of the Environmental Action Director, dredging operations may be subject to surety bonding requirements.

4. *Septic Tanks.* Septic tanks shall not be located within shoreline areas.

5. *Native Vegetation.* If no native vegetation exists in the shoreline area, strips of native coastal vegetation shall be planted between development activities and the mean high water line or the ordinary high water line. This vegetated area shall be planted with native species of trees, shrubs, and/or grasses suitable to on-site soil and water conditions.

6. *Dimensional Regulations*.

   a. Maximum Floor Area Ratio. Floor area ratio and densities must be in compliance with the Manatee County Comprehensive Plan.

   b. Setbacks From Property Lines.

      Front (street side): 40 feet

      Side**: 10 feet

      Rear**: 15 feet

      **When abutting a residential district, the minimum setback shall be twenty (20) feet plus five (5) feet for each one foot of building height which is in excess of twenty (20) feet above Flood Protection Elevation.

   c. Waterfront Setbacks.

      i. *Waterfront Setbacks for Dry Storage Facilities.* Fifty (50) feet for structures which do not exceed thirty-five (35) feet in height. An additional two and one-half (2.5) feet of setback shall be provided for each foot the building exceeds thirty-five (35) feet in height above the Flood Protection Elevation.

      ii. *Waterfront Setbacks for All Buildings Other Than Dry Storage Facilities.* Waterfront structures shall be required [to have] waterfront buffers of thirty (30) or fifty (50) feet as required in Section 706. Exceptions may be made for water dependent uses as permitted by the Comprehensive Plan and structures deemed to have no significant effect.

   d. Maximum Height of Structures.

      i. *Dry storage facilities*—Maximum height of dry storage facilities is fifty (50) feet above Flood Protection Elevation.

      ii. *All other structures*—Shall not exceed thirty-five (35) feet above Flood Protection Elevation.

   e. Open Space. Not less than twenty (20) percent of the gross area of the project site above the new high water line shall be reserved for landscaped open space.

      Required open space shall be designed to support and aesthetically contribute to the project's vehicular, bicycle and pedestrian circulation system, and shall provide areas devoted to passive recreation

activities. Consistent with good design, landscaping of open space areas shall incorporate existing native shoreline or tidal area vegetation and environmentally significant areas. Landscaped open space shall include twenty-five percent (25%) native tidal area vegetation.

7. *Design Standards*.

   a. *Structures and Signs.* All structures, signs and landscaping shall be of unified design and theme. Orientation and placement should enhance the sense of open space and minimize the impact on the environment and surrounding development. Design elements shall emphasis the harmony of color, texture, lines and mass.

   b. *Uncovered Show Areas.* The ground surface of all unenclosed areas used for the display and sales of boats and other nautical equipment shall be grass, ground cover, washed gravel, or turf block.

   c. *Channel Markers.* All channels shall be clearly marked and maintained. Channel markers shall be shown on the Site Plan.

8. *Waterfront Structures.* See Section 511.14.

9. *Water Dependent Uses*. Water dependent uses shall meet all the requirements of Section 802, Floodplain Management.

402.15. PDPI—Planned Development Public Interest.

A. Intent. The PDPI district is established to provide for a planned review process for the establishment of public and semi-public facilities recognizing the essential purpose of the facilities and providing special protection to their continued operation, while at the same time considering for the health, safety, welfare and aesthetic impacts on adjacent properties.

The district is designed for application in the Public/Semi-Public and Major Attractor classifications of the Comprehensive Plan, as well as for public/semi-public facilities in other plan categories.

It is not the intent of the PDPI district to merely provide a mechanism for avoidance of regulations in other districts. Rather, it is the intent of the PDPI district to be required for certain sensitive public/semi-public facilities when warranted.

All land uses may be considered in the PDPI district. However, each application shall include a public/semi-public use or a planned public/semi-public use. Other uses may be included in the application if:

1. They are accessory uses,
2. They are complementary, principal uses, or
3. The proximity of the uses necessitates their inclusion in the application.

Public/semi-public uses shall include airports, hospitals, colleges and universities, schools, landfills, fire stations, sheriff's facilities, solid waste disposal facilities, correctional facilities, water treatment plants, wastewater treatment plants, emergency facilities, governmental office complexes, sports stadiums, parks, athletic fields and other similar uses.

All uses in a PDPI district shall be consistent with the Comprehensive Plan standards with regarding uses, density, intensity, floor area ratios, maximum project size, and locational criteria.

B. Permitted Uses. Permitted uses in PDPI are listed in Table 4-7. Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted.

C. Standards and Review Criteria. PDPI districts shall be permitted a range of densities floor area ratios, heights and square footage. In evaluating proposals, the following factors shall be considered; in addition to the general criteria of this Chapter and the criteria in Chapter 3.

1. The nature of surrounding land uses shall be considered in order to ensure that the intensity of the proposed public/semi-public development will not create external impacts that adversely affect surrounding uses, and to ensure that the intensity of the proposed public/semi-public development provides, where appropriate, a transition between surrounding uses.
2. The long term needs and operational requirements of the public/semi-public development shall be considered

to ensure long term viability of the development.

Appropriate floor area ratios, height, bulk, setback and square footage shall be established as part of the conditions of approved, based on evaluation of the above factors.

D. Landscaped Open Space and Pervious Area Requirements. For projects outside the watershed overlay districts, an appropriate proportion area of the district shall be reserved for landscaping and permeable areas. The amount of area shall be established as part of the conditions of approval after review of the specific request. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.

402.16. PDMU—Planned Development Mixed Use.

A. Intent. Planned Development Mixed Use districts are defined for purposes of these regulations as planned development districts for the establishment of complimentary groupings of residential, commercial, office, industrial or other uses.

PDMU districts may hereafter be established in accordance with the general procedures, requirements, standards and criteria set forth in Section 402. It is the intent of these regulations to provide for development of such districts at appropriate locations, in accord with the goals, objectives, policies, and locational criteria of the Comprehensive Plan, and in accord with the requirements herein.

It is further intended that PDMU development shall be in complexes with carefully located buildings, parking and service areas, open space and use mixtures which are scaled and balanced to reduce general traffic congestion, by providing interdependent uses and uses which are compatible with adjacent and surrounding land uses.

It is the intent of the PDMU district to provide developments that provide complimentary uses. It is not the intent of the district to avoid requirements and criteria which are found in the single use Planned Districts. All requirements and criteria found in the single use Planned Districts shall apply to the PDMU district.

In the determination of what a primary use in a PDMU district is, percentage of land area, percentage of building square footage and percentage of impacts such as traffic shall be considered. Exceeding fifty-one (51) percent shall be considered to be a primary use.

Application of appropriate review criteria shall be based upon the specific facts of the proposal. The ranges of intensity controls shall generally be approved according to the guidelines set forth in the other single use PD districts corresponding to the uses in the PDMU district. In no event shall uses permitted in a PDMU district exceed the maximum intensity controls in the other single use PD districts.

B. Site Plans. The following site plan criteria shall be used:

1. On exterior boundaries of a PDMU district the uses shall be reviewed in accordance with the guidelines set forth for the specific use in the applicable single use PD district.
2. On exterior boundaries of a PDMU district the uses shall be of a character and so located, designed, and buffered so as to establish a transition of intensities and uses across district boundaries.
3. PDMU districts shall provide landscaped and pervious areas according to the guidelines set forth in the other single use PD districts corresponding to the uses in the PDMU district. In no event shall the landscaped and pervious area be less than twenty (20) percent of the land area of the district.

C. Permitted Uses. The uses permitted in Table 4-7 for the PDMU District shall be permitted subject to the criteria applicable to the PDR (Planned Development Residential) District and the following.

1. PDMU districts shall not be used when other single use proposed districts can accommodate the proposed uses. However, if a proposed development cannot be accommodated within other single use Planned Districts, then the applicant may apply for PDMU.
2. All developments within a PDMU district must be consistent with the Comprehensive Plan permitted uses, project size, intensity, density, locational criteria and other factors.

402.17. PDUI—Planned Development Urban Industrial.

A. Purpose and Intent. The PDUI district is established for:

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- Provide for the continued viability of the existing industrial operations in urban settings;
- Provide for establishment of overall framework of development parameters for such properties;
- Implement the provision of IU future land use category; and
- To mitigate the negative impacts of expansion adjacent to surrounding neighborhoods.

It is intended that this district shall be the only zoning district for all properties designated IU on the Future Land Use Map.

B. Permitted Uses. The primary and accessory uses permitted in PDUI district are those uses permitted by right, Administrative Permit and Special Permit in the LM, HM, NC-S, and PR districts.

C. Permitted Accessory Uses and Structures. Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted.

D. Review Process. Development permitted in the PDUI district shall be conformance with an approved General Development Plan. Setbacks for structures existing on the adoption date of this Code may be less than those shown below and such setbacks shall be those shown on an approved General Development Plan.

Those properties shall have to meet the following additional criteria:

A General Development Plan shall be submitted in accordance with the requirements in Chapter 3, prior to the issuance of any permit. The General Development Plan shall identify the existing structures on-site and an overall plan for future site development. The plan shall identify locations of future development, established dimensional parameters for structures loading and parking, and identify a range of potential uses for future structures and site locations.

The proposed General Development Plan shall be reviewed in the public hearing process by staff, Planning Commission, and the Board as prescribed for planned developments. The criteria used by staff, Planning Commission, and the Board shall be general criteria for Planned Development contained in this Section and the review criteria designated in Section 402.18 (PDPM).

The General Development Plan may be approved, approved with conditions, or denied. If denied, the applicant may resubmit without a waiting period.

Once approved, the General Development Plan will establish the development parameters for the site. Future requests for site plan approval will be evaluated administratively on a Final Site Plan Application for consistency with the General Development Plan.

Amendments may be made to an approved General Development Plan in accordance with the procedures for amendments and specific approval of planned developments in Chapter 3.

Dimensional and landscaping requirements shall be met when new development or substantial redevelopment occurs on site.

E. Expiration. The General Development Plan(s) or subsequent Board approved amendment(s) approved upon this PDUI property shall expire within ten (10) years of the date of such approval by the Board unless all Preliminary Site Plans for locations within the approved General Development Plan have been approved. Each subsequent Preliminary or Final Site Plan shall meet the concurrency requirements in place at the time of their submittal.

F. Dimensional Regulations.

The primary purpose of the dimensional regulations in the PDUI district is to minimize incompatibility with surrounding residential areas and along public roadways. Setbacks for structures existing on the adoption date of this Code may be less than those shown below and such setbacks shall be those shown on approved General Development Plan.

The dimensional regulations shall be established with the approval of the General Development Plan. The maximum F.A.R. shall not exceed 1.25.

Maximum FAR	1.25
Maximum Height	45 plus 1 additional foot for each foot of setback from a public roadway
Front Yard	25 feet

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Side Yard	20 feet, generally
	75 feet, abutting residential district
	0 feet, abutting a rail line used for transport of products and materials to site.
Rear Yard	20 feet, generally
	75 feet, abutting residential district
	0 feet, abutting a rail line used for transport of products and materials to site.
Landscaped Open Space	10% of site

G. Review Criteria. In addition to other requirements contained in this section and Chapter 3, the following review criteria shall be required to be addressed on the General Development Plan.

1. *Buffering.* The General Development Plan shall include buffer areas abutting all residential districts. Street buffering when across from a residential district shall include either a six (6) feet high opaque wood fence or masonry wall or a six (6) feet high 80% opaque hedge with a tree planted every thirty (30) feet. Perimeter buffering adjacent to residential districts shall include an eight (8) feet high opaque wood fence or masonry wall and a tree planted every thirty (30) feet.

2. *Access.* New access to the site shall be restricted to streets designated as a minor collector or higher classification on the Major Thoroughfare Plan.

3. *Signage/Lighting.* A signage and lighting plan shall be submitted for approval with the General Development Plan. The signage and lighting plan shall, in addition to being in compliance with Chapter 6, provide for the renumeration of the number and size of the signs adjacent to residential districts. Lighting shall be in compliance with the provisions of Section 806, Lighting, and shall not negatively affect the adjacent residential areas.

H. Effect of Approval. Approval of the General Development Plan authorizes the applicant to proceed with site plan approval. Preliminary site plans, as required by the other provisions of this Code, and Final Site Plans shall be reviewed in accordance with the appropriate provisions of this Code.

402.18. PDPM—Planned Development Port Manatee.

A. Purpose and Intent. The PD-Port Manatee District is intended to provide land on which the intermodal transportation, terminal and other seaport uses may locate and operate, including waterborne commerce, business services, commercial, industrial, manufacturing and product assembly uses customarily associated with seaports, ports of entry and foreign trade zones. The district is intended to accommodate seaport related activities in a manner which is compatible with surrounding uses, to protect land within this district from the encroachment of incompatible uses and to guide development within this district in a manner that complies with the Manatee County Comprehensive Plan and the Port Manatee Master Plan.

B. Area of Applicability. The Planned Development Port Manatee District shall consist of land, the owner of which is the Manatee County Port Authority, a political entity of the State of Florida, organized and existing pursuant to the provisions of the Manatee County Port Authority Act (Chapter 67-1681 of the Laws of Florida, as amended) and Chapter 315 of the Florida Statutes entitled "Port Facilities Financing" or Manatee County, a political subdivision of the State of Florida, acting as the Manatee County Port Authority, constituting the seaport known as "Port Manatee" and utilized to encourage, develop and stimulate the flow of waterborne commerce and other related activities together with all other purposes and uses authorized by said Manatee County Port Authority Act and said Florida Statutes.

As the Port Manatee Master Plan has been adopted as part of the Comprehensive Plan, all subsequent amendments to the adopted General Development Plan shall be consistent with all applicable Code requirements.

C. Permitted Uses. The following uses are permitted in the district:

1. Seaport uses including:

   - Anchorage areas, berths, docks, dolphins, fenders, trestles, mooring facilities, piers, public landings, quays

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and wharves.

- Berthing, docking, mooring vessels; repairing vessels; and servicing vessels.
- Breakwaters, bulkheads, dry docks, and locks
- Bunkers and vessel fuelers.
- Bridges, catwalks, causeways, depots, oil tanks and pipelines.
- Cableways, conveyors, cranes, derricks, elevators, lifts and tramways.
- Canals, channels, harbors, slips, tidal basins, turning basins and waterways.
- Cargo handling water related.
- Cold storage plants, icing plants, refrigeration plants and pre-cooling plants.
- Earthmoving and dredged materials reclamation and storage areas.
- Grain bins, silos, storage tanks, storehouses, terminal facilities, transit sheds, warehouses and open storage areas.
- Harbor pilots.
- Intermodal terminals.
- Loading, unloading and storing cargo.
- Marine terminals operators.
- Ship chandlers.
- Ship services.
- Shipping agents.
- Stevedores.
- Tug operators.

2. Agriculture and Agricultural processing.
3. Business services.
4. Chemical processing and ethanol production, subject to approval of a Preliminary Site Plan by the Board of County Commissioners.
5. Financial institutions.
6. Industrial service establishments.
7. Manufacturing and products assembly.
8. Mini-warehouses.
9. Motor vehicle repair.
10. Office uses.
11. Outdoor storage.
12. Personal services.
13. Restaurants.
14. Truck terminals.
15. Warehouse/distribution centers.
16. Wholesale trade establishments.
17. Neighborhood retail sales.
18. General Retail Sales Uses.
19. Passive and Low Intensity Recreational Uses.
20. Environmental Education Facilities.

The following uses may be allowed subject to the standards provided in Chapter 5.

21. Correctional facilities.
22. Emergency facilities.

23. Public utilities.
24. Railroad terminals and facilities.
25. Seawalls.

D. Accessory Uses. Permitted accessory uses shall be those allowed in A, LM and HM districts.

E. Development Standards. The following standards shall apply.

1. A landscape buffer of not less than twenty (20) feet in width measured at right angles from the property line shall be provided on all sites abutting the easternmost CSX railroad tracks adjacent to U.S. 41 on the site. Landscaping within the buffer shall consist of an average of one (1) canopy tree for each thirty (30) linear feet, or portion thereof, and a hedge of at least three (3) feet in height but not higher than forty-two (42) inches along the entire length of such landscaped area, subject to visibility triangles.
2. Development at Port Manatee shall not be subject to the vehicular use landscape requirements, or the Maximum Building Height provisions of Section 401.3.C.

F. Review Process. Development permitted in the PDPM District shall be in conformance with an approved General Development Plan. All such development shall meet the requirements for processing and review found in Chapter 3.

G. Plan Expiration. General Development Plan(s) or subsequent amendments for projects located within the PDPM District on Port Manatee property shall expire within ten (10) years of the date of such approval by the Board unless all Preliminary Site Plans required are approved. Each subsequent Preliminary or Final Site Plan shall meet the concurrency requirements in place at the time of their submittal.

402.19. PDGC—Planned Development Golf Course.

A. Intent. It is the intent of these regulations to preserve (retain) golf courses and golf course facilities as recreation facilities, recognizing the essential purpose of the facilities and providing protection for their continued operation. Because it is the intent of the Planned Development Golf Course District to preserve (retain) golf courses as recreation facilities, the partial or entire redevelopment of a golf course involving a change to a use other than a golf course shall require approval of a general development plan by the Board as a part of a planned development zoning atlas amendment for the entire golf course.

Any modification of golf course boundaries reducing the size of a golf course shall constitute a redevelopment and shall require approval of a general development plan as specified above.

Expansion of the boundaries of any existing golf course and redevelopment of entirely new golf courses not included within any other planned development district shall be encouraged; provided that upon completion of such expansion or entirely new development, it shall be rezoned by Manatee County to the Planned Development Golf Course District.

B. Permitted Uses and Structures.

1. Golf courses and country clubs.
2. Golf courses and clubhouses.

C. Permitted Accessory Uses and Structures. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures; are located on the same lot or parcel as the permitted use; or do not involve operations or structures not in keeping with the character of the district.

1. Golf driving ranges.
2. Golf putting areas.
3. Pro-shops and supply sales of goods related to the on-site activities of each specific use.
4. Food services and concessions for the patrons of the facility.
5. Maintenance and/or equipment buildings.
6. Cart barns.

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7. Rain shelters.
8. Swimming pools, racquet and handball courts, shuffleboard courts, tennis courts, and similar low-intensity recreation uses.

D. Site Plan/General Development Plan Requirements.

1. One expansion or addition to an existing structure of not more than twenty-five (25) percent of the existing gross floor area shall be permitted without requiring an approved General Development Plan. Requests for approval of such expansion shall be evaluated administratively on a Final Site Plan application for consistency with appropriate provisions of this Code. Additional expansions in excess of twenty-five (25) percent, or a new separate structure over one thousand (1,000) square feet of gross floor area shall require approval of a General Development Plan.
2. New structures that replace existing structures of the same gross floor area may be approved administratively through a Final Site Plan, without requiring a General Development Plan.
3. Accessory uses or their structures shall be permitted without an approved General Development Plan. Requests for approval of an accessory use or its structure shall be evaluated administratively on a Final Site Plan application for consistency with appropriate provisions of this Code.
4. Minor modification to existing golf course features such as tee adjustments, fairway improvements, cart path additions, and relocation of pins in existing greens shall be permitted without an approved General Development Plan. Major modifications to existing golf course features such as relocation of fairways and greens, major change in drainage, reduction or increase in the number of holes, or the reconfiguration of fairways and greens shall constitute a redevelopment of the golf course and shall require approval of a General Development Plan.

E. Standards and Review Criteria.

1. *Intensity.* PDGC districts shall permit a range of floor area ratios, heights, and square footage. In evaluating proposals, the criteria in this Chapter and Chapter 5 shall provide a basis for intensity determinations (i.e. floor area, ratio, height, and square footage).
2. *Yards and Setbacks.* Yards and setback requirements shall be a minimum of fifty (50) feet from any lot line, except for rain shelters which shall have a minimum setback of twenty-five (25) feet from any lot line.

402.20. PDA—Planned Development Agriculture.

A. Intent. It is the intent of these regulations to provide for development of existing, platted subdivisions, in agricultural areas by providing flexibility for cluster development, for preservation of agricultural lands, natural and wetland features, and requiring compliance with the standards set forth herein.

Uses in PDA districts shall be consistent with Comprehensive Plan requirements regarding use, type, locational criteria and other applicable Comprehensive Plan criteria.

B. Limitations on Applicability. Planned Development Agriculture shall be available as an option for development or redevelopment for property included within a subdivision platted prior to 1955.

C. Permitted Uses.

1. Permitted uses are identified in Table 4-7.
2. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures, shall be also permitted. This shall include the active use of land for agricultural purposes and the use of farm and domestic animals consistent with rural community character.
3. All Retail Sales, Neighborhood General and Retail Sales, General Uses located within the Rural Village must comply with the commercial locational criteria of the Comprehensive Plan.

D. Density. PDA districts shall be consistent with the Comprehensive Plan density requirements, except that no density bonus shall be provided for affordable housing, and except as provided for in this section. Golf course acreage may not be used to calculate overall density for a PDA project.

E. Specific Review Criteria.

1. *Site Planning.* Site planning within the district shall provide protection of the development from potentially adverse surrounding influences, such as active agricultural operations. The orientation and clustering of the residential development shall be towards internal streets and pedestrian systems and away from adjacent local or thoroughfare streets and other adjacent land uses. In particular, a buffer containing a minimum of two hundred (200) feet in width shall be provided along district boundaries. The right-of-way along a project boundary may not be counted towards the two hundred (200) foot buffer.

   Strong consideration shall be given to any surrounding agricultural operations, proposed uses within the PDA and the compatibility with any proposed or existing residential uses. Proposed accessory uses or abutting uses shall be compatible with residential uses. Means to mitigate potential impacts shall be proposed with the PDA application. These may include, but not be limited to berms, larger setbacks or additional screening.

   The preservation of significant upland vegetation habitats and wetland areas shall be encouraged. The location of cluster development should be enhanced by the natural features.

   Clustered development shall be required to protect and enhance prime agricultural lands, open water bodies, wetlands and sensitive upland habitats.

2. *Landscaped Open Space and Pervious Area Requirements.* An area equal to at least thirty-five (35) percent of the land area of the district shall be reserved for landscaping and permeable open areas, for projects developed under common ownership, and shall be improved and maintained by the developer/homeowner's association. Within the WP-M and WP-E Watershed Overlay Districts, this figure shall be increased to forty (40) percent. Alternative facilities such as horse trails or nature paths shall be encouraged, provided the surfaces are pervious. No more than twenty-five (25) percent of the required landscaped and pervious area shall be composed of permeable paving block. (See the definition of Open Space).

3. *Ownership and Maintenance of Open Space/Common Areas.* Approvals for Planned Development Agriculture shall specify long term maintenance, and use for open and common areas in a manner which is consistent and compatible with the community character. Land used for clustering density shall be placed in common ownership and management of a homeowner's association consistent with Section 336.4.C and reserved in perpetuity with an agriculture or open space easement dedicated to the county, which land shall not be developed with the exception of accessory buildings used in active agricultural operations or recreational open space facilities and shall be in a form acceptable to Manatee County. The easements shall be in a form acceptable to Manatee County.

4. *Frontage and Accessibility.* Every dwelling unit or other use permitted in the Planned Development shall have vehicular access to a public street directly or via an approved private street, pedestrian way, court, or other area dedicated to public use or private use, or common element guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. Adequate emergency vehicular access is required to every dwelling unit.

5. *Pedestrian and Non-Vehicular Systems.* An integrated pedestrian/non-vehicular system including sidewalks, bicycle trails, horse trails and other means, shall be provided within the neighborhood clusters extending to the rural villages and other recreational amenities, schools and services.

6. *Layout and Design.* Significant environmental features such as sensitive upland habitats, wetlands or prime agricultural areas shall be protected through the use of clustering. Existing hydrologic features shall be taken into consideration in layout and stormwater design.

7. *Water Resources.* The impact on water resources shall be evaluated with each proposed application for Planned Development Agriculture.

8. *Traffic Circulation.* Provide for inter-neighborhood ties between residential clusters and non-residential rural village areas and along collector/ connector roads. Roadway design shall be in such a manner as to accomplish traffic calming.

9. *Parking and Loading for Rural Villages.* Parking for civic, commercial and recreational uses in the rural village shall generally be located at the rear of lots. No off-street parking shall be allowed in front yards. On-street parallel and/or diagonal parking may be allowable if street design and width allows for such parking. All loading zones shall be located in the rear of the structure(s). Design within the rural villages shall encourage

the use of alleys to serve the rear facing parking areas and loading. All other standards of Section 1005 shall be met.

10. *Yards and Setbacks.* For each PDA District yard and setback requirements shall be established which promote general health, safety, welfare, design excellence and neighborhood compatibility. Yard and setback standards shall be consistent within each Planned Development district or "phase." Unless otherwise specified within the development approvals, the following minimum yard requirements shall apply to all projects:

	Residential Uses		**Rural Village and Other Uses**
	UF-3 Future Land Use Category	**AG/R Future Land Use Category**	
Minimum Front Yard	25 feet	50 feet	25 feet
Minimum Side Yard	10 feet	25 feet	15 feet
Minimum Rear Yard	20 feet	50 feet	25 feet

11. *Rural Village Size Limitations*.

    a. All Retail Sales Establishments are limited to three thousand (3,000) square feet, unless specific approval is granted with the General Development Plan.

    b. All commercial uses are limited as specified by the Comprehensive Plan.

    c. Building elevations or design concepts shall be submitted with submittal of a General Development Plan including a Rural Village.

12. *Minimum Lot Width.* The minimum lot width shall be established at the General Development Plan stage, however, it shall be no less than one hundred (100) feet, unless on a cul-de-sac or other curvilinear street, where a fifty (50) foot minimum could apply.

13. *Minimum Lot Size and Density.* The minimum lot size for lots in the PDA District shall be one (1) acre in the AG/R FLUC and one-third (1/3) of an acre in the UF-3 FLUC. In no instance shall the density for the project exceed .20 dwelling units per acre in the AG/R Future Land Use Category or three (3) units per acre in the UF-3 Future Land Use Category.

    If there is an existing, non-conforming underlying subdivision plat, redevelopment is permitted when the proposed development is consistent with all Comprehensive Plan provisions, except for density. Density within the proposed development shall not exceed the maximum allowed based on the provisions contained within Chapter 11 relating to non-conforming lots after adjusting for the number of lots under single ownership on May 4, 1981. No density bonus shall be given to affordable housing.

    In order to obtain the higher density, the plat must be vacated and the developer must enter into a development agreement with Manatee County.

F. Phasing. A flexible phasing schedule extending the life of the plat for up to ten (10) years after approval of the preliminary plat will be available for projects meeting the criteria of Sections 348 and 349, Developments of Regional Impact and Large Projects. The flexible phasing shall be subject to the developer entering into a Development Agreement with Manatee County, meeting the requirements of Chapter 3 of the Code.

G. Public Hearing Notice. Notification for public hearings for all proposed PDA's shall meet the standards of Chapter 3, include all adjacent property owners within one thousand (1,000) feet of the boundaries of the application, and notification of all civic associations requesting such notification.

H. Notice to Homebuyers. All homeowner's documents, deed restrictions, and notice to buyer's shall include language that indicates that the lot being purchases is located in an agricultural community and may be subject to impacts from agricultural activity.

402.21. PDEZ—Planned Development Encouragement Zone.

A. Purpose and Intent. The Planned Development Encouragement Zone (PDEZ) District is intended to provide for the development of land with uses compatible with and supportive of the economic health of Port Manatee and Manatee County.

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B. Area of Applicability. The Planned Development Encouragement Zone District shall consist of land so designated on the Official Zoning Atlas of Manatee County.

C. Permitted Uses. The uses permitted in the PDEZ zoning district are as allowed by Table 4-7 of the Code, subject to the limitations of the Comprehensive Plan.

D. Development Standards. In addition to the standards contained in this Code, the following development standards shall be required to be addressed on the General Development Plan.

1. *Roadway Buffers.* Detailed roadway buffer requirements shall be shown on the General Development Plan by Area.
2. *Compatibility and Screening Buffers.* For those lands adjacent to properties with residential zoning or residential Future Land Use Categories, there shall be a seventy-five-foot landscape buffer for those adjacent sides. This buffer shall contain a solid fence or wall a minimum of eight (8) feet in height, four (4) canopy trees and forty (40) shrubs per one hundred (100) lineal feet.
3. *Exemptions.* Exemptions for parking lot landscaping, sidewalks, building height setbacks, parking requirements, access points, and other standards shall be allowed as shown on the General Development Plan.
4. *Connectivity.* Consideration must be given to connectivity between the Port and PDEZ sites and between PDEZ site locations and the Port Connector road and other frontage roads as needed. Access to and land for transit stops, transfer points, and park and ride lots, as needed, must be addressed on a subsequent Final Site Plan.
5. *Intensity of Use.* Those uses that are the most intensive shall generally be located on lands closest to Port Manatee. Less intense uses shall be located further to the south and east.

E. Review Process. Development permitted in the PDEZ District shall be in conformance with an approved General Development Plan. An administratively approved Preliminary and Final Site Plan are required following approval of the General Development Plan.

F. Plan Expiration. General Development Plan(s) for projects located within the PDEZ District shall not expire.

Section 403. Overlay Districts.

403.1. Overlay Districts Established.

The following overlay districts are hereby established:

Type of Overlay District	Overlay District Description
Airport Impact	AI: Airport Impact Overlay District
Corridor and Gateway	EW: Entranceways Overlay District
	FIG: Florida International Gateway Overlay District
	PCV: Parrish Commercial Village Overlay District
Historic Preservation	HA: Historical and Archaeological Overlay District
	HV: Historic Vista Protection Area Overlay District
Duplex Access	DA: Duplex Access Overlay District
Environmental Resource Protection	CH: Coastal High Hazard Area Overlay District
	ST: Special Treatment Overlay District
	WPE: Evers Reservoir Watershed Protection Overlay District
	WPM: Lake Manatee Reservoir Watershed Protection Overlay District
	WPR: Peace River Watershed Protection Overlay District
Neighborhood Preservation	NC: North Central Overlay District
	WR: Whitfield Residential Overlay District
Restricted Vehicle	RV: Restricted Vehicle Overlay District

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403.2. Airport Impact (AI) Overlay District.

A. Purpose. The purpose of this overlay district is to facilitate proper land use planning and to prohibit the location of incompatible land uses and structures in areas surrounding existing or future airports.

B. Applicability. The regulations of this section apply to all new and expanded facilities within the Airport Impact Overlay District. The approximate boundaries of the AI District are indicated on the Official Zoning Atlas Maps. The specific noise contour lines are indicated on Map 4-1. The overlay district regulations shall be applied in conjunction with the regulations of the underlying zoning districts. Where there is a conflict between regulations, the most restrictive shall apply.

C. Exemptions and Waivers. Notwithstanding any other provisions of this Code, the following activities shall be exempt from the noise requirements of this section:

1. Non-substantial improvements of existing non-residential structures and parcels provided the principal use of the property has not been discontinued for a period of one hundred eighty (180) consecutive days or more.
2. Non-substantial improvements of existing residential structures and parcels.
3. A use not prohibited by Table 4-8 may be exempt from the maximum allowable interior noise levels if the Department Director determines that:
   a. The property owner has documented that he has made a good faith effort to achieve the interior noise level standard described in this section;
   b. The property owner can demonstrate that a substantial and unreasonable additional expense would be necessary to achieve the allowable interior noise level; and
   c. The property is being redeveloped in a manner consistent with its prior uses.

D. Noise Regulations.

1. *Land Use.* Table 4-8 specifies the level of review required for each proposed land use based on its location within the contours.
2. *Review Required.* All new development within the Airport Impact Overlay District requiring special consideration according to Table 4-8, shall require Planned Development. Non-residential land uses and new single family dwellings constructed on a lot of record are exempt from this requirement.

Map 4 - 1: Airport Noise Exposure

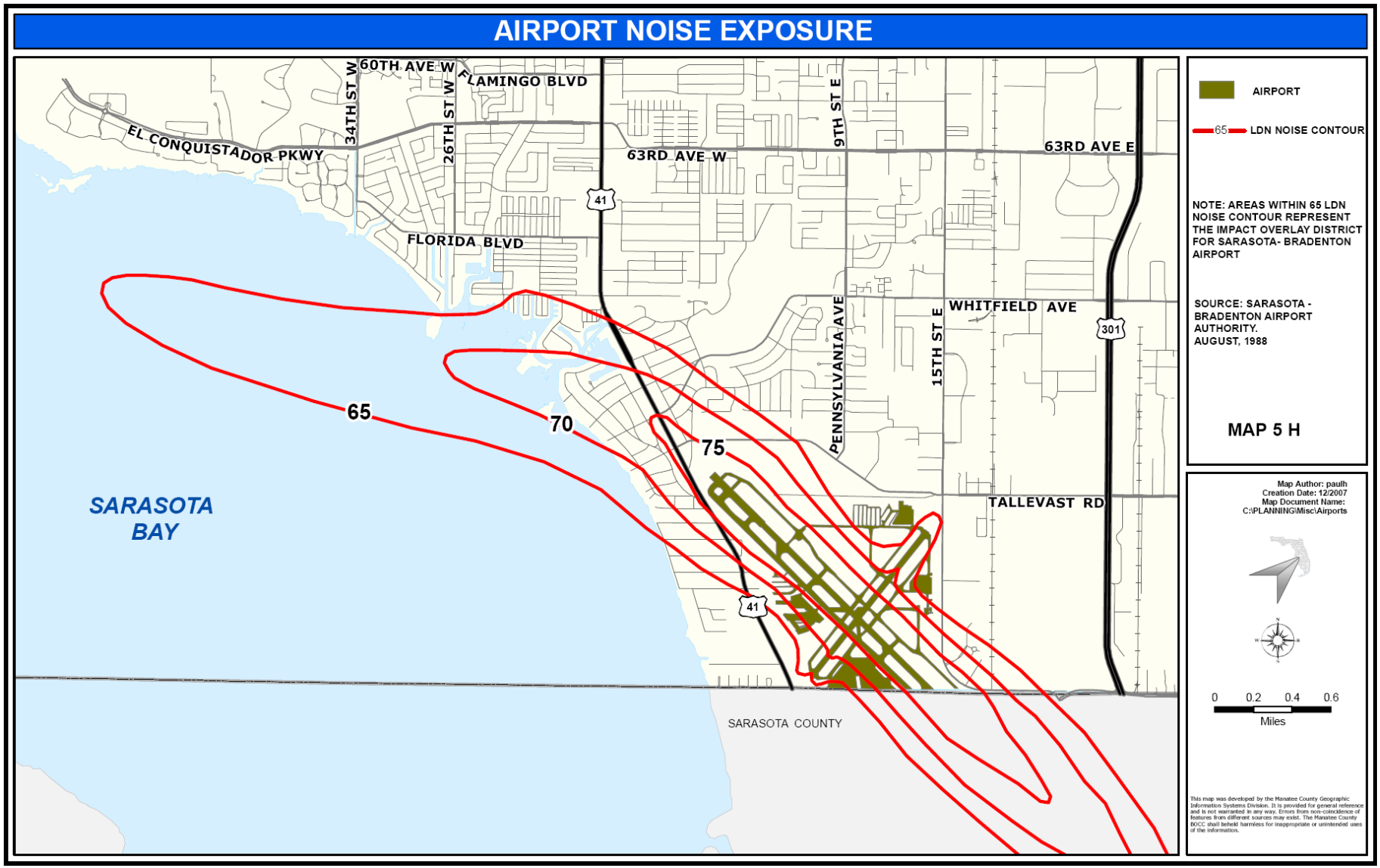

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Table 4 - 8: AI Overlay Land Use Compatibility Guidelines

Land Use		Yearly Day-Night Average Level		
		65 to 69 Ldn	70 to 74 Ldn	75+ Ldn
Residential:				
	Single units—Detached, Semidetached, or Attached	SC	SC	SC
	Duplex units	SC	SC	SC
	Multi-family	SC	SC	X
	Group quarters or dormitories	SC	SC	X
	Hotel/Motel	SC	SC	SC
	Mobile homes, mobile home parks, mobile home subdivisions	SC	X	X
	Recreational Vehicle Parks or Camping Areas for tents, trailers or pickups	X	X	X
	Other residential	SC	SC	SC
Manufacturing:				
	Food and kindred products	P	SC	SC
	Textile mill products	P	SC	SC
	Apparel and other finished products made from fabrics, leather, etc.	P	SC	SC
	Lumber and wood products	P	SC	SC
	Furniture and fixtures	P	SC	SC
	Paper and allied products	P	SC	SC
	Printing, publishing, and allied industries	P	SC	SC
	Chemicals and allied products	P	SC	SC
	Petroleum refining and related industries	P	SC	SC
	Rubber and miscellaneous plastic products	P	SC	SC
	Stone, clay and glass products	P	SC	SC
	Primary metal industries	P	SC	SC
	Fabricated metal products	P	SC	SC
	Professional, scientific, and controlling instruments	P	SC	SC
	Photographic and optical goods; watches and clocks	P	SC	SC
	Other manufacturing	P	SC	SC
Transportation, Communication and Utilities:				
	Railroad, rapid rail transit and street railway transportation, station	P	SC	SC
	Marine craft transportation, marina	P	SC	SC
	Automobile parking	P	SC	SC
	Communication	P	SC	SC
	Utilities	P	SC	SC
	Unmanned switching station	P	P	P
	Other transportation, communication and utilities	P	SC	SC
Retail Trade:				
	Open Flea Markets	P	SC	SC
	Enclosed Flea Markets	P	SC	SC
	Building materials, hardware and farm equipment	P	SC	SC
	Automotive, marine craft, aircraft and accessories	P	SC	SC
	Apparel and accessories	P	SC	SC
	Furniture, home furnishings and equipment	P	SC	SC
	Eating and drinking establishments	P	SC	SC
	General merchandise	P	SC	SC
	Other Retail Trade	P	SC	SC
Wholesale Trade:				
	Hospitals, Nursing Homes, Convalescent and Extended Care Recovery Homes	SC	SC	X

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Land Use	Yearly Day-Night Average Level		
	65 to 69 Ldn	70 to 74 Ldn	75+ Ldn
Recovery Homes, Residential Treatment Facilities, Emergency Shelters and Homes	SC	SC	X
Classroom and Instructional Facilities of all Colleges and Universities	SC	SC	X
Schools of General, Special, Religious, or Private Education	SC	SC	X
Day Care Homes, Child Care Centers, and Preschools	SC	SC	X
Research Activities	SC	SC	SC
Other medical and emergency facilities	SC	SC	SC
Finance, insurance and real estate services	P	SC	SC
Personal services	P	SC	SC
Cemeteries	P	SC	SC
Business services	P	SC	SC
Rental and Leasing Services	P	SC	SC
Slaughter Houses	P	SC	SC
Repair services	P	SC	SC
Professional services	P	SC	SC
Dry Cleaning Plants	P	SC	SC
Veterinary Hospitals	P	SC	SC
Contract construction services	P	SC	SC
Governmental services	P	SC	SC
Cultural, Entertainment and Recreational:			
Drive-in Theatres	X	X	X
Outdoor music shells, amphitheaters	X	X	X
Outdoor sports arenas, spectator sports without Sound Reinforcement Systems	SC	SC	X
Outdoor sports arenas, spectator sports with Sound Reinforcement Systems	P	X	X
Amusement Parks	P	P	X
Nature Exhibits	P	SC	X
Golf Courses and Driving Ranges	P	SC	SC
Water Recreation	P	SC	SC
Riding Stables	P	P	X
Tennis Courts, Handball Courts, and Shuffleboard Courts	P	P	X
Parks, Playgrounds	P	SC	SC
Worship areas of Churches, Synagogues, etc.	SC	SC	X
Public Assembly	SC	SC	X
Auditoriums, concert halls	SC	SC	X
Museums and Permanent Circus Exhibitions	P	SC	X
Membership Organizations	P	SC	X
Firing Ranges, Trap and Skeet Shooting	P	P	P
Other indoor cultural, entertainment and recreational facilities	SC	SC	X
Resource Production and Extraction:			
Livestock farming and animal breeding	P	SC	SC
Agriculture and related activities	P	SC	SC
Forestry activities and related services	P	SC	SC
Mining activities and related services	P	SC	SC
Other resource production and extraction	P	SC	SC

LEGEND: X = Use not permitted; P = Permitted use with no special consideration
SC = Special consideration: acoustical analysis required to show that the structure's design will limit exterior noise to the prescribed allowable interior level (See Section 403.2.D.3).

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Table Note: The uses in this table are grouped for user convenience and do not necessarily correlate with the land uses as categorized earlier in this Chapter. Proposed land uses which do not appear on the list will be reviewed as the most similar use, subject to the discretion of the Department Director.

3. *Allowable Interior Noise Levels.* Interior noise levels attributable to exterior sources shall not exceed 45 Ldn in any habitable room. Habitable room shall be defined to include all living areas in residential structures, and the following portions of all non-residential structures: all areas where the public is received, office areas, classrooms, sleeping areas, medical treatment areas, areas of religious worship, and all noise-sensitive areas or areas where the normal noise level is low. Proper design may include, but shall not be limited to, the following specific noise attenuation techniques:

   a. Architectural design features such as the provision of additional building insulation; the omission of fireplaces/chimneys, or doors with mail drop slots from building design; and/or the use of double pane windows.

   b. Orientation of the habitable structure, including setbacks and shielding.

   c. Placement of habitable rooms toward the internal portions of the proposed structure(s), situating porches, garages, or storage areas between these habitable rooms and typical airport noise sources.

4. *Uses Requiring Special Consideration.*

   a. *Acoustical Analysis*. Prior to the issuance of a building permit, the applicant proposing to develop a habitable structure requiring special consideration (SC) shall submit an acoustical analysis showing that the proposed design will limit exterior noise to the prescribed allowable interior level.

      The acoustical analysis report shall be prepared under the supervision of a person who is a Member of the Institute of Noise Control Engineering and experienced in the field of acoustical engineering. The report shall show topographical relationships of noise sources and structure sites, identification of noise sources and their characteristics, predicted noise spectra and levels at the exterior of the proposed habitable structure(s) considering present and future land usage, basis for the prediction (measured or obtained from published data), noise attenuation measures to be applied, and an analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements will be met.

      If allowable interior noise levels are met by requiring that windows be closed, the design for the structure must also specify a ventilation or air conditioning system to provide habitable interior environment. The ventilation system must not compromise the habitable room noise reduction.

   b. *Field Testing*. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a field test report showing compliance with prescribed interior allowable levels. Should the test report reveal non-compliance, the Certificate of Occupancy will be denied until compliance is demonstrated or until a waiver is obtained pursuant to paragraph c, below.

      Field testing shall be done under the supervision of a person who is a Member of the Institute of Noise Control Engineering, experienced in the field of acoustical testing and engineering. Documentation of field test results should generally follow the requirements outlined in relevant ASTM standards.

   c. *Interior Noise Level Waiver*. Should the required field test reveal non-compliance, the Department Director may grant a waiver of the allowable interior noise levels if:

      i. The property owner has made a documented good faith effort to achieve the interior noise level standard; and

      ii. The property owner meets the requirement for a Noise Report;, and

      iii. The property owner can demonstrate that a substantial and unreasonable additional expense would be involved to achieve the required interior noise level.

      iv. In the case of redevelopment, the property owner/applicant will also need to demonstrate that the redevelopment is being done in a manner consistent with its prior use.

E. Airspace Height Limitations.

1. *Airport Zones*. Airspace height limitations shall apply to all sites lying beneath the primary, approach, transitional, horizontal and conical zones shown on the "Airport Zone and Object Height Limitation Overlay Map" (Map A), which shall be amended any time a new airport is approved. An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones and height restrictions are as follows, and are generally depicted on the drawing designated as Figure 4-4, "Civil Airport Imaginary Surface."

   a. *Primary Zone (P).* An area located at each end of a runway which is longitudinally centered on each runway, extending two hundred (200) feet beyond each end of that specially prepared hard surface runway with the width specified for the most precise approach existing or planned for either end of that runway. The primary zone ends at each runway end for all runways without a specially prepared hard surface. The width of each primary zone is as follows:

      i. Precision Instrument Runways: 1,000 feet.

      ii. Non-Precision Instrument Runways: 500 feet.

      iii. Public Utility Visual Runways: 250 feet.

      iv. Private Utility Visual Runways: 100 feet.

   b. *Horizontal Zone (HZ).* An area around each airport with an outer boundary the perimeter of which is constructed by swinging arcs or specified radii from the center of each end of the primary zone of the airport's runways and connecting the adjacent arcs by lines tangent to those arcs. The radius of the arcs specified for each end of the runway will have the same arithmetical value and the value will be the highest composite value determined for either end of that runway. When a smaller arc is encompassed by the tangent connecting two adjacent larger arcs, the smaller arc shall be disregarded in the construction of the perimeter of the horizontal zone. The radius of each runway arc is as follows:

      i. For utility runways, a radius of five thousand (5,000) feet.

      ii. For other than utility runways, a radius of ten thousand (10,000) feet.

   c. *Conical Zone (CN).* An area extending outward from the periphery of the airport's horizontal zone for a distance of four thousand (4,000) feet.

   d. *Approach Zone (AP).* An area longitudinally centered on the extended runway centerline and extending outward from the end of the primary surface. The approach zone area and height restrictions are designated for each runway based upon the type of approach available or planned for that runway end, as follows:

      i. *Approach Zone Width.* The inner edge of the approach zone is the same width as the primary zone. The outer width of the approach zone is prescribed for the most precise approach existing or planned for that runway end expanding uniformly outward to a width of:

         (a) For a Precision Instrument Runway, a maximum width of sixteen thousand (16,000) feet.

         (b) For a Non-Precision Instrument Runway other than a Utility Runway, a maximum width of three thousand five hundred (3,500) feet.

         (c) For a Utility Visual Runway, a maximum width of one thousand two hundred fifty (1,250) feet.

         (d) For a Utility Non-Precision Instrument Runway, a maximum width of two thousand (2,000) feet.

      ii. *Approach Zone Length.* The approach zone extends from the end of the runway primary surface for a horizontal distance of:

         (a) For a Non-Precision Instrument Runway other than a Utility Runway, a maximum distance of ten thousand (10,000) feet.

         (b) For a Visual or Non-Precision Instrument Utility Runway, a distance of five thousand (5,000) feet.

   e. *Transitional Zone (TR).* An area extending outward and upward from the sides of each primary zone and approach zone, connecting them to the horizontal zone, or outward five thousand (5,000) feet horizontally from the side of that portion of the approach zone of a Precision Instrument Runway extending beyond the Conical Zone.

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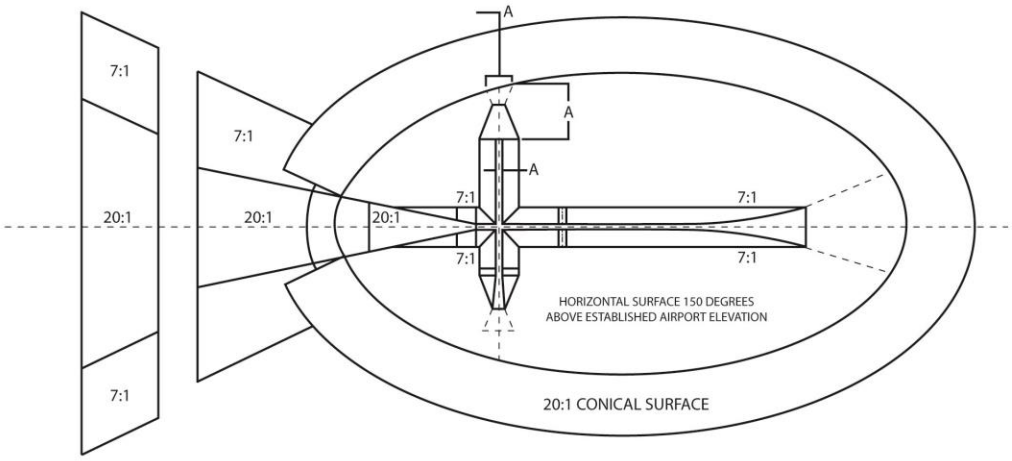
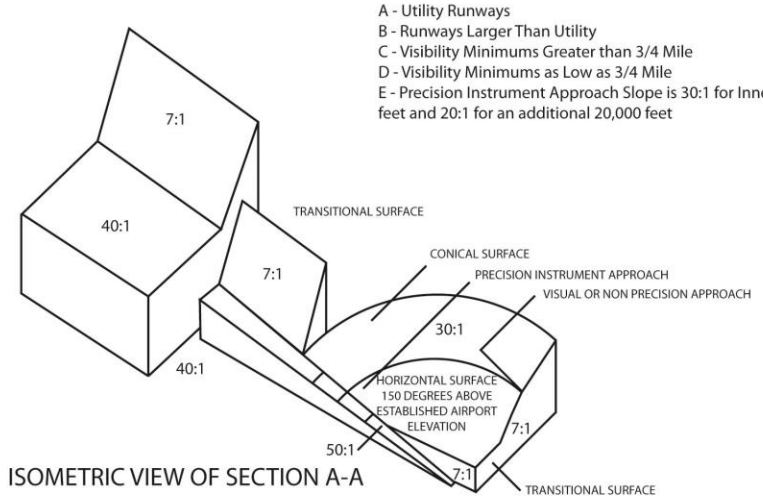
Figure 4 - 4: Civil Airport Imaginary Surface



DIM	ITEM	DIMENTIONAL STANDARDS - FEET					
		VISUAL RUNWAY		NON PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY
		A	B	A	B		
					C	D	
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	220		800	800		1,000
B	RADIUS OF HORIZONTAL SURFACE	8,000		8,000	10,000		10,000
		DIMENTIONAL STANDARDS - FEET					
		VISUAL RUNWAY		NON PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY
		A	B	A	B		
					C	D	
C	APPROACH SURFACE WIDTH AT END	1,200		20,000	20,000		10,000
D	APPROACH SURFACE LENGTH	3,000		80,000	10,000		E
E	APPROACH SLOPE	20:1		20:1	24:1		E

A - Utility Runways
B - Runways Larger Than Utility
C - Visibility Minimums Greater than 3/4 Mile
D - Visibility Minimums as Low as 3/4 Mile
E - Precision Instrument Approach Slope is 30:1 for Inner 10,000 feet and 20:1 for an additional 20,000 feet



ISOMETRIC VIEW OF SECTION A-A

2. *Height Limitations.* No structure or obstruction, including, without being limited to, tall tower or antenna, shall be erected to a height which would cause such structure to exceed any of the following:

Primary	The height of the nearest point of the runway centerline.
Horizontal	150 feet above the airport height
Conical	150 feet above the airport height at the inner boundary, with permitted height increasing 1 foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.
Approach	The height of the runway end at its inner edge, increasing with the horizontal distance outward from the inner edge as follows: (1) For a Precision Instrument Runway, a height increase of 1 foot vertically for every 50 feet horizontally for the first 10,000 feet and 1 foot vertically for every 40 feet horizontally thereafter for an additional distance of 40,000 feet. (2) For a Non-Precision Instrument Runway, a height increasing 1 foot vertically for every 34 feet horizontally for the length of the approach zone. (3) For a Visual or Non-Precision Instrument Utility Runway, a height increasing 1 foot vertically for every 20 feet horizontally.
Transitional	The height of the primary approach zone at their adjoining boundary lines, increasing at a rate of 1 foot vertically for every 7 feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone, or for a horizontal distance of 5,000 feet outward from the side of an approach zone for a Precision Instrument Runway or to the point of contact within a conical zone, if less than 5,000 feet.

3. *Additional Structure or Object Height Limitations*. In addition to the height restrictions noted above, no structure, including, without being limited to, tall tower or antenna, shall be erected to a height which would cause such structure to penetrate any of the following described surfaces overlaid on Manatee County to avoid obstructions to or conflict with aircraft in flight (all heights are based on Mean Sea Level (MSL)).

   a. *V-97 Horizontal Surface (V97-HS).* A horizontal surface at a height of 1,149 feet (MSL) which extends 24,304.4 feet (4 nautical miles) each side of a line which begins at a point on the easterly County Line of Manatee County and located at Latitude 27 degrees 23′ 11.78″ North and Longitude 82 degrees 03′ 20.93″ West, and extends in a northwesterly direction to a point on the northerly County Line at Latitude 27 degrees 38′ 46.08″ North and Longitude 82 degrees 22′ 4.22″ West.

   b. *V-97 Transitional Surface (V97-TS).* An inclined surface extending outward from, and parallel to, the V97-HS surface described above for a horizontal distance of 12,152.2 feet (2 nautical miles) and extending upward at the most direct angle from the V97-HS height of 1,149 feet (MSL) to a height of 1,649 feet (MSL).

   c. *V-35 Horizontal Surface (V35-HS).* A horizontal surface at a height of 1,149 feet (MSL) which extends 24,304.4 feet (4 nautical miles) each side of a line beginning at a point on the southerly County Line of Manatee County and located at Latitude 27 degrees 12′ 30.01″ North and Longitude 82 degrees 14′ 53.84″ West, and extending in a northwesterly direction to a point on the northerly County Line at Latitude 27 degrees 38′ 43.64″ North and Longitude 82 degrees 31′ 12.79″ West.

   d. *V-35 Transitional Surface (V35-TS).* An inclined surface extending outward from, and parallel to, the V35-HS surface described above for a horizontal distance of 12,152.2 feet (2 nautical miles) and extending upward at the most direct angle from the V35-HS height of 1,149 feet (MSL) to a height of 1,649 feet (MSL).

   e. *V-579 Horizontal Surface (V579-HS).* A horizontal surface at a height of 1,049 feet (MSL) which extends 24,304.4 feet (4 nautical miles) each side of a line beginning at a point on the southerly County Line of

Manatee County and located at Latitude 27 degrees 23′ 10.31″ North and Longitude 82 degrees 33′ 7.96″ West and extending in a northwesterly direction to a point on the northwesterly County Line at Latitude 27 degrees 37′ 24.31″ North and Longitude 82 degrees 36′ 42.76″ West.

f. *V-579 Transitional Surface (V579-TS).* An inclined surface extending outward from, and parallel to, the V579-HS surface described above for a horizontal distance of 12,152.2 feet (2 nautical miles) and extending upward at the most direct angle from the V579-HS height of 1,049 feet (MSL) to a height of 1,549 feet (MSL).

g. *Absolute Height Limitations.* Notwithstanding any other provisions of this subsection, antennae towers of any height may be located in any portion of the unlimited surface area as identified on Map A. Antennae towers which do not exceed the height limitations described in this section may be located within 3.5 nautical miles of any antennae tower shown on Map A, which existed on the adoption date of this Code, including areas within primary zones, horizontal zones, conical zones, approach zones, transitional zones, V-97, V-35, V-579 transitional surfaces, or V-97, V-35, V-579 horizontal surfaces.

h. *Lowest Surface is Controlling.* Where more than one of the above height surfaces overlays an area the lowest surface shall control and establishes the maximum height permitted for any structure at that location.

i. *Height Surface is Controlling.* A drawing shall locate and identify topographic data pertinent hereto and shall depict the boundaries and, by contour lines, the height limitations for the several surface and zone classifications established herein. Copies or prints of such drawings shall be maintained and kept on file in the offices of the Building and Development Services Department and shall be prima facie evidence of the boundaries of the surface and zone locations and the height limitations applicable thereto.

4. *Zone Classification District Boundary Map for the Airport Zones and Environs Outside Airport Zones.* The Airport Zone and Object Height Limitation Overlay Map (Map A) locates and identifies the State licensed airports within Manatee County and other topographic data pertinent thereto and to the purpose of this Section, and shall depict the approximate boundary of height limitations outside airport environs and the airport zones and the boundaries and by contour lines, the height limitations, for the several zone and surface classification districts therein as the same are established herein. This map shall be prima facie evidence of the boundaries of the zone and surface classification districts and the height limitations applicable thereto and therein, but in the case of conflict with the written provisions of this section, the written provisions shall prevail. The underlying zoning district for the Sarasota-Bradenton Airport shall prevail where that district imposes more restrictive requirements than those provided in this section.

5. *Variances to Height Regulations.* Any person desiring to erect or increase the height of any structure or use his or her property, not in accordance with the regulations prescribed in this section, may apply for a variance in accordance with the provisions of Chapter 3. At the time of filing, the applicant shall forward a copy of his application for variance by certified mail return receipt requested to the Florida Department of Transportation, Aviation Office. The department has forty-five (45) days from receipt of the application to provide comments to the applicant and the Hearing Officer, after which time that right is waived.

   Additionally, no application for a variance may be considered, unless the applicant shows evidence that the requirements for Notice of Construction or Alteration, under Title 14 Code of Federal Regulations, Part 77, have been complied with. The Hearing Officer may proceed with consideration of an application only upon receipt of Department of Transportation comments or the waiver of that right, as demonstrated by the applicant's filing a copy of a return receipt, showing the forty-five (45) days have elapsed.

   If a height variance is granted, the property owner shall mark and light the structure to indicate to aircraft pilots the presence of an obstruction. Such marking and lighting shall conform to the specific standards established by Chapter 14-60, Rules of the Department of Transportation, and Federal Aviation Administration Advisory Circular 70/7460-1, as amended.

403.3. Florida International Gateway Overlay District (FIG).

A. Purpose and Intent. The purpose of the Florida International Gateway Overlay (formerly known as the North County Gateway Overlay) Zoning District is to encourage growth consistent with the long term needs of Port Manatee and the economic health of the County as a whole. To achieve that purpose, the overlay district allows for a range of light industrial, mixed-use and other employment-oriented uses which would not otherwise be

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allowed in the underlying land use category. This section sets the development standards and alternative review procedures for approving those uses within the district and ensuring compatibility among uses. This section, however, shall not be construed to grant entitlements to any property in excess of any statutorily prescribed threshold for a developmental-regional-impact review under applicable State law.

B. Applicability. All properties within the Florida International Gateway Overlay District are eligible, but not required, to be processed as specified in this section.

C. Standards.

1. *Uses Permitted in the FIG Overlay*. Properties within the Florida International Gateway Overlay District may be allowed the following uses, in addition to the uses permitted in the underlying Future Land Use Classification. The range of permitted uses may be limited or certain uses not permitted by the Board at the time of approval of the Master Plan as determined necessary by the Board to meet the criteria in Policy 2.2.2.9.4 of the Comprehensive Plan.

• Light Industrial • Offices • Research/Corporate • Warehouse/Distribution • Intensive Commercial • Wholesale Commercial	• Neighborhood Retail • Service Uses • Selected Residential • Short-Term Agricultural • Recreational Uses • Public or Semi-Public Uses	• Schools • Privately-Operated Airports • Water-Dependent/ Related/Enhanced Uses • Hotels/Motels

2. *Buffering and Screening Standards*:

   a. Land proposed for residential and other low intensity uses shall provide the buffers required in Chapter 6.

   b. Land proposed for industrial, warehousing, wholesale trade, utilities, building materials, industrial services, construction services, motor vehicle repair, fuel pumps, and transportation uses shall not have a requirement to provide buffers, except along the boundary of the project where adjacent to developed residential uses.

   c. If the adjacent parcel is undeveloped, the developer shall reserve the land for the buffer but may defer the planting of landscaping material and construction of any berms or walls until such time as the adjacent development commences. If the adjacent land subsequently develops with a compatible land use, then the developer may use the land reserved for the buffer for other purposes.

   d. Notwithstanding, the minimum submittal requirements for a Development Concept Plan contained elsewhere in this Code, the Gateway Overlay Master Plan is not required to contain the following information:

      i. Location of land uses, buildings and structures.

      ii. Quantities of land uses, e.g., land area (acres) or floor area (square feet).

D. Master Plan Review and Approval. Applicants desiring to develop under the alternative provided by the Florida International Gateway Overlay District shall submit a Master Plan to be reviewed by the Board in accordance with the requirements of quasi-judicial decisions pursuant to Chapter 3.

E. Completeness of Application. The Master Plan shall have sufficient details to ensure compliance with the goals, objectives and policies of the North County Gateway Overlay District contained in the Comprehensive Plan. The Overlay Master Plan may meet all requirements of the Code for a General Development Plan or comply with the information required below, at the option of the applicant. A Gateway Overlay Master Plan shall contain the following information:

1. Demonstration of how the Master Plan implements the goals, objectives and policies of the North County Gateway Overlay District in the Comprehensive Plan. In the event the Gateway Overlay Master Plan requests approval for the range and intensity of uses eligible under the IL (Industrial-Light) Future Land Use Category, the Gateway Overlay Master Plan shall demonstrate specifically how compatibility between residential and non-residential uses can be achieved and how provisions have been made for all required public facilities.

2. Floor area ratios or residential densities for the various land uses or their categories.

3. Categories organizing the list of land uses into groups considered incompatible where adjacent.
4. Buffering and screening standards:
   a. Providing alternatives to such requirements of the LDC, Section 701, Landscaping Standards and any applicable provisions contained in Chapter 5.
   b. Applying the categories of incompatible adjacent land uses in a matrix or table indicating the appropriate buffer and screening between such land uses.
   c. Graphically and textually describing the design of the buffers and screenings between such land uses.
   d. Describing the relative location, responsibility for installation and maintenance and timing of buffers at a minimum with detail to demonstrate compliance with the buffer standards listed above (subsection B.2).

F. Certificate of Level of Service. The uses proposed within a Gateway Overlay District shall not be eligible to receive of Certificate of Level of Service compliance due to the general nature of the submittal requirements. This section, however, shall not be construed to prohibit an applicant from entering into a Local Development Agreement with the County or the Department of Community Affairs for purposes of qualifying for an exemption from the development-regional-impact review process in accordance with applicable law.

G. Specific Approval not Required. The standards and designs provided for in the Gateway Overlay Master Plan are alternatives to the previous development approvals under the UF-3 Future Land Use Classification and as such, shall not require the Board to make a written finding to grant specific approval.

H. Effect of Approval. Upon approval of a Gateway Overlay Master Plan by the Board through adoption of a resolution, the applicant may apply directly for approval of a Final Site Plan or, at the applicant's option, Preliminary Site Plans for phases. Subsequent applications may depart from the phasing plan if each site plan provides access and other common improvements adequate to serve all cumulative developments in the event other phases fail to develop timely. Special Permits or Preliminary Site Plan approvals shall not be required. In circumstances where a property is zoned Planned Development the approved Gateway Master Plan, if elected to be implemented by a Final Site Plan approval by the applicant, as to all or a portion of such property encompassed by the Final Site Plan approval, then any previously approved plan and/or stipulation shall be superseded in the Planned Development approval.

I. Modification. Minor modifications may be made during the development process. Such modifications may be approved by the Department Director after a finding of consistency with the Comprehensive Plan.

J. Expiration. Gateway Overlay Master Plans shall not contain an expiration date.

K. Other Permits Required. Nothing in this Section shall eliminate the obligation of the applicant to obtain any required permits from State or Federal agencies.

L. Revocability. In the event the Department Director determines in his sole discretion that the applicant has failed to suitably monitor the progress of the development under the Gateway Overlay District Master Plan so as to trigger or have a factual basis to conclude that the numerical thresholds will be exceeded such as to trigger review as a Developmental Regional Impact, the Department Director shall notify the applicant in writing of his/her determination. The applicant(s) receiving such notice shall have the right of appeal the decision or interpretation of the Department Director pursuant to Chapter 3, Part X. The applicant shall record a notice to buyers in the public records at such time as any parcel or portion of the property is sold or transferred to another legal entity of the requirement of a subsequent purchaser to comply with the monitoring requirements regarding numerical thresholds and development-regional-impact review.

403.4. Parrish Commercial Village Overlay District (PCV).

A. Purpose and Intent. The purpose of the Parrish Commercial Village (PCV) Overlay District is to provide an administrative approval process as an incentive for appropriately scaled and compatible commercial development along U.S. 301. The purpose of this section includes:

1. Provide a vehicle for applications meeting the standards of the underlying zoning district and this section to obtain administrative approval;
2. Promote new and renovated commercial development that will be harmonious with the existing Parrish community and its evolving vision for its future;

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3. Provide standards for building placement, architecture, landscaping, and signs for commercial development that enhance the community by being visually distinctive and drawing from the historic, rural heritage of the Parrish community, while remaining flexible enough to encourage creativity and diversity;

4. Encourage the establishment of functional outdoor gathering spaces at appropriate places in the Parrish community;

5. Create pedestrian-friendly places, conveniently located pathways, and increased accessibility for a range of travel modes that contribute to the character of individual sites and the overall built environment in Parrish; and

6. Promote building-to-street interaction and greater visibility of businesses by encouraging parking to be located away from U.S. 301, ideally at the side or rear of non-residential buildings.

B. Applicability. The requirements of this section apply to any new or improved commercial, multi-family, mini-warehouse, and mixed-use developments (if they include a commercial component) located within the PCV Overlay District and requiring Site Development Plan approval. The provisions of this section are intended to supplement the regulations in this Code. In the event of a conflict between other provisions of the Code and this section, the more restrictive of the provisions shall prevail unless where specifically provided otherwise.

C. Exemptions. The following development is exempt from the standards of the PCV Overlay District:

1. Development that has obtained General Development Plan, Preliminary Site Plan or Plat approval prior to January 1, 2009.

2. Structures and uses that do not require Final Site Plan approval, as specified under Section 320.2.C.

3. Projects with a valid Final Site Plan as of January 1, 2009.

4. Structures for which building permit applications have been received prior to January 1, 2009.

5. Community Service Uses, Open Uses of Land, Recreation Uses, Residential Uses except Multi-Family Uses, Residential Support Uses, and Transportation Facilities.

6. Historical sites or districts as designated by federal, state, or county governments or other structures deemed by Manatee County to be culturally or architecturally significant, including those historic structures on the Florida Master Site File identified in the Survey Report, Manatee County Historical Structures Survey, Phase I Project, prepared for Manatee County, dated August 29, 2008, a copy of which is on file at the Building and Development Services Department.

D. Development Standards. The following standards shall be met if the applicant wishes to take advantage of the expedited review incentive. It is recognized that there may be circumstances where property configuration prohibits complete compliance with these requirements. Additionally, it is recognized that dedications to the public may place constraints upon projects in the planning process. These factors may be found to be adequate justification for the Board of County Commissioners to approve deviations from these standards.

1. *Site Design*.

   a. *Orientation.* Buildings adjacent to U.S. 301 shall have the main entrance face U.S. 301.

   b. *Access.* To minimize access points onto U.S. 301, shared access shall be provided whenever appropriate as determined by the Department Director and permitted by FDOT. Stub-outs for driveways and a cross access easement may be required to accommodate future shared access as a condition of site plan approval. Where stub-outs for shared access have been provided by adjacent property, the owner of the subject property shall connect to the shared access unless substantial evidence can be provided that the two uses are incompatible due to health, safety, or welfare concerns or that connection to the shared access substantially limits proposed development of the site in question. Shared access may or may not be accompanied by a combined or shared off-street parking plan pursuant to Chapter 10 as determined by the Department Director.

   c. *Dimensional Requirements.* In addition to the standards contained in Table 4-7, commercial, multi-family, mini-warehouse, and mixed use projects containing a commercial component in the PCV Overlay shall meet the following dimensional standards:

      i. Building Footprint: 5,000 sq. ft. max. (larger buildings require Special Permit approval).

ii. Front Yard Setback along U.S. 301: The 25 ft. minimum setback may be reduced by the Department Director to 10 ft. min., provided that:

- The site is located on U.S. 301 between Moccasin Wallow Road and CR 675.
- A 10-ft deep porch or gallery is provided along 40% or more of the building frontage, or
- A 10-ft. deep outdoor gathering space is provided along U.S. 301 for no less than 40% of the building frontage. The space shall include street furniture such as benches, tables, or resting area for the general public, or a fountain, public art, or other visual focal point for the enjoyment of the general public.

iii. Front Yard Setback (build-to-line) along Other Roads: 15 ft.; 8 ft. for corner lots on roads intersecting with U.S. 301.

iv. Side Yard Setback (build-to-line): 8 ft. except for the following:

- 25 ft. if adjacent to residential uses or zoning; or
- As prescribed by the Department Director for the provision of gathering spaces.

v. Rear Yard Setback (build-to-line): 15 ft.; 25 ft. when adjacent to residential uses or zoning.

vi. Open Space: 20% minimum.

d. *Parking.*

i. *Single Row Only.* In no case shall parking in front of the building adjacent to U.S. 301 exceed a single loaded, single row.

ii. *Parking Setback.* Except for the single row of parking allowable by paragraph i, above, all parking along U.S. 301 must be located behind the required front yard building setback. However, if the building setback is ten (10) feet as permitted by paragraph c, above, the parking setback may also be reduced to ten (10) feet as long as the width of the parking area along U.S. 301 does not exceed fifty (50) percent of the lot width. Any remaining parking must be setback twenty-five (25) feet from U.S. 301.

e. *Pedestrian and Non-motorized Circulation.*

i. Walkways shall be provided to link the building main entrance directly to the street.

ii. Walkways shall be functionally separated from parking lots and driveways, except where they cross driveways or parking areas.

iii. Pavers, texturing, or color changes shall be used to differentiate walkways at driveways.

iv. Buildings shall be linked to one another by a secondary walkway system.

v. Public sidewalks may be considered part of the walkway system if they provide convenient pedestrian connections between structures.

f. *Landscape Design Standards.* Landscaping shall conform to the requirements of Section 1002, Visibility Triangle, and Section 701, Landscape and Screening Standards. However, screening buffers shall not be required between properties with adjoining outdoor gathering areas. In addition, buffers shall not impede pedestrian or bike circulation along roadways or between parcels.

g. *Roadway Buffers.* A 25 foot roadway buffer, shown as Option B below, is required along U.S. 301. Option "A" (shown below) may be used for properties between Moccasin Wallow Road and CR 675 that have a ten-foot front yard setback per paragraph c, above, and meet one of the following conditions:

i. Provide a qualified outdoor gathering space as determined by the Department Director and parking areas at the side of the building occupy less than fifty (50) percent of the U.S. 301 roadway frontage; or

ii. Provide no more than a single row of parking between U.S. 301 and the building.

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Buffer Option	Width	Required Plantings per 100 LF		
		Canopy	Understory	Shrubs
"A"	10 feet	2	2	20[1, 2]
"B"	25 feet	3	4	50[1, 3]

Plant Standards	Height	Width	Caliper
Canopy Trees	12 feet	6 feet	3 inches
Understory/Accent	6 feet	36 inches	2 inches[4]
Shrubs[3]	18-24 inches	18 inches	—

Table Notes:

[1] Where parking areas are adjacent to the required buffer, a continuous hedge shall be required with shrubs planted at an appropriate spacing. The hedge may count towards the required shrubs for the selected buffer option.

[2] Once the minimum tree and shrub quantity requirements are met, the remaining space may be planted with additional shrubs or ornamental grasses but not turf grass.

[3] Once the minimum tree and shrub quantity requirements are met, the remaining space may be planted with additional shrubs or ornamental grasses. Turf grass may be used as well.

[4] No minimum caliper if multi-trunk form.

h. *Additional Landscaping Design Considerations.*

i. *Planting Arrangement.* In required landscape areas, tree plantings shall be staggered and clustered in natural arrangements rather than in long, straight, formal arrangements. View corridors to buildings or ground signs are encouraged.

ii. *Plant Selection.* Plantings in required landscape areas shall be with plant species that are native or naturalized to Florida. Landscape plant material shall be a minimum Florida No. 1 Nursery Grade, as identified in Grades and Standards, Florida Department of Agriculture. All required landscape areas shall retain existing native trees, shrubs, ground cover, and grasses to the greatest extent possible. Existing trees and shrubs meeting the minimum standards of Section 701 may be counted towards fulfilling planting requirements. Native plant species typical to the vegetative communities found in non-coastal Manatee County shall be encouraged.

2. *Building Design.* Buildings shall be designed in accordance with the requirements in this section and any adopted Parrish Commercial Village Design Manual. The Board of County Commissioners may adopt by resolution a Parrish Commercial Village District Design Manual to clarify and illustrate the design alternatives of the PCV District. This PCV Design Manual may be amended from time-to-time by the Board of County Commissioners by Resolution. Amendments to the PCV Design Manual may be made to reflect the design concept of a particular project, provided that sufficient detail is provided to enable adequate review of the concept as applications are made.

a. *Architectural Styles.* The following architectural styles, which reflect the historic and rural characteristics of Parrish, shall be used in the Parrish Commercial Village District.

i. Cracker. Cracker is a traditional architecture typically found in the rural areas of Florida. Elements of the Cracker style include:

- Large open porches (Generally with a lower pitch than main roof)
- Simple trim - Corner boards, fascia boards, window and door surrounds
- Horizontal siding
- Large window openings
- Metal or flat shingle hip or gable roofs
- Shed dormers
- Cupolas or roof monitors (Preferably functional, rather than decorative)

ii. Folk Victorian. The Folk Victorian style combines simple building forms with the use of decorative detailing. Typical elements include:

- Porches with spindle work or jigsaw cut trim
- Horizontal or brick siding
- Architectural details along eaves and gable edges
- Steeply pitched hip or gable roofs
- Side or front gables
- Multiple cross gables
- Brackets under eaves

iii. Florida Ranch. The Florida Ranch style borrows elements from a variety of other architectural styles. In particular, it is heavily influenced by folk architectural styles such as Cracker combined with Colonial and Victorian styles but not Mediterranean or Spanish Colonial Revival. Elements reflective of this style may include:

- Low buildings
- Walls of brick, stucco, stone, or horizontal or vertical siding
- Simple trim and shutters
- Metal or flat shingled hip or gable roofs or flat roofs with parapets
- Wide overhanging eaves

b. *Roof Materials and Design.* Hip and gable roofs are preferred. Shed roofs are permitted. Flat roofs, with staggering heights, are permitted if the parapet wall fully screens all rooftop mechanical equipment, as viewed from adjacent properties. Mansard roofs shall not be used.

Standing seam metal or traditional shingle roofs are preferred within the Parrish Commercial Village Overlay District. Roofs may be clad with flat ceramic or cement tile with the appropriate style of architecture, but not barrel or ribbed tile.

c. *Massing.* Reducing the perceived mass of the building and creating interesting building design shall be achieved by application of two (2) or more of the following architectural features or treatments:

i. Canopy, awnings, or roofed promenade spanning a minimum of thirty-five (35) percent of the wall length. Minimum pedestrian clearance height within the first story walkway shall be twelve (12) feet;

ii. Horizontal shifts in walls equal to or greater than four feet with a shift or alteration in the roof design;

iii. Roofs that have a pitch of 4:12 or greater with multiple articulation.

iv. Vertical shifts of single run of ridge, cornice, or fascia that include a transition in height equal to or greater than four (4) feet; and

v. Cupolas or similar roofline features reflective of Cracker or Folk Victorian architecture.

d. *Additional Architectural Design Considerations.* Regardless of architectural style, the following principles shall be taken into consideration in reviewing building design:

i. Consideration shall be given to compatibility in style, materials, rooflines, colors, and other finishes with adjacent buildings that also meet the general site and building design criteria of these regulations.

ii. Materials on all façades (except windows) shall be limited to pre-cast concrete, decorative concrete block, stucco, quarried stone, cast stone, brick, wood, and wood-like materials.

iii. Building color shall be compatible with the neighborhood. Muted shades shall be used for the primary building façades and roof. Non-vibrant, richer or complementary, hues shall be used for architectural accents such as doors and shutters.

iv. Accessory uses shall match the principal building(s) in form, materials, color, and detailing.

v. Tenant-specific building styles or motifs that are inconsistent with the architectural style of the Parrish Commercial Village Overlay District are prohibited.

vi. Neon or tube lighting, exposed or concealed, shall not be used for architectural accent purposes, such as outlining architectural features.

vii. Awnings shall not be backlit or otherwise illuminated from behind unless the awning fabric is completely opaque.

viii. Any window glazing shall be clear or lightly tinted glass with a visible light transmittance factor of 0.6 or higher. The use of reflective, translucent, or mirrored windows is prohibited.

3. *Signs.*

a. *Prohibited Signs.* In addition to signs prohibited in Chapter 6, the following signs not representative of the character of the Parrish Commercial Village District are prohibited:

- Pole Signs
- Electronic Message Center Signs
- Neon signs, except for those designed within the overall allowable area for signage and occupying no more than four (4) square feet of sign area individually and a total of twelve (12) square feet cumulatively; neon may not be used for architectural accent purposes.
- Florescent Signs

b. *Ground Signs.* In addition to the standards provided in Chapter 6, ground signs shall be limited to a monument sign six (6) feet in height and no more than thirty-two (32) square feet.

A ground sign may be shared by multiple businesses located separately on individual lots or parcels. The shared ground sign may be located on the lot or parcel of any of the businesses in lieu of a ground sign on the lots of the other businesses sharing the sign. Shared signage shall be limited to a monument sign six (6) feet in height and no more than sixty (60) square feet.

The design of ground signs and their support structures shall be consistent with the style of the primary building onsite and use natural elements, such as stone, wood, or similar materials.

c. *Wall, Gallery, or Awning Signs.* Wall signs shall be limited to no more than thirty-two (32) square feet per façade and be limited to wall surfaces parallel to the roadway frontage and parking areas. Where two or more non-residential buildings are located on the subject property, wall signs shall not exceed twenty (20) square feet per building and up to sixty (60) square feet total.

Signs painted on, attached to, or otherwise permanently displayed on a canopy or awning shall be allowed, provided no such sign exceeds twenty (20) percent of the area of each awning or canopy (top plus all sides). Such signs shall count towards the maximum allowable wall signage for the building.

d. *Hanging Signs.* In addition to allowable wall and ground signs, buildings containing a porch, gallery, or promenade may erect one (1) hanging sign per covered building entrance. Hanging signs must not project beyond the footprint of the gallery, canopy, or awning and must be rigidly fixed (no swinging parts) to the underside of the structure. No individual hanging sign shall exceed six (6) square feet in area. Minimum pedestrian clearance of eight (8) feet shall be provided below the sign.

403.5. Historical and Archaeological Overlay District (HA).

A. Purpose and Intent. Within districts now existing or hereafter created, it is intended to establish. The HA District is intended to:

1. Effect and accomplish the protection, enhancement, perpetuation and use of structures, landscape features, archaeological resources, areas, neighborhoods, and scenic vistas which represent distinctive elements of the County's historical, cultural, archaeological, aesthetic and architectural heritage;
2. Safeguard the County's historical, cultural and aesthetic zones;
3. Foster civic pride in accomplishments of the past;
4. Protect and enhance the aesthetic and environmental character, diversity, and interest of neighborhoods;
5. Stabilize and improve property values in neighborhoods and in the County as a whole;
6. Protect and enhance the County's attraction to residents, tourists, and visitors and thereby serve as a support and stimulus to the economy;
7. Promote the use of historic resources for the education, pleasure and welfare of the people of Manatee

County;

8. Provide a means for determining historical and archaeological significance;
9. Provide a means for the Historic Preservation Board to recommend appropriate changes to historic landmarks and historical and archaeological overlay districts and to encourage historical and archaeological preservation;
10. Provide protections for historic landmarks and historical and archaeological overlay districts to ensure that Manatee County's heritage is preserved: and
11. Provide methods for designating historic landmarks and historical and archaeological districts.

B. Purposes of Regulation Relating to HA Districts. The purposes of regulations relating to HA Districts are to:

1. Prevent destruction of historic features and historic landmarks within HA Districts without due consideration for values represented therein or the possibility of preservation of such features for use in an economically productive way;
2. Assure that alterations to existing features and historic landmarks within HA Districts are compatible with the historic character of the HA District;
3. Assure that new structures, uses or landscape features within HA Districts or their visual environs will be compatible with the character of the HA District;
4. Promote the preservation of historic features and historic landmarks by providing for incentives such as, but not limited to, economically productive adaptive uses, transfer of development rights, floor area bonuses, and special regulations relating to parking, yards, and other elements of zoning authority.

C. Effect of HA District Designation. Such HA Districts and their designated transitional areas may either:

1. Supplant districts or portions of districts and the regulations applying therein at the time of creation of a particular HA District, or
2. Have the effect of modifying requirements, regulations, and procedures applying in existing districts or districts hereafter created, and remaining after HA Districts and their designated transitional areas are superimposed, to the extent indicated in the particular HA amendment.

D. Historic Preservation Board. The Historic Preservation Board as established under Section 303 of this Code shall carry out duties as assigned by this section.

E. Procedures for Designation and Adoption of HA Districts. All applications shall be reviewed individually as outlined in Section 303, on a case by case basis.

F. Criteria for Designation of HA Districts. To qualify as a historic site, historic district, or archaeological zone with an HA zoning classification, individual properties or groups of properties must have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the county, state, or nation; must possess integrity of design, setting, materials, workmanship, feeling, and association; and shall meet one (1) or more of the following criteria.

1. *Historical, Cultural Significance:*
   a. Is associated in a significant way with the life or activities of a major historic person important in the past;
   b. Is the location of a historic event with significant effect upon the community, county, state, or nation;
   c. Is associated in a significant way with a major historic event whether cultural, economic, military, social, or political;
   d. Is associated in a significant way with a part or continuing institution which has contributed substantially to the life of the county, or
   e. Exemplifies the historical, cultural, political, economic, or social trends of the community.
2. *Architectural Significance:*
   a. Portrays the environment in an era of history characterized by one (1) or more distinctive architectural styles;

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b. Embodies those distinguishing characteristics of an architectural style, or period, or method of construction;

c. Is an outstanding work of a prominent designer or builder; or

d. Contains elements of design, detail, materials, or craftsmanship of outstanding quality or which represent a significant innovation or adaptation to the Florida environment.

3. Aesthetic Significance:

a. By being part of or related to a subdivision, park, environmental feature, or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif;

b. Because of its prominence or spatial location, contrasts of siting, age, or scale, is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or the county; or

c. Has yielded, or may be likely to yield, information important in pre-history or history.

G. Procedures for Designation of HA Districts: Preparation of Recommendations for HA Rezoning. Properties which meet the criteria for historical and archaeological overlay districts set forth above shall be designated according to the following procedures:

1. Preservation proposals for designation of potential historic landmarks and historical and archaeological overlay districts shall be made to the Historic Preservation Board on forms provided by the Board. The Historic Preservation Board shall conduct a preliminary evaluation of the data provided in the proposal for conformance with criteria set forth above and may, if appropriate, direct the Department Director to prepare a preliminary designation report and resolution. The Historic Preservation Board shall require the party initiating such proposal to provide any necessary documentation, and to pay any applicable fees.

2. Preparation of historic landmark designation report. For every proposed designated historic landmark and historical and archaeological overlay districts a designation report shall be presented to the Historic Preservation Board at a regularly scheduled meeting.

3. The Historic Preservation Board upon approval, shall recommend Zoning Atlas Amendments to the Board for consideration subject to the requirements of Sections 303 and 342.

H. Description of Historical and Archaeological Overland Districts. The location and boundaries of the Historical and Archaeological Overlay Districts shall be as shown on the Official Zoning Atlas. The following general descriptions are of areas in the Historical and Archaeological Overlay District that have specific provisions relating to them in the Manatee County Comprehensive Plan.

1. The *Whitfield Estates Historical and Archaeological Overlay District* includes lands generally located south of Bowlees Creek, in Township 35, Range 17 and specifically delineated as an Historical and Archaeological Overlay District on the Official Zoning Atlas.

2. The *Cortez Fishing Village Historical and Archaeological Overlay District* includes lands generally located east of Anna Maria Sound, and north of Sarasota Bay in Township 33, Range 16 and specifically delineated as an Historical and Archaeological Overlay District on the Official Zoning Atlas.

3. The *Terra Ceia Historical and Archaeological Overlay District* includes lands generally located southwest of U.S. 19 in Township 33, Range 17 and specifically delineated as an Historical and Archaeological Overlay District on the Official Zoning Atlas.

I. Specific District Standards. The following standards shall apply in each historic district. Only districts for which specific standards have been developed are addressed in this section.

1. *Cortez Fishing Village Historical and Archaeological Overlay District.* The Cortez Fishing Village is established to preserve and protect the cultural heritage of the Cortez area, to recognize the continued use of the area by commercial fishing families, to encourage the preservation and reuse of existing contributing historic structures and low density non-historic structures and to preserve the historical physical character of the Village. All development requests shall be reviewed for consistency with the Cortez Design Guidelines, as incorporated in Chapter 9 of the Code.

a. *New Construction.* All new and re-construction development in Cortez shall be subject to the following

requirements:

i. Pervious parking surface shall be required for all new uses that require off-street parking as follows: Parking lots created or reconstructed after January 1, 2005 shall include no more than fifty (50) percent of the surface as impervious material. The remainder of the parking shall be pervious paver block, #57 rock, or some other pervious material as approved by the Department Director. In every case, however, handicap spaces and their access areas shall be paved in accordance with the requirements of this Code and the Public Works Manual.

ii. Sidewalks and curb and gutter will not be required along local streets within the boundaries of the overlay.

iii. Schools within the overlay district are not required to screen from adjacent residential properties.

iv. Should a maritime museum be developed within the overlay district, access shall be allowed via residential streets and parking aisles, which may be located within five (5) feet of property lines.

v. Docks shall be allowed as accessory uses on all waterfront properties in the LM zoning district of the Cortez Fishing Village HA Overlay District.

b. *Special Regulations for Residential Properties.* Residentially zoned and residentially developed lots in the Cortez Fishing Village Historical and Archaeological Overlay District, hereinafter referred to as Cortez or the Cortez Fishing HA Overlay District, shall be subject to the following special regulations:

i. *Exemptions.* Certain exemptions on residentially zoned and residentially used lands are made for Cortez to recognize the unique development patterns of Cortez and to allow the continuance of commercial fishing practices that have been characteristic of the area for over 110 years.

(a) Commercial fishing vessels may be parked in front and side yards of vessel owner's residential lot in conformance with the requirements of the Manatee County Property Maintenance Code.

(b) Storage of commercial fishing equipment in yards is allowed as provided in the Manatee County Property Maintenance Code.

(c) For the purposes of this Code, Cortez shall be treated as part of the Urban Core as identified in the Comprehensive Plan and those lots meeting the standards of this section shall have reduced side yard setbacks. Homes which would be considered legally non-conforming due to side yard setbacks may be renovated and expanded at existing side yard setbacks provided that the renovation, expansion or addition meets the standards of Sections 107.6.A and B.

ii. *Restrictions.* The following design standards shall apply to residentially zoned and residentially used lands to protect the existing neighborhood character within the Cortez Fishing Village Overlay District.

(a) New and relocated homes constructed in Cortez are prohibited from using fill to elevate except in cases where the existing grade of the lot on which the structure is to be built is below the grade of adjacent lots. If the existing lot is below the grade of adjacent lots, the lot may be filled to the average height of adjacent lots. Concrete slabs on the ground level shall be discouraged and pervious surface encouraged for all parking and driveways.

(b) New residential construction shall be limited in height to no more than twenty-four (24) feet over Flood Protection Elevation.

c. *Special Regulations for Commercial Properties.* Commercial properties within the Overlay along Cortez Road shall be subject to the following limitations.

i. Design of new and redeveloped commercial properties in the Cortez Fishing Village HA Overlay shall be in conformance with the Cortez Design Guidelines Manual and shall include:

(a) Properties shall be developed with no more than one aisle of parking between the building and the street. Parking shall be provided in the rear yard of commercial development that abuts Cortez Road.

(b) The street facade of new commercial structures facing Cortez Road shall be broken up to look like a series of smaller structures, rather than one long unbroken facade. Added elements such as porches and windows shall recall proportions found in other structures in Cortez.

(c) Front entrances shall be of pedestrian friendly scale and be visible from Cortez Road.

(d) New commercial construction shall be limited in height to no more than twenty-four (24) feet over Flood Protection Elevation.

ii. All commercial projects in Cortez shall meet the landscaping requirements found in Section 701.

d. *Special Regulations for Waterfront Properties.* For new development or redevelopment on the Cortez Waterfront each project shall consist of a mixture of uses and is subject to the following regulations:

i. Commercial fish houses are exempt from the twenty-five (25) feet waterfront yard setback.

ii. Development of the South Cortez waterfront, which includes all land contiguous to Sarasota Bay between 124th Street West and the east side of 119th Street West shall be limited to water-dependent uses and the following additional uses: Commercial fish houses; boat building and repair; aeration/shellfish aquaculture; marine research and development; low intensity recreation; maritime museums; restaurants; bed and breakfasts in existing homes, and residential development. Watercraft based hotels shall be prohibited.

iii. Development of the West Cortez waterfront, which includes all land contiguous to Sarasota Bay between the Cortez Bridge and the east side of the end of 125th Street West shall be limited to water-dependent uses and the following additional uses: Commercial fish houses; boat building and repair; aeration/shellfish aquaculture; marine research and development; low intensity recreation; maritime museums; restaurants; residential development as allowed by the LM Future Land Use Category; RV Parks; small tourist cottages, compatible in size, intensity, and density to current development and set back from the water.

iv. Marinas and other permitted uses within the Cortez Fishing Village HA Overlay shall be subject to other requirements of this Code and to the following limitations:

(a) Marinas shall be limited in size to no more than twenty-five (25) wet slips.

(b) Enclosed dry storage and elevated storage of multiple boats and watercraft shall not be allowed.

(c) Hotels, motels and other tourist-oriented uses will not be allowed

(d) Personal watercraft rentals, airboat rentals or other rentals or amusements that increase noise levels coming from the water will not be allowed.

(e) Public address systems, unless required by law, shall not be permitted on the South Cortez waterfront.

(f) Marinas shall participate in the Clean Marina Program.

(g) No marina activity shall significantly increase traffic by more than ten (10) percent of a base line traffic county (established in 2005) on residential streets in Cortez but shall attract trips from the water, rather than from streets.

(h) Hours of operation of the marina and accessory services of the marina shall be between sunrise and sunset unless otherwise approved, and shall respect the residential character of surrounding neighborhood,

(i) Privacy fencing and landscaping that block views of the water (or that negatively impact the open space character of Cortez) shall be prohibited. All fencing shall be shown on Preliminary and Final Site Plans for approval.

(j) New construction shall be limited in height to no more than twenty-four (24) feet over Flood Protection Elevation.

403.6. Historic Vista Protection Area Overlay.

A. Purpose and Intent.

1. To protect and perpetuate certain vistas for designated public places within the County in the interest of County, State, and National pride and the general welfare of the people.

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2. Preserving such vistas will protect and enhance the County's attraction to tourists and visitors and the overall visual quality of the County.
3. That those designated areas should be established by protecting such vistas from avoidable visual encroachment and physical obstruction.

B. Designated Areas.

1. 720.2.1. Those areas designated for historic vista protection area [are] as follows:
2. 1. Desoto National Memorial Park; and
3. Gamble Plantation State Historical Site.

An area constituting a five hundred (500) foot radius and semi-radius (Desoto Memorial) from the property lines of the designated sites above and any other viewshed directly associated with the purpose of designation. These viewsheds will be graphically delineated and on file.

C. Review.

1. All projects, including new construction, modification of existing structures, design changes and landscaping especially involving cutting of vegetation or other similar type activities, shall be reviewed and approved by the Historic Preservation Board, by Certificate of Appropriateness per Section 347 of this Code. The Board will coordinate with and consider the comments of agencies with jurisdiction over designated areas.
2. All projects located in historic viewsheds shall be reviewed for visual impacts. This review will include but will not be limited to:
   a. Height;
   b. Waterfront structures (length, location and height);
   c. Location;
   d. Design;
   e. Scale;
   f. Color; and
   g. Historic Compatibility.
3. Changeable copy signs required to be reviewed by the Board pursuant to Chapter 6, shall be reviewed based upon the above criteria, number 1 through 7.

D. Criteria for Designation of Historic Vista Protection Areas. To qualify as an Historic Vista Protection Area, the historical integrity of such historic resource under consideration must have the potential of being affected by development within the views of or by the historic resource.

E. Procedures for Designation of Historic Vista Protection Areas. Properties which meet the purpose and intent for Historic Vista Protection Areas set forth above may be designated according to the following procedures:

1. Preservation proposals for designation of potential Historic Vista Protection Areas shall be made to the Historic Preservation Board on forms provided by said Board. The Historic Preservation Board shall conduct a preliminary evaluation of the data provided in the proposal for conformance with criteria set forth above and may, if appropriate, direct the Department Director to prepare a preliminary designation report. The Historic Preservation Board shall require the party initiating such proposal to provide necessary documentation, and to pay any applicable fees.
2. Preparation of Historic Vista Protection Area designation report. For every proposed Historic Vista Protection Area, a designation report shall be presented to the Historic Preservation Board at a regularly scheduled meeting.
3. The Historic Preservation Board, upon approval, shall recommend a Land Development Code Text Amendment with appropriate notice, to the Planning Commission and Board for consideration subject to the requirements of Sections 303 and 341.

Figure 4 - 5: Desoto Memorial

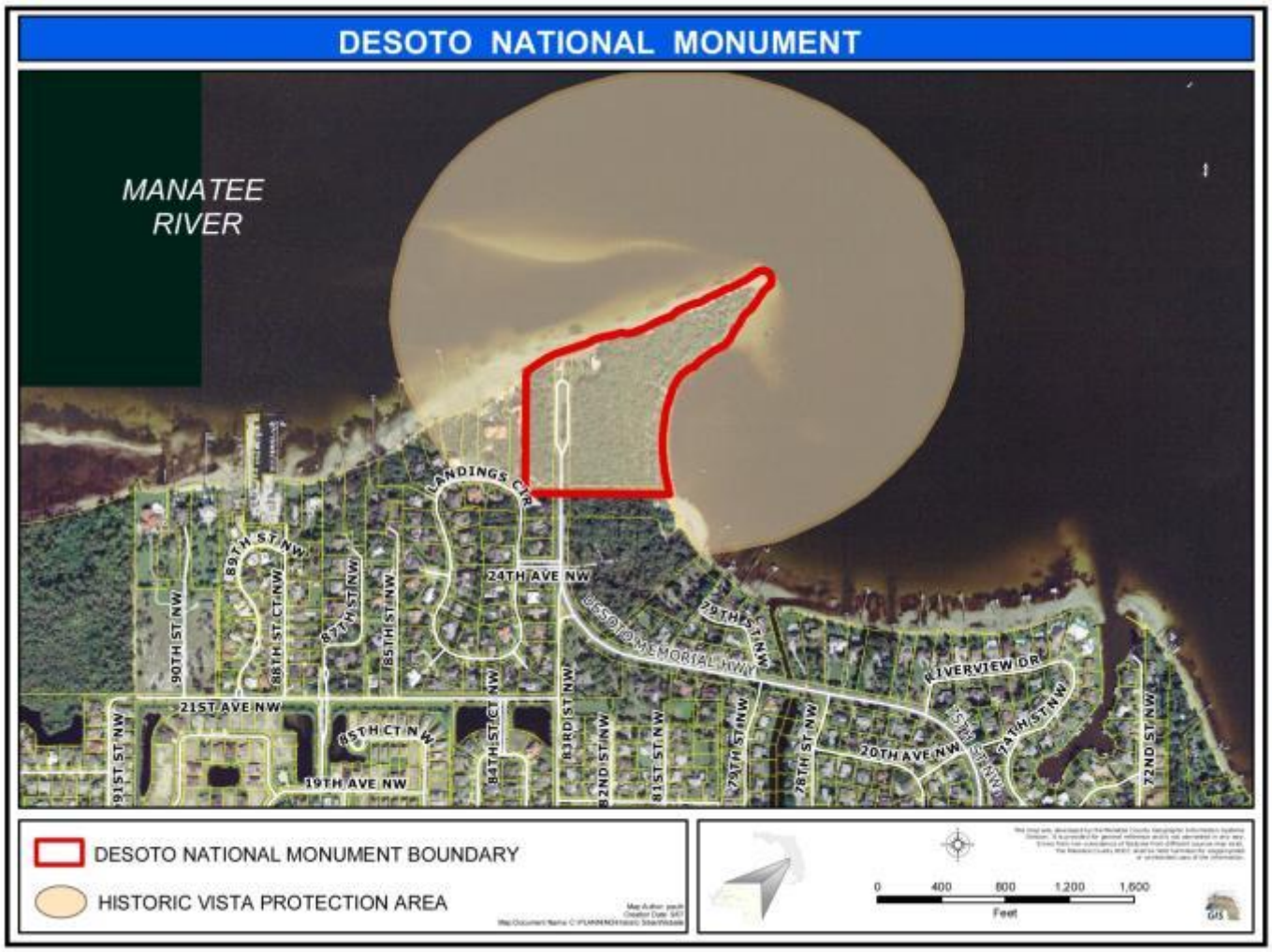

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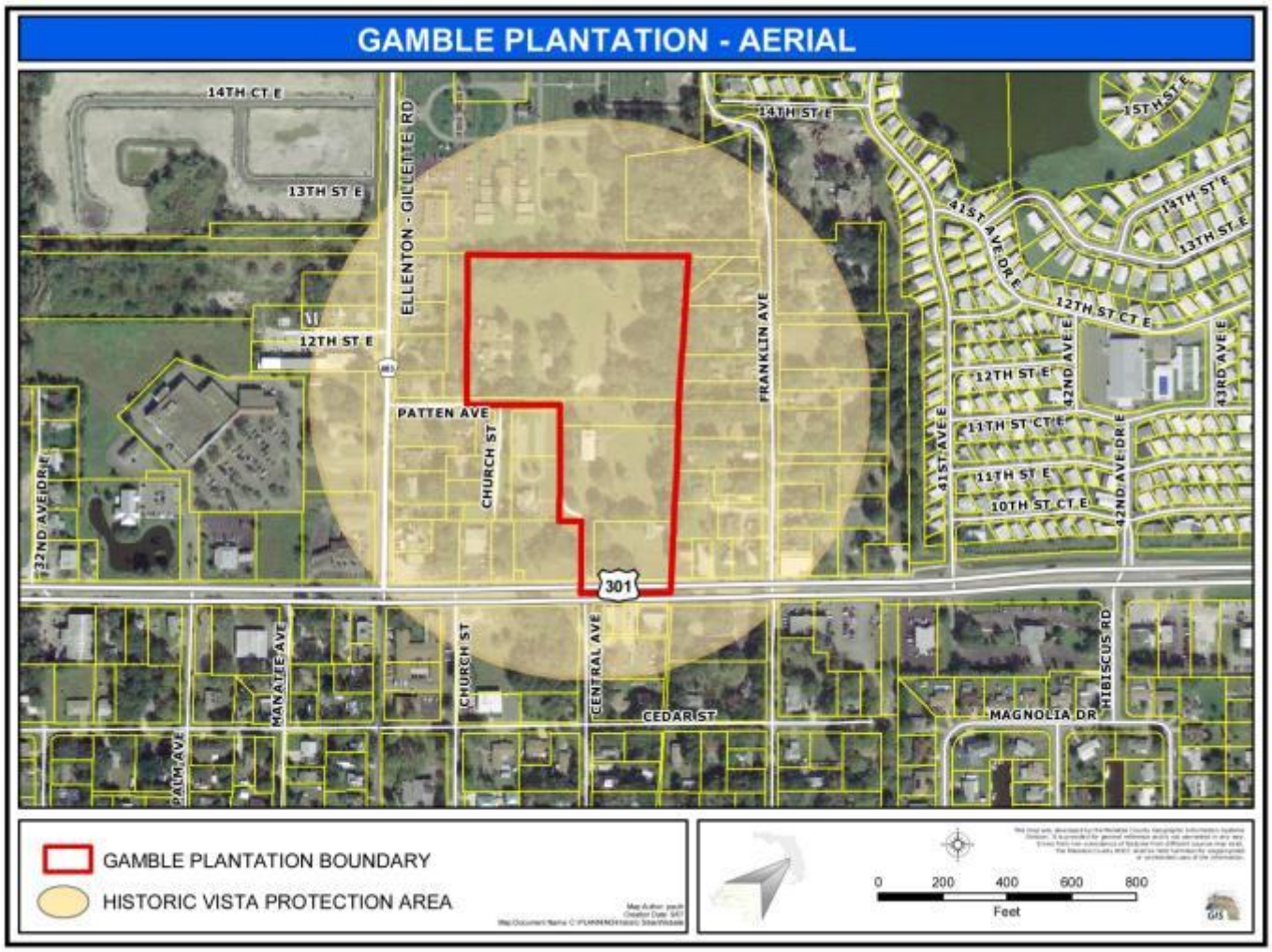
Figure 4 - 6: Gamble Mansion



403.7. Duplex Access Overlay District (DA).

A. Purpose and Intent. To increase opportunities for home ownership in areas which experience decline or are targeted for neighborhood improvement through the sale of duplexes to individuals as single family semi-detached units, the intent of this overlay district is to provide relaxed requirements regarding frontage and access limitations. Specifically, the purpose of this district is to allow an existing duplex, where the side of duplex faces the street, and therefore the rear unit does not have frontage on any street, to be split into two (2) single family semi-detached units, consistent with all provisions of the Code.

B. Boundaries. The Duplex Access Overlay District corresponds to the area outline in the Official Zoning Atlas.

C. Frontage and Access Requirements. The rear units of existing duplexes, where the side of the duplex faces the street (and therefore the rear unit does not have frontage on any street), which are split into two single family semi-detached lots, are excepted from the provisions of Section 401.3.B.4, Minimum Front Lot Line, and 1001.1.C.5.a, provided that:

1. The rear, semi-detached unit is granted a non-exclusive ingress/egress, utility and drainage easement from the attached lot which fronts on the street;
2. An appropriate party wall agreement is provided; and

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3. The common wall meets all Florida Building Code requirements.

If the parking for the rear lot is located on the front parcel, additionally, a parking easement shall be required to be granted to the rear lot.

403.8. Coastal High Hazard Area Overlay District (CH).

A. Purpose. It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to implement the goals, objectives and policies of the Comprehensive Plan CH Overlay and Coastal Management Element.

The approximate boundaries of the CH District are indicated on the Official Zoning Atlas Map. The extent and coverage of the area designated as a Coastal High Hazard Area is subject to a more precise determination for any project based on an evaluation of a predevelopment topographic survey of the site submitted to the Manatee County Department Director for review. Should such an evaluation of the topographic survey indicate that the extent of the CH District is somewhat different than what is indicated on the Official Zoning Atlas Map, the predevelopment topographic information will prevail without the property owner having to pursue an amendment to the Atlas Map.

B. Effect of Mapping/Approvals Required. All properties or portions of properties within the Coastal High Hazard Overlay District are subject to the standards and procedures outlined in this section and Section 802, Floodplain Management.

Any project requiring subdivision construction drawing approval which is at least partially within the Coastal High Hazard Overlay District shall be submitted for approval under the planned development review procedure, except for lands owned, leased or operated by the Manatee County Port Authority which is governed by the PDPM district.

For projects partially in the Coastal High Hazard Overlay District area, the standards of the district shall only apply within the confines of the district.

C. Prohibited Uses/Activities. The following uses are prohibited within the Coastal High Hazard Overlay District, regardless of the underlying zoning district.

1. New mobile home developments.
2. Acute care medical facilities.
3. Uses which generate, store, or dispose in excess of 45.4 lbs. of hazardous, or 0.45 lbs. of acutely hazardous waste materials per month. As used in this section, hazardous and acutely hazardous waste materials shall be defined as substances listed in 40 CFR 261 and adopted within Chapter 17-30, Florida Administrative Code, and Chapter 403.7, Florida Statutes.
4. New wastewater treatment plants that will adversely affect coastal receiving waters.
5. Non-water dependent development activities in submerged areas containing significant seagrass habitats except where necessary to facilitate the continuing use of existing channels, to correct environmental problems caused by limited tidal circulation or other deficiencies of the environmental system or in cases of overriding public interest as determined by the Board of County Commissioners.
6. Development which requires the issuance of a point source discharge permit for discharging into receiving waters which flow into a "prohibited" Department of Environmental Protection shellfish harvesting classification area, except where the "prohibited shellfish harvesting" classification is entirely due to potential for contamination by sewage effluent in areas receiving effluent discharge.
7. The dredging and filling of submerged lands, except for uses classified and prioritized as water-dependent. Dredging and filling for other uses may be considered upon a finding of overriding public interest by the Board. All dredge and fill activities within or adjacent to the Terra Ceia Aquatic Preserve shall be submitted to the Department of Environmental Protection for comments which shall be considered by the Board during project review. For those projects which require dredging or filling activities, an operational plan shall be prepared to prevent degradation of adjacent waters, and to assure placement of soil material on suitable upland areas.
8. The alteration of coastal wetlands except in instances of proposed water-dependent uses, or in cases of

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overriding public interest, such as natural resources restoration activities, the location of public access facilities for public recreational facilities. Any alteration shall be subject to mitigation criteria.

9. The removal or manmade alteration of sand dunes within the CH District is prohibited unless it can be shown that such removal or alteration would not increase potential flood damage, damage to plant life or increase soil erosion. Under no circumstances shall any use and/or development be permitted which adversely affects the capacity of the channels of any watercourse, drainage ditch and/or other drainage facility in the Coastal High Hazard Overlay District.

10. New asphalt processing and recovery plants and concrete processing and recovery plants shall be prohibited.

D. Limitations on Permitted Uses. The use of land shall be permitted in accordance with the provisions of the underlying district subject to the following additional restrictions on density and use:

1. All development approvals within the CH District shall be conditioned to require the removal of all nuisance exotic plant species.

2. Densities for single and multi-family boat docking facilities on lots created after the effective date of the Comprehensive Plan shall be limited to no more than one boat slip for every one hundred 100 feet of shoreline owned unless designated and used for "sailboat only." Property shall have a minimum of one hundred (100) feet along shoreline to receive dock approval. All sailboat only slips shall be clearly posted with a minimum of one (1), three (3) square foot weather resistant sign per slip.

3. Docking facilities in excess of twenty-five (25) slips shall have basins designated and posted as idle speed zones and access channels designated as slow speed zones.

4. The density and intensity of development in the CH district shall be governed by the policies of the Comprehensive Plan. As permitted by the Comprehensive Plan, clustering and transferring of density and intensity out of the CH district is encouraged.

E. Setback Requirements and Wetland Buffers.

1. *Minimum Setback.* Minimum setback lines within the Coastal High Hazard Area shall conform to both the Coastal Control Construction Line, where designated by the Department of Environmental Protection and the wetland buffer established in this subsection.

2. *Wetland Buffer Adjacent to Special Waters.* Wetland Buffer zones of fifty (50) feet shall be required from the post-development jurisdictional wetlands on the development sites within the Coastal High Hazard Area Overlay District which are adjacent to any Special Water as designated in accordance with Section 17-302.700 F.A.C. All lots meeting the Special Exception requirements of Section 103.2.A of this Code shall not be required to meet the wetland buffers of this section.

   Wetland Buffer zones for other waters shall be thirty (30) feet. Projects that have Special Exemption Status under Section 103.2 of this Code are exempted from this wetland buffer.

3. *Upland Preservation.* Land developments within the Coastal High Hazard Area shall preserve representative tracts of native upland vegetative communities.

   The size and type of tract to be preserved shall be determined after review of the site, the proposed use for the property, and the viability of preservation.

F. Application Submission Requirements. In addition to the materials required to be submitted with an application for planned development and floodplain management approval, the applicant shall submit the following.

1. Evaluation of the impact of the proposed development on hurricane shelter capacity and evacuation clearance times.

2. Description of special standards for the design and construction of all infrastructure associated with the project intended to minimize risks of damage to such infrastructure, where increased risks of damage due to coastal flooding or wave action can be reasonably anticipated.

3. A preliminary wetland survey.

   a. A signed and sealed survey or a delineation performed by a professional qualified for this purpose shall be provided with Development Concept Plan, preliminary subdivision plan, or site development plan,

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whichever occurs first.

b. Upland Community Identification. Prior to approval of Development Concept plan or preliminary subdivision plat the applicant shall identify native upland communities located within project boundaries.

c. Upland preservation. Based upon Development Concept plan or preliminary subdivision plat, fifty (50) percent of the required minimum open space exclusive of areas used for surface water retention/detention shall be retained in the natural vegetation of native upland communities including understory vegetation. If the native upland community areas are less than fifty (50) percent of the required minimum open space exclusive of surface water retention/detention areas, then all of the vegetation shall be retained.

4. The location of any existing seagrass habitat contained within the proposed development site or within fifty feet of the development site boundaries.

5. The location, size and type of native upland vegetative communities found on the development site.

6. The general location of all identified historical resources shown on an appropriate site map including information regarding evidence of on-site historical resources. Site Development plans must show all identified historical resources within the project boundaries and include a plan to ensure the continued protection of such resources and/or provide for the mitigation of adverse impacts upon them.

7. Other documents, as determined by the Department Director, that are necessary to establish that the performance standards for projects within the Coastal High Hazard Area Overlay District are met.

G. Review Criteria. Applications will be reviewed for compliance with the Floodplain Management Section 802 and other applicable flood control regulations. Development orders for projects located within the Coastal High Hazard Area Overlay District shall not be approved unless the following standards are met:

1. The project minimizes the disturbance of natural shoreline resources that provide shoreline stabilization and protect landward areas from the effects of storm events.

2. The proposed development will not adversely affect existing seagrass habitats.

3. A Hurricane Evacuation Plan has been prepared in accordance with the requirements of the Division of Emergency Management.

4. The project conforms to adopted standards for available hurricane shelter capacity and evacuation clearance times.

5. Provision has been made for the use of special assessments within the CH District to recoup expenditures for repair of storm related damage to public and private infrastructure within a reasonable time.

6. Provision has been made for notification to prospective residents and businesses that specific standard and additional costs may be associated with the development project. This notification shall be recorded to run with the land.

7. Provision has been made for the preservation of a representative area of predevelopment natural vegetative communities.

8. Developments which will discharge into receiving waters flowing into a "Conditionally Approved" or "Approved" DEP Shellfish Harvesting Area have demonstrated that water quality non-degradation for all applicable parameters will be met. Non-degradation will be assumed when compliance with State Outstanding Florida Water criteria is achieved.

9. Developments adjacent to the boundaries of the Terra Ceia Aquatic Preserve will not result in significant degradation of water quality, shoreline, or estuarine habitat that is either attributable to the development alone or in combination with other developments.

10. The cumulative effect of the proposed development and existing development will not have a significant impact on adjacent natural resource reservation areas.

11. Provision has been made for the protection of identified historic resources and/or for the mitigation of impacts upon such resources.

H. Reconstruction of Structures. When any habitable structure sustains substantial damage due to a natural

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disaster, the habitable structure shall be relocated to a new location that is outside of the Coastal High Hazard Overlay District provided that sufficient land is available on the subject parcel for such relocation.

I. Warning and Disclaimer of Liability. The degree of protection required in this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. This section does not imply that land outside the CH District will be free from flooding or flood damages. This section shall not create liability on the part of Manatee County or any officer or employee thereof from damages that result from reliance on this section or any administrative decision made thereunder.

J. Cumulative Impacts. All applications within five hundred (500) feet of natural resource reservation areas as defined in the Comprehensive Plan shall be analyzed for the following:

1. The density/intensity of existing or planned development adjacent to the natural resource area.
2. Direct or indirect impacts from existing adjacent development upon the natural resource area.
3. Estimation of direct or indirect impacts which may result from the proposed application.
4. Compatibility of proposed application to any management plan for the affected natural resource area and to other aspects of the Manatee County Comprehensive Plan.
5. The extent to which mitigation measures may compensate for adverse impacts from the proposed application.

K. Development adjacent to Terra Ceia Aquatic Preserve. In addition to the requirements of subsection J above, all proposed development applications within five hundred (500) feet of the Terra Ceia Aquatic Preserve boundary shall be reviewed by the Florida Department of Environmental Protection and Manatee County Pollution Control Unit for the following aspects:

1. Consistency with the objectives of the Terra Ceia Aquatic Preserve Management Plan.
2. The extent to which hydrologic and biologic functions would adversely impact the quality or utility of the preserve.
3. Existing water quality with respect to Class II and/or Outstanding Florida Waters (OFW) criteria.
4. Predicted effect from proposed development application upon Class II and/or OFW criteria for affected areas within the Terra Ceia Aquatic Preserve.
5. Applicant shall be required to conduct surface water quality monitoring program approved by Manatee County Pollution Control Unit, and submit annual reports to the Department Director beginning at the time of Building Permit issuance.

403.9. Special Treatment Overlay District (ST).

A. Purpose and Intent. The Special Treatment Overlay District is established to: (1) provide additional protection for specific areas of, or resources in, the County that are especially sensitive to or subject to damage by industrial, mining and major earthmoving activities; (2) provide procedures whereby Best Possible Technology designed to protect the public health, safety and welfare can be established; (3) permit all beneficial uses of such lands consistent with standards and objectives of underlying or otherwise applicable zoning; and (4) otherwise implement the stated purpose and intent of this Code. This district shall be applied and operate in conjunction with any other zoning district in which such lands are classified, and that such lands may be used as permitted by such other zoning districts except as limited or qualified by the requirements of such districts or of the Special Treatment Overlay District.

B. Definitions.

Industrial Use. The industrial land uses identified allowed in the LM and HM zoning districts.

Major Earthmoving. Major earthmoving as defined in this Code.

Mining Activities. All functions, work, facilities, and activities in connection with the development, extraction, drying, transporting or processing of mineral deposits and all uses reasonably incidental thereto. The definition of mining activities also includes reclamation of lands disturbed by oil, natural gas, or mineral extraction operations incidental thereto.

Best Possible Technology. The most advanced technology which provides the maximum protection possible for

the public health, safety, and welfare and which minimizes to the greatest degree possible any adverse impacts from industrial uses, mining activities or major earthmoving activities, in the Special Treatment Overlay District. Best Possible Technology may include, but is not limited to: innovative reclamation techniques, augmentation of public water supplies that could be adversely affected by mining activities; construction of secondary containment structures or other measures to ensure against catastrophic failure of primary containment structures; construction of below grade clay settling ponds; elimination of mine site rock dryers; and zero point discharge; provided however, such requirements shall not be applied if the applicant demonstrates that they are technologically infeasible. In ascertaining the Best Possible Technology, economic disadvantages shall only be considered relevant when analyzed in relation to other applicants conducting industrial uses, mining activities, or major earthmoving activities authorized after the effective date of this amendment in other areas designated for Special Treatment.

C. Exemptions. All agricultural activities and earthmoving operations accessory to these activities are expressly exempted from the requirements of this Overlay District.

D. Considerations in the Review of Atlas Amendments. In addition to the provisions in Section 342 of this Code, the following factors shall be considered as part of the review of proposed designation of lands as a Special Treatment Overlay District:

1. The environmental characteristics in an area which require special treatment to protect them from adverse impacts of industrial, mining or major earthmoving activities;
2. Archaeological or historic characteristics in an area which require special treatment to protect them from the adverse impacts of industrial, mining or major earthmoving activities;
3. Important public facilities or resources and their location and proximity to proposed industrial, mining, or major earthmoving activities;
4. The cumulative impacts of industrial, mining and major earthmoving activities which can reasonably be expected to occur in an area; and
5. The impact of industrial, mining, or major earthmoving activities in a particular area on the public health, safety, or welfare.

E. Use Regulations. Specific uses may be permitted in this district as allowed by otherwise applicable zoning requirements or districts in which the particular land has also been classified, subject to the following use limitations:

1. *Restrictions on Industrial, Mining and Major Earthmoving Activities.* The designation of a Special Treatment Overlay District by the Board shall create a rebuttable presumption against industrial, mining and major earthmoving uses within such district. However, nothing in this section should be construed to bar the Board, upon the required showing, from authorizing such uses or from issuing approvals or permits in an area so designated.
2. *Conditions for Approval of Industrial, Mining and Major Earthmoving Activities.* An applicant seeking to initiate industrial, mining or major earthmoving activities in a Special Treatment Overlay District may rebut the presumption against such uses by affirmatively demonstrating that the applicant will employ Best Possible Technology and that such uses will not otherwise be contrary to the public health, safety, and welfare. Submission of information in accordance with Section 322.1, Application Requirements; (2) major earthmoving at the time of application in accordance with Section 702; and/or (3) extraction at the time of application for Master Mining Plan in accordance with the Manatee County Phosphate Mining Code (Chapter 220, Code of Ordinances). Whether such presumption has been rebutted shall be determined by the Board after notice and hearing in accordance with this Code.
3. *Determination of Best Possible Technology*.
   a. An applicant seeking to establish the Best Possible Technology for industrial, mining, or major earthmoving activities in a Special Treatment Overlay District, shall provide the Director with the following information in addition to any other information deemed relevant by the applicant, or otherwise required under this Code:
      i. A description of the technologies being used or proposed for similar industrial, mining, or major earthmoving activities;

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ii. Review of current literature relating to technologies being used or proposed for similar industrial, mining, or major earthmoving activities;

iii. The applicant's proposed determination of the Best Possible Technology achievable for the applicant's activities in the Special Treatment Overlay District; and

iv. The technical basis for determining the applicant's proposed Best Possible Technology, considering each of the potentially applicable technologies including the factual bases for determinations regarding technological feasibility.

b. Following receipt of all required information, the Board shall determine the Best Possible Technology. In making the Best Possible Technology determination, the Board shall consider:

i. The specific factors herein enumerated in this section;

ii. All information submitted by the applicant;

iii. All scientific, engineering, and technical materials; standards, guidelines, and requirements of other information available to the Board;

iv. The archaeological, environmental, and economic impact of the proposed activities on the public health, safety and welfare; and

v. Economic disadvantages shall only be considered relevant when analyzed in relation to other activities, or major earthmoving activities authorized after the effective date of this amendment in other areas designated for Special Treatment.

F. Effect on Other Laws. The requirements of the Special Treatment Overlay District are intended to be minimums and shall not abrogate, repeal, or adversely affect the requirements of other applicable federal, state or county laws, or county zoning requirements.

403.10. Watershed Protection Overlay Districts (WP).

A. Purpose and Intent. The WP Overlay District is established to:

1. Protect the quality and quantity of potential and existing potable water supplies within public surface water reservoirs and their watersheds within the unincorporated area of the County;
2. Provide performance standards and best management practices designed to achieve such water quality and quantity protection;
3. Permit the beneficial use of such lands consistent with such standards, practices, and objectives;
4. Provide additional protection for specific areas of, or resources in, the County that are especially sensitive to or subject to damage by industrial mining, and major earthmoving activities;
5. Provide procedures whereby Best Possible Technology designed to protect the public health, safety and welfare can be established; and
6. Otherwise implement the stated purpose and intent of this Code.

It is further intended that this district shall be applied and operate in conjunction with any other zoning district in which such lands are or may hereafter be classified, and that such lands may be used as permitted by such other zoning districts except as limited or qualified by the requirements of the WP District regulations set forth below.

Should an evaluation of a topographical survey submitted by the applicant indicate that the extent of the watershed (WPE, WPM) district is somewhat different than what is indicated on the Official Zoning Atlas Map, the predevelopment topographic information will prevail without the property owner having to pursue an amendment to the Atlas Map.

B. Designated Watershed Overlay Districts. The following have been designated as WP Overlay Districts and are depicted on the Official Zoning Atlas:

- Evers Reservoir Watershed Protection Overlay Districts (WPE); and
- Lake Manatee Reservoir Watershed Protection Overlay District (WPM).

C. Use Limitations and Standard. Specific uses may be permitted in this district as allowed by the underlying zoning district in which the particular land has been classified, subject to the following requirements; provided, however, that lands with stormwater runoff not discharging either directly or indirectly through surface watercourses of the surficial aquifer leading to said reservoirs, and which do not have the potential for such discharge during a twenty-five (25) year storm through failure of natural or artificial control structures or systems, shall be exempted.

1. *Agricultural Uses:* All agricultural uses in the WP-E or WP-M overlay districts shall require Development Review Committee review and approval regardless of the underlying zoning classification.

2. *Public Sewer Required (WPE only).* Any project within the WPE district which generates wastewater shall use the Manatee County public sanitary sewer system, unless one of the following are applicable:

   a. The proposed project is located entirely within the Agricultural/Rural (AG/R) category on the Future Land Use Map;

   b. The proposed use consists of a single family dwelling unit 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; or

   c. The proposed project is to be developed without generating a requirement for either subdivision review, or site development or development plan review.

3. *Septic Tanks and Drainfields.* The isolated single family dwellings which are permitted septic tanks shall meet the following requirements:

   a. All new septic tanks and drainfields shall be located a minimum distance of two hundred (200) feet from the Ordinary High Water Mark (OHWM) of all surface water bodies that directly or indirectly discharge into a reservoir or surface water tributaries thereof and a minimum of five hundred (500) feet from the OHWM or a minimum of fifty (50) feet from the tributary stream valley, whichever is greater, in areas with an average depth to water table less than three (3) feet in September; and

   b. All new septic tanks and associated drainfields shall be located no closer than two hundred (200) feet to any DEP jurisdictional wetland, including inflowing watercourses. All new septic tank drainfields shall be elevated no less than thirty-six (36) inches above the seasonal high water table.

4. *Stormwater Management.* Stormwater management shall comply with Section 801.

5. *Stormwater Runoff (WPM only).* Stormwater runoff from a site shall not cause the receiving body of water to violate applicable Federal, State and local water quality standards. Developers may meet this requirement by appropriate analyses of their proposed stormwater management systems, by compliance with best management practices for stormwater runoff in the WPM District as established in the Manatee County Development Standards, or as otherwise approved by the Department consistent with the Manatee County Comprehensive Plan. Refer to Section 801, Stormwater Management, for specific performance standards.

6. *Restrictions on Industrial, Mining and Major Earthmoving Activities.* The designation of a Watershed Protection Overlay District by the Board shall create a rebuttable presumption against industrial, mining and major earthmoving uses within such district.

   However, no application for development approval shall be approved for any mining, major earthmoving, or minor earthmoving activity which would violate applicable Federal, State and local discharge standards, including Section 801 and 706, or cause the receiving body of water to exceed applicable water quality standards.

   a. Conditions for Approval of Industrial, Mining and Major Earthmoving Activities. An applicant seeking to initiate industrial, mining or major earthmoving activities in a Special Treatment Overlay District may rebut the presumption against such uses by affirmatively demonstrating that the applicant will employ Best Possible Technology and that such uses will not otherwise be contrary to the public health, safety, and welfare. Submission of information in accordance with Section 322.1, Application Requirements; major earthmoving at the time of application in accordance with Section 316, and/or extraction at the time of application for Master Mining Plan in accordance with the Manatee County Phosphate Mining Code (Chapter 220, Code of Ordinances). Whether such presumption has been rebutted shall be determined by the Board after notice and hearing in accordance with f this Code.

b. Determination of Best Possible Technology. An applicant seeking to establish the Best Possible Technology for industrial, mining, or major earthmoving activities in the WP District, shall provide the Director with the following information in addition to any other information deemed relevant by the applicant, or otherwise required under this Code:

i. A description of the technologies being used or proposed for similar industrial, mining, or major earthmoving activities;

ii. Review of current literature relating to technologies being used or proposed for similar industrial, mining, or major earthmoving activities;

iii. The applicant's proposed determination of the Best Possible Technology achievable for the applicant's activities in the Special Treatment Overlay District; and

iv. The technical basis for determining the applicant's proposed Best Possible Technology, considering each of the potentially applicable technologies including the factual basis for determinations regarding technological feasibility.

c. Following receipt of all required information, the Board shall determine the Best Possible Technology. In making the Best Possible Technology determination, the Board shall consider:

i. The specific factors herein enumerated in Section 342.3 of this Code, "Review Criteria for Zoning Map Amendments," above;

ii. All information submitted by the applicant;

iii. All scientific, engineering, and technical materials; standards, guidelines, and requirements of other information available to the Board; and

iv. The archaeological, environmental, and economic impact of the proposed activities on the public health, safety, and welfare.

7. *Industrial Waste.* Non-residential/non-agricultural development which requires a Chapter 17-4 Florida Administrative Code construction or operating permit for industrial waste treatment shall demonstrate that there will be no water quality degradation or adverse water quantity impact.

8. *Hazardous Waste*.

a. No agricultural or land development activities shall dispose or store hazardous materials in excess of two hundred twenty (220) pounds or acutely hazardous material in excess of 2.2 pounds per month. This does not apply to the application of herbicides or pesticides to agricultural lands in a manner consistent with applicable regulations and storage required preceding such application.

b. No storage area for hazardous or acutely hazardous material may be located within the One Hundred (100) Year Floodplain of any inflowing watercourse or within two hundred (200) feet of the Department of Environmental Protection jurisdictional line of any inflowing watercourses, whichever is greater.

c. All applications for site plan approval shall show the location and quantity of all proposed storage areas for hazardous or acutely hazardous material.

d. All storage of hazardous material by new development shall be kept in non-discharge storage facilities as may be required by Section 702.2.

9. *Nonpoint Sources.* No application for development approval shall be granted where any nonpoint sources, including stormwater runoff from lands during or after mining or reclamation, will cause the receiving waterbody to violate applicable Federal, State and local water quality standards. In connection with such approvals, the Department Director may consider and require establishment and maintenance of filter strips, field borders, and other management practices.

10. *Landfills and Wastewater Treatment.* New sanitary landfills and wastewater treatment plants require a finding of overriding public interest from the Board.

11. *Treated Effluent and Sludge.* Disposal of treated effluent from a public wastewater plant or the disposal of any sludge is prohibited; however, beneficial reuse of reclaimed water from any public wastewater treatment plant shall be allowed in the WPE District as follows:

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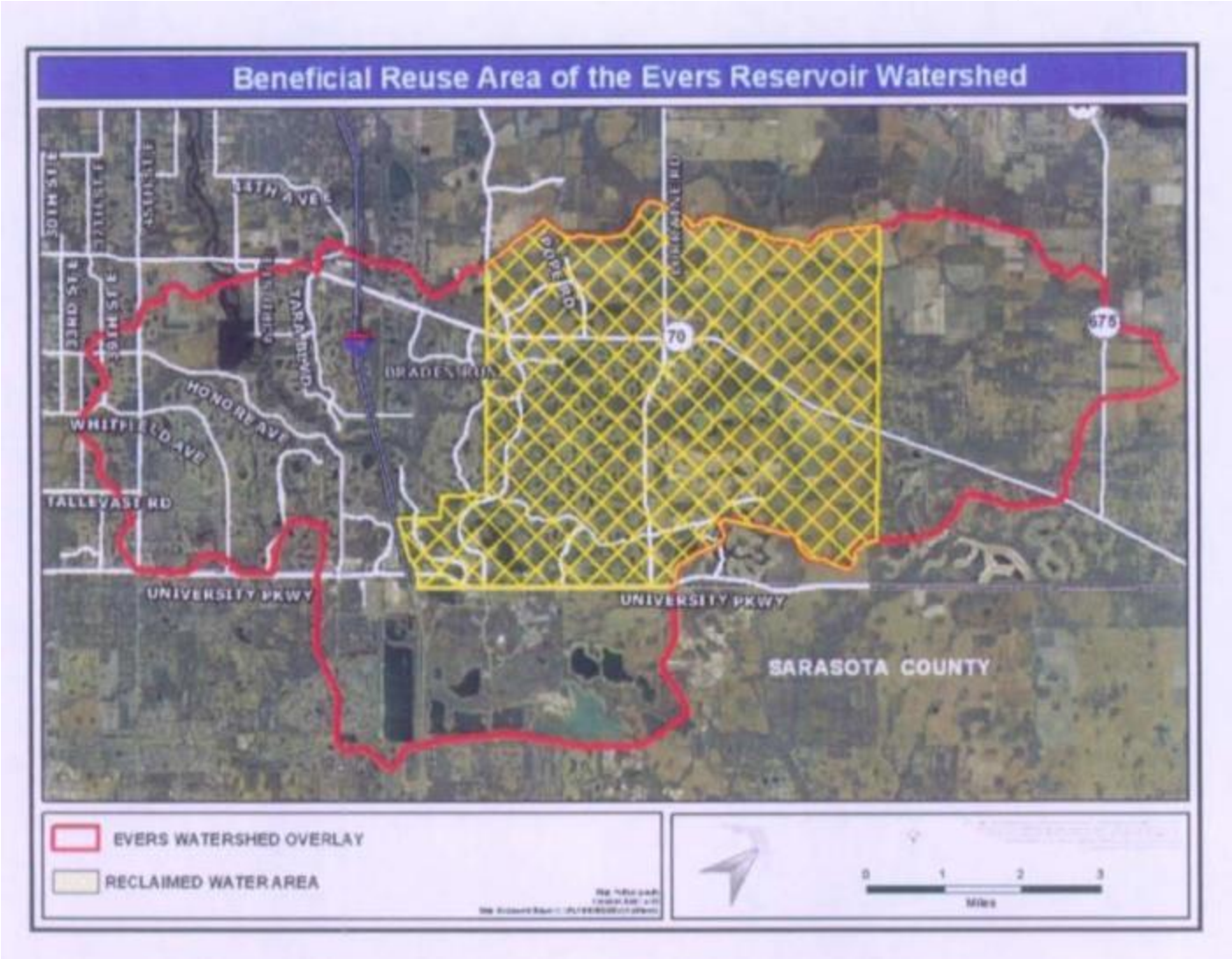
a. Such beneficial reuse of reclaimed water shall be limited to public wastewater treatment plants that attain Advanced Wastewater Treatment (AWT) Standards as defined in Section 403.086 Florida Statutes (or successor Statute), and that provide reclaimed water pursuant to Chapter 62-610 Part III, Florida Administrative Code (or successor Rule);

b. Such beneficial reuse of reclaimed water shall be limited to the portion of the WPE District as generally depicted on Map 4-2 entitled "BENEFICIAL REUSE AREA OF THE EVERS RESERVOIR WATERSHED"; and

c. Such beneficial reuse of reclaimed water shall be accomplished pursuant to a surface water monitoring program approved pursuant to an interlocal agreement entered into between the County and the public entity proposing such beneficial reuse.

Map 4 - 2: Beneficial Reuse Area of the Evers Reservoir Watershed.



12. *Impervious Surface Reduction.* All applications for plan approval shall indicate the general location, maximum density/intensity, maximum percentage of impervious surface and type of land use for each portion of the site. Maximum effort shall be made by the developer to minimize impervious surfaces within the WP district. Included with each application shall be specifications of the measures being used to limit the amount of impervious surface that is directly connected to any drainage facility discharging into any inflowing

watercourse.

13. *Aviation Facilities.* General and commercial aviation facilities shall be permitted only when a finding of overriding public interest has been made by the Board.

14. *Feedlots.* New confined feedlot operations shall be prohibited.

15. *Watershed Acreage/Open Space.* New residential projects shall have thirty-five (35) percent landscaping/open space, and new non-residential projects shall have thirty (30) percent landscaping/open spaces, subject to the limitations of the planned development districts. All such open space shall be improved and maintained by the developer/homeowner's association.

16. *Asphalt and Concrete Plants and Recovery Facilities.* New asphalt processing and recovery plants and concrete processing and recovery plants shall be prohibited.

17. *Recreational Uses.* Limit recreational uses in the WP Overlay District as provided for in Section 531.40, Low, Medium and High Intensity Recreational Uses.

18. *Clay Settling Ponds.* Use of any clay settling ponds within the WP watershed is prohibited.

D. Effect on Other Law. The requirements of the WP 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.

403.11. Peace River Watershed Protection Overlay District (WPR).

(RESERVED)

403.12. North Central Overlay District (NC).

A. Purpose and Intent. It is the purpose of this section to promote development within the North Central Overlay District which will be harmonious with the existing community and in accord with the vision of the community for its future. This purpose includes:

1. Preserving the look and feel of the North Central area which has been described by the community as "green," "open," "quiet," "natural," and "agricultural" as the community transitions in the manner anticipated by the Comprehensive Plan.

2. Striving for development that is visually attractive, compatible with the existing rural components of the community, harmonious with a small town atmosphere and the residential character of the area and respectful of the natural environment;

3. Utilizing characteristics of the existing landscape in the area such as clusters of native trees and vegetative screening to soften the appearance of new development;

4. Promoting the incremental development of a multi-use trail network connecting neighborhoods, parks, schools, shopping, and other community focal points by providing development incentives; and

5. Providing for safe and convenient pedestrian circulation and provide standards for building placement that will aid in enhancing the pedestrian qualities of development.

B. Applicability. The provisions of this section are intended to supplement the regulations in this Code. In the event of a conflict between other provisions of the Code and this section, the more restrictive of the provisions shall prevail unless where specifically provided otherwise. The provisions of this section shall apply to:

1. The geographic area outlined in the Official Zoning Atlas; and

2. Development and Substantial Improvement, as defined in this Code.

Nothing shall prevent a property owner from requesting Specific Approval, in accordance with Section 402.4, to provide an alternative to the requirements of this section.

It is recognized that there may be circumstances where property configuration prohibits complete compliance with these requirements. Additionally, it is recognized that dedications to the public may place constraints upon projects in the planning process at the time of adoption of this ordinance. These may be reasons for granting Specific Approval.

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C. Exemptions. The following uses are exempt from the standards of the North Central Overlay District:

1. Houses of Worship.
2. Public and private schools.
3. Single family detached residences on existing lots of record.
4. Single family detached residences zoned A or A-1.
5. Agricultural uses.

D. Landscape Planting Design.

1. *Purpose.* The purpose of this section is to preserve the visual characteristics of the natural environment in the North Central Overlay District Area through the use of a diversity of native and naturalized (a non-native plant that is acclimated to this environment) plant species and informal plant arrangement in required landscape areas, and to provide physical and visual separation between neighboring developments and between developments and Major Thoroughfare Roads.
2. *Exemptions.* The following are exempt from the standards in this section:
   a. Development that does not require Site Development Plan or Final Plat approval.
   b. Proposed development that has obtained Development Concept Plan or Plat approval prior to April 15, 2005.
   c. Historic sites or districts as designated by federal, state, or county governments.
   d. Sites used primarily for agricultural purposes.
   e. Development within the Area shown on Map 4 - 3: Village of Parrish.
   f. Landscaping in accordance with the North Central Overlay Planting Manual. The North Central Overlay Planting Manual shall be adopted by the Board of County Commissioners by Resolution and may be amended by the Board from time to time by Resolution. The purpose of the manual is to offer landscape alternatives which will achieve the desired results for the North Central Overlay and which will eliminate the uncertainty to developers of proposing an alternative through the Specific Approval process.

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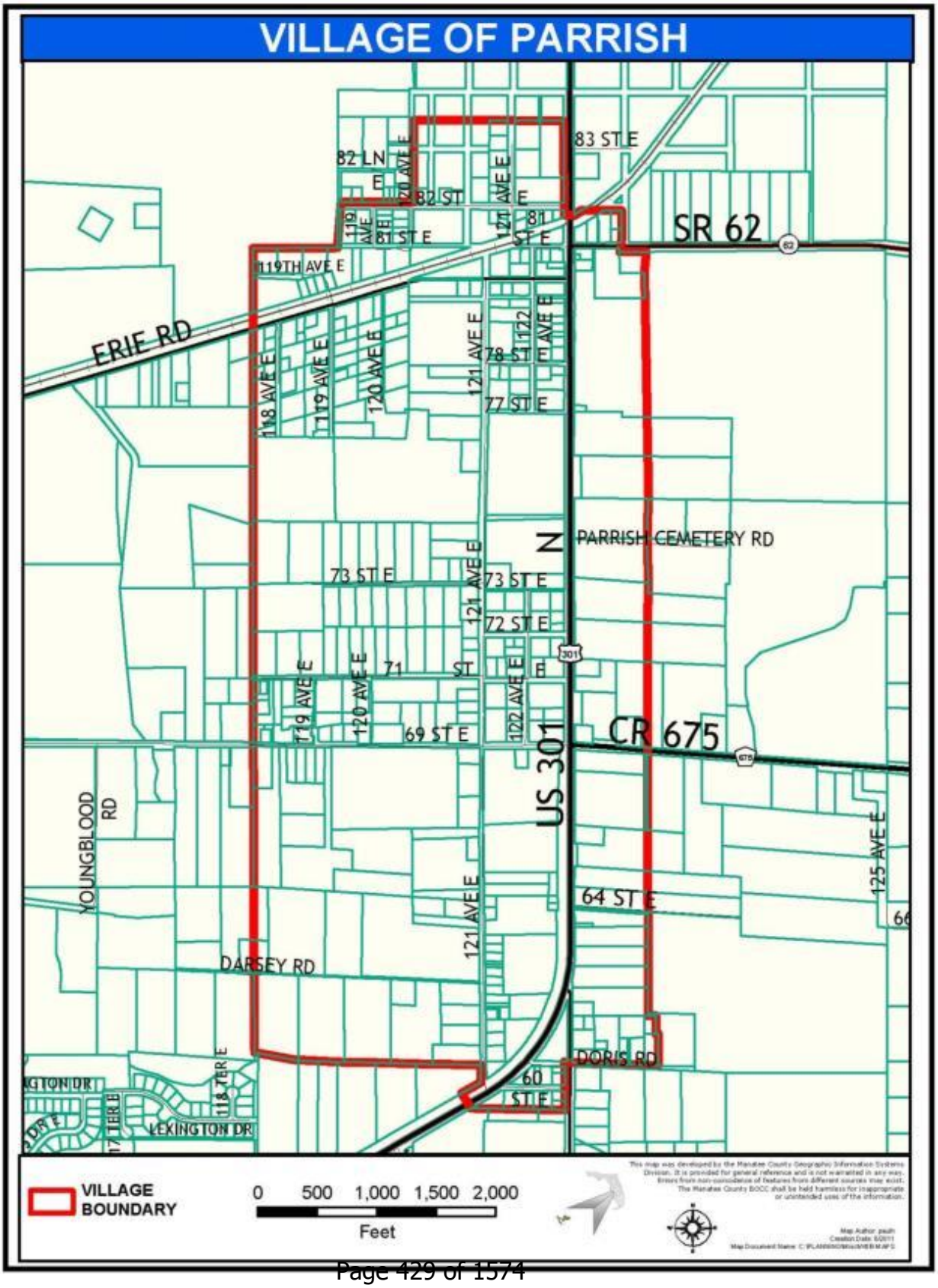
Map 4 - 3: Village of Parrish



3. *Design Standards*. Required landscaping in the North Central Overlay District shall conform to the following standards:

   a. Landscaping shall conform to the requirements of Section 701, Landscape and Screening Standards, and applicable development approvals unless otherwise provided for in this section.

   b. Plantings in required landscape areas shall be with plant species that are native and/or naturalized to Florida. All required landscape areas shall retain existing native trees, shrubs, ground cover, and grasses to the greatest extent possible. Existing trees and shrubs meeting the minimum standards of Section 701 may be counted towards fulfilling planting requirements.

   c. In addition to prohibited plant species listed in Section 701.4.D, the following coastal plant species shall not be planted in required landscape areas: beach sunflower; buttonwood; seagrape; and sea oxide daisy.

   d. Native plant species typical to the vegetative communities found in non-coastal Manatee County shall be encouraged.

   e. For landscape buffers in excess of 1,000 feet total for the entire project, a minimum of three (3) different species for each plant category (e.g., canopy tree, understory tree, and shrub) shall be planted within required landscape areas. When palm trees are used as canopy trees, a minimum of two (2) palms in a grouping will serve as the equivalent of one (1) canopy tree pursuant to Section 701. Use of palms as canopy trees shall be subject to limitations on total percentage of palms in Sec. 701. Additionally, if palms are used as canopy trees opacity requirements still apply.

   f. Intermittent contouring of soil to achieve a natural appearance and to facilitate drainage and air flow in roadway and greenbelt buffers is permitted provided contouring is designed in accordance with (1) - (4) below. Contouring shall not be located in areas that would potentially affect the viability of protected trees or required vegetation. Opacity shall not be the primary purpose of contouring. Any opacity achieved through contouring shall be clearly incidental to the opacity from vegetation. Vegetation shall be the primary means of achieving opacity.

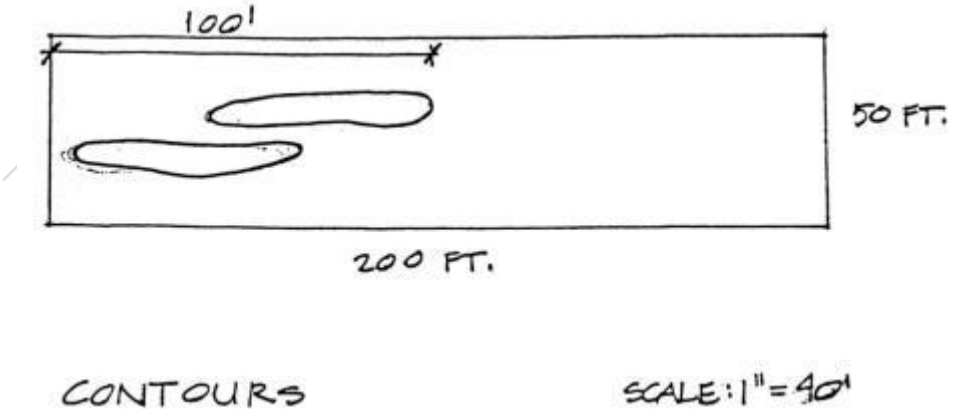
      Contouring requirements:

      i. Maximum height: three (3) feet;

      ii. Maximum slope: twenty (20) percent;

      iii. Maximum length of individual contours: thirty-five (35) feet; and

      iv. No more than 50 percent of the buffer length shall be contoured. Contours that overlap shall not be double counted.



Notwithstanding the provisions of this section relative to contouring in circumstances where the site is elevated or will be elevated above the adjacent roadway, the landscape buffer area shall be elevated to the flood protection elevation, except as provided below. Required landscaping shall be located above the

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flood protection elevation to ensure that the landscaping provides the required level of screening. In these circumstances, the elevation shall not be considered part of the permissible three-foot contour. However, such elevation is neither required nor encouraged if it would necessitate removal of existing vegetation worthy of preservation or intrusion upon significant natural features such as wetlands. In such circumstances, opacity requirements may be met by existing vegetation or new plantings below the flood protection elevation.

g. In required landscape areas, tree plantings shall be staggered and clustered in natural arrangements rather than in long, straight formal arrangements.

h. Required roadway buffers shall not count toward the total interior landscaping required for parking areas.

i. The survival of required plantings shall be guaranteed through performance security which will be released upon certification by a professional qualified for this purpose and approval by the Department Director that required height and opacity standards have been achieved. Upon such certification, annual reporting shall no longer be required.

j. Overhead power lines or detention or retention ponds shall not be located within required landscape areas or tree stands designated for preservation. Detention and/or retention ponds may be incorporated into a landscape buffer design, provided, however, that such inclusion does not change the overall required buffer either in terms of width of buffer area or overall opacity.

k. To avoid conflicts with buffer vegetation, lots adjacent to roadway and greenbelt buffers shall have a minimum fifteen (15) feet building setback for buildings, swimming pools, pool cages, or other structures that would potentially conflict with buffer vegetation.

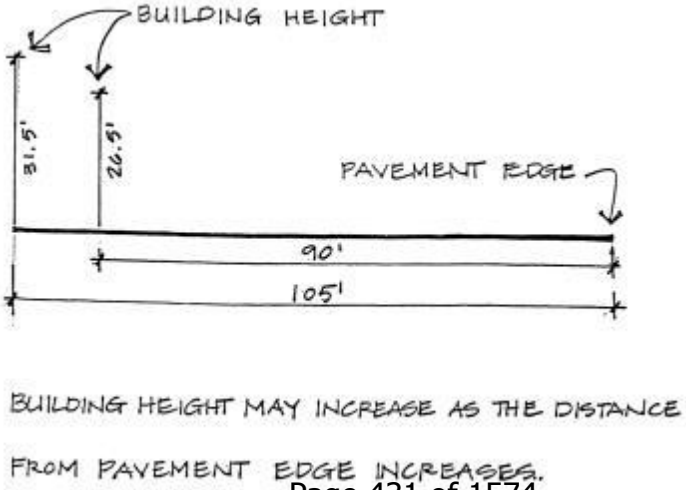
l. To ensure that buildings and other structures on lots adjacent to roadway buffers are obscured from view from the Major Thoroughfare Road, the maximum top height of buildings or other structures shall be determined through the following equation: (Distance/3) - 3.5 feet = maximum top height where:

   i. D is the distance between the structure and the ultimate edge of pavement of the most proximate travel lane of the Major Thoroughfare Road.

   ii. The ultimate edge of pavement shall be based on the Right-of-Way required by the Comprehensive Plan. It shall be assumed that the edge of pavement is 20 feet from the edge of ROW. However, in circumstances where the 20-foot assumption is inappropriate, the Department Director, in consultation with the Transportation Director, may establish a different measure, based on existing conditions, planned improvements, and existing or available right-of-way.

   iii. The allowable maximum top height shall be allowed to increase as portions of the building are farther from the edge of pavement.

   iv. The top building height shall be the highest point of the building, exclusive of decorative features which are exempt from the height limitations of the Land Development Code.



Building Height

For example, if a building is proposed ninety (90) feet from the edge of pavement, the maximum height at the ninety-foot mark would be twenty-six and one-half (26.5) feet.

(90/3) - 3.5 feet = 30 - 3.5 = 26.5 feet

At one hundred five (105) feet from the ultimate edge of pavement, the top of the building could be at thirty-one and one-half (31.5) feet.

v. Nothing in this provision shall be construed to permit building height to be greater than that authorized either elsewhere in this Code or with a specific project approval.

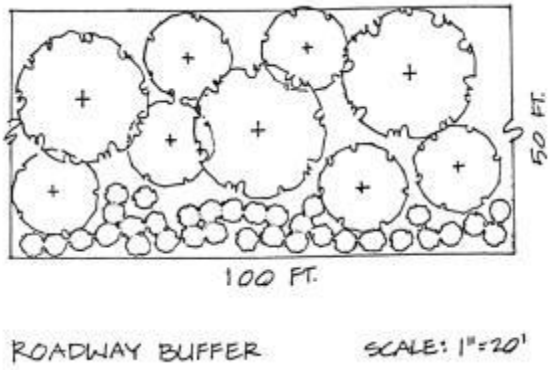
m. Vegetation within preservation areas shall remain in its natural state. Plants in required landscape areas shall be maintained in a manner that preserves the natural shape and growth characteristics of the species. Pruning that grossly alters the characteristic form of tree canopy (e.g., lollipop pruning) is prohibited.

n. Required stormwater and open space areas shall be located adjacent to roadway and greenbelt buffers to the greatest extent possible to enhance the buffer's capacity as visual screen and wildlife corridor. It is recognized that the placement of required stormwater facilities is dependent upon the physical characteristics of the site and the natural features such as wetlands on-site. The aesthetic contouring of stormwater retention ponds, in conjunction with other landscape features, is encouraged.

4. *Commercial and Office Uses Roadway Buffers*.

a. (a) For commercial and office uses, a minimum fifty-foot wide roadway buffer shall be provided along all property lines adjacent to designated Major Thoroughfare Roads. The required landscaping in the roadway buffer, unless a landscaping design from the North Central Overlay Planting Manual is used is as follows:

- Three (3) Canopy Trees
- Three-inch caliper as measured six (6) inches from the base of the tree, twelve-foot height, five-foot spread.
- Six (6) Evergreen Understory Trees
- Two-inch caliper as measured six (6) inches from the base of the tree, six-foot height, three-foot spread.
- Thirty-three (33) Shrubs
- Thirty (30) inches at time of planting.



Roadway Buffer

Buffers shall be planted in an informal, staggered arrangement. Buffers shall be entirely planted prior to first Final Plat approval.

The buffer shall provide eighty-five (85) percent opacity to a height of six (6) feet when viewed from the edge of pavement from the nearest outside travel lane of the adjacent major thoroughfare road within three (3) years from the date of the first Final Plat or Certificate of Occupancy, whichever occurs first.

b. For fifty (50) feet on both sides of driveway and roadway entrances, the buffer planting may be reduced to create a view window. In this area, the plantings may be reduced to the following:

i. Thirty (30) inches in height at time of planting;

ii. Thirty-inch spread;

iii. Maintained height between three (3) and four (4) feet. The landscape design shall provide for a transition from the driveway and view corridor to the more heavily planted portion of the buffer. Additional view corridors may be provided in accordance with the North Central Overlay Planting Manual; and

iv. A minimum of eight (8) palm trees shall be planted in a staggered arrangement within the fifty-foot window. Such palm trees shall be planted with a minimum clear trunk height of fourteen (14) feet and shall not be included in the calculation of palm trees as required in Section 701.4.A of the Land Development Code.

c. Meandering sidewalks or trails within roadway buffers are permitted.

5. *Roadway buffers for residential and other uses*.

a. For residential and other non-commercial/office uses, a minimum fifty-foot wide roadway buffer shall be provided along all property lines adjacent to designated Thoroughfare Roads. The required landscaping in the roadway buffer, as specified in the following and generally depicted below, shall provide eighty-five (85) percent opacity to a height of six (6) feet as viewed from the edge of pavement from the nearest outside travel lane of the adjacent thoroughfare road within three (3) years from the date of the first Final Plat or Certificate of Occupancy, whichever occurs first.

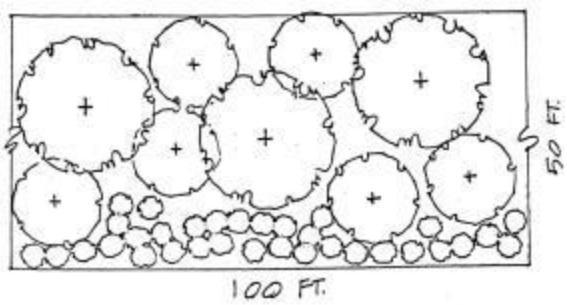
Unless a Landscaping design from the North Central Overlay Planting Manual is used, the following plantings are required in the buffer:

i. Canopy trees. Three (3) canopy trees per one hundred (100) linear feet of buffer, or fraction thereof, whichever occurs first, which meet the following minimum standards:

(a) Three-inch caliper as measured six (6) inches from the base of the tree;

(b) Twelve (12) feet in height; and

(c) Five (5) feet spread.



ii. Understory evergreen trees. Six (6) understory evergreen trees per 100 linear feet of buffer, or fraction thereof, which meet the following minimum standards:

(a) Two-inch caliper as measured six (6) inches from the base of the tree;

(b) Six (6) feet in height; and

(c) Three (3) feet spread.

iii. Evergreen shrubs. Thirty-three (33) evergreen shrubs per one hundred (100) linear feet of buffer, or fraction thereof. The shrubs shall be thirty (30) inches in height. Buffers shall be planted in an informal, staggered manner. Buffers shall be entirely planted prior to the first Final Plat approval.

b. Meandering sidewalks or trails within roadway buffers are permitted.

6. *Greenbelt buffers*.

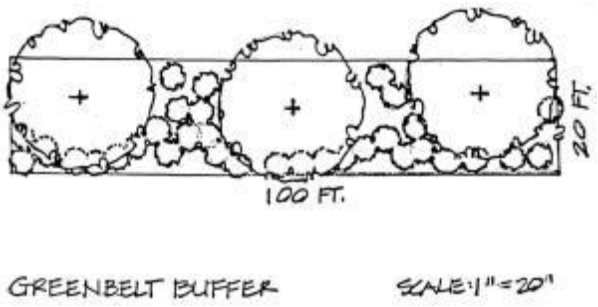
a. A twenty-foot wide greenbelt buffer shall be provided along all project lines with exception of project lines that coincide with designated Major Thoroughfare Roads. The greenbelt shall be planted with canopy

trees and evergreen shrubs in accordance with the following, unless a landscape design from the Florida International Overlay Planting Manual is used:

i. Three (3) canopy trees (three-inch caliper as measured six (6) inches from the base of the tree, twelve(12) feet high, five-foot spread);

ii. Thirty-three (33) shrubs (thirty (30) inches at time of planting); and

iii. Per one hundred (100) linear feet.



b. Meandering sidewalks or trails within greenbelt buffers are permitted.

c. Exemptions.

i. For new residential subdivisions located in the A or A-1 zoning districts, no greenbelt shall be required.

ii. For lot splits resulting in the creation of one additional lot, no greenbelt shall be required.

iii. For replatting of existing lots if the total number of lots either remains the same or is reduced, no greenbelt shall be required.

E. Non-motorized Circulation.

1. *Purpose.* The purpose of this section is to facilitate an integrated system of sidewalks and multi-use trails (including equestrian trails) connecting neighborhoods and community focal points through regulations and incentives to encourage developer participation.

2. *Exemptions.* The following are exempt from the standards in this subsection:

a. Development that does not require Final Site Plan or Final Plat approval.

b. Proposed development that has obtained Preliminary Site Plan or Plat approval prior to the effective date of these regulations.

3. *Standards.*

a. *Sidewalks.*

i. Sidewalks or an approved pedestrian way shall be installed in accordance with Chapter 10.

ii. To promote a higher level of awareness of pedestrians, the use of alternate paving materials, landscaping, bollards, and other features which delineate pedestrian ways and street crossings shall be used.

iii. In areas where pedestrian activity is intended, reduced intersection turning radii may be permitted to minimize the distance of roadway crossings and to reduce speeds.

b. *Non-motorized multi-use trails.* See Chapter 10.

F. Signs. All signs in the North Central Overlay District shall also comply with the provisions of Chapter 6, Signs, North Central Overlay District.

G. Nonresidential Site and Building Design.

1. *Purpose.* To provide site design standards for commercial and employment centers promoting a visual

identity and a connection with the multimodal transportation network. Also, to require higher architectural design standards for those building facades that are visible from the street and parking areas, to create buildings which appeal to both pedestrians and the motoring public. The standards and guidelines will assist in reducing the overall bulk and appearance of large buildings.

2. *Applicability.* The provisions of this section shall apply to non-residential Development and Substantial Improvement, as defined in this Code, except as exempted below.

3. *Exemptions.* The following are exempt from the standards in this section:

   a. Structures and uses that do not require Final Site Plan approval, as specified under Section 320.2.

   b. Historic structures or districts as designated by federal, state, or county governments or other structures as deemed by Manatee County to be culturally or architecturally significant to community.

   c. Structures used primarily for agricultural purposes.

   d. Structures incurring damage from a disaster in the area that is ultimately declared a disaster area by the Governor of the State of Florida, the President of the United States, or the Director of the Manatee County Public Safety Department.

   e. Expansion of existing structures in the Parrish Village as shown on Map 4-3.

   f. Structures for which Building Permit applications have been received by the Manatee County Building Department prior to April 5, 2005.

   g. Accessory structures such as clubhouses which are accessory internal to residential developments.

   h. Projects with a valid Site Development Plan are exempt from the on-site pedestrian circulation and outdoor gathering space provisions of this section.

4. *On-Site Pedestrian Circulation*.

   a. Purpose. To create pedestrian-friendly places and increase accessibility for a range of travel modes by providing distinct and conveniently located pedestrian ways that contribute to the overall design character of the site.

   b. Buildings shall be served by walkways that directly link the building's main entrance to the street. These primary walkways must be visually distinct from parking lot and driveway surfaces and may include textured or colored materials. Paint or striping will not suffice to meet this requirement. Walkways must be functionally separate from parking lots and driveways except where they cross driveways.

   c. Buildings shall be linked to each other by a secondary walkway system. Public sidewalks may be considered part of the walkway system if they provide convenient movement between structures.

5. *Outdoor gathering space*.

   a. Purpose. Provide functional open space such as plazas, green spaces and focal elements for nonresidential developments that are appropriate for public gatherings, outdoor dining, open air markets, seasonal events, vendor carts and kiosks and other year round activities

6. *Building Scale and Mass.*

   a. No retail building utilized principally by a single tenant shall exceed 75,000 square feet unless the site is located within the ROR Retail Office Residential or MU Mixed-Use Future Land Use categories of the Comprehensive Plan.

   b. Each building face shall incorporate scale and massing-related design elements based on the building's gross square footage that equal or exceed the number of points found in **Error! Reference source not found.**. Projects shall be required to incorporate any combination of features as provided in **Error! Reference source not found.**.

Table 4 - 9: Point system for building design.

Less than 10,000 sq. ft.	4

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10,000 to 40,000 sq. ft.	5
Greater than 40,000 sq. ft.	7

[1] Building faces which do not face customer parking areas, public streets, and which are used only as service areas may subtract two (2) points from those required.

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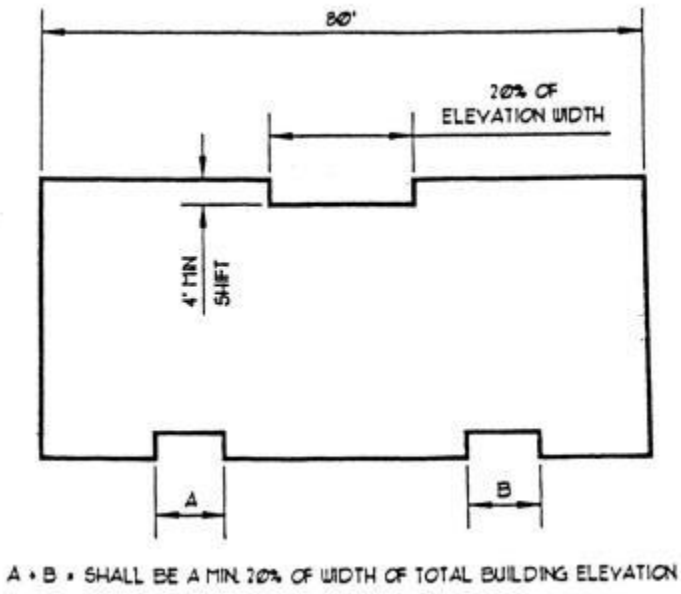
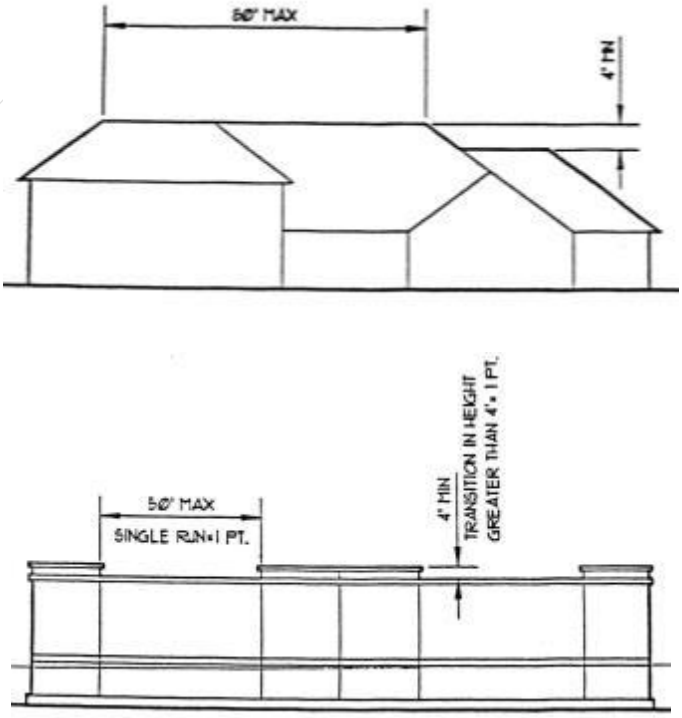
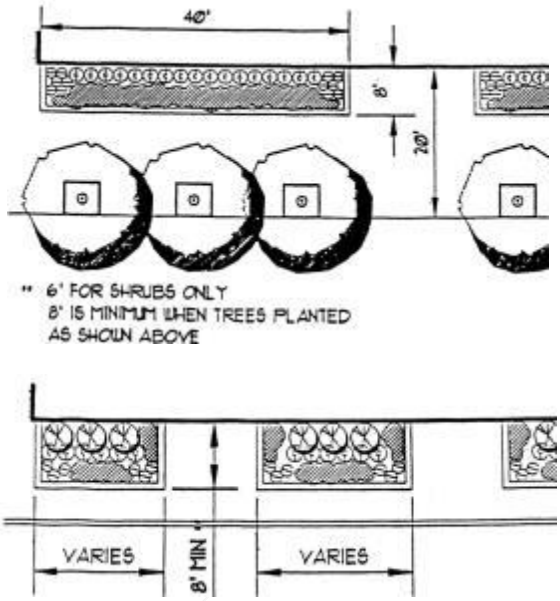
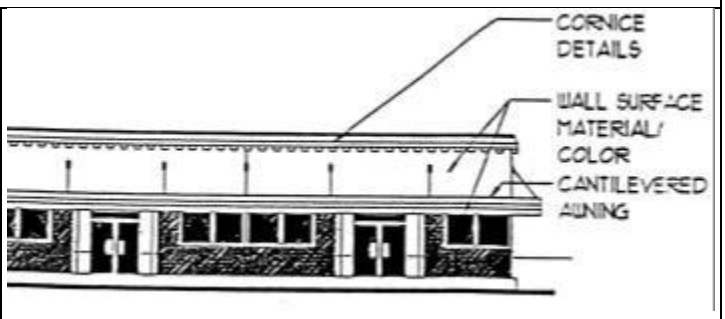
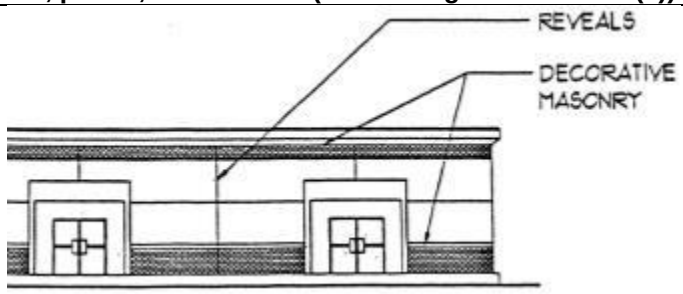
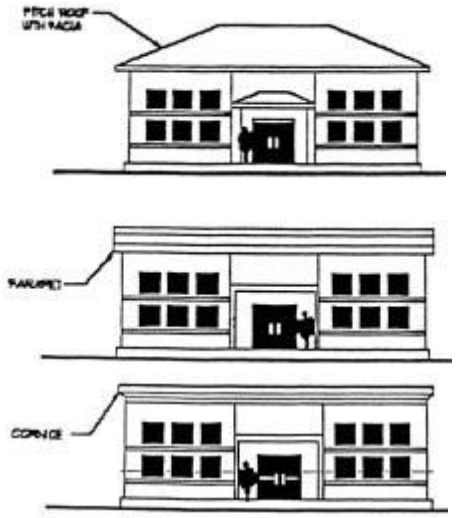
Table 4 - 10: Point system criteria.

Design Feature	Points	Graphics
(1) Horizontal shifts for walls > 80′ in length[1]		
Width of shift > 20 percent of wall length	1	
Width of shift > 30 percent of wall length	2	
No walls > 80′	1	
[1] The depth of the shift shall be equal to or greater than four (4) feet. To assure that footprint shifts are evenly distributed across the building facade, shifted wall planes shall have a width proportion of between 1:1 and 3:1 of the width of adjacent wall planes on the same facade. Horizontal shifts, when required, shall be reflected by a shift or alteration in the roof design.		
(2) Vertical shifts of single run of ridge, cornice, or fascia > 50′		
Transition in height > 4′	1	
No single runs >50′	1	

(3) Single stand of trees within 20′ of building (4 points per face maximum)[2]		
Planting bed for a single stand of trees must be a minimum of 320 square feet and 8′ in width	1	
[2] The stand may include existing or planted trees and shall be in addition to the required perimeter buffer and internal parking lot landscaping. A stand of trees shall consist of a minimum of three (3) trees, with a minimum caliper of two (2) inches, or twelve (12) feet in height. Trees may also be in separate tree wells within twenty (20) feet of the building and bed.		
(4) Individual mural (maximum 3 points)		
Square footage > 10 percent of wall area	1	
Square footage > 25 percent of wall area	2	
(5) Individual sculpture or water fountain adjacent to wall (maximum 2 points per face)[3]		
(0.25 x (perimeter + height)) > 10 percent of wall length	1	
[3] Wall area behind water plume shall count toward wall coverage percentage.		
(6) Windows and doors		
Square footage > 30 percent of wall area	1	
(7) Canopy or awning		
Length > 10 percent of wall length	1	
Length > 25 percent of wall length	2	
(8) Decorative masonry, distinguishable etchings or relief, pillars, or columns[4] (refer to Figure 604.10.6.6(5))		
Area covered > 10 percent of wall area	1	
Area covered > 25 percent of wall area	2	
[4] Solitary line etchings given a one (1) inch wide band as credit.		

(9) Visual wall terminus or cornice required on all building sides		
Pitched roof with fascia	1	
Parapet	1	
Projecting cornice	1	
(10) Vertical trellis with climbing vines or plant materials adjacent of walls		
Area covered > 10 percent of wall area	1	
Area covered > 25 percent of wall area	2	

7. *Architectural Style*.

   a. Non-residential buildings shall be designed in accordance with the North Central Overlay District Design Manual which shall be adopted by the Board of County Commissioners by resolution.

      Said Design Manual may be amended from time-to-time by the Board of County Commissioners by Resolution. Amendments may be made to reflect the design concept of a particular project, provided that sufficient detail is provided to enable adequate review of the concept as applications are made.

      Standardized trade or franchise styles that do not conform to the approved Design Manual are prohibited.

   b. A multi-building complex shall achieve a unity of design through the use of similar architectural elements.

   c. Accessory structures shall match the principal building(s) in form, color, and detailing.

   d. Tenant-specific building styles or motifs that are inconsistent with the architectural styles in the North Central Overlay District Design Manual are prohibited.

   e. Neon or tube lighting, exposed or concealed, shall not be used to outline architectural features.

   f. Awnings shall not be backlit or otherwise illuminated from behind unless the awning fabric is completely opaque.

   g. Awnings shall be limited to traditional locations over windows, walkways, and entrances or over other architectural features where weather protection is needed.

   h. The use of reflective or mirrored windows is prohibited.

8. *Color.*

   a. Natural colors that are representative of forested and agricultural landscapes in the North Central Area shall be used on buildings.

   b. Base (i.e., main color of the exterior walls) colors shall be limited to the subtle earth tones. Appropriate color palettes include whites, sands, grays, light pastels, deep foliages, and rich earth colors.

   c. Trim (i.e., fascia, cornice, window and door trim, kick panels, etc.) colors may contrast or compliment the base color but shall not be bright or bold. Using a lighter or darker shade of the base color or white are appropriate trim colors. Primary colors for trim shall be avoided.

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d. Accents (i.e., moldings, molding indentations, medallions, shadow lines of window and doorframes, doors, etc.) may be brighter in color than the base or trim.

403.13. Whitfield Residential Overlay District (WR).

A. Purpose and Intent. The WR District is established to: (1) officially designate areas having special and substantial public interest in protection of existing or proposed character, or of principal view of, from, or through the WR Overlay District; (2) Provide additional land use controls to protect the established, primarily residential character of that part of Manatee County previously known as the "Whitfield Zoning District."

B. Boundaries. The WR District corresponds generally to the area outlined as WR in the Official Zoning Atlas. This zoning classification is not intended to be applied elsewhere in Manatee County.

C. Use and Dimensional Regulations. In addition to, any other requirements of this Code, the following regulations shall apply to all land in the WR District used or developed for residential dwelling units on individual lots.

1. *Front Yard Setbacks.* The front yard setback shall be thirty (30) feet except that the front yard setback shall be forty (40) feet for all property platted as part of Ballentine Manor Estates Subdivision, as shown in Plat Book 2, Page 136, of the Official Records of Manatee County, Florida.

2. *Minimum Floor Area*.

   - Single Family Detached: 1,400 sq. ft.
   - All Other Residential: 950 sq. ft./dwelling unit

3. *Accessory Uses and Structures.* This section applies to all residential uses.

   a. Accessory uses and structure(s) shall not be located in any required yard other than a rear yard except for statues, arbors, trellises, flagpoles, planters, mailboxes, outdoor lighting, or similar structures; or fences in the side yard.

   b. An accessory structure(s), when allowed, shall not occupy more than twenty-five (25) percent of a required rear yard area.

4. *Fences and Hedges.* No fence or hedge shall be erected or maintained in the front yard of a residence. Shrubbery and trees may be planted around the building foundation and may be used as accent plantings in ornamental islands and along entrance walkways or driveways. Plantings along driveways and entrance walkways shall be limited to thirty (30) inches in height. In no instance, however, shall such shrubbery or hedges be planted along front property lines or sidewalks. No fence within the WR Overlay District shall exceed six (6) feet in height.

   For the purpose of the Whitfield Residential Overlay District hedge shall mean a row of closely planted shrubs, bushes, or other vegetative screening, forming a boundary or restrictive barrier.

5. *Parking of Restricted Vehicles.* No restricted vehicle, shall be parked or stored, on the streets and lands within the WR District, including front, rear and side yards, unless the vehicle is contained entirely within an attached carport or garage on the premises.

   This restriction shall not prohibit the outdoor parking of:

   a. Commercial vehicles engaged in construction, transportation, or other temporary service at the premises where they are parked.

   b. Vehicles whose registered owner or lessee is the guest of the owner or lessee of the premises; provided however, that such parking in no case shall exceed forty-eight (48) consecutive hours nor more than seventy-two (72) accumulated hours in any one (1) thirty (30) day period.

403.14. Restricted Vehicle Overlay District.

A. Purpose and Intent. To provide for more extensive review of the location of Restricted Vehicles within any residential area, the Restricted Vehicle Overlay Districts are hereby established.

B. Boundaries. The Restricted Vehicle Overlay District corresponds to the area outlined in the Official Zoning Atlas.

C. Additional Boundaries. Specific uses may be permitted in this district in accordance with the regulations of the

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underlying zoning district, except as qualified herein.

1. No restricted vehicle may be allowed unless it is stored in a completely enclosed garage, building or is located in the rear yard of the dwelling. When located in the rear yard of the dwelling, the restricted vehicle shall be completely screened from view of any adjacent dwelling.
2. One commercial vehicle, one ton or less, and under nine feet in height, with no attached, visible equipment or machinery when parked in the driveway.

D. Exemptions.

1. Commercial vehicles which are engaged in active on-site construction, transportation, or other temporary service for the premises where they are parked.
2. Outdoor parking in the driveway of restricted vehicles whose registered owner or lessee is the guest of the owner or lessee of the dwelling; provided that such parking in no case shall exceed forty-eight (48) consecutive hours nor more than seventy-two (72) accumulated hours in any one (1) thirty-day period.

E. Minimum District Size. Five (5) acres.

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CHAPTER 5 – STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES

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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 4-1 and 4-2. 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. No accessory structure shall be allowed in any required

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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 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

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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.

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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

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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:

Location	Height
Front yards	4’
All other yards	8’
Where non-residential districts abut residential districts	9’
Whitfield Residential Overlay District	6′

D. Height Exceptions.

1. Fences up to eight (8) feet within the front yard may be allowed in the following areas/situations:
   a. Properties located in A, A-1, GC, HC, LM, HM and EX Districts, except within the Cortez Fishing Village Historical Overlay District.
   b. Project perimeter fencing for 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 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.

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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 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.
9. Small animal specialty farms.

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,

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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.

8. *Equipment*.

   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.

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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. 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.

511.13. Security/Caretakers Residence.

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

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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

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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 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

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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.

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.

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

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.

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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 subject to review, and meeting the standards set forth in this 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 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 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

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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.

521.6. Special Event Temporary of Rights-of-Way.

A. Requests. Applicants shall submit a request to the Department Director for approval. The application request shall be submitted in accordance with Section 354, 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 a 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.

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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.
7. Adequate justification of duration for rights-of-way use.
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 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.

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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 Health Director information as to sanitary arrangements and facilities to be used by the public and employees; and the Health Director has advised the Department Director, in writing, 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.

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.

All applications for Agricultural and Animal Products Processing Plants, Commercial Stockyards, Short Term Agricultural Uses, Slaughterhouses, and Sawmills shall meet the following standards.

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A. There shall be no pastures, raising, breeding, and use of farm animals, aquaculture or beekeeping within the RSF, RDD, RMF or RSMH Districts.

B. 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.

C. 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.

D. Agricultural uses in the WP-E or WP-M Overlay Districts shall require Administrative Permit approval.

E. 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 on-site.

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

G. 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 that the structure is soundproof. See also Section 531.5, Animal Services (Wild and Exotic Animals).

531.2. Aircraft Landing Fields.

A. Aircraft landing fields shall be:

1. 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.

531.3. Airports.

A. General Requirements for Airport Siting. Any new airport or any expansion to an existing airport, which would

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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

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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.

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. A 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.

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 propertyrequire 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.

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

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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 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 employee. 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 shall be allowed one (1) wall sign containing 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.

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B. Car washes in GC 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 serve 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 childcare centers within residential zoning districts shall meet the following criteria. Child care centers that do not meet these criteria may still be allowed but only through Special Permit approval:

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

2. The child care center is 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 zoning districts, shall meet the following criteria (churches/places of worship that do not meet the criteria may still be allowed but only through Special Permit approval):

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

2. The facility is 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 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. A minimum of twenty (20) percent of all required parking shall be paved; and

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.

531.14. Civic, Social and Fraternal Organizations/Clubs.

A. No building shall be located closer than twenty-five (25) feet to any street line or closer than one hundred (100)

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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 eating establishments, 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 circulation lanes may be reduced to eight (8) feet in width when

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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 Eating Establishment Uses within the PDRP or PDI District shall be located on a collector or higher and oriented towards the exterior of the project.

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
Eating Establishment (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 (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 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.

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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 Area.* Mobile homes shall be prohibited within the Coastal High Hazard Area Overlay District.
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 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:

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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.

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 701–

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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. 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 and HC districts shall provide a solid fence, along the side and rear property lines.

531.25. Industrial, Light/Heavy/Fireworks/Sparkler Manufacturing

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

B. 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.

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531.26. Intensive Services

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.

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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.

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 (Waterfront Structures).

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 mining activities shall conform to the provisions of the Manatee County Mining and Reclamation Code.

B. An applicant proposing to initiate a mining operation shall prepare a Master Mining and Reclamation Plan consistent with the requirements of Section 350, Mining Activity Permitting, and Chapter 2-20, Mining and Reclamation, of the Code of Ordinances.

C. If a rezoning to EX is required, the applicant shall follow the procedures outlined in Chapter 3 for amendments to the Zoning Atlas. No site shall be rezoned to EX unless and until the Master Mining and Reclamation Plan is approved.

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.

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.

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

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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 home which complies with the following standards may be 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;

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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 Area.

E. Mobile homes legally permitted under previous Codes may be allowed on one (1) acre lots in VIL Districts 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 by either a Special Permit, Administrative Permit or Special Exception may, prior to expiration, submit an application for approval of a Special or Administrative Permit 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.

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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.

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 **Error! Reference source not found.** 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.

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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 **Error! Reference source not found.** 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

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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 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 zoning districts to obtain 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.

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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 Administrative Permit), 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 the 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.

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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.

9. *Antennas*.

   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.

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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.

10. *Temporary Wireless Telecommunication Facilities*.

a. Temporary Use Permit. Temporary Wireless Telecommunication Facilities are allowed with a temporary use permit from the Department Director in accordance with Section 354.

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.

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12. *Application Processing*.

    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.

13. *Security*.

    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:

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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 preferred zone district would have the effect of preventing the applicant from providing

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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

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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 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

Preferred Zone Districts: (Districts Listed in Descending Order of Preferences)

	Camouflaged Max. 150'	Monopole Max. 150'	Monopole Greater than 150', Max. 200'	Monopole with 3 or more providers, Max. 200'	Guyed Tower	Lattice Tower Max. 400', except PDR Max. 150'
Industrial						
EX	AP	AP	AP	AP	AP	AP
HM	AP	AP	AP	AP	AP	AP
LM	AP	AP	AP	AP	AP	AP
Commercial						
CRV	AP	AP	AP	AP	X	X
HC	AP	AP	AP	AP	SP	SP

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	Camouflaged Max. 150'	Monopole Max. 150'	Monopole Greater than 150', Max. 200'	Monopole with 3 or more providers, Max. 200'	Guyed Tower	Lattice Tower Max. 400', except PDR Max. 150'
GC	AP	AP	AP	AP/SP	X	X
NC-S	AP	SP	SP	AP/SP	X	X
NC-M	AP	SP	SP	AP/SP	X	X
Office						
PR-M	AP	SP	SP	AP/SP	X	X
PR-S	AP	SP	SP	AP/SP	X	X
Agriculture (40 acres or greater)						
A	AP*/SP	AP*/SP	AP*/SP	AP*/SP	SP	SP
A-1	AP*/SP	AP*/SP	AP*/SP	AP*/SP	AP*/SP	AP*/SP

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 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.

Non-Preferred Zone Districts:

	Camouflaged Max. 150'	Monopole Max. 150'	Monopole Greater than 150', Max. 200'	Monopole with 3 or more providers, Max. 200'	Guyed Tower	Lattice Tower Max. 400', except PDR Max. 150'
All Residential Zone Districts						
RSMH-6	SP1	SP1	X	X	X	X
RSMH-4.5	SP1	SP1	X	X	X	X
RMF-9	SP1	SP1	X	X	X	X
RMF-6	SP1	SP1	X	X	X	X
RSF-4.5	SP1	SP1	X	X	X	X
RDD-6	SP1	SP1	X	X	X	X
RDD-4.5	SP1	SP1	X	X	X	X
RDD-3	SP1	SP1	X	X	X	X
RSF-3	SP1	SP1	X	X	X	X
RSF-2	SP1	SP1	X	X	X	X
RSF-1	SP1	SP1	X	X	X	X
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
PDPI	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP
PDI	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP
PDMU	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP
PDA	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDRP	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDC	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDO	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X

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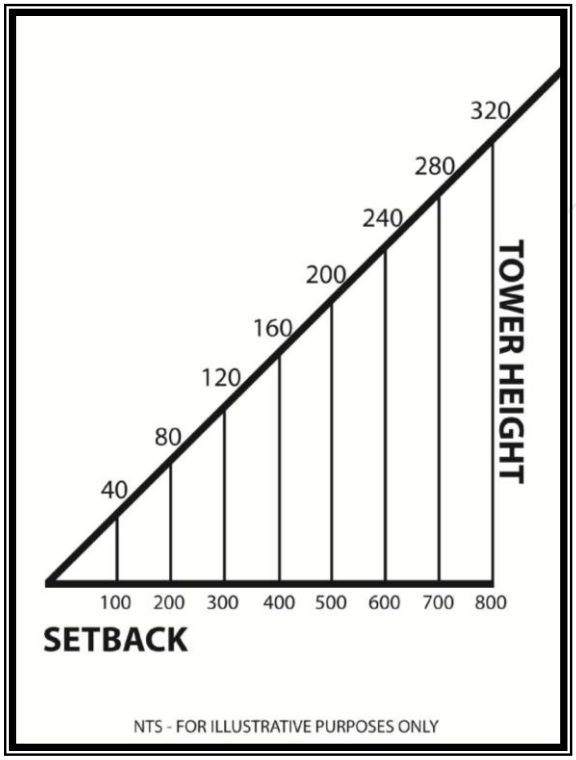
	Camouflaged Max. 150'	Monopole Max. 150'	Monopole Greater than 150', Max. 200'	Monopole with 3 or more providers, Max. 200'	Guyed Tower	Lattice Tower Max. 400', except PDR Max. 150'
PDGC	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDUI	P*/FSP	P*/FSP	P*/FSP	P*/FSP	AP	AP
PDRV	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDMH	P*/FSP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

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



531.38. Pet Services.

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

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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 by Administrative Permit. Any proposed Public Community Use that does not meet these locational criteria, and is allowed by Administrative Permit 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 WP-E and WP-M Overlay Districts. Publicly and privately provided recreational opportunities on public lands located within the 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 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

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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.

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.

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K. Zoo, Animal Exhibit, Breeding Facilities of Wild or Exotic Animals, Animal Boarding Facilities, Circuses 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 zoning district.

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.

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

Project Minimum Size	10 acres
Minimum Site Area For:	
Recreational Vehicle without Attachments	1,600 sq. ft.
Site in Designated Camping Area	1,200 sq. ft.
Non-residential or dwelling site	10,000 sq. ft.
Minimum Width for:	
RV site	30 feet
Site in Designated Camping Area	20 feet
Non-residential or dwelling site	75 feet
Minimum Yard Setbacks** (internal to the site)	5 feet
Maximum Height:	
Non-Residential	35 feet
Residential	15 feet
Minimum Buffers for:	
Street/Residential District	50 feet
Other	15 feet
Minimum Open Space	
RV Parks	20% of gross area
Non-residential	15% of gross area
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.	

**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.

B. 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.

C. Recreational vehicle sites shall comply with all applicable Floodplain Management regulations.

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D. 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;

E. 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:

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.

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. Floor Area Requirements.

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.

3. 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.

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.

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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. The underlying Future Land Use Category shall determine the maximum density on each site.

C. Residential Uses in the NC, GC and HC Zoning Districts. Single-family and duplex dwellings may be allowed in the NC, GC and HC zoning districts subject to the following criteria:

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, final site plan review, or equivalent development order review;
3. Shall not violate a maximum gross density requirement of nine (9) dwelling units per acre; and
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.

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;
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.

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.

F. 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. 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.

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 PDPU District shall be oriented internally.

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C. Restaurants in the Village Districts.

1. All eating establishments 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 eating establishments 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.

Limitations	PDO	PDRP	PDI	PDPI
Location	Collector or Higher	-	-	-
Orientation	Oriented Internally	Oriented Internally	Oriented Internally	Oriented Internally

531.49. Retail Uses.

A. Retail in the CRV Zoning District. Retail Sales, Neighborhood Convenience Uses within the CRV 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 Retail Sales, Neighborhood General are limited to 3,000 square feet in size.

b. All Retail Sales, Neighborhood Convenience uses are limited as specified by the Comprehensive Plan.

c. All Retail Sales, General uses are limited to 3,000 square feet with an Administrative Permit. A Special Permit is required for any Retail Sales, General use greater than 3,000 square feet in size.

2. *Location.* All Retail Sales, Neighborhood General and Retail Sales, General 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 Retail Sales, Neighborhood General, Retail Sales, Neighborhood Convenience and Retail Sales, General 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 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 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 Approval.

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

Limitations	PDO	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH
Neighborhood Convenience								
Size (max.)	10,000 s.f				10,000 sf		5,000 sf	5,000 sf
Location	Collector or Higher			Collector or Higher		Collector or Higher	Primary Entrance	Primary Entrance

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Limitations	PDO	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH
Orientation					Oriented Internally	Oriented Internally	Oriented Internally	Oriented Internally
Other Retail								
Size (max.)					15,000 sf max.		10,000 sf max.	5,000 sf max.
Location		Collector or Higher	Collector or Higher	Collector or Higher	Collector or Higher		Collector or Higher	Collector or Higher

E. 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:

FLU	Maximum FAR	Maximum Square Footage of Retail per Type		
		Neighborhood	Community	Regional
Ag/R	0.23	Small		
ER	0.23(1) (2)	Small		
RES-1	0.23(1)	Medium		
RES-3	0.23(1) (2)	Medium		
RES-6	0.23(1) (2)	Medium		
RES-9	0.23(1) (2)	Medium		
RES-12	0.23(1) (2)	Medium		
RES-16	0.25(1) (2)	Medium		
UF-3	0.23(1)	Medium Large with Limitations (See Policy 2.2.1.11.5)		
OL	0.23 (2)	Small (office only)		
R/O/R	0.35 (2) 1.0 for Hotels	Large	Large	Large
IL	0.75 (2) 1.0 for Hotels	Small		
IH	0.5 (2)	Small		
IU	1.25	Small		
MU	1.0 2.0 inside the CRA's and UIRA	Large	Large	Large
OM	0.30 Outside Urban Core 0.50 Inside Urban Core 1.0 Inside CRA's and UIRA	5,000 sf For Office Uses: Medium Exempt from 2.10.4.1 & 2 1,000 sf of retail per 30,000 sf of office, with a max. 5,000 sf for the entire site will be established for all projects **outside** the urban core area. 2,000 sf of retail per 30,000 sf of office, with a max. 10,000 sf for the entire site will be established for all projects **within** the urban core area.		
MU-C	---	---		
MU-C/AC-1	---	---		
MUC/AC-2	0.35	Large	Large	Large
MU-C/AC-3	0.23	Medium		
MU-C/R	0.23	Medium 150,000 sf for DRI's and Large Projects (as permitted by Policy 2.10.4.2)		

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Footnotes:
(1); 0.35 for mini-warehouse uses only
(2) 1.00 inside the CRA's and UIRA

TABLE 2-2, Maximum Commercial Project Square Footages

Category of Commercial Use	Without Special Approval	With Special Approval
Small	3,000	30,000
Medium	30,000	150,000
Large	50,000	300,000

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.

531.50. Schools.

All accessory parking lots and playing fields shall be oriented in such a manner so as not 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

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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.

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 zoned 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,

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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. Rezone to MP-II. 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.

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 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

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

B. 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.

C. 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

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separate development approval.

D. 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.

C. Prohibited Uses of Public Rights-of-Way.

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

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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. Vehicles sales shall only be conducted on a lot approved for the specific use and within the designated zones stipulated in Chapter 3, 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.

B. 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.

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C. .All outdoor sales areas shall be located at least twenty (20) feet from any adjacent to property zoned A-1, RDF, RDD, RMF, RSMH, PDR, PDMU or PDW.

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

E. 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 the floodplain management regulations shall only be allowed by a variance. Variances may be issued as allowed in Section 802.7.

B. All water dependent uses 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."

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.

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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.

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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 - 3: Maximum Permitted Steady Vibration Displacement (in inches)

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

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.

542.4. Visual Emissions.

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).

542.6. Humidity, Heat and Cold.

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- 4 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 - 4: Adverse Impacts Point of Determination

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

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542.7. Hazardous Materials and Toxic Substances.

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

1. List of extremely hazardous substances, as published by U.S. Environmental Protection Agency, Title 40 Code of Federal Regulations (CFR), Part 355, as amended.
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 this Part.

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 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.

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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 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 at that site.

1. *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.

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

   b. 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.

2. *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.

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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 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 Refund. All projects with affordable housing units shall be eligible for refunds of County review fees (e.g. planning, building, engineering) 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 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. 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.

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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 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 the 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. 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.

H. Density Bonus. Projects with at least twenty-five (25) percent units designated as affordable are eligible to request a density bonus from the Board. This density bonus may allow the maximum project density to increase to 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.

1. Density bonuses may be used only within the development creating the bonus units.
2. 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. This density may be below the next highest Future Land Use Map designation.
   a. In determining the appropriateness of a density bonus, 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.
   b. Priority shall be given to projects with access to transit and neighborhood commercial nodes.
3. 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 a 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.

I. Transfer of Development Rights.

1. The transfer of development rights (which may include approved residential units, zoned units or

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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.

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 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.

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. 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.

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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.

CHAPTER 6 – SIGNS

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CHAPTER 6 - Signs.

Section 600. Purpose.

The purpose and intent of this Section is to provide minimum standards to protect the public health, safety and welfare, convenience and enjoyment of the general public through consistent and nondiscriminatory sign standards. Sign regulations are intended to make Manatee County safer by reducing safety hazards, to contribute to the development and maintenance of an attractive visual environment, while facilitating the communication of messages to the public. The purpose is to avoid an environment that encourages visual blight while protecting and promoting the aesthetic environment of the unincorporated area of Manatee County. The objectives and strategies of this section are as follows:

A. Improve pedestrian and traffic safety;

B. Lessen the visual clutter that may otherwise be caused by the proliferation of improper placement, illumination and animation and excessive height and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

C. To allow and encourage signs appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;

D. Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;

E. To allow for the identification of business, residential and public uses without creating safety hazards, confusion, unsightliness, or visual obscurity of adjacent businesses or other neighboring structures; and

F. Recognize the commercial communication requirements of all sectors of the business community and promote both renovation and proper maintenance.

Section 601. Applicability of Other Code or Regulatory Requirements.

A. Signs requiring the issuance of building permits or other advertising structures shall be permitted, constructed, and maintained in strict conformity with the Florida Building Code, Florida Statutes, and all other applicable regulations.

B. Signs requiring the issuance of a sign permit or other advertising structures shall be permitted, constructed and maintained in strict conformity with the Land Development Code and all other applicable regulations (including, but not limited to, maximum size, number of signs, minimum setbacks, maximum height, minimum ground clearance and minimum separation requirements).

C. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Code.

D. In the event that any of the provisions of this Section are in conflict with other sections of this Code or other applicable requirements, the provisions of this Section shall apply.

Section 602. Administration.

The Department Director shall be responsible for the administration of this Section in coordination with other appropriate County and State Departments.

Section 603. Sign Permits.

603.1. Activities Requiring a Sign Permit.

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A. No person shall erect, demolish, alter, rebuild, enlarge, extend, relocate, attach to, suspend from, or support from a building or structure a permanent or temporary sign unless a permit for such sign has been issued by the Department Director or unless such signs are specifically exempted from permit requirements.

B. Painting, repainting, cleaning or other ordinary repairs and maintenance of any legal sign or sign structure shall not require a sign permit. Replacement of any structural elements of a sign shall require a sign permit.

C. No permit shall be required to change the advertising copy or message on signs which are specifically designed for the use of replaceable copy, or panels.

D. It shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of a sign permit without the prior written approval of the Department Director. The written record of such approval shall be entered upon the original permit application and maintained in the files of the County.

E. No sign permit for any on-site sign shall be issued until a building permit has been issued for the establishment to which it relates.

F. All sign permits for permanent on-site and off-site signs shall be valid for the life of the sign. All temporary sign permits shall be valid for the period specified on the permit.

G. No sign permits for on-site signs will be issued for premises when existing signage of the same type exceeds the limits of this Code. Existing signs will either have to be modified or removed to allow additional signage. This requirement shall apply separately to wall signs and freestanding signs.

H. Non-commercial messages permitted in substitution: Wherever these regulations permit erection of signs for commercial purposes or for the identification of the property on which the sign is located, the permittee may substitute any non-commercial message in lieu of the messages otherwise permitted. The right to substitute the non-commercial message does not waive any other requirement imposed by the ordinances of the County as to number, size, construction, location, lighting, obscenity, safety or any other regulated attribute. The right created by this subsection is one of substitution and not one of addition.

603.2. Signs Allowed Without a Sign Permit.

The following types of signs may be erected without the issuance of a sign permit. All such signs shall be placed, maintained and removed in conformance with all other requirements of this Code except government signs:

A. Construction sign

B. Farm sign

C. Flags

D. Garage sale sign

E. Government sign

F. Mural sign

G. On-site directional sign

H. Political sign

I. Real estate sign

J. Sandwich board sign

K. Signs incorporated on machinery or equipment

L. Signs related to fund-raising for schools, parks and churches

M. Tag sign

N. Temporary institutional sign types

O. Temporary off-site sign

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P. Temporary sign

Q. Warning sign

R. Window sign

603.3. Sign Permit Application Procedures.

The Department Director shall establish Administrative Procedures for sign permit applications which shall include, but need not be limited to, sufficiency review of sign permit applications, various issues specific to each Department of the County, and application contents.

A. Sign Permit Review. The Department Director shall approve or deny the sign permit or building permit as applicable within forty-five (45) days after receipt of a complete application. If the Department Director fails to act within forty-five (45) days, the permit shall be deemed denied. If a sign permit is denied, the Department Director shall prepare a written notice of his or her decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant.

B. Sign Permit Appeals. The applicant may file a written notice of appeal to the Hearing Officer containing the specific grounds for appeal within fifteen (15) days after the date of receipt of the Department Director's written notice. The Hearing Officer shall hear the appeal and render a decision within thirty (30) days after the date of receiving the written notice of appeal. If the Hearing Officer does not grant the appeal, then the applicant may seek relief in the Circuit Court for Manatee County, as provided by law. The public hearing notice requirements in Chapter 3 do not apply to the appeal provided for in this section.

Section 604. Prohibited Signs.

Prohibited signs, except as otherwise provided by this Section, shall be determined as follows:

A. All signs not expressly permitted are hereby prohibited.

B. Abandoned signs are hereby prohibited.

C. Signs which imitate or resemble official traffic or government signs and signals are hereby prohibited.

D. Signs within any public rights-of-way (County or State) or on public lands, except for government signs, are hereby prohibited.

E. Signs in visibility triangles are hereby prohibited.

F. Signs causing traffic or any other hazard are hereby prohibited.

G. Signs which bear or contain statements, words, or pictures of any obscene, pornographic, or immoral character are hereby prohibited.

H. Signs which emit audible sound, vapor, smoke, odor particles, or gaseous matter are hereby prohibited.

I. Signs that have unshielded illuminated devices that produce glare or are a hazard to motorists or occupants of adjacent properties are hereby prohibited.

J. Signs that due to any lighting or control mechanism, causes radio, television, or other communication interference are hereby prohibited.

K. Signs that are erected or maintained so as to obstruct any firefighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes, including any opening required for proper light and ventilation, are hereby prohibited.

L. Signs for any home occupations and conditional home occupations, except as otherwise permitted, are hereby prohibited.

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Section 605. Sign Standards.

605.1. Sign Standards Matrix

All signs requiring a permit shall comply with the size, height, setbacks and other specifics identified in Table 6-1, Sign Standards Matrix, in addition to the general standards stated in the following subsections.

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Table 6 - 1: Sign Dimensional Standards

PROJECT TYPE	SETBACKS (FROM PROPERTY LINE)				MAX HEIGHT	MAX SIZE	LOCATION RESTRICTIONS	ILLUMINATION ALLOWED?	TIME LIMIT?	MISC.
	Front	Side	Rear	Other						
FREE STANDING SIGNS										
RESIDENTIAL & NON RESIDENTIAL PROJECT IDENTIFICATION SIGNS										
Residential Subdivision/Multi-family Identification	12’	10’	10’		8'	32 sf	Intersection entrances only, one on each side of entrance	Yes	No	LED not permitted
Home Occupation										Not permitted See 604
NON-RESIDENTIAL										
DRI/CDD/ Large Project on-site Directional Signage										See 606 Master Sign Plan Option
Interstate										See 606 Master Sign Plan Option
North Central Overlay District (NCO)										See 609
Off-Site Directional Signs										See 611
Outdoor Advertising Signs										See 613
Political Signs	5' in nonresidential districts				10'	6 sf in residential district; 32 sf all other districts			See 609.2	See 609.2

PROJECT TYPE	SETBACKS (FROM PROPERTY LINE)				MAX HEIGHT	MAX SIZE	LOCATION RESTRICTIONS	ILLUMINATION ALLOWED?	TIME LIMIT?	MISC.
	Front	Side	Rear	Other						
Restricted Temporary Signs	12' from front lot line	10' from side lot line	10' from rear lot line		25'	16 sf	2 per event	No	Yes. 120 days per year	See 609
Subdivision/ Project Identification	12'	10'	10'	25'	20'	75 sf	Intersection entrances only, one on each side of entrance	Yes	No	LED not permitted
Single/Multi-Establishment Premises:										
Lot with <50' Frontage	12'	10'	10'		25'	50 sf	One sign per frontage	Yes	No	LED not permitted
Lot with 50'-150' frontage	12'	10'	10'		25'	75 sf	One sign per frontage	Yes	No	LED not permitted
Lot with 150'-1,000' frontage	12'	10'	10'		25'	75 sf plus 1 sf or each 6' of frontage (max 150 sf)	One sign per frontage	Yes	No	LED Permitted on collector or arterial roadways
Lot on arterial and >1,000' frontage	20'				25'	150 sf each (2 signs max) or one 300 sf sign	One sign per frontage 1000' min. between signs No other permanent signs along frontage.	Yes	No	LED Permitted on collector or arterial roadways
Wall, Mansard & Canopy	Cannot project beyond roofline or sidewalls attached to	Cannot project more than 24" away from attached wall	Cannot project onto streets. Must be 8' above pedestrian	Less than 1000 ft. of frontage on single street		2 sf per linear foot of building frontage (200 sf max)	One sign per establishment in single/multi occupancy premises. Multi establishment premises with less than	Yes	No	Corner locations get one sign for each frontage

PROJECT TYPE	SETBACKS (FROM PROPERTY LINE)				MAX HEIGHT	MAX SIZE	LOCATION RESTRICTIONS	ILLUMINATION ALLOWED?	TIME LIMIT?	MISC.
	Front	Side	Rear	Other						
			walkways				1,000' frontage on a single street may have one identification or combination wall sign 200 sf in lieu of all freestanding signs on the same frontage			

sf = square feet; ft./' = feet; min. = minimum; " = inches

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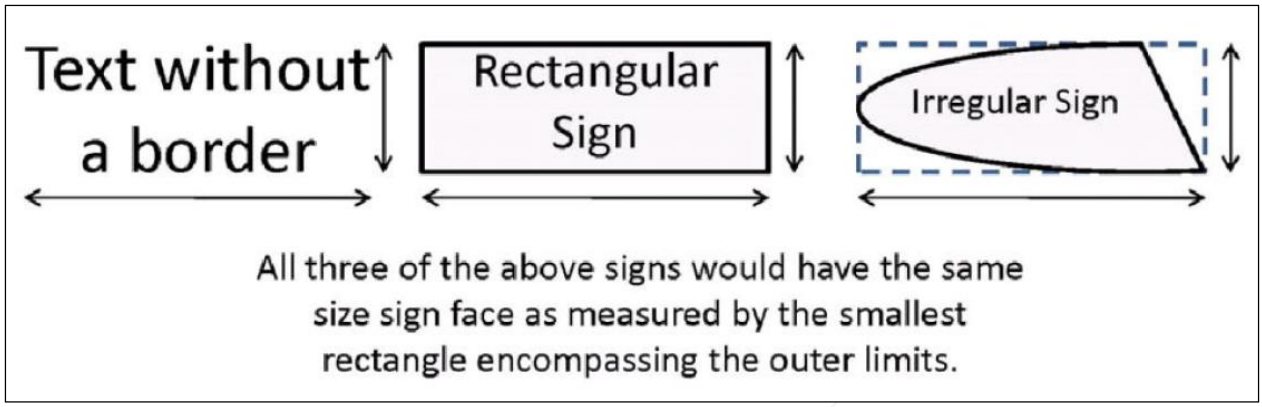
605.2. Measuring Signs.

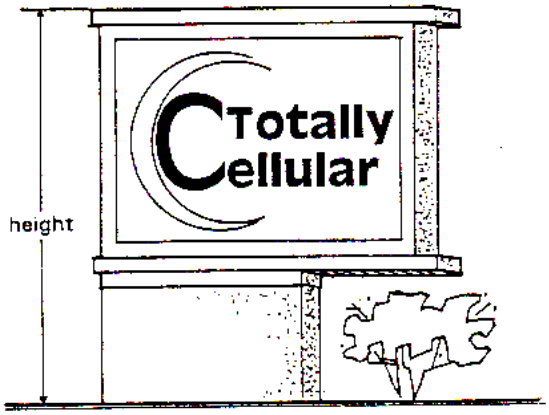
A. Sign Area. The area of a sign includes the entire area within the outer periphery of the smallest single or combination of regular simple geometric shapes within which the message is contained. This shall enclose the extreme limits of writing, representation, emblems, and all material, color, or lighting forming an integral part of the display or used to differentiate it from the background against which it is placed. The sign area is calculated in units of square feet based on one (1) side. However, the maximum total area allowed for all sides shall not exceed twice the allowable specified in this Code.

Figure 6 - 1: Sign Area



B. Sign Height. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

Figure 6 - 2: Measurement of Height



605.3. Illumination of Signs.

A. Generally. All illumination shall be so shaded, shielded or directed so that the light beam shall not adversely affect safe vision of pedestrians or vehicles moving on public or private streets, travel ways, or parking areas. Light shall not shine or reflect in an offensive manner on or into residential structures, motels or hotels.

B. Exposed Lighting—Maximum Power. Exposed reflective-type bulbs or incandescent lamps shall not exceed forty (40) watts.

C. External Lighting. Where an external source of illumination is used, such source or glare shall not be visible from any public way or adjacent property.

605.4. Changeable Copy Signs. (Manual or LED Signs).

A. Changeable Copy Signs shall be allowed along functionally classified roadways only.

B. Changeable Copy Signs shall be allowed only in the R/O/R, MU, IL, and IH Future Land-Use Categories.

C. The display shall not change more than once every five (5) seconds. No animation, scrolling, flashing or appearance of movement is permitted. All such displays shall be a minimum of eight (8) feet above the grade.

D. Changeable Copy Signs shall be limited to one (1) per premises and cover not more than sixty-five (65) percent of the erected freestanding or wall sign area.

E. Changeable Copy Signs within the Historic Vista Protection area are subject to additional review in accordance with Section 403.6.

605.5. Canopy, Awning Signs.

Canopy, Awning Signs may be allowed in lieu of wall signs providing a building permit is obtained.

605.6. Signs for Drive-Through Restaurants.

In addition to the signs otherwise permitted by this Code, a drive-through restaurant shall be permitted identification signs placed in proximity to the drive-through lane for purposes of identifying items available on-site. The signs shall require a permit.

Section 606. Sign Standard Adjustments.

Adjustments as specified in this section may be permitted subject to the criteria set forth below. Applications for adjustments shall be reviewed and considered for approval without regard to the content of the signs.

606.1. Purpose and Applicability.

The sign regulations are designed to avoid an environment that encourages visual blight while protecting and promoting the aesthetic environment of the unincorporated area of Manatee County. These regulations apply over a wide area but because of the County's diversity of development types, some sites may be difficult to develop in compliance with these regulations. The adjustment review process provides a mechanism by which the regulations of this section may be modified if the proposed signs continue to meet the intended purpose of the sign regulations with the submission of master sign plans. Adjustments provide flexibility for unusual situations and allow for alternative ways to meet the purposes of this Code while providing certainty and the efficient processing of land use applications. Each adjustment shall be considered unique and shall not set a precedent for others.

606.2. Sign Standards Eligible for Adjustments.

Adjustments shall be limited solely to the size, number, height, or setback of a sign. Additionally, adjustments may be granted for locations only for on-site signs. No other adjustments to any other requirements of this Code are permitted. No adjustments shall be granted for the following items:

A. Changes in permitted types of signs.

B. Adjustments which permit building-mounted signs to extend above the roof line.

C. Adjustments which permit a sign to be located in a visibility triangle.

D. Adjustments which permit a prohibited sign.

E. Adjustments shall not allow any sign in off-site advertising sign-free areas as described in Section 611.

606.3. Application Requirements.

The application for an adjustment shall be accompanied by a master sign plan and documentation that establishes how the applicant meets the requirements of this Section. The master sign plan is intended to produce a coordinated

and complimentary graphic image that achieves consistency and harmony among signs. For a master sign plan to be considered, the property must be developed and remain in unified control and must have a minimum combined street frontage of one thousand (1,000) feet or more. The master sign plan shall provide at least the following elements:

A. An elevation plan, drawn to scale, depicting all signs placed or to be placed on the buildings on the parcel.

B. A site plan, drawn to scale, indicating the location of all freestanding signs erected or to be erected on the parcel, including setbacks.

C. A scale drawing of all freestanding signs depicting the sign type, sign number, sign setback, height, dimensions and sign area, including the sign structures.

D. For directory signs or other signs providing for more than one (1) tenant, the amount of sign area allocated for each tenant shall be indicated.

E. The types of illumination to be used for each type of sign.

F. A section addressing the process for approval of changes to the master sign plan.

G. A statement that "Any proposed sign by any tenant that creates a uniform change from the approved Master Sign Plan will require the applicant to obtain a statement from the property owner or manager's designated reviewer assessing the extent to which the variation is in keeping with the intent and goals of the Master Sign Plan."

606.4. Adjustments—Administratively Approved.

The Department Director is authorized to grant adjustments administratively and the criteria by which adjustments are considered shall not be interpreted to regulate signage based upon sign content. The Department Director shall review the application for the adjustment and master sign plan and may request comments of members of the development review committee (DRC). The adjustments which may be administratively approved are as follows:

A. The request of the adjustment would not result in a reduction of a code requirement or an increase in a code limitation by more than twenty (20) percent regarding sign height, sign setback, sign size, number of signs or sign location (on-site). Provided, however, once the administratively approved adjustments for either sign area, height or number of signs cumulatively exceed twenty (20) percent of the applicable sign standard for a specific sign or signs, then approval of any further adjustments to any one (1) or more of the above standards may only be granted by the Hearing Officer.

B. Adjustment would not result in a sign otherwise prohibited by this Code.

C. Adjustment requests are limited to on-site signs when necessary to clear obstruction or interference by excessive grades, buildings, bridges, trees and the like provided that all the other requirements of this Code are met.

D. Simultaneously, with the approval of the adjustments requested the Department Director shall also consider approval of the master sign plan provided the master sign plan provides that signs of a similar type and function within the development meet the following criteria:

1. The proposed signs provide a consistent shape or theme and such review shall be performed without regard to the content of the sign;

2. The proposed signs use a consistent style and type of illumination; and

3. Any proposed building signs are mounted in a consistent location on the building.

4. The master sign plan provides for uniformity of proportions of tenant signs.

5. The plans depict sign foundation landscape improvements.

606.5. Amendments to Approved Master Sign Plan.

After approval of a master sign plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan or provided that the plan is amended. All changes except as provided in this Section, to an existing

master sign plan shall require a formal application with all required information as determined by the Department Director to enable the staff to properly evaluate the requested change in accordance with the above criteria.

606.6. Hearing Officer Authority—Adjustments.

The determination of the Department Director to grant, grant with modifications or deny an adjustment is appealable to the Hearing Officer in accordance with the requirements of this Code. The Hearing Officer shall conduct a de novo public hearing to hear applications for adjustments requesting a reduction of a Code requirement or an increase in a Code limitation by more than twenty (20) percent regarding sign height, sign size, number of signs or sign location (on-site). The Hearing Officer shall also have the authority to hear appeals from determinations of the Department Director regarding the granting, granting with modifications or denial of adjustments administratively. The proceedings for the Hearing Officer shall be advertised and conducted in accordance with the procedures in this Code. A sign which requires an adjustment shall be subject to individual review of its location, design, configuration, operation and the particular location proposed to assure consistency with this Code and the Comprehensive Plan. Each adjustment may require the imposition of individualized conditions to achieve such consistency.

The Hearing Officer shall review the proposed adjustment, shall consider the written staff analysis and the testimony at the public hearing, and shall grant, grant with conditions or deny the application. The request for an adjustment shall not subject the entire application for development approval to a public hearing unless otherwise required by this Code, but only that portion necessary to rule on the issue under consideration.

The Hearing Officer shall make findings that the criteria of these regulations have or have not been satisfied by the applicant.

The action by the Hearing Officer to grant an adjustment or to grant an adjustment with conditions or safeguards shall be documented in the form of a resolution containing a legal description of the property to which the adjustment applies, together with the terms of the adjustment and any additional conditions or safeguards imposed.

606.7. Conditions.

In granting any adjustment, the Department Director or the Hearing Officer shall prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the adjustment is granted, shall be deemed a violation of this Code.

606.8. Amendments.

An adjustment may be amended only by following the procedures in this Section.

Section 607. Off-Site Directional Signs.

Off-site directional signs shall be permitted only in non-residential and agricultural zoning districts, provided the following standards are met:

A. Off-site directional signs shall not be located closer than one thousand (1,000) feet from any other off-site sign.

B. Off-site directional signs shall not exceed sixteen (16) square feet of sign area, and shall not exceed ten (10) feet in height. Signs placed on agricultural-zoned property are allowed up to thirty-two (32) square feet in area.

C. Off-site directional signs shall be located on private property a minimum of five (5) feet from a lot line. No signs over thirty (30) inches in height shall be located within any required visibility triangle.

D. More than one (1) facility or activity may be listed on any one (1) off-site directional sign.

E. Off-site directional signs may require a State Department of Transportation sign permit when located adjacent to any State road per Chapter 479, Florida Statutes.

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Section 608. Public Schools Signs.

A. Public educational facility signs (main or accessory) placed on property owned or leased by the School Board of Manatee County shall be exempt from the requirements of this chapter and County permitting if the sign meets all of the following standards. Educational facilities shall be defined within the meaning of Section 1013.01, Florida Statutes.

1. The sign meets minimum setback, minimum ground clearance and maximum height requirements of this Code; and shall comply with visibility triangle restrictions of this Code.
2. The on-site sign is for providing information related to the school or facility at which it is placed.
3. The sign conforms to the Florida Building Code.
4. The sign is inspected as required by applicable law.

B. Signs placed on property owned or leased by the School Board of Manatee County which do not meet the above requirements shall be required to comply with all the provisions of this Chapter.

Section 609. Restricted Temporary Signs.

609.1. Temporary Signs.

A restricted temporary sign is for the purposes of advertising promotional sales events or merchandise at specified times, up to one hundred twenty (120) days, throughout the calendar year. The days to secure a restricted temporary sign permit are at the discretion of the property owner. A restricted temporary sign permit sticker shall be granted to a property owner identifying the valid dates of the permit. The permit sticker identifying the days that the permit is valid shall be displayed in plain view. A property owner may secure a restricted temporary sign permit by making application to the Department Director. A site plan depicting proposed sign type, size, height and location shall be included in the application.

The types of Restricted Temporary Signs are limited to those identified below. Standards are applicable as set forth in the Sign Matrix (Appendix A). All such signs shall be placed, maintained and removed within the timeframes identified in the permit.

A. Animated signs
B. Banners with text
C. Flashing or moving
D. Multi-prism signs
E. Portable signs
F. Roof signs
G. Snipe signs
H. Twirling signs
I. Other similar signs

609.2. Political Signs.

A. The maximum height of political signs is ten (10) feet;

B. The required setback for political signs from the property line in non-residential districts shall be five (5) feet;

C. The maximum sign area in residential districts for political signs is six (6) square feet; in all other districts thirty-two (32) square feet;

D. Erection and removal of all political signs shall be the joint responsibility of the owner of the property upon which the sign is placed, of the owner of such sign and the candidate for whom such sign was placed. Each such person shall be jointly and severely liable for violation of the terms and conditions of this section.

E. Political signs, as temporary signs, may be erected on private property and shall be removed within thirty (30) days after the election or a referendum issue has been decided.

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Section 610. North Central Overlay District Signs.

610.1. Purpose.

The purpose of this section is to provide standards for the design and construction of signs in the North Central Overlay District to reflect the character of the community and to be expressive of individual businesses.

610.2. Applicability.

The provisions of this Section shall apply to new and replacement signs within the North Central Overlay District, as outlined in the Official Zoning Atlas. In the event of a conflict between other provisions of this Code and this Section, the more restrictive of the provisions shall prevail. Government signs are exempt from this Section.

610.3. Prohibited Sign Types.

In addition to the sign types prohibited in this Chapter, the following sign types which are not representative of the character in the North Central Area are prohibited:

A. Pole signs.

B. Changeable copy signs, if message is changed electronically only.

C. Fluorescent signs.

D. Neon signs, except those denoting incidental information when designed within the area of a permitted sign type and occupying no more than four (4) square feet of sign area. Neon may not be used for architectural accent purposes.

610.4. Standards.

A. Generally. Signs in the NCOD shall conform to the following standards in addition to, and subject to, the requirements of this Chapter, and applicable development approvals.

1. Permitted signs shall include those classified as being on-site, temporary, exempt, or subdivision.
2. The total area of all sign faces on a sign shall not exceed one hundred (100) square feet.
3. Sign materials, colors, and shapes considered for approval must be architecturally consistent with the building they identify. Architectural consistency includes compatibility of forms, materials, finishes, and colors.
4. Residential subdivision signs shall conform to the sign matrix of this Code.

B. Ground signs. Ground signs shall be designed and constructed to complement the architectural character of on-site buildings that conform to these design standards by using natural materials, direct lighting, and limiting the size and number of signs. Address information shall be provided on signs to assist drivers in finding businesses.

1. Maximum sign area and height shall be as follows:

Table 6 - 2: North Central Overlay District Maximum Sign Area & Height

Specification	Length of Roadway Frontage		
	<300 Linear Feet	300-600 Linear Feet	>600+ Linear Feet
Maximum Sign Area	60 sf	80 sf	100 sf
Maximum Sign Height	8 ft.	12 ft.	16 ft.

2. The exterior base structure shall be made or faced with natural materials such as native stone, brick, wood, or timber materials.
3. Ground signs shall include a street address number or the range of address numbers for the building(s) it

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identifies and shall be considered as a part of the sign area.

4. One (1) ground sign is allowed for each road frontage per premises, regardless of the length of roadway frontage. In the case of a shopping center with freestanding buildings, each freestanding building may be permitted a separate ground sign provided the outparcel has a minimum of one hundred (100) feet of frontage on the roadway where the sign is located.
5. Ground signs shall be set back a minimum of twelve (12) feet from the front lot line and ten (10) feet from side and rear lot lines.
6. For properties abutting residential districts, ground signs shall be set back twenty-five (25) feet from the residential district.
7. The use of roof, capital, landscape, or base design detail on signs is encouraged.
8. Landscaping is encouraged in the area surrounding the sign base.

Section 611. Outdoor Advertising Signs.

611.1. Allowed Outdoor Advertising Signs

All outdoor advertisement shall be in compliance with the provisions of Chapter 479, Florida Statutes, and Chapter 14-10, Florida Administrative Code, as amended. Outdoor Advertising Signs are permitted on undeveloped or vacant parcels in the GC, HC, CRV, LM, HM, PDC, PDI, PDRV, PDUI and PDPM districts, except as provided in Section 611.2, subject to the restrictions elsewhere in this Chapter, the applicable state statute and the following:

A. Location and Dimensional Standards.

1. Maximum height: Forty (40) feet above grade;
2. Maximum length: Forty (40) feet;
3. Minimum spacing between: Two thousand (2,000) feet same side of road;
4. Minimum sign area: Two hundred (200) square feet per face;
5. Maximum sign area: Two hundred (200) square feet per face; and
6. Maximum faces per side: One (1) face per side.

B. Setbacks. In addition to other restrictions, all outdoor advertising signs must meet all required district building setbacks, minimum fifteen (15) feet. All such signs shall be located no closer than twenty (20) feet to any building or structure.

C. Separation. No outdoor advertising sign shall be erected closer than three hundred (300) feet to any church, school, cemetery, public park, public playground, major thoroughfares, historic sites, landmarks or residential zoning districts, state or national forest.

D. Prohibited Types of Outdoor Advertising Signs. Three-prisms, three-dimensional, scrolling, and rotating signs are not allowed.

E. Nonconforming Outdoor Advertising Signs. Nonconforming outdoor advertising signs shall not be moved, altered, enlarged, or reconstructed without complying with this Code.

F. Permit. No outdoor advertising sign shall be erected without a sign permit from Manatee County and the Florida Department of Transportation.

G. Off-Site Advertising Sign-Free Areas. The following thoroughfares shall be sign-free areas from which no off-site advertising sign shall be visible. Off-site directional signs are permitted in these areas.

1. U.S. 19, South from Hillsborough County line to the Palmetto City limits.
2. S.R. 64, East from the Bradenton City limits to S.R. 675.
3. 26th St. W., South from the Bradenton City limits to Sarasota Bay.

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4. Manatee Ave. W. (S.R. 64), West from the Bradenton City limits (34th St. W.) to Holmes Beach City limits.
5. DeSoto Memorial Hwy. (75th St. W.), North from Manatee Ave. W. to the Manatee River.
6. Palma Sola Blvd., South from Manatee Ave. to Cortez Rd.
7. Palmetto Business 41, South from U.S. 41 to the Palmetto City limits.
8. U.S. 301 East from 24th Ave. East in Ellenton to S.R. 675 and from the Sarasota County line north to the intersection with U.S. 41.
9. Cortez Rd., East from Bradenton Beach City limits to 14th St. W.
10. U.S. 41, South from 30th Ave. to Cortez Rd., then West along Cortez Rd. to 14th St. W., then South to the Sarasota County line.
11. 53rd Ave., from new U.S. 301 West to 75th St. W.
12. S.R. 70, from old U.S. 301 East to S.R. 675.
13. Moccasin Wallow Road, East from U.S. 41 to U.S. 301.
14. University Parkway, East from U.S. 301 to western line of S31-T35-R19.
15. Entranceways, see Section 900.
16. Interstates, I-275 from the Skyway Bridge to the intersection with I-75; I-75 from the northern County line of Manatee County to the southern County line.
17. 15th Street East, from U.S. 301 and University Parkway to the Bradenton City limits.
18. 301 Boulevard East, North from 15th Street East to Bradenton City limits.

611.2. Billboard Signs Exchange Program.

A. Purpose. The purpose of this Section is to provide standards and restrictions for the exchange of signs previously approved as message center signs for electronic billboard signs to promote the visual aesthetics of the County and safety of vehicular travel. These standards and restrictions maintain, support and protect the aesthetic character of the County by providing for the removal of certain message center signs; as well as protect the safety of the motoring public, by limiting the location of and specifications for electronic billboard signs and generally further the public interests of the citizens of Manatee County.

B. Applicability. This Section shall be applicable to real property located within the Entranceway adjacent to I-75 which previously received Preliminary Site Plan approval for an on-site, freestanding message center sign in excess of four hundred (400) square feet on property zoned Planned Development-Mixed Use (PDMU) and located within the Mixed Use (MU) Future Land Use Classification prior to January 1, 2012.

C. Definitions.

Electronic Billboard Sign. For purposes of this Section, electronic billboard sign is defined as a billboard sign that incorporates within or upon one or more of its sign faces digital or other electronic changeable message technology that allows advertising copy to be changed remotely rather than by changing the advertising copy on site with poster sheets or vinyl.

Dwell Time is the minimum duration of a single display on an electronic billboard sign. During the dwell time, the message display shall be static, and there shall not be any change of color; flash, fade, rotation, twinkle, twirl, scroll, show of action or motion, or illusion of action or motion.

Message Sequencing means dividing a single thought or message into two (2) or more successive sign displays on a single electronic billboard sign. For example, it shall be considered message sequencing if the second display answers a textual question posed in the first display, continues or completes a sentence started on the first display, or continues or completes a story line started on the prior display.

D. Upgrade to Electronic Billboard Sign. An on-site sign previously approved as a freestanding message center sign may be upgraded to an electronic billboard sign upon processing an application for a Preliminary Site Plan approval to be heard by the Board of County Commissioners. A sign permit is also required in accordance with

this code. A Preliminary Site Plan approval and the Sign permit is only valid for the specific location for which it has been issued. A Preliminary Site Plan approval and sign permit may not be transferred from one location to another. For each electronic billboard sign for which approval is sought, the sign owner must submit an application demonstrating that each of the following conditions of approval have been met:

E. Exchange Rate.

1. A minimum of eight (8) sign faces of static outdoor advertising signs must be permanently removed in exchange for each single sign face on an electronic billboard sign (electronic billboard sign face). In addition, the combined square footage of sign face area removed shall total at least four (4) times the square footage of electronic billboard sign face for which approval is sought.
2. Notwithstanding, the foregoing subsection 1 above, as an alternative to the exchange rate described above, a sign owner may permanently remove one (1) electronic billboard sign face in exchange for a new electronic billboard sign face and another location for which a sign permit is sought.
3. Removal of the freestanding message center sign referred to in subparagraph D of this Section, if constructed, must occur prior to the effective date of this Section in order to count for purposes of exchange of the exchange rate in this Section.

F. Locational and Dimensional Standards.

1. Each single sign face of the electronic billboard shall not exceed seven hundred (700) square feet.
2. The parcel upon which the electronic billboard sign is located shall not be within a historic view protection area.
3. The parcel upon which the electronic billboard sign is located must be adjacent to I-75 with the electronic billboard sign being orientated towards and viewable from I-75.
4. The maximum height of the electronic billboard sign shall be sixty-five (65) feet.
5. No electronic billboard sign shall be located within four hundred (400) feet of any residentially zoned property or within four hundred (400) feet of any property with an existing legal residential land use. The distance shall be calculated as the shortest measurable distance between the nearest point of the electronic billboard sign to the edge of the residential district or residential property.
6. Spacing. Electronic billboard signs shall be spaced a minimum of two thousand five hundred (2,500) feet from another electronic billboard sign which is facing in the same direction on the same roadway.

G. Lighting Control and Mitigation. Lighting from the electronic billboard sign shall not result in a light intensity greater than 3/10 of one (0.3) footcandle above ambient lighting, as measured at the property line of any residential property within two hundred (200) feet of the base of the sign structure. At the time of sign permit application, the sign owner applying for the sign permit for the electronic billboard sign shall submit a certification to the designated office of the County that this standard has been satisfied.

H. Operational Standards.

1. The dwell time, defined as the interval of change between each individual message, shall be consistent with rules promulgated by the Florida Department of Transportation but in no event less than eight (8) seconds. Any change of message shall be completed in one (1) second. The dwell time shall not include the time required to change a message. There shall be no special effects or other content between messages.
2. The message shall be static during the dwell time set forth in subsection H.1 above. There shall be no flashing or varying light intensity of movement during the message. Messages shall not scroll and shall not give any appearance of moving or in any way include active movement.
3. Messaging sequencing on an electronic billboard sign is prohibited.
4. Each electronic billboard sign's operating system shall contain a light sensing device to adjust brightness as ambient light conditions change in order to insure that the message meets the following brightness standards. The maximum brightness shall be 0.3 footcandles above the ambient light measured two hundred fifty (250) feet perpendicular from the face of the sign.
5. No electronic billboard sign shall display light of such intensity that it interferes with the effectiveness of an

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official traffic sign, signal or device.

6. The electronic billboard sign shall have a default mechanism or setting that will cause the sign to turn off or freeze in one (1) position at a brightness no brighter than normal operation if a malfunction or failure (meaning any unintended interruption in message sequencing) occurs.
7. The electronic billboard sign shall not be configured to resemble a warning or danger signal nor shall there be any configuration which may cause a driver to mistake the sign for a warning or a danger sign. The sign shall not resemble or simulate any lights or official signage used to control traffic.
8. All electronic billboard signs shall be in compliance with the provisions of Chapter 479, Florida Statutes, as amended and Chapter 14-10, Florida Administrative Code, as amended.

Section 612. Nonconforming Signs and Uses.

612.1. Continued Existence.

Nonconforming signs may continue to be displayed until the end of their useful life, subject to the following additional requirements:

A. Any sign not in conformance with the provisions of this Code, including legal nonconforming signs, shall be required to be brought into compliance at any time that a substantial improvement is made to the sign.

B. Nonconforming status shall not be afforded to any sign that was erected without the county, state, or federal agency required permits or on to any signs which have been illegally installed, constructed, placed, modified, or maintained.

C. Permitted alterations to nonconforming signs shall be limited to message changes on permanent on-site and off-site outdoor advertising signs and changeable copy signs, non-substantial repairs and other alterations which do not enlarge or prolong the life of the sign.

D. The prohibited alterations to a nonconforming sign unless the sign is brought into conformity with this Code are: increases in sign area; re-erection or relocation of the sign; alterations which prolong the life of the sign; conversion to another sign type or function type.

E. Any sign rendered nonconforming as a result of eminent domain or the threat of eminent domain shall not be required to be removed or relocated unless deemed a safety hazard by the Department Director.

612.2. Replacement.

Nonconforming uses shall be allowed to replace existing signage with signage of the same height, area, location and dimension.

Section 613. Violations.

613.1. Maintenance.

The failure of the owner, agent, or lessee of a sign for which a sign permit has been issued to properly maintain the sign in accordance with the requirements of this Code shall constitute a violation of this Code.

613.2. Illegal Signs.

No persons shall erect or assist in the erection, construction, maintenance, alteration, relocation, repair, or do any work upon any sign to which a required permit and identification tag is not attached. Any such sign shall be illegal and may be subject to immediate removal.

613.3. Removal.

The failure of a property owner to remove a sign prohibited by this Code shall constitute a violation of this Code. In

addition to other remedies, the Department Director is hereby authorized to cause removal of the sign with proper notice, at the expense of the owner of the sign or property. Signs on rights-of-way, utility poles or on trees; hazardous signs, signs within the visibility triangle or any sign, except government and legal nonconforming signs, located upon, within or otherwise encroaches upon County or public rights-of-way or on public lands or within the visibility triangle, shall be subject to immediate removal, without notification to violators, and impounding by the Manatee Sheriff's Office, or other authorized County employee at the expense of the owner, agent, lessee, sign contractor, or other person having beneficial use of the sign. When impounded, the sign shall be held by Manatee County for a minimum of ten (10) days, during which the sign owner may recover the sign upon payment of removal and storage costs. After ten (10) days the sign may be sold or destroyed at the option of the county.

613.4. Revocation.

The Department Director is authorized and empowered to revoke any sign permit issued (a) upon failure of the holder to comply with the plans and documentation supporting the application for the permit, or (b) if the permit was issued in error or on the basis of misstatement of facts or fraud by the applicant.

613.5. Violation of Code.

Any sign in violation of this Chapter shall constitute a violation of this Code.

Section 614. Severability of Sign Regulations.

If any part or provision of the sign regulations contained in this Chapter and other provisions of the Land Development Code regulating signs or application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these sign regulations of the application thereof to other persons or circumstances. The Board of County Commissioners hereby declares that it would have enacted the remainder of these sign regulations even without any such part, provision or application. It is the specific intent of the Board of County Commissioners that each provision of the sign regulations contained in this Chapter and other provisions of the Land Development Code regulating signs shall stand alone and operate independently of any other provision herein. If any section, subsection, sentence, phrase or portion of the sign regulations in this Chapter or other provisions of the Land Development Code containing sign regulations, is declared invalid for any reason, it is specifically declared by the Board of County Commissioners that such section, subsection, sentence, phrase or portion is separate, distinct and independent of all other sections, subsections, sentences, phrases or portions of the sign regulations in the Land Development Code such that all other provisions are intended to remain valid and enforceable.

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CHAPTER 7 – ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION

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CHAPTER 7 - ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION

Part I. Tree Protection, Landscaping, Buffers, and Irrigation.

Section 700. Tree Protection.

700.1. Purpose and Intent.

It is the intent of this Section to regulate the removal, replacement, or relocation of trees within the County in order to preserve, protect and enhance valuable natural resources. By limiting the removal of existing trees, the need for open space irrigation will be reduced. Existing environmentally suitable native vegetation, plant communities shall be protected and incorporated into the site plan, wherever feasible.

700.2. Application.

A. Generally. No person may remove, relocate, or otherwise destroy any tree or cause, allow, authorize, or assist in the removal, relocation or destruction of same without first obtaining a tree removal permit from the Department Director. The application shall be reviewed by the Department Director.

B. Exempted Activities.

1. *Single Family.* Trees located on any single family, mobile home subdivision, mobile home park, or duplex lot shall be exempt. This does not include any areas of common ownership within parks or subdivisions.
2. *Trees on Agricultural or Mining Property.* Any tree located on land zoned and utilized for agricultural or mining purposes, provided the removal, replacement, relocation, or destruction solely occurs in conjunction with the use of the premises for agricultural or mining purposes and does not occur in anticipation of development. All such clearing is subject to County, State and Local rules, protecting wetlands and other restricted habitat.
3. *Trees in Approved Developments.* Any trees which are located in a subdivision, development, or other project which has received County approval, provided that the removal, replacement, relocation or destruction of trees are specifically shown on the subdivision, development, or project plan approval, and provided that such plans have been reviewed and approved by the Department Director.
4. *Trees on Commercial Horticultural Premises.* All trees and plants which are grown by a licensed plant or tree nursery or tree farm, provided that such trees and plants are planted and grown on the licensee's premises for the sale or intended sale to the general public in the ordinary course of business.
5. *Trees Damaged by Natural Calamities.* All trees which have been destroyed or substantially damaged by hurricane or other natural calamity or Act of God. The tree must be so damaged that it would require unreasonable costs to save it, or would be a hazard to human life or property.
6. *Septic Fields.* Area for septic fields [which] are required by the Manatee County/HRS/Public Health Unit.
7. *Trees within the Rights-of-Way.* Trees within the rights-of-way for the purpose of improvements, roadway widening, sidewalks and utility installations.
8. *Unprotected Species.* The prohibition in paragraph 700.2.A, above, shall not apply to the following unprotected species, and their removal from the site is encouraged. See also 701.4.E. However, if such species were originally installed as part of the required landscaping for a project, such trees may not be removed without a tree removal permit. The fee for this permit shall not apply to these cases.
   a. Broussonetia Papyrifera (Paper Mulberry);
   b. Casuarianaceae (Australian Pine);

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c. Enterolobiom cyclocarpum (Ear Tree);

d. Melaleuca Leueadendra (Punk);

e. Melia Azedarach (Chinaberry Tree);

f. Schinus Terebinthinfolius (Brazilian Pepper);

g. Rutaceae, Citrus (Citrus Tree);

h. Cinnamomum camphora (Camphor Tree);

i. Cupaniopsis anacardioides (Carrotwood);

j. Ficus microcarpa (Laurel fig);

k. Mimosa pigra (Catclaw Mimosa);

l. Sapium sebiferum (Chinese Tallow Tree);

m. Dalbergia sissoo (Indian Rosewood).

9. *Normal Maintenance of Required Trees.* Maintenance and pruning of required canopy or understory trees is allowed in order to remove diseased or dead wood, remove hazardous limbs, remove or trim limbs that would obstruct vehicular movement, utility lines, or pedestrian traffic, remove double leaders or crossing limbs, or maintain or correct the size of the tree. Trimming to provide proper clearance from overhead utility lines shall be allowed; however, it shall not be allowed to significantly alter the natural form of the tree. Pruning that grossly alters the natural characteristic form of that species is not permitted, (e.g. topiary sculptures or "lollipop" shapes).

10. *Degenerative Disease.* Removal of trees with terminal degenerative diseases shall be exempt from Section 700.

700.3. Procedure.

A. Submission of Application. A person desiring a tree removal permit shall submit a written application to the Department Director. The application shall include the following information:

1. *Site Plan.* An overall site plan including the approximate shape and dimensions of the lot or parcel of land, together with existing and proposed driveways, structures and improvements.

2. *Required Generalized Tree Inventory.* Each application for a tree removal permit shall be accompanied by a generalized tree inventory which shall consist of:

3. *Generalized Tree Inventory.* A generalized tree and vegetation inventory showing the approximate location and extent of vegetation and trees upon the site shall be provided no later than preliminary or final site plan (when a preliminary is not required). The inventory shall be based upon the most current available information. For non-residential and multi-family development, the inventory may be in the form of an aerial or a field survey, and shall be accompanied by photographs illustrating typical areas of trees. The generalized tree and vegetation inventory shall be prepared at the same scale as the site development plans or in some other manner which clearly illustrates the relationships between the areas of trees and the proposed site improvements. This inventory shall also include specifications regarding both the common and botanical names of all protected species.

4. *Location of Trees to be Removed.* The location of all trees which are proposed to be removed, replaced, or relocated including the limits of clearing. Subject to the Department Director's approval, the limits of clearing shall generally include:

a. *Streets.* Street Construction and necessary slope construction.

b. *Easements.* Public service or utility easements and rights-of-way. This shall include area of utility line installation with any construction easements necessary for such installation and easements for maintenance access. These easements shall not be cleared prior to actual line installation.

c. *Building Area.* Building roof coverage and ancillary structure such as patios and porches plus twenty-five (25) feet on all sides for construction activity.

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d. *Circulation, Recreation Areas.* Driveways, walkways, parking lots, and other land area necessary to the installation of the proposed development or use. Other necessary land area may include area for gardens, tennis courts, swimming pools, and lawn areas and other related structures or uses.

e. *Septic Fields.* Area for septic fields as required by the HRS/Manatee County Public Health Unit.

f. *Sediment Basins.* Only those trees within the area necessary for construction of the sediment basin, the area in which sediment will collect, and the area necessary for construction and maintenance of the basin shall be cleared of trees. Configuration of the basin shall utilize natural terrain as much as possible to minimize tree removal.

g. *Detention and Retention Basin.* Only those trees within the area necessary for construction of the detention pond and the area necessary for construction and maintenance of the pond shall utilize natural terrain as much as possible to minimize tree removal.

h. *Visibility Triangle:* See Section 1002.

5. *Protective Measures.* A statement explaining how any trees proposed for relocation and replanting as part of a development will be protected during the construction of the development. A plan detail indicating the location of protective barriers around trees to be protected shall also be provided.

B. Separate Tree Removal Permit Required. When tree removal is occasioned by any proposed development that requires a site plan, preliminary subdivision plat, or final subdivision plat, the approved plan or plat shall constitute a tree removal permit. In all other cases, the application for a tree removal permit shall be on a form provided by the Department Director.

C. Review of Application. Upon receipt of the complete permit application, the Department Director shall review the application and visit the site of the proposed development. Within a reasonable period of time, the Department Director shall either approve or deny the application, and shall furnish the applicant a written statement of the reasons for any denial. Where tree removal is considered in conjunction with site plan or subdivision plat review, the Department Director shall forward a copy of the written statement to the appropriate decision-making body with the application for subdivision or conditional use approval and any other relevant materials.

D. Tree Replacement Funds. Any payments collected under Section 700.3.I shall be deposited into the Tree Protection Trust Fund and are expressly designated for the replacement of trees or those incidental materials, i.e. mulch, irrigation mechanisms, required for those items to be planted. These funds shall not however be used for the support of existing trees. The application shall be accompanied by a tree removal permit fee in an amount to be prescribed by the Board.

E. Trust Fund. There is hereby created a Tree Protection Trust Fund for the purpose of insuring that the funds collected pursuant to this Section are utilized as provided in Section 700.3.D, Tree Replacement Funds.

F. Expenditure. Any funds not expended or encumbered for planning, acquisition or planting by the end of the calendar quarter immediately following seven (7) years from the date of payment, shall be returned to the fee payer with interest at the passbook savings rate.

G. Extension. The Board may by resolution, extend the date by which funds must be refunded by up to three (3) years. Such an extension shall be made upon a finding that within three (3) years, the planned replacement activities will be completed.

H. Standards. The Department Director shall not approve a tree removal permit application unless the plan will destroy no more existing trees than is reasonably necessary to achieve the proposed development. The Department Director shall consider in this regard:

1. *Necessity.* The extent to which the actual or intended use of the property is in accordance with the regulations of the zoning district in which the property is located and requires the destruction of trees.

2. *Outstanding Quality of Tree or Plant Communities.* The desirability of preserving a tree or plant community by reason of its size, age, or some other outstanding quality, such as uniqueness, habitat importance, rarity or status as a landmark or species specimen.

3. *Environmental Effects.* The extent to which the area would be subject to increased water runoff and other environmental degradation due to the removal of the trees.

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4. *Development Density.* The desirability of preserving tree cover and associated vegetation in densely developed areas.

5. *Grade Changes.* The effect that changes in the natural grade will have on the remaining trees and vegetation.

6. *Signage.* The visibility of an existing or proposed sign shall not serve as a reason for approval of a tree removal permit.

I. Tree Replacement Alternatives. The Department Director shall condition a tree removal permit for all projects upon the replacement of the removed trees at a one-to-one ratio. Cash payment to Manatee County may be made in lieu of replacement. The Department Director may accept a combination of either of the above methods for compliance with this Section.

1. The Department Director shall also have the option of considering replacement of the trees on adjacent sites, if there is no reasonable replacement alternative on-site and the adjacent site is of sufficient size to support the placement of such trees. If such an alternative is chosen, the applicant must provide a landscaping plan for the replacement trees as well as a written maintenance agreement for the trees. All trees planted off-site shall be at least Florida Quality No. 1 nursery stock. If the adjacent site is single-owner occupied, then it shall be the responsibility of that owner to maintain all of the replacement trees in perpetuity and replace any trees that succumb to disease or death. If the adjacent site is the property of a homeowner's association or other group ownership, the association or group shall maintain all replacement trees in perpetuity and replace any trees that succumb to disease or death.

2. In recognition of overall tree canopy, an alternative method of tree mitigation may be considered by the Department Director, if it is demonstrated that the lost canopy will be replaced within ten (10) years. This alternative shall require a greater quantity of replacement trees while allowing smaller replacement sizes.

3. The Department Director shall reserve the right to increase the size of the replacement tree under unusual circumstances, such as age of tree, type of tree, rarity and historical significance, or the removal of a tree without a permit.

4. When trees are to be replaced on individual residential or nonresidential lots within a subdivision, the Department Director may condition the approval of any preliminary plat to allow for replacement at the time of construction on each lot. The placement of trees on an individual lot shall be a prerequisite for an occupancy permit. Notice of replacement trees on each lot must be placed within the homeowner's documents or association documents approved with each final plat. Within this notice the developer shall state that the replacement trees may not be removed unless diseased or dead, in which case, they must be replaced with the same size and type of tree as originally planted on the lot.

5. Approval of replacement trees to meet the Residential Street Tree requirements of Section 701.3.D shall be dependent upon the site design, lot size, existing trees and building envelopes to determine whether the trees will have sufficient room to thrive. The majority of replacement trees within such projects shall be located within common areas within the project such as greenbelts, roadway buffers and screening buffers. The Department Director shall have the authority to approve an alternative replacement method.

6. When cash in lieu payments are made, the amount of cash payments will be in the manner established by the Board and shall include all material and labor costs, as well as those costs associated with the administration of this program. Payment for Tree Replacement shall be paid prior to the issuance of any Building Permits for the project. Utilization of the cash-in-lieu funds shall be determined by the Board for amounts greater than five thousand dollars ($5,000.00) or the Department Director for amounts of less than five thousand dollars ($5,000.00). The funds shall be used for landscaping in affordable housing projects (meeting the criteria of Section 545), county park projects, street and entranceway beautification programs, and other public projects.

7. When trees are removed with an approved tree removal permit, such trees shall be replaced as follows:

Existing Tree Size	Required Replacement Caliper Minimum	Ratio of Replacement Trees to Removed Trees
4″ - 15″ D.B.H.	3″	1:1
16″ - 30″ D.B.H.	5″	2:1
Over 30″ D.B.H.	7″	3:1

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8. All replacement trees shall be at least Florida Quality No. 1 nursery stock.

9. In order to help preserve significant trees (twenty-six (26) inches dbh or greater), an applicant may be given credit towards fulfilling the tree portion of screening, buffering and parking lot landscaping requirements. All such trees shall be in good health. Those trees between twenty-six (26) and thirty-five (35) inches dbh, shall equal three (3) required trees; over thirty-six (36) inches dbh shall equal five (5) required trees. A condition of use of this incentive is total protection of the tree during construction. Should the tree die as a result of construction practices or post-construction stress, as determined by the Department Director, the replacement trees shall be planted or assurances are made for future planting at the appropriate time, within thirty (30) days of the determination of the death of the tree.

J. Identification of Preserved Trees. Upon approval of a tree removal permit, the location and species or common name of individual trees to be preserved, shall be entered upon the Final Site Plan, Final Development Plan or Preliminary Subdivision Plat. The applicant shall also identify and conspicuously mark any such tree or plant groups to be preserved.

K. Protection During Development. During any land development activity, protective measures shall be taken throughout the entire construction stage to prevent the destruction or damage of all trees to be retained on the site. Specific protective measures shall be outlined by the applicant in writing and to accompany the permit application.

L. Time Period of Permits. Tree removal permits shall continue in force for the same period of time as the development order approval, and shall be subject to the same extension privileges.

M. Building Permits. Building Permits do not authorize the removal of trees unless specifically approved as such by the Department Director. When a tree removal permit is required, a Building Permit shall not be issued until a tree removal permit is issued, or prior tree removal approval has been granted as part of a development order.

N. Violations. In addition to any penalties which may be imposed by Chapter 1, any tree removed, relocated, or damaged in violation of this Section shall be replaced with trees of comparable characteristics. Each removal of a tree shall be deemed a separate offense. The Department Director shall determine the location and number of such replacement trees which will immediately achieve a shade area comparable to that which existed prior to the violation. No Certificate of Occupancy shall be issued until complete replacement occurs. In no instance shall replacement trees be smaller than the minimum requirements set out in Section 700.3.I.7, nor shall the replacement of such trees exempt the violator from the provisions of Section 106: Enforcement, Violations and Penalties.

Section 701. Landscaping and Screening Standards.

701.1. Purpose and Intent.

The requirements established herein for the installation and maintenance of landscaping and screening 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 public health, safety and general welfare. More specifically, it is the purpose of this Section:

A. To promote the conservation of potable and non-potable water;

B. To aid in stabilizing the environment's ecological balance;

C. To reduce noise, glare, heat and dust;

D. To protect, conserve and improve the appearance of property;

E. To promote energy conservation and personal comfort;

F. To enhance community appearance, identity and unique natural beauty;

G. To create visual interest, variety and harmony, and provide contrast and relief from the built-up environment.

H. To reduce visual and functional conflicts between land uses and activity areas; and

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I. To establish the minimum landscaping and screening standards and criteria that are necessary to achieve the desired quality of life described by the purposes set forth above.

701.2. Exemptions.

These requirements shall apply to all new development or the expansion of existing development except for the following:

A. Single-family and duplex dwellings on individual lots, except as provided in Section 701.3.D; and

B. Developments having been issued a final development order prior to the effective date of this Ordinance.

701.3. Minimum Required Landscaping.

A. Vehicle Use Areas.

1. A vehicle use area is any portion of a development site used for circulation, parking and/or display of motorized vehicles, except junk or automobile salvage yards.
2. All vehicle use areas containing more than one thousand (1,000) square feet shall be landscaped in accord with Figure 7-1, which requires three hundred and sixty (360) square feet of planting area, including four (4) canopy trees and twenty (20) shrubs per twenty (20) parking spaces. If one (1) gallon shrubs are used within the landscape islands, forty (40) shrubs shall be required. Tree and shrub sizes shall be in accordance with Section 701.4.B.
3. For vehicle use areas serving large vehicles requiring additional maneuvering room, such as truck stops, and motor freight terminals, up to fifty (50) percent of required vehicle use area landscaping may be transferred and added to the perimeter buffer or roadway buffer.
4. No more than ten (10) consecutive parking spaces shall be allowed without an interior landscape island.
5. The front of a vehicle may encroach upon any interior landscaped area or walkway when said area is at least eight (8) feet in depth, not including curbing, per abutting parking space and protected by curbing. No tree or shrub of more than two (2) feet in height shall be located within two (2) feet of the edge of the landscape area.
6. If a Sign View Area is shown on the landscape plan, the developer will have the choice of either replacing the canopy trees with understory trees within the View Area or moving the trees to another location within the parking lot. A Sign View Area shall be defined as those areas to be left within the sight lines of either free-standing or wall signs by the travelling public on adjacent streets. No more than thirty (30) percent of required trees may be switched to understory trees as a result of this provision. Understory trees must be provided at a ratio of 1.5 to 1 if used to replace canopy trees.
7. Where vehicle use areas abut the roadway, the roadway buffer may serve as the perimeter parking lot buffer. However, where the vehicle use area does not abut a roadway, the perimeter landscaping requirements shall be a minimum width of eight (8) feet containing one (1) canopy tree meeting the minimum requirements of Section 701.4.B per forty (40) feet or substantial fraction thereof, and either shrubs, hedges, berming or fences or any combination thereof, to reach a height of forty-two (42) inches, two (2) years after installation, and being eighty (80) percent opaque.

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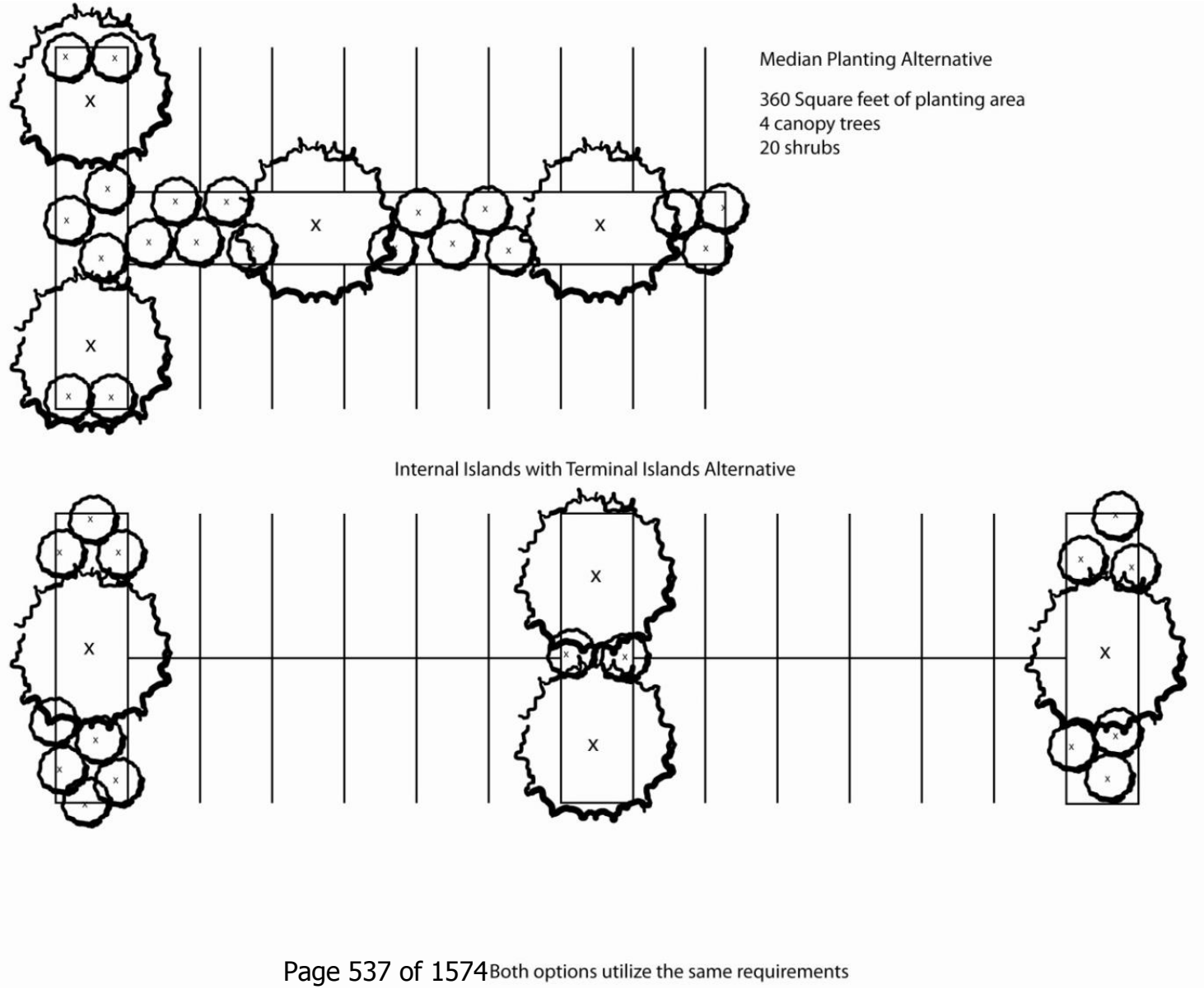
Figure 7 - 1: Vehicle Use Area Landscaping



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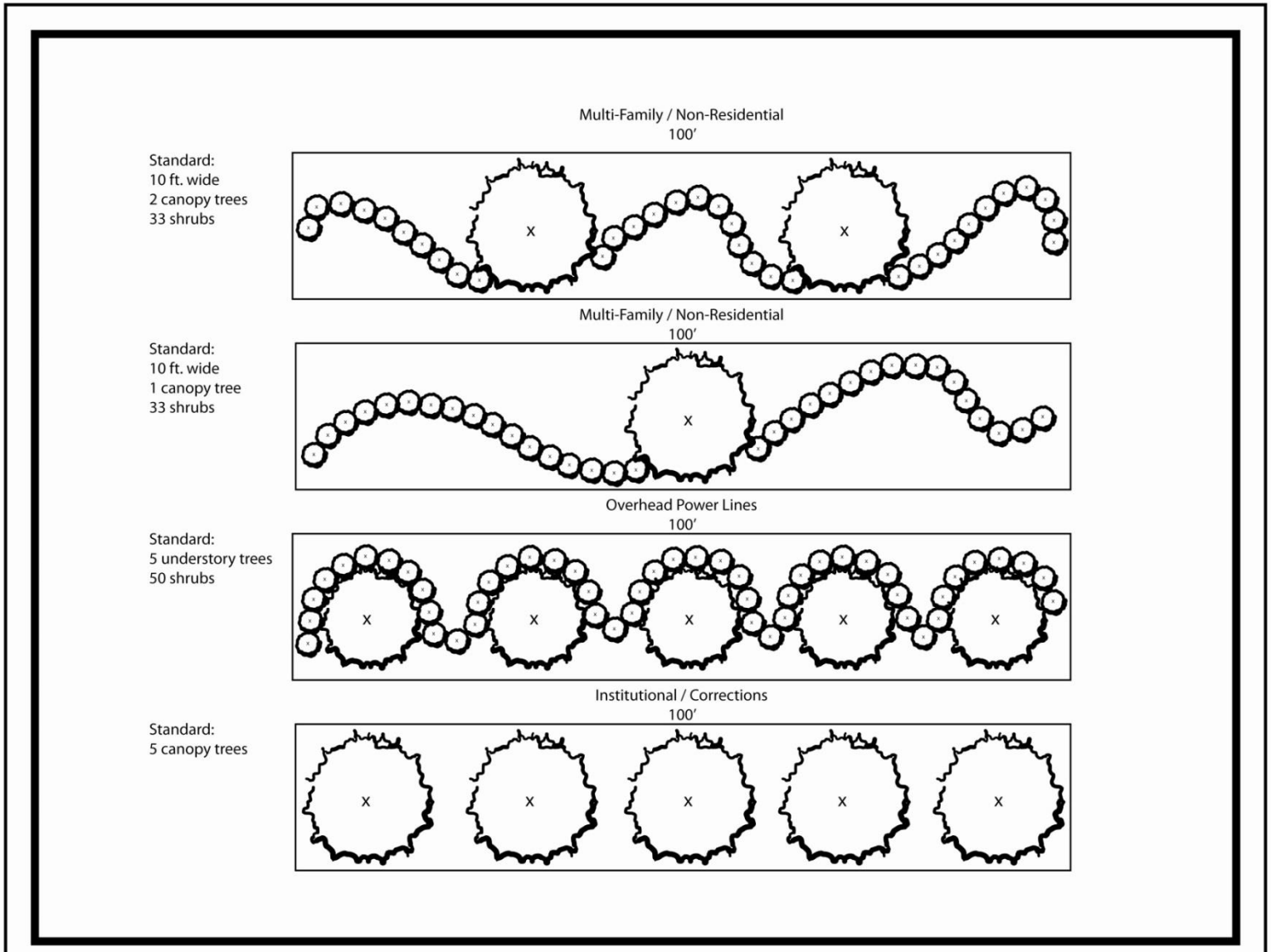
B. Buffer Zones.

1. Buffer Zones are landscaped strips along parcel boundaries.
2. Buffer Zones serve to separate incompatible uses and/or create attractive boundaries.
   - Widths and degrees of vegetation depend on relationship between uses.
   - Standards are per one hundred (100) linear feet.
   - Plant materials are to be spread relatively evenly throughout the buffer.
   - See Figure 7-3 for required amounts of landscaping.
   - See Figure 7-3 for landscaping alternatives.
3. Buffer zones for proposed industrial uses adjacent to residential uses/zoning shall use buffer option E, unless otherwise approved with Planned Development Specific Approval.
   a. Roadway Buffers. Required for multi-family and non-residential projects along all roadways. Required for single-family projects abutting thoroughfares only.
      i. Reverse frontage lots shall be provided adjacent to major thoroughfares. A twenty (20) foot wide buffer shall be provided along rear property lines abutting right-of-way. Additional lot depth of twenty (20) feet shall be provided to accommodate such buffer when adjacent to collectors, arterials or other thoroughfares.
         (a) See Figure 7-2 for requirements.
         (b) If fences are used, required landscaping shall be located on the exterior, facing the roadway, or adjacent property.
         (c) For hedges within roadway buffers, the shrubs shall reach a height of three (3) feet within two (2) years.
         (d) For roadway buffers that contain overhead power lines, the requirement for canopy trees may be reduced to allow understory trees as shown in Figure 7-2.

Figure 7 - 2: Roadway Buffer Options per 100 Feet



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b. Screening Buffers.

i. Screening buffers are required between zoning district boundaries.

ii. The width of the buffer shall be as defined in the Buffer Matrix, Figure 7-4.

iii. Decorative, opaque fences shall be considered:

- Concrete Aggregate
- Stucco
- Finish (either colored or painted)
- Brick
- Stone
- Glass Block or
- Wood

iv. No chain link shall be allowed. (The exception is chain link with slats shall be allowed for the gates of dumpster enclosures).

v. Concrete masonry shall be allowed only if split face design.

vi. Structurally safe, durable and attractive.

vii. A minimum of six (6) feet in height.

viii. For hedges used within screening buffer zones, the plant materials used shall reach a minimum height of six (6) feet within three (3) years of planting.

c. Residential Greenbelts.

i. For all residential projects, a fifteen (15) foot wide perimeter greenbelt buffer shall be required. Streets and utilities providing interneighborhood ties may be permitted to pass through greenbelt buffer areas. Should such greenbelts be located adjacent to single family lots, such lots may not be platted through the greenbelt. In projects consisting entirely of fifteen (15) or less single family lots, greenbelt buffers shall be reduced in width to ten (10) feet.

Exemptions:

- For new residential subdivisions located in the A or A-1 zoning districts, no greenbelt shall be required.
- For lot splits inside or out of a subdivision, resulting in the creation of one additional lot, no greenbelt shall be required.
- For replattinq of existing lots if the total number of lots either remains the same or is reduced, no greenbelt shall be required.

ii. The greenbelt buffer shall be planted with a minimum of one canopy tree planted every thirty (30) feet on center for the length of the perimeter of the project.

iii. For new residential projects abutting non-recreational, non-residential uses, the greenbelt buffer shall also meet the screening buffer requirements that may include either a hedge, fence or wall.

iv. All landscaping shall be installed prior to final plat approval, unless performance security is posted guaranteeing the landscaping will installed prior to the first Certificate of Occupancy.

v. Irrigation shall be provided as required pursuant to this Code and installed prior to issuance of the first Certificate of Occupancy of the project.

Figure 7 - 3: Screening Buffer Options per 100 Feet

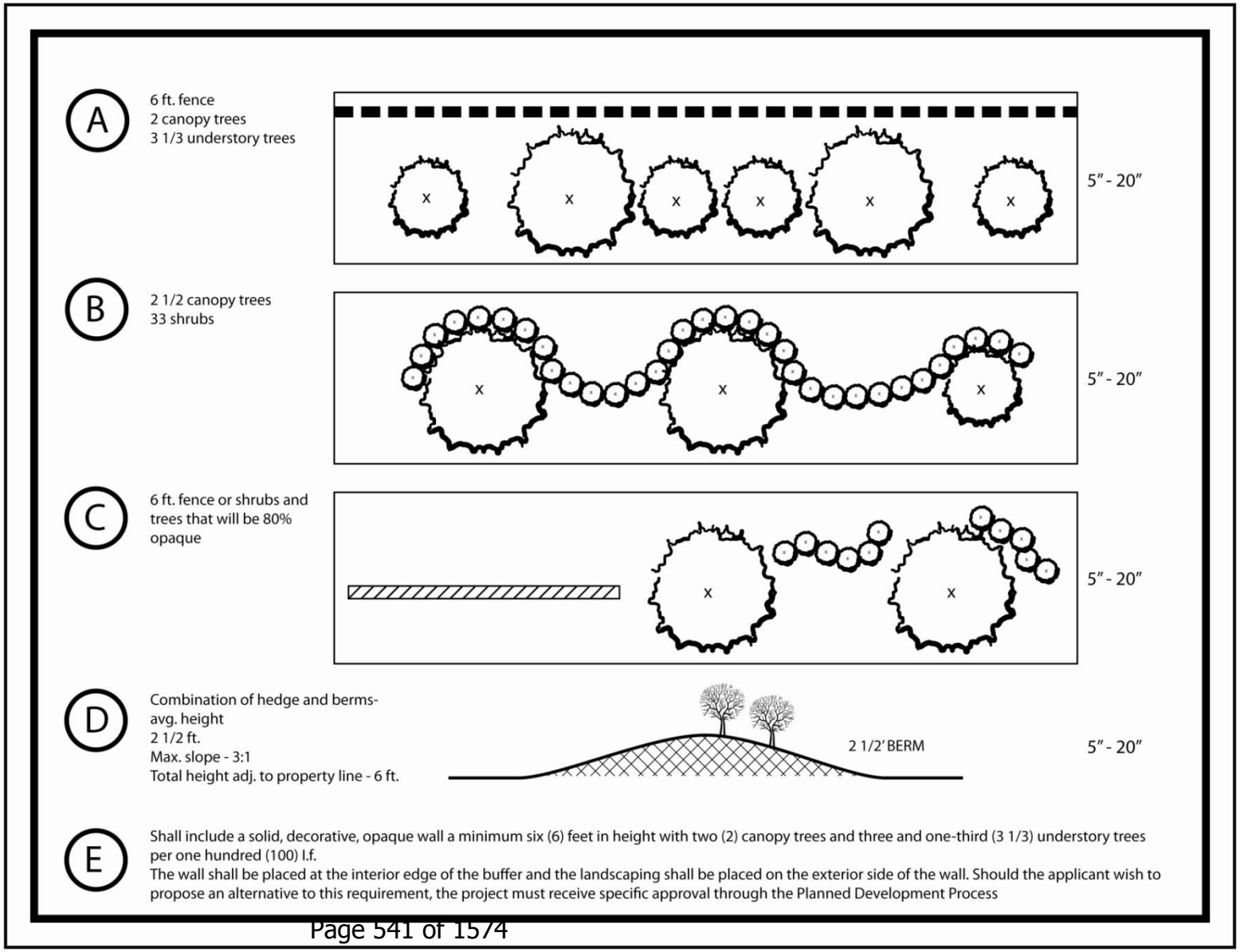

Figure 7 - 4: Buffer Screening Matrix; Width of Buffer Required (In Feet)

	Abutting Use/or Zoning Width of Buffer Required (in Feet)													
Proposed Use	Res. Excl. M.F.	Multi-Family	Res. Sup. Uses	Community Ser. Uses	Retail Commercial	Service Commercial	Misc. Service	Service	Industrial	Misc. Uses	Rec. Uses	Transp. Uses	Warehouse	Intensive Ag Uses*
Res. Excl. M.F.	0	10	10	10	15	10	15	15	20	15	10	20	20	15
Multi-Family	10	0	5	10	15	10	10	10	20	10	10	20	15	10
Res. Sup. Uses	10	5	0	5	10	5	5	5	10	10	5	15	15	10
Community Ser. Uses	10	10	5	0	5	5	5	5	10	5	5	10	10	10
Retail Commercial	15	15	10	5	0	5	5	5	10	5	5	10	5	5
Serv. Commercial	10	10	5	5	5	0	5	5	10	5	5	10	5	5
Misc. Service	15	10	5	5	5	5	0	5	10	5	5	10	5	5
Services	15	10	5	5	5	5	5	0	10	5	5	10	5	5
Industrial	20	20	10	10	5	5	5	5	0	10	10	5	5	0
Misc. Uses	15	10	10	5	5	5	5	5	10	0	5	10	10	10
Rec. Uses	10	10	5	5	5	5	5	5	10	5	0	10	10	10
Transp. Uses	20	20	15	10	10	10	10	10	5	10	10	0	5	5
Warehouse	20	15	15	10	5	5	5	5	5	10	10	5	0	5
Intensive Ag* Uses	15	10	10	10	5	5	5	5	0	10	10	5	5	0

*Intensive Ag Uses shall be defined for the purpose of this chart to include Agricultural Products Processing Plants, Animal Products Processing Facility, Animal Shelters, Farm Equipment and Supply Establishments, Kennels, Sawmills, Slaughterhouses, Stockyards/Feedlots, and Veterinary Hospitals.

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C. Foundation Landscaping. The amount of twenty (20) square feet per one thousand (1,000) square feet of proposed gross floor area, located contiguous to the building.

D. Residential Street Trees.

1. Prior to C.O., one (1) canopy tree shall be planted within twenty-five (25) feet of the right-of-way of each local street within a residential development for every fifty (50) linear feet, or substantial fraction thereof, of right-of-way. None of these required trees shall be planted within a public or private utilities easement. Palm trees may not be utilized to meet this requirement, unless they are grouped with a minimum of two (2) used for each canopy tree. A maximum of twenty-five (25) per cent of all proposed residential street trees may be palm trees.
2. The trees shall be spaced no closer together than twenty-five (25) feet, unless a decorative grouping or alternative method is chosen by the developer. Existing native trees should be used to fulfill these requirements wherever they meet the spacing and size requirements.
3. Responsibility for installation and initial maintenance is the developer's on all common areas within the project. Responsibility for the property owner's installation and maintenance of the trees shall be placed within the Homeowner's Documents and/or Deed Restrictions governing the development. Such trees shall be installed prior to Certificate of Occupancy for each individual unit.

E. Redevelopment Standards.

1. These redevelopment landscape standards apply to approval requests with existing building when:
   a. A "change of use" that requires a plan approval per Chapter 3;
   b. Establishing a new use that requires administrative approval; or
   c. Increasing the Gross Floor Area or the Vehicle Use Area that requires a plan approval per Chapter 3 or 1005.8.
2. Exceptions:
   a. Vehicle Use Areas (parking space) increases due solely to the restriping of existing surfaces are not included within the percentage increase calculation.
   b. All Special Permit Uses shall be required to meet all of the requirements for landscaping and screening for new development contained in Section 701 without modifications.
3. Any project which results in more than a fifty (50) percent increase in gross floor area or the number of parking spaces shall be required to meet all of the requirements for landscaping and screening for new development contained in Section 701.
4. Any project that proposes an increase in Gross Floor Area (GFA) and/or Vehicle Use Area (parking spaces) exceeding twenty-five (25) percent but less than fifty (50) percent is required to provide landscaping per Section 701 for the area of the increase (new work), and shall upgrade the following existing landscape components to the current Code requirements:
   a. Roadway buffer,
   b. Terminal islands,
   c. Internal islands,
   d. Foundation landscaping,
   e. Irrigation,
   f. Perimeter landscaping, and
   g. Screening.
5. The above landscaping components shall be installed to meet this code. The following modifications are allowed:
   a. The clustering of required plant materials allowed to reduce the removal of existing site improvements if

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the required plant count is maintained.

b. When necessary to maintain Code dimensions for parking space depth and drive aisle width, the roadway buffer width may be reduced to a minimum of five (5) feet.

c. Flexibility in the location of new foundation landscaping is allowed to minimize the removal of existing site improvements and maintain the required parking space and drive aisle dimensions. Foundation landscaping may be located around the existing building and is encouraged to be located around building entrances.

d. The number of internal islands may be reduced by one-half (½) in the existing parking area.

6. Any project that proposes an increase in Gross Floor Area (GFA), and/or Vehicle Use Area, of between zero (0) and twenty-five (25) percent of the existing (includes new Administrative Permits with no GFA increase), is required to provide landscaping per Section 701 for the area of the increase (new work).

7. All projects shall be required to replace, previously planted, required landscaping that has died or is not fulfilling its intended purpose (screening, height after two (2) years, hedges with gaps, etc.) to meet the standards in effect at the time of the original approvals, unless such landscaping is no longer required by this code.

8. Incremental increases in either gross floor area or vehicle use area spaces that cumulatively exceed the fifty (50) percent threshold over a three (3) year period shall require the project to meet the standards for new development as shown in Section 701.

701.4. Specifications.

A. General.

1. Drought tolerant species
2. Minimum Florida Number One Grade
3. Appropriate to soil and climate
4. Minimum thirty (30) percent native species
5. Low maintenance
6. Irrigation shall be zonally designed
7. Xeriscape-type landscaping is required whenever feasible
8. Must meet the standards of Section 1002, Visibility Triangles
9. No synthetic/artificial lawns or plants
10. All landscaped areas shall be protected by wheel stops or curbing
11. Areas with planted trees shall be a minimum 8 feet wide (inside curb measurement)
12. Existing plant communities designated to remain must be intact and undisturbed; noxious and exotic plants must be removed.
13. Preserving native plant communities is encouraged and may be required, as appropriate.
14. Native plant communities shall be counted at 1.5 ratio for meeting open space requirements (minimum ⅛ acre in size)
15. No parking, loading areas, or buildings shall be placed within any landscape buffers
16. Trees and shrubs shall not be placed within the middle two-thirds (2/3) of any drainage swale or within three (3) feet measured horizontally from the centerline of the drainage swale; whichever is greater. Swales must allow the positive flow of water without any obstruction.
17. A maximum of forty (40) percent of all required trees may be palm trees. When palm trees are utilized as canopy trees, a minimum of two (2) palms must be grouped to serve as a canopy tree. Each palm tree group will count as one (1) canopy tree.

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B. Trees. Trees required under Section 701 shall be in accordance with the following:

MINIMUM SIZE AT PLANTING	CANOPY	UNDERSTORY	PALM
Height	10 Feet	6 Feet	15 Feet
Caliper	2½ Inches	1½ Inches	
Spread	4 Feet		

C. Shrubs. Shrubs required under Section 701 shall be in accordance with the following:

MINIMUM SIZE AT PLANTING	HEDGE	VEHICLE USE AREA ISLANDS
Height	24 Inches	8 Inches
Gallons	3 Gallons	1 Gallon

D. Prohibited Species. Prohibited Plant Species. The following plant species shall not be planted in Manatee County:

1. Melaleuca quinquenervia (commonly known as Punk tree, Cajeput, paper bark, malaleuca);
2. Schinus terebinthefolius (commonly known as Brazilian Pepper or Florida Holly);
3. Casuarina species (commonly known as Australian Pine);
4. Rhodomyrtus tomentosa (commonly known as Downy Rose Myrtle); and
5. Mimosa pigra (commonly known as the Catclaw Mimosa).
6. Dalbergia sissoo (commonly known as the Indian Rosewood)
7. Cupaniopsis anacardioides (commonly known as the Carrotwood)

E. Nuisance, Exotic Plant Species Management. All nuisance, exotic plant species shall be removed from upland portions of land development sites during construction unless Special Approval is granted. An Exotic Plant Species Management Plan shall be approved by the Department Director of Environmental Management prior to or concurrent with Final Site Plan or Construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project.

F. Special Approval. Nuisance, exotic plant species removal may be modified by the Department Director, provided that an Exotic Species Management Plan is approved to minimize the expansion and establishment of exotic plant species outside of the approved post-development configuration. Special approval may be approved as follows:

1. Specific locations of redevelopment projects, where existing nuisance, exotic vegetation is acting as a screen to assure compatibility or protection of the existing land use.
2. Development sites where removal of nuisance, exotic vegetation cannot be phased, or will result in costly and extreme soil stabilization measures.

701.5. Modifications.

Department Director may approve alternative screening/landscaping upon determining the plan meets the intent of the standards and meets or exceeds a plan in strict compliance.

701.6. Landscape plan required.

A landscape plan shall be submitted, reviewed and approved by the Department Director at the Preliminary and final site plan stages, or prior to the issuance of a building or access and drainage permits. These plans should be integrated into the site plans/plats submitted, and shall be prepared by a landscape architect or other persons as

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authorized under Chapter 481, Part II, Florida Statutes. The landscape plan shall consist of:

A. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan;

B. Location of existing boundary lines and dimensions of the site, the zoning classification of the site, and the zoning classification of adjacent properties, A vicinity map should also be attached to or made a part of the plan;

C. Approximate centerlines of existing water courses and the location of the twenty-five (25) year and one hundred (100) year floodplain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed buildings, streets, utility easements, driveways, parking, sidewalks, and similar features;

D. Project name, street address, and legal description;

E. Location, height, and material of proposed screening and fencing (with berms to be delineated by one (1) foot contours);

F. Locations and dimensions of proposed landscape buffers, areas, and cross section;

G. Complete description of plant materials shown on the plan, including names (common and botanical name), locations, quantities, container or diameter breast height sizes at installation, heights, spread, method of irrigation (as shown in Section 701.7) and spacing. The location and type of all existing trees on the lot over four (4) inches in caliper or greater must be specifically indicated;

H. Calculations as to the amount (in square feet) of vehicle use and foundation landscape areas required and provided;

I. An indication of how existing healthy trees proposed to be retained will be protected from damage during construction;

J. Size, height, location and material of proposed seating, lighting, planters, sculptures, and water features;

K. A plan drawn to scale showing in addition to the above items the location of roads, sidewalks, buildings, landscape areas and buffers, planters, drainage facilities, easements, property lines and fences.

L. Location of visibility triangles on the site (if applicable), including visibility triangle within parking areas;

M. Other information as may be required by the Department Director to determine whether the landscape plan meets the requirements of this Code; and

N. Preliminary Site Plan Requirements. Items to be included within a landscape plan submitted in conjunction with a preliminary site plan are: proposed general types of plant materials, general location of landscaping in vehicle use areas, foundation landscaping areas, screening buffers and roadways buffers. One hundred (100) percent automatic irrigation shall be noted.

701.7. Irrigation.

A. Irrigation Design Standards. One hundred (100) percent automatic irrigation systems shall be required for all projects. The following standards shall apply to the design, installation and maintenance of the irrigation systems. Single-family and duplex dwellings, if an automatic irrigation is installed, shall provide rain or moisture sensing shut-off devices.

1. Existing plant communities and ecosystems maintained in a natural state do not generally require supplemental irrigation.

2. Rain or moisture sensing shut-off devices shall be installed with any irrigation system. Drip or microjet irrigation shall be used where possible. Low trajectory spray nozzles are encouraged.

3. All irrigation systems shall use the lowest quality water available which adequately and safely meets the water needs of the system. Stormwater reuse, reclaimed water use and grey water irrigation systems shall be used where feasible. Shallow wells and wet retention/detention ponds shall also be in used as an alternative to

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potable water.

4. The applicant shall provide an irrigation plan that shall show the location of the water source and size of well (if applicable), backflow preventer (if applicable), the location of irrigation heads, drip lines, water lines or other items that will show that one hundred (100) percent automatic irrigation is serving all required landscape areas on the plan.

B. Irrigation Within the Right-of-Way. Property owners wishing to maintain landscaped areas in the rights-of-way contiguous with their property and adjacent to the paved road or sidewalk may, with the following stipulations, install underground irrigation lines and sprinkler heads within these areas:

1. When the County or any other utility with legal easements, needs to cut or remove parts of said irrigation system, or damages same as a result of work within the rights-of-way, it shall be the property owner's responsibility to repair and/or replace those damaged areas of the system, and all costs shall be borne by the property owner.
2. No portion of any irrigation system shall be installed within the right-of-way without a Right-of-Way Use Permit. Any spray heads or nozzles located adjacent to the rights-of-way shall be directed away from all travel lanes and sidewalks. All such systems shall be designed so that water being applied to impervious surfaces is reduced or eliminated.
3. The irrigation system shall be properly maintained and operated consistent with County-wide watering schedules.
4. For public health, safety and welfare reasons, the County may rescind any approval and cause removal of any irrigation line within the rights-of-way, without notice, cause or reimbursement, to the property owner.

701.8. Installation and Maintenance of Landscape and Irrigation.

A. Installation shall be complete at the time of final inspection, except as provided otherwise.

B. Property owner shall maintain landscaping and screening for the life of project.

C. Required plant materials which are removed or die shall be replaced within thirty (30) days.

D. Understory growth and the natural function of the area shall be maintained.

E. Installation shall be in a sound, professional manner.

F. Required landscaping shall be maintained and pruned in a manner that preserves the natural shape and growth characteristics of the species. Pruning that "hatracks" or "lollipops" canopy trees is prohibited without prior approval of the Department Director or Board.

701.9. Certification Required.

Prior to issuance of a Certificate of Occupancy or approval of a final plat, (as applicable), the landscape professional responsible for the project shall provide written, sealed or notarized, certification to the Engineer of Record that the installation of irrigation and landscaping has been completed in accordance with the approved plan or plat. The Engineer of Record shall provide a copy of the landscape professional's certification with submittal of his/her certification.

Section 702. Earthmoving.

702.1. Purpose

The purpose and intent of this Section is to ensure safe and environmentally adequate design and reclamation of all disturbed lands; and to protect all property during excavating, filling, and off-site transporting of material in the process of earthmoving.

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702.2. Exemptions.

A. The earthmoving operations listed under subsection B shall not require a separate earthmoving site plan or operating permit provided:

1. No off-site drainage is affected;
2. No rise in the base flood elevation of an identified floodway;
3. No change in grade at the property line (except for swales); and
4. All other state and local requirements have been fulfilled. Although an earthmoving permit may not be required, a tree removal permit under Section 700 may be required. If the site is located within the floodplain, the provisions of Section 802, Floodplain Management shall apply.

B. The activities eligible for exemptions are:

1. Earthmoving which is accessory to agricultural operations where no earth is transported off-site.
2. Site preparation and finish grading for or accessory to Permitted Uses or other Conditional Uses, which are specifically identified and approved during another developmental permit approval.
3. Earthmoving which is a part of a county approved construction project, such as a subdivision, or a dredge and fill project.
4. Earthmoving for the preparation of a site, foundation, and landscaping of a single family detached, attached dwelling unit, or duplex located on a lot of record.
5. Two hundred (200) cubic yards or less of material classified under earthmoving within any one (1) year period.
6. A grading operation of two (2) acres or less.
7. Excavation of a retention/detention pond associated with another valid development permit.
8. Excavation, and filling confined to a single family detached or attached dwelling unit residentially zoned lot including excavation for a pond not to exceed two hundred (200) cubic yards located totally within the same lot.
9. Earthmoving which is specifically associated with and part of another valid development permit on a lot for a structure, drainage facility, or sanitary sewer system, subject to compliance with the Manatee County Development Standards.
10. All phosphate mining activities shall comply with requirements set forth in Chapter 2-20, Mining and Reclamation, of the Code of Ordinances, in lieu of obtaining an earthmoving permit under this Section.

702.3. **Earthmoving Site Plan Review and Requirements.**

A. Site Plan Requirements. The earthmoving site plan depicts the proposed earthmoving activities and procedures as forecasted for the entire life of the earthmoving project.

B. Minor Earthmoving Site Plan.

1. *Applicability.* Minor earthmoving site plans shall be required for all earthmoving operations as described herein, which:

a. Are not exempted by Section 702.2, Exemptions;

b. Are not subject to Section 702.4, Major Earthmoving Requirements;

c. Involve grade changes at any property line, except for swales and driveway access;

d. Involve any earthmoving operation in excess of two hundred (200) cubic yards but less than one thousand (1,000) cubic yards of material classified under earthmoving, when not specifically associated with and approved under any other development permit; or

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e. Involve a grading operation over two (2) acres but not less than ten (10) acres, when not specifically associated with and approved under any other development permit.

2. *Pre-Application Conference.* A pre-application conference is optional for minor earthmoving site plan applications.

3. *Department Director Review.* Applications for minor earthmoving shall be submitted to the Department Director on forms as provided. The Department Director, after necessary coordination with other applicable county departments and agencies, may approve such application.

   The Department Director shall conduct a site inspection and issue a report on each application. In the approval of any application for minor earthmoving under this Section, the Department Director may include conditions designed to protect adjacent property or public property; or to ensure safe and environmentally adequate design, construction and reclamation that are stipulated under Sections 702.4 and 702.5.

4. *Site Inspection.* Upon completion of the earthmoving, the property owner shall notify the Department Director, who shall cause a site inspection of the completed operation to ensure any and all necessary reclamation is completed and that no adverse surface water drainage conditions exist.

5. *Floodplain Management Permit.* If an earthmoving operation lies within any floodplain, a floodplain management permit is also required.

6. *Phosphate Mining.* All phosphate mining operations shall comply with Chapter 2-20, Mining and Reclamation, of the Code of Ordinances, as amended in lieu of obtaining an earthmoving permit under this Section.

C. Major Earthmoving Site Plan.

1. *Site Plan and Permit Required.* Major earthmoving site plans and operating permits shall be required for all earthmoving operations which involve excavation and/or filling of:

   a. Over one thousand (1,000) cubic yards of material, whether by single or multiple operations in any one (1) year period of time; or

   b. More than a ten (10) acre excavation/filling operation.

2. *Requirements.* All major earthmoving shall meet the following requirements:

   a. The applicant shall be the owner of the property, if the earthmoving operation is being conducted by him. If the earthmoving operation is done by others (e.g. a contractor), the owner and contractor shall be co-applicants as principals jointly and severally liable as co-principals on the surety bonds;

   b. If the zoning district in which the proposed activity is located permits earthmoving activities, an applicant shall submit to the Department Director, an earthmoving site plan of its proposed activities to accompany the application. In zoning districts when earthmoving requires an administrative or Special permit, the applicant shall submit those applications in addition to the earthmoving site plan; and

   c. For loam, sand, gravel, and roadway aggregate material excavations, the Department Director may lessen the requirements herein required based on the scope of the work proposed by the applicant.

D. Application Information and Site Plan Requirements. A pre-application conference is required for all major earthmoving site plan applications. The purpose of the pre- application conference is to provide the County with sufficient information at an early stage in order to understand the scope of work, advise the applicant of the Code requirements, and inform the applicant what may be required prior to the applicant preparing site plans. The Earthmoving Site Plan is a description of the proposed earthmoving activities and procedures as forecasted for the entire life of the earthmoving project. The materials to be excavated or filled, the sequence or phasing of excavation or filling and the estimated periods of time involved shall be indicated. The Earthmoving Site Plan shall in addition to meeting the requirements of Section 322, Preliminary Site Plans, shall also include:

1. Scaled maps, supporting documents, and calculations.

2. The name, address, and telephone number of the applicant. If the applicant and/or property owner are not individual natural persons or individual business entities, the application shall fully identify each person or entity having any interest in the earthmoving activities or ownership of the land, and shall specifically identify the nature of such interest. The name, address and telephone number of the applicant's business office in

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Manatee County upon whom service of legal papers may be made and who may be contacted in case of need. A certified legal description and a statement of the nature of the applicant's legal interest in any and all lands upon which any operations are proposed;

3. The location of the one hundred (100) year floodplain and the twenty-five (25) year floodplain shall be shown on the site plan.
4. The locations and dimensions of proposed pit dewatering retention/detention ponds, together with a description of all proposed temporary and permanent silt, erosion, and turbidity controls;
5. The location, use, and description of any pipelines, building, or any other non-mobile structures or devices to be constructed for the extraction, pit dewatering, weight scales or other material handling facilities;
6. Maps or aerial photographs, on a scale of one (1) inch equals two hundred (200) feet, with overlaps of two hundred (200) feet, depicting the name, location and limits of all wetlands, lakes, rivers, reservoirs, streams, creeks, and other water bodies within the Earthmoving Site Plan area, including all waters of the State as defined by Chapter 403, Florida Statutes, and all navigable waters as defined by Chapter 253, Florida Statutes;
7. Engineering estimates of rated flow capacity for all equipment proposed for pit dewatering purposes and discharges to ground and surface waters, showing location of points of discharge from the applicant's property and estimates of discharge rates to any receiving streams;
8. The drainage features to be provided during and following all earthmoving activities, including topographic maps sufficient to show all drainage characteristics of the earthmoving site and immediate vicinity thereto; criteria used for design and an assessment of the effect that the proposed earthmoving, pit dewatering and discharge will have on the drainage regime of surface waters and the surficial aquifer system;
9. A program for controlling non-point sources of water pollution originating from any areas disturbed by earthmoving activities, the runoff from which is not redirected back into the pit.
10. A program for controlling fugitive dust originating from any areas disturbed by earthmoving activities or used as a principal haul route by the applicant, as deemed necessary by the Public Works Director.
11. A description of the maintenance program for the water retention/detention ponds and other pollution control facilities, addressing such issues as inspection, maintenance, repair or replacement and restoration as part of the total site reclamation effort;
12. An inventory of all existing wells on the property, to include locations, diameters and estimated depths;
13. Descriptions and locations for monitoring systems or devices to measure the effects of the proposed earthmoving activities on air and water quality, to include for each station: (1) the type of device or procedure to be installed or followed; (2) the schedule to be followed; (3) provisions for the County to witness the monitoring activities; (4) a proposal for the compilation of data; and (5) the scheduling for the submission of reports;
14. A soil testing report by a Soil Testing Laboratory of the results of exploratory drilling showing the elevation of the top and base of the borrow zone, the soil composition of both underlying and overlying materials, and the pre-operational water levels encountered in the drilling of auger holes;
15. A transportation analysis, prepared by an engineer, to identify the haul routes for trucks or any other modes of transportation used for removing borrow materials off of the applicant's property, with emphasis given to any disruption of normal vehicular traffic movements caused by the proposed activities; and in so far as possible, the estimated maximum number of haul trips for any twenty-four (24) hour period.
16. A reclamation plan for all disturbed areas in accordance with section 702.4, below, and a time schedule therefor that meets all provisions of this Code:
17. The applicant shall submit a map indicating the proposed haul route and include turning radii, width of pavement, method of periodic maintenance and dust control.
18. For all projects located in a floodplain, in addition to obtaining a floodplain management permit under Section 802, a hydrologic study detailing the effects of the earthmoving operation on the characteristics of the 100-year regulatory floodway and 100-year floodplain shall be submitted. The technical information shall include,

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but not be limited to, the following:

a. Existing and final topography, surveyed and mapped by a professional land surveyor to one (1) foot contour intervals with elevations referenced to mean sea level datum, shown on a fifty (50) foot grid meeting the minimum requirements as set forth in Chapter 21-HH-6, of the Florida Administrative Code;

b. Hydrologic data addressing anticipated effects on any water bodies and hydrologic conditions;

c. A complete plan of the project with cross sections and dimensions, together with a detailed map of the affected area which indicates changes in the 100-year floodplain caused by the activity.

d. Certification by an engineer that the Standards of Section 801, Stormwater Management, have been met.

e. The signature and seal of an engineer responsible for the preparation of the Earthmoving Site Plan and an express certification by said engineer that he/she is personally familiar with the proposed earthmoving activities, that he/she has personally reviewed all elements of the Earthmoving Site Plan and that all engineering estimates or computations comply with generally accepted engineering practices.

19. Applications shall be determined complete in accordance with Section 312 of this Code.

E. Effect of Approval of Major Earthmoving Use.

1. The purpose or the earthmoving site plan is to describe the earthmoving activities of the applicant over the life of the earthmoving project, so as to allow the overall plans to be reviewed prior to the issuance of any operating permits for particular earthmoving activities, thus enabling the county to ascertain whether the impacts of the activities are consistent with the public health, safety, and welfare, the comprehensive plan, and the overall development of the county.

2. Upon approval of an earthmoving site plan by the Department Director, the applicant may apply for an operating permit pursuant to this Section. Approval of the earthmoving site plan shall not vest the applicant with any rights to issuance of said operating permit, nor shall it entitle the applicant to initiate earthmoving activities; the applicant shall be required to meet all requirements for operating permits as they exist at the time of application therefore, and the earthmoving site plan approvals shall so expressly provide.

3. The applicant shall have a period of one (1) year from the date of the approval of the earthmoving site plan to submit an application for an operating permit. The Department Director may, extend the time limit for one (1) additional year. If an operating permit has not been applied for at the end of the one (1) year period or within any authorized extension that has been granted, the earthmoving site plan approval shall automatically terminate.

F. Amendments or Variances to Earthmoving Site Plan.

1. Amendments to the earthmoving site plan may at any time be requested by the applicant who has obtained said approval. Any significant changes as to any component of an approved earthmoving site plan shall be reviewed in the same manner as the original application. Significant changes shall include, but are not limited to, any change in the location or manner of excavation for the pit, any primary haul routes exiting the property, or discharge points; a change in the manner or location of dredging or filling waters of the State; or any other change that might result in increased environmental impacts. Any change made at the order or direction of any State or Federal agency shall require prompt notice to the Department Director. Failure of the holder of an approved earthmoving site plan to so inform the Department Director of any significant changes in the previously approved earthmoving site plan or changes ordered or required by Federal or State agencies, shall constitute a violation of this Section. Approval of any change shall be a pre-requisite to commencing any actual change at the site.

2. Any requested amendment of an earthmoving site plan shall comply with the procedures outlined for an original earthmoving site plan application and, in addition, shall include a list of the specific item(s) to be amended, and a detailed explanation of the reasons for amendment.

G. Transfer of any Major Earthmoving Site Plan Approval.

1. Before the transfer of any major earthmoving site plan approval, the applicant and the prospective transferee must apply to the Department Director for an amendment to the original application and permit, stating in detail any changes desired in the earthmoving site plan.

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2. If the transfer is approved by the Department Director, it shall be accomplished by the issuance of a "transfer excavation plan" to the transferee.
3. Upon acceptance of the transfer excavation plan, the transferee becomes the applicant under this Section and assumes the responsibility of compliance with all the terms of this Section effective on the date of transfer, regulations adopted hereunder, and the earthmoving site plan.

H. Fees.

A schedule of fees for earthmoving site plan processing shall be established and revised periodically by the Board by Resolution. These fees shall be those reasonably necessary to off-set the additional cost to the county incurred in the adequate review of all aspects of the excavation activities, and to insure the health, safety and welfare of the citizens of Manatee County.

702.4. Reclamation Standards

A. Agricultural Lands. Land reclaimed for agricultural use shall meet the following standards:

1. *Topography:* The land shall be sufficiently level and free of holes, gullies, and washouts to permit safe operation of conventional farm and agricultural equipment; including stormwater management measures.
2. *Stability:* The land shall have settled and firmed to the extent that will support conventional farm and agricultural equipment and such that livestock will be able to walk on the surface of the land.
3. *Revegetation:* All disturbed areas shall be promptly seeded and mulched with grass mixtures of perennial and annuals, with application rates which are capable of cover establishment during the growing season for which it is applied. Revegetation shall be considered complete upon demonstrating ninety (90) percent perennial vegetation cover establishment one (1) year after reclamation;

B. Lakes and Other Water Bodies. Lands reclaimed as lakes and other water bodies shall meet the following standards:

1. *Shoreline Conformation:* In order to encourage healthy circulation within created lakes, such lakes shall be designed to have regular (non-meandering) shorelines;
2. *Soil Stability:* All banks and slopes shall be stabilized with self-sustaining vegetation. No evidence of excessive erosion shall exist. No evidence of unplanned channel development shall exist;
3. *Area; Slopes:* For the purposes of establishing an area that will sustain fish and wildlife, and to provide a measure of non- structural water quality maintenance, the applicant shall establish a littoral zone below the mean water level either along the shoreline or within a central area of the lake or a combination of the two, meeting the following requirements: (a) the total area of the littoral zone(s) shall be a minimum of ten (10) percent of the total surface area of the lake at the mean water level; (b) if created along the shoreline, the littoral zone shall be clustered over areas not exceeding eighty (80) percent of the shoreline perimeter to ensure adequate access for maintenance and other permitted water-dependent uses. The littoral zone(s) shall be sloped or terraced at slope equal to or no greater than 5:1, below the water line to a depth of three (3) feet; (c) if created in a central area of the lake not connected with the shoreline, the littoral zone(s) shall be constructed at depths below the mean low water line to exceed three (3) feet with side slopes at the perimeter of the littoral zone of 4:1; and (d) all other portions of the lake shoreline not sloped at 5:1 or flatter to meet littoral zone requirements shall be contoured no steeper than 2:1 from a mean depth of six (6) feet;
4. *Perimeter Berm and Swales:* For the purposes of ensuring water quality control and to provide for a measure of long-term quality maintenance, the applicant shall construct a perimeter berm and swale system designed to intercept and filter overland runoff before allowing it to discharge into the lake, meeting the following requirements: (a) the perimeter swale shall have a maximum slope of 3%; (b) side slopes on the swale shall be no less than 4:1,; (c) spreader spillways to the lake from the berm and swale system shall be spaced and provided at regular intervals not to exceed two hundred (200) feet and shall be protected against erosion; except that (d) perimeter berm and swale systems need not be required where such lake systems interface with wetland areas and where the unrestricted water movement from one water body to another is necessary to promote proper hydro periods and biological integrity; and
5. *Lake Depth:* Reclamation shall be completed so that the deepest parts of created lakes of the reclaimed lands

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shall not exceed thirty-five (35) feet in depth from the mean water level, and ninety (90) percent of the surface of the lake shall not exceed an average depth of twenty-five (25) feet from the mean high water level. Further, the design shall avoid a bottom configuration that would serve as a detriment to proper circulation.

702.5. Earthmoving and Mining Activities within the Floodplain.

A. All earthmoving involving more than two hundred (200) cubic yards or disturbing more than two (2) acres and mining activities located in the one hundred (100) year floodplain shall require approval of an earthmoving site plan. The applicant shall provide documentation of any changes in the characteristics of the one hundred (100) year floodplain as a result of the activity. In cases where earthmoving site plan approval is not required, the Department Director may still require Floodplain Management information.

B. All proposals shall demonstrate conformance with the standards of the Manatee County floodplain management regulations. A hydrologic study detailing the effects of the operation on the characteristics of the Floodway and one hundred (100) year floodplain shall be submitted. The technical information shall include, but not be limited to, the following:

1. Existing and final topography, mapped to one foot contour intervals with elevations referenced to mean sea level datum, shown on a 25 foot grid;
2. Hydrologic data addressing anticipated effects on any water bodies and hydrologic conditions;
3. A complete plan of the project with cross sections and dimensions, together with a detailed map of the affected area which indicates changes in the one hundred (100) year floodplain caused by the activity; and
4. Certification by an engineer that the standards of this Code have been met.

702.6. Operating Permit Requirements.

A. Application for an Operating Permit. Any persons contemplating major earthmoving activities in Manatee County shall, upon securing approval of an earthmoving site plan, apply for and obtain an operating permit before commencing any earthmoving or other lot clearing activities within an approved area. An operating permit constitutes authorization to commence specified earthmoving activities for a specified period of time, and after an affirmative showing by the applicant of compliance with the criteria and objectives of this Section. An operating permit may contain such terms and conditions as the county determines necessary to protect against the adverse impacts of the proposed earthmoving activities. The application for an operating permit, on a form provided by the county, shall be submitted to the Department Director.

B. Necessary Information. The application for an operating permit shall be accompanied by:

1. Documentation of earthmoving site plan approval.
2. Copies of necessary applications to, and any applicable approvals from federal, state, regional and local agencies.
3. The fee required for review of an operating permit application under the terms of this Section.
4. Such other information or studies needed to affirmatively show compliance with the operating permit criteria established by this Section.
5. Draft of surety bonds.

C. Completeness of Application. The Department Director shall determine the completeness of the application within a reasonable period of time following receipt thereof, and shall notify the applicant of its determination within that period. If the application is deemed incomplete, the Department Director shall apprise the applicant of the deficient part(s) of the application. Thereafter, the applicant shall have thirty (30) days within which to supply all necessary information. Based on the scope and extent of deficiencies, the applicant may be granted an extension of up to sixty (60) days. If such information is not supplied, the application shall be returned to the applicant as unacceptable and may reapply sixty (60) days thereafter.

D. Permit Approval or Denial.

1. After receipt of a complete operating permit application, the Department Director shall review the application in accordance with the standards and criteria as contained herein and all applicable provisions of this Code.

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The applicant for a permit shall have the burden of providing with the application accurate and sufficient information to clearly substantiate that the application is in compliance with all of the criteria and the requirements of this Section. The Department Director shall issue, require modification of, or deny the permit, within a reasonable period of time.

2. No permit shall be issued by the Department Director if there is found:

   a. Information set forth in the application, by inspection, that the applicant cannot comply with this Section; or

   b. That the applicant has had any other permit issued hereunder revoked, or any bond posted to comply with this Section forfeited, and the conditions causing the permit to be revoked or the bond to be forfeited have not been corrected to the satisfaction of the county.

3. An applicant shall have one (1) year from the date the operating permit is issued to commence and actively conduct earthmoving activities; if earthmoving activities are not commenced and actively conducted within said time the operating permit shall be void and be of no effect.

E. Term of Operating Permit. All operating permits issued pursuant to the requirements of this Section shall be valid for a term not to exceed five (5) years, unless suspended, canceled, or revoked prior to that time.

F. Criteria for Operating Permit Issuance.

1. *Compliance with Other Laws.* All applicable statutes or regulatory requirements of federal, state, regional and local agencies are made a part of this Section, and a violation thereof shall constitute a violation of this Section.

2. *Minimum Protection.* The applicant shall conduct earthmoving activities in a manner that will avoid and minimize undesirable effects of earthmoving activities and that will protect the land, water resources, natural resources, wetlands, historical sites, road systems, property rights, and the public health, safety, and welfare of the County.

3. *Reclamation.* The applicant shall provide reasonable assurance that reclamation will proceed in accordance with the approved earthmoving site plan and Section 702.6.L.

4. *Radiation.* The applicant shall conduct earthmoving activities in such a manner as to ensure that upon reclamation of earthmoving activities, the lands within the operating permit area have radiation levels that do not exceed the limit of total mean soil Radium 226 concentration. Representative test samples shall be taken from one six (6) foot core per each five (5) acres of disturbed lands which will not be reclaimed as lakes and shall not exceed 5.0 picocuries per gram.

5. *Roadway Impacts and Improvements.* The applicant shall not begin any shipment on county maintained roads without an approved operating permit. The transporting of all earthmoving activities shall take into consideration the impact on traffic circulation, safety, and roadway stability resulting from such shipments. Any required improvements shall be completed or satisfactorily guaranteed before such use is made of county maintained rights-of-way. Such improvements shall include repairs or maintenance from damage to such rights-of-way based upon roadway conditions prior to construction expressly identified in writing by the Department Director before the use of the road. If the applicant does not accomplish expeditious repair to damaged rights-of-way, the county shall make such repairs at the applicant's expense. The applicant shall agree to abide by all future regulations as may be developed by the county with regard to safety, loads, and frequency.

G. Setback Requirements.

1. No earthmoving activities shall be performed within two hundred (200) feet of a naturally occurring stream bed or other water body, regardless of whether the stream bed or other water body is located on or off the subject earthmoving site, or within fifty (50) feet of the applicant's property line, whichever provides the greater setback from the property line.

2. No excavated material, stock pile or construction equipment shall be stored on the applicant's property longer than fourteen (14) days within fifty (50) feet from an applicant's property line, natural water body, or county easement.

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3. If the applicant affirmatively demonstrates that the above requirements are unreasonable under the circumstances and creates undue hardships, and that a lesser requirement would not adversely affect the public health, safety and welfare, the Department Director may allow a lesser setback requirement.

H. Safety Requirements. The owner shall provide fencing at a minimum height of five (5) feet with a vertical protective barrier material such that a four (4) inch diameter sphere cannot pass through any opening, where the property is (1) open to public access or (2) within one hundred (100) feet of a arterial or (3) within five hundred (500) feet of any residentially zoned property, or (4) shall provide other suitable means of restraining public access onto the site during the period of earthmoving and reclamation activities.

I. Monitoring.

1. The purpose of the environmental monitoring program for earthmoving activities in Manatee County is to establish baseline conditions over a one (1) year period prior to earthmoving, as deemed necessary by the Department Director and subsequently to continuously evaluate compliance with applicable standards established by local, regional, state and federal agencies over the life of the permit. The one (1) year period may be reduced by the Department Director based on the type of earthmoving material being mined and the type of mining operation. Operations which are currently mining and have baseline data for an area may request that this data be considered by the Department Director to satisfy baseline monitoring requirements for expansion areas. The program shall consist of monitoring the following areas:

   a. Surface water quality;

   b. Surface water quantity;

   c. Radiation in soils; and

   d. Reclamation of the site. Specific requirements of the above-mentioned components of the monitoring program will be developed on a site- specific basis according to the features of the site and the projected environmental impacts of earthmoving activities.

2. Each component of the environmental monitoring program will consist of the following descriptive elements:

   a. Sampling locations;

   b. Parameters and standards;

   c. Frequency and duration;

   d. Methods;

   e. Quality assurances; and

   f. Reporting.

3. The applicant shall submit to the Department Director copies of all environmental monitoring data/reporting required by outside agencies for the subject activity (including data on contiguous portions of any earthmoving outside of Manatee County). The data reports shall be submitted to the Department Director concurrently with the submission to the requiring agency (e.g., DEP permit monitoring reports).

4. Modification of monitoring requirements may be made during the annual progress report process. The purpose of such modification is to add or delete sampling to reflect new developments in earthmoving and sampling technology which may improve both sampling and environmental quality. Upon mutual agreement (express written approval) by the applicant and the Department Director, changes in the monitoring program can be made at any time. Additions or changes in monitoring as required by new permits or newly-enacted legislation will be implemented according to schedules prescribed by law or by the conditions of said permit.

J. Maintenance Plans. The applicant shall submit to the Department Director for review and express written approval, a maintenance plan for the retention ponds, expressing such issues as inspections, maintenance, repair or replacements, and restoration, as part of the total site reclamation effort.

K. Inspection. The county is authorized to enter the premises of any earthmoving activity conducted hereunder for the purpose of inspection, to ensure compliance with the terms and conditions of the operating permit and the earthmoving site plan approval.

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L. Financial Responsibility. Prior to the issuance of an operating permit, an applicant shall furnish the Department Director, evidence of financial responsibility in an amount based upon the total number of acres to be disturbed and haul road length during the term of the operating permit and subsequent reclamation. Such evidence of financial responsibility shall consist of the following:

1. *Reclamation Surety Bonds.* After an operating permit application has been approved by the Department Director and prior to its effective date, the applicant shall file with the Department Director, surety bonds, on forms provided by the county, payable to Manatee County, and conditioned upon the following:

   a. Faithful performance of all the requirements of this Section, the operating permit, and satisfaction of all claims and demands incurred for the same;

   b. Full indemnification of the county from all costs and damages that the county might suffer by failure to do so;

   c. Full reimbursement and repayment to the county for outlays and expenses the county may incur in making good any noncompliance or nonperformance;

   d. The bond shall further be conditioned upon the applicant protecting, defending, indemnifying, and holding harmless the county from any suits, actions, claims, losses, or damage of any character (and from all expenses incidental thereto) based upon or arising out of any damage to person or property caused by or arising from any act, omission, performance, nonperformance of the applicant, its office agents, servants, employees, or others under the applicant's direction and control, but not including the sole negligence of the county;

   e. The bond may be secured by a corporate surety licensed to do business in the Florida and approved by the county, or by deposit in a state banking institution, or by real property, pursuant to rule. The bond shall be conditioned so that the surety cannot cancel the bond within less time than ninety (90) days of certified written notice to the Department Director. Any cancellation of the bond shall result in automatic suspension of the operating permit and immediate cessation of all activities;

   f. If for whatever reason, the surety contemplating a change to the bond status, termination thereof, or the property owner intends to change the status of the bond or surety companies, the property owner or surety shall notify the Department Director in writing, at least ninety (90) days prior to such action. Said notification shall include all particulars for the proposed change or termination. It shall be the obligation of the property owner to insure continued compliance with this Code at all times. The Department Director shall coordinate with the County Attorney's office to take any necessary and appropriate action in accordance with the provisions of this Section;

   g. The surety bonds shall cover that area of land within the permit area upon which the applicant will initiate and conduct activities within the terms of the permit. As succeeding increments of earthmoving and reclamation activities are projected to be initiated and conducted within the earthmoving site plan area, and subsequent to the issuance of additional operating permits, the applicant shall, if necessary, file with the Department Director an additional surety bond or bonds to cover such increments in accordance with this Section. Separate bonds shall also be secured for the principal haul routes to be used by the applicant, subject to the approval of the Department Director. The amount of the bonds shall be one hundred thirty (130) percent of the reclamation cost per acre and roadway section to be bonded, as certified by the applicant's engineer of record, subject to the review and express written approval of the Department Director and the County Attorney; and

   h. Unless prohibited by law, an action on this bond may be brought by the county or any other persons entitled to the benefits of the bond at any time within one (1) year of the county's final written acknowledgement of reclamation compliance. The applicant and surety shall be jointly and severally liable under the provisions of the bond, and actions against either or both may proceed without prior action against the other, and both may be jointed in one action. The amount of the bond may be reduced upon final written acknowledgement of reclamation compliance to a minimum of ten (10) percent of the reclamation cost stipulated above.

2. *Forfeiture.* If at any time the county finds that earthmoving activities are not proceeding in accordance with the operating permit and that the applicant has failed, within thirty (30) days after written notice, to satisfactorily undertake corrective action, the county shall initiate proceedings against the bond. Such

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proceedings shall not be commenced with respect to a surety bond insuring performance until the surety has been given sixty (60) days to commence and a reasonable opportunity to begin and complete corrective action. The county shall initiate such proceedings in any court of competent jurisdiction. In such proceedings, the damages shall include county's costs for engineering, survey, emergency repairs, and a reasonable attorney's fee; provided however, that the damages shall not be limited to the reasonable value of the land prior to the earthmoving activities.

M. Fees. A schedule of fees for review of an operating permit shall be established and revised periodically by the Board by resolution. These fees shall be those reasonably necessary to offset the additional, extraordinary cost to the county incurred in the adequate review of all aspects of earthmoving activities, and to ensure the health, safety and welfare of the citizens of Manatee County.

N. Operating Permit Amendment, Transfer and Renewal.

1. *Amendment of Operating Permit.* Amendment of an issued operating permit shall follow the same procedures prescribed for the initial submission of the operating permit outline under Section 702.6.

2. *Transfer of Permit.*

   a. Before the transfer of any operating permit, the applicant and the prospective transferee must apply to the Department Director for an amendment to the original application and permit, stating in detail any changes desired in the operating permit.

   b. At the same time as the application for transfer, the prospective transferee must also furnish proof of financial responsibility as is required by Section 702.6.L Financial Responsibility.

   c. If the transfer is approved by the Department Director, it shall be accomplished by the Department Director issuing a "transfer operating permit" to the transferee.

   d. Upon acceptance of the transfer permit, the transferee becomes the applicant under this Section and assumes the responsibility of compliance with all terms of this Section effective on the date of transfer, regulations adopted hereunder, and of the operating permit.

O. Subsequent Permit Procedures. At least six (6) months prior to the expiration of the operating permit, the applicant shall submit to the Department Director an application for a new operating permit. Under the provisions of the application, the Department Director shall examine the application as to its completeness, advising the applicant in writing of its completeness or of any inadequacies, deficiencies, or omissions in the application within sixty (60) days of receipt thereof. If the Department Director requests additional information, the applicant shall have thirty (30) days to correct such deficiencies or provide the requested information, or to notify the Department Director in writing that such extension is necessary to prepare the requested information. Upon receipt of the necessary information, in compliance with Department Director requests, the application shall be deemed complete. Within a reasonable period of time following the filing of the complete application, the permit application shall be reviewed by the Department Director. The then current operating permit shall continue in existence until the final decision on the new permit is rendered by the Department Director.

P. Fees. A schedule of fees for permit amendment, transfer, and renewal shall be established and revised periodically by the Board by resolution. These fees shall be those reasonably necessary to offset the additional, extraordinary cost to the county incurred in the adequate review of all aspects of the permit amendment, and to insure the health, safety and welfare of the citizens of Manatee County. Such costs are more justly borne by the applicant, who will receive direct, financial benefit from earthmoving activities in Manatee County.

Q. Annual Progress Reports and Acknowledgements of Compliance.

1. *Progress Reports.* Operators holding valid operating permits shall file with the Department Director within forty-five (45) days after the anniversary date of permit approval, a written report, in ten (10) copies, reviewing the reclamation progress for the year preceding the anniversary date, identifying lands reclaimed to date and identifying lands planned for reclamation during the current year. The annual report shall provide all detailed plans for the coming year that were not previously provided in the operating permit application. Financial responsibility shall be reviewed and updated to reflect earthmoving and reclamation progress.

2. *Engineer.* A licensed engineer, commissioned by the applicant and familiar with the applicant's earthmoving activities and site, shall certify in a written annual report to the Department Director that the project is being

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developed and operated according to the conditions set forth in the approved operating permit and in accordance with generally accepted engineering practices. These reports shall be submitted to the Department Director and reviewed by the appropriate county departments. The operator (applicant) shall also furnish the Department Director with copies of all inspection reports required by and furnished to other regulatory agencies.

3. *Failure to File.* Failure to file the required annual progress report shall be grounds for suspension of the operating permit. An extension of time for filing may be granted by the Department Director upon request for good cause shown.

4. *Fees.* A schedule of fees for the annual progress report shall be established and revised periodically by the Board by resolution. These fees shall be those reasonably necessary to offset the additional extraordinary cost to the county incurred in the adequate review of all aspects of the progress report, and to insure the health, safety and welfare of the citizens of Manatee County. Such costs are more justly borne by the applicant, who will receive direct financial benefit from earthmoving activities in Manatee County. A fee for processing of the annual progress report shall be paid by the applicant at the initiation of such review.

R. Acknowledgement of Compliance. Acceptance of reclaimed areas by the Department Director shall be obtained by written application of the applicant to the Department Director, identifying the lands and requesting acceptance within the requirements of this Section. Within a reasonable period of time thereafter, the Department Director shall either give a written acknowledgement of reclamation compliance or advise the applicant in writing why the subject site and haul road fails to meet the reclamation requirements. Approval of completion of reclamation requirements for a given operating permit shall be issued by the Department Director when the required subject site and haul road has been accepted. The bond required by this Section may be revised.

702.7. Administration of this Section.

A. Prohibitions. It shall be a violation of this Section and it shall be prohibited:

1. To cause pollution, except as otherwise allowed in this Section, so as to injure human health or welfare, animal, plant, or aquatic life, or property;

2. To fail to obtain any permit or approval required by this Section or by rule or regulation, or to violate or to fail to comply with any rule, regulation, order, permit conditions, or approval adopted or issued by the county pursuant to its lawful authority;

3. To knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this Section, or to falsify, tamper with, or knowingly render inaccurate any monitoring device required to be maintained under this Section or by any permit or approval issued under this Section; or

4. To fail to timely inform the county of any significant changes in the approved earthmoving site plan or the terms and conditions of the operating permit. Any change in the location or construction of slime ponds, discharge points or changes reasonably expected to create increases in any air or water pollution shall be deemed significant and a violation of this Section.

B. Notice of Violation.

1. The applicant shall provide the Department Director with copies of any notice of violation, noncompliance order, stop-work order, or other written notification by any state or federal agency of any alleged violation of or failure to comply with any law, Code, regulation, or order, within twenty-four (24) working hours of receipt of such notification by the applicant. Failure to provide such copy to the Department Director shall constitute a violation of this Section, subject to all penalties provided hereunder.

2. If at any time during the term of the permit the applicant fails to comply with this Section, with appropriate rules and regulations of other departments of the county, the State of Florida, or the Federal government, or with the terms of the operating permit, the Department Director shall immediately issue an order notifying the applicant in writing of necessary corrective measures to be instituted within a specific period of time. Upon receipt of a Notification of Violation, the applicant shall cease all earthmoving activities until compliance with the county order is confirmed in writing by the Department Director.

C. Pollution. No earthmoving activity shall pollute land or water, or damage aquatic or marine life, wildlife, birds,

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public or private property, or allow any extraneous matter to enter or damage any mineral or fresh water- bearing formation.

D. Liability. If pollution or damage occurs, other than such pollution or damage specifically authorized by the applicable earthmoving site plan approval, or operating permit within any earthmoving site; from the operations of any person subject to Paragraph 732.6.3. Pollution, and thereby damages or threatens to damage human, animal or plant life, public or private property, or any mineral or water-bearing formation; said person shall be liable for all costs of clean up or other damages incurred by Manatee County and for damages resulting from injury to others.

E. Proof. In any suit to enforce claims of Manatee County or others under this Section, it shall not be necessary for the claimant to plead or prove negligence in any form or manner. The claimant need only plead and prove the fact of the prohibited damage or polluting condition and that it occurred in violation of this Section at the facilities of the person conducting earthmoving operations pursuant to this Section.

F. Asphalt Processing or Manufacturing in Conjunction with Earthmoving of Sand and Shell. Asphalt processing or manufacturing in conjunction with major earthmoving of sand and shell, shall be allowed as an accessory use to major earthmoving of sand provided that such manufacturing facilities are located at least one-half (½) mile from any residence or platted residential subdivision when installed; provided that sand and shell processing facilities are present on the site; and further provided that no noise, dust, or fumes from such operation are discernible at or beyond the lot line and that the operation meets the air pollution standards of the Manatee County Health Department, Environmental Health Services. The process required to establish the accessory asphalt plant shall be the same process required to establish the major earthmoving use, pursuant to figure 6-1 of this Code. For the purpose of this section, the term "site" may include contiguous parcel(s) in another jurisdiction provided that the total site is under common ownership. Should the major earthmoving activity in both jurisdictions cease operation, the asphalt processing or manufacturing operation shall also cease. In the event that the major earthmoving activities are located in an adjacent jurisdiction, the developer shall submit copies of any reports required by the adjacent jurisdiction to the Manatee Department Director. Upon installation of such plant, the developer shall submit to the Department Director a Certificate of Compliance, signed and sealed by a licensed Engineer, certifying that the installation meets all the above-stated performance standards. Similar Certificates shall thereafter be submitted at yearly intervals, while the plant is in operation.

G. Modification of Requirements. In zoning districts where earthmoving is permitted the Department Director may modify any of the requirements of this Section if the Department Director finds that the strict enforcement of such requirements would impose an unreasonable restriction on the use of the property, and that such modification will not adversely affect the health, safety and welfare of the public. In order to obtain such a modification, the person requesting the same shall apply in writing to the Department Director, stating in the application the requirement sought to be modified, any proposed alternative procedure, and facts sufficient to show that such modification shall not adversely affect the interest of the general public. After receiving recommendations from appropriate County departments, the Department Director may either grant, or deny the application for modification.

Section 703. Reserved.

Part II. Natural Resources Protection.

Section 704. Groundwater/Wellhead Protection.

704.1. Purpose.

The purpose of groundwater protection standards is to safeguard the health, safety, and welfare of the citizens of the county. This is accomplished through ensuring the protection of the principal source of water for domestic, agricultural, irrigation and industrial use. The availability of adequate and dependable supplies of good water is of primary importance to the future of Manatee County. Therefore, standards are described in this section with the intent

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of protecting both the quantity and quality of the groundwater supply. It is further the intent of this section to control development adjacent to major wellheads to protect water supplies from potential contamination.

704.2. Standards.

A. All applications for development approval must specify whether major groundwater wells with permitted capacity of 100,000 GPD or greater, or a well casing of six (6) inches or larger diameter, will be required to service the development. When major wells are to be required, the project applicant shall demonstrate that:

1. There will be no significant adverse impact on minimum groundwater levels;
2. There will be no significant adverse impact from saltwater intrusion; and
3. Requirements of this Code will have no adverse impact on existing land uses in the vicinity.

B. Wherever adverse groundwater withdrawal impacts have been identified through water quality and quantity monitoring activities, all development approvals for activities that require the use of groundwater wells shall be coordinated with and approved by the Southwest Florida Water Management District and Manatee County Health Department, Environmental Health Services.

C. All site plans that accompany applications for development approval shall depict the location of all active and inactive wells. Where abandonment of wells is reasonably necessary to protect the groundwater resources, the development approvals shall be conditioned upon the submission of a management plan which provides for the proper abandonment or rehabilitation of existing unused wells, in conformance with requirements of Manatee County Health Department, Environmental Health Services and the Southwest Florida Water Management District, pursuant to Chapter 373, Florida Statutes, Chapters 40D-3, 17-524, 17-531, 17-532, and 17-555, Florida Administrative Code, and all provisions in the interlocal agreement between Manatee County and the Southwest Florida Water Management District.

D. In addition to the requirements set forth in subsection C, above, two exclusionary areas shall be established around any major wellhead:

1. The area within two hundred (200) feet of an existing or designated major wellhead shall be a zone of exclusion, where no new commercial or industrial development nor septic tanks, leaching fields and facilities delineated under subsection 2, below shall be permitted.
2. Within a designated zone of secondary exclusion, extending one thousand (1,000) feet from a designated major wellhead, the following uses shall be prohibited:
   a. Landfills;
   b. Facilities for the bulk storage, handling, or processing of materials on the Florida Substance List (Chapter 442, Florida Statutes); wellhead emergency generator requirements are exempted, but require the highest level of engineering standards covering petroleum product storage and delivery;
   c. Commercial or industrial uses of materials covered under Chapter 442, Florida Statutes (Florida Substance List), and Chapter 38F-41, Florida Administrative Code, unless served by approved wastewater treatment facilities;
   d. Junkyard or salvage operations;
   e. Mines;
   f. Wastewater treatment plants and similar facilities;
   g. Pesticide Storage Facilities; and
   h. Animal Feed Lots.

E. Any proposed development within the exclusionary zones that requires an administrative or special permit, preliminary or final site plan, or preliminary or final plat approval shall include with the application a groundwater/wellhead impact report. The purpose of this report is to provide evidence of the probable impact of the proposed development on the groundwater supply and recharge potential of the area. The report shall

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also identify all existing land uses within the exclusionary zones for the subject major wellhead.

F. Well Construction. All wells constructed in Manatee County shall conform to the laws and regulations set forth in Section 704.2.C above.

Section 705. Habitat, Wildlife and Endangered Species Protection.

705.1. Purpose and Intent.

It is the purpose of this section to provide standards necessary to protect critical habitat and the habitats for both flora and fauna of species of endangered, threatened, or special concern status in the county, and to ensure that an appropriate amount of land shall be set aside and/or protective management plan instituted to protect habitat of endangered, threatened or special concern plant and animal species.

705.2. Standards for Development.

A. The "Hotspot of Biodiversity Map" in the Conservation Element of the Manatee County Comprehensive Plan identifies critical habitat and habitats for endangered species, threatened species, or species of special concern.

B. Development proposed in areas which have been identified pursuant to subsection A, above, shall be required to provide a study consistent with Objective 3.3.2 of the Comprehensive Plan , prepared by a professional, approved by the Department Director as being qualified for this purpose, to document the presence of affected species, the habitat needs of the species which may be observed on the development site, and to propose appropriate habitat management plans.

C. The preservation of native upland habitat shall be required in areas of the project where the study prepared pursuant to subsection B, above, confirms that critical habitat or habitat for endangered, threatened or special concern species exists within the project boundaries. Such land shall be adjacent to existing habitat, a significant wetland system, floodplain, or wildlife corridor. If such existing lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality as to provide viable habitat, as documented in the study required in subsection B, above. When a significant number of a species of special concern are on-site, and the habitat is deemed viable, the applicant shall provide the county with a species management plan that has been approved by the Florida Fish and Wildlife Conservation Commission (FFWCC).

705.3. Review Procedures.

A. Department Director Review. The Department Director shall review studies prepared in accordance with subsection B, above, for the location of endangered or threatened species, or species of special concern as required by Objective 3.3.2 of the Manatee County Comprehensive Plan. Where such review of studies accompanying application for development approval or other available data concerning such species indicates the suspected occurrence of such species on a proposed development site, the applicant for the development approval shall be notified of a minimum requirement to:

1. Elect to take no further action regarding determination of suspected habitat of threatened or endangered species or species of special concern on site, at the risk of subsequent review and comment by reviewing agencies, which may result in the conditioning of final development order approval by Manatee County,

2. Elect to conduct, at the applicant's own expense, an evaluation of the proposed development site for habitat of endangered or threatened species, and species of special concern. Such evaluation shall contain, at a minimum:

   a. Date(s) of field review;

   b. Name of individual and organization conducting the field review;

   c. Qualification of individual or individuals conducting the field review;

   d. A brief statement of the methodology used to conduct the investigation of the site;

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e. A map of land use and land cover classifications on the site using a classification system described in one of the following publications:

i. Land Use, Cover and Forms Classification System: A Technical Manual. State of Florida, Department of Transportation, May 1981 (Preferred); or

ii. The Florida Land Use and Cover Classification System; A Technical Report. State of Florida, Department of Administration, April 1976;

f. A list of species observed on the site;

g. A map showing the exact location and an assessment of any habitat of threatened or endangered species, or species of special concern encountered on the site, and any evidence of habitation of areas on the site by such species discovered during the field review; and

h. A habitat management plan describing any measures which are proposed by the applicant for non-disturbance, or species relocation or other mitigation measures regarding the protection of any threatened or endangered species found on the site.

B. Agency Comments. The Department Director shall submit a copy of the field evaluation to the appropriate agency or agencies with jurisdiction over the discovered species. The Department Director shall request comment from such agency or agencies within thirty days of transmittal of the applicant's report. The agency may also be requested to provide, comment on any management strategies that may have been proposed by the applicant in their report, and provide recommendations on a preferred species management strategy for consideration.

C. Threatened or Endangered Species. Development approvals for projects that contain or are proximate to locations of habitat occupied by threatened or endangered species may limit or preclude development or redevelopment (but not removal) of habitable structures, impervious surfaces, and other uses as determined by the Department Director, within an appropriate distance of locations or defined areas classified as habitat for any threatened or endangered species, if such measures are deemed appropriate for the continued viability of such habitat.

D. Species Management Plan. Whenever a significant number of species of special concern, listed by the FFWCC, are found through an evaluation of a proposed development site, and the species habitat on the project site is determined to be viable, a species management plan approved by the FFWCC may be developed and utilized as the basis for development approval conditions or changes to site design to achieve compliance with policies contained in the Manatee County Comprehensive Plan.

705.4. Specific Protection Measures.

A. Compliance. All development shall be required to comply with regulations contained in Section 701, Landscaping, of this Code and with Objective 3.3.2 of the Manatee County Comprehensive Plan regarding native habitat protection.

B. West Indian Manatee. All development found to be wholly or partially within the range of the West Indian Manatee shall adhere to the Florida Department of Environmental Protection (FDEP) guidelines for protection of the species. The following use restrictions shall apply:

1. 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.

2. New boat ramps and waterfront structures shall be located away from sites of high manatee concentrations.

3. Fade resistant, eye-catching educational displays at every boat ramp and marina shall be posted to alert boaters to possible presence of manatees and apprise them of boating regulations in the area. Any sign that is damaged or removed shall be replaced within thirty (30) days.

4. The density of multi-family docking facilities and single-family docks shall not exceed one power boat slip for every one hundred (100) feet of shoreline owned. Additional slips over the 1:100 foot ratio shall be designated as sail boat only, provided that construction of additional slips shall not result in destruction of manatee habitat, and appropriate enforcement mechanisms shall be developed to ensure compliance.

C. Special Habitat Delineation. All applications for development approval shall be required to show the location of

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certain existing habitats that may be contained within the proposed development site or within 50 feet of the development's boundary. The Building and Development Services Department shall determine if the proposed development activities will adversely affect the following habitats. If the project is found to have potentially significant adverse impacts, appropriate mitigation conditions shall be attached to the development approval, as required by the US Fish and Wildlife Service or the FFWCC. The following types of existing habitats shall be shown:

1. Mangrove swamps;
2. Tidal marshes;
3. Sea grass beds;
4. Oyster beds;
5. Coastal streams;
6. Freshwater wetlands (swamps, marshes, sloughs, wet prairies, and heads);
7. Hammocks (mesic or xeric);
8. Pine prairies (pine flatwoods or dry prairies); and
9. Scrubs (sand pine scrubs, scrubby flatwoods, turkey oak ridges).

D. Critical Habitat/Upland Preservation Identification and Protection. All critical habitat and upland preservation areas required by this Code or other applicable state or federal agencies shall be clearly staked or otherwise physically identified in the field prior to and during construction. Erosion and sediment control devices or other protective barriers shall be installed landward of the edge of the critical habitat, upland preservation and conservation areas prior to commencement of construction, and shall be inspected and maintained on a regular basis until construction has been completed.

Section 706. Wetland Protection.

706.1. Purpose and Intent.

A. Purpose. It is the purpose of this Section to implement Goal 3.3 of the Manatee County Comprehensive Plan, which provides policies that:

1. Prohibit wetlands impacts except in cases where no other practical alternative exists that will permit a reasonable use of land or where there is an overriding public benefit;
2. Require delineation of all wetlands on any proposed development or redevelopment site;
3. Require mitigation of all wetland impacts; and
4. Require protection of preserved wetlands from development impacts through wetland buffers and other measures.
5. The non-existence of wetland vegetation alone shall not exempt a project from complying with Wetland Protection Policies of the Comprehensive Plan and Land Development Code.

B. Intent. The intent of this Section is to preserve and protect the wetland functions of water quality enhancement, climatic moderation and flood and erosion control; to protect the renewable resources of water, timber, energy and food; and to protect the beneficial uses of wetlands by humanity and animals. Specifically, this Section is intended to:

1. Provide long-term wetland protection by directing growth away from sensitive areas through land use regulations;
2. Provide additional protection to those wetlands not within the jurisdiction of other reviewing agencies that require mitigation for wetland impacts;
3. Prevent the piecemeal or cumulative losses over time that may destroy remaining wetlands;

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4. Prevent damaging or destroying wetlands that would threaten the public safety and general welfare or cause nuisances by destroying flood storage areas, causing water pollution, disposing of storm water runoff at inappropriate sites, increasing erosion, or increasing runoff of sediment and storm water;
5. Minimize the disruption of wetland functions by requiring a Wetland Impact Study for development activities proposed within wetlands and their wetland buffers;
6. Consider the impact of development activities on wetlands functions through the County land development regulation process;
7. Regulate development activities according to wetland significance, with the degree of protection afforded a wetland being in direct relationship to the significance of a wetland;
8. Use performance standards as the basis for minimizing the impact of development activities on wetland functions;
9. Provide for the use of wetlands for compatible activities that do not disrupt wetland functions; and
10. Provide for flexibility through the availability of mitigation/restoration measures where more beneficial environmental results can be achieved.

706.2. Wetland Identification and Verification.

A. The landward extent of wetlands shall be determined in accordance with Chapter 62-340 of the Florida Administrative Code.

B. All applicable State or Federal permits shall be obtained before commencement of the development. Projects that would not otherwise require an ERP shall provide an approved formal Jurisdictional Determination from the State prior to commencement of development, except for applications for individual single family homes, provided a wetland determination has been performed by a professional qualified for this purpose. Manatee County may suspend any development orders, issue stop work orders and otherwise take enforcement actions pursuant to Chapter 1, LDC, where the difference between an estimate of wetland areas and functions shown on preliminary plans and the approved ERP are determined to be significant enough to warrant substantial project.

706.3. General Prohibition; Exemptions.

A. Prohibition. No development, as defined in this Code, shall occur in a wetland or wetland buffer unless approved in accordance with this Section.

B. Exemptions. The requirements of this Section shall not apply to the following activities, which the Board hereby finds to comply with the requirements of Objective 3.3.1 of the Comprehensive Plan by nature and purpose:

1. Manual clearing of nuisance exotic plant species or noxious endemic vegetation such as poison ivy or cattails;
2. Minor maintenance or minor emergency repair to existing structures or improved areas;
3. Overhead utility crossings, provided that associated access roads shall be subject to the requirements of this Section;
4. Maintenance, together with incidental dredge and fill activities in ditches, public roads and other rights-of-way, and other related drainage systems;
5. Mosquito or aquatic weed control activities permitted by federal, state, regional or local agencies;
6. Alterations of wetlands affected by phosphate mining activities, which shall be governed by Chapter 2-20 of the Manatee County Code of Ordinances;
7. Those activities exempted by the Florida Department of Environmental Protection pursuant to the provisions of Chapter 62- 312, Florida Administrative Code, to the extent that such activities are not prohibited by other provisions of this Code or policies of the Comprehensive Plan;
8. Clearing and/or construction of walking trails in compliance with the specifications of this Section; and
9. Construction of timber boardwalks/catwalks for direct access to waterbodies, wildlife management shelters,

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footbridges, observation decks and similar water-related structures not requiring dredging and/or filling for their placement in compliance with the specifications of this Section of this Code. All such structures shall be elevated on pilings to permit the unobstructed flow of water and movement of wildlife, to minimize shading of the area beneath the structure, and to preserve the natural contour of the wetland. Excavation and filling of irrigation or drainage ditches in uplands on non-hydric soils that are not treated as wetlands by the State.

706.4. Application for Wetland Impacts.

A. Wetland Impact Study. The applicant shall submit a Wetland Impact Study to the County for approval prior to commencement of any development activity within wetlands not expressly exempted in this Chapter. The request to develop within a wetland or wetland buffer shall be made in conjunction with, or as a component of, the related development approval for the entire site, such that it can be reviewed and approved by the approving authority (Department Director, Hearing Officer or Board) reviewing the proposed development.

B. Information Required. The Wetland Impact Study shall include an impact avoidance and minimization analysis that demonstrates the necessity of the impact. Specific information required to be included in the Wetland Impact Study is detailed in the Administrative Procedures, but at minimum the Study shall include the following information:

1. Onsite wetlands shall be evaluated based on size and wetland function and scored in accordance with UMAM including UMAM score sheets for each wetland within the project boundaries;
2. A statement describing the necessity of the proposed impact;
3. Examples of designs considered that would not require the impact or that demonstrate how the impacts have been minimized;
4. A statement of how any proposed impacts satisfy the requirements of Section 706.5, including:
   a. A statement of how the impacted wetland meets the definition of Non-Viable Wetland set forth in this Code, pursuant to Section 706.5.A;
   b. A statement of how avoiding the impact would prevent a reasonable development of the land, including consideration of whether the wetland to be impacted is within the boundaries of a Development of Regional Impact (DRI) and a consideration of the uses permitted within the boundaries of the DRI as a whole, pursuant to Section 706.5.B; or
   c. A statement of how the impact is a result of an overriding public benefit. The applicant shall submit documentation to support the conclusion that the overriding public benefit would provide a direct public benefit in excess of the detriments suffered by the public resulting from the loss of the wetland functions and values, pursuant to Section 706.5.C;
5. Proximity of the land to adjacent urban land uses; and
6. Degree of disturbance or invasion by exotic plant species within the wetland.

706.5. Criteria for Approval of Wetlands Impacts.

Development in a wetland or wetland buffer may be approved if and only if it meets the criteria set forth in this subsection, as determined by the Board, hearing officer or Director, as the case may be.

A. Impacts to Non-Viable Wetlands. In accordance with Objective 3.3.1 of the Comprehensive Plan, an applicant seeking to impact a non-viable wetland, as defined in Chapter 2, which is completely contained within the project boundaries shall not be required to demonstrate avoidance and minimization. Impacts shall require authorization by the appropriate State and Federal regulatory authorities and wetland mitigation shall be provided in accordance with this Section.

B. Impacts to Wetlands. No Practical Alternative. In order to receive approval for development in a wetland (other than a non-viable wetland exempted pursuant to subsection A, above) or wetland buffer thereto on the basis that no practical alternative exists, a Wetlands Impact Study shall demonstrate that:

1. The applicant will be unable to make reasonable use of the property unless the proposed impact is approved; and

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2. The applicant could not have reasonably foreseen, through the exercise of due diligence, that the development potential of the property in question is limited as a result of the requirement to avoid impacts to wetlands or wetland buffers in accordance with this section. In making such determination, the reasonable use of the property in question shall be considered in light of:

   a. The history and surrounding area of the property;

   b. Any development orders applicable to the property, including but not limited to development orders for Developments of Regional Impact (DRI); and

   c. The development potential of the property if all wetland impacts were avoided. Reasonable use does not necessarily equate to the highest and best potential use under the Comprehensive Plan or this Code, nor does it equate to the highest density or intensity, as long as an applicant may achieve some reasonable level of development potential while avoiding wetlands impacts. Connections between uplands otherwise developable or developed for utilities and/or access, or impacts consistent with an alternative site analysis, shall be considered as a reasonable use of the property satisfying the no practical alternative test even though the need to impact the wetland may have been foreseeable.

C. Impacts to Wetlands, Overriding Public Benefit. An applicant may receive approval for impact of a wetland or development in a wetland buffer thereto, on the basis that the applicant will provide an overriding public benefit if the Applicant in addition to providing the wetland mitigation required pursuant to this Section, demonstrates one or more of the following:

1. The conditions of the development approval will provide for the donation of significant lands that are otherwise unencumbered that will result in a net environmental gain (or a commensurate monetary contribution earmarked for such purpose);

2. The impact to the wetland is included as part of an Ecosystems Management Plan and the conditions of the development approval will provide for significant additional preservation, enhancement or restoration of native habitats that will result in a net environmental gain (or a commensurate monetary contribution earmarked for such purpose);

3. If not impacted, the wetland will not survive as a functioning wetland, or will deteriorate to a Non-Viable Wetland, as a result of its proximity to development; and/or

4. Any overriding public purpose of the project to provide significant local, state or federal public infrastructure.

706.6. Mitigation for Altered Wetlands.

Mitigation shall be provided for all non-exempt wetland impacts as follows:

A. UMAM Mitigation. For development in wetlands that the State has determined are subject to UMAM, the type and quantity of mitigation shall be as required by the ERP.

B. Non UMAM Mitigation. In those instances where wetland mitigation is not required by the State, wetland mitigation shall be provided in accordance with subparagraphs (1) through (4) below. The type of wetland mitigation or combination thereof as described in subparagraphs (1) through (4) below shall be determined by the County based on site conditions and the ability of the mitigation to replace the wetland functions that were impacted. The order of preference considered by the County shall be as follows:

1. *Wetland Enhancement/Restoration:* Five acres of enhanced or restored wetlands shall be provided for every one acre of wetland to be impacted.

2. *Upland Preservation:* In the event there is an inability to provide viable wetland enhancement/restoration on the site, five acres of native upland habitat shall be preserved for every one acre of wetland to be impacted. Preserved uplands utilized for wetland mitigation shall have an ecological or hydrological relationship to existing or created wetlands and shall be in excess of any other requirements of the Comprehensive Plan and Land Development Code.

3. *Payment in Lieu of Mitigation:* In lieu of the mitigation requirements in subparagraphs (a) and (b) above, the County may collect a mitigation fee or the developer may purchase credits from a County approved mitigation bank. The mitigation fee charged shall be based on the acreage of impact and shall be an amount sufficient to achieve full and complete compensation for the impact. The mitigation fee shall be established by Board

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resolution.

4. *Wetland Creation:* Two acres of herbaceous wetlands shall be created for every acre of herbaceous wetlands altered. Four acres of forested or mangrove wetlands shall be created for every acre of forested or mangrove wetlands altered.

C. Mitigation Plan Required. Where mitigation is accepted by the County pursuant to subsection B, above, the applicant shall prepare a mitigation plan as follows:

1. *At the General Development Plan Stage:* The wetland mitigation plan shall contain general details on the options available to provide wetland mitigation in accordance with the Comprehensive Plan. Specific information required to be submitted at this stage is detailed in the Administrative Procedures.

2. *At the Preliminary Site Plan or Preliminary Subdivision Plat Stage:* The wetland mitigation plan shall contain information that details the applicant's preliminary intent to provide wetland mitigation in accordance with the Comprehensive Plan. The plan shall demonstrate that the proposed overall site design will adequately accommodate the proposed wetland mitigation. Specific information required to be submitted at this stage is detailed in the Administrative Procedures.

3. *At the Final Site Plan and Construction Plan Stage:* The wetland mitigation plan shall provide construction related details such as grading, planting, transect locations, monitoring, maintenance and seasonal high water elevations. Payments for fee in lieu of mitigation made pursuant to subsection 706.6.B.3 must be paid concurrent with FSP/Construction Plan approval. For projects providing mitigation in accordance with Sections 706.6.B.1 and 4, a detailed cost estimate shall be prepared by a registered professional engineer or landscape architect, and shall include all projected costs of the mitigation project such as design, earthwork, planting and maintenance costs over the prescribed monitoring period. Specific information required to be submitted at this stage is detailed in the Administrative Procedures.

D. Certification Required. Upon completion of Wetland Mitigation, provided in accordance with Section 706.6.B, the environmental professional responsible for the project shall provide written, sealed or notarized certification to the Engineer of Record that wetland mitigation has been constructed in accordance with the approved Final Site Plan and/or Construction Plans. The Engineer of Record shall provide a copy of the environmental professional's certification with submittal of his/her certification. In instances where wetland mitigation is being provided in accordance with Section 706.6.A, Manatee County shall be copied on any notices or certifications for construction of the mitigation areas required to be submitted to the State.

E. Success of Mitigation. Success of mitigation provided in accordance with Section 706.6.A shall be determined by the State. Mitigation provided in accordance with Section 706.6.B will be considered successful when the mitigation area provides an equal or greater habitat function when compared with the original (reference) wetland. Mitigation shall be deemed successful when the following parameters are met:

1. The land area designated as re-created wetlands can maintain the design soil moisture regime (frequency and duration) as correlated to water year, rainfall event and antecedent conditions without the manipulation of available water quantities by humanity;

2. All banks and slopes are stabilized with self-sustaining vegetation;

3. No evidence of excessive erosion exists;

4. Complete ground cover of vegetation has been established that is healthy and self-sustaining;

5. Percent survival of planted forested wetland species is eighty-five (85) percent or greater and/or coverage by desirable herbaceous wetland species is eighty-five (85) percent or greater with no more than seven and one-half (7.5) percent coverage by nuisance, exotic plant species, for a period of at least two (2) years for herbaceous wetland communities, and for at least five (5) years for forested wetlands and mangrove communities. Replanting and maintenance of the mitigation area, including the periodic non-motorized removal of nuisance, exotic plant species, shall be required as necessary to ensure final cover;

6. Water quality in the created wetland meets or exceeds State water quality standards;

7. Habitat value in the created wetland approximates conditions in the reference wetland or conditions specified in the Wetland Impact Study, if different; and

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8. Hydroperiod in the created wetland is sufficient to support wetland vegetation and functions.

F. Mitigation Monitoring. To evaluate the progress of wetland mitigation the developer shall submit Wetland Mitigation Monitoring Reports to the County. For those projects providing wetland mitigation in accordance with Section 706.6.A, the developer shall copy the County on all Wetland Mitigation Monitoring Reports required by the State. For those projects providing wetland mitigation in accordance with Section 706.6.B, the developer shall submit Wetland Mitigation Monitoring Reports as follows:

1. Monitoring shall commence upon wetland mitigation certification, required by Section 706.6.D, being accepted by the County. Monitoring shall continue for a period of at least two (2) years for herbaceous wetland communities, and for at least five (5) years for forested wetlands and mangrove wetland communities or until success criteria have been met.
2. Wetland mitigation monitoring shall be conducted by the developer on a semi-annual basis for the first two (2) years after being deemed complete, and annually thereafter. Reports shall be submitted annually within thirty (30) days of the completion date.
3. Minimum information required for Wetland Mitigation Monitoring Reports is detailed in the Administrative Procedures.

G. Mitigation Security. For mitigation accepted by the County pursuant to subsection 706.6.B.1 and 4, as a condition for approving wetland(s) alteration and accepting a Wetlands Mitigation Plan, the Board of County Commissioners shall require the posting of a security, bond, escrow or other means of guarantee to:

1. Ensure that the applicant has carried out the approved mitigation project in accordance with the Wetlands Mitigation Plan, and that the project has met the success criteria specified in Section 706.6.E;
2. Ensure that the applicant will correct any deleterious effects on wetlands or adjacent areas that may result from his/her noncompliance with the conditions of the approved Wetlands Mitigation Plan;
3. Enable the County to take steps to restore the site in the event that the developer/applicant/landowner defaults on the conditions of the Wetlands Mitigation Plan; and
4. Such mitigation security shall comply with Section 337.10 and shall comply with any additional requirements imposed pursuant to the Administrative Procedures. The amount of Security shall be equal to thirty (30) percent of the estimated or actual costs and expenses of wetland mitigation construction, planting, maintenance and monitoring the County may incur in making good on non-compliance or non-performance of any requirements of the Wetland Mitigation Plan. The mitigation security shall be extended to cover the required monitoring period, after wetland mitigation has been deemed complete by the County.

706.7. Wetland Buffers.

Generally, a wetland buffer of at least fifty (50) feet shall be observed from the most landward extent of any post-development jurisdictional wetland contiguous with the Terra Ceia Aquatic Preserve, the Sarasota Bay Outstanding Florida Water, or the Little Manatee Outstanding Florida Water, and the inflowing watercourses within the Watershed Protection Overlay Districts. A wetland buffer of at least thirty (30) feet shall be observed from the most landward extent of all post-development wetlands that are not contiguous with the above-named water bodies or within the Watershed Protection Overlay Districts. The County may require increased wetland buffers adjacent to Outstanding Florida Waters, riverine systems or larger isolated wetlands, to enhance watershed protection, to maintain aesthetic view sheds, to preserve native upland habitat, to provide wildlife corridors, or to minimize adverse impacts to the ecological value of uplands for aquatic or wetland dependent listed animal species.

A. Prohibited Activities. Prohibited activities in wetland buffers shall at a minimum include:

1. Development, except as set forth in Section 706.7.B, below; and
2. The removal or other disturbance of any earth, trees, shrubbery and other plants except as set forth in Section 706.7.B, below.

B. Permitted Activities. Allowable activities in wetland buffers shall include:

1. Limited clearing of vegetation in a wetland buffer may be permitted as part of a required stormwater management system outfall, where allowed under other Sections of this Code;

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2. Limited clearing of vegetation in a wetland buffer may be permitted in order to allow public or riparian access to the water, provided that:

   a. The path cuts through the wetland buffer to the water, so as to provide an access way generally perpendicular to the shoreline; and

   b. The access way shall not exceed ten (10) feet in width;

3. The construction of elevated boardwalks, catwalks or docks in wetland buffers, provided that such structures are no more than four (4) feet in width (unless greater width is approved by the Department Director); and are elevated at least three (3) feet above land or water to prevent continuous shading of vegetation. Additionally, the construction of wildlife management shelters, footbridges, observation decks and similar water-related structures in wetland buffers, provided that all such structures must be elevated on pilings to permit the unobstructed flow of water and movement of wildlife, prevent continual shading of the area beneath the structure, and preserve the natural contour of the land. At grade trails shall be allowed in wetland buffers, provided that no impervious surfaces are constructed;

4. The clearing of boat launch areas through wetland buffers, provided that such areas shall be no more than ten (10) feet in width, unless greater width is approved by the Department Director;

5. The removal of nuisance or exotic plant species, such as Brazilian pepper, Australian pine, or melaleuca, or noxious endemic vegetation such as poison ivy or cattails from wetland buffer;

6. The conduct of mosquito or aquatic weed control activities in wetland buffers, provided such activities are conducted pursuant to a program approved by the Department of Agriculture and Consumer Services in the case of insect control, and the Department of Environmental Protection in the case of aquatic weed or algae control;

7. The placement of protective barriers to limit access to the wetland or its wetland buffers, if such structures are approved by the Department Director;

8. Activities authorized by the Department Director, as provided in this Chapter;

9. Activities associated with wetland impacts approved pursuant to subsection 706.5; and

10. Activities authorized by the Department Director that are part of a wetland buffer maintenance plan designed to allow plantings within the wetland buffer and to provide for maintenance of the wetland buffer in a functionally viable manner. The wetland buffer management plan may be approved by the Department Director in conjunction with a Preliminary Development Plan, Preliminary Plat or Site Plan.

C. Variable Width Buffers. Under limited circumstances, where site specific conditions and physical constraints do not allow the application of a uniform-width wetland buffer, a variable width wetland buffer may be approved. Site specific conditions and physical constraints which may be considered include situations where:

1. Application of a uniform-width buffer would restrict vehicular access to an upland portion of the development site;

2. Locations of driveways, rights-of-way or private streets are mandated by FDOT or County requirements, and re-alignments cannot be negotiated; or

3. Minor encroachments into previously disturbed portions of a wetland buffer for short linear distances cannot be avoided.

In no event shall the proposed variable width buffer be narrower than DEP or SWFWMD standards for Environmental Resource Permitting.

The configuration of the variable width buffer shall be determined by detailed onsite investigation, and shall at a minimum equal the area that would otherwise have been encompassed by a uniform-width buffer configured parallel to the wetland. Wetland buffer encroachments authorized under this Section shall be compensated for on the same wetland or wetland system, and such compensation shall be of equal or better quality.

D. Wetland Buffer Restoration. As additional protection for wetlands and their wetland buffers, and to increase the upland habitat function of the wetland buffer, nuisance exotic vegetation shall be removed and native plantings shall be installed.

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1. *Removal of Nuisance Exotic Vegetation.* A strip equivalent in width to the required wetland buffer shall be cleared of nuisance exotic species prior to final plat approval, or prior to Certificate of Occupancy issuance for projects not requiring final plat approval. Continued removal of nuisance, exotic plant species that become reestablished within wetland buffers shall be addressed in the Exotic Plant Species Removal Plan required pursuant to Section 701.4.E of this Code.

2. *Enhancement of Wetland Buffers.* As additional protection for wetlands and replacement of upland habitat loss from historical land uses, wetland buffers shall be enhanced with desirable native plantings.

3. *Wetland Buffer Enhancement Plan.* A Wetland Buffer Enhancement Plan shall be submitted with the Final Site Plan or Construction Drawings and shall be approved by the Department Director. Specific information required to be included in the Wetland Buffer Enhancement Plan is detailed in the Administrative Procedures. Wetland buffer enhancement shall be completed prior to final plat approval, or prior to Certificate of Occupancy issuance for projects not requiring final plat approval. Required plant materials which are removed or die shall be replaced within thirty (30) days.

4. *Certification Required.* Prior to final plat approval or prior to Certificate of Occupancy issuance for projects not requiring final plat approval, the environmental professional responsible for the project shall provide written, sealed or notarized certification to the engineer of record that wetland buffer enhancement has been completed as approved in the Final Site Plan or Construction Plans. The engineer of record shall provide a copy of the environmental professional's certification with submittal of his/her certification.

E. Wetland Buffer and Upland Preservation/Conservation Area Identification and Protection. All wetland buffer and/or upland preservation required as compensation and conservation areas shall be clearly staked or otherwise physically identified in the field prior to and during construction. Erosion and sediment control devices or other protective devices shall be installed landward of the edge of the wetland buffer, upland preservation and conservation areas prior to commencement of construction, and shall be inspected and maintained on a regular basis until construction has been completed.

706.8. Easements.

Easements for developments that contain wetlands and wetland buffers shall be provided to the County in accordance with this subsection.

A. Mitigation Areas. Easements over newly created, enhanced or restored wetlands and associated wetland buffers and upland preservation areas provided as compensation in accordance with this Section shall be granted to the County as follows:

1. During construction of mitigation a temporary construction easement shall be granted to the County to allow the County access to wetland mitigation areas to complete the required mitigation should the developer default. The temporary construction easement shall be dedicated concurrent with Final Site Plan or Construction Plan approval; and

2. Upon completion and acceptance of mitigation, a conservation easement shall be granted to the County pursuant to this Section over any newly created, enhanced or restored wetland(s), upland preservation areas and associated wetland buffers.

B. Post Construction Conservation Easements. A Conservation Easement shall be granted to the County over all wetlands and associated wetland buffers, within the project limits (separately from and in addition to any conservation easement granted to a State or Federal agency in connection with development). Said easement shall be dedicated to and enforceable by Manatee County for the benefit of the County and the property owners of the project in which the wetland is located. The easement shall accomplish the following:

1. Preserve and protect the conservation values of the property;

2. Allow County access to the property at reasonable times in order to monitor compliance with, and otherwise enforce, the terms of the easement; provided that such entry shall be upon prior reasonable notice to the property owner and will not interfere with the owner's use and quiet enjoyment of the property; and

3. Prevent any activity or use of the property that is inconsistent with the purpose of the easement and to require the restoration of such areas or features of the property that may be damaged by any inconsistent activity or use.

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The Conservation Easement shall be subject to the approval of the Department Director, and coordinated with the County Attorney and Property Management Department. Conservation Easements shall be dedicated concurrent with Final Plat approval or Certificate of Occupancy issuance for projects not requiring Final Plat.

C. Witness Monuments. Witness monuments shall be set where the boundaries of any conservation easement under this Section intersect with lot lines or property boundaries.

D. Signage. The boundaries of all Conservation Easements required by this Code shall be physically identified with signage as approved by the Department Director. The location and number of signs shall be approved with the final site plan or construction drawing approval, and shall be based upon the configuration of the Conservation Easement. All required signage shall be installed prior to final plat approval or prior to Certificate of Occupancy issuance for projects not requiring final plat approval.

E. Certification Required. Upon completion of witness monument and sign placement, and prior to final plat approval or prior to Certificate of Occupancy issuance for projects not requiring final plat approval, the Engineer of Record or Surveyor shall provide written, sealed or notarized certification to the County that witness monuments and signage have been installed as approved in the Final Site Plan or Construction Plans.

706.9. Development Transfer Allowed for Wetlands and their Wetland Buffers.

A. Transfer Allowed. The acreage within a wetland and wetland buffer may be used to determine the total allowable units or square footage of development that will be allowed on a site containing all or part of a zone, in conformity with the requirements of the Comprehensive Plan. The allowable development potential may be transferred to upland portions of the site outside the Wetlands and Wetland Buffer. Examples of Wetland and Wetland Buffer Density/Intensity Credit are provided in the Administrative Procedures.

B. Limitation on Credit. The alteration or relocation of any jurisdictional wetland shall be minimized by limiting the density or intensity credit which may be transferred from any acreage of altered or relocated jurisdictional wetlands to 50% of the maximum density or intensity associated with the Comprehensive Plan Land Use Classification on any such wetland. Any such reduction in density or intensity credit shall be in addition to any reduction caused by wetland acreage being in excess of 20% gross project acreage.

706.10. Enforcement.

Any person who dredges, fills, drains, or otherwise alters any wetland without appropriate permission from Manatee County, or in violation of the conditions of such approval shall be subject to the following penalties and remedies when found in violation, in addition to any fines that may be levied through the Land Development Code or other adopted regulations.

A. They shall be required to restore the wetland(s) to its/their original (prealteration) condition, as determined by reference to historic photographs, notes from site visits, or other reference documentation, or to such other condition as prescribed by Manatee County.

B. Where the owner has not restored the property to its original condition or to such other condition as prescribed by Manatee County, no permits for new construction or land clearing in preparation for construction shall be issued on the property where such violation occurred within five (5) years of the violation. This time frame may be reduced by the Board after considering whether the violation was an intentional violation of this Code, the extent to which restoration has occurred, and who caused the violation. The time frame restrictions shall be recorded in the County Clerk's property records (under property owner's name and legal description) to run with the land. Notice of this recording shall be sent certified mail return receipt request to the property owner.

The provisions of this Section shall also be enforced pursuant to Section 106, Enforcement, of this Code. Bonding requirements set forth in this Section shall not preclude the County from pursuing other means of enforcement.

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Part III. Historic, Cultural and Archaeological Resources.

Section 710. Historic Landmark Designation.

710.1. Authority.

The Historic Preservation Board shall have the authority to recommend to the Board that sites, structures, objects or districts be granted historic landmark designation, and be listed in the National Register of Historic Places. The Board shall have final authority for such designation and listing. The members of the Historic Preservation Board are encouraged to participate in survey and planning activities of the County in the manner and to the extent permitted under applicable law.

710.2. Purpose.

The purpose of historic landmark designation and listing in the National Register of Historic Places is to maintain a list of sites, structures, objects and districts that are significant to the history of the County. Landmark designation also provides recognition to property owners for their efforts in preserving the heritage of the County.

710.3. Criteria.

A site, structure, object or district may be considered for historic landmark designation and listing in the National Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the County. A site, structure, object, or district must also have integrity in at least two (2) of the following attributes: location, design, setting, materials, workmanship, feeling and association. In addition to attributes of integrity, a site, structure, object or district must meet one (1) or more of the following criteria to be considered for historic landmark designation and listing in the National Register of Historic Places:

A. The site, structure, object or district is listed in the National Register of Historic Places.

B. The site, structure, object or district is associated with events that have made a significant contribution to broad patterns of local, regional, state or national history.

C. The site, structure, object or district is associated with the lives of persons significant in local, regional, state, or national history.

D. The site, structure, object or district embodies the distinctive architectural characteristics of a type, period or method of construction, or represents the work of a master builder, architect or designer, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

E. The site, structure, object or district has yielded or is likely to yield important archeological information related to history or prehistory.

F. The site, structure, object or building has been removed from its original location but is significant primarily for its architectural value or is the only surviving site, structure, object or building significantly associated with a historic person or event.

G. The site is a cemetery which derives its primary significance from age, distinctive design features, or association with historic events or cultural patterns.

710.4. Procedures.

Historic landmark designation and listing in the National Register of Historic Places shall comply with the requirements and procedures set forth in this subsection.

A. Applicant. An application for historic landmark designation and listing in the National Register of Historic Places shall be filed by the property owner.

B. Application. The applicant shall complete an application form and submit the form and documentation to the Department Director. The applicant shall pay a fee in an amount established by the Board at the time the

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application for historic landmark designation and listing in the National Register of Historic Places is submitted. The Department Director shall determine when an application is complete and may request additional information if the application is determined to be incomplete.

1. Each application shall contain the following information:
   a. A written description of the architectural, historical or archaeological significance of the proposed site, structure, object or district referring to the criteria set forth in subsection 710.3, above. The written report shall state the qualifications of the site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places;
   b. The date of construction of the site, structure, object or district;
   c. The notarized signatures of the property owners requesting the historic landmark designation or listing in the National Register of Historic Places;
   d. Photographs of the site, structure, object or district; and
   e. The legal description and a map of the property encompassing the site, structure, object or district.
2. An application for a historic district shall include the following additional information:
   a. Evidence of approval of the historic district designation from the owners of two-thirds of the properties within the proposed district boundaries or from the owner or owners of two-thirds of the land area within the proposed district boundaries;
   b. A written description of the boundaries of the proposed historic district; and
   c. A list of contributing and non-contributing sites, structures and objects within the proposed district boundaries.

C. Notices. All notices relating to applications for historic landmark designation and listing in the National Register of Historic Places shall be published, mailed and posted not less than thirty (30) calendar days and not more than seventy-five (75) calendar days prior to any public hearing by the Historic Preservation Board or the Board. Notice of public hearing shall be published in compliance with the requirements of Section 312.7 of this Code. Notice shall be mailed by the applicant to all owners of the proposed site, structure or object or all property owners within the proposed district boundaries, any persons representing the owners of the proposed site, structure or object or any persons representing any property owners within the proposed district boundaries, and all property owners located within one thousand (1,000) feet of the proposed site, structure, object or district in compliance with the requirements of Section 312.7.B of this Code. Notice shall also be posted by the applicant on the property where the proposed site, structure or object is located and on the right-of-way of all roads and streets which enter the boundaries of the proposed district in compliance with the requirements of Section 312.7.D of this Code. The applicant shall pay all costs for publishing, mailing and posting the notices required by this paragraph.

D. Recommendation. The Historic Preservation Board shall hold a public hearing on an application for historic landmark designation and listing in the National Register of Historic Places within ninety (90) days after the Department Director determines that such application is complete, provided that notices have been published, mailed and posted as required by Section 710.4.C above. The Department Director shall prepare a written analysis and report for the public hearing. The public hearing by the Historic Preservation Board shall be conducted in accordance with section 303.3 of this Code. In addition, the requirements of Section 342.4.C of this Code shall also apply to any public hearing conducted by the Historic Preservation Board. The applicant, local officials, property owners and the public shall have an opportunity to present testimony and evidence supporting or objecting to the proposed historic landmark designation and listing in the National Register of Historic Places. Any property owner who objects to the proposed historic landmark designation and listing in the National Register of Historic Places must submit a written statement containing his or her notarized signature. At the conclusion of the public hearing, the Historic Preservation Board shall vote whether to recommend the proposed site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places.

710.5. Decision.

Following a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in the National Register of Historic Places, the Board shall hold a public hearing on the application. The

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requirements of section 342.4.C of this Code shall apply to any public hearing conducted by the Board. At the conclusion of the public hearing, the Board may approve or deny the recommendation of the Historic Preservation Board or may continue the public hearing and defer a decision if adequate information is not available. In the event of continuation and deferral, the Board shall reopen the public hearing and consider the recommendation of the Historic Preservation Board at the earliest opportunity after adequate information is made available. The Department Director shall notify each applicant, property owner, person representing any property owner and person who received notice as required by Section 710.4.C above of the Board's decision relating to the property in writing no later than thirty (30) days after the Board meeting.

710.6. Permits.

The Department Director may issue a development order or permit for any property without a Certificate of Appropriateness if the Board denies a recommendation by the Historic Preservation Board on an application or if an applicant withdraws an application for historic landmark designation and listing in the National Register of Historic Places before a decision is made by the Board. Following approval by the Board of a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in the National Register of Historic Places, the Department Director shall not issue a development order or permit for any exterior alteration, new construction, demolition, or relocation on the property or within the district which is the subject of the application until a Certificate of Appropriateness is approved in compliance with Section 347 of this Code.

710.7. Implementation.**.**

If the Board approves the recommendation of the Historic Preservation Board relating to the site, structure, object or district, the Department Director shall take appropriate action to implement the historic landmark designation and listing in the National Register of Historic Places.

A. The Department Director shall be authorized to issue a permit for a sign or plaque identifying any site, structure, object or district approved with a historic landmark designation, provided that the owner of the site, structure or object or any property owner within the district submits an application and pays a fee established by the Board for a sign permit and provided that the sign or plaque is constructed or installed in compliance with this Code and the Florida Building Code.

B. The Department Director shall be authorized to process applications and prepare staff reports for land development incentives to preserve any site, structure, object or district approved with a historic landmark designation, including, but not limited to, variances, transfer of development rights, and Special Permits, provided that the owner of the site, structure or object or any property owner within the district submits an application, pays a fee established by the Board, and complies with all requirements and procedures for such actions set forth in this Code.

C. The Department Director shall not issue a permit for demolition, alteration, relocation or construction activities on any site, structure or object or within any district approved with a historic landmark designation except in compliance with a Certificate of Appropriateness issued pursuant to Section 347 of this Code.

D. The Department Director shall list any site, structure, object or district approved with a historic landmark designation in the National Register of Historic Places.

E. The Department Director shall update the complete listing of the National Register of Historic Places for the Manatee County Comprehensive Plan, as amended.

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CHAPTER 8 - ENGINEERING DESIGN AND UTILITIES

Section 800. Subdivision Requirements.

800.1. Conformity with Other Regulations.

All land subdivided shall conform to the other applicable requirements of:

A. This Code, The Manatee County Comprehensive Plan, Manatee County Public Works Standards, and any other applicable ordinance, as officially adopted by Manatee County.

B. The applicable requirements of the Manatee County Health Department, Environmental Health Services.

C. The environmental and other applicable regulations of the State of Florida.

D. The rules of the Florida Department of Transportation, if the subdivision abuts a state highway.

E. All other federal, state, and County laws and regulations applicable to the subdivision of land.

F. All forms as provided by the County shall be used as required by this Code, except as may be otherwise required by state law.

800.2. Self-Imposed Restrictions.

If the owner of a parcel of property being subdivided places restrictions on any part of the land contained in the subdivision that are greater than those required by this Code, such restrictions or reference thereto by book and page where recorded, shall be required to be indicated on the final plat or in other appropriate form. These restrictions and covenants shall be recorded with the Clerk of the Circuit Court.

800.3. Site Suitability.

No subdivision shall be approved for a site unsuitable for development due to flood hazard, poor drainage, unstable soil, utility easements, slopes, rock formation and such other condition which may constitute a danger to life, health, or property or aggravate erosion or flood hazards, unless adequate measures acceptable to the DRC, to mitigate any risks related to such conditions, are included in the subdivision proposal.

800.4. Adequate Public Facilities.

The adequacy of the necessary public or private facilities services, such as: vehicular traffic and pedestrian circulation; sanitation; potable water; drainage and stormwater management facilities; evacuation facilities, police, fire services, and emergency medical services; education; recreation; and similar facilities and services, potential adverse impacts on adjacent lands uses and facilities, shall be thoroughly considered in the review of subdivisions under this Code, and adequately provided for.

800.5. Hurricane Evacuation Plan.

All new development located within the Category 1, 2, or 3 areas of the Coastal Planning Area as identified on the Coastal Planning Area Map in the comprehensive plan, shall obtain County approval of a hurricane evacuation plan. The plan shall be prepared in coordination with the Manatee County Public Safety Department and submitted by the developer within one (1) year of final plat approval, or before any development approvals are issued for all other development.

800.6. Protection of Significant Features.

In all subdivisions, to the maximum extent practicable, efforts shall be made to preserve and enhance historic and archaeological sites, scenic vistas, large trees and other desirable natural or cultural amenities worthy of preservation, either as portions of recreation and open spaces, or in other such forms, as to provide amenities to the community.

Historical sites and similar community assets known or suspected to be within the subdivision identified through the efforts of the County shall be located, identified or described on subdivision plans in the vicinity of said items. When

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located, adequate measures shall be taken by the developer to protect the finding until determination of the find and property disposition is made.

800.7. Subdivision Name.

Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same, phonetically, or visually similar to any name appearing on any recorded plat in the County so as to confuse the records or to mislead the public as to the identity of the subdivision. The exception is when the subdivision is subdivided as an additional unit or section by the same developer or his successors in title. The name of the subdivision shall be subject to review by the County Departments and appropriate reviewing agencies.

If at any time, the developer intends to change the name of the subdivision, the developer shall request the name change in writing. All correspondence regarding a name change shall be sent to the County Administrator or designee for approval. After review and approval by the County Administrator or designee, it shall be the responsibility of the developer to make the appropriate changes to all applicable documents and reference the previous subdivision name on all correspondence for three (3) months following the name change.

800.8. Lot Requirements.

A. Arrangement. Lot area, width, depth, shape, orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and type of development contemplated, as provided by this Code, public safety, and health regulations. Where existing utility or other easements are involved, lot lines shall be so arranged with respect to such easements and access thereto, as to permit efficient installation of the utilities and maintenance, without unnecessary irregularities in alignment; and as necessary to permit securing building permits to build in compliance with this Code and applicable health regulations.

B. Dimensions. All lots shall meet the dimensional requirements of the applicable zoning district. The minimum lot width permitted for corner lots shall be platted not less than fifteen (15) percent wider on both front yards than the minimum width required in the district for which the property is zoned, except where both front yards equal or exceed one hundred fifty (150) feet each in width. The minimum front lot line shall also meet the requirements of Section 401.3.B.4.

C. Shape. Generally, side lot lines shall be as close as practical to right angles with the street line. In no case shall the side lot line deviate more than twenty two and one-half (22.5) degrees from the side lot line drawn perpendicular to the street line or radial to curving street lines for a minimum distance of hundred (100) feet from the right-of-way line.

D. Double and Reverse Frontage Lots. Reverse frontage lots shall be provided adjacent to thoroughfare streets. Double frontage and reverse frontage lots shall be avoided when not adjacent to major thoroughfares. When reverse frontage lots are not practical due to the proposal of a minor subdivision with no new streets to be constructed, the applicant shall provide joint access driveways onto the thoroughfare to reduce the number of additional driveways onto the thoroughfare. Joint access easements shall be shown on the preliminary and final plats and recorded.

A buffer shall be provided along rear property lines abutting right-of-way, across which there shall be noted "non-vehicular, ingress or egress" on the plat. Additional lot depth of twenty (20) feet shall be provided to accommodate such buffer when adjacent to major thoroughfares, and ten (10) feet when adjacent to a local street. The landscaping requirements along such buffer shall conform to the type and quantity standards specified in Section 701. Adequate provisions for maintenance of such buffer shall also be shown, where applicable.

800.9. Blocks.

A. Arrangement. Block width, depth, shape, and orientation shall be appropriate for the location of the subdivision and type of development contemplated, considering, among other things, the need for convenient access, horizontal and vertical sight distance, circulation, control and safety of vehicular and pedestrian traffic; and turning radii.

B. Width. Block width shall be sufficient to provide for two (2) tiers of lots with minimum depths as required in the district for which the property is zoned. Exceptions to the two (2) tiered block width shall be permitted in blocks abutting major streets, railroads, waterways, golf course boundary, or exterior property lines of the development.

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C. Length. Block lengths in residential areas shall not exceed two thousand (2,000) feet, or be less than four hundred (400) feet in length, except where necessary to intersect with an existing street. Wherever practicable, blocks along thoroughfares and arterials, shall not be less than eight hundred (800) feet in length.

D. Lot and Block Numbers. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions. However, in no instance shall there be a lot and block designation repeating itself on the same plat.

800.10. Nonresidential Subdivisions.

A. Standards. A non-residential subdivision plat shall conform to all applicable design requirements set forth herein for subdivisions generally and, in addition, shall satisfy the following requirements:

1. The subdivision layout shall ensure compatibility of the proposed improvements and intended uses with the adjacent existing and proposed land improvements and uses.
2. All proposed lots shall be of sufficient size and configuration to adequately accommodate the intended use in full compliance with applicable zoning requirements and other regulations of the County.
3. The proposed street system shall provide for a smooth flow of internal traffic circulation; adequate provision for loading and unloading of goods and equipment; and proper connections with the external road and highway system, including turning radii and deceleration lanes.
4. Adequate provision, as required by the Manatee County Public Works Standards, shall be made for all necessary public utilities, services, and easements where applicable.
5. Unless specifically requested by the County, no streets except utilities shall be extended to the boundaries of said subdivisions so as to connect with others to provide future connections with adjacent streets within existing or future residential areas. However, easements for utilities and storm water lines shall be provided to the boundaries of adjacent property to provide connection or extension of utilities.
6. The subdivision shall be designed so as to satisfy all other requirements deemed necessary by the County to ensure proper development and to satisfy the intent and purpose of these regulations.

B. General. If a proposed subdivision includes land that is zoned for non-residential purposes, the design of the subdivision shall incorporate any provisions the County may reasonably require to accommodate such purposes. Conditional use approval and nonresidential subdivision plat approval may, at the option of the developer, proceed simultaneously; provided that no conditional use shall be approved prior to the associated final subdivision plat.

Section 801. Stormwater Management.

801.1. Purpose and Intent.

It is the intent of this Section to impose reasonable standards to control stormwater runoff, to conserve water resources, to pursue a non-structural approach to stormwater management and to minimize the construction of drainage facilities designed to increase conveyance. It is the further intent of this Section to:

A. Protect the quantity and quality of ground and surface waters;
B. Promote recharge into the groundwater system;
C. Prevent and reduce salt water intrusion;
D. Minimize the production of disease carrying mosquitoes;
E. Prevent erosion and loss of valuable topsoils and subsequent sedimentation of surface water bodies;
F. Prevent adverse impact on adjacent property caused by diverting or blocking surface water flow; and
G. Prevent flood hazards, prevent loss of life and property damage, and reduce the capital expenditures associated with floodproofing and the installation and maintenance of storm drainage systems.

801.2. Stormwater Management Plan Required.

A. Generally. A stormwater management plan shall be prepared and submitted for all new construction, redevelopment, filling, excavating, earthmoving, or where other topographic changes occur as part of a

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development. The plan, which shall be submitted in conjunction with construction drawings for subdivision plats or site plans, as applicable, shall be reviewed for compliance with this Section. The regulations of this Section shall be administered by the Public Works Department. Any improvement specified in an adopted master drainage plan for the proposed development shall be installed by the developer.

B. Submittal. Stormwater Management Plans, which shall be prepared by a professional engineer unless exempted by Chapter 471, Florida Statutes, shall include requirements found in the Manatee County Public Works Standards.

801.3. Stormwater Management Standards.

The following requirements and the requirements of Chapter 373, Florida Statutes, and the Manatee County Public Works Standards Manual shall apply to all development.

A. Preservation of Watercourses. In accordance with Title 44, Code of Federal Regulations (C.F.R.), and the Comprehensive Plan, the alteration of watercourses and floodways shall be prohibited unless part of an overall drainage basin plan.

This prohibition may be waived if a finding of overriding public interest is made by the Board. The prohibition shall not apply to irrigation and drainage ditches constructed in the uplands which are not more than thirty-five (35) square feet in total cross section area and which normally have a water depth of no more than three (3) feet, provided they are not in and do not directly connect to Outstanding Florida Waters, Class I Waters or Class II Waters.

Any alteration shall be in accordance with this Section; Section 802, Floodplain Management; Section 706, Wetland Protection; other applicable sections of this Code; and Chapter 373, Florida Statutes. The flood carrying capacity within the altered or relocated portion of the watercourses shall be maintained or improved.

B. Stormwater Management Permits within the Watershed Protection Overlay WPE and WPM Districts. All proposed stormwater management permits required under Chapters 62-4, 62-25, 40D-4, 40D-40 or 40D-400 of the Florida Administrative Code for development within the WPE and WPM shall be required to comply with all requirements contained in Section 403.10 of this Code.

C. Development within the WPE, and WPM Watersheds. All developments located within the WPE and WPM watersheds shall meet Florida Department of Environmental Protection Stormwater System Design Standards for discharge into Outstanding Florida Waters, (OFW) as provided by Chapter 403, Florida Statutes, and Chapters 62-4, 62-25, 62-40 and 62-302, and other applicable chapters of the Florida Administrative Code. At minimum, development within the WPE, or WPM Overlay Districts shall provide 150% water quality treatment and shall be designed and constructed to detain, and permit the filtration of, the runoff from the first one and one-half (1.5) inches of rainfall. The Board may allow system designs different from the FDEP Stormwater System Standards if the applicant demonstrates that the development will utilize a stormwater management system which provides for equivalent, or greater, levels of stormwater treatment, providing that overall existing ground water hydrology characteristics are not altered, impacted or changed from the existing predevelopment condition. Equivalent stormwater treatment shall utilize a combination of treatment practices so as to ensure that the construction, alteration, or operation of the system will not discharge, emit, or cause pollution in contravention of applicable state Outstanding Florida Water quality standards of the Florida Administrative Code. To demonstrate compliance with the OFW Standards, the water quality in the receiving water body will be monitored in the receiving water body in an area adjacent to the point of discharge. Acceptable treatment practices may include but are not limited to:

1. Retreatment/pretreatment detention systems shall be designed to provide detention times that exceed detention times normally required, and providing repetitive water quality treatment. These systems include those providing pretreatment/retreatment using natural or artificial wetland systems, without adverse impact on the biocharacter of the wetlands. Use of the natural wetland systems for retreatment can be considered when no adverse impacts to the wetlands, fish, and wildlife and other resources can be demonstrated.

2. Off-line treatment systems using retention/percolation shall be designed to retain at least the first three-quarter (¾) inch of stormwater runoff, without release of pollutants out of the retention area.

3. Stormwater system designs that significantly increase the time of concentration (i.e., time taken for stormwater runoff to reach the detention/retention areas) or increase the percentage of post-treatment

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discharge to greenspace suited for additional water quality treatment (i.e., swales or buffer areas). Increased times of concentration may, for example, be achieved through the use of swales in major drainage ways to convey stormwater to detention/retention areas. Times of concentration shall be determined to be the point of ultimate outfall to a receiving watercourse

4. Mechanical treatment systems shall be designed to reduce the amount of directly connected impervious surface (e.g., limits on downspout locations, trench drains). Mechanical systems that irrigate, function as exfiltration systems or provide groundwater recharge or stormwater reuse.

5. Other systems which can be demonstrated to provide additional stormwater treatment equivalent, in effect, to treatment criteria associated with discharge into Outstanding Florida Waters.

D. Development Outside the WPE and WPM Watersheds. All development outside the WPE or WPM Overlay Districts shall be designed and constructed to detain and permit the filtration of the runoff from the first one (1) inch of rainfall, unless required to detain additional volume pursuant to State regulations. When the watershed drainage areas are less than one hundred (100) acres, the alternative design criteria allowed by Chapter 62-25, 40D-4, or 40D-40, Florida Administrative Code, is allowed. This alternative allows the treatment of the first one-half (½) inch of runoff. Biological filtration and sand filtration shall be in accordance with SWFWMD design criteria and Manatee County Public Works Standards.

E. Stormwater Discharge from New Development. The rate of stormwater discharge from new development shall be equal to, or less than, the rate of discharge that existed prior to development, based on a twenty-five (25) year frequency twenty-four (24) hour duration storm event, or as prescribed in the Manatee County Public Works Standards. The post-development point(s) of discharge shall be the same as the pre-development point(s) of discharge for the project site An analysis using accepted computer modeling software shall be performed to determine pre and post development flows. In certain watersheds in Manatee County which are known to flood, the rate of runoff shall be reduced by 50%, or as determined by Public Works staff.

F. Storm Sewers and Drainage Channels. Trunk storm sewers and major drainage channels shall accommodate the stormwater runoff resulting from a design storm of twenty-five (25) year frequency twenty-four (24) hour duration, consistent with the requirements of Chapter 62-4, 62-25, and 62-40, Florida Administrative Code.

G. Internal and On-site Drainage Facilities. All internal and on-site drainage facilities on any project shall accommodate the stormwater runoff resulting from a design storm of ten (10) year frequency twenty-four (24) hour duration based on the project site's time of concentration, consistent with the requirements of Chapter 62-4, 62-25, and 62-40, Florida Administrative Code and this Code, unless located within the 100-year floodplain or floodway.

H. Diverting Stormwater to Adjacent Property. A stormwater management system shall be designed for all areas to be developed or redeveloped such that any filling or other topography changes within a site will not divert stormwater to any adjacent property or lot. Existing and new swales along property lines shall be maintained by each property owner, Homeowners Association or other maintenance entity to insure positive flow to a detention basin, retention basin or to a primary drainage facility.

I. Increasing the Impact of Stormwater Discharge. All development that increases the impact of stormwater discharge from the site, either in terms of volume of water or any pollutant, shall provide for on-site detention and filtration of stormwater runoff to remove oils, floatables, silt, sediment, nutrients, and heavy metals at levels required by applicable federal, state, and regional regulations. Design criteria for developing a Stormwater Management Plan are contained in the Manatee County Public Works Standards Manual.

J. Design Storm. Design storm requirements for drainages systems are contained in the Manatee County Public Works Standards

K. Detention/Retention Basins Slopes. All detention or retention basins shall be designed utilizing the Manatee County Public Works Standards.

L. Floodplain Requirements within 25- and 100- year Floodplain. All fill within the twenty-five (25) year or one hundred (100) year floodplains shall be compensated by creation of storage of an equal or greater volume, credited above the seasonal high water table, with such compensatory storage also located within the 25 year and 100 year floodplains. Stormwater retention/detention volumes below the seasonal high water table shall not be used to compensate for the placement of fill within the one hundred (100) year floodplain.

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M. Floodplain Compensation. Developments within a project area greater than one hundred (100) acres shall provide sole use floodplain compensation. This shall include projects that may be less than one hundred (100) acres but are part of a larger project area (i.e. DRIs, multi-phased projects, etc.).

N. Excavation. Within any twenty-five (25) year floodplain, it shall be a condition of any permit to provide equal excavation on the same lot to compensate for any filling. The prohibition of habitable structure applies only to areas where the mapping of the twenty-five (25) year floodplain has been completed, or where existing water surface profiles can permit the identification of the twenty-five (25) year floodplain.

O. Substantiate Engineering Data. It shall be the responsibility of the applicant to provide engineering data to substantiate compliance with this Section. The Department Director shall administer and approve development plans only after verifying compliance with this Section for each development. Areas within the one hundred (100) year floodplain along or adjacent to a tidal influenced water body shall not be subject to this level of service performance standard.

P. Limitation of Habitable Structures within Twenty-Five (25) Year Floodplain. For parcels within the twenty-five (25) year floodplain, new habitable structures shall be located outside of the twenty-five (25) year floodplain, if reasonably possible, and all residential lots shall be located outside of the post development twenty-five (25) year floodplain. If the property owner cannot locate the structure outside of the twenty-five (25) year floodplain, then the property owner shall obtain an administrative permit. An administrative permit for such uses shall be granted upon a finding that the proposed structure is located and designed to minimize possible property damage in the event of a twenty-five (25) year storm event.

This limitation shall not preclude the development of water dependent uses, stormwater management facilities, or non-habitable structure, where appropriate. This limitation of habitable structures applies only to areas where the mapping of the twenty-five (25) year floodplain has been completed and adopted as part of the Code. It shall be the responsibility of the applicant to provide engineering data to substantiate compliance with this Section. The Department Director shall administer and approve development plans only after verifying compliance with this Section for each development.

Q. Wetlands Protection. Stormwater management systems shall be designed to protect against harmful siltation and adverse impacts of wetlands that are to be left undisturbed and that could result in the reduction of their natural flood control and water quality control capacity, based upon the twenty-five (25) year frequency storm for flood control and the one (1) year storm for water quality control. Development shall not impede or divert the naturally occurring flow in wetlands. The new drainage facilities shall maintain groundwater levels sufficient to protect and maintain pre-existing wetland vegetation, habitat and hydroperiod proposed to be preserved, through the use of weirs, filtration berms, or other means. Wetlands may be incorporated into a stormwater management system subject to the requirements of the State, SWFWMD and the Manatee County Public Works Standards and this Code. The developer shall show that the requirements set out in this Section can be met without significantly altering the existing natural wetlands. See also Section 706, Wetland Protection.

R. Swale Design. Swales shall allow the positive flow of water without any obstruction. Refer to Section 701 for landscaping specifications. Swales, and similar open drainage facilities shall be designed in accordance with the Manatee County Public Works Standards to minimize the creation of mosquito breeding habitat.

S. Design Principles and Practices. The design of stormwater management systems shall be based upon current and reliable best management practices. All analyses shall be performed using the best available data and such other information (i.e. the adopted watershed studies. See the Manatee County Public Works Standards) as may be required to assure compliance with the requirements of this Section and Manatee County Public Works Standards. Except for single family detached, single family attached dwellings, and duplex dwellings the driveway entrances shall not be utilized to discharge stormwater from on-site to off-site. Swales shall not be constructed across roadways to convey stormwater.

Any stormwater management system shall address the existing total hydrology and water budget for the proposed development. Continuance of existing overall hydrology in the proposed development is required in order to prevent or minimize impacts to the natural components of surface and groundwater hydrology. Stormwater reuse, groundwater recharge, pollutant removal rates, volume and discharge attenuation are some of the required elements that shall be considered in review and approval of any stormwater management plan as appropriate based on the size and nature of the project and included in the proposed stormwater management plan. The extent to which the hydrology design specifically outlined in this paragraph is considered for any development

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shall be determined by the County Engineer; provided the design is in compliance with the Southwest Florida Water Management District (SWFWMD), the Manatee County Public Works Standards and the other provisions of this Section.

T. Finished Floor Elevations. The finished floor elevation for each habitable structure shall comply with this section and section 802 (Floodplain Management).

U. Roadway Drainage. Where a developer constructs or widens a public roadway immediately adjacent to the development the drainages shall comply with the Manatee County Public Works Standards.

V. Drainage Easements. When a public drainage easement is required, the easement shall be dedicated to Manatee County and shown on the final subdivision plans and the final plat for the project. In addition, all public drainage easements shall be accessible from public right-of-way or dedicated ingress/egress easement. All drainage easements and ingress/egress easements shall be on clear and level ground, free of obstructions, including landscaping. Manatee County is responsible for maintaining only the free flow of drainage through these easements.

W. Erosion Control. The development shall include sedimentation facilities and other erosion control measures to protect against erosion and sediment discharges during clearing and construction and to protect against erosion and sedimentation of drainage facilities during the life of the development. No grading, or clearing, except brush removal for surveying, or filling shall be commenced until an inspection is conducted by the Department Director to insure that all erosion and sedimentation measures have been applied to all the disturbed areas and specifically around any water bodies, watercourses, or wetlands.

Sediment and erosion control measures will be required to control and minimize damage to downstream and adjacent property, the conveyance system, and to preserve water quality. The method for sediment and erosion control shall be indicated and shown on all plans being submitted to the Building and Development Services Department for approval, and the control measures installed prior to any construction. All swales shall be either sodded or have an equivalent stand of grass prior to approval.

The Building and Development Services Department shall be responsible for the following:

1. The review of topographic data submitted for construction approval for sinkhole activity and limiting, where necessary, development to achieve compliance with Comprehensive Plan policies and other regulation[s];
2. The review, at time of construction drawing submittal on any project, that the proposed use or alteration of any slope that is equal to or greater than twenty-six and one-half (26.5) degrees, complies with the Comprehensive Plan policies and other regulations; and
3. Conditioning all building permits that compliance with soil stabilization, soil erosion and transport policies and regulations is required.

801.4. Ownership and Maintenance.

The ownership and maintenance of stormwater management systems shall be clearly indicated on subdivision plans and comply with the Manatee County Public Works Standards.

Section 802. Floodplain Management.

802.1. Purpose and Intent.

The objectives of the floodplain management regulations are to: (1) protect human life and health; (2) minimize the potential for property damage and personal injury from flooding; (3) minimize expenditure of public money for costly flood control projects; (4) minimize the need for rescue and relief efforts associated with flooding, which are generally undertaken at the expense of the general public; (5) minimize damage to public facilities and utilities located in the one hundred (100) year floodplain; (6) maintain a stable tax base by providing for the sound use of flood prone areas in such a manner as to minimize future flood blight areas; (7) restrict adverse interference with the normal movement of surface waters; (8) maintain the natural hydrological and ecological functions of wetlands and other flood prone lands; and (9) enable Manatee County to qualify for participation in the National Flood Insurance Program.

802.2. Applicability.

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All new construction, development, or substantial improvements proposed within the limits of the one hundred (100) year floodplain as identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study with the accompanied maps, shall comply with the requirements of this Section, in addition to the applicable standards identified elsewhere in this code and the Manatee County Public Works Standards Manual. Areas seaward of the five (5) foot mean sea level topographic contour, shall also meet additional requirements of Section 403.8, Coastal High Hazard Area Overlay District (CH).

802.3. Administration.

The Department Director shall perform the following specific duties:

A. Determine any additional information that must be submitted for review before the approval of a development within the one hundred (100) year floodplain.

B. Where interpretation is needed as to the exact location of the boundaries of the area of the one hundred (100) year floodplain (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), or required floor elevations, the Department Director shall make the necessary interpretation. The person contesting the location of a boundary may request an interpretation as provided in Section 311 Interpretations of this Code.

C. Obtain and utilize Base Flood Elevations by obtaining available data from a Federal, State or other source (USGS, SWFWMD, Army Corps, DEP) to determine the Flood Protection Elevation for undetermined zones.

D. Maintain a record of all variances, including justifications for their issuance, and submit a copy annually to the Federal Insurance Administrator.

E. Upon the submission of any construction or development proposal, review the location of the subject property on the Flood Insurance Rate Maps (FIRM)and the Flood Boundary and Floodway Map, and determine the applicable zone, minimum floor elevations and development standards.

F. Assign a designee to review all Floodplain Management Permits and Building Permits and other applicable development orders and approvals to assure that the permit requirements of this Section have been satisfied.

G. Advise permittee that additional federal or state permits may be required, if specific federal or state permit requirements are known, and require copies to be submitted before issuance of a permit.

H. Notify the adjacent communities, the Federal Emergency Management Agency, and the State of Florida Department of Community Affairs prior to any alteration or relocation of a watercourse; and submit evidence of such notification to the Federal Emergency Management Agency and the State of Florida, Department of Community Affairs.

I. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) for new and substantially improved structures

802.4. Floodplain Management Permit Required.

A floodplain management permit shall be required from the County prior to the application for a building permit related to any development activity within the one hundred (100) year floodplain. Floodplain management permits shall neither be transferrable, nor shall run with the land. A floodplain management permit shall remain valid unless:

A. The Floodplain Management standards are adversely amended; or

B. The development deviates from that authorized by the permit.

802.5. Floodplain Management Permit Procedures.

Application for a floodplain management permit shall be made to the Department Director on forms furnished, prior to the application for any building permit. The application may require, among other things, pertinent plans prepared by an engineer, drawn to scale, showing the nature, location dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; delineation of the flood insurance zones and floodways with their respective boundaries and elevations; elevations of the lowest floor; and type of building materials. In case of a conflict between a floodplain management permit requirement and a requirement from another development standard, the floodplain management permit shall govern in regards to floodplain management

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requirements.

802.6. Floodplain Management Standards.

A. General Standards. All proposed development and construction activities in the one hundred (100) year floodplain shall meet the following requirements, in addition to the applicable standards identified elsewhere in this code.

1. All new construction including above ground and buried storage tanks, shall be anchored as necessary to prevent flotation, collapse or lateral movement of the structure.
2. All new construction shall use materials and utility equipment resistant to flood damage.
3. All new development shall use methods and practices that minimize flood damage, collapse or infiltration.
4. All new and replacement water supply, sewerage, and waste disposal systems shall be located and designed to:
   a. avoid impairment to them;
   b. minimize contamination from or to them;
   c. eliminate infiltration of flood waters into the systems; and
   d. have a backflow prevention device required for all systems connected to the Manatee County Public Water Supply, or any private or public water well.
5. Adequate assurance shall be provided that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
6. Improvements to or construction on a given property shall not increase the rate of runoff so as to adversely impact adjacent property owners.
7. All development, substantial improvements and new construction shall meet the lowest floor elevation and other requirements of this Code. The lowest floor elevation for floodplain management purposes shall be one of the following:
   a. All existing structures and additions to them that meet or exceed the Base Flood Elevation shall be considered conforming for floodplain management elevation provisions.
   b. All Pre-Firm Structures that are substantially damaged or substantially improved structures must meet or exceed the Base Flood Elevation.
   c. All new construction must meet or exceed the Flood Protection Elevation.
8. Small, detached, accessory structures, such as sheds, garages, which are resistant to flood damage, containing no habitable space, and having a maximum fair market value of ten thousand (10,000) dollars may be granted an exemption for the elevation requirements by the Department Director in accordance with the Federal Emergency Management Agency (FEMA) rules, policy, and interpretations. These exempted structures shall be firmly anchored and constructed and placed on the lot so as to offer the minimum resistance to the flow of flood waters and not cause damage to other structures. This exemption does not apply to services such as electrical, plumbing and mechanical.
9. All fill within the one hundred (100) year floodplain shall be compensated by creation of stormwater storage of an equal or greater volume, credited above the seasonal high water table, with such compensatory storage also located within the one hundred (100) year floodplain. Stormwater retention and detention volumes below the seasonal high water table shall not be used to compensate for the placement of fill within the one hundred (100) year floodplain. Stormwater retention and detention facilities within the one hundred (100) year floodplain adjacent to a tidally influenced water body shall not be subject to this performance standard. All fill and earthmoving shall comply with all provisions of this Code and Section 702, Earthmoving.
10. For parcels within the twenty-five (25) year floodplain, new habitable structures shall be located outside of the twenty-five (25) year floodplain, if reasonably possible. If the property owner cannot locate the structure outside of the twenty-five (25) year floodplain, then the property owner shall make application for an Administrative Permit. An Administrative Permit for such uses shall be granted upon finding that the proposed

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structure is located and designed to minimize and mitigate possible property damage in the event of a Twenty-five (25) Year Storm Event.

This limitation shall not preclude the development of water dependent uses, stormwater management facilities, or non-habitable structures, where appropriate, and applies only to areas where the mapping of the twenty-five (25) year floodplain has been completed and adopted as part of this Code or where existing water surface profiles can be used to identify the twenty-five (25) year floodplain. In any case, the best available source of information for the twenty-five (25) year floodplain shall be used. It shall be the responsibility of the applicant to provide engineering data to substantiate compliance with this Section. The Department Director shall administer and approve development plans only after verifying compliance with this Section for each development.

11. No storage area for hazardous or acutely hazardous waste material and no other hazardous substance material including fuel storage tanks may be located within a Floodway.

12. Non-residential buildings may be floodproofed as allowed by this Code and FEMA's "Floodproofing Non-Residential Buildings" guide

B. Specific Standards. The following additional standards shall apply to new and expanded development and new and substantially improved structures:

1. *Standards for Waters without Established Base Flood Elevations and/or Floodways.* Structures located within the one hundred (100) year floodplain where no basic flood data has been provided, or where no floodways have been provided, are subject to the following provisions:

   a. No encroachments, including fill material or structures shall be located within thirty (30) feet horizontally from each side at the top of the shoreline unless more restrictive setbacks are required elsewhere. Projects which have Special Exception status under Section 103.2 are exempt from this thirty (30) foot setback as it applies to wetlands; and

   b. New construction or substantial improvements of structures shall be constructed to the elevation and other floodplain management standards of this Code.

2. *Coastal High Hazard Areas*. The following provisions shall apply in the Coastal High Hazard Area; unless more restrictive standards are found elsewhere in this Code.

   a. All buildings or structures shall be located a minimum of twenty five (25) feet landward of the reach of the shoreline. Swimming pools and screened pool cages located at grade level may be located within five (5) feet of a vertical seawall of adequate design to support the surcharge load. Swimming pools located above existing grade level are considered impermissible obstructions unless they meet the performance standards of the Federal Emergency Management Agency's Technical Bulletin No. 5-93 (Free-of-Obstruction Requirements for Buildings Located in Coastal High Hazard Areas) or when located landward of the principal structure and meets the following requirements:

      i. Engineering and certification shall be provided for all structures including swimming pools and pool cages to prevent the flotation, collapse or lateral movement of the structure. The design shall be adequate to withstand flow surge and backflow; and

      ii. Water dependent uses, mobile homes and recreational vehicles, are exempt from the twenty-five (25) foot setback above, however they are subject to other setback provisions of this Code or any other applicable local, state or federal regulation.

   b. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (therefore rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Department Director shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, or soil scientist which demonstrates that the following factors have been fully considered;

      i. Particle composition of fill material does not have a tendency for excessive natural compaction;

      ii. Volume and distribution of fill will not cause wave deflection to adjacent properties;

      iii. Slope of fill will not cause wave run-up or ramping;

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iv. The ultimate impact of landscaping and ground cover at maturity;

v. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage;

vi. The impact on saline wetlands and coastal marshes;

vii. All fill shall meet the requirements of this Section and other applicable regulations;

viii. Substantially damaged habitable structures shall be relocated to a new location that is outside of the Coastal High Hazard Area Overlay if sufficient land is available on the parcel; and

ix. All development within the Coastal High Hazard Overlay District shall comply with the provisions of Section 403.8, Coastal High Hazard Area Overlay.

3. *Floodways.* The following provisions shall apply: to all floodways unless more restrictive elsewhere.

a. Prohibit encroachments, including fill, new construction, substantial improvements, lateral additions, waterfront structures and other developments within the floodway unless a "no-rise certification" (with supporting technical data) prepared by an engineer is provided demonstrating that the encroachments will not cause any of the following:

i. Any increase in flood levels during occurrence of the base flood discharge; or

ii. An adverse impact on adjacent properties caused by increase of flow, velocity of flood waters, or increased erosion.

b. Prohibit the placement of mobile homes and park trailers except in pre-FIRM and existing mobile home or RV park or subdivision.

4. *Areas of shallow flooding (AO and AH Zones).* These areas have base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

a. All new construction and substantial improvements of structures shall have the lowest floor, including basement, elevated to three (3) feet above existing grade where no base flood elevation is specified;

b. Nonresidential buildings may be floodproofed;

c. All new subdivision proposals and other proposed non-agriculture developments, (including proposals for mobile home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data. This data shall include Base Flood Elevations (BFE) and Flood Protection Elevations (FPE) for each lot; and

d. All developments subject to this Section c shall also obtain Federal Emergency Management Agency (FEMA) approval.

5. *Multi-Zone Lots.*

a. If part of the structure is located in the A Zone and the remaining portion is located in the B, C or X Zone, then the entire structure must be elevated to the A Zone required lowest floor elevation and must conform to the standards of this Code and the Manatee County Floodplain Management Code.

b. If part of a parcel is located in the Floodway, then any structure on the parcel, if within fifty (50) feet of the floodway, must be elevated to the required lowest floor elevation for the floodway and conform to the construction standards for floodways in the Manatee County Floodplain Management Code 89-10. An applicant may seek relief from this requirement by submitting detailed, engineering data describing any natural features and existing structures which may have a mitigating effect on the hazards of swift flowing waters normally associated with the floodway. All submitted data shall be signed and bear a raised seal affixed by an engineer. This shall be reviewed and the appropriate elevation and construction standards shall be determined by the Department Director. This study shall be done in accordance with procedures and guidelines established by the Federal Emergency Management Agency (F.E.M.A.).

c. If part of a parcel is located in the Velocity Zone then any structure on the parcel within fifty (50) feet of the velocity zone, must be elevated to the V Zone required lowest floor elevation and conform to the standards for velocity zones in the Manatee County Floodplain Management Code. An applicant may

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seek relief from this requirement by submitting detailed engineering data describing any natural features and existing structures which may have a mitigating effect on the wave action normally associated with the V Zone. This shall be reviewed and the appropriate elevation and construction standards shall be determined by the Department Director. This study shall be done in accord with procedures and guidelines established by Federal Emergency Management Agency (F.E.M.A.).

6. *Development*.

   a. In a new or expanded development, each lot located in the one hundred (100) year floodplain must include a site suitable for constructing the building in conformity with the Manatee County floodplain regulations.

   b. All development proposals shall be consistent with the need to minimize flood damage and shall not increase rate of runoff so as to adversely impact adjacent properties.

   c. Flood Protection Elevation data shall be provided for subdivision proposals, lots and other proposed development (including mobile home parks and subdivisions).

7. *Mobile Home, Park Trailer, and Recreational Vehicle*.

   a. No mobile home or park trailers shall be placed in a floodway, Coastal Planning Area (see Coastal Planning Area map in the Comprehensive Plan), or Coastal High Hazard Area except in an existing and pre-FIRM mobile home and recreational vehicle park or subdivisions.

   b. All mobile homes and park trailers located within the one hundred (100) year floodplain shall be anchored to resist flotation, collapse or lateral movement as required by this Code.

   c. New mobile home parks or subdivisions, new Planned Development Recreational Vehicle (PDRV) parks or subdivisions, expansion or substantial improvements to existing parks or subdivisions, , and all new individual mobile homes allowed elsewhere, shall meet the following additional requirements.

      i. Shall not be located in the Coastal High Hazard Area, Coastal Planning Area, Coastal High Hazard Area Overlay district or floodway;

      ii. Mobile home and park trailer spaces (pad) in new and expanded parks and subdivisions shall be no more than twenty-four (24) inches below the Flood Protection Elevation (F.P.E.). Mobile home units shall be elevated so that the lowest floor of the unit will be at or above the Flood Protection Elevation (F.P.E.);

      iii. Adequate surface drainage and access for a mobile home hauler shall be provided; and

      iv. These restrictions shall not apply to sites, lots, spaces or pads which are designed for and allow only ready for highway use recreational vehicles.

   d. Pre-FIRM mobile home and pre-FIRM recreational vehicle parks and subdivisions.

      i. Mobile homes and park trailers when placed on a site in a pre-FIRM mobile home, pre-FIRM recreational vehicle park or subdivision shall be elevated so that their lowest floor is at or above the Base Flood Elevation (B.F.E.), when the existing mobile home or park trailer has incurred substantial damage as a result of a flood.

      ii. Mobile homes and park trailers that are placed or substantially improved on sites in pre-FIRM mobile home or pre-FIRM recreational vehicle parks or subdivision in the one hundred (100) year floodplain shall be elevated and supported by reinforced piers (or other equivalent strength foundation) that are a minimum of thirty-six (36) inches in height above the existing grade. The piers may be less than thirty-six (36) inches and a regular set-up used, provided that the lowest floor is at or above the required Base Flood Elevation (B.F.E.).

         All footings shall be adequate to support the weight of the mobile home or park trailer under saturated soil conditions.

      iii. All recreational vehicles in recreational vehicle parks or subdivisions are exempted from the Floodplain Management Section of this Code provided that the vehicles are in the park or subdivision less than one hundred eighty (180) days, are fully licensed, ready for highway use and have no additions.

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iv. Recreational vehicles which are currently on sites, in recreational parks or subdivisions, on the effective date of this Code and which are not fully licensed or not ready for highway use or have additions, are exempted from the Floodplain Management Section of this Code, until they are substantially improved, substantially damaged, enlarged or replaced.

v. Recreational vehicles installed or erected after the effective date of this Code in new or expanded parks and subdivisions may remain on site for no more than one hundred eighty (180) consecutive days.

vi. No additions shall be allowed to any new or existing recreational vehicle in the one hundred (100) year floodplain.

8. *Standards for Subdivision Proposals*. In addition to the requirements for development listed above, subdivision proposals shall meet the following:

a. All subdivision proposals shall be consistent with the need to minimize flood damage, and shall not increase runoff so as to adversely impact adjacent properties.

b. Each lot of the subdivision located in the floodplain, must include a site suitable for constructing the building in conformity with the applicable standards of this Code.

c. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

d. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

e. No net loss of stormwater storage within the one hundred (100) year floodplain will be permitted.

9. *Minimum Floor Elevation.* In all situations, the finished floor elevation shall be a minimum of eight (8) inches above the immediate surrounding grade on all sides of the building and the required finished floor elevation shall be determined as follows:

a. Single-family detached dwellings, duplexes and multi-family dwellings shall be a minimum of twenty-one (21) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured along the entire frontage of the lot on which the building is located and in accordance with adopted Transportation Highway and Drainage Standards.

b. In special conditions and for non-residential sites, a professional engineer may submit a storm drainage plan to be approved by the Department Director. The storm drainage plan shall provide:

i. Sufficient relative or actual spot elevations to include: all necessary elevations at property lines or within two hundred (200) feet of the structure, whichever is less; street crown; right-of-way lines; inverts at culverts; existing and proposed finished floor elevations at all buildings;

ii. Positive drainage away from buildings to a swale located in an easement or storm drainage system with minimum slopes per Transportation Highway and Drainage Standards;

iii. No flow onto adjacent property without a recorded drainage flowage easement;

iv. Finished floor elevation of at least eighteen (18) inches above the average grade of the top of bank of either the swale or drainage facility;

v. Drainage flow arrows specifically indicating the direction of flow to all drainage outfalls; and

vi. Construction details and cross sections in accordance with the Stormwater Management Design Manual and Highway and Drainage Standards for lot drainage.

In addition to the permit fee, any costs associated with the County Engineering staff verifying the accuracy of the plan and the drainage conditions shall be borne by the applicant.

c. In all new subdivisions, the Engineer of Record shall show the finished floor elevation for each lot on the construction drawing for the subdivision, prior to approval.

d. Applicability of Finished Floor Elevation Requirements:

i. *Approved Plans:* Structures in developments for which either construction plans or final site plans containing minimum finished floor elevations were approved prior to April 1, 2006, shall be exempt

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from the drainage regulations and shall comply with the minimum finished floor elevation requirement of eighteen (18) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured on the entire frontage of the lot on which the building is located.

ii. *Pending Plans:* Structures in developments for which either construction plans or final site plans containing minimum finished floor elevations was submitted but not yet approved prior to April 1, 2006, shall be exempt from the drainage regulations and shall comply with the minimum finished floor elevation of eighteen (18) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured on the entire frontage of the lot on which the building is located. In the event such an application for construction plan or final site plan approval has been withdrawn after April 1, 2006, any resubmitted construction plan or final site plan shall not be exempt from the elevation requirements contained in this code.

e. The minimum floor elevations of this Section shall not apply to:

i. Non-habitable residential attached or detached accessory structures;

ii. Signs;

iii. Less than one thousand (1,000) square feet of nonresidential floor area as either a whole building or an addition;

iv. Additions to existing residential structures; and

v. Agricultural uses.

However, no such freestanding structure shall be located on a site except in accordance with the applicable provisions of Section 801, Stormwater Management, and Section 802, Floodplain Management.

802.7. Designation of Maps and Procedures for Amendment.

A. Floodplain Management Maps. The one hundred (100) year floodplain and floodways shall be those identified in the Flood Insurance Study for Manatee County with its accompanying Flood Insurance Rate Maps (FIRM), Flood Boundary and Floodway Maps (Floodway), and their respective map indexes, which are prepared by the Federal Emergency Management Agency (FEMA), and bear the common Community Number 120153.

The current and latest editions of the FEMA studies, maps and indexes are hereby adopted and shall be updated as necessary by an ordinance of the Board. The maps and studies shall be maintained and available for public inspection at the Building and Development Services Department.

B. Procedure for Map Amendment. If an applicant has reason to believe that the boundary lines of the one hundred (100) year floodplain or the designated limits of the floodway or Coastal High Hazard Areas (V-Zones) are incorrect, then a request for a "Letter of Map Amendment" must be submitted to the Federal Emergency Management Agency in accordance with the requirements established by that Agency. To be approved, the request along with accompanying engineering, computer program, etc. must be approved by the Federal Emergency Management Agency and the appropriate State and County departments. Site specific map amendments when approved shall not require the approval of the Board.

802.8. Floodplain Variances.

A. Purpose. Variances from the Floodplain elevation standards may be issued for new construction and substantial improvements to be erected on a lot that is contiguous to and surrounded by lots with existing structures constructed below the base flood level. The granting of floodplain variances is limited to sites with a lot area of less than one-half (½) acre; however, deviations from that limitation may occur. When the lot area increases beyond one-half (½) acre, the technical justification required for issuing a variance increases.

Variances shall not be issued within any designated floodway if any increases would result in flood levels during the base flood discharge and shall only be issued upon a determination that the granting of a variance will not result in increased flood heights.

B. Sufficiency Review.

Any variance from floodplain management standards requested pursuant to this section shall be reviewed by the

Department Director, who shall determine whether the application is consistent with this section. The Department Director shall issue a determination of consistency prior to the scheduling of the variance for public hearing, and shall submit the report to the Hearing Officer or Historic Preservation Board, as applicable.

C. Administrative Waivers. Administrative waivers of the Flood Protection Elevation may be approved by the Building Official upon demonstration of just cause. These waivers shall not result in a lowering of the required Flood Protection Elevation of more than two (2.0) inches.

D. Hearing Officer Review. The Hearing Officer shall hear requests for a variance from the floodplain elevation standards, according to the criteria listed below.

E. Historic Preservation Board Review. Appropriate additions to existing historic structures within the Cortez Fishing Village HA Overlay, excluding signs, which require a floodplain variance pursuant to this section shall be reviewed and approved by the Manatee County Historic Preservation Board in lieu of the Hearing Officer.

1. The proposed work must first be granted a Certificate of Appropriateness by the Manatee County Historic Preservation Board in accordance with the requirements of Section 347 of this Code.
2. The proposed lowest habitable floor of the renovation/addition must be equal to or higher than the elevation of the existing historical structure without the use of fill.

F. Review Criteria. When reviewing floodplain variance requests, the Hearing Officer and the Historic Preservation Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and the Public Works Standards Manual, and the following criteria:

1. Variances shall only be issued upon a determination that a unique and unnecessary hardship would result and the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design or designation of the building.
2. The ability to evacuate a person in time of an impending flood and safety of access to the property in times of flood for ordinary and emergency vehicles;
3. The necessity of a water dependent use facility to a waterfront location provided that: the structure or other development is protected by methods that minimize flood development is protected by methods that minimize flood damage during the base flood; no additional threats to public safety are created and the other factors of this section are considered;
4. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
5. The compatibility of the proposed use with existing and anticipated development;
6. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
7. The danger that materials may be swept onto other lands that may cause injury to others;
8. The danger of life and property due to flooding or to erosion damage;
9. The susceptibility of the proposed facility and its contents to flood and erosion damage and the effect of such damage on the individual owner's life and property;
10. The importance of the services provided by the proposed facility to the community;
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

G. Conditions. The approving authority may attach conditions to the granting of variances as it deems necessary to further the purposes of this Code.

H. Notice of Disclaimer. Any applicant to whom a floodplain variance is granted shall be given a written Notice of Disclaimer signed by the Building Official. This Notice of Disclaimer shall be recorded by the applicant in the Clerk

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of the Circuit Court's office so that the Notice of Disclaimer runs with the land. This notice shall state the following: The variance does not run with the land and applies only to the current structure and use. Any change in the structure (substantial damage, etc.) or use may invalidate this variance. The issuance of a variance to construct a structure below the required elevation will result in increased insurance premium rates for flood insurance and such construction below the required elevation increases the risks to life and property.

I. Submittal to FEMA. All variances issued for floodplain purposes shall be submitted to the Federal Insurance Administrator.

802.9. Warning and Disclaimer of Liability.

The degree of flood protection required by Manatee County is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasions. Flood heights can be increased by man-made or natural causes. This section does not imply that land outside the areas of the floodplain or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Manatee County or by an officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

802.10. Appeals.

See Chapter 2, Part X—Appeals.

Section 803. Utility Service Requirements.

803.1. Sanitary Sewerage.

Every development shall have a sanitary sewerage system adequate for the type of development proposed and related to existing or potential surrounding development. The sanitary sewerage system shall form a logical part of a coordinated system minimizing potential sanitary sewerage problems for the general area, as designated by service areas under the respective Sanitary Sewerage Service Area Master Plan. All sanitary sewerage systems shall conform to the requirements of the Manatee County Public Works Standards and the Manatee County Health Department, Environmental Health Services. Each lot shall be connected to the sewer main by a single individual sewer service connection.

A. Mandatory Connection. Connection to a public sanitary sewer system is mandatory for the wastewater collection areas shown on the Water/Wastewater Service Areas Map of the Comprehensive Plan, unless specifically exempted by Chapter 2-31 of the Code of Ordinances, or through Special Approval as provided for in subsection B, below.

B. Exemption through Special Approval.

1. *Administrative Approval.* Special Approval to not connect to the public sanitary sewer system may be granted administratively in conjunction with a Final Site Plan, subdivision plat, Administrative Permit or other approval process if the following criteria are met:

   a. The project contains five (5) lots or less;

   b. The applicant provides a cost estimate acceptable to Manatee County demonstrating the cost to connect to public sewer is sixty thousand dollars ($60,000.00) more than the cost to provide a septic tank;

   c. The proposed level of treatment for the septic system meets or exceeds minimum Health Department standards;

   d. The proposed septic tank is setback a minimum of four hundred (400) feet from an Outstanding Florida Water body;

   e. The septic tank is located a minimum of two hundred (200) feet from any jurisdictional wetland (in WPE/WPM Overlays); and

   f. The proposed project is not within an area of known flooding.

2. *Board Approval.* If the Department Director determines that either the above described criteria or those in Section 345.5 of this Code cannot be met, or the Department Director determines that approving the request

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administratively would not be in conformance with the Comprehensive Plan, then the Special Approval request shall be heard by the Board of County Commissioners after consideration of the following factors at an advertised public hearing:

a. Proposed wastewater impacts,

b. Accessibility of the central system,

c. Proposed infrastructure improvements,

d. Environmental sensitivity,

e. Development trends and timing,

f. Compatibility of development,

g. Proposed mitigation measures,

h. Telecommunication facilities, and

i. Location in areas subject to flooding.

C. Interim Wastewater Treatment Plants. The use of any interim wastewater treatment plant to provide for sanitary sewer service for any development located within the wastewater treatment collection areas shown on the Water/Wastewater Service Areas Map of the Comprehensive Plan, is prohibited unless approval by the Board is granted to not connect to the public sanitary sewer system and analysis of the following factors has been completed:

1. Analysis from individual on-site systems, versus an interim treatment plant.

2. Level of treatment proposed.

3. Possible connection to other municipal wastewater treatment systems.

4. Location within or adjacent to environmentally sensitive areas.

5. Location within areas subject to flooding, and

6. Consideration of the appropriate timing and type of proposed development.

D. Dry Lines. Septic tanks or interim wastewater treatment plants approved pursuant to this Section shall be constructed with dry-lines consistent with Policy 9.2.4.5 of the Comprehensive Plan, so as to readily permit connection to the public sanitary sewer system. Dry-lines are required to be installed on all residential developments equal to or greater than one (1) dwelling unit per acre and all non-residential development within the wastewater treatment collection area. Dry-lines for sewerage shall be extended to the appropriate project boundary or boundaries. Within two (2) years of the availability of a sanitary sewer line with adequate capacity to accommodate wastewater flows from the developed portions of the project, all dry-lines for the project shall be connected to the available sanitary sewer line(s). Projects outside the EPA 201 Facilities Service Area shall generally be exempted from this policy, unless a requirement for installation of dry-lines in any such project is adopted as a condition of development order approval.

E. Costs. All costs associated with the installation and connection to a public sanitary sewer system shall be borne by the developer. Any connection or extension to a public sewerage system in advance of the availability of the public sewerage system contiguous to the development shall be at the developer's expense.

F. Evers Reservoir. Connection to the County sanitary sewer system is required for all new commercial and residential structures located in the Evers Reservoir portion of the Watershed Overlay District, when located within one (1) mile of a sanitary sewer system. The exception shall be for structures located on single-family lots of record for which it has been determined by Manatee County that such a connection is not economically feasible.

803.2. Water.

Every development shall have a potable water supply system adequate for the type of development proposed and related to existing or potential surrounding development so as to form a logical part of a coordinated system minimizing potential water supply problems for the general area. Potable water may not be required for Antenna

Structures at the Department Director's discretion. No water service shall be furnished to any person by a public or private utility or water well unless such person agrees to accept all the provisions of the Water Shortage Plan and the Water Shortage Emergency, as defined in the Code of Ordinances. The acceptance of water service shall be in itself the acceptance of the above provisions. All water supply systems shall be planned and constructed by the developer in accordance with the Manatee County Public Works Standards.

A. Mandatory Connection. New development shall connect to the County potable water system when water supply and service to the site are reasonably available, except for single-family homes on lots of record. If a public water supply is not available, an individual private well water supply system may be allowed, if approved by the Manatee County Natural Resources Division.

B. Cost. The applicant for every development shall pay the full cost of installation of all water distribution system components which are needed on and off the development site to effectuate potable water service to the site regardless of distance.

803.3. Solid Waste.

See Chapter 2-16 of the Manatee County Code of Ordinances for solid waste collection and disposal requirements, and the Manatee County Public Works Standards for waste storage facility standards.

803.4. Irrigation.

A. Requirements. The irrigation system shall comply with Section 701, The Manatee County Comprehensive Plan, and the Manatee County Cross Connection and Back Flow Prevention Code, Manatee County Plumbing Code and the Manatee County Irrigation Code. All required landscaping shall meet the irrigation requirements of Section 701 and the Manatee County Public Works Standards.

B. Alternative Water Source. The use of reclaimed water or other alternative sources shall be required for sites located outside of the Watershed Overlay Districts and located in an area that either has the distribution system for reclaimed water or is programmed to have such system installed.

803.5. Fire Protection.

A. Fire District Approval. In all developments, the adequacy of the protection services, water supply pressure, hydrant locations, fire lanes and maneuvering areas shall be subject to the approval of the appropriate Fire District, and the Department Director.

B. Hydrants. All fire hydrants shall be installed in accordance with the Manatee County Public Works Standards, and dedicated to Manatee County when they are connected to a water distribution system operated by the Manatee County Public Works Department.

C. Additional Requirements. In addition, fire hydrants shall be provided in all new developments which meet the following criteria:

1. All developments which require an extension of the water distribution system.
2. All developments which require the submission of a preliminary site plan as set forth in Section 360, Certificate of Level of Service Compliance.
3. All non-residential developments which consist of a single building or group of buildings under one roof having greater than 10,000 square feet of floor area or a group of buildings under separate roofs separated less than ten (10) feet and having a sum total square footage greater than 10,000 square feet.

D. Location. Fire hydrants shall be located (1) no more than eight hundred (800) feet apart and (2) within four hundred (400) feet of the main entrance of all non-residential buildings in the development as measured along normal access routes, (3) at the end of any water line unless another hydrant is located within five hundred (500) feet.

E. Sprinkler System. All hydrants shall be in addition to any internal sprinkler or standpipe system serving the development and shall not be located on the "fire line" water main service.

F. Right-of-Way. Except for hydrants located within the rights-of-way, or within one story single family residential areas, all hydrants shall be located at least forty (40) feet from any building.

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803.6. Electric and Communication Lines.

A. Generally. Except in agricultural, heavy commercial districts, non-planned industrial developments, or as expressly provided below, all utility lines to be installed for the development, including, but not limited to those required for electrical services, telephone, street lighting, and CATV, shall be installed underground. Appurtenances such as; transformer boxes, pedestal-mounted terminal boxes less than four (4) feet high, temporary electrical supply outlets, and meter cabinets, may be placed above ground, subject to the provisions of this Code and in particular:

1. Chapter 5, Part II—Standards for Accessory Uses and Structures;
2. Section 806—Outdoor Lighting;
3. Section 1002—Visibility Triangles;
4. Section 701—Landscaping; and
5. Section 802—Floodplain Management;
6. Manatee County Public Works Standards; and
7. Manatee County Electrical Code.

B. Waiver. The requirement for underground utility lines may be waived by the Department Director, if it can be shown by the developer, that due to available technology or unique site conditions, it would not be necessary to install underground utilities. In such cases, utility lines shall be located on back lot lines.

C. Easements. For developments located on thoroughfares where utility lines currently are above ground and front the development, rear yard easements of ten (10) feet shall be provided for the installation of underground utility lines or relocating existing utility lines at a future date; provided, that such easements can be properly aligned.

Section 804. Open Space Requirements.

804.1. Open Space

A. Open Space Includes. Open space may include, but shall not be limited to:

1. Lawns and other sodded areas, decorative plantings, and naturally vegetated areas, overflow grass or paver block parking areas;
2. Walkways, recreation areas, playgrounds, swimming pools, and ornamental features such as fountains, statutes, or similar natural or artificial objects;
3. Natural or artificial water bodies below the shoreline such as lakes which are designed to adequately serve as open space; provided that all such areas comply with the Manatee County Development Standards and do not exceed seventy-five (75) percent of the open space calculation.
4. Landscaped islands, medians and other landscaped areas of a minimum size of ninety (90) square feet, within parking lots.
5. No more than twenty-five (25) percent of the required landscaped and pervious area shall be composed of permeable paving block.

B. Open Space does not Include. Open Space shall not be deemed to include:

1. Driveways, parking lots made of an impervious surface, streets, sanitary systems, loading areas, or other motor vehicular use areas;
2. Any area occupied by a building, except as provided below, for recreational open space;
3. Any area within an individual residentially zoned or used lot in any subdivision;
4. Areas so located or so small, or so circumscribed by or interspersed with buildings, driveways, parking lots (with landscaped islands, medians, etc., under ninety (90) square feet in size), public streets or rights-of-way, or private access easements or streets, drainage areas, or similar facilities or structures, as to have no substantial value for the purpose stated in this definition as determined by the Department Director; or

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5. Natural or artificial water bodies, and wetlands, which may include wet detention/retention facilities which exceed seventy-five (75) percent of the total open space calculation.

C. Types of Open Space. Open space shall include and be qualified as Common Open Space, Landscaped Open Space, Dedicated Open Space, or Recreational Open Space.

804.2. Recreational Open Space

A. Intent. It is the purpose of this section to promote the development of a well-integrated open space system of bikeways, pedestrian ways and other public recreation facilities; to assure adequate maintenance of recreation open space facilities; protect and enhance the natural resources and environment; and to implement the Recreation Element and the other applicable elements of the Comprehensive Plan.

B. Applicability. The standards of this section shall apply to all applications for proposed residential subdivisions or planned residential developments which choose to provide recreational open space as part of their open space requirements. This section shall not apply to applications for individual residential building permits, individual mobile homes or any residential care facility.

C. Location.

1. *Open Space.* Recreational open space, when provided, shall be located within the development or on an adjoining or nearby land which can adequately serve the development, and to the extent feasible shall be closely integrated with any adjoining or nearby existing or planned public park land recreational open space.
2. *Horse Trails.* Provisions for linkage of horse trails to, through and contiguous to adjacent property is encouraged to form a series of horse trails to be integrated with other existing, planned or future open space possibilities. Land used for horse trails shall be kept clean and free of obstructions to assure safe passage of horse and rider. Fencing across horse trails shall not be allowed. The minimum width of horse trails shall be ten (10) feet.

D. Quality. Lands designated for recreational open space shall be suitable for their intended purpose, taking into consideration such factors as topography, vegetation, drainage, size, access and relationship to surrounding uses and other factors as determined by the Parks and Recreation Department.

E. Dedication. Recreation open space may be dedicated to Manatee County for public park and recreation purposes, if the Department Director determines that the land and/or water body to be dedicated is of sufficient size and meets a public park need for the County. When land and/or the water body is dedicated in accordance with this section, the developer shall be eligible for Parks and Recreation impact fee credits in accordance with Chapter 11.

F. Dedication Not Required. Where the residential development and recreation open space will be held under single ownership and management, such as for rental apartments; or the recreation open space will be held in common by residents through a homeowner's association, condominium association, cooperative or other legal entity, dedication will not be required with the exception of necessary lands to implement any County bikeway, equestrian trail or pedestrian-way system. When equestrian trails are not dedicated to the County, provisions for public use shall be so stated in the deed document under common open space.

Section 805. Easements.

805.1. Utility Easements.

All new development shall provide a utility easement, at least five (5) feet in width, along all front, rear and side lot lines, and ten (10) feet along either the front or rear lot lines, for the express purpose of accommodating surface and underground drainage and overhead and underground utilities. The ten (10) foot rear lot line easement may be reduced to five (5) feet if the contiguous adjoining lot has a minimum of five (5) foot existing public utility easement. All such easements shall be reserved for public use except where otherwise determined by this Code. The exact location and width of said easements relative to the lot lines may vary in certain pre-approved conditions so long as the intent and purpose of these regulations are satisfied. Grading of all utility easements shall be in accordance with the Manatee County Public Works Standards. If all utilities are to be installed underground, then it shall be stated as such on the site plan or subdivision plat.

All platted utility easements shall provide that such easements shall also be easements for the construction,

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installation, maintenance, and operation of cable television services; provided, however, no such construction installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

A. Utility Easements. Easements for utilities across lots shall be provided where necessary and shall be at least ten (10) feet wide for electricity, telephone, drainage, sewerage, and water. Dimensions shall be provided on preliminary and final plats to adequately locate every easement. Utility and drainage easements, with the exception of easements for drainage outfalls, shall not be located within conservation easements for wetland buffers. (Section 706.5)

B. Drainage Easements. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream there shall be provided public stormwater easements or drainage rights-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel, or stream and to provide for the possibility of flood, protection of banks, future maintenance or construction or other necessary purpose. Further, provided that the boundaries of any such easements or rights-of-way shall not be greater than twenty-five (25) feet nor closer than ten (10) feet horizontally from the shoreline, or greater than twenty-five (25) feet nor closer than ten (10) feet, measured horizontally from the top of the bank on each side; whichever is greater. Existing and proposed grades to all easements shall be shown on the construction plans.

C. Slope Easements. Slope easements shall be provided where necessary to ensure lateral support, protection of streets, adjoining property and other construction features.

805.2. Conservation Easements.

Subdivisions that contain wetlands and/or wetland buffers shall provide a Conservation Easement in accordance with Section 706.8 of this Code and the Manatee County Public Works Standards.

A. Conservation Easements inclusive of the areas defined as wetlands and wetland buffers shall be depicted on the plan/plat. The Conservation Easement shall be delineated with a single line representing the most landward extent of the Conservation Easement. Where practicable, the Conservation Easement shall be given a separate tract designation, exclusive of other required easements. Legal descriptions of the Conservation Easement shall be included.

B. A separate Conservation Easement document shall be required for each required Conservation Easement. The Conservation Easement document shall be reviewed and approved by the Environmental Management Department and the County Attorney's Office, and shall be submitted to the Land Acquisition Division for execution.

C. Witness monuments shall be set at the intersection of any Conservation Easement and lot lines or property boundaries.

D. The boundaries of all Conservation Easements, required by this Code, shall be physically identified with signage as approved by the Department Director, as required pursuant to Section 719.11.1.3.3 of this Code.

Section 806. Outdoor Lighting.

806.1. Intent.

These outdoor lighting regulations intend to protect people and property values from the nuisance and harm of excessive outdoor lighting that:

A. Hinders or decreases visibility.

B. Glares into the eyes of drivers.

C. Creates a blinding brightness that leaves high-contrast, unsafely dark, shadowed areas.

D. Creates an artificial atmospheric glow that prevents residents from enjoying the night sky around their homes.

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E. Spills into the yards, homes and streets of neighborhoods trying to maintain a visually calm residential character.

806.2. Applicability.

Unless exempted in Section 806.3, a lighting plan is required to meet these lighting regulations and shall apply to:

A. Development and redevelopment of nonresidential projects, multi-family dwelling residential projects, and common improvements in other residential projects, e.g., recreational facilities.

B. Outdoor lighting fixtures added to or intensified in nonresidential projects, multifamily projects, and common improvements in single-family residential projects, e.g., vehicle use areas and recreational facilities. Routine maintenance, e.g., cleaning and changing bulbs, ballast, starter, housing, lenses and other similar components, shall not constitute intensification provided such changes do not result in a higher lumen output compared to the fixture when new, i.e., a light brighter than the intensity of the original installation as determined by the lumen rating printed on the bulb, the shipping package, or the specification sheet.

806.3. Exemptions.

The following types of lights are exempt from the provisions of this Section:

Figure 8 - 1: Vertical cross section of fixture with full horizontal shielding

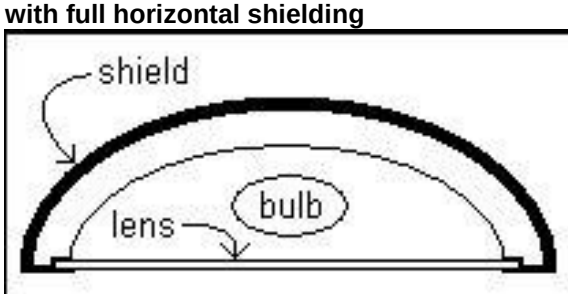
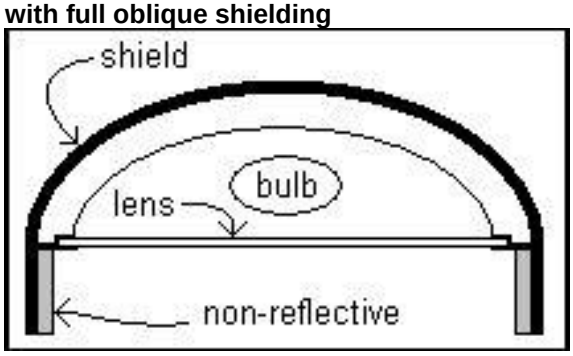


Figure 8 - 2: Vertical cross section of fixture with full oblique shielding



A. Low Intensity. Lighting to safely illuminate street address numbers, residential building entries, residential driveways, and residential yards with light sources rated less than eight hundred (800) lumens or with fixtures shielded to block direct illumination beyond these areas.

B. Streets. Lighting to safely illuminate streets, including but not limited to their driving lanes, sidewalks, roadside recovery shoulders, and emergency lanes. Such fixtures shall have *full horizontal shielding* to prevent direct illumination above the fixture and to minimize direct illumination of residences nearby (see Figure 8-1).

C. Emergency. Lighting for emergency safety repairs or natural disaster recovery.

D. Construction. Lighting for building or site construction not exceeding ten (10) days during any consecutive twelve (12) months.

E. Road and Utility Repairs. Lighting for construction, renovation, or repair of roads and utilities.

F. Signs. Lighting for signs permitted by this Code, under the following conditions:

1. Externally illuminated signs shall have *full oblique shielding* aiming the light down onto the sign (see Figure 8-2). The interior surface of the shield below the lens has a dull and dark finish to prevent reflection of light.

2. Internally illuminated signs shall comply with the Driver Vision Impairment requirements of this Section unless the signs serve only to provide driver directions without interfering with safe driver vision or traffic controls. Interpretation of sign lighting standards is intended to be a function of sign-types and should not be interpreted to regulate the content of signs.

3. The light from a sign shall not exceed the Measurable Spill Illumination Limits of this Section or violate the Driver Vision Impairment requirements of this Section.

G. Religious or National Symbols and Flags. Lighting for religious or national symbols and flags permitted by this Code, under the following conditions:

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1. Symbols and flags that need illumination should have *full oblique shielding* but may have spot lights aimed up only to illuminate the symbol or flag.
2. Internally illuminated symbols shall comply with the Driver Vision Impairment requirements of this Section.
3. The light for a symbol or flag shall not exceed the Measurable Spill Illumination Limits of this Section or violate the Driver Vision Impairment requirements of this Section.

H. Underwater Lamps. Underwater lamps in swimming pools and other water bodies for safety.

I. Safety. Lighting required by government law for safety as follows:

1. Lamps for exit signs, traffic control, waterway navigation, and aviation navigation shall have no restriction.
2. Lamps for ramps, stairs, handicap access, boat dock decks, and other safety purposes shall have fully shielded fixtures aiming the light down onto the area requiring illumination by law.

806.4. Illumination Limits.

A. Direct Illumination. Unless otherwise exempted in Section 806.3, all outdoor lighting fixtures shall have full oblique shielding (see Figure 8-2) so that a property's light sources do not directly illuminate another property that has an outdoor lighting protected area.

B. Driver Vision Impairment. Lights shall not impair the vision of drivers and interfere with safe driving. A light source shall have shields to prevent it from glaring into the eyes of drivers where drivers need to see structures, signs, other vehicles, and overhead clearances to a height of sixteen (16) feet. Affected driving areas include streets, driveways, parking lots, and other vehicle use areas on-site or off-site.

C. Measurable Spill Illumination Limits. The total illumination caused by all of a property's outdoor lighting, including light sources, diffraction, and reflections from on-site objects, shall not illuminate another property in excess of the following limits:

1. 0.2 foot-candles on property with outdoor lighting protected areas but not including the street rights-of-way.
2. 1.5 foot-candles on street rights-of-way because such limited coincidental illumination of a street will not constitute a nuisance to people using the street.

806.5. Fixture Height.

Fixture height, measured from finished grade at ground level to the bottom of the light source, determines the vertical point from which the light projects downward. Regardless of the following height limits, prevention of spill illumination may require lower heights according to calculations and plots in the lighting plan.

A. All light fixtures located within fifty (50) feet of any another property that has an outdoor lighting protected area shall not exceed sixteen (16) feet in height.

B. All light fixtures located within one hundred (100) feet of any another property that has an outdoor lighting protected area shall not exceed twenty (20) feet in height.

C. All other light fixtures elsewhere shall not exceed 30 feet in height.

806.6. Controllers, Timers and Sensors.

A. Lights shall not illuminate when not needed. Unnecessary light constitutes a nuisance and a harm that timers, light sensors, switches, motion detectors, and occupancy sensors may prevent.

B. All electrical circuits for outdoor lighting shall have manually controlled switches conveniently located for manual operation.

C. Light sensors shall automatically turn off lights when they sense adequate daylight.

D. Timers shall automatically turn off and turn on lights when their clocks arrive at pre-set times corresponding to the times needing the lights. Alternatively, the controller may dim lights or allow fewer lights to remain on for security and safety. Motion detectors and occupancy sensors may interrupt to turn on lights for timed durations.

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806.7. Special Lights.

A. Aerial Lights. No fixture shall aim light upward to search, sweep, or move through the sky.

B. Accent Lights. Light used to accent architectural features, fascia, landscaping, art, or similar objects shall not directly illuminate outdoor lighting protected areas. All such light shall terminate on opaque surfaces within the property.

C. Boat Dock and Marina Lights.

1. All lighting for boat docks and marinas, public or private, shall provide shields to prevent spill illumination beyond the property and beyond the permitted boat docking and turning areas.
2. If required by government law for safe navigation, then navigation lights may mark channels and navigational hazards in the waterways.
3. If required by government law for safety, then lamps for boat dock decks shall have fully shielded fixtures aiming the light down onto the area requiring illumination by law.

D. Canopy Lights. An opaque canopy, soffit, or overhang may serve as the required horizontal cut off and fixture shielding for lights fully recessed into the underside of the canopy. Such shielding shall appear as part of the fixture detail required on a lighting plan.

E. Fascia Lights. Fascia on a canopy shall not include fixtures for outdoor lighting of the site or buildings. A sign on the fascia may include lights to illuminate the sign, but the illuminated area of the fascia shall count toward the maximum sign area permitted by sign regulations.

F. Gas Pump, Convenience Business, Automatic Teller Machine, and other Required Security Lights. Whenever state or federal law requires certain intense illumination levels for security, then the location, intensity, quantity, height, shielding, and aim of such lights shall satisfy such requirement while still complying with these regulations, e.g., preventing direct illumination off-site, to the maximum extent possible.

G. Outline Lights. Illuminated tubing, strings of lights, back-lighted objects, or similar fixtures that outline structures, sales areas, roofs, doors, windows, plants, or similar areas shall not light upward.

H. Projection Lights. All projected light, laser or otherwise, shall terminate on an opaque surface.

I. Required Lights. Whenever state or federal law requires certain illumination, e.g., safe access, then the location, intensity, quantity, height, shielding, and aim of such lights shall satisfy such requirements while still complying with these regulations, e.g., preventing direct illumination off-site, to the maximum extent possible.

J. Stadium and Recreation Lights.

1. Whenever players in sporting events and recreational activities require certain intense illumination levels for safety, then the location, intensity, quantity, height, shielding, and aim of such lights shall satisfy such requirement while still complying with these regulations, e.g., preventing direct illumination off-site, to the maximum extent possible.
2. The illumination of outdoor recreational activities shall stop at 11:00 p.m. for the remainder of the night. An activity should not begin earlier if it will normally exceed this time limit. Regardless, an activity already in progress from an earlier starting time may continue with illumination until no later than 11:30 p.m. Other lower level illumination may remain for safe spectator departure and security.

806.8. Lighting Plan.

A. Purpose. A lighting plan shall serve to prevent excessive lighting prior to installation of the fixtures and to avoid costly compliance remedies later.

B. Submittal. A lighting plan shall accompany all applications for site development plan approval of development and redevelopment of nonresidential projects, multi-family dwelling residential projects, and common improvements in other residential projects, e.g., recreational facilities. When these regulations require a lighting plan but the project does not require a site development plan, then the plan shall accompany the application for a building permit for electrical fixtures. Lighting plans shall provide enough information to determine the potential for direct illumination of outdoor lighting protected areas, spill illumination, and compliance with the Manatee County Public Works Standards for all lighting not exempted in Section 806.3.

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C. Contents of Lighting Plan

1. *Fixture Locations.* A lighting plan shall show the horizontal position of the fixtures on the site.
2. *Fixture Detail.* An inset drawing of a typical fixture shall show the directional controls, e.g., shields, reflectors, refractors, and lenses that will aim and limit the angle of illumination. The detail shall show the vertical angle of illumination that will determine the shielding angle.
3. *Fixture Height and Mounts.* The plan shall show the height of the fixtures and describe the mounts, e.g., wall, pole, or canopy.
4. *Direct Illumination Plots.* For each and every fixture, the lighting plan shall include a cross-section showing the following measurements (see Figure 8-7):

   a = shielding angle of fixture

   H = vertical distance from the ground to the bottom of the light source

   E = vertical elevation difference between the bottom of the light source and ground level at P

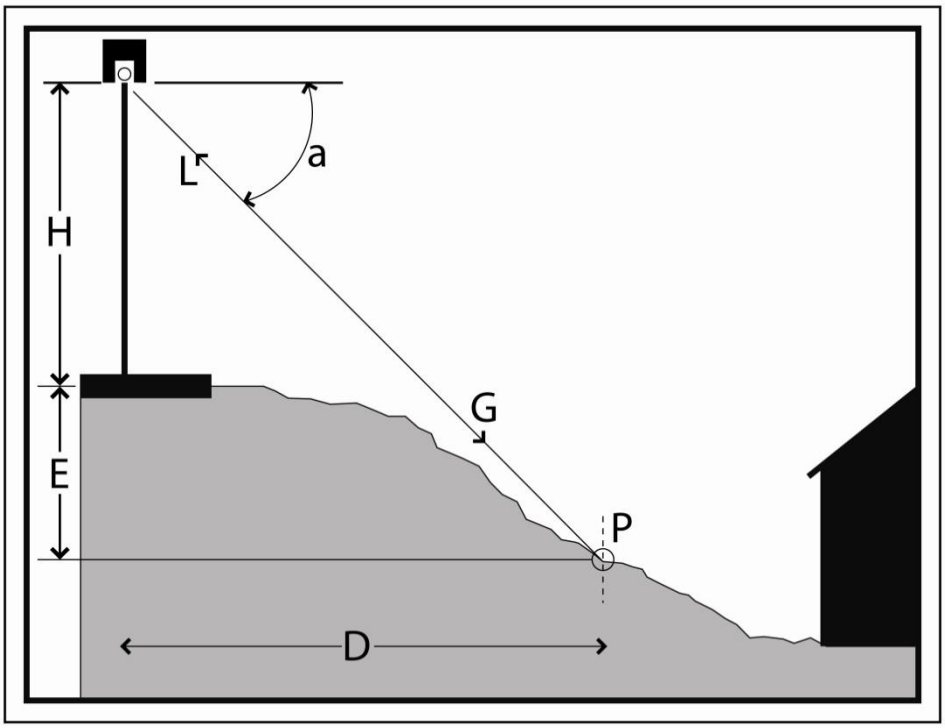
   LG = line along the oblique boundary between the illumination cone and the shielded area above it, i.e., the sight line between the light source and ground level at the edge of direct illumination

   P = projection of the line LG onto the ground level, i.e., also the edge of direct illumination

   D = horizontal distance from light source to P, calculated as follows:

   D = (H + E) / tan a (tan = trigonometric tangent function)

Figure 8 - 3. Cross section in the vertical plane through a light fixture, pole, and grade



5. *Photometric Diagram.*
   a. Any of the following conditions require that the Lighting Plan shall also include a Photometric Diagram prepared by a lighting engineer:
      i. A projection of direct illumination within ten (10) horizontal feet of the property line of outdoor lighting protected areas or a street.

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ii. A fixture within eighty (80) horizontal feet of the property line of outdoor lighting protected areas or a street.

iii. A fixture higher than twenty (20) feet above ground level within six hundred (600) horizontal feet of the property line of outdoor lighting protected areas.

b. The diagram shall plot foot-candles of illumination calculated:

i. For the direction of the most illumination from the light sources;

ii. For a height of five (5) feet above ground level;

iii. To the nearest tenth (0.1) foot-candle; and

iv. At horizontal grid intervals of ten (10) feet.

c. The diagram shall cover a certain part of the affected street or property having the outdoor lighting protected area. Such part shall include the area within the circle formed with the light fixture at the center and the radius extending one hundred (100) feet into the affected street right-of-way or property of the protected area.

d. The plotted levels of calculated illumination shall determine if the lighting will comply with the Measurable Spill Illumination Limits of this Section.

D. Review. The Department Director shall review the Lighting Plan and determine compliance with this Section.

E. Inspection. The Department Director shall inspect the installed lighting fixtures and determine compliance with this Section and the approved Lighting Plan.

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Chapter 9 – DESIGN GUIDELINES

Section 900. Entranceways.

900.1. Purpose and Intent.

It is the purpose and intent of this part:

A. To convey to the traveling public a strong image that Manatee County is a high quality place to live, work and visit;

B. To provide standards and criteria by which proposed development in these entranceway areas will be reviewed; and

C. To protect and enhance existing native vegetative communities and promote the use of zonal landscaping and other low water landscaping materials and techniques.

900.2. Administration.

The Department Director shall be responsible for the administration of this section and coordination with other agencies.

900.3. Designated Entranceways.

In order to meet the intent of this Section, entranceways shall be defined as follows and as depicted on Maps 8-1 through 8-9.

A. One-quarter (¼) mile on either side of Interstate 75 (I-75), throughout the County.

B. One-quarter (¼) mile on either side of Interstate 275 (I-275), throughout the County.

C. One (1) mile long intersecting arterials from the intersection with the interstate(s), on both sides of the street at a width of one-half (½) mile on either side of the street and shall be measured from the closest point of the right-of-way relating to the interchange.

D. One-half (½) mile west of and one (1) mile east of U.S. Highway 301 at University Parkway for a distance of one-half (½) mile.

E. One-quarter (¼) mile on either side of U.S. 41 for a distance of one (1) mile from both the north and south county borders.

900.4. Land Uses Permitted within Entranceways.

Land uses within entranceways shall be limited to those uses permitted in the PDMU, PDPI, PDC, PDR, PDI, PDW, PDRP and PDO districts. No adult entertainment uses, as defined by this Code, shall be allowed in or adjacent to any entranceway.

900.5. PD Application Required.

All development proposals, excluding accessory structures, within designated entranceways shall be processed as planned developments. Development proposals meeting the following criteria may be approved administratively:

A. No other section of the Land Development Code or the Comprehensive Plan require the development to obtain planned development or a special permit approval;

B. The application meets all of the entranceway standards contained in this chapter; and

C. The proposal meets the following criteria (residential projects are required to meet only items 3 through 5, 7, 8 and 9):

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1. Buildings adjacent to I-75 and/or I-275 shall be finished so that building fronts or front facades face said highway(s). The Department Director shall have the authority to approve an alternative which is aesthetically equal to, or superior to this requirement.
2. Buildings adjacent to I-75 and/or I-275 shall be designed so as to position in their parking areas in a manner which generally avoids visibility from said highway(s). The Department Director shall have the authority to approve an alternative which is aesthetically equal to, or superior to this requirement.
3. Any chain link fence utilized on the site shall be a dark color such as a black, dark brown or dark green.
4. Seventy-five (75) percent of all trees exceeding twenty-four (24) inch DBH shall be preserved.
5. All wetland impacts must meet a 2:1 mitigation requirement for herbaceous wetlands and a 4:1 mitigation ratio for forested wetlands.
6. All dumpsters, compactors and other utility equipment shall be located in the rear of all buildings, and these units shall meet all minimum setback requirements. These units shall not be visible from any collector or arterial facility. Exceptions may be granted by the Department Director for corner lots where no reasonable alternative location is available. Screening must be constructed with building materials matching the principal building on site.
7. Foundation landscaping shall be required in the amount of forty (40) square feet per one thousand (1,000) square feet of gross floor area, with at least sixty (60) percent of the required foundation landscaping located along foundations visible from entranceway roadways.
8. At least seventy-five (75) percent of all new required trees, shrubs and groundcover shall consist of native species.
9. Any other requirement deemed necessary by the Department Director to protect the health, safety, welfare and aesthetic quality of the entranceway. Any such requirement, applicable to the regulation of signs, shall not be based on sign content.

900.6. Standards for Development.

A. Landscaping and Buffers.

1. *Landscaping.* All required landscape areas and buffers shall retain existing native vegetation to the greatest extent possible. Existing trees and shrubs meeting the minimum standards set forth in Section 701 may be counted towards fulfilling the landscaping requirements. All required landscape buffers shall be shown on any site plan or plat as a landscape easement, and duly recorded as such after final site plan approval.
2. *Required Buffer.* A minimum twenty (20) foot wide landscaped buffer strip shall be required along all arterial, collector, highway and interstate frontages adjacent to the project. Those projects which receive access from frontage roads adjacent to the arterial/collector road shall provide this buffer. However, site locations internal to the development and not adjacent to the arterial/collector shall not be required to provide this buffer.
3. *Buffer Landscaping.* Landscaped buffers shall consist of at least one (1) decorative or canopy tree, meeting the requirements of Section 701, [to] be planted every twenty-five (25) feet on center. In addition, hedges, shrubs and berms shall be used to achieve sixty (60) percent opacity at a height of five (5) feet.
4. *Landscaping Easements.* These landscape buffers shall be maintained per Section 701 of this Code.

B. Access.

Unless inconsistent with state law, no project shall gain direct access to any road designated as a minor arterial or higher, but such project shall make use of frontage roads, cross-access easements, or consolidated driveways to access through local roads or lower classified thoroughfare facilities.

1. *Frontage Road Requirements.* Frontage roads shall require a minimum twenty-four (24) foot pavement width and fifty (50) to eighty-four (84) feet of right-of-way. The Department Director will determine the right-of-way requirements for each entranceway as developed.
2. *Cross Access Easements.* All projects within an entranceway shall provide for internal cross access with adjacent projects. This shall be accomplished through the use of cross access easements, internal drive

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aisles and/or frontage roads.

C. Signs. The standards of Chapter 6, Signs, shall apply to signs within designated entranceways. .

1. *Types of Signs.* On-site, temporary, exempt, and subdivision signs shall be allowed within entranceways. All other sign types are prohibited. Signs shall be governed by Chapter 6 and applicable development approvals, except as noted below.
2. *Number of Signs.* One project identification freestanding sign is allowed per road frontage per premise, regardless of length. In the case of a shopping center with outparcel(s), each outparcel may be permitted a separate ground sign provided that the outparcel has a minimum of one hundred (100) feet of frontage on the roadway where the sign is located.
3. *Size of Signs.* The maximum sign area and height of free-standing on-site signs shall be as follows:

	Length of Road Frontage			
Type of Sign	**<300 L.F.**	**300-600 L.F.**	**>600**	**Height**
Ground Sign	60 sq. ft.	80 sq. ft.	100 sq. ft.	8 ft.
Pole Sign	45 sq. ft.	60 sq. ft.	75 sq. ft.	20 ft.

4. *Combination Signs.* Any one combination sign within a project in an entranceway shall be limited to a maximum of five (5) separate sign/tenant items.
5. *Sign Approvals*.
   a. *Sign Plan.* All entranceway projects shall provide a sign plan with submittal of a final plan/plat which includes the following:
      i. Total number of signs;
      ii. Size—individually and total square footage;
      iii. Design;
      iv. Height;
      v. Building materials;
      vi. Color, style; and
      vii. Elevations (pole, ground and wall mounted signs).
   b. *Sign Permit.* A separate sign permit issued by the Building Official is required before construction or placement of any sign. No sign permit shall be issued for a permanent freestanding sign in the entranceways unless such sign is specified in the development approval.
   c. All permanent freestanding signs in the entranceways shall also require the approval of the Department Director.

D. Open Space. Properties developing within the entranceways shall provide an additional five (5) percent landscaped open space over the required minimum standards of the zoning district.

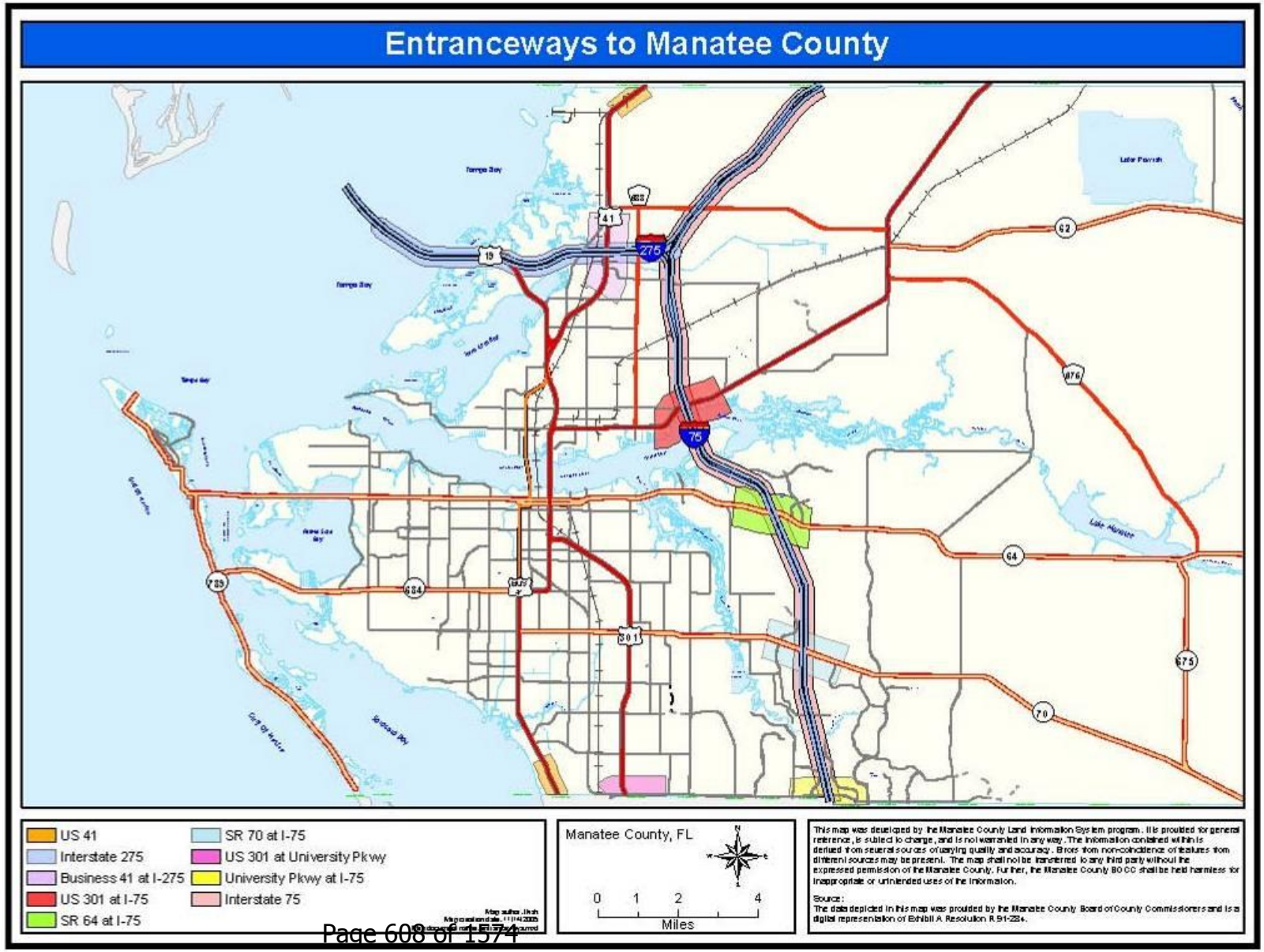
900.7. Port Manatee.

Port Manatee shall not be required to meet the buffer requirements of Section 900.6 as the PDPM District has created other buffer requirements suitable for this facility.

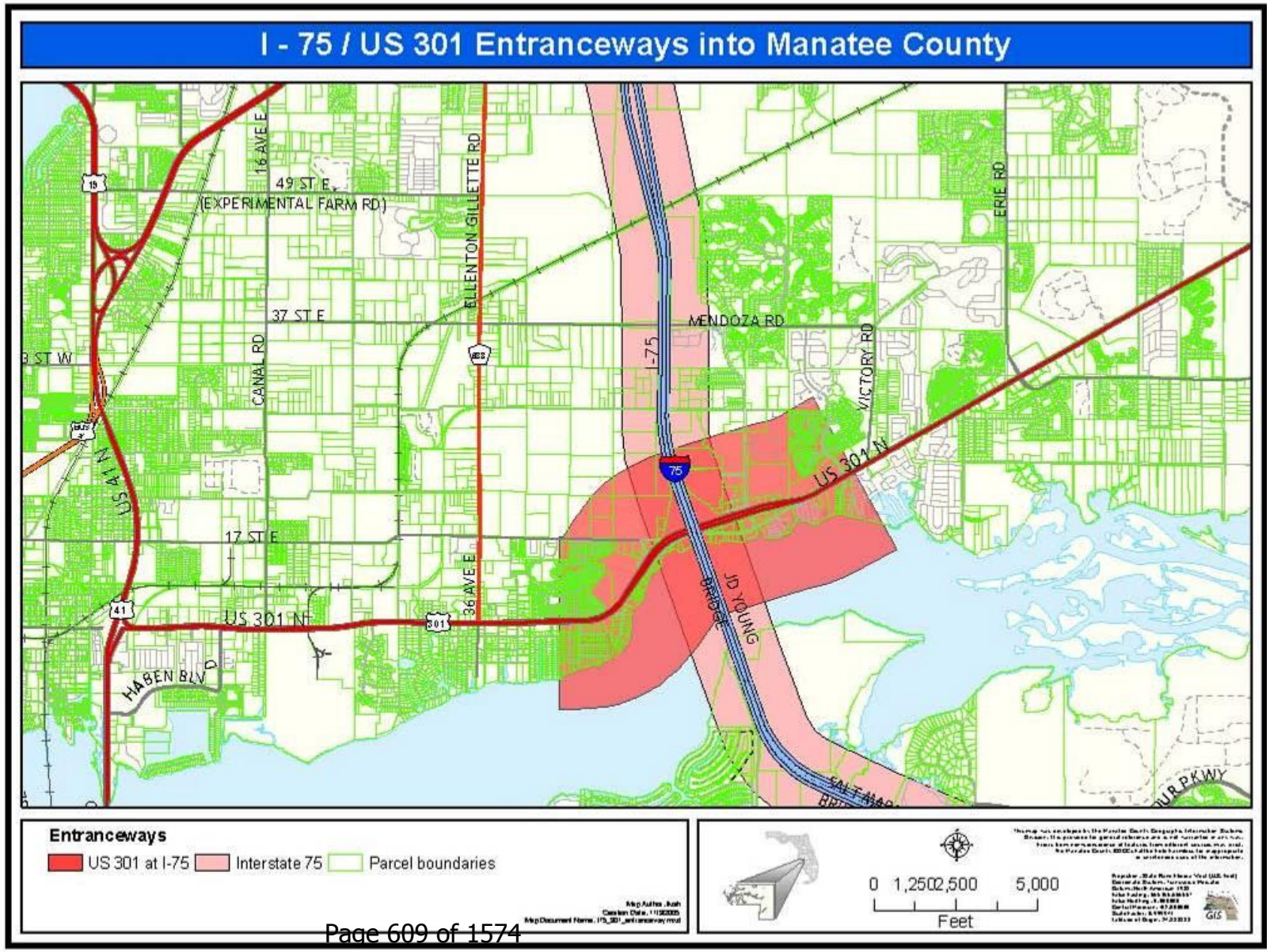
900.8. Waivers.

The Board may waive certain required improvements in order to facilitate the implementation of other entranceway criteria.

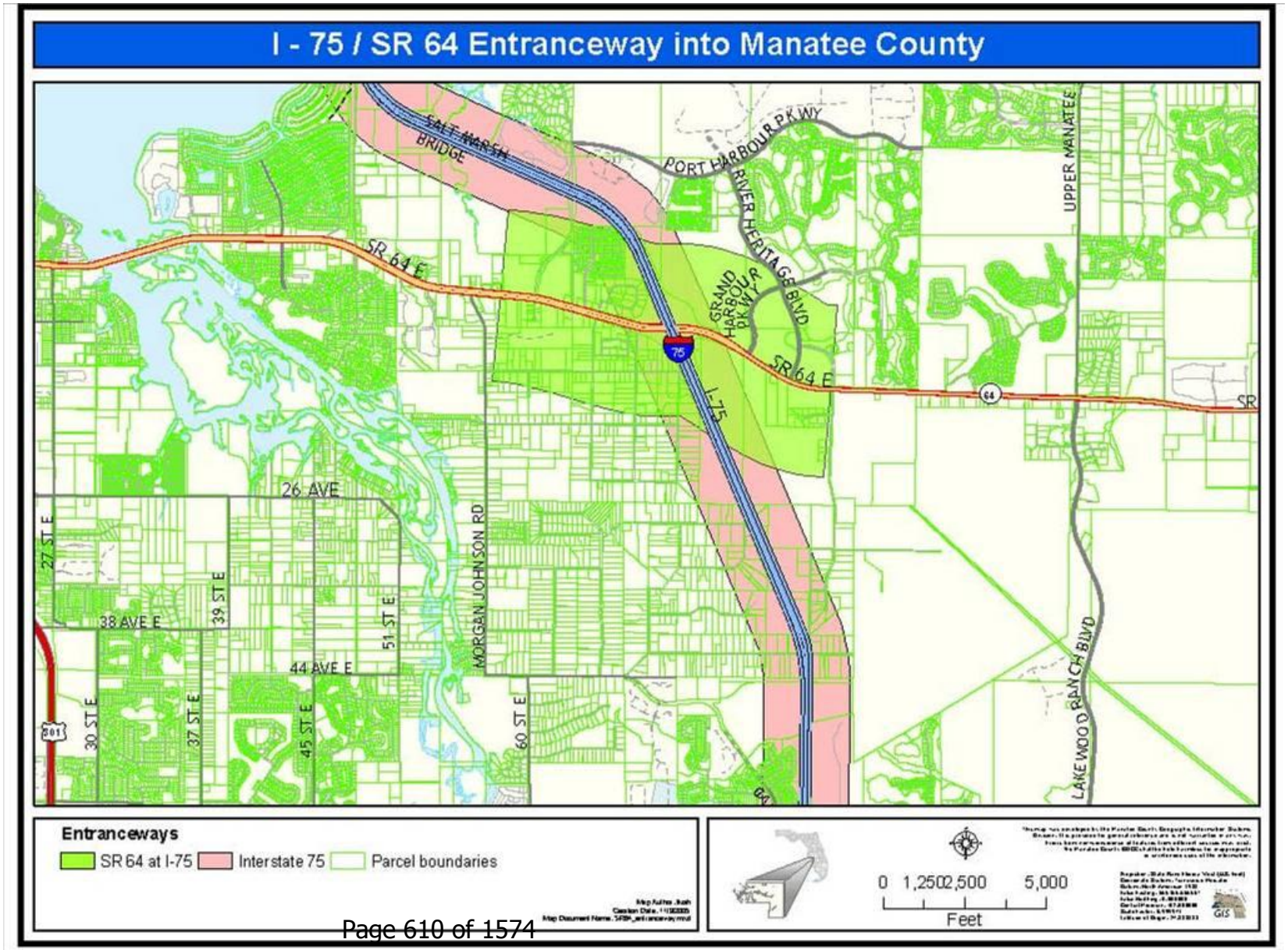
Map 9 - 1: Entranceways to Manatee County



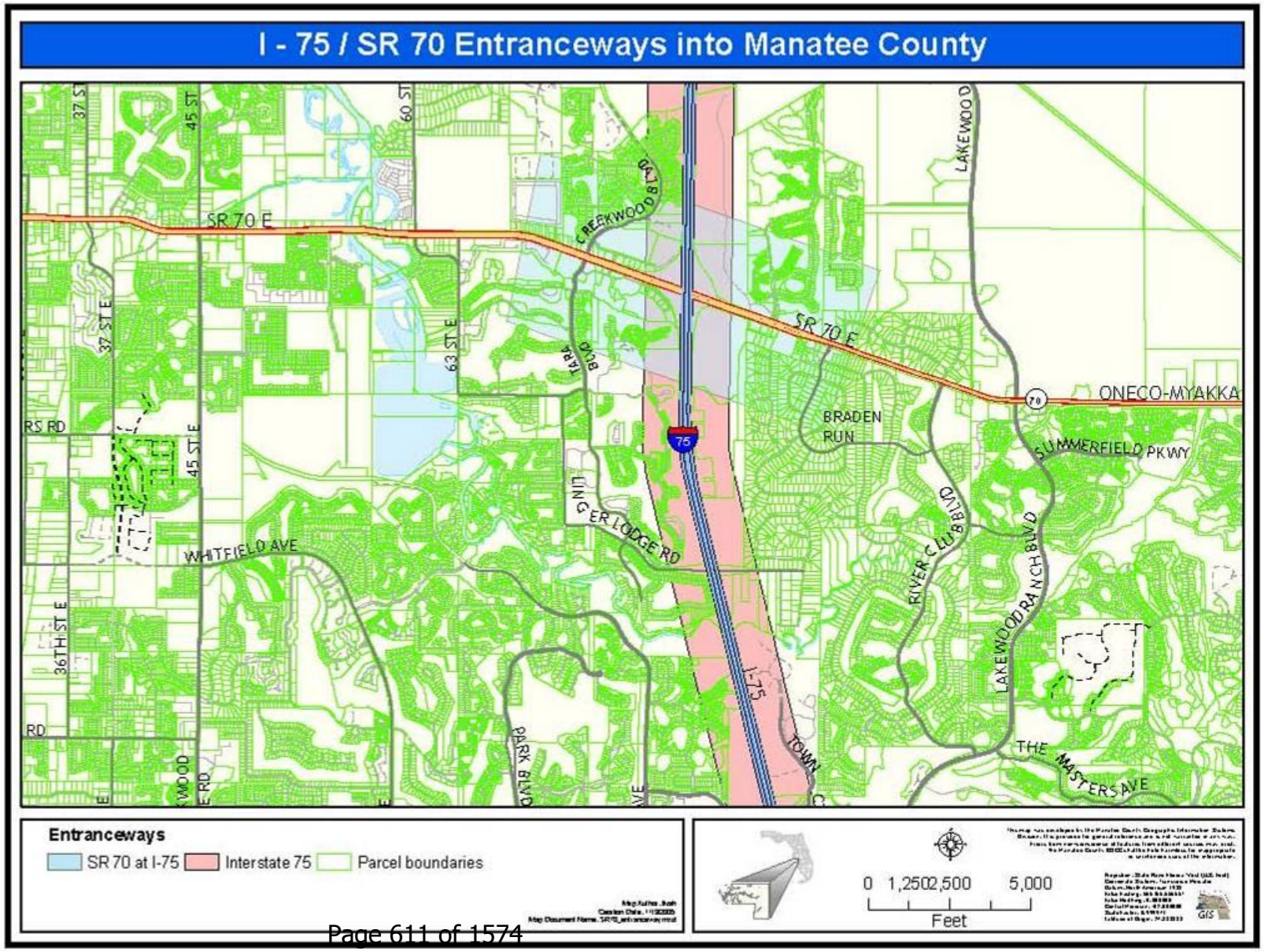
Map 9 - 2: I-75/ US 301 Entranceways into Manatee County



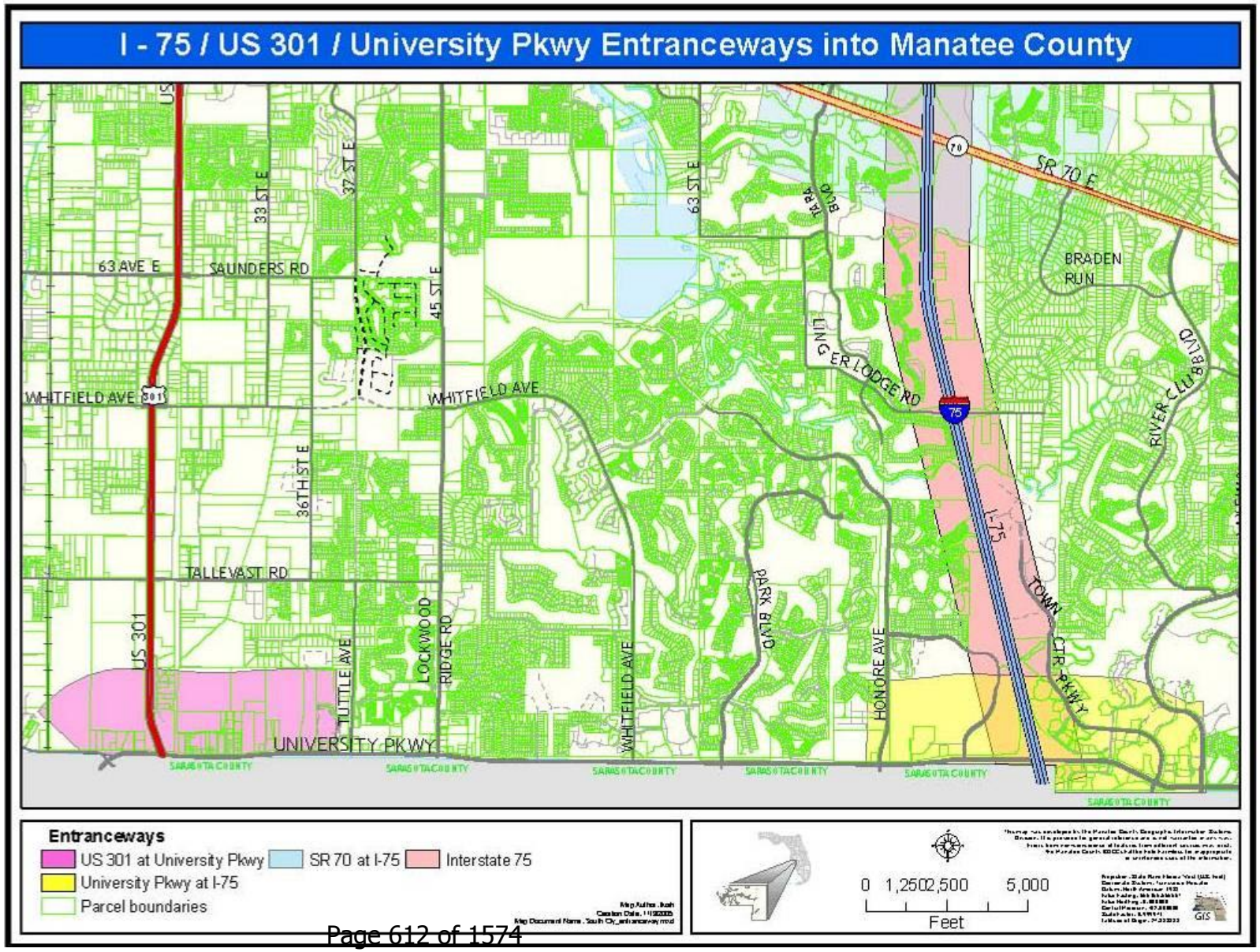
Map 9 - 3: I-75/SR 64 Entranceway into Manatee County



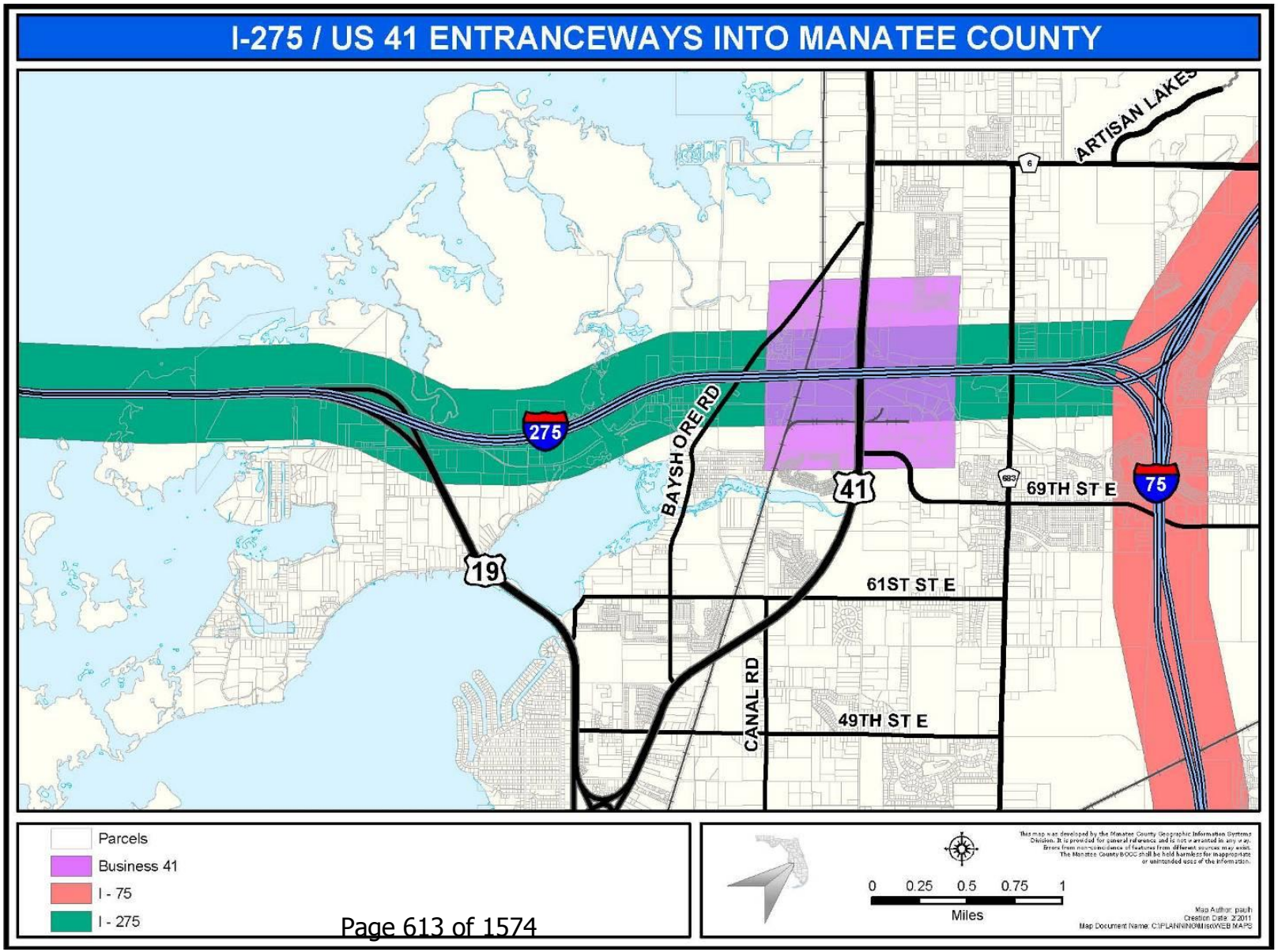
Map 9 - 4: I-75/SR 70 Entranceways into Manatee County



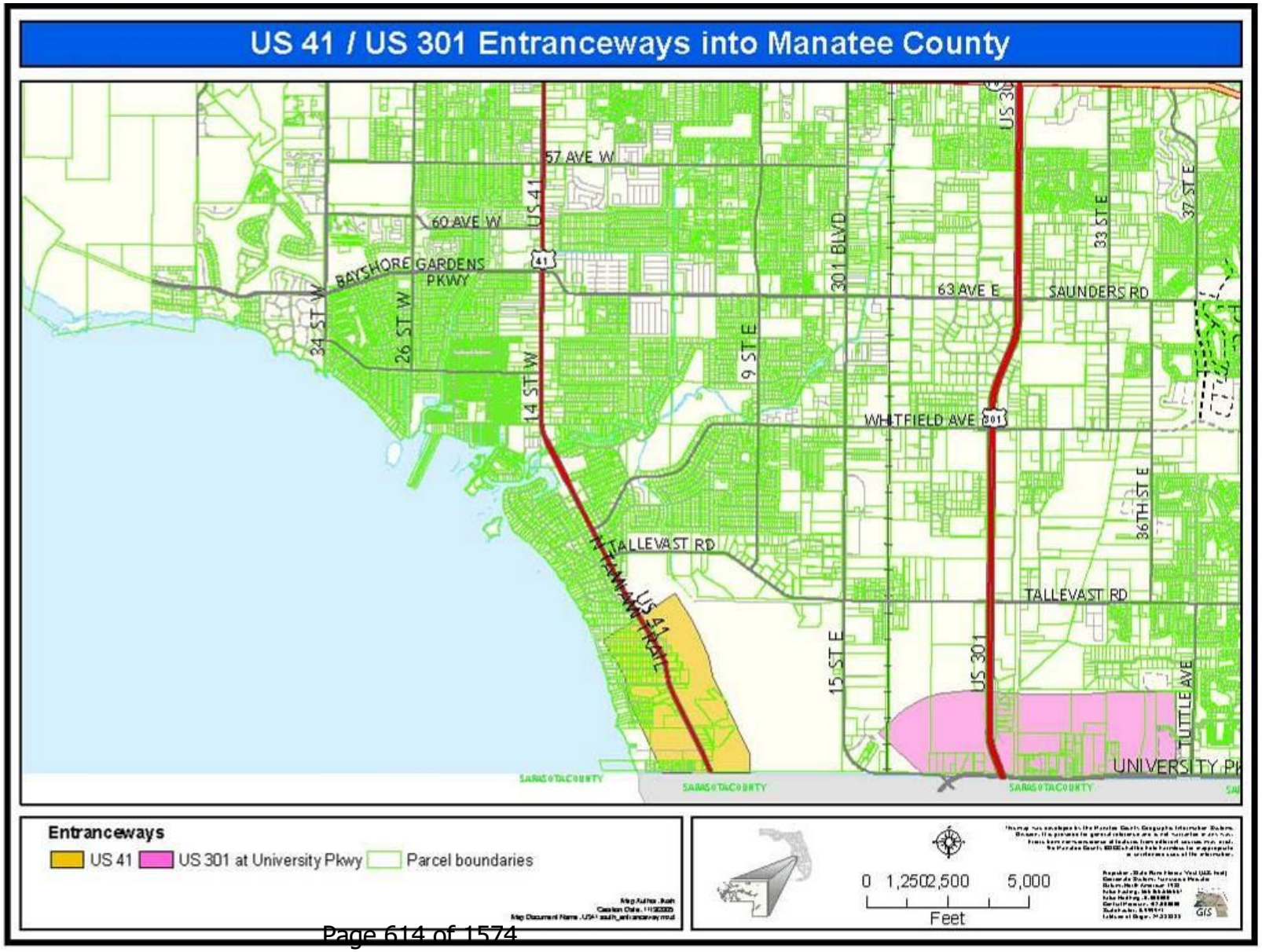
Map 9 - 5: I-75/US 301/University Pkwy Entranceways into Manatee County



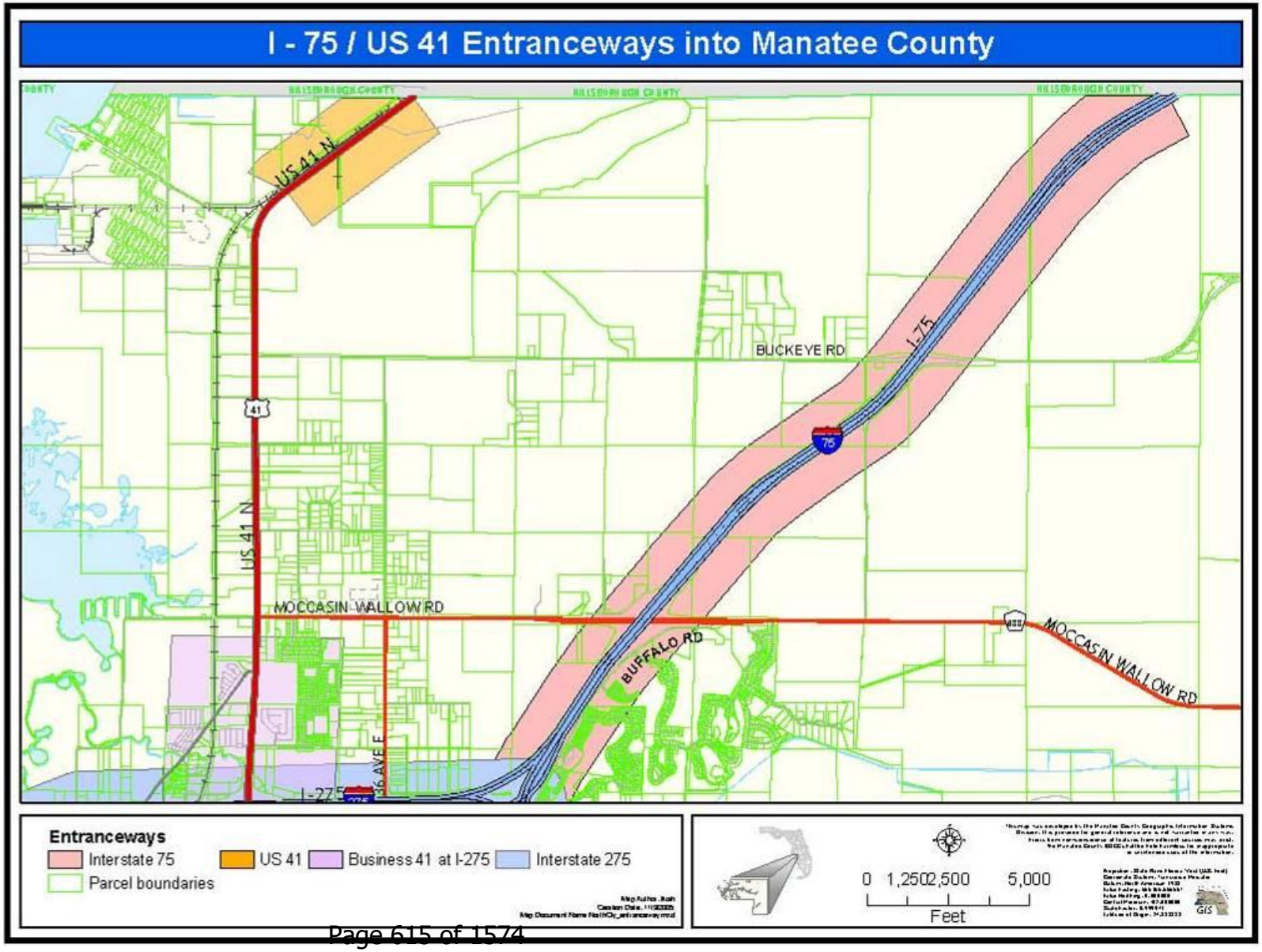
Map 9 - 6: I-275/US 41 Entranceways into Manatee County



Map 9 - 7: US 41/US 301 Entranceways in Manatee County



Map 9 - 8: I-75/US 41 Entranceways into Manatee County



Section 901. Cortez Fishing Village Design Guidelines.

901.1. Definitions/Glossary of Terms

Alignment	The relationship of three-dimensional features in space where the element matches a line established by an adjacent element to its position in space. Alignments can be horizontal, vertical or diagonal.
Compatibility	Sensitivity and responsiveness of a building's design to the existing character of a neighborhood or historic or special area. Elements of assessing compatibility include the following features: Relationship of the building to the street (height, facade details, landscaping, transition from public to private spaces) Spacing between buildings Consistency of the building's design features Scale
Context	Characteristics or quality of the natural or physical attributes of an area, topography, landscape and water features and the man-made components (built environment) consisting of buildings and streetscape features.
Contributing structure	A contributing structure of a historic district is a structure that was built during the area's period of significance, and reinforces the character and style of the district.
Drop siding	A siding in which the upper portion of each board has a concave curve. Also know as novelty, rustic and German Siding.
FEMA	Federal Emergency Management Agency, agency responsible for setting requirements for federal flood insurance program.
Fenestration	The arrangement of the various windows, doors and other exterior openings in a building.
FIRM	Flood Insurance Rate Map
Massing	The arrangement of geometric forms of building into a whole.
Non-contributing structure	A non-contributing structure is one that was either: a) built after the area's period of significance, b) a structure that dates from the area's period of significance but has had substantial alterations to its character-defining features.
Rehabilitation	The process of returning a building to a state of usefulness through repair or alteration which preserves those features that are historically or architecturally significant.
Relocation	Any change in the location of a building from its present setting to another setting.
Rhythm	The regular or harmonious recurrence of building lines, shapes, forms or color. Rhythm can be established by rooflines, porches and entrances, columns, window shapes and patterns and other horizontal or vertical elements on the facades.
Scale	The proportional size of a building related to its surroundings, particularly other buildings in the surrounding context.
Setting	The relationship of a historic building to adjacent buildings and the surrounding site and environment. The setting of a historic building includes such important features as yards, gardens, signs, streets and building setbacks. The landscape features around a building are often important aspects of its character and the district in which it is located.
Spacing	The regular interval of repetition of elements in a group.

901.2. Introduction.

Cortez is the same quintessential commercial fishing village today as it was 100 years ago. In fact, it has remained a viable fishing location for over 200 years, utilized by itinerant fishermen before it was permanently settled by five fishermen. Three of them were brothers, from Carteret County, North Carolina. The present village of Cortez faces pressures never imagined when it was settled as an isolated village, accessible only by water, in the late 1880s.

Even though modern development pressures have dramatically altered the shoreline of much of Florida, the Cortez waterfront remains true to its marine heritage as a working commercial fishing village - so far. Cortez is feeling the pressure of dwindling waterfront property, possible revised development regulations, and the commercial

fishing net ban. The village is struggling to keep its historic integrity both culturally and architecturally.

Concern for Cortez is not new. In 1975 Manatee County completed a road study for Cortez Road. Recommendations were made to create special regulations to preserve the community's character. In 1989 the Manatee County Comprehensive Plan was adopted, which recognized Cortez with a Historical and Archaeological Overlay District. In 1990, the County adopted its new Land Development Code (LDC) also designating Cortez as an historical district. Since then, the Village has been listed on the National Register of Historic Places (1995) and was designated a Waterfronts Florida community in 1999.

The 1990 LDC established the first Manatee County Historic Preservation Board (HPB). The HPB reviews proposed projects in Cortez, both renovations and new construction, and issues a Certificate of Appropriateness for appropriate construction as part of the permitting process. Design criteria provided by the Secretary of Interior Standards for Rehabilitation, adopted in the LDC, guide the County's review process. While the Standards provide some guidance for historic properties, it has become apparent that more site - specific design guidelines are needed for infill construction, and alterations and additions to existing structures.

The Cortez Vision Plan is one of the Cortez Waterfronts Florida Committee's first projects, developed with input of a community-wide survey in January 2000 and through a series of public meetings held between February and April 2000. The survey was returned by 78% of the community. The Visioning process identified the preservation of community character as the number one concern of Cortez residents. The Vision Plan reflects this concern for community. The first strategy in the Vision Plan under goal #1: Maintain Community Character, calls for the development of design guidelines for new construction. This document was specifically created to implement the community preservation goals of the Cortez Vision Plan.

901.3. Goals.

The goals of these Design Guidelines are to:

A. Provide a framework for the preservation of a historical/cultural and ethnographical community as the working fishing community grows and transitions over time.

B. Clearly define the important features of the Cortez community and provide uniform expectations for those involved in new or re-construction including:

   1. Property Owners who are renovating historic properties and who need guidance in retaining historic integrity;

   2. Property Owners who are building new structures in the community whose construction can reinforce character defining community features;

   3. Architects who are designing new homes and renovations to existing homes who require compatibility guidance and the County Staff who are reviewing the plans;

   4. Historic Preservation Board members who review projects for their appropriateness for the community, and who must make recommendations on development projects and approve or deny Certificates of Appropriateness for these plans; and

   5. County Planning an review staff who may be involved in future County projects in Cortez.

C. Preserve those physical characteristics that are character defining features in Cortez, including:

   1. Preservation of the scale in the community;

   2. Preservation of open space and vistas;

   3. Preservation of traditional street and drainage patterns (no curbs/gutters); and

   4. Preservation of traditional architectural character and forms.

D. Create a "holistic" approach to the planning process that encompasses the physical, economic and visual characteristics of the community.

E. Preserve the relationship of the community to the working waterfront.

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F. Preserve a traditional mix of uses; residential, commercial and marine/industrial.

G. Carefully integrate new marine uses.

901.4. Project Approach.

The following elements were incorporated into these Design Guidelines:

A. Study of the historical development patterns that have created the Village.

B. Identification of the modern development patterns and regulatory forces acting on the Village today.

C. Analysis of the features on the existing streetscape, landscape and site characteristics that contribute to the character of Cortez.

D. Analysis of the existing character defining features and architectural styles that make up the historic building stock.

901.5. Character Defining Features of the Village of Cortez.

A. Historical Development Patterns.

Cortez is located on a peninsula historically known as "Hunter's Point". Early in the 19th century, Spanish fishermen plied the waters of the area and established plantations or "ranchos" on the peninsula. No remnants of these structures remain. The Village was settled by fishing families, from Cateret County, North Carolina. Many of the descendants of those families still live in the community today.

Established in the late 1880s, Cortez was accessible only from the water. Boats were the main mode of transportation along with walking. Before the hurricane of 1921 destroyed all but one structure on the waterfront, many homes were located there. Residents rebuilt at a distance from the shoreline and anchored their new homes to withstand high winds. All community activity centered on the waterfront and the development of the Village reflects that orientation. Streets in Cortez began as footpaths and their narrow width today is a result of that pedestrian beginning. Most streets are oriented in a north-south direction, allowing access directly to the water.

A study of the development of the Village through a series of aerial photographs reveals that the Village layout was largely unchanged from plats in the 1920s and platted street patterns in the 1940s (Figure 9-1). A few streets have been extended to meet Cortez Road, the major east-west road from Bradenton to the islands. The one east-west street, 45th Avenue, which parallels Cortez Road, was also extended through Cortez when the village was paved (Figures 9-2 and 9-3).

B. Modern Development Patterns and Forces.

"Modern" development patterns (generally dating from post-World War II) were based on providing places for cars. This car-based development model, with its wide streets, accents on driveways and garages and large setback requirements, runs counter to traditional development patterns in Cortez. Three areas of conflict include:

1. *Development Regulations.* The rules for new development as described in the County's current Land Development Code (LDC) are typical for suburban developments that are related to automobile travel, and uniformity of requirements. These rules do not address the needs of historical communities like Cortez, with its tradition of an individualistic approach to single lot development and its traditional pedestrian scale.

   These Design Guidelines address those issues specific to this historic small scale community. As part of the planning process, specific amendments to the LDC pertaining to Cortez will be proposed through existing overlays or other special zoning districts, (with the exception of commercial design criteria for the north side of Cortez Road, which will be adopted as recommendations for consideration by developers only).

2. *Flood Insurance and FEMA.* Federal Emergency Management Agency (FEMA) created the National Flood Insurance Program (NFIP) to minimize damage to properties that are located in flood prone areas of the nation. The program is enforced in flood prone Cortez at the county level. FEMA's requirement that new construction in the village be elevated, with the first floors often 10 feet above grade, has encouraged the creation of large scale homes that dwarf their historic neighbors. These huge homes negate the pedestrian scale and orientation of the village by constructing front entrances that are often no longer tied to the street. These homes also block light and breezes for their small neighbors, casting some adjacent properties in

permanent shadow.

The "50%" rule, which requires elevation of substantial work on non-conforming (non-historic) homes in the district also has the potential to create hardships for young families who need to expand their homes as their families grow.

3. *Economic pressures.* Demand for waterfront property is at an all-time high as the supply of this property has been substantially diminished in Florida over the last decade. As the land costs increase, the trend is towards large luxurious homes, and larger regional commercial developments. As affluent non-natives move in, they sometimes complain about their neighbors involved in traditional commercial fishing activities such as storing nets, crab traps, fish coolers, boats in yards and working on fishing boats.

   On the waterfront, commercial fishing concerns have the potential to be purchased by non-working development. Should this happen, the unique character of Cortez will be lost forever.

Figure 9 - 1: 1940s Aerial of Cortez

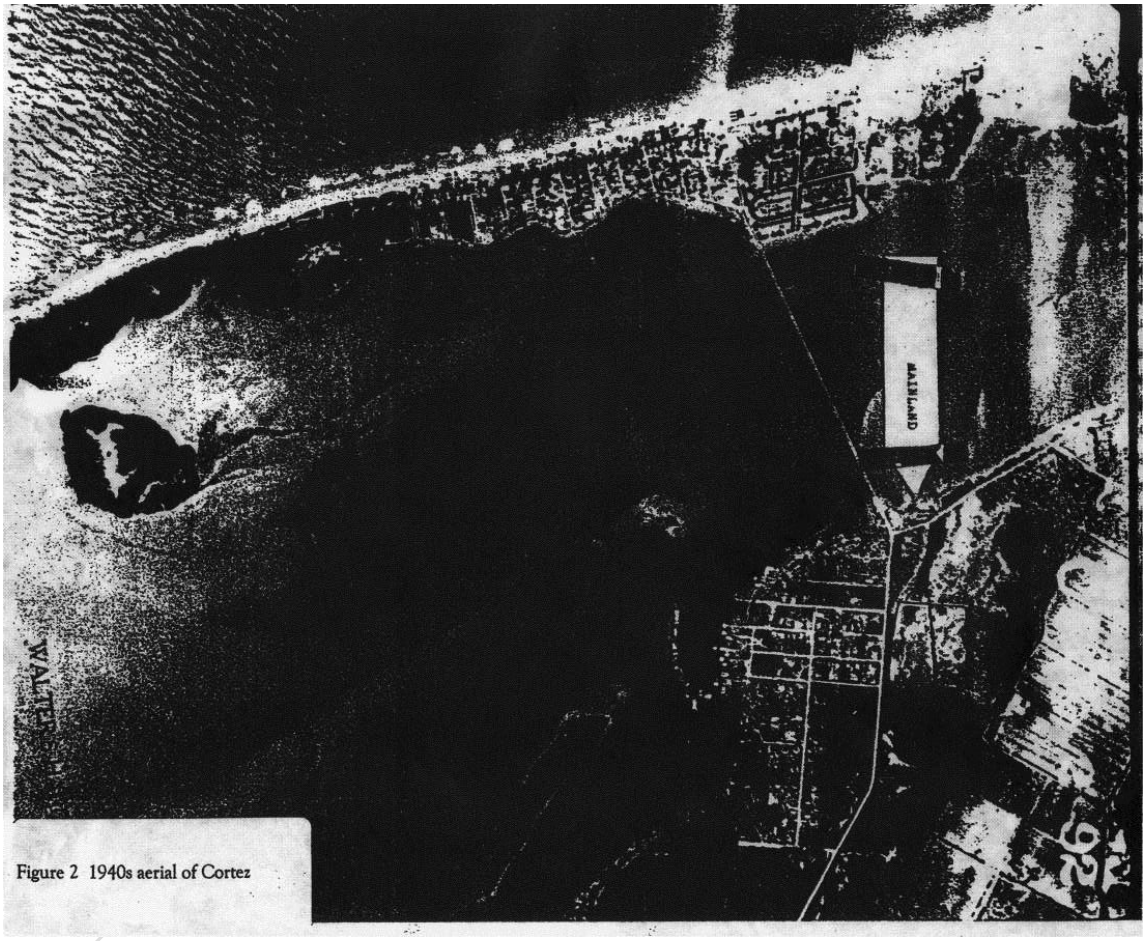

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Figure 9 - 2: 1966 Aerial of Cortez

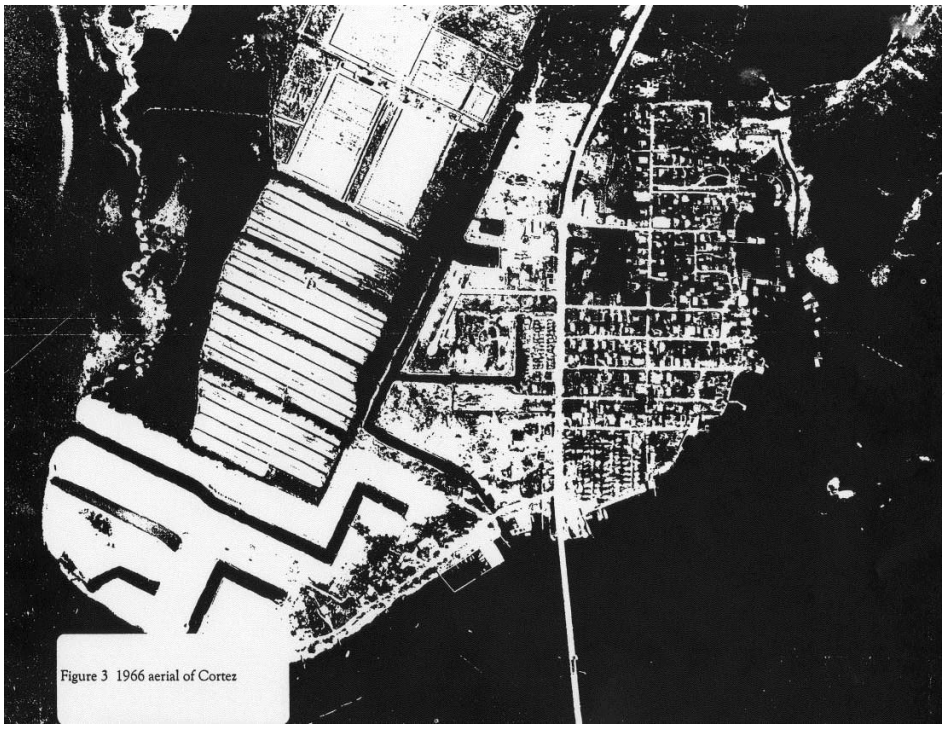

Figure 9 - 3: 1999 Aerial of Cortez

C. Characteristics of the Cortez Setting.

1. The Village was traditionally approached from the water. Because Cortezians work on the waterfront, with their daily movements taking them from home to work and back, most of the streets in the Village run north-south to the water.
2. The Village is laid out in a simple grid of streets that terminates in open vistas at the waterfront.
3. The historic residential and commercial buildings are set close to the streets, to allow easy pedestrian access, including those on Cortez Road.
4. Historical buildings in Cortez create the pedestrian scale of the street through the placement of building facade, porch or stoop, steps to grade and a small walkway to front door, opening directly to and facing the street. (Figure 9-4 b).
5. The streets are narrow when compared to contemporary, auto-oriented standards.

D. Typical Streetscapes.

1. The streets do not contain curbs and gutters.
2. No sidewalks exist in the Village, except along the south side of Cortez Road.
3. Few fences or garden walls are to be found in Cortez, creating the effect of open space flowing around the buildings. Fence construction has accelerated in recent years.
4. Before the 1921 hurricane, Royal Palms lined the streets, a few palms remain in some areas, especially along 45th Avenue West and the west side of 121st Street West.
5. Typically the lot sizes are small, with the short side of rectangle oriented to the street.
6. Relatively large areas of open space punctuate the density on the east side of the Village.
7. Lot coverage is often no more than 30%.

Figure 9 - 4a & b—Typical streetscapes

E. Individual Character Defining Features of Buildings in Cortez

1. Residential Buildings

a. Buildings typically elevated a few feet above grade on piers.

b. Stoops, or porches, roofed over, enclosed or screened are common features.

c. Height: Most are 1 story, some structures are 2 to 2.5 stories

d. Type: Residential: Small single family cottages, often less than 1,000 square feet, a few larger homes

e. Home styles are predominately Frame Vernacular, some Bungalows, Masonry Vernacular and Industrial vernacular structures. (See next section for examples).

f. Wood is the most common material used for siding, trim, porches and railings. Other materials include stucco on masonry or frame, and an example of stone.

g. Roofs are generally gabled with some pyramidal and cross-gabled forms. Hip roofs are also common.

h. Roof pitch: Varies from 4:12 to 8:12.

i. Homes are predominately composed of a rectangular mass with a horizontal orientation, with some complex forms resulting from multiple additions over time.

2. *Commercial and Waterfront*

a. Buildings typically at grade (ca. 1940s), or elevated on piers (earlier structures).

b. Buildings are generally located close to the road.

c. Most buildings are 1 story in height, some structures are 2 stories. Commercial buildings are 1 story masonry or 1 and 2 story frame buildings often converted from residences.

d. Waterfront structures are generally single story frame (1920s to 1940s) or masonry structures primarily related to the fishing industry.

e. Construction materials typically include stucco on masonry or frame construction. Some of the older structures have wood siding, either beveled or novelty. Later materials include vinyl siding and asphalt shingle coverings.

f. Predominate styles are Frame Vernacular, Masonry Vernacular and Industrial vernacular structures.

g. Roofs are typically flat behind parapets, usually built - up tar and gravel. Gable or hip roofs often were covered with crimpled metal, later replaced by asphalt shingles. Roof pitch is either flat (shallow) or sloped.

h. Building massing is predominately rectangular.

F. Characteristic Architectural Styles in Cortez

The existing stock of buildings contains a limited number of architectural styles. Cortez is not a designed or planned high-style community of similar types of structures dating from a precise period, as was Whitfield Estates or Palma Sola Park. Rather, it is a more humble, organic place that developed over time.

The Village is characterized by "folk" architecture, constructed from a variety of materials, over an extended period of time. Many homes were moved to Cortez from other areas, such as Bradenton. Some structures were built from materials salvaged from boats and other construction. Some were once "net camps" located on pilings in the Bay, and used to dry cotton fishing nets. After the introduction of monofilament nets, these camps were no longer needed and were moved to shore to be used as residences.

The community achieves its cohesive character through the similarity of forms, materials and massing of its structures, as well as a consistent relationship of building to street and to surrounding space.

1. *Frame Vernacular.* One of the most common styles of architecture in Florida is Frame Vernacular. Vernacular architecture refers to "folk" architecture that is built with local materials and local labor, without plans and at the most economical price at the time. It does not adhere to any academic style, and relies heavily on the builder's experience. The vernacular, while termed a style, is defined by not belonging to any particular formal architectural style. Folk architecture was heavily influenced by regional building traditions.

   The footprint of a Vernacular building is usually rectangular and regular, with simple facades that lack decorative details or stylistic features. Roof finishes were typically wood shingles or 2V or 5V crimp metal, with many roofs replaced with composite.

Figure 9 - 5: Frame Vernacular Style

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fiberglass shingles. Exposed rafter ends are a typical feature.

The original porches were often enclosed to add additional area for growing families. In Cortez, there are very few remaining open porches, especially on the smallest houses. Porch columns are simple and small. Undisturbed foundation systems are constructed of either brick or concrete block piers.

The front facing gable or a hip roof are typical roof designs for this style. The horizontal siding, clapboard pine, is also typical. A number of alterations have occurred to these buildings over the years: window openings and sash have been altered, porch columns have been changed, or added, and sheathing materials for wall and roof surfaces have been replaced.

Stylistic Features include:

- Simple rectangular shape
- Roof pitch 6 in 12 or steeper on older structures, shallower roof pitches on later houses
- Gable or hip roofs
- Bevel or Novelty wood siding
- Exposed rafter ends
- Wood double-hung windows
- Little ornamentation

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Figure 9 - 6: Frame Vernacular Style - pyramidal roof

Figure 9 - 7: Frame Vernacular Style - 2 story

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2. Bungalow. The Bungalow style developed in the late nineteenth and early twentieth centuries as a single family housing type that became widespread through extensive distribution of mail order plans. The Bungalow residential style is found in almost all Florida towns, as it was inexpensive, attractive and provided all the amenities of a suburban dwelling. The materials are similar to those found in the Frame Vernacular. There is some attempt at decoration on these buildings that is not found on Frame Vernacular. The ornament may be found on window surrounds, column bases and capitals, gable end trim and decorative cutting on rafter ends. Windows are often grouped in pairs with separation to allow for window sash weights. Chimneys are typically brick with simple decorative caps. Columns are usually larger than those found on Frame Vernacular, and often tapered.

Figure 9 - 8: Bungalow Style

The typical Bungalow in the Village of Cortez is modest in scale, with one or one and one half stories in height, and a large porch across the front facade. Floor plans are simple and straightforward, with enough variation in solid masses and void spaces to create an interesting facade. Chimneys are typically brick, while foundation systems are usually masonry piers set on the ground.

Stylistic Features include:

- Simple rectangular shape
- Emphasis on horizontal lines
- Gabled or hipped roof with wide eaves
- Exposed rafter ends
- Wood double-hung windows
- Porches with short columns
- Wall materials: wood
- Pier foundations

3. *Masonry Vernacular.* The buildings' shapes were typically symmetrical and one or two stories in height. Roofs were often flat or with shallow slopes, clad in roll roofing or asphalted built-up materials. Wood double hung sash or casement windows, along with articulated and exposed lintels were the most common fenestration seen. Decoration was sparse, usually limited to stucco columns, piers and rafter eave brackets, or decorative parapet caps.

Stylistic Features include:

- Simple parapet roof detail
- Decorative parapet cap
- Horizontal emphasis
- Canopies or awnings
- Stucco or painted finish
- Storefront windows and doors
- Piers expressed on the exterior

Figure 9 - 9: Masonry Vernacular Style, commercial

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4. *Masonry and Frame Vernacular Styles.* The term "masonry and frame vernacular" style is used to signify a structure that, largely through alterations, is a hybrid of these two predominant vernacular styles. Usually, remnants of the original character defining features remain after the transformation. These structures are most often seen with masonry lower floors and frame second floors.

   Stylistic Features include:

   - Mix of architectural styles
   - Masonry Vernacular and Frame Vernacular
   - Mix of materials or construction systems
   - Structures that have been altered over time.

Figure 9 - 10: Masonry and Frame Styles

5. *Industrial Architecture.* Industrial buildings reflect the function for which they are used. There are several interesting examples in the area that were created for the commercial waterfront activities. Depending on the period of construction, these buildings will either be constructed of wood frame with wood or metal cladding, or masonry construction. While these structures contain the elements of the previously identified vernacular styles, it is important to note how the functional concerns of an industrial facility find expression in the architectural features.

   Metal roofs, metal or masonry cladding and large structural frames with large interior volumes are typical features. Many of the buildings feature open covered porches, or canopy areas adjacent to the waterfront.

   Stylistic Features include:

   - Earlier structures are wood frame vernacular, later examples—Post 1940s are often masonry vernacular construction
   - Metal roofs
   - Simple pattern of openings
   - Industrial materials commonly used
   - Related to marine/fishing industry

Figure 9 - 11: Industrial Vernacular—Frame construction

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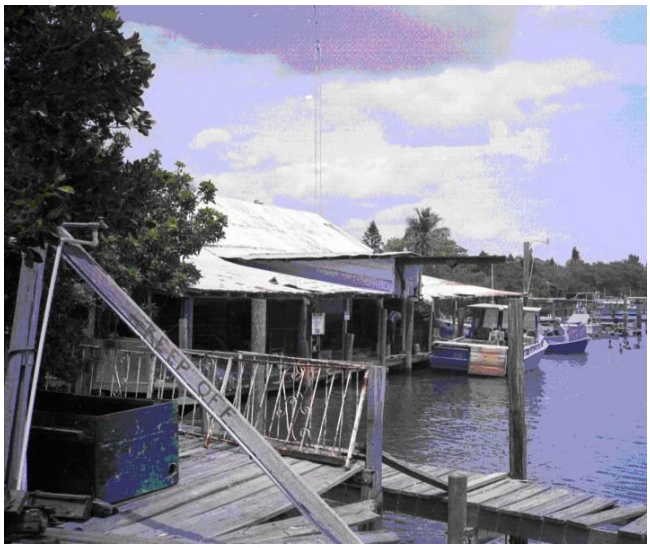
Figure 9 - 12: Industrial—-Masonry Vernacular

Figure 9 - 13: Industrial—Marine/Fishing Frame Vernacular



Note how the frame fish houses retain the large covered areas by the waterfront, and the building form is expressed with simple volumes clad in wood and metal. The masonry vernacular forms of the A. P. Bell fish house provide large unbroken wall surfaces facing the street and the mechanical equipment is expressed on the exterior of the building.

901.6. Guidelines for New Construction, Relocation and Demolition.

A. Design Guidelines for Residential Buildings

1. *Housing Types.* There are three types of residential housing stock in the community. Each type of housing has been addressed in sections of these guidelines.

Historic Structures:

- For those structures over 50 years old and considered to be contributing to the historic district, please see section VI on the Rehabilitation and Maintenance of Historic Properties for specific guidelines on materials restoration of these structures.
- For guidance on additions and alterations to historic structures, see section VI.

Non-contributing and those becoming eligible for listing in the near future.

- Please refer to this section of the guidelines.
- Encourage the continued updating of the architectural and historical survey of the community to identify and list those structures as they become eligible.

Recent structures and proposed structures

- These structures were built post FIRM and are elevated above the base flood elevation.
- Please refer to this section of the guidelines. Please see figures 9-17 through 9-18 for examples of appropriate and inappropriate design approaches.

2. *Site Design*

Do:

- Maintain the traditional drainage patterns of the community.
- Driveways: Use materials that are more pervious (allow water to penetrate into the ground) than concrete slabs, such as shell or paver blocks (with grass).
- When structures are elevated on columns or piers, keep the grade level close to the adjacent area to avoid run off onto neighbors' properties. Avoid impervious foundation areas under elevated buildings as much as possible. (Figure 9-14 a).
- Maintain the front setback line of adjacent structures.
- Maintain the traditional relationship of street, walk, steps, entrance porch or stoop and structure behind. (Figure 9-14 b).
- Maintain the rhythm of typical lot size, approximately 50' wide, even if lots are combined.

Avoid:

- Avoid creating curbs at the street.
- Avoid large amounts of fill areas.
- Avoid impervious foundation areas, large areas of concrete slabs under elevated structures.
- Avoid fences in the front yard whenever possible. If a fence is desired in the side or rear yards, open fencing materials, such as chain link is acceptable.

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Figure 9 - 14 a: 2 Story Construction with Open Area

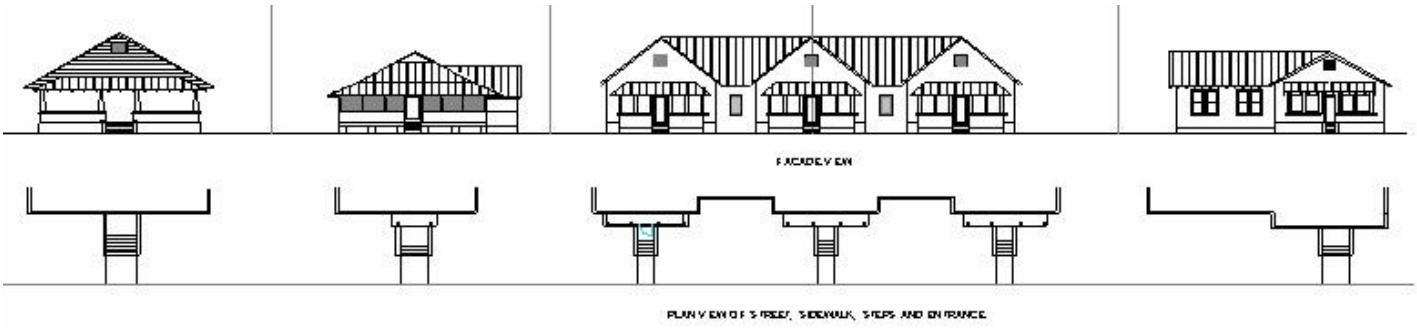
Figure 9 - 14 b: Traditional Relationship of Front Entrance to Street

3. *Residential Building Massing*

Do:

- Break up building mass and volume into articulated sections and forms, instead of creating massive blocks. See figure 9-15.
- Use design elements that help achieve proper mass such as:
  - A rhythm of similar forms that echo the existing street rhythm of the individual small gable or hip roofed boxes. The spacing of these forms should also repeat the existing rhythm.
  - Aligning the facades so that the common alignment of other structures on the street is maintained.

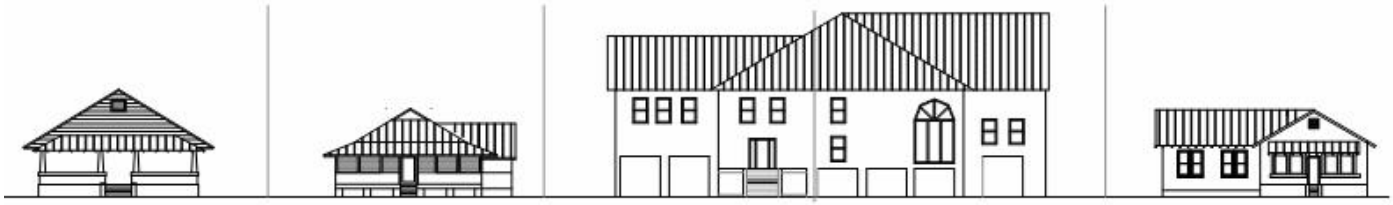
Figure 9 - 15: Rhythm, Alignment and Spacing



Avoid:

- Massive structures with walls extending up vertically more than two stories on the front and/or sides of the building.
- Placement of the facades that don't line up with the other structures on the street.

Figure 9 - 16: Incompatible New Construction

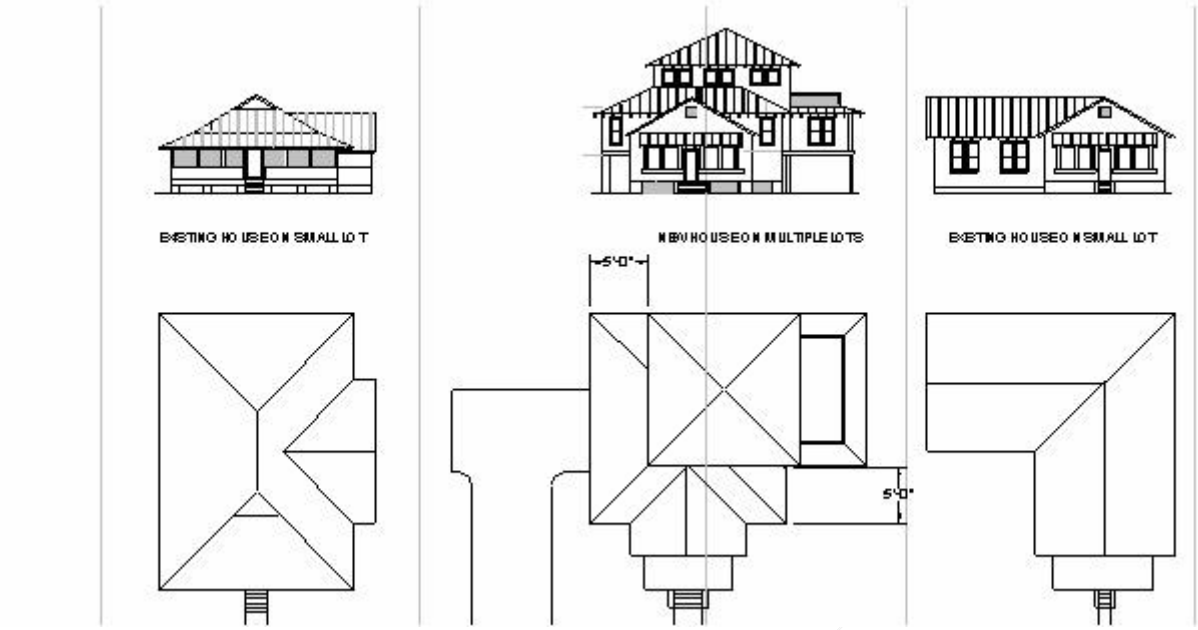


In the example above, the massiveness of the new house dwarfs the surrounding structures. When the building envelope is pushed out the edges of the lot's buildable area, the towering mass also blocks light and air flow to its neighbors.

Do:

- Step back the upper stories from the face of the story below (at least 5 feet), particularly on the front and side facades.
- Use the correct shape and proportions of new windows to recall the historic window shapes, proportions and rhythms. See figure 9-18.
- Incorporate the traditional roof forms, porches and balconies.

Figure 9 - 17: Compatible New Construction



4. *Appropriate Materials for Residential Buildings*

Do:

- Use appropriate materials including:
- Siding
  - Wood clapboard
  - Wood shingles
  - Hardi-plank (cementitious) siding
  - Stone (see existing stone houses)
  - Some metals
- Roofing
  - Wood shingles
  - Asphalt shingles
  - Metal sheet roofing - preferred
- Windows
  - Wood
  - Clad wood
  - Some metal (white finish)
  - Vertical proportions
  - Height is at least 2.25 times width
  - Spacing between windows
  - At least 1.5 width of window
  - Double-hung
  - Casement
- Building Features
  - Porches
  - Balconies
  - Decks
  - Cupola
  - Monitors

- Chimneys

Avoid:

- Materials that are incompatible in scale, texture and sheen, such as
- Siding
  - Aluminum
  - Vinyl siding (Vinyl deteriorates under UV and may not be cost effective long-term)
- Roofing
  - Bright colors on metal or asphalt shingles
- Windows that are:
  - Mill finish or dark aluminum
  - Horizontally oriented windows

Figure 9 - 18: Window Proportion and Spacing

5. *Additions and alterations to Residential Buildings.* Additions and alterations also fall into the category for new construction. If the addition or alteration is for a historic property, please also see Section VI for additional guidelines.

   Do:

   - Utilize the same scale, materials and fenestration patterns as the original structures.

Figure 9 - 19: Compatible Addition to Existing Structure

Existing Addition at side and rear Existing

B. Design Guidelines for Commercial Buildings. The commercial area of the Village of Cortez borders the north and south sides of Cortez Road. There are three distinct zones along this linear strip.

Beginning at the traffic light at 119th Street on the north side, the eastern end of the road is characterized by sparse development on the road and low density. Cortez Road narrows to two lanes at this point. As the road curves slightly to the west, the middle section of this zone contains a mixture of 1 and 2 story non-historic commercial and some converted residential structures. At the western end of the road, the development reflects the recreational and marine character of the area. The road continues out of the Village over the Cortez Bridge and terminates on Anna Maria Island.

While Cortez Road serves as a major connector to the Gulf beach communities, it also performs the function of a local commercial street within the Village. Particularly during the tourist season, there is significant pedestrian and

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bicycle traffic that uses the roadway. There is an existing concrete sidewalk along the south side of the road right of way.

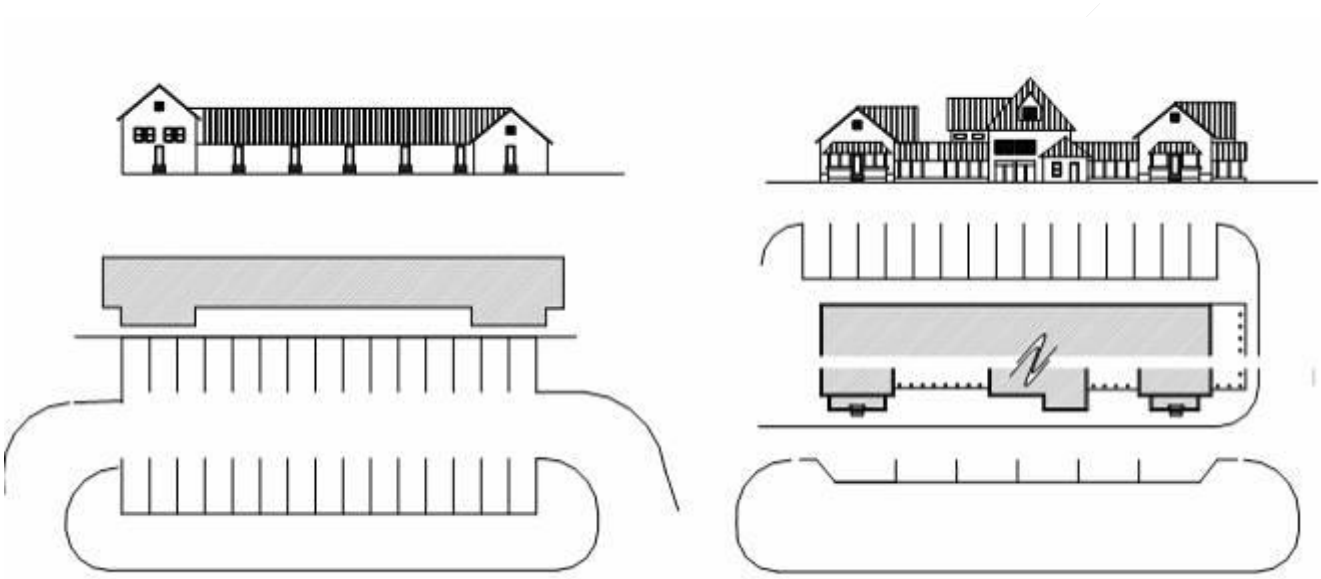
1. *Commercial Site Design*

Do:

- Place commercial structures as close as possible to the street to reinforce the Village character.
- Place front facades facing the street.
- Provide minimal parking up front (no more than one aisle) and additional parking at the sides and rear of the structure. See Figure 9-19.
- Provide a landscaping palette that is compatible with the existing palette in the Village.

Commercial Buildings on Cortez Road

Figure 9 - 20: New Commercial Construction



Incompatible commercial structure

- Parking lot in front and building setback far from street
- Creates the effect of a "sea" of parking
- Large and long building mass with little articulation

Compatible commercial structure

- Small parking area in front and building set closer to road for Handicap Accessible spaces
- Additional parking is placed behind the building
- Large building mass is broken up into smaller forms
- Porches, entrances and human scale elements make structure more inviting to pedestrians and more compatible with the surrounding scale and character of the Village

2. *Significant Exterior Features for Commercial Buildings*

Do:

- Create building forms that are compatible with the nearby structures.
- Create a compatible appearance for long facades that are created in response to the lot frontage by breaking up the forms.
- Employ skillful use of elements such as porches, balconies and windows that recall the proportions found in the Village.
- Use gable or hip roof forms whenever possible.

3. *Commercial Signage.* Signs are an important component of commercial architecture. Typical types of signs

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include:

- Fascia signs
- Hanging or projecting signs
- Letters painted or applied to storefronts
- Awnings or canopies with signs painted onto or attached to their faces
- Neon signs

Design signs so that the scale of the sign is compatible with the scale of the building. There are two different scales along Cortez Road, one is vehicular and the other is pedestrian.

Figure 9 - 21: Signage

Signage creates visual clutter at the entrance to Cortez Village

Sign scale and design works well with context

Design of this sign works well with the surrounding character of the area, at both the pedestrian and vehicular scales.

This sign works well at both pedestrian and vehicular scale

Upper sign band too large for facade, lower band is better

Scale and design of this sign work in context.

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Do:

- Locate new signs on the flat, unadorned parts of a facade, such as show windows, horizontal canopies, fascia and frieze band.
- Use simple designs and lettering such as a block -style or serif style, painted in high contrast to the sign panel color.
- Size the signage to the scale of the building.
- Utilize smaller sign panels that suit pedestrian scale on the buildings.
- Canvas awnings with signs.

Avoid:

- Ornate signs or signs based on architectural styles inappropriate to the commercial architecture of the Village.
- Signs that obscure architectural details.
- Curved shaped awnings or "bull-nose" with backlit signs.

C. Design Guidelines for the Waterfront Industrial/Marine Area

1. *Waterfront Site Development Features*

- New structures should be placed close to the property lines and to the waterfront to reinforce the marine character of the waterfront, similar to the character of the existing structures. The waterfront setback requirements in the Manatee County LDC should be modified to suit the community character.
- Front facades should face the water.
- Retain a maximum height of two stories.
- Provide parking on the street side of the structure.

2. *Significant Exterior Features*

- Building forms should be compatible with the nearby structures.
- If a long facade is created in response the lot frontage, articulation of the forms, (breaking them up) will provide a more visually compatible appearance.
- Use of exterior decks, docks and platforms overlooking the waterfront is recommended.
- Materials: In addition to the list of materials provided in the residential guidelines section, other industrial types of materials are encouraged, such as metal siding/roofing.

901.7. Relocation of Buildings.

There are several criteria to be considered when reviewing a proposal to move a building to a new site, similar to those for compatible new construction and infill. The built environment for the new site should be similar to the old one in terms of the age of the surrounding buildings, their height, materials, set-back and architectural details.

Relocation of historic vernacular homes to the Cortez area is encouraged on vacant lots.

Do:

- Retain the historic relationship between buildings and streetscape and landscape features.
- Choose a site for a building that is compatible to the original setting.
- Place the structures on the street so that it reflects the traditional locations of houses relative to the street.
- Place the building so that the orientation of its principal facade and front and side setbacks are compatible with surrounding buildings.
- Make every effort to preserve the historic character of the homes. This will provide some relief in issues related to FEMA concerns and historic character.
- Provide a new foundation whose height, design and facing materials reflect the surrounding examples. Salvage original foundation materials where possible for re-use as a veneer on the new foundation. (See note above regarding FEMA requirements for elevated structures and historic preservation issues).
- If demolition of a structure in the Village is considered, make every attempt to relocate the structure instead.

Avoid:

- Relocating a building to the Village where the surrounding buildings date from a different period or are

architecturally incompatible due to their height, materials, setback and detailing.

- Destruction or alteration of significant features, structures or archaeological sites at the new location.
- Improperly locating a building on its new site so that its orientation and front and side setbacks are incompatible with surrounding buildings.
- Placing the building on a new foundation whose design and materials are incompatible with the original. Examples include slab foundations or unfinished concrete blocks.

901.8. Demolition.

Demolition exerts a significant negative impact on a historic district. Often a conspicuous void is created or the replacement is usually less well-designed and constructed that the original. Demolition of contributing pre-FIRM structures is strongly discouraged. The Manatee County Historic Preservation Board has a review process for demolition requests in the Historic District of the Village.

In some instances, demolition may be appropriate. Non-historic buildings whose designs are not in character with its surroundings can be removed without negative impact. Demolition of non-significant additions may also be appropriate. Demolition may be undertaken if the addition is less than fifty years old; or does not possess characteristics compatible with the neighborhood; or is so deteriorated that it would require reconstruction; or obscures earlier significant features.

Do:

- Identify, retain and preserve buildings, which are important in defining the overall historic character of the historic district.
- Retain the historic relationship between buildings and landscape and streetscape features that were identified in the description of setting in the Village.
- Remove non-significant buildings, additions or site features which detract from the historic character of a site or the surrounding district or neighborhood.

Don't:

- Removing buildings that are important in defining the overall character of the Village.
- Removing a historic building in a complex, a building feature or significant later addition, which is important in defining the historic character of a site or the surrounding neighborhood.

901.9. Rehabilitation and Maintenance of Historic Properties.

Rehabilitation includes structural repairs, repairing roofs and exterior finishes, painting, and upgrading mechanical systems. It frequently involves changes in use. These changes may result in physical alterations, such as additions, expanded parking, and measures to comply with contemporary health and safety code requirements. Sensitive rehabilitation results in changes that do not negatively affect the historic character of a building and its setting.

All work done on buildings that contribute to the historic character of the Village shall comply with these guidelines.

A. General Principles for Rehabilitation of Historic Properties:

1. Remove non-historic facades, materials and components. Numerous historic facades were covered at some time in the building's history. These coverings usually consisted of vinyl siding, stucco, or metal facades that can be removed, uncovering the important historic characteristics of the building.

2. Identify and stabilize historic components and their materials. Historic components can be identified by their importance to the original building. Generally, if it is part of the original building and it is reasonably intact, it should be retained. Repair is always preferable to replacement. Attempt to stabilize with the following priorities:

   - Structural Components.
   - Moisture and weather protection components.
   - Decorative elements.

3. Re-establish fenestration if altered. In simpler terms, fenestration is the buildings openings. These include windows, storefronts and doors.

4. Identify, evaluate and rehabilitate decorative elements. Decorative elements should first be evaluated to determine their condition. If they are deteriorated they should be repaired if possible. If the detail is too deteriorated to repair, it should be replicated using identical materials.
5. Identify missing historical components. If a historic component is missing and can be documented that it existed on the original building, it should be replicated. If it cannot be documented, then it is appropriate to design a new feature that is compatible with the existing building and the missing feature. It must be easily recognizable as a new feature, designed so that it will not give the impression that it was an original component of the building.

B. Building Maintenance

1. Clean and repair facade. Repairs should be addressed in the following priorities:
   - Structural Components.
   - Moisture and weather components.
   - Decorative elements.
2. Remove materials that are not compatible with the nature of the building or the neighborhood.
3. Maintain the proportion and scale of the buildings on the street. This includes the buildings height, width, distance from the street, window/door openings and spacings. Align the heights of horizontal features such as window heights, canopies, parapets, signs and roofs.

901.10. Definitions.

*Repair***.** Repairs are warranted when the physical condition of character defining materials and features require it. Repair of historic material begins with the least degree of intervention possible, such as patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading the material according to recognized preservation methods. Repair also includes the limited replacement in kind or with a compatible substitute material of extensively deteriorated or missing parts of features when there are surviving prototypes. Although using the same kind of material is always the preferred option, substitute materials can be acceptable. The form, design and materials can enhance the visual appearance of the remaining historical feature and finish if designed thoughtfully.

Replace. Replacement is appropriate when an entire character defining feature is not repairable. If the essential form and detailing are still evident so that the physical evidence can be used to reestablish the feature as an integral part of the rehabilitation project, then its replacement is appropriate. Like the guidance for repair, the preferred option is always replacement of the entire feature with the same material. Because this approach may not always be technically or economically feasible, provisions are made to consider the use of a compatible substitute material.

901.11. Design for Missing Historic Features

A new feature is appropriate when an entire interior or exterior feature is missing. Under these circumstances the original feature no longer plays a role in physically defining the historic character of a building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historical appearance. Where an important architectural feature is missing, its recovery is always recommended in the guidelines as the preferred course of action.

However, a second acceptable option for the replacement feature is a new design that is compatible with the remaining character defining features of the historic building. The new design should always take into account the size, scale, and material of the historic building itself and a false historical appearance is not created.

901.12. Additions and Alterations

Some exterior and interior alterations to a historic building are generally needed to assure its continued use. It is, however, generally important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include the provision for additional parking spaces on an existing historic building site; cutting new entrances or windows on secondary elevations; and installing an entirely new mechanical system.

The construction of an exterior addition to a historic building may seem essential for a new use. The guidelines emphasize, however, that such new additions should be avoided, if possible, and considered only after it is

determined that those needs cannot be met by altering secondary, non-character-defining interior spaces. If an exterior addition is needed, it should clearly be distinguished from the historic building and constructed so that character-defining features are not radically changed, obscured, damaged, or destroyed.

Every effort should be made to "hide" the addition at the rear of the structure and to ensure that its scale, height and materials are compatible with the character defining features of the historic structure.

Within the context of the Village of Cortez, the modest scale of the houses ensures that exterior additions will be necessary to improve the comfort and practicality of these structures. In addition to the recommendations on massing already contained in section III Guidelines for New Construction, the following sections of additional concerns should be addressed.

Additions should utilize the same scale, materials and fenestration patterns as the original structures.

901.13. Specific Materials Recommendations for Rehabilitation of Historic Properties.

The following guidelines are intended to assist the home-owner in determining the best methods of preserving the character defining features for historic and contributing properties in the Village.

This section is divided into the areas of character-defining features of historic buildings. The appropriate standard of the Secretary of the Interior Standard's for Rehabilitation are cited along with recommendations on preservation and repair techniques.

Detailed recommendations on the proper treatment and preservation techniques for historic materials can be found in the series of Preservation Briefs, published by the National Park Service. Please see the bibliography for contact information.

A. Foundations and Infill. Applicable Secretary of the Interior's Standards: 2, 3, 6, 9

#2. Retention of Distinguishing Architectural Character

#3. Recognition of Historic Period

#6. Repair/Replacement of Deteriorated or Missing Architectural Features Based on Historic Evidence

#9. Compatible Contemporary Design for New Alterations/Additions

1. *Introduction.* Most residential historic buildings in Florida rest on raised masonry foundations, either continuous or piers, while most commercial buildings' foundations are slab on grade. Although brick is the most common material, there are many examples of other foundation types, including beveled and rock-faced concrete block. Some buildings, particularly Bungalows, feature foundation elements as an important part of the overall design of the facade. Historically, lattice, pierced brick, and continuous brick or other masonry generally was used as infill between foundation piers. Infill materials protected the underside of building, allowed ventilation, and sometimes provided additional decoration.

   Retain and repair original historic materials.

   If replacement is required, replace with a similar material. Do not replace with non-historic materials, such as unpainted concrete block, plywood or stucco.

   Enclosures should be limited to historically appropriate materials under Standard 3 or a compatible new design under Standard 9. Pierced brick and lattice are examples of compatible contemporary infill. Pierced continuous brick infill, a pattern of bricks laid with air space between the end surfaces, can easily be added to a foundation, providing ventilation, continuous support to the sill plates, and a historic appearance. Lattice infill can be purchased in prefabricated panels and installed between masonry piers. Square crisscross lattice infill is also an appropriate infill material.

2. *Recommendations.*

   - Retain, repair as needed or replace historic foundations with matching materials.
   - Maintain open spaces between piers.
   - If foundation enclosures are missing, enclose with an appropriate material such as lattice or pierced brick.

   Avoid:

- Removing historic foundation enclosures unless they are deteriorated and irreparable.
- Enclosing a pier foundation with continuous infill that prevents ventilation and destroys the openness of the feature.
- Using a replacement infill material that is inappropriate the style of the building.
- Using historically inappropriate material such as concrete block, stucco, or plywood as infill.

B. Wood Exterior Fabric. Applicable Secretary of the Interior's Standards: 2, 3, 9, and 10

#2. Retention of Distinguishing Architectural Character

#3. Recognition of Historic Period

#7. Cleaning with Gentlest Method Possible

#9. Compatible Contemporary Design for New Alterations/Additions

1. *Introduction.* Horizontal wood siding is the predominant exterior finish of residential buildings in Cortez. Wood siding is a character defining feature of frame vernacular buildings. Important characteristics of wood siding which should be considered in its repair or replacement is board size, width of exposure, length, and trim detail.

   Probably the greatest threat to wood siding and wooden features is the application of non-historic surface coverings such as aluminum and vinyl siding. Application of these materials violates Standards 2 and 3.

   Standard 2 states that the removal or alteration of any historic material or distinctive architectural feature should be avoided when possible. Application of non-historic exterior finishes results in either the removal or covering of historic materials and details. Decorative trim around doors, windows, and under roof lines is frequently removed. Wood detailing, such as beveling or beading, is lost. Board width, length, and exposure are generally changed, thus altering the scale and appearance of the building.

   Standard 3 states that historic buildings shall be recognized as products of their time and that alterations that have no historical basis shall be discouraged. Aluminum and vinyl are clearly non-historic materials and violate this standard. Artificial siding also frequently damages the fabric underneath because it traps moisture, encouraging decay and insect infestation. Furthermore, despite manufacturers' claims, artificial siding requires maintenance. All materials have a limited life span and vinyl and aluminum are no exceptions. Within twenty years the finish of these materials will begin to deteriorate from weather, requiring painting, repair, or replacement.

   Abrasive cleaning and paint removal pose significant threats to historic wooden siding and violate Standard 7. The proper method for paint removal is cleaning, light scraping, and sanding down to the next sound layer. If more intensive paint removal is required, the gentlest means possible should be used. Appropriate methods include the following:

   - a heat plate for flat surfaces such as siding, window sills and doors
   - an electric heat gun for solid decorative elements
   - or chemical dip stripping for detachable wooden elements such as shutters, balusters, columns, and doors when other methods are too laborious. (Note: test any chemical strippers in an inconspicuous area first, to ensure that the products do not produce an irreversible adverse effects on the wood).

   Harsh abrasive methods such as rotary sanding discs, rotary wire strippers, and sandblasting should never be used to remove paint from exterior wood. Such methods leave visible circular depressions in the wood, shred the wood, or erode the soft, porous fibers of the wood, leaving a permanently pitted surface. Harsh thermal methods such as hand-held propane or butane torches should never be used because they can scorch or ignite wood.

2. *Caution*: Many historic paint coatings contain lead. Please use caution in the treatment of these surfaces. For guidance on this subject, refer to the Preservation Brief #37 available from the National Park Service. Please see Bibliography for information.

3. *Recommendations*:

   - Retain wooden materials and features such as siding, cornices, brackets, soffits, fascia, window architrave, and doorway pediments whenever possible. These are essential components of a building's

appearance and architectural style.

- Protect and maintain wood features by providing proper drainage so that water is not allowed to stand on flat horizontal surfaces or accumulate in decorative features.
- Apply chemical preservatives to wood features such as beam ends or outriggers exposed to decay hazards and are traditionally unpainted.
- Retain coatings such as paint that protects the wood from moisture and ultraviolet light.
- Paint removal should be considered only where there is paint surface deterioration, and as part of an overall maintenance program that involves repainting or applying other appropriate protective coatings.
- Clean wood using the gentlest means possible. Repair trim and siding before applying paint. Seal holes, caulk cracks, and treat for wood fungus. Remove loose paint using commercial strippers, electric heat guns or plates, wire brushes and scrapers. Hand sand to reduce paint layering.
- Repair or replace, where necessary, deteriorated material that duplicates in size, shape, and texture of the original as closely as possible. Consider original characteristics such as board width, length, exposure and trim detailing when selecting a replacement.
- Repair may also include the limited replacement in kind or with compatible substitute material of those extensively deteriorated or missing parts of features where there are surviving prototypes such as brackets molding, or sections of siding.
- Replace in kind an entire wood feature that is too deteriorated to repair if the overall form and detailing are still evident using the physical evidence as a model to reproduce the feature. Examples of wood features include a cornice, entablature or balustrade.
- Design and install a new wood feature such as a cornice when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation, or a new design that is compatible with the size, scale, material, and color of the historic building.
- Use chemical strippers primarily to supplement other methods such as hand scraping, hand sanding and the above recommended thermal devices. Detachable wooden elements such as shutters, doors, and columns may with the proper safeguards-be chemically stripped.
- Evaluating the overall condition of the wood to decide whether repairs to wood features will be necessary.

4. *Avoid*:

- Removing or radically changing wood features that are important in defining the overall historic character of the building so that, as a result, the character is diminished.
- Removing a major portion of the historic wood from a facade instead of repairing or replacing only the deteriorated wood.
- Reconstructing the facade with a new material to achieve a uniform or "improved" appearance.
- Stripping historically painted surfaces to bare wood, then applying clear finishes or stains to create a "natural" look.
- Failing to identify, evaluate, and treat the causes of wood deterioration, including faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungus infestation.
- Using chemical preservatives such as creosote that can change the appearance of wood features unless they were used historically.
- Removing paint that is firmly sticking to and thus protecting wood surfaces.
- Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed such as artificial stone, brick veneer, asbestos or asphalt shingles, rustic shakes, and vinyl or aluminum siding.
- Abrasive cleaning methods, rotary sanding or rotary wire brushing, sand blasting or extreme high pressure washing (PSI of more than 100) or harsh thermal methods such as propane or butane torches. These methods irreversibly damage historic wood work.

C. Masonry Exterior Fabric (Stucco). Applicable Secretary of the Interior's Standards: 2 and 3

#2. Retention of Distinguishing Architectural Character

#3. Recognition of Historic Period

1. *Recommendations*:

- Repairing stucco by removing the damaged material and patching with new stucco that duplicated the old

in strength, composition, color, arid texture.

- Retain stucco that is an important decorative or stylistic feature of the building.

2. *Avoid*:

- Removing sound stucco or repairing it with new stucco that is stronger than the original material or does not convey the same visual finishes.
- Removing or improperly treating decorative stucco.

D. Roofs and Roof Surfaces. Applicable Secretary of the Interior's Standards: 2, 4, 5, 6, 9.

2. Retention of Distinguishing Architectural Character
4. Retention of Significant Later Alterations/Additions
5. Sensitive Treatment of Distinctive Features and Craftsmanship
6. Repair/Replacement of Deteriorated or Missing Architectural Features Based on Historic Evidence
9. Compatible Contemporary Design for New Alterations/Additions

1. *Introduction.* Roofs are highly visibly components on historic buildings in Cortez. They are an integral part of a building's overall design and often help define its architectural style. The forms of a roof also comprise an important part of the streetscape and can reinforce a unified rhythm with neighboring buildings. The most common residential roof types are gable, hip, or a combination. Other examples are pyramidal or clipped gable (gerkinhead). Flat roofs with parapets predominate in commercial districts.

   In planning roof repairs, identifying significant features and materials is important. They must be treated with sensitivity under standards 2 and 5. Under standard 6, significant features and materials should be repaired rather than replaced. If replacement of a deteriorated feature is necessary, the new materials should closely match the original.

   Roofs perform an essential function in keeping a building weather tight. As a result, they are particularly subject to change. In Cortez, the most common original roofing materials were embossed or crimped sheet metal and sawn wood shingles on sloped roofs. Flat and low slope roofs were typically finished with built-up roofs and sheet metal. The original wood shingle coverings have been removed and were often replaced with ornamental sheet metal. In some cases, the metal has been replaced with asphalt-based shingle products. Such historic changes to roofs have gained significance in their own right and should be respected under Standard 4.

   Where existing roofing material is not original and significant, there is greater flexibility. The existing roof may be retained, replaced accurately based on documentation or physical evidence, or treated in a contemporary style according to Standards 6 and 9. In reviewing replacement of non-historic roof surfacing, standard 9 is the guiding principle. Even if the existing surfacing is inappropriate, the replacement material must be compatible with the overall design of the building.

2. *Recommendations*:

- Identify, retain and preserve roofs, their functional and decorative features—that are important in defining the overall historic character of the building. This includes the roofs' shape; decorative features such as cupolas, cresting, chimneys, and weathervanes; and the roofing materials, as well as the materials' size, color, and patterning.
- Provide adequate roof drainage and insure that the roofing material provides a watertight covering for the structure.
- Protect a leaking roof with plywood and building paper until it can be properly repaired.
- Replace deteriorated roof surfacing with matching materials or new materials, such as composition shingles or tabbed asphalt shingles, in shades that match the original in composition, size, shape, color, and texture.
- Retain or replace where necessary dormer windows, cupolas, cornices, brackets, chimneys and other distinctive architectural or stylistic features that give a roof its essential character.
- Replace in kind an entire feature of the roof that is too deteriorated to repair—if the overall form and detailing are still evident-using the physical evidence as a model to reproduce the feature.

- Design and construct a new feature when the historic feature is completely missing, such as a chimney or cupola. It may be an accurate restoration using historical, pictorial, and physical documentation. It can also be a new design that is compatible with the size, scale, material, and color of the historic building.
- Install mechanical and service equipment inconspicuously on the roof such as air conditioning, transformers, or solar collectors when required for the new use. They should not be visible from the public right-of-way. Place the equipment and related part so that they do not damage or obscure character-defining features.
- Design rooftop additions, when required for a new use, that are set back from a wall plane and are as inconspicuous as possible when viewed from the street.

3. *Avoid*:

- Radically changing, damaging, or destroying roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
- Removing a major portion of the roof or roofing material that is repairable, then reconstructing it with new material to create a uniform, or "improved" appearance.
- Changing the essential character of a roof by adding inappropriate features such as dormers, vents, skylights, air-conditioners, and solar collectors which are visible from public right-of-ways.
- Failing to clean and maintain gutters and downpours properly so that water and debris collect, causing damage to roof fasteners, sheathing, and the underlying structure.
- Permitting a leaking roof to remain unprotected so that accelerated deterioration of historic building materials occurs.
- Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the roof or that is physically or chemically incompatible.
- Constructing additional stories so that the historic appearance of the building is radically changed.

E. Painting. Applicable Secretary of the Interior's Standards: 2 and 5

#2. Retention of Distinguishing Architectural Character

#5. Sensitive Treatment of Distinctive Features and Craftsmanship

1. *Introduction.* The following advisory guidelines are offered to property owners who are interested in painting their building historically appropriate colors. Because of frequent painting, few buildings in Florida exhibit original colors. The best way to verify original color is through paint analysis.

   Paint colors, finishes, and decorative painting are important factors in defining the character of a historic building. Under Standard 2 painting a building that has never been painted, or removing paint from a building that has traditionally been painted is never a recommended rehabilitation treatment. Either of these treatments can change a building's appearance to one that is at odds with its historic character. Likewise, when repainting a historic building that is already painted, the new color should generally be close to the original, and historically appropriate to the building, and the historic district where it is located.

2. *Recommendations*:

- Preserve painted and unpainted surfaces as they traditionally existed on a building.
- Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) before repainting.
- Applying compatible paint coating systems following proper surface preparation.
- Choose appropriate color for the period and style of the building and district.

Please see lead paint caution under Wood guidelines.

3. *Avoid*:

- Removing paint that is firmly sticking to, and thus protecting, surfaces.
- Using methods of removing paint that are destructive, such as sandblasting, application of caustic solutions, or high pressure water blasting.
- Painting a traditionally unpainted surface and removing paint from a traditionally painted surface.
- Failing to follow manufacturers' product and application instructions when repainting.
- Stripping historically painted surfaces to bare wood, then applying clear finishes or stains to create a

"natural" look.'

- Bright gaudy colors or colors without historic basis.

F. Handicap Accessibility/ADA Requirements. Applicable Secretary of the Interior's Standards: 2, 9, and 10

#2. Retention of Distinguishing Architectural Character

#9. Compatible Contemporary Design for New Alterations/Additions

#10. Reversibility of New Alterations/Additions

1. *Introduction.* The Americans with Disabilities Act (ADA) extends comprehensive civil rights to individuals with disabilities. Historic properties, including buildings, sites, and landscapes, are not exempt from the ADA and must comply with its regulations. However, as with other alterations, historic properties can generally be made accessible while preserving their architectural character through careful planning and sensitive design.

   Standard 2 addresses the need to preserve the historic character of a property while making it handicap accessible. As in any aspect of rehabilitation, the character defining features, materials, and spaces of a property should be thoroughly inspected and evaluated before upgrading it for handicap accessibility. The items that should be preserved include significant materials, the form and style of the property, the principal elevations, major architectural and landscape features, and the principal public spaces. When inspecting a property, features, materials, and spaces of less significance to the historic character of a property should also be identified. Under Standard 2 non-significant spaces, secondary pathways, later, non historic additions, previously altered areas, utilitarian spaces, and service areas can usually be modified without threatening or destroying a property's historical significance.

   Modifications for handicap accessibility should be compatible with the property under Standard 9 and reversible under Standard 10. They should be in scale with the property, visually compatible with their design and materials, but be differentiated from the original. They should be reversible so that if removed in the future, the essential form and integrity of the property would be unimpaired.

   When it enacted the Americans with Disabilities Act, Congress recognized the national interest in preserving significant historic properties. It established alternative minimum requirements for qualified historic properties that cannot be made physically accessible without threatening or destroying their significance.

   Qualified historic properties include properties listed in or eligible for listing in the National Register of Historic Places, and those designated under state or local law. Owners of qualified properties must first consult with the State Historic Preservation Officer (SHPO) before using the alternative minimum requirements. If it is determined by the SHPO that compliance with the accessibility requirements would threaten or destroy the significance of a building or facility, the following alternative minimum requirements maybe used:

   - One accessible route must be provided from a site access point to an accessible entrance. Using a ramp with a 1:6 slope is permissible for a run of up to 2 feet.
   - One accessible entrance must be provided. If it is not possible to make the public entrance accessible, then an alternative, unlocked entrance is acceptable. Directional signage at the primary entrance and a notification system at the accessible entrance must be provided.
   - **If toilets are provided, only one must be accessible, and it may be unisex.**

2. *Recommendations*:

   - Review the historical significance of a property and identify character-defining features.
   - **Assess the property's existing and required level of accessibility.**
   - **Evaluate accessibility options within a preservation context.**
   - Comply with barrier-free access requirements in such a manner that character defining spaces, features, and finishes are preserved.
   - Work with local disability groups, access specialists, and historic preservation specialists to decide the most appropriate solution to access problems.
   - Provide barrier-free access that promotes independence for the disabled person to the highest practicable degree, while preserving significant historic features.
   - Public spaces on the level of the accessible must be accessible, and other public levels should be accessible whenever practical.

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- Displays and written information should be placed where they can be seen by a seated person. Horizontal signage should be no higher than 44 inches above the floor.
- In limited circumstances, if it is determined in consultation with the SHPO that compliance with the alternative minimum requirements would also threaten or destroy the significance of a historic building, alternative methods of access may be used. The alternative methods of accessibility that may be used to make a building's program and activities accessible include the following:
- Using audio-visual materials and devices to show inaccessible areas of a historic property.
- Assigning persons to guide individuals with disabilities into or through inaccessible areas of a historic property.
- Provide barrier-free access through removable or portable ramps, rather than permanent ones.
- **Adopting other innovative methods.**
- Design new or additional means of access that are compatible with the historic property and its setting.
- If providing barrier free access threatens the integrity of a historic property, consult the SHPO about using the alternative minimum requirements.

3. *Avoid*:

- Undertaking code-required alterations before identifying those spaces, features or finishes which are character-defining and must therefore be preserved.
- Altering, damaging, or destroying character-defining spaces, features, and finishes while making modifications to a building or site to comply with barrier free access.
- Making changes to buildings without first seeking expert advice from access specialists and historic preservationists to determine solutions.
- **Installing permanent ramps that damage or diminish character defining spaces.**
- Providing access modifications that do not provide a reasonable balance between independent safe access and preservation of historic features.
- Providing barriers free access which destroys significant features of a historic property without first consulting the SHPO.
- Designing new or additional means of access without considering the impact on the historic property and its setting.
- Providing barriers free access which destroys significant features of a historic property without first consulting the SHPO.

901.14. Certificate of Appropriateness for Historic Properties

In order to preserve, protect and enhance the valuable historic and archeological resources, Manatee County has created a review process for all properties in the historic overlay area by the County's Historic Preservation Board.

The Village of Cortez is regulated by the Historic Preservation Board as part of the Cortez Fishing Village Historical and Archaeological Overlay District.[1] The Board reviews proposed projects for their impact on historic resources in the surrounding area as part of the building permitting process. If the project complies with the guidelines and with the general criteria defined in the Land Development Code[2], the owner is issued a Certificate of Appropriateness.

New construction is reviewed for compatibility of height, window shapes, solids to voids ratio, entrances and porches, materials, textures, roof shapes and massing. It is the intent of these new guidelines to further define the criteria for compatibility of these elements.

Demolition requests must also obtain a Certificate of Appropriateness from the Historic Preservation Board. Criteria for permitting a demolition approval include:

If the property cannot be used for any reasonable purpose

If the property is condemned or structurally unsound.

[1] Section 347.2.C, Land Development Code (LDC), County of Manatee
[2] Section 347.2.B.1, LDC.

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CHAPTER 10 – TRANSPORTATION MANAGEMENT

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CHAPTER 10 - TRANSPORTATION MANAGEMENT

Section 1000 Right-of-Way Standards

Road rights-of-way shall be set aside and dedicated as necessary to widen or extend streets; establish or enhance traffic circulation; provide safe ingress/egress, and conform to the requirements of the Comprehensive Plan. Street right-of-way standards shall be as indicated in the Public Works Standards and the following:

A. Right-of-way. The right-of-way within a proposed development, which is intended to become a public street, shall be dedicated to Manatee County in accordance with this Code.

B. Future Traffic Circulation Map. When a site scheduled for improvements or development encompasses or abuts any roadway included on the Future Traffic Circulation Map:

1. Subject to the County making an individualized determination of rough proportionality of the needed right-of-way to the transportation impacts generated by the applicant's project based upon a traffic impact analysis, in accordance with applicable case law and based upon competent and substantial evidence, the County shall require the applicant to dedicate land to accommodate (a) in the event the development encompasses the roadway, the full width of the right-of-way needed for such roadway, or (b) if the development abuts such roadway, one-half (½) the width of the roadway. All dedications shall be to the extent of the legal interest of the property owner. Such dedication shall not relieve the developer from obtaining a Certificate of Level of Service;
2. An applicant may voluntarily dedicate, and the County may, in its discretion. accept the road right-of-way needed for all or a portion of such roadway pursuant to a development agreement or other contract that is supported by mutual consideration and is legally binding upon the applicant and its successors in interest; or
3. An applicant shall be required to reserve, and maintain an appropriate future right-of-way setback (in addition to all other setbacks and buffers required under this Code) sufficient to accommodate (a) in the event the development encompasses the roadway, the full width of the right-of-way needed for such roadway, or (b) if the development abuts such roadway, one-half (½) the width of the roadway. In either case the applicant will not be required to dedicate such rights-of-way.

C. Divided Sites. In the case of property proposed to be divided into two or more discrete sites, and the impacts of development approval would be associated with only one of such discrete sites, the applicant shall be required to reserve or dedicate, as the case may be, rights-of-way only along or encompassing the portion of the road way shown on the Future Traffic Circulation Map that crosses or abuts such discrete site.

D. Dedication For the purposes of the reservation or dedication, the center line of the future rights-of-way shall be the center line of any roadway that presently exists at that location, unless determined otherwise by the Department Director.

E. Land for Roadways. The dedication of land for roadway purposes, will not be required under Section 1000.B.1 where the Department Director determines that because of the location, configuration, or other characteristics of the property, or other circumstances peculiar to the particular site, such dedication:

1. Would be disproportionate to the relative impacts of the proposed development upon the road system; or
2. Would deprive the owner thereof of any opportunity to continue an established use or to make some reasonable use of the property, provided that, if feasible, a lesser dedication consistent with the impacts of the subject development upon the road system may be required.

F. Missing Segments. Where there are missing segments in the thoroughfare system or new thoroughfares are to be constructed which are designated on the Future Traffic Circulation Map, such portions of the segments or new thoroughfares lying within the proposed development shall be improved by the developer along with other required improvements in accordance with the requirements of this Code.

G. Facilities. No structures or parking, landscaping, or retention required facilities by this Code shall be located within the land needed to accommodate the full width of the right-of-way needed for such roadway as shown on the Future Traffic Circulation Map, including both land reserved or dedicated pursuant to Section

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1000.B. The Department Director may allow certain facilities in such areas where it is determined that because of location, configuration, or other characteristics unique to that property, such prohibition of such facilities from said land would deprive the owner thereof any opportunity to continue an established use or to make some reasonable use of the property.

H. Interstates. The provisions of this Section shall not apply to Interstates and other similar limited access highways.

I. Deferred Improvement. Where the Department Director deems such improvements currently infeasible for the County, or to minimize traffic or safety problems, the developer shall provide funds or proper security for his current share of the cost to pay for such improvements at a later date.

Section 1001 Street Standards.

All improvements required for both proposed public and private rights-of-way in or around a proposed development shall be built in accordance with this section and the Manatee County Public Works Standards and shall be installed at the expense of the developer. If any discrepancy is discovered between this section and the Public Works Standards or any other County policy, the most stringent and restrictive specification, condition, and/or directive shall apply.

1001.1. Required Access to Lots.

A. Intent. It is the intent of this section to provide for adequate access to lots for egress and ingress, emergency vehicle access, proper maintenance of streets, inspection, related governmental functions, and for the protection of public safety, health and welfare.

B. General Requirements. All public and private streets shall be built to County standards, as delineated in the Manatee County Public Works Standards and this Code.

C. Primary Access Requirements. No building permit for a substantial improvement or for the establishment of a new single-family or multi-family use shall be issued by the Building Official unless the lot has adequate access to:

1. A street which has been constructed in conformance with the Manatee County Public Works Standards or is listed in the official and approved inventory of County-maintained streets, and which:
   a. Has been dedicated or conveyed by plat, deed, or other legal process and accepted as a public street by the State of Florida or Manatee County; or
   b. Has become a public street by act of Florida law.
2. A street not constructed to Manatee County Public Works Standards nor listed in the official and approved inventory of County-maintained streets, may be allowed as long as the following conditions are met:
   a. The applicant shall submit verifiable proof of ownership of the lot or property to the Department Director; and
   b. The applicant shall submit an executed affidavit and agreement between the lot owner and the County for approval by the Department Director. The affidavit and agreement shall be recorded with the Clerk of the Circuit Court. A copy of the recorded affidavit and agreement shall be on file with the Department Director.
3. A private street which has been approved and constructed in compliance with the Manatee County Public Works Standards and recorded with the Clerk of the Circuit Court.
   a. Prior to approval of a street by the Department Director, the applicant shall provide documents and other assurances satisfactory to the Public Works Department to establish a means of properly providing the necessary maintenance and improvements of said private street. An organization shall be created or designated by covenants running with the land and shall outline the responsibilities for perpetual maintenance and improvements to said private street. The documents shall be filed for public record with the Clerk of the Circuit Court.
   b. Any amendment to an approved private street that either increases or decreases the number of lots being served by the private street without increasing or decreasing the length of the street shall be approved by submittal of:

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i. A revised private street application indicating the lot splits or combinations;

ii. A revised survey showing the new lots receiving access; and

iii. Revised affidavits and agreements between the property owners guaranteeing access for all intended parties.

c. Any amendment to a private street that results in an increase or decrease in the length of the street shall be required to go through the entire street approval process.

4. A private internal roadway utilizing cross-access easements with an adjacent parcel or parcels, which meets the commercial node frontage requirements stipulated in the Manatee County Comprehensive Plan. The private internal roadway shall be specifically identified and designated on a plan as an easement for vehicular travel of the public and the easement(s) shall be duly recorded with the Clerk of the Circuit Court.

a. The joint use of the private internal roadway(s) shall be strictly limited to small and medium commercial subdivisions or individual commercial or industrial lots of record that can utilize the private internal roadway provision.

b. Approved access shall be restricted to a site where the proposed use, though located on a parcel that is within the distance criteria of a small or medium commercial node, as defined in the Manatee County Comprehensive Plan, does not have frontage on a roadway classified as a collector or arterial shown on Map 5B of the Manatee County Comprehensive Plan. Each private internal roadway shall be specifically identified and designated on a plan as an easement for vehicular travel of the public, and the easement(s) shall be duly recorded with the Clerk of the Circuit Court.

5. An ingress and egress easement, subject to the following:

a. A recorded, non-exclusive ingress/egress, utility and drainage easement may provide the required access to a single-family semi-detached lot which has been created by the split of an existing duplex, where only one (1) unit of the duplex faces the street, and therefore the rear unit did not have frontage on the street.

b. Ingress/egress easement with a minimum width of twenty (20) feet may be used for access in the A, A-1, RSF, RDD, RMF and VIL zoning districts for access to one single family dwelling unit, or one existing, permitted, mobile home unit in the A District, in lieu of public or approved private streets, see the Manatee County Public Works Standards Manual for additional requirements.

c. Unmanned utility facilities shall be allowed access by easement in all zoning districts for occasional maintenance. The easement shall cross only one (1) lot, and shall be recorded in conjunction with any required administrative permit approval for the utility use. This shall not include communications towers covered in Section 531.36.

D. Second Means of Access Required. All residential developments or parts of phases thereof, containing more than one hundred (100) residential dwelling units; and all professional, commercial, and manufacturing development, or parts of phases thereof, containing more than fifty (50) lots shall have a second separate means of access (street).Secondary access roads must meet the following standards:

1. The second means of access (street) shall have access to a through street, either public or private, constructed to County standards, and other than that street on which the primary access is located.

2. If a second means of access is not available to another street, another direct access street to the same primary access street is acceptable if the primary access street is a public bi-directional thoroughfare, and separated from the other access by a minimum of three hundred (300) feet. The three hundred (300) foot separation may be reduced subject to other design considerations addressing fire protection, public safety, traffic, storm water management and other Manatee County Public Works Standards.

3. Where a specific design incorporates site security elements for a residential planned development; the Board and the Department Director may consider an alternative design for the construction of the secondary means of access, subject to the following:

a. The alternative design shall incorporate specific security provisions to allow satisfactory ingress by emergency vehicles.

b. The right-of-way design standards for width and radii shall be adhered to.

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c. The design shall retain the construction of appropriate utilities and drainage requirements.

d. The security components shall include the construction of and maintenance criteria for security gates and signage, in addition to the road base and surface stability for emergency vehicles.

e. The area above the ground surface shall remain free and unobstructed to allow ready access by emergency vehicles to the planned development.

E. Cross Access Exception.

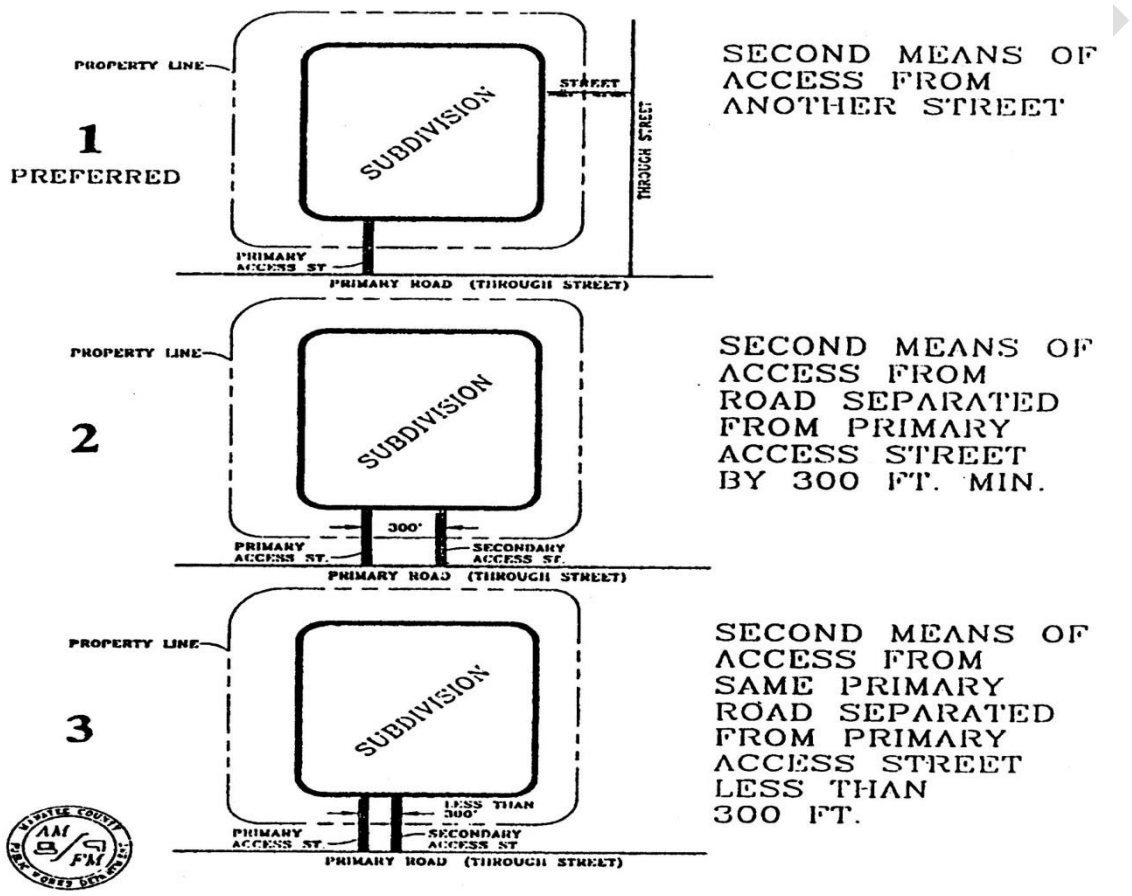
1. *Purpose*. Required by the Comprehensive Plan for greater transportation mobility between adjacent properties impacting thoroughfares.

2. *Standard for Exception*. Findings must be made addressing the following:

   a. No logical connection(s) can be established which would improve system mobility; or

   b. Compatibility concerns are created due to creation of undesirable travel routes.

DIAGRAM A. SECOND MEANS OF ACCESS



1001.2. Arrangement.

A. Alignment. All streets shall be properly integrated and aligned with the existing and proposed system of thoroughfares and local streets.

B. Through Traffic. Local streets shall be arranged in a manner that discourages their use by through traffic as major thoroughfares.

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C. Street Extension. Local streets shall be extended to the property limits of the subdivision to allow for the logical future extension of the streets into adjacent developed or undeveloped landto complete the inter-neighborhood road system ties. Non-egress easements prohibiting access to streets or adjoining property shall not be permitted unless the easement is designated in accordance with the Manatee County Public Works Standards and is dedicated to Manatee County.

D. Emergency Vehicles. All streets shall be arranged in a manner which minimizes difficulty of access by emergency vehicles.

E. Comprehensive Plan. The integrating of the road system shall be determined in accordance with the Comprehensive Plan.

F. Access. Each lot created in a subdivision shall have access to a public street. No subdivision shall be approved unless its street system is connected to a paved public or private street. In subdivisions consisting of six (6) or more lots, all lots shall have direct access to a paved public street or private street approved pursuant to Section 1001.

1001.3. Limited Access on Major Thoroughfares.

To maximize the operational efficiency and safety of high-volume through traffic thoroughfares, the County, MPO or State has determined that certain roadways shall be designated as controlled access facilities. Refer to the Public Works Standards for more information.

1001.4. Street Design Standards.

It is the intent of this section to provide general standards for streets, alleys, dead end streets, half streets, gated streets and cul-de-sacs, and to ensure that adequate ingress and egress is provided to the general public. Construction and/or improvements to off-site thoroughfares designated on the Future Traffic Circulation Map shall be required in accordance with the provisions of the Comprehensive Plan. All other streets shall be designed according to the Manatee County Public Works Standards Manual and the following.

A. Alleys. The purpose of an alley is to provide access for service vehicles and a means of access to lots and off-street parking at the rear of lots, but not intended to serve as the second means of access required in Section 1001.1.D. Alleys may be provided in all land uses.

B. Half-streets. Half-streets are prohibited.

C. Cul-de-Sacs, Dead End Streets and Stub Streets

1. Cul-de-sacs and dead end streets shall be limited to a maximum length of 800 feet in any new development and shall be constructed to the Manatee County Public Works Standards.
2. A temporary dead end street will be allowed when such street will ultimately provide for the continuation of streets between adjacent properties as stipulated in this Section. A temporary dead end street shall not exceed eight hundred (800) feet. A temporary turn-around or cul-de-sac shall be constructed to the Manatee County Public Works Standards. The Department Director may waive the requirement for the temporary turnaround pavement within multiphase projects. The area outside the right-of-way needed to accommodate the temporary cul-de-sac can be provided as a temporary easement that will be vacated once the street is continued.
3. Culs-de-sac shall have a diameter of ninety (90) feet to edge of pavement.
4. Connection of new development to existing stub streets is required, unless waived by the Board of County Commissioners in conjunction with the approval of the plat, General Development Plan or Final Site Plan. Findings shall address the following:
   a. Public safety (e.g., fire, EMS, etc.) issues;
   b. Pedestrian connectivity;
   c. Public or private street; and
   d. General traffic circulation and impacts of connecting or not connecting.

D. Private Streets Buffering. The private street shall be located and buffered or screened as necessary to protect

other adjacent properties. This requirement shall be satisfactorily addressed by an engineer, architect, or landscape architect:

1001.5. Distance from Buildings.

A. Residential Buildings. No drive aisles or street shall be located closer than fifteen (15) feet to any residential building

B. Gatehouses, Restricted Entry Gates. Streets or drive aisles abutting gatehouses or restricted entry gates shall have a minimum distance of two (2) feet between the structure and the drive aisle if there is no outward swinging door on the structure.. For projects exceeding two hundred fifty (250) units, a minimum of four (4) stacking spaces shall be required for each lane entering at a restricted entry gate or guard house entry. For projects under two hundred fifty (250) units, a minimum of two (2) stacking spaces shall be required for each lane.

1001.6. Sidewalks, Pedestrian Ways and Bicycle Facilities Standards.

Sidewalks, pedestrian ways and bicycle facilities shall be provided to allow for safe and convenient access to pedestrians and bicyclists.

A. Sidewalks.

1. *Sidewalks Required.* New development requiring Administrative or Special Permits, Preliminary or Final Site Plans, or Preliminary or Final Plat approval shall provide five (5) foot sidewalks, constructed to the specifications of the Manatee County Public Works Standards, as follows:
   a. Along both sides of all new or existing Major Thoroughfares, unless the development is adjacent only to one (1) side of the thoroughfare. In such case, the development shall be required to construct a sidewalk only on the side of such street lying adjacent to the development.
   b. Along the north and west sides of all new or existing public streets contiguous to the development, and/or also within the proposed development. The Department Director has the ability to require placement of sidewalks in other locations (i.e. on the south or east sides of streets) to provide a more efficient pedestrian system.
   c. Along all new or existing streets abutting a development located:
      i. Within two (2) walking miles of any Public Elementary or Middle School;
      ii. In PR, NC, GC, HC, LM and HM Zoning Districts;
      iii. Nonresidential planned development districts; or
      iv. Within a fifteen hundred (1,500) foot radius of a transit stop.
2. *Sidewalk Extension.* The Department Director may require construction of sidewalks to extend a maximum distance of one thousand (1,000) feet beyond the outer limits of the proposed development in the interest of safety for handicap accessibility, and to extend sidewalks to existing or proposed attractors.
3. *Exemptions.* The following shall not be required to provide sidewalks:
   a. Where sidewalks do not exist within one thousand (1,000) feet to property zoned A, A-1, LM, HM, or EX, sidewalks shall not be required except as stipulated in this Section.
   b. Sidewalks shall not be required along interstates and limited access highways.
   c. Individual Mobile Homes.
   d. Home Occupations.
   e. Telecommunication towers, where sidewalks do not exist within one hundred (100) feet of the parent parcel.
4. *Private Development.* Within a private development, sidewalks shall be required along dedicated and non-dedicated streets. However, all private development may provide pedestrian walks with a minimum of five (5) feet which interconnect principal structures, parking areas, recreational facilities and adjoining sidewalks in lieu of the required sidewalk along non-dedicated streets. Such walks shall be paved. All walkways shall be

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constructed in accordance with the Manatee County Public Works Standards for sidewalks and ADA design requirements. In addition, where the private development is contiguous to any street, a five (5) foot sidewalk shall be installed along the streets contiguous to the development.

5. *Agreement to Defer Completion of the Required Sidewalk.* The Department Director may approve a deferral of construction, when, the owner executes an "Agreement to Defer Completion of the Required Sidewalk" according to the Manatee County Public Works Standards.

B. Pedestrian Ways. Pedestrian ways shall be required where essential to provide circulation or access to schools, parks, employment centers, shopping centers, transportation and other community facilities consistent with the need to ensure privacy for the development. The development of pedestrian ways shall be required, concurrent with development, within fifteen hundred (1,500) feet of a transit route to encourage pedestrian and transit intermodal travel. Pedestrian ways shall have a minimum width of ten (10) feet, including a paved walkway of six (6) feet. The remainder of the pedestrian way shall be landscaped in a manner that provides a neat and attractive appearance. Planting materials shall conform to Section 701, Landscaping. Lighting, screening, and other improvements shall be included in such a manner as to provide security, tranquility, and privacy for occupants of adjoining property and safety for users of the ways.

C. Bike Lanes. Bike paths and bike lanes shall be constructed and dedicated to Manatee County in accordance with the Manatee County Public Works Standards and any Master Bike Route Plan adopted by the County.

D. Non-motorized Multi-Use Greenway Trails.

1. *Spine Trails*.

   a. When development abuts a public right-of-way where a trail corridor is proposed in the adopted Manatee County Greenways Master Plan, a trail shall be installed in lieu of required sidewalks, subject to County approval. Trails shall be constructed to meet or exceed the specifications of the Manatee County Greenways Master Plan and Manatee County Public Works standards.

   b. Developments located within ½ mile of a proposed trail corridor (spine trail) identified in the adopted Manatee County Greenways Master Plan shall be evaluated to determine if the trail corridor may be located on the development site. If determined appropriate for trail development, the developer shall dedicate land for trail development.

   c. If land within a development is dedicated for a spine trail identified in the Manatee County Greenways Master Plan or for a trail providing connectivity to the spine trail (i.e., connector trail), the applicant may receive credit towards the countywide parks and open space impact fees levied upon the project, subject to the provisions of Chapter 8. Additionally, land dedicated for trails may be used to meet open space requirements of the project.

2. *Connectivity*.

   a. Use of greenbelt buffers for connector trails is required. Up to fifty (50) percent of the width of a greenbelt buffer may be used for trails, subject to County approval. The planting requirements in Section 701.3 shall apply to the remaining portion of the greenbelt buffer.

   b. On-site trail links providing connectivity with the County trail system, as well as provisions for trail links to, through and contiguous to adjacent property, shall be provided to form an integrated network of trails connecting neighborhoods recreational amenities, schools, libraries, and business centers offering goods and services.

   c. The County may require construction of trails to extend a maximum distance of one thousand (1,000) feet beyond the outer limits of the proposed development where necessary to connect with or extend to other existing trails in the interest of safety, for handicap accessibility, and to extend trails to existing or proposed attractors. If necessary, the County shall participate in acquiring right-of -way for these connections. The applicant may receive credit towards the county wide parks and open space impact fee levied upon the project, subject to the provisions of Chapter 8.

1001.7. Traffic Control Standards

A. Administration. The Public Works Department is responsible for the administration and coordination of this Section.

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B. Permit Requirements. No application for a development permit approval for Administrative or Special Permits, Preliminary or Final Site Plans, or Preliminary or Final Plat shall be approved until the traffic control requirements set forth herein have been reviewed and approved by the Transportation Department.

C. Traffic Standards. All traffic control components installed within the public rights-of-way of any roadway under the jurisdiction of Manatee County or within private areas where the general public is invited shall conform to the uniform system adopted by the FDOT pursuant to Chapter 316, Florida Statutes. The standards have been published in the latest edition to the following documents:

1. Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Green Book)—FDOT;
2. Standard Specifications for Road and Bridge Construction—FDOT;
3. Supplemental Specifications to the Standard Specifications for Road and Bridge Construction—Traffic Signals—FDOT;
4. Design Standards for Design, Construction, Maintenance, and Utility Operations for Streets and Highways on State Maintained Systems—FDOT;
5. Manual of Uniform Traffic Control Devices—U.S. Department of Transportation, Federal Highway Administration; and
6. Manatee County Public Works Standards.

D. Street Designation Signs.

All street designation signs on any street shall conform to Manatee County Public Works Standards, and the uniform system of traffic control devices adopted by the FDOT.

1001.8. Street and Structure Numbering Standards

A. General. The Grid System and Address Maps for the unincorporated Manatee County are part of this Code. The Department Director shall coordinate the preparation of address conversion charts consistent with said maps for the purpose of implementing the numbering of structures.

B. Reassignment. The Manatee County Department Director may, from time to time, re-assign street and structure numbers throughout Manatee County in order to facilitate a uniform and logical addressing system.

C. Adoption of U.S.P.S. Abbreviations for Street suffixes.

1. The abbreviations for street suffixes as set forth and published by the U.S. Postal Service are hereby adopted by Manatee County.
2. All functions undertaken by the County which incorporate street suffixes including, but not limited to, address lists for billing or inventory purposes and street signage shall utilize the street suffix abbreviations as adopted by the U.S. Postal Service.

D. Street Designation Assignments.

1. All streets, whether public or private shall be designated or approved by the Department Director in conformance with the County Grid System and addressing standards, at the preliminary plat/plan stage. An Ingress/Egress Easement used for access in lieu of a public or approved private street, serving one (1) lot shall be assigned a street number based on the County's grid system. The owner(s) of said easement will bear the responsibility and cost of fabricating and erecting the proper street markers and any additional signage as required by the Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways and the Manatee County Public Works Standards Manual.
2. Street designations shall be assigned pursuant to the following chart.

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Table 10 - 1. Manatee County Street Designation Chart

Name	Section of County	Direction	Length (ft)	Road Classification	Comment
Avenue	N S	N-S E-W	Over 1000′	Normal or Grid	—
Boulevard	N S	E-W N-S	Over 1000′	Minor	Route Divided Limited Use
Circle	N, S	Undefined	Any Length	—	—
Court	N S	E-W N-S	500′—1000′ 0′	Between Grids	—
Cove	N S	E-W N-S	500′—1000′ 0′	Minor	Cul-de-Sac
Crossing	N S	N-S E-W	0′—500′	Minor	—
Drive	N S	N-S E-W	500′—1000′ 0′	Normal between Grids	—
Glen	N S	E-W N-S	0′—500′	Minor	Cul-de-Sac
Lane	N S	E-W N-S	0′—500′	Minor	—
Parkway	N S	N-S E-W	Over 1000′	Major	Route Divided Limited Use
Place	N S	N-S E-W	0′—500′	Minor	Cul-de-Sac
Pike	N S	N-S E-W	0′—500′	Minor	—
Road	N, S	N-S/E-W	Over 499′	Rural	Cul-de-Sac
Run	N S	E-W N-S	0′—500′	Minor	Cul-de-Sac
Street	N S	E-W N-S	Over 1000′	Normal or Grid	—
Terrace	N S	N-S E-W	500′—1000′ 0′	Minor	Cul-de-Sac
Trail	N, S	Undefined	Any Length	—	—
Way	N, S	Undefined	0′—500′	—	Cul-de-Sac

N=North S=South E=East W=West

3. The terms "Way" or "Trail" shall be reserved for streets without a predominant East-West or North-South direction, and for streets that meander without a clear direction.
4. The term "Road" shall be reserved for rural road-ways in either and East-West or North-South direction.
5. Circle streets, e.g., streets which have more than one access off the same street shall be designated as "Circle" and shall be applied as follows:

   North County:

   A "Circle" which begins and ends on a North-South road shall be designated "Street Circle."

   A "Circle" which begins and ends on an East-West road shall be designated "Avenue Circle."

   South County:

   A "Circle" which begins and ends on an East-West road shall be designated "Street Circle."

   A "Circle" which begins and ends on a North-South road shall be designated "Avenue Circle."
6. A street which changes direction shall be handled as follows:

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a. A dead end street which may change direction shall be numbered or named in accordance with the predominant direction it travels and the cross street it intersects.

b. A connecting street which has a predominant direction of travel shall be numbered or named in accordance with that direction even though portions of the street vary in direction.

E. Assigning Street Numbers. Streets shall be assigned numbers in accordance with the approved County Grid System.

F. Assigning Street Names. Streets may be assigned names where the street is designated in such a curvilinear fashion that it would be difficult to number due to its various directional changes or within subdivisions or planned developments upon the recommendation of the local Fire District, Public Safety, Environmental Management, and Planning Departments and approval by the Board of County Commissioners. No names shall be assigned or approved which duplicate existing street names either actually or phonetically.

G. Commemorative Naming of Street. Streets under the jurisdiction and control of the Board of County Commissioners of Manatee County may be named in honor of distinguished individuals or organizations in accordance with the following procedures:

1. The naming of public streets in honor of individuals or organizations shall be by resolution adopted at a public hearing after publication of notice in the manner required by law for the adoption of county ordinances under Section 125.66(2)(a) F.S.

2. Eligibility requirements for individuals and organizations will be based upon demonstrated integrity, contribution to the community, patriotism and such other criteria as may from time to time be established by the Board.

3. Prior to the public hearing, the shall develop a fiscal impact statement and the County Attorney shall review any legal considerations.

4. With respect to the naming of the streets, all applicable requirements of law and the following requirements shall be met:

   a. A petition containing the names of at least two-thirds (2/3) of the property owners directly affected by the proposed action must be submitted to the Board;

   b. The public hearing shall be continued for at least a period of six (6) days prior to adoption of the resolution to ensure an opportunity for full participation by all segments of the community; and

   c. Streets already named in honor of an individual or organization shall not be considered for renaming.

H. Structure Number Assignments.

1. Structure number assignments shall be based on an odd/even system for opposite sides of the street. When a single assignment is being made in a developed area, the existing and most prominent system shall be used for the assignments even though it may conflict with the following systems:

   a. North County (North of the Manatee River):

   b. Even Numbers: North and East sides

   c. Odd Numbers: South and West sides

   d. South County (South of the Manatee River):

   e. Even Numbers: South and West sides

   f. Odd Numbers: North and East sides

2. General Assignments.

   a. Where multiple separate principal structures exist on a single frontage, they shall have the same number, with the rear structures designated in letter form beginning with "A."

   b. Where land is not subdivided, the numbers shall be assigned from 1 to 99 (6919, 6950, 6990), depending where the structure is approximately located within the grid.

   c. Structures shall be assigned a number based on the grid on which the predominant portion of its street

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frontage is located.

d. Structures located on a corner lot shall be assigned a number based on the frontage orientation of the structures, as determined by the Planning Director.

e. Prior to the issuance of a Certificate of Occupancy or Completion, the structure for the principal use shall have its assigned structure address number clearly posted on the structure or in the case of a structure which is not visible from the road or is set back from the road more than 100 feet, the numbers shall be placed on a sign or mailbox near the driveway entrance and shall be clearly visible from the road. In addition to the number being posted at the driveway entrance, it shall also be placed on the structure. Numbers 3″ in height (minimum) for residences and 6″ in height (minimum) for businesses shall be used.

f. Street circles and Avenue Circles shall be numbered consecutively with the numbers beginning at the lowest number cross street end and proceeding upwards.

3. Platted Subdivision and Manufactured Home Park Assignment.

a. Lots within a platted subdivision or manufactured home park shall be assigned numbers by the County at the time of submittal and prior to final plat approval by the Board and its recording.

b. The numbers shall be assigned in the sequence of 2 or 4 digits (1010, 1014, 1018, 1022) depending on the lot size. At the grid line the numbers shall jump accordingly to the next grid sequence. Where a Drive, Terrace, Plaza or Court, Boulevard, [or] Way exist in close proximity to each other, the number sequence shall be assigned so that each street does not begin with the same structure number (6401, 6403, 6405).

4. Multi-Family Residential and Commercial Assignments.

a. Multi-family residential and commercial units (rental or ownership) which have all individual ground floor unit entrances shall have individual addresses (numbers).

b. All other multi-family residential and commercial units shall have building numbers and individual apartment or unit designations (A, B, or 101, 201, etc.). Examples of this type include:

i. High-rise buildings with multiple units, common entrance and corridors.

ii. One or two-story buildings where units are entered from common entryways or corridors.

c. Whenever possible, the same system of building/unit addressing shall be applied within a definable project even if the type of unit design might dictate a change of addressing methods. .

5. Recreational Vehicle Parks. Recreational Vehicle Parks shall be assigned one address for the park as a whole. This address is generally either the number of the main entrance or the clubhouse/recreation center. Individual lots/parcels will have their own designations as determined by the developer/property owner and as approved by the Planning Department.

I. Street Designation Waiver. A street name waiver may be granted by the Board at the preliminary plat/plan stage. Such street waiver shall be based on the curvilinear nature of street(s) where the assignment of street numbers will result in difficulty in the delivery of postal and emergency services. The local fire district having jurisdiction, Public Safety, Environmental Management, and the Planning Department shall review all street waiver request and forward to the Board of County Commissioners a recommendation to approve or deny the waiver request. No street waiver request shall be approved by the Board unless finding of fact that emergency service response will not be compromised by the granting of said waiver is made by the Board.

J. System Implementation.

1. A fee will be assessed for each new address assigned. Addresses assigned as part of an area wide readdressing program are not subject to said fee unless so authorized by the Board.

2. The cost of furnishing and installing all required signage shall be borne by the applicant requiring development approval.

3. All assigned structure numbers shall remain affixed to the respective structure and maintained by the property owner.

4. Temporary street designation signs shall be erected at the time when Building Permits are issued, in that portion of a development, at all points where permanent signs will be required. Complete visibility of street

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signs shall be maintained by the developer until the temporary signs are replaced by permanent signs.

5. All existing principal structure(s) shall post structure numbers meeting the requirements of this Code.

Section 1002 Visibility Triangle

1002.1. Applicability.

In order to provide a clear view of intersecting streets and travel lanes to the motorist, there shall be a triangular area of clear visibility. On every corner lot, at every driveway intersection with streets, and in parking areas, there shall be a visibility triangle clear of any structure, fence, obstruction planting, or parking, unless exempted by Section 1002.2, below. The Manatee County Public Works Standards Manual (Part 3 - Highway and Traffic Standards) contains the detailed specifications for the provision of visibility triangles.

A. Obstructions. Within that portion of a lot or parcel that lies within the clear visibility triangle, as defined in this Chapter and the Manatee County's Public Works Standards Manual, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially obstruct vision between a height of two and one-half (2 ½) feet to eight (8) feet above the average grade at the centerline of the right-of-way, provided, however, that in case of a conflict, Subsection A, above, shall prevail over this requirement.

B. Retaining Walls. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

C. Trees. Trees may be permitted in the triangle area if the foliage is pruned within the heights noted in Subsection A.

D. Signs. Streetlights and street name signposts may be permitted if illuminating fixtures or nameplates are not located within the prescribed clear space.

1002.2. Exemptions.

The following items are exempt from the visibility triangle requirement.

A. Existing Trees. The trunk of an existing, established tree. However, the branches or foliage shall meet the vision clearance area required in Subsection 1002.1.A.

B. Posts. A single post or column or similar structure other than signs or sign structures, which is no greater than twelve (12) inches in cross section or diameter.

C. Fences. Non-opaque fences such as chain link.

D. Government Signs and Devices. Fire hydrants, public utility poles, street markers, governmental signs, traffic control devices, public bus benches and U.S Postal Service authorized mailboxes are exempt from these requirements. The exemption of governmental signs from the visibility triangle requirement is based upon the function served by governmental signs. However, an engineering study must demonstrate that the signs will meet visibility requirements.

E. Lots. In RSMH, zones, driveway visibility triangles to individual lots are not required.

F. Other: Telephone booths, parking areas, bicycle racks, signs and like structures are **not** exempted from the visibility triangle requirements.

1002.3. Responsibility.

It shall be the responsibility of the property owner to maintain the visibility triangle horizontal and vertical clearances at all times.

1002.4. Safety Hazards within the Visibility Triangle.

Any safety hazard violation of the visibility triangle shall be subject to immediate removal, without prior notification to violator, by the Department Director, at the expense of the property owner.

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Section 1003 Transit Standards

1003.1. Purpose and Intent.

These regulations are established to implement the Comprehensive Plan which, in part, requires the development of a cost effective and efficient transit system.

1003.2. Applicability.

No application for a development permit requiring administrative or special permits, preliminary Final Site plans, or preliminary or final plat approval shall be approved until the requirements of this section are met.

The applicant shall indicate on a site plan accompanying the submission to appropriate agencies, the existing bus routes as they relate to the project site. The applicant shall coordinate with the Department Director regarding the advisability of incorporating transit facilities within or adjacent to the project site.

1003.3. Standards.

A. Transit Requirements. The applicant shall, where applicable, conform to all transit requirements of the Manatee County Public Works Standards, the applicable transit provider and the Federal Transit Administration (FTA).

B. Access and Stops. Internal transit access and transit stops shall be provided within non-residential projects of one hundred thousand (100,000) square feet of gross floor area or more, and for residential projects of one hundred (100) dwelling units or more.

C. Stop Locations. Transit access and stops shall be conveniently located and designed to serve the proposed project.

D. Site Plan. The transit access and stops locations shall be shown on the site development plan.

E. Internal Stops. All internal transit stops shall provide sheltered protection from the weather. Such stops shall be installed in conjunction with the Certificate of Occupancy for the qualifying non-residential projects and before issuance of a Certificate of Occupancy for the one hundred and first (101st) unit of a residential project.

F. Design of Stops. Internal transit stops and shelters shall be constructed in accordance with the transit provider and Manatee County Public Works Standards.

G. Exemption. The Department Director may waive this requirement if there are existing transit stops in close proximity to the proposed project, or where transit service is not proposed to be extended in the future.

Section 1004 Driveway Regulations.

1004.1. Purpose and Intent.

These regulations are established to provide for safe and efficient access to and from driveways intersecting any street, as well as for the safety and efficiency of pedestrian and vehicular movement, within any such rights-of-way.

1004.2. Access and Drainage Permit Required.

A. Access and Drainage Permit. No portion of a driveway which extends from the property line outwards toward the edge of the abutting roadway pavement shall be constructed, improved, or enlarged without an access and drainage permit issued by the Department Director in accordance with this Section. For the purpose of this Section, a driveway shall include, in addition to the actual driveway, a sidewalk, culvert, drainage or stormwater structure, swale, driveway apron, roadway shoulder or handicap ramp within the rights-of-way, and any construction within the visibility triangle and right-of-way. A permit is not required for regular driveway maintenance.

B. Pre-requisite for Building Permit. Where an access and drainage permit is required, no building permit shall be issued for a structure on a lot until an access and drainage permit has been issued. .

C. Application Submittal. Applicants for an access and drainage permit shall submit a written application in a form as deemed necessary by the Public Works Department and a site development plan. The plan which accompanies the application shall include:

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1. The location, size, and alignment of the proposed driveway, the curb and/or gutter line, sidewalks, any official rights-of-way line of the intersected street, approximate distances and location of all existing driveways of all adjoining lots along the same street line within one hundred (100) feet. In the case of a corner lot, the plan shall show the location of the driveway for the adjoining lots of both streets.
2. The location and dimensions of all existing and proposed parking areas on the lot within fifty (50) feet of the proposed curb cut. The location of trees adjacent to the proposed curb cut, structures including free standing signs, storm drains, and any fencing near the curb cut.
3. The location of each visibility triangle shall be shown on the plan.

D. Approval. The Department Director shall review the application and shall approve, approve with stated conditions, or deny the application, stating in writing the reasons for any denial.

E. Appeal Process. All appeals of the driveway access standards in this section shall be in accordance with Chapter 3.

F. Driveway Standards. No permit shall be issued except in conformance with the following requirements; provided, however, the Department Director may increase the distance between driveways to the extent necessary to assure safe and efficient ingress and egress to a lot, based on existing roadway widths and Florida Department of Transportation (FDOT) standards. Driveway standards are contained in the Manatee County Public Works Standards Manual.

G. Construction Standards. Driveways shall be constructed in accordance with the Manatee County Public Works Standards, but at a minimum, all driveways shall be constructed and maintained with a dustless surface, approved by the Department Director, from the edge of the road's pavement to the right-of-way line.

H. Vehicular Use of Right-of-Way Shoulders Prohibited. Except for the approved driveway entrance and exits, the area between the edge of a street, road or highway and the property line shall not be used for vehicle maneuvering or parking.

I. Stacking Lanes, Local Frontage Roads. Where deemed necessary by the Department Director to prevent traffic hazards or congestion, stacking lanes adequate to accommodate maximum queuing of vehicles turning into the subject driveway shall be provided in accordance with the Manatee County Public Works Standards. A local frontage road may be required in lieu of any necessary stacking lanes.

J. Measurement. Measurement of driveway width or spacing shall not include any necessary corner radii, for turning movements.

K. Recorded Easements. No improvement shall create potential or actual impoundment of water on, or discharge water onto, adjacent property in such a manner as to affect existing development or increase problems of future development on adjacent property, unless the County has accepted recorded easements with the affected adjoining properties affected. The improvements shall not divert on-site stormwater to the roadway.

Section 1005 Off-Street Parking

1005.1. Applicability.

A. New Development. All structures built or erected and all uses established after the effective date of this Code shall provide off-street parking in accordance with the regulations of this Section (see Code of Ordinances for vehicle storage requirements).

B. Building Expansions and Additions. When an existing structure or use is expanded in floor area, volume, or capacity, and such expansion requires (or provides for) parking spaces in excess of ten (10) percent or ten (10) spaces of the total pre-existing space, whichever is less, off-street parking shall be provided in accordance with the requirements of this section.

1005.2. Use of Off-Street Parking Areas.

All off-street parking facilities shall be used solely for the parking of vehicles, excluding restricted vehicles type B, C, and D, as defined under Chapter 2, Definitions, in operating condition by patrons, occupants or employees of the use to which such parking is accessory. No motor vehicle repair work except emergency service shall be permitted in association with any required off-street parking facilities.

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1005.3. Number of Vehicular Parking Spaces Required.

A. Minimum Parking Requirements. The minimum required number of off-street parking spaces shall be in accordance with Table 10 - 1, Parking Ratios. Handicap parking spaces shall be provided in accordance with F.S § 316.1955, the Americans with Disabilities Act and shall be counted as part of the total parking space requirement.

Table 10 - 2: Parking Ratios

Use	Spaces/Sq. Ft. or Unit of Measure	Notes
Agricultural Uses:		
Agricultural Products Processing Plants		15
Agricultural Research Facilities	1/250 Gross Office Area	2
Agriculture	No Requirement	
Animal Rehabilitation Center	1/250 Gross Office Area	2
Animal Shelter	1/400 Gross Office Area	
Breeding Facility (non-wild, non-exotic)	1/400 Gross Office Area	2
Stockyards and Feedlots	1/250 Gross Office Area + 1/1000 GFA Remaining Area	1+8
Farms	No Requirement	
Farm Equipment and Supply Establishments	1/250 Gross Retail Sales Area	2
Farm Worker Housing	1/Dwelling Unit	
Farming Service Establishments	1/400 GFA	11
Kennels	1/400 GFA	2
Mobile Home in Add. to Residence	2/Mobile Home	
Ranches	No Requirement	
Sawmills	1/250 Gross Office Area + 1/2000 GFA	11
Short Term Agricultural Uses	No Requirement	
Slaughterhouses		8
Stables or Equestrian Centers (public or private):	No Requirement	
Veterinary Hospitals	1/400 GFA	2
Commercial Uses:		
Retail:		
Auction House (Open, Enclosed, Auto)	1/2 seats, or 1/250 GFA, whichever is greater	
Building Material Establishment	1/150 GFA	11
Drinking Establishment	1/80 GFA or 1/2 seats, whichever is greater	
Eating Establishment:		
Drive-in (No Seats)	1/150 GFA	
Sit Down/Walk In	1/80 GFA or 1/2 seats, whichever is greater	
Furniture and Carpet Store	1/500 GFA	
Gas Pumps	1/Two Pumps	4
Grocery Store and Convenience Store	1/200 GFA	10+16
MH/RV Sales/Rental/Leasing	1/600 Gross Sales Area	3
Motor Vehicle Sales/Rental/Leasing	1/500 Gross Sales Area + 1/4500 Open Sales Area	11+4
General Retail Sales Uses	1/250 GFA	2
Retail Sales, Neighborhood General	1/250 GFA	
Retail Sales, Neighborhood Convenience Uses (excluding grocery and convenience stores, see above)	1/250 GFA	16
Service Stations	3/Bay + 1/500 GFA	4
Shopping Center	1/200 GFA for first 400,000 Sq. Ft. and 1/300 GFA for second 400,000 Sq. Ft. and 1/400 GFA thereafter	6
Theatre (Free Standing)	1/3 Seats	
Theatre (Within Shopping Center)	1/3 Seats for Sq. Ft. that exceeds 20% of Shopping Center GFA	

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Use	Spaces/Sq. Ft. or Unit of Measure	Notes
Services:		
Banking:		
Automatic Teller		4
Bank	1/200 GFA	18
Bank/Drive-Through	1/200 GFA	5
Business Services		8
Health Services:		
Professional Office	1/200 GFA	18
Clinic	1/200 Gross Office Area	
Veterinary Clinic	1/400 Gross Office Area	
Hospitals	2/Patient Bed	18
Medical and Dental Laboratories	1/250 GFA	
Nursing Home	1/Each Two Beds	
Lodging Places:		
Bed and Breakfast	1 Each Lodging Unit	
Boarding House	1 Each 1.5 Beds + 1/500 GFA	
Camps	1/2000 GFA	
Dormitories	1 Each 1.5 Beds	
Hospital Guest House	1 Each 1.5 Beds	
Hotels/Motels	1/Lodging Unit + 1/Each Ten Lodging Units	6, 18
RV Parks	1 Parking Pad Per Site	
Miscellaneous Services:		
Office	1/200 Gross Office Area	11+18
Car Wash:		
Self-Serve	4 Stacking Spaces/Wash Bay	2
Incidental	4 Stacking Spaces/Wash Bay	2
Full Service	10 Stacking Spaces/Wash Bay	2
Construction Service Establishments	1/250 GFA	11
Dry Cleaners (neighborhood, general and pick-up)	i. 1/200 Gross Office Area	11
Exterminating and Pest Control	1/200 Gross Office Area	11
Food Catering	1/200 Gross Office Area	11
Funeral Chapel	1/Each Three Seats in Main	11 Chapel
Funeral Home	1/Each Three Seats in Each Parlor	11
Lawn Care/Landscaping	1/200 in Gross Office Area	11
Personal Service Establishment	1/200 GFA	2
Rental Service Establishment	1/200 GFA	11
Repair Service Establishment:	1/200 GFA	11
Motorized Vehicle Repair:		
Neighborhood Serving	3/Bay + 1/500 Gross Sales Area	11
Community Serving	4/Bay + 1/500 Gross Sales Area	11
Major	4/Bay + 1/250 Gross Sales Area	11
Sign Painting Service	1/200 GFA	11
Taxi-Cab, Limousine Service	1/500 GFA	11
Industrial:		
Industrial Service Establishment		8+11
Manufacturing:		
Heavy		8+11
Light		8+11+18
Research and Development Activity		8+11

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Use	Spaces/Sq. Ft. or Unit of Measure	Notes
Utility Use, Heavy		
Community Service Uses:		
Cultural Facilities	1/300 GFA, not less than 10 spaces	
Correctional Facilities (Community & Major)		9
Emergency Shelters		9
Outpatient Treatment Facility	1/200 Gross Office Area	
Post Offices		8+11
Private Clubs/Community Uses	1/3 Seats of 1/250 GFA, whichever is greater	
Public Community Use	1/200 GFA	
Public Use Facilities		9
Residential Treatment Facilities	1/3 Resident + 1/Resident Staff Member + 1/Non-resident Staff Member	9
Resource Recovery Facilities	1/500 Gross Office Area	11
Utility Use		11
Miscellaneous Uses:		
Flea Markets:		
Enclosed	2/Booth or 1/100 GFA	
Open	2/Booth or 1/100 Gross Sales Area	
Lumberyard	1/500 Open Sales/Display Area	11
Wholesale Trade Establishment	1/1500 GFA	11
Waterfront Structures (Commercial)	1/Each Two Boat Slips or Moorings	
Water Dependent Uses		13
Open Uses of Land—Light:		
Cemetery:		
Human	1/200 Gross Office Area	
Pet	1/500 Gross Office Area	
Game Preserve and Firing Ranges	1/200 Gross Office Area	
Land Reserves, Public or Private	1/1000 Gross Office Area	
Tree Farm	1/200 Gross Office Area	
Minor Earthmoving	No Requirement	
Open Uses of Land—Heavy:		
Junkyards, landfills and mining	1/200 Gross Office Area	11
Major Earthmoving	No Requirement	
Recreation Uses:		
Passive Recreational Use		6+4+9
Swimming Pools	1/200 Square Feet of Pool Area	4
Low Intensity Recreational Use	1/3 Seats or 150 GFA Whichever is Greater	6+4+9
Tennis Courts	2 Spaces/Court	6+4
Golf Course	5/Hole of Main Course	6
Golf Driving Range	1/Tee Plus Additional, As Necessary, For Other Uses On-site	
Medium Intensity Recreational Use	1/3 Seats or 150 GFA Whichever is Greater	6
Bowling Alleys	4/Alley	6
Dancing Establishment	1/60 GFA or 1/2 Seats for Counter Bars, 24 Lineal Inches Shall Count As One (1) Seat	6
High Intensity Recreational Use	1/3 Seats of 150 GFA Whichever is Greater	6
Theater, Stadium	1/3 Seats	
Private Neighborhood Parks/Pool Facilities (Serving 100 Lots/Units or Less)	1 Space Minimum for Parks and 2 Space Minimum for Pools	
Residential Uses:		
Family Care Homes	1/3 Residents + 1/Resident Staff	
Group Care Homes	1/3 Residents + 1/Resident Staff	

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Use	Spaces/Sq. Ft. or Unit of Measure	Notes
Group Housing	1/3 Residents + 1/Resident Staff	
Residential Care Facilities	1/3 Residents + 1/Resident Staff	
Mobile Home Parks and subdivisions	2/Mobile Home	17
Multiple Family Dwellings	2/Dwelling Unit, plus 1 Space Per 10 Units for Guest Parking	
Single Family Dwellings (attached and detached)	2/Dwelling Unit	
Recreational Vehicle Parks	2/Each R.V. Site	17
Temporary Living Facilities:		
Temp. M.H. While Constructing	2/Dwelling Unit (Spaces Provided for Home Under Construction May Serve as the 2 Required Spaces)	
Duplex Dwellings	2/Dwelling Unit	
Individual Mobile Homes	2/Mobile Home	
Residential Support Uses:		
Church or Other Place of Worship	1/3 Seats in Principal Room of Worship	
College/University (PDP/SP)		9
Day Care Center, Large	1/Ten Children	7+11
Day Care Center, Medium	1/Ten Children	7+11
Day Care Center, Small	1/Ten Persons	2, 11
Day Care Home	1/Five Children	9
Schools		9
Transportation Facilities:		
Aircraft Landing Field		13
Airport		13
Bus and Train Passenger Station		13
Bus RR/Maintenance Facility		13
Hazardous Waste Transfer Facility		13
Heliport & Helistop		13
Intermodal Terminal		13
Freight Terminals/Maintenance		13
Motor Pool Facilities		13
Railroad Switching/Classification Yard		13
Warehousing:		
Warehouse	1/1000 GFA	11
Warehouse—Mini	1/10 Storage Units + 2 Spaces at Manager's Office	

GFA = Gross Floor Area

Table Notes:

All references to employees shall be based on the maximum number of employees on the peak shift. Unless otherwise specifically indicated, all square footage shall be based on gross floor area measurement.

The required amount of parking spaces shall be calculated by adding the “Spaces/Sq. Ft. or Unit of Measure” column and the “Note” column. The following list includes additional parking requirements denoted in the note column.

1. Or a minimum of one (1) space for each employee based on the peak shift, whichever is greater.
2. Or a minimum of four (4) spaces.
3. Enclosed floor area gross, plus one (1) space for each two thousand (2,000) square feet of open sales display lot area.
4. Minimum five (5) spaces if not accessory to another use. At service stations and gas pumps, such parking shall be adequate to serve both employees and those customers not obtaining gasoline products.
5. Four (4) stacking spaces per each drive- through lane, measured from the speaker board, exclusive of any on-site travel lanes. Five (5) stacking spaces, measured from the drive-thru teller position,

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6. Restaurants, assembly rooms, theaters, and other similar intensive uses shall be calculated separately for each use for which the floor area exceeds twenty (20) percent of the shopping center gross floor area.
7. An on-site service drive.
8. Or one (1) space per two hundred fifty (250) square feet of gross office area, plus one (1) space per one thousand (1,000) square feet of the remaining gross floor area.
9. Based on a review by the Department Director of each proposal including such factors as the designed capacity of all assembly rooms and meeting areas. The availability of areas on-site that can be used for auxiliary parking in times of peak demand shall also be considered, but in no instance less than one (1) space per full-time employee, plus a sufficient number of spaces to accommodate the greatest anticipated number of people in attendance at the facility at any one time. An independent parking study shall be prepared to analyze the parking requirements. Said study shall be prepared by an engineer or architect, cost of which shall be borne by the applicant.
10. All grocery stores over twenty thousand (20,000) square feet shall provide an additional six (6) feet in width for all drive aisles directly adjacent to the commercial buildings.
11. Plus one (1) space for each company vehicle.
12. Plus one (1) space/200 square feet of gross non-residential floor area.
13. One (1) space per employee, plus one (1) space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at any one time. An independent parking study shall be prepared to analyze the parking requirements. Said study shall be prepared by an engineer or architect, cost of which shall be borne by the applicant.
14. Plus one (1) space/1000 square feet for the first 10,000 square feet plus one (1) space/each additional 3,000 square feet.
15. One (1) space per one and one half (1.5) employees on major shifts, plus one (1) space per company vehicle, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time, but with a minimum of one (1) space per 1,000 sq. ft. of gross floor area.
16. All freestanding buildings or shopping centers containing Retail Sales, Neighborhood Convenience uses shall provide a bicycle rack containing a minimum of 1 bicycle space per 1000 square feet GFA for the first 10,000 square feet and 1 per 10,000 square feet GFA thereafter.
17. In mobile home parks, subdivisions and recreational vehicle parks, required parking for associated clubhouses, activities buildings and other recreational facilities may include up to twenty-five (25) percent of the required parking for said facilities as golf cart parking spaces. An additional twenty-five (25) percent may have a dual car/cart designation. These spaces shall be a minimum of five (5) feet in width and ten (10) feet in depth. These spaces shall be paved, striped and marked "Golf Cart Parking Only" either on the pavement or with appropriate signage.
18. For parking facilities greater than one hundred (100) spaces, the number of parking spaces may be reduced by as much as fifteen (15) percent if the owner/tenant creates and implements an operational/permanent commuter assistance program for all employees. This plan shall be submitted to both the Sarasota Manatee Metropolitan Planning Organization (MPO) and Building and Development Services Department prior to issuance of a certificate of occupancy for the project. The plan shall contain all proposed measures to reduce the need for parking for its employees, including carpooling, vanpooling, etc. A draft of the plan shall be submitted for review at the time of site development plan submittal. For hotels and motels, those that provide shuttle service to and from airports and other community facilities may be eligible to receive a reduction in parking requirements. In order to receive a reduction, the applicant must commit to providing shuttle service, in writing, at the time of site development plan approval. The project area saved by the reduction of parking spaces must be used and maintained for open space. The commuter assistance program plan shall be renewed every two (2) years by the owner/tenant and submitted to the Building and Development Services Department for review and approval. Without renewal of the plan, the owner/tenant shall file an off-street parking plan or revised final site plan within one (1) year of the expiration of the plan to provide the parking spaces credited to the commuter assistance plan.

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B. Maximum Parking Permitted. In no case shall the total amount of parking provided exceed 1.1 times the total minimum required spaces, unless the Department Director determines, based on sound planning practices, that additional parking is justified.

C. Determination of Required Parking Spaces.

1. *Employee/Person Measurement Basis.* Parking spaces required on any employee/person basis in this Code shall be based on the estimated maximum number of employees/persons on duty or residing, or both, on the premises at any one time
2. *Multiple Uses on a Site.* Where a given use or building contains a combination of uses, parking shall be provided on the basis of the sum of the required spaces for each use, or as provided in Section 1005.5 (Cooperative Parking Facilities).
3. *Cases of Uncertainty.* If there is uncertainty with respect to the amount of parking spaces required by the provisions of this Code, as a result of uncertainty as to the proposed use of a building or lot, the largest requirement for the general type or use that is involved, shall govern.
4. *Requirements for Unlisted Uses.* Where the required number of parking spaces is not set forth for a particular use and there is no similar general type of use listed, the Department Director shall determine the appropriate parking ratio.
5. *Fractional Measurements.* When the calculation of the total number of required off-street parking spaces results in of a fractional space, any fraction up to and including 0.5 shall be disregarded and any fraction over 0.5 shall require a full off-street parking space.
6. *Basis of Measurement.* In hospitals, bassinets shall not count as beds. In stadiums, sports arenas, churches, and other places of public assembly in which occupants utilize benches, pews or other similar seating arrangements, each eighteen (18) linear inches of seating facilities shall be counted as one (1) seat for the purpose of computing off-street parking requirements.

1005.4. Reduction in Number of Required Parking Spaces.

Except as provided in Section 1005.7.C, Location of Vehicular Use Areas in required yards, all required off-street parking spaces and associated drive aisles and driveways shall be required on the lot on which it serves and shall not be encroached upon or reduced in any manner except as provided in this section. The following reductions in parking space count and dimensions are allowed, provided the reductions do not cumulatively exceed a total of ten (10) percent for a single use.

A. Reduction in Need. The number of required parking spaces may be reduced by the Department Director in an amount which is justified by a reduction in the size or change in the use to which such is appurtenant.

B. Replacement with Bicycle Space. Such designated vehicular parking spaces may be reduced by providing designated parking spaces for bicycles, motorbikes and/or motorcycles with signage; but in no event shall such a reduction be allowed on more than five (5) percent of the total number of required spaces, or when the total required parking required is less than twenty-five (25) spaces.

C. Preservation of Trees. The number of required parking spaces may be reduced by up to ten (10) percent where necessary to protect existing trees and/or existing natural plant communities, as defined in Section 700, Tree Protection.

D. Variations for Known Requirements. The number of required parking spaces may be increased or reduced by the Department Director when actual parking demand is demonstrated to be substantially different than those required in this chapter. The determination shall be based on a parking study provided by the property owner/agent.

E. Vehicle Use Areas in the Watershed Overlay Districts. Development within the WP-E and WP-M watershed overlay districts may reduce the number of required parking spaces by a maximum of twenty (20) percent, with sufficient justification provided by the applicant, as stated in section 1005.5.B.

1005.5. Cooperative Parking Facilities.

Cooperative parking arrangements may be approved if the following requirements:

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A. Legal Arrangements. Required off-street parking spaces may be provided cooperatively for two (2) or more uses on the same site or on contiguous parcels similarly zoned, subject to a joint use parking and access agreement is recorded, and any additional legal requirements that will assure the permanent availability of such spaces, to the satisfaction of the Department Director and the County Attorney.

B. Amount. The minimum amount of parking spaces shall equal the sum of the amounts required for the separate uses; however, a minimum of fifty (50) percent of the required spaces shall be provided on any one lot prior to allowing any cooperative parking arrangement. Provided, however, that the Board may reduce up to twenty five (25) percent of the total number of parking spaces required by strict application of said total requirements, when it can be determined the same spaces may adequately serve two (2) or more uses by reason of the different hours of operation of such uses, and so recorded as an easement.

C. Cooperative Parking within the WP-E, WP-M Watershed Overlay Districts. Cooperative parking arrangements shall be encouraged within both the WP-E and WP-M overlay districts between similar adjacent uses, except where crossing a street will be necessary. An additional five (5) percent reduction in the number of required spaces may be allowed above the allowable ten (10) percent reduction**,** if a cooperative parking agreement is submitted and approved by the Department Director. The Department Director shall review the proposed design, adequacy of the proposed number of parking spaces, public safety, circulation and other traffic-related issues. The area not utilized for parking shall be used for open space.

1005.6. Location of Parking Spaces.

A. Location of Parking. All required parking facilities shall be located on the same lot as the structure or use to which they are accessory, or on an adjoining lot under the same ownership, and the parking use so stipulated as an easement in a recorded deed; and,

1. On land which has the same zoning classification as the land on which the structure or use to which they are accessory, or a zoning classification which allows such principal structure or use as a Permitted or Conditional Use; and,
2. On land in the same ownership as the structure or use to which they are accessory.
3. Notwithstanding paragraph A, The Department Director may allow an alternative location on land of the same ownership and zoning for off-street parking facilities provided that:
   a. The proposed arrangement will not cause any pedestrian or vehicular traffic hazards or congestion;
   b. The proposed location will not require pedestrian movement across any arterial or major collector street;
   c. The alternative location has the same zoning classification as the land on which the structure or use to which the parking is accessory, or a zoning classification which allows such principal structure or use as a permitted or conditional use;
   d. The alternative location includes no more than ten (10) percent of the required off-street parking;
   e. All spaces are within three hundred (300) feet of the principal entrance of the use they are intended to serve; and
   f. A recorded easement stipulates the parking arrangement.
4. This section does not preclude the use of or the development of on-street parking. The applicability, location, and utilization of on-street parking shall be determined by the Department Director on a case-by-case basis.

1005.7. Parking Lot Design.

A. Dimensional Requirements. All off-street parking areas shall comply with the Manatee County Public Works Standards, but in no event shall the required dimensions be less than those presented in **Error! Reference source not found.**2. Handicap parking spaces shall be designed and provided in accordance with F.S § 316.1955, the Americans with Disabilities Act.

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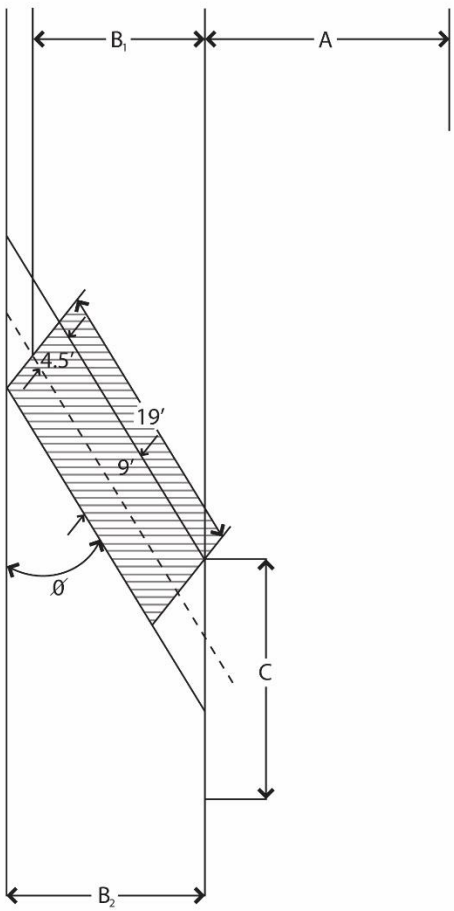
Table 10 - 3: Parking Dimensional Standards

Parking Angle (degrees)	Standard Stall Width (feet)	Stall Depth Perpendicular to Aisle (feet) (B_1/B_2)	Curb Length Parallel to Aisle (feet) (C)	Aisle Width One (1)-Way Traffic (feet) (A)	Aisle Width Two (2)-Way Traffic (feet) (A)
0	9	--/23	23	12	24
30	9	13.4/17.3	18	12	-
45	9	16.6/19.8	12.7	15	-
60	9	18.7/21.0	10.4	18	-
75	9	19.5/20.7	9.3	21	-
90	9	--/19	9.0	-	24

Figure 10 - 1: Off-street Parking Area Dimensions



	Ø	A	AISLE WIDTH	B_1	B_2	C
Parallel Parking	0	24′	Two Way Traffic	- -	9.0′	23.0′
Parallel Parking	0	12′	One Way Traffic	- -	9.0′	23.0′
Angle Parking	30	12′	One Way Traffic	13.4′	17.3′	18.0′
Angle Parking	45	15′	One Way Traffic	16.6′	19.8′	12.7′
Angle Parking	60	18′	One Way Traffic	18.7′	21.0′	10.4′
Angle Parking	75	21′	One Way Traffic	19.5′	20.7′	9.3′
Angle Parking	90	24′	Two Way Traffic	- -	19.0′	9.0′

FOR ANGLE PARKING

$B_1 = 19 \times \sin Ø + 4.5 \times \cos Ø$

$B_2 = 19 \times \sin Ø + 9 \times \cos Ø$

$C = 9 / \sin Ø$

B_1 IS USED FOR MULTIPLE AISLES WHERE CAR FRONT ENDS "NEST"

B_2 IS USED FOR END LINE OF PARKING OR SINGLE AISLE

B. Compact Spaces. Compact spaces may be provided having a minimum width of eight-and-one-half (8.5) feet and containing not less than one hundred fifty-three (153) square feet for compact cars. Each compact car space shall be so identified by signage. For each compact car space, eighteen (18) square feet shall be provided in landscaped area in addition to that area required by the provisions of Section 701, Landscaping, with a proportional equivalent amount of trees and shrubs. No more than ten (10) percent of required spaces shall be compact car spaces.

C. Location of Vehicular Use Areas.

1. Vehicle use areas, including parking spaces and drive-aisles that are located on the ground and are open to the sky, may be located in any required yard but not nearer to any lot line than eight (8) feet. .
2. Parking structures and carports shall be subject to the applicable minimum zoning district yard requirements.
3. Parking spaces shall be so arranged that backing of a vehicle from a parking space into the driveway access or egress is avoided to the extent feasible.
4. No parking space or drive aisle shall be constructed closer than five (5) feet to any building unless it is completely under the building, an attached carport, an enclosed garage, or at a drive-thru service lane.
5. Parking spaces shall not be located in the following:
   a. In a drainage easement, unless allowed through an easement encroachment affidavit,
   b. In front of dumpsters;
   c. In pedestrian ways;
   d. In fire lanes;
   e. In a loading space;
   f. In a turning radius for a loading space;
   g. In a visibility triangle; or
   h. In locations impeding proper traffic flow or maneuvering of other vehicles.

D. Circulation. Provisions shall be made for safe and convenient pedestrian and vehicular traffic movements within and adjacent to the site, with particular emphasis on parking layout, off-street loading and unloading and on the movement of people, goods and vehicles upon access roads and drive aisles within the site, between buildings or structures and between buildings and vehicles.

1. All off-street parking shall be provided with safe and convenient access to a street. Spaces shall be so arranged that no maneuvering directly incidental to entering or leaving a parking space shall be on any public or private street, alley, walkway, or landscaped area; and that all vehicles shall enter the street in forward manner. Vehicles must be able to enter, park and exit the property without difficulty. On non-residential properties, arrows, ground signs, building signs or painted lines on the ground to control the traffic flow may be required.
2. Backing onto a public or private travel lane is prohibited, except from single family dwellings and duplexes.
3. Drive aisles with angled parking on each side (30 degrees, 45 degrees, 60 degrees, 75 degrees) shall be limited to twenty (20) spaces without intersecting drive aisles.
4. There shall be a twelve (12) foot long and twenty (20) foot wide turning area beyond the last parking stall in any dead end drive aisle, to allow proper maneuvering of a vehicle backing out of the last parking stall.

E. Multiple Stacking of Spaces. Each space shall be so arranged that any automobile may be moved without moving another, except for valet parking, single-family and duplex dwellings.

F. Pedestrian Safety. All off-street parking facilities, including drive aisles, travel lanes, and driveways shall be so arranged as to minimize hazards to pedestrian movement in the immediate area or encroach upon fire lanes, walkways, and visibility triangles. Pedestrians must be protected from exiting a building into vehicular traffic in an emergency. The applicant shall provide a walkway or a protected area for this purpose with a minimum width of the doorway plus five (5) feet beyond the swing of the door. All exit discharges from buildings shall be protected by permanent means to insure pedestrian areas are protected from vehicular encroachment.

G. Pedestrian Safety Zones. Within parking areas over one hundred (100) spaces for commercial uses, paved pedestrian walkways at least six (6) feet in width shall be provided at two hundred (200) foot intervals. Such walkways may be interrupted by necessary drive aisles, but shall include adequate wheel chair ramps, if necessary. Wheel stops shall be so placed to prevent any portion of the vehicle to encroach upon the pedestrian safety zone. .

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H. Waste Storage Facilities Location. The siting for waste storage facilities and dumpster pads shall not encroach upon a parking space, pedestrian walkway landscaped area, fire lane, driveway entrance, rights-of-way, visibility triangle, or easement. The turning radii for the waste hauler at the waste storage facility or dumpster pad shall not encroach upon a parking space, pedestrian walkway, landscape area, driveway entrance, or rights-of-way.

1005.8. Modifications to Existing Parking Lots.

Whenever a parking lot or vehicular use area is the subject of any of the following modifications, an off-street parking plan shall be submitted for approval by the Department Director.

A. Alteration of circulation patterns on-site;

B. A change in driveway location;

C. Any increase or decrease in the number of parking spaces, ;

D. An increase in impervious surface of five hundred (500) square feet or more; or

E. A change in dumpster location.

The off-street parking plan shall accurately illustrate the required off-street parking spaces, access, dimensions, general layout, percentage of impervious surface, and drainage calculations. This plan shall conform to all applicable requirements of Chapter 8 and the Manatee County Public Works Standards. If a final site plan is required for the development, then the final site plan shall serve as the off-street parking plan.

Single family and duplex dwellings are exempt from this requirement.

1005.9. Fire Access Requirements.

Within any non-residential zoning district, parking of vehicles shall not interfere with access by the Fire District to the structure for fighting fires, to a fire hydrant or fire department sprinkler or standpipe connections, or other public safety related emergencies. Therefore, the Fire Marshal of the applicable fire district shall designate a reasonable area(s) leading to and adjacent to said structures and hydrants as fire lanes as follows:

A. The Fire Marshal shall notify, in writing, the owner of the property involved that a fire lane has been designated and the extent of the fire lane(s).

B. Not later than thirty (30) days after the receipt of notice in writing, the owner shall cause to be placed or erected, signs and markers along the designated fire lane which shall declare to all persons, the existence of the fire lane.

C. Fire lanes shall be required next to all buildings and fire protection devices in accordance with the Manatee County Public Works Standards and approved by the Fire Marshall.

D. No person shall park a vehicle in any fire lane designated as such pursuant to this Section, nor within fifteen (15) feet of any fire hydrant or fire department standpipe or sprinkler connection. No person shall at any time block access to the designated fire lane(s) or fire department standpipe or sprinkler connection. Any person violating the terms of this provision shall be deemed to have committed a traffic infraction

E. No owner of property where on a fire lane has been designated shall alter or remove the designated fire lanes, fire lane signs, or markers without prior written consent of the Fire Marshal.

F. These Sections shall be enforced in accordance with Chapter 1 and applicable laws. Provided, however, that no person shall be deemed to have violated the provisions of this section regarding the parking infraction, unless signs or markers were conspicuously posted designating the area in which the vehicle was parked as being a fire lane.

1005.10. Landscaping.

All off-street parking facilities shall comply with the landscaping requirements of Section 701, Landscaping. All interior portions of off-street parking facilities not utilized specifically as a parking space, maneuvering, fire lane, or other necessary vehicular use area shall not be paved, but shall be landscaped in accordance with Section 701, Landscaping.

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1005.11. Construction and Maintenance.

All off-street parking facilities, including drive aisles, travel lanes, and driveways, except single-family residences in the "A" and "A-1" zoning districts shall be constructed and maintained in accordance with the Manatee County Public Works Standards.

The Department Director may approve the utilization of perforated type paver blocks or grassed parking areas for a portion of the required number of vehicular parking spaces for churches or other places of worship, for places of public assembly for meetings or other events, and for temporary uses; where it is clear that such grassed surface and perforated type paver blocks can be adequately maintained due to the infrequency of use, and that adequate permanent traffic control means will be provided to direct vehicular flow and parking, and that paved parking will be provided for all weekday employees and visitors. Each parking space within the grassed parking area shall be delineated with wheel stops, drive aisle pavement markings, vertical markers or some other means of delineating the spaces.

Section 1006 Off-Street Loading.

1006.1. Applicability.

All non-residential buildings built or erected and all uses established after the effective date of this Code shall provide accessory off-street loading space. When an existing structure or use is expanded in floor area, volume, or capacity, accessory off-street loading space shall be provided in accordance with this section for the area, or capacity of such expansion.

1006.2. Off-street Loading Plans Required.

Site plans submitted to the County for approval for any use or structure shall accurately designate the required off-street loading spaces, maneuvering areas, access, dimensions, clearance, and general layout.

1006.3. Use Limitations.

No motor vehicle repair work, gasoline or oil facilities, except emergency service, shall be permitted in association with any required off-street loading activity. There shall be no storage of material or equipment, display of merchandise, long term storage of containerized facilities in any loading dock area.

1006.4. Number of Loading Spaces Required.

Off-street loading spaces accessory to a use shall be provided in accordance with **Error! Reference source not found.**3. If there is uncertainty with respect to the amount of loading spaces required by this Code, the maximum requirement for the general type of use allowed in that district shall govern and shall be determined of the Department Director. Where the required number of loading spaces is not set forth for a particular use in the following paragraphs, and where there is no similar general type of use listed, the Department Director shall determine the basis of the number of spaces to be provided.

A. Standard A: One (1) space for the first 5,000 square feet of gross floor area, plus one (1) space for each additional 30,000 square feet or major fraction thereof.

B. Standard B: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 15,000 square feet or major fraction thereof.

C. Standard C: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet or major fraction thereof.

Table 10 - 4: Loading Space Uses

Uses	Standards
Agricultural Products Processing Plants	A
Agricultural Research Facilities	B
Bowling Alley and Any Similar Commercial Recreational Establishment	C
Building Materials Establishment	A

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Business Service and Supply Service Establishment	B
College or University	C
Construction Service Establishments	A
Correctional Facilities	C
Farm Equipment and Supply Establishments	B
Farming Service Establishments	C
Food Service Establishment	B
Funeral Chapel, Funeral Home	C
Hospital	C
Hotel, Motel	C
Industrial Service Establishment	A
Lumberyard	A
Manufacturing Establishment	A
Nursing Homes	C
Offices	B
Personal Service Establishments	B
Repair Service Establishment	B
Retail Sales Establishment	B
Sawmills	B
School	C
Scientific Research and Development Establishment	B
Slaughterhouses	A
Stockyards and Feed Lots	A
Vehicle Sale, Rental and Service Establishment	A
Warehousing Establishment	A
Wholesale Trade Establishment	A
Other unlisted uses, with a gross floor area over 10,000 square feet and which require the receipt or distribution by vehicle of materials or merchandise	B

1006.5. Cooperative Loading Facilities.

Required off-street loading spaces may be provided cooperatively for two (2) or more uses, subject to an easement and arrangements that will assure the permanent availability of such spaces. Where a given use or building on the same lot contains a combination of uses, as set forth in the following paragraphs, loading facilities shall be provided in such a manner as to encourage combined usage of facilities.

1006.6. Reduction in Required Loading Spaces.

Required off-street loading spaces shall not be encroached upon or reduced in any manner, except that the Department Director may approve a reduction based on a change in the size or nature of the use served.

1006.7. Location of Loading Facilities.

A. Required Loading Space. All required off-street loading spaces shall be located on the same lot as the use served; provided that the Department Director may waive such location requirement based on the nature of the use served.

B. Location. No loading space or berth shall be located within forty (40) feet of the nearest point of intersection of the edges of the travel way or the curbs of any two (2) streets. The surfaced portions of all loading areas, excluding driveways, shall observe a twenty (20) foot setback from all front lot lines, a ten (10) foot setback from all other lot lines, and visibility triangles.

1006.8. Loading Facility Design.

A. Required Dimensions. All off-street loading areas shall be designed in accordance with Manatee County Public Works Standards; but in no event shall the required dimensions be less than fifteen (15) feet wide, thirty-five (35) feet long, and fifteen (15) feet high, exclusive of overhead. If such loading space has been provided, any

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additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve (12) feet. All maneuvering areas shall have a minimum vertical clearance of fifteen (15) feet.

B. Maneuvering. The required off-street loading area shall not be used to accommodate the required maneuvering area of any off-street parking facilities.

C. Circulation. To the extent feasible, no loading area shall be so located as to interfere with the free circulation of pedestrian and vehicles in any off-street area.

D. Access. Each off-street loading space shall be provided with safe and convenient access to a street, without the necessity of crossing or entering any other required loading space.

E. Street Side Access. If a loading space is located contiguous to a street, the street side access of the loading space shall be provided only through driveway openings in the curb of such dimension, location and construction as may be approved by the Building and Development Services Department.

F. Marked Spaces. Loading spaces shall be painted with diagonal stripes and marked "Loading Only."

G. Leaving and Entering. Loading spaces shall be so arranged that no maneuvering, directly incidental to entering or leaving a loading space, shall be on any street, alley, walkway, fire lane, parking space, or landscaped area.

H. Pedestrian Safety. The exit discharge at the loading dock area shall be arranged as to minimize hazards to pedestrian movement in the immediate area.

I. Landscaping. All off-street loading areas shall comply with the provisions of screening and buffering outlined in Section 701, Landscaping as necessary to protect adjacent property and rights-of-way. Loading spaces, berths, associated maneuvering areas and driveways shall be arranged and designed so as to prevent damage to such screening measures.

1006.9. Construction.

All off-street loading areas including drive aisles and driveways shall be constructed and maintained with an all-weather dustless surface, in accordance with Manatee County Public Works Standards.

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CHAPTER 11 – IMPACT FEES

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Chapter 11 – IMPACT FEES

Section 1100. Title, Authority, and Applicability.

This chapter shall be known and may be cited as Chapter 11: Impact Fees. The Board of County Commissioners of Manatee County has the authority to adopt this chapter pursuant to Article VIII of the Florida Constitution (1968) and Chapters 125 and 163 of the Florida Statutes (2003). This chapter shall apply uniformly throughout the unincorporated area of Manatee County.

Section 1101. Legislative Findings, Reliance Upon the Impact Fee Study, and Intent.

A. The Board of County Commissioners of Manatee County hereby finds that the document titled "IMPACT FEE RATE STUDY FOR ROADS, PARKS, PUBLIC SAFETY, AND LAW ENFORCEMENT IN MANATEE COUNTY, FLORIDA", prepared for Manatee County, Florida, by Henderson Young & Company, and dated May 26, 2011, is based upon the most recent and localized data and relies upon said document in the adoption of this chapter.

B. This chapter is intended to implement and be consistent with the Manatee County Comprehensive Plan and is intended to be consistent with Section 163.31801, Florida Statutes (the "Florida Impact Fee Act").

C. It is the further intent of this chapter that new development pay for its fair share of the cost of County Capital Facilities required to accommodate new development through the imposition of Impact Fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the County to construct or acquire Improvements for County Capital Facilities to accommodate that new development.

D. It is also the intent of this chapter to be consistent with the principles for allocating a fair share of the cost of new County Capital Facilities to new users as established by the Florida Supreme Court and the District Courts of Appeal of Florida in the case of Contractors and Builders Association of Pinellas County v. City of Dunedin, 329 So.2d 314 (Fla., 1976), and other cases. This is accomplished by ensuring new development bears a proportionate share of the cost for Improvements to these County Capital Facilities; ensuring such proportionate share does not exceed the cost incurred by the County for Improvements for such County Capital Facilities to accommodate new development; and ensuring that new development receives sufficient benefit from the funds collected in the form of Improvements for such County Capital Facilities.

E. It is further the intent of this chapter to establish a system for the efficient and coordinated administration of Impact Fees authorized by this chapter, including the consistent administration of payments, expenditures, appeals, credits, refunds, and reviews of independent impact analysis.

F. It is not the intent of this chapter to collect any Impact Fees from any new development in excess of the actual amount necessary to offset new demands for County Capital Facilities.

G. It is not the intent of this chapter that any monies collected from any Impact Fees deposited in an Impact Fee Account ever be commingled with monies from a different Impact Fee Account, or ever be used for a type of County Capital Facility or equipment different from that for which the Fees are paid, or ever be used to replace or rehabilitate existing Improvements for County Capital Facilities.

Section 1102. Impact Fees to be Imposed.

1102.1. Fee Obligation.

A. Obligation. Any person who commences any Impact-Generating Land Development, except those exempted pursuant to Section 1102.2, shall be obligated to pay Impact Fees as required by this chapter. The person commencing the Impact-Generating Land Development or such person's Successor-in-Interest shall be obligated to pay the Impact Fees. The amount of the Fees shall be determined in accordance with Section 1102.3.

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B. Fees Levied.

1. *Countywide Parks Impact Fee.* The Board hereby imposes a Countywide Parks Impact Fee at the rates established pursuant to Section 1102.3.A (Fee Schedule) and Section 1108.8 (Automatic Adjustment to Offset Inflation). The Local Parks Impact Fee and the Countywide Park/Open Space Impact Fee, previously levied pursuant to this chapter, are hereby incorporated into this Countywide Parks Impact Fee.

2. *Roads Impact Fee.* The Board hereby imposes a Roads Impact Fee at the rates established pursuant to Section 1102.3.A (Fee Schedule) and Section 1108.8 (Automatic Adjustment to Offset Inflation). The Transportation Impact Fee, previously levied pursuant to this chapter, is hereby incorporated into this Roads Impact Fee. During the aforesaid two-year period the County shall conduct a study of the Roads Impact Fee, and at the end of such two-year period shall make such modifications to Section 1102.3.A as are necessary to assure that the rates established thereunder are based on the most recent and localized data in accordance with the requirements of Section 163.31801, Florida Statutes.

3. *Law Enforcement Impact Fee.* The Board hereby imposes a Law Enforcement Impact Fee at the rates established pursuant to Section 1102.3.A (Fee Schedule) and Section 1108.8 (Automatic Adjustment to Offset Inflation).

4. *Public Safety Impact Fee.* The Board hereby imposes a Public Safety Impact Fee at the rates established pursuant to Section 1102.3.A (Fee Schedule) and Section 1108.8 (Automatic Adjustment to Offset Inflation).

C. Time Fees Paid. The Impact Fees shall be paid to the County Impact Fee Administrator:

1. At time of issuance of a Building Permit for additions/renovations and manufactured home replacements (should there be an increase in the number of bedrooms); or

2. Prior to Final Plan Approval or its functional equivalent where no Building Permit is required (e.g., "AP," "FSP," etc.); or

3. Prior to installation of the required improvements release by the Department Director for recreational vehicle parks; or

4. Prior to Administrative Permit approval for golf courses; or

5. Prior to issuance of a Certificate or Occupancy or Certificate of Completion (as the case may be), for all other development and for an Independent Impact Analysis (Section 1102.3.E); or

6. At an earlier stage of development if required by a condition of a planned development approval or pursuant to either a Pre-Payment of Impact Fees (Section 1102.1.H) or a Fee Agreement (Section 1102.1.I).

D. Extension of Previous Permit. If the Feepayer applies for an extension of a previously applied for Building Permit and Impact Fees have not been paid prior to the time the extension is requested, the Impact Fees due for the development subject to the extension shall be the Impact Fees in effect at the time the extension is requested.

E. Change of Use. If the Feepayer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Impact Fees required to be paid shall be based on the net increase in the Impact Fees for the new use as compared to the previous use.

F. Destruction or Redevelopment. If the Feepayer is applying for a permit to allow the development or redevelopment of an existing use, which does not involve a change in use, the Impact Fees required to be paid shall be based on the net increase in the unit of measurement between the existing and new development, such as the number of bedrooms for residential development, area for certain nonresidential development, and rooms for hotel/lodging.

G. Prior Obligation.

1. *Obligation Under Prior Impact Fee Regulation.* Any Feepayer who, prior to February 17, 2007, was obligated at time of Building Permit under previous versions of Chapter 11 or earlier versions of the county's impact fee regulations to pay Impact Fees at time of Certificate of Occupancy shall be responsible for the payment of the Fees which were obligated to be paid, and payment of such Fees shall constitute full and complete compliance with the requirements of this chapter. Should, however, an extension of the permit be required, the provisions of Sec. 1102.1.D shall apply.

2. *Other Obligation.* Any Feepayer who, prior to February 17, 2007, was obligated as a condition of development

approval to pay Impact Fees shall be responsible for the payment of the Fees under the terms of such agreement, and the payment of such Fees will be offset against any Impact Fees otherwise due at later stages of development for which the Fees were paid.

H. Pre-Payment of Impact Fees.

1. Any Feepayer may pay Impact Fees for a Component or all Components of an entire Impact-Generating Land Development at any time between the approval of a Final Development Order and issuance of the first Building Permit for the development, upon approval of the Board and pursuant to a Fee Agreement.
2. A Fee Agreement providing for pre-payment may include a provision that exempts the Feepayer from subsequent increases in Impact Fees to any Impact Fee Component for which all Fees have been paid pursuant to this subsection. A Feepayer shall be obligated to pay any and all Impact Fees in place at the time Impact Fees are due and owing for Components not pre-paid pursuant to this section, including any new Impact Fee Components adopted.

I. Fee Agreement. Prior to issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be), the owner of the Impact-Generating Land Development may, subject to the approval of the Board, enter into a Fee Agreement providing for payment of Impact Fees at a time to be specified in the Fee Agreement. In no event shall the terms of the Fee Agreement provide for the payment of Impact Fees later than issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be).

1102.2. Exemptions.

The following types of development shall be exempted from payment of Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first Building Permit for the proposed Impact-Generating Land Development that creates the obligation to pay the Impact Fees, and any claim for exemption not made at or before that time is waived. The exemption shall be determined by the County Impact Fee Administrator.

A. Reconstruction, expansion, or replacement of a previously existing residential unit that does not increase the number of bedrooms.

B. The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure, where there is no increase in area.

C. Construction of unoccupied accessory structures related to a residential unit.

D. Impact-Generating Land Development for which Impact Fees for each type of County Capital Facility covered by this chapter has previously been paid in an amount that equals or exceeds the Impact Fees that would be required by this chapter.

E. Impact-Generating Land Development undertaken by a Federal, State, County or Municipal government or a fire district.

F. Impact-Generating Land Development undertaken by a public school board or community college.

G. Impact Generating Land Development undertaken by the Manatee County Port Authority within PDPM (Planned Development Port Manatee) provided in Section 402.18 of the Manatee County Land Development Code where the structures are owned by the Manatee County Port Authority. This exemption shall not include Impact-Generating Land Development undertaken within PDPM (Planned Development Port Manatee) where structures are owned by a person other than the Manatee County Port Authority, in which event the structure itself and any land leased by the Manatee County Port Authority to that person shall be subject to the requirements of this chapter.

1102.3. Calculation of Amount of Impact Fees.

The amount of Impact Fees due shall be determined pursuant to the provisions of this subsection by the County Impact Fee Administrator at or prior to the time payment is due pursuant to Section 1102.1.C.

A. Fee Schedule. Any person who commences any Impact-Generating Land Development, except those exempted pursuant to Section 1102.2 (Exemptions), or those preparing an Independent Impact Analysis pursuant to Section 1102.3.E (Independent Impact Analysis), shall pay all Impact Fees applicable to the proposed Impact-Generating

Land Development, as determined by the Impact Fee Schedule included in this chapter as Exhibit 11-1: Impact Fee Schedule, and incorporated herein by reference. The County Impact Fee Administrator shall make a determination as to the appropriate land use designation listed in the Impact Fee Schedule, based upon the nature and intent of a proposed use and any mitigation measures have been put in place to reduce the impact of such use. Such determination may be appealed to the Board upon payment of a nonrefundable processing fee.

B. Uses Not Listed. If the Impact-Generating Land Development is of a type not listed in Exhibit 11-1: Impact Fee Schedule, then the County Impact Fee Administrator shall be responsible for determining whether the use is comparable to another type of land use listed in Exhibit 11-1: Impact Fee Schedule. If the County Impact Fee Administrator determines the use is comparable to another type of land use listed in Exhibit 11-1: Impact Fee Schedule, the Impact Fees due to be paid for the use shall be the same as for the comparable use. If there is no comparable use, the Impact Fees shall be determined by an Independent Impact Analysis pursuant to Section 1102.3.E.

C. Mix of Uses. If the Impact-Generating Land Development includes a mix of those uses listed in Exhibit 11-1: Impact Fee Schedule, then the Impact Fees shall be determined by adding up the Impact Fees that would be payable for each use as if it were a freestanding use pursuant to Exhibit 11-1.

D. Computation. The Impact Fees for any Impact-Generating Land Development shall be computed on the basis of the maximum impact of proposed use for the land permitted under applicable laws, ordinances, regulations and permits, except where development is restricted by a Fee Agreement (Section 1102.1.I). If the Impact-Generating Land Development includes fractional units, the Fees shall be computed to the appropriate fraction. In no event shall a dwelling unit not be required to pay a minimum one bedroom impact fee.

E. Independent Impact Analysis.

1. *Request by Fee-payer.* In lieu of calculating the amount(s) of Impact Fees by reference to Exhibit 11-1: Impact Fee Schedule, a Fee-payer may submit an application to request the amount of the required Impact Fees be determined by reference to an Independent Impact Analysis for the proposed Impact-Generating Land Development. Such application must contain the information outlined in this Section 1102.3.E and must be accompanied by the appropriate Independent Impact Analysis. The burden shall be on the Feepayer requesting the Independent Impact Analysis to demonstrate by competent substantial evidence that the data, assumptions, and service units used in the Impact Fee Study and reflected in Exhibit 11-1: Impact Fee Schedule are less accurate than the results of the Independent Impact Analysis.

2. *Request by County Impact Fee Administrator.* In lieu of accepting a payment of Impact Fees based on Exhibit 11-1: Impact Fee Schedule, the Feepayer shall be required to perform an Independent Impact Analysis if the type of Impact-Generating Land Development is not within one (1) of those categories or comparable to a category listed in Exhibit 11-1: Impact Fee Schedule; or may be required to perform an Independent Impact Analysis if the development requires a rezone, site plan or subdivision approval, and the County Impact Fee Administrator determines that due to the nature, timing or location of the proposed Impact-Generating Land Development, it will generate substantially more impacts on County Capital Facilities than those determined in Exhibit 11-1. If the Feepayer is required pursuant to this subsection to perform an Independent Impact Analysis, the County shall be responsible for retaining a qualified professional to prepare the Independent Impact Analysis consistent with the requirements of this chapter, at the Feepayer's expense, but the expenses of preparing the Independent Impact Analysis shall be deducted from the Impact Fees due from the Feepayer for the Impact Fee Component which the Independent Impact Analysis is prepared pursuant to this subsection. The County Impact Fee Administrator may also choose to perform the Independent Impact Analysis using County staff and current engineering data.

3. *Qualifications of Preparer.* Unless the County Impact Fee Administrator chooses to perform an Independent Impact Analysis using County staff, each Independent Impact Analysis shall be prepared and certified by an expert approved by the County Impact Fee Administrator as satisfying the criteria for training and experience established by the Administrative Procedures.

4. *Requirements for Independent Impact Analysis.* An Independent Impact Analysis shall be based on the most recent and localized data, shall be based on the same Capital Facility Standards and unit costs for Improvements for County Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities (as the case may be) used in the Impact Fee Study, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies

and assumptions used. Each Independent Impact Analysis shall comply with the following requirements:

a. *Roads Impact Fee.* In the case of the Roads Impact Fee, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study to determine travel demand and the amount of Impact Fees, but may attempt to demonstrate that alternate trip generation rates by land use category, alternate trip length, and/or alternate capture and diversion factors more accurately reflect the transportation impacts of the proposed Impact-Generating Land Development. Support shall be provided through local data and surveys.

b. *Other Impact Fees.* In the case of the Countywide Parks Impact Fee, the Law Enforcement Impact Fee, and the Public Safety Impact Fee, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study for the appropriate component, but may attempt to demonstrate that (a) the anticipated usage of Capital Countywide Parks Facilities by the proposed Impact-Generating Land Development, or (b) the estimated number of calls for law enforcement services by different land uses within the proposed Impact-Generating Land Development, or (c) the per capita replacement cost for Capital Public Safety Facilities required by the proposed Impact-Generating Land Development, vary from the rates used in the Impact Fee Study.

5. *Completeness.* When done pursuant to a Feepayer request, the County Impact Fee Administrator shall review the Independent Impact Analysis and the Feepayer's application for completeness. If additional material is required for effective review of the Independent Impact Analysis, the County Impact Fee Administrator shall notify the applicant of the need for such additional material within ten (10) days after receipt of the application. Applicant shall provide the requested additional materials within thirty (30) days of receipt of notice from the County Impact Fee Administrator, or the application shall be considered withdrawn.

6. *Decision by the County Impact Fee Administrator.* Within thirty (30) days after a determination that the application and accompanying analysis are complete, the County Impact Fee Administrator shall render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis as the basis for calculating Impact Fees due from the proposed Impact-Generating Land Development. The Independent Impact Analysis shall be accepted, accepted with modifications, or rejected based on the review standards in Section 1102.3.E.7 (Standards). The decision of the County Administrator or designee shall be in writing. If an Independent Impact Analysis is accepted or accepted with modifications, then the Impact Fees due under this chapter shall be calculated according to the Independent Impact Analysis.

7. *Standards.* The standards for acceptance, acceptance with modifications, or rejection of the Independent Impact Analysis shall be whether the applicant and the Independent Impact Analysis have complied with all requirements of Section 1102.3.E.4 (Requirements for Independent Impact Analysis), and if so, whether the resulting Independent Impact Analysis demonstrates, by competent substantial evidence, that an alternative Impact Fee amount more accurately reflects the demands for the relevant County Capital Facilities than the applicable Fees shown in Exhibit 11-1: Fee Schedule.

Section 1103. Use of Impact Fee Funds.

1103.1. County Impact Fee Funds and Accounts.

A. Establishment of County Impact Fee Funds. County Impact Fee Funds are hereby established for the purpose of ensuring the Impact Fees collected pursuant to this chapter are designated for the accommodation of impacts reasonably attributable to new Impact-Generating Land Development that paid the Impact Fees. One (1) County Impact Fee Fund shall be established for each Impact Fee Component. These Funds shall be maintained as interest bearing accounts.

B. Establishment of Separate Accounts Within Funds. For those Impact Fee Components that have more than one (1) Benefit District, separate Accounts, as determined by the Clerk of the Court, shall be established for each such Benefit District. For those Impact Fee Components that have a single, countywide Benefit District, the County Impact Fee Fund established for each such Impact Fee Component shall be treated as a separate Account, as determined by the Clerk of the Court.

C. Deposit and Management of the County Impact Fee Accounts. All Impact Fees collected by the County Impact Fee Administrator pursuant to this chapter shall be identified as Impact Fees and shall be promptly

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deposited into the appropriate Account in the County Impact Fee Funds.

D. Interest Earned on Fees. Interest earned on Fees in any Account in any of the County Impact Fee Funds shall be considered part of such Account, and shall be subject to the same restrictions on use applicable to the Impact Fees deposited in such Account.

E. Accounting and Reporting of Collections and Expenditures. The County shall account for the collections and expenditures of all Impact Fees in accordance with applicable law (including, without limitation, Section 163.31801(3)(b), Florida Statutes) and generally accepted governmental accounting practices.

1103.2. Limitations on Expenditures of Fees in Accounts.

A. Local Park Impact Fee. The monies collected from the previously imposed Local Park Impact Fee and held in the Local Park Impact Fee Fund shall be transferred to the Countywide Parks Impact Fee Fund and used pursuant to Section 1103.2.F.

B. Countywide Park/Open Space Impact Fee. The monies collected from the previously imposed Countywide Park/Open Space Impact Fee and held in the Countywide Park/Open Space Impact Fee Fund shall be transferred to the Countywide Parks Impact Fee Fund and used pursuant to Section 1103.2.F.

C. Transportation Impact Fee. The monies collected from the previously imposed Transportation Impact Fee and held in the Transportation Impact Fee Fund shall be transferred to the Roads Impact Fee Fund and used pursuant to Section 1103.2.G.

D. Law Enforcement Impact Fee. The monies collected from the Law Enforcement Impact Fee shall be used only for Capital Law Enforcement Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Law Enforcement Facilities, or reimburse the County for such costs. The costs of Capital Law Enforcement Facilities also include the costs of related planning for the provision of Capital Law Enforcement Facilities.

E. Public Safety Impact Fee. The monies collected from the Public Safety Impact Fee shall be used only for Capital Public Safety Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Public Safety Facilities, or reimburse the County for such costs. The costs of Capital Public Safety Facilities also include the costs of related planning for the provision of Capital Public Safety Facilities.

F. Countywide Parks Impact Fee. The monies collected from the Countywide Parks Impact Fee shall be used only for Capital Countywide Parks Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Countywide Parks Facilities, or reimburse the County for such costs. The costs of Capital Countywide Park Facilities also include the costs of related planning for the provision of Capital Countywide Parks Facilities.

G. Roads Impact Fee. The monies collected from the Roads Impact Fee shall be used only for Capital Roads Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Roads Facilities, or reimburse the County for such costs.

1103.3. Money Spent on First-In/First-Out Basis.

Monies in each Account shall be considered to be spent in the order collected, on a first-in/first-out basis.

Section 1104. Benefit Districts.

For the purpose of ensuring Fee-payers receive sufficient benefit for Impact Fees paid, the following benefit districts are established for each Impact Fee Component.

1104.1. *Countywide Parks Benefit District.*

The Countywide Parks Benefit District shall include the entirety of Manatee County. Countywide Parks Impact Fees shall be expended within the Countywide Parks Benefit District.

1104.2. Roads Benefit Districts.

Four (4) Roads Benefit Districts are established: (1) the Northwest Roads Benefit District, (2) the Northeast Roads Benefit District, (3) the Southwest Roads Benefit District, and (4) the Southeast Roads Benefit District. The boundaries of all four (4) Roads Benefit Districts are shown on Exhibit 11-2: Roads Benefit Districts, which is incorporated herein by reference.

A. Within Benefit District. Roads Impact Fees shall be expended within the Roads Benefit District from which the Fees have been collected, except as authorized pursuant to Section 1104.2.B.

B. Outside Benefit District. Roads Impact Fees may be spent on improvements located outside the Benefit District in which the Impact-Generating Land Developments that paid the Fees are located if the Board first makes a written determination that such expenditure will sufficiently benefit the Impact-Generating Land Developments located within the Benefit District and that such expenditure will comply with the requirements of applicable law.

1104.3. Law Enforcement Benefit District.

The Law Enforcement Benefit District shall include the entirety of Manatee County. Law Enforcement Impact Fees shall be expended within the Law Enforcement Benefit District.

1104.4. Public Safety Benefit District.

The Public Safety Benefit District shall include the entirety of Manatee County. Public Safety Impact Fees shall be expended within the Public Safety Benefit District.

1104.5. Administration.

The County Impact Fee Administrator shall be responsible for ensuring that Impact Fees authorized and collected pursuant to this chapter are expended only in accordance with the provisions of this Section 1104.

Section 1105. Refunds of Impact Fees Paid.

1105.1. Failure to Encumber Impact Fee Funds.

A. Encumbrance of expenditure within seven (7) years. Any Impact Fees collected that have not been spent or encumbered within seven (7) years after the date on which the Fees are paid shall be eligible to be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the rate of two (2) percent per annum since the date of payment, except as otherwise noted in this section.

B. Extension of time. The Board may by resolution extend for up to three (3) years the date at which Impact Fees shall be refunded. Such an extension shall be made only upon a finding that within such three (3) year period, specific Improvements for County Capital Facilities are planned and will be constructed that will sufficiently benefit the Impact-Generating Land Development for which the Impact Fees were paid. In the case of such an extension, any Impact Fees collected that have not been spent or encumbered within such extension period shall be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the rate of two (2) percent per annum since the date of payment.

C. Refund. In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in-Interest shall be required to submit an application for such refund to the County Impact Fee Administrator. Refunds for proceeds not timely expended shall be made by the County Impact Fee Administrator within one (1) year following the end of the calendar quarter immediately following the seventh year from the date on which the last Certificate of Occupancy was issued for the Impact-Generating Land Development or the expiration date of the extension, whichever is later. If the Feepayer or the Feepayer's Successor-in-Interest does not make application for a refund, the funds shall remain in the impact fee account until spent.

D. Successors-in-Interest. If the Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

E. Payment and Interest. The County Impact Fee Administrator shall approve the refund application if it is

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determined that the Feepayer or the Feepayer's Successor-in-Interest has paid Impact Fees the County has not spent within the period of time permitted under this section. The refund shall include the Impact Fees paid plus interest at the rate of two (2) percent per annum, less any applicable administrative fees adopted pursuant to Section 1108.5 (Administrative Fee).

1105.2. Failure to Initiate Development.

If a Feepayer has paid Impact Fees required by this chapter and has obtained a Building Permit, and the Building Permit for which the Fee was paid later expires without the possibility of further extension, then the Feepayer or the Feepayer's Successor-in-Interest shall be entitled to a refund of the Fees paid, without interest, and less any applicable administrative fees adopted pursuant to Section 1108.5 (Administrative Fee). In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in-Interest shall be required to submit an application for such refund to the County Impact Fee Administrator within thirty (30) days after the expiration of the Building Permit for which the Fee was paid. If a Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

1105.3. Limitation.

After Impact Fees have been paid pursuant to this chapter, no refund of any part of the Fees shall be made if the Impact-Generating Land Development for which the Fees were paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the development or the number of units in the development.

Section 1106. Credits Against Impact Fees.

1106.1. Improvements Eligible for Credits.

Any person who shall commence any Impact-Generating Land Development may apply for a credit against the appropriate Component of the Impact Fees for Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities proposed to be paid pursuant to the provisions of this chapter for any contribution, construction, or dedication of land accepted and received by the County for any Non-Site Related Improvements, including any contribution, payment, construction, or dedication of land made pursuant to a development order issued by the County pursuant to local land development regulations, Section 380.06, Florida Statutes, or any additional requirement imposed by the Florida Land and Water Adjudicatory Commission on a development of regional impact.

1106.2. General Standards.

All awards of Impact Fee credits shall be subject to the following requirements:

A. Credit. Impact Fee credits shall be directly attributable to and approved for the person who made a contribution, payment, construction or land dedication that conforms to the requirements of this section or to such person's Successor-in-Interest.

B. Options for Use of Credits. Impact Fee credits may be utilized consistent with one (1) of the three (3) following options:

1. Impact Fee credits may be used to offset Impact Fees due and owing for an applicable Impact Fee Component of the development project for which contribution, construction, or dedication of land for County Capital Facilities is made and credit accepted pursuant to this section. Credits utilized pursuant to this subsection may only be applied against Building Permits issued subsequent to the time the application for the offer of credit is submitted.

2. Credit may be used in the form of a refund of Impact Fee funds to the developer/owner in the amount of the credit accepted for the contribution, construction, or dedication of land for County Capital Facilities, if Impact Fees have been paid for Building Permits issued for the development project for which the contribution, construction, or dedication of land is made for which the credit is accepted. Refunds for credits pursuant to this subsection may be requested only by the developer/owner who made the contribution, payment, construction or land dedication for which credit is accepted. The right to receive refunds for credits pursuant to

this subsection is not transferable. In no case shall the refund be greater than the amount of Impact Fees paid for the applicable Impact Fee Component. Further, the total amount which may be refunded for a development project shall not exceed the total amount of Impact Fees due to Manatee County for the applicable Impact Fee Component of the development project less any credit applied against the Impact Fees due and owing (Section 1106.2.B.1). If credits are refunded pursuant to this subsection, the Credit Authorization shall be amended to reduce the amount of credit that can be applied against Impact Fees due and owing.

3. Subject to approval by the Board of County Commissioners, Impact Fee credits may be assigned to any entity and used by the assignee to offset Impact Fees due and owing for an applicable Impact Fee Component of any development project located in the same Benefit District as the development project for which the contribution, construction of improvements, or dedication of land for County Capital Facilities was made and for which the credit was accepted pursuant to this Section 1106.

4. Subject to the limitations set forth in this subsection, and pursuant to Section 163.3180(12), Florida Statutes, Impact Fee credits may be used to pay, in part, proportionate share contributions for local and regionally significant traffic impacts, to satisfy the transportation concurrency requirements of the Manatee County Comprehensive Plan for developments of regional impact. Such use of Impact Fee credits shall be subject to the approval by the County of a Land Development Agreement acceptable to the County in its contractual and fiscal discretion. Such Land Development Agreement may include provisions addressing, among other things: (1) the identification of one or more mobility improvements to benefit a regionally significant transportation facility to be fully funded and completed by or on behalf of the applicant, the County, and/or another governmental or quasi-governmental entity; (2) an agreed-upon discounting of the Impact Fee credits to reflect their true present value; and (3) a contribution of land, construction and/or cash payment toward such project or projects, in addition to the use of Impact Fee credits, to at least equal to the applicant's required proportionate-share contribution, taking into consideration the present-value discounting of such Impact Fee credits.

C. Transferability. Credits shall not be transferable from one Impact Fee Component to another Component. Credits for each individual Component shall be transferable among development units under the same ownership and within the same Benefit District at the time the Credit Authorization is approved.

D. Assignment. A portion or all of a credit approved pursuant to a Credit Authorization may be assigned and reassigned for use pursuant to Section 1106.2.B.3 under terms and conditions acceptable to the County. Such assignment shall be memorialized in an amendment to the Credit Authorization and approved by the Board of County Commissioners.

E. Limitation. No credit shall exceed the amount due for the applicable Impact Fee Component against which it is to be credited, except to the extent that Impact Fees credits are to be transferred pursuant to Section 1106.2.C or assigned pursuant to Section 1106.2.D.

1106.3. Countywide Parks Credits.

For any Countywide Parks Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Countywide Parks Impact Fees shall be provided for any off-site or on-site contribution, payment, construction or dedication of land for a Capital Countywide Park Facility used in the calculation of the Countywide Parks Impact Fee that is intended for the use of the general public and accepted for that purpose by the County. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.4. Roads Credits.

For any Roads Impact Fees proposed to be paid, a credit of up to one hundred (100) percent of the Roads Impact Fees shall be provided for any contribution, payment, construction or dedication of land for right-of-way (ROW) for Non-Site Related improvements that expand the capacity of the Impact Fee Road System. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.5. Law Enforcement Credits.

For any Law Enforcement Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Law Enforcement Impact Fee shall be provided for any off-site or on-site contribution, payment, construction or dedication of land for Capital Law Enforcement Facilities used in the calculation of the Law Enforcement Impact Fee. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.6. Public Safety Credits.

For any Public Safety Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Public Safety Impact Fee shall be provided for any off-site or on-site contribution, payment, construction, or dedication of land for any Capital Public Safety Facilities used in the calculation of the Public Safety Impact Fee. The credit shall be valued at one hundred (100) percent fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.7. Procedure for Offer of Credits.

A. Application. Any person eligible to receive Impact Fee credits pursuant to Section 1106.1 may submit a written application to the County Impact Fee Administrator. The amount of credits requested (stated as either a final valuation or, if construction has not been completed at the time of application, an estimate of the valuation) shall be included in the application, and the appropriate documentation supporting the valuation or estimate shall accompany the application.

B. Completeness Review. Within thirty (30) days of receipt of the written application, the County Impact Fee Administrator shall determine if it is complete, and if the application is found to be incomplete, the County Impact Fee Administrator shall mail written notification to the applicant at the address listed in the application setting forth the deficiencies and requiring the applicant submit the necessary information. The applicant shall submit the requested information or shall request additional time for submission within thirty (30) days of receipt of the notice. The County Impact Fee Administrator may grant an extension of the time for applicant submission. If an applicant does not submit the information requested or request an extension within such thirty (30) days the application shall be considered withdrawn. The County Impact Fee Administrator shall not process the application until the County Impact Fee Administrator determines that the application is complete.

C. Substantive Review and Staff Recommendation. Within thirty (30) days of the date the application for an offer of credit is determined complete, it shall be reviewed by the County Impact Fee Administrator to determine whether it meets the standards of Section 1106.7.D (Standards) whether it should be accepted, and if so, the amount of credit. The results of the review shall be presented to the Board by the County Impact Fee Administrator along with the Administrator's recommendation for either approval or denial.

D. Standards. The standard to be applied in making a decision to accept, accept with modifications, or reject an offer for credit shall be whether the offer complies with all applicable requirements of this Section 1106 (Credits Against Impact Fees), and if so, whether the offer of credit will result in a reduction of the costs to the County of constructing Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities (as the case may be), by an amount at least equal to the value of the offer of credit.

E. Board Approval and Credit Authorization. The Board shall review all applications for offers of credit on a case-by-case basis and shall approve or deny each application. In its review, the Board may consider any information it deems relevant including, without limitation, the standards set forth in Section 1106.7.D. For all applications receiving Board approval, the County shall issue a Credit Authorization identifying the contribution, construction or dedication of land for which credit is provided, its fair market value, the amount of the approved credit, how credit is to be provided, and any other relevant terms and conditions of the credit. All material terms of the Credit Authorization must be approved by the Board. Failure to approve an application may necessitate that the County provide the applicant with an alternative form of compensation for the contribution, construction of improvements, or dedication of land for which the credits were applied.

F. Withdrawal. The applicant may withdraw the application for an offer of credit at any time prior to the acceptance of an offer of credit by the County Impact Fee Administrator, by submitting written notice to the County Impact Fee Administrator stating an intent to withdraw.

G. Time of Credit and Valuation.

1. *Land Dedications.* Where land is being dedicated, the Fee payer shall deposit with the County a pro-rated amount of property taxes based on the prior year's ad valorem tax. Approved credits for land dedications shall become effective when the land has been conveyed to the County in a form acceptable to the County at no cost to the County, and has been accepted by the Board. When such conditions have been met, the County Impact Fee Administrator shall note that fact in the County's records. The Credit Authorization shall state the amount of credit available.
2. *Improvements.* Approved credits for acquisition or construction of Improvements shall become effective when (a) all required construction has been completed and has been accepted by the County, (b) a suitable maintenance and warranty bond has been received and approved by the County, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the County (and the State of Florida, if applicable).
3. *Valuation.* The value of any contribution, construction of improvements, or dedication of land for County Capital Facilities for which credit is sought or has been approved shall be calculated as of the earliest point in the development approval process when the need for the contribution, construction of improvements, or dedication of land was identified and made a condition of approval.

Section 1107. Appeals.

1107.1. General.

A Fee payer may appeal a decision of the County Impact Fee Administrator to the Board on a request for an Independent Impact Analysis (Section 1102.3.E), a Refund (Section 1105), or an offer of credit (Section 1106), by filing an appeal, in writing, with the County Impact Fee Administrator, within sixty (60) calendar days of the decision. The appeal shall include a written notice stating in detail the grounds of the appeal. The County Impact Fee Administrator shall place the appeal on the Board's agenda for a regularly scheduled meeting or a special meeting called for that purpose, and forward the record of the matter that is on appeal to the Board.

1107.2. Record.

The record considered by the Board shall be the record of the application for Independent Impact Analysis, the offer of credit, or the request for Refund (as the case may be).

1107.3. Notice.

The County Impact Fee Administrator shall notify the applicant by mail or hand delivery at least 15 calendar days prior to the Board's hearing on the appeal.

1107.4. Hearing on Appeal.

At the hearing on the appeal, the Board shall provide the appellant an opportunity to identify the grounds for the appeal and the basis for the County Impact Fee Administrator's error on the decision, based on the record. The County Impact Fee Administrator or a representative, other County staff involved in the decision, and the appellant shall be allowed to respond, based on the record. After the presentations, the Board may hear from any other person(s) it deems appropriate, and then based on the testimony heard at the hearing and the record, the Board shall affirm, modify or reverse the decision of the County Impact Fee Administrator based on the standards in Section 1107.5 (Standards).

1107.5. Standards.

To reverse a decision of the County Impact Fee Administrator, the Board shall find that there is a clear and demonstrable error in the application of the facts in the record to the standards for review of an Independent Impact Analysis (Section 1102.3.E), Refund (Section 1105), or offer of credit (Section 1106) (as the case may be). If the Board reverses or modifies the decision, it shall provide the County Impact Fee Administrator clear direction on the proper decision. In no case shall the Board have the authority to negotiate the amount of the Impact Fees or waive the Fees. The decision of the Board shall be final.

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Manatee County Government Administrative Center
First Floor, Chambers - Work Session 8:30 A.M.
Meeting 9:00 A.M.

1107.6. Form of Decision.

The Board's decision on the appeal shall be in writing and shall include findings of fact and the application of those facts to the relevant standards.

Section 1108. Miscellaneous Provisions.

1108.1. No Expenditure for Routine Maintenance, Rehabilitation, or Replacement.

No monies from the County Impact Fee Funds shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type.

1108.2. Construction of Site-Related Improvements and Site-Related Capital Roads Facilities.

Nothing in this chapter shall restrict the County from requiring an applicant for an Application for Development Approval to construct Site-Related Improvements, or other reasonable project improvements required to serve the applicant's project, whether or not such improvements are of a type for which credits would otherwise be available under Section 1106. Such Site-Related Improvements shall not be eligible for credits pursuant to Section 1106.

1108.3. Capital Improvements Program.

At least once during each fiscal year of the County, the County Administrator or a designee shall present to the Board a proposed capital improvements program for the County Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, including related equipment and vehicles, and such capital improvements program shall assign monies from each County Impact Fee Fund and Account to specific projects and related expenses for the type of facilities or services for which the Fees in that Account were paid. The Board shall accept, modify or reject the proposed capital improvements program of the County Administrator or a designee, and direct monies from the County Impact Fee Fund Accounts spent consistent with the approved capital improvement program for that year. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program, or not expended pursuant to Section 1103 for those County Capital Facilities not eligible for inclusion in such capital improvements program, shall be retained in the same Account until the next fiscal year.

1108.4. Administrative Procedures.

The Board may adopt by resolution Administrative Procedures to implement this chapter.

1108.5. Administrative Fee.

The Board may adopt a resolution providing for administrative fees to be retained by the County as payment for the expenses of collecting the fees and administering this chapter. In no case shall the administrative fees adopted by the Board exceed the actual costs to the County of paying such expenses.

1108.6. Mistake or Misrepresentation.

If Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Feepayer shall be refunded by the County within thirty (30) days after the County Impact Fee Administrator's acceptance of the recalculated amount, with interest at the rate of two (2) percent per annum since the date of such overpayment. Any amounts underpaid by the Feepayer shall be paid to the County (Clerk of the Circuit Court) within thirty (30) days after the County Impact Fee Administrator's acceptance of the recalculated amount, with interest at the rate of two (2) percent per annum since the date of such underpayment. In the case of an underpayment to the County, after discovery of the error the County shall not issue any additional permits or approvals for the project for which the Impact Fees were previously paid until such underpayment is corrected, and if amounts owed to the County are not paid within sixty (60) days, the County may also repeal any permits issued in reliance on the previous payment of such Impact Fees and refund such Fees to the then current owner of the land.

1108.7. Affordable Housing.

Manatee County may pay a portion of any Impact Fees exacted pursuant to this chapter against any Impact-

Generating Land Development that has entered into a Land Use Restriction Agreement ensuring that the Impact-Generating Land Development meets those standards established by Manatee County for an affordable housing project. When an existing affordable housing unit is demolished, the property owner may transfer available Impact Fee credits from the unit for use for affordable housing development as a method for meeting requirements for mitigation related to the loss of the affordable housing unit. Such Impact Fee credits must be used in the Benefit District in which the affordable housing unit that was demolished was located.

1108.8. Automatic Adjustment to Offset Inflation.

Beginning August 3, 2009, the Impact Fees shown in Exhibit 11-1: Impact Fee Schedule shall be adjusted annually to reflect the effects of inflation on those costs for Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities set forth in The Impact Fee Study. On the first Monday in August 2009, and on the first Monday of August of each following year, unless (a) and until the Fees in Exhibit 11-1 are revised or replaced by action of the Board, or (b) the automatic increase is deferred pursuant to this Section, each Impact Fee amount set forth in Exhibit 11-1 shall be adjusted to account for inflationary increases in the costs of providing the Capital County Facilities using the Construction Cost Index calculated by the Engineering News-Record (ENR). Notice of such increase shall be provided in accordance with Section 163.31801, Florida Statutes. For each such adjustment, the Impact Fees shown in Exhibit 11-1 shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one-year prior to the period reflected in the numerator.

The Board of County Commissioners may elect to defer the automatic adjustment to offset inflation. The election of deferral shall be done by adoption of a Resolution of the Board.

1108.9. Five-Year Review.

At least once every five (5) years, the County Impact Fee Administrator, after consultation with all other appropriate providers of Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, shall recommend to the Board whether any changes should be made to Exhibit 11-1: Impact Fee Schedule, and other sections of this chapter to reflect changes in the factors that affect the fee schedule. The purpose of this review is to analyze potential changes in needs, to assess any changes in the characteristics of land uses, to assess Capital Public Facility Standards, to assess changes on the demand new growth and development places on County Capital Facilities, and to ensure that the Impact Fees charged new Impact-Generating Land Development will not exceed its pro rata share for the reasonably anticipated expansion costs of County Capital Facilities.

1108.10. Borrowing of Funds from Non-Impact Fee Source.

If the Board borrows funds from non-impact fee sources for the funding of Improvements for County Capital Facilities with the intent of repaying those funds with Impact Fees, the following procedures shall apply. The Board shall adopt a resolution finding that the Improvements for County Capital Facilities for which the funds are borrowed shall mitigate needs created by Impact-Generating Land Development. The Board shall adopt a resolution providing for the appropriation and expenditure of Impact Fee funds in order to reimburse the source of the borrowed funds in the same manner that the Impact Fees would otherwise be expended.

1108.11. Enforcement.

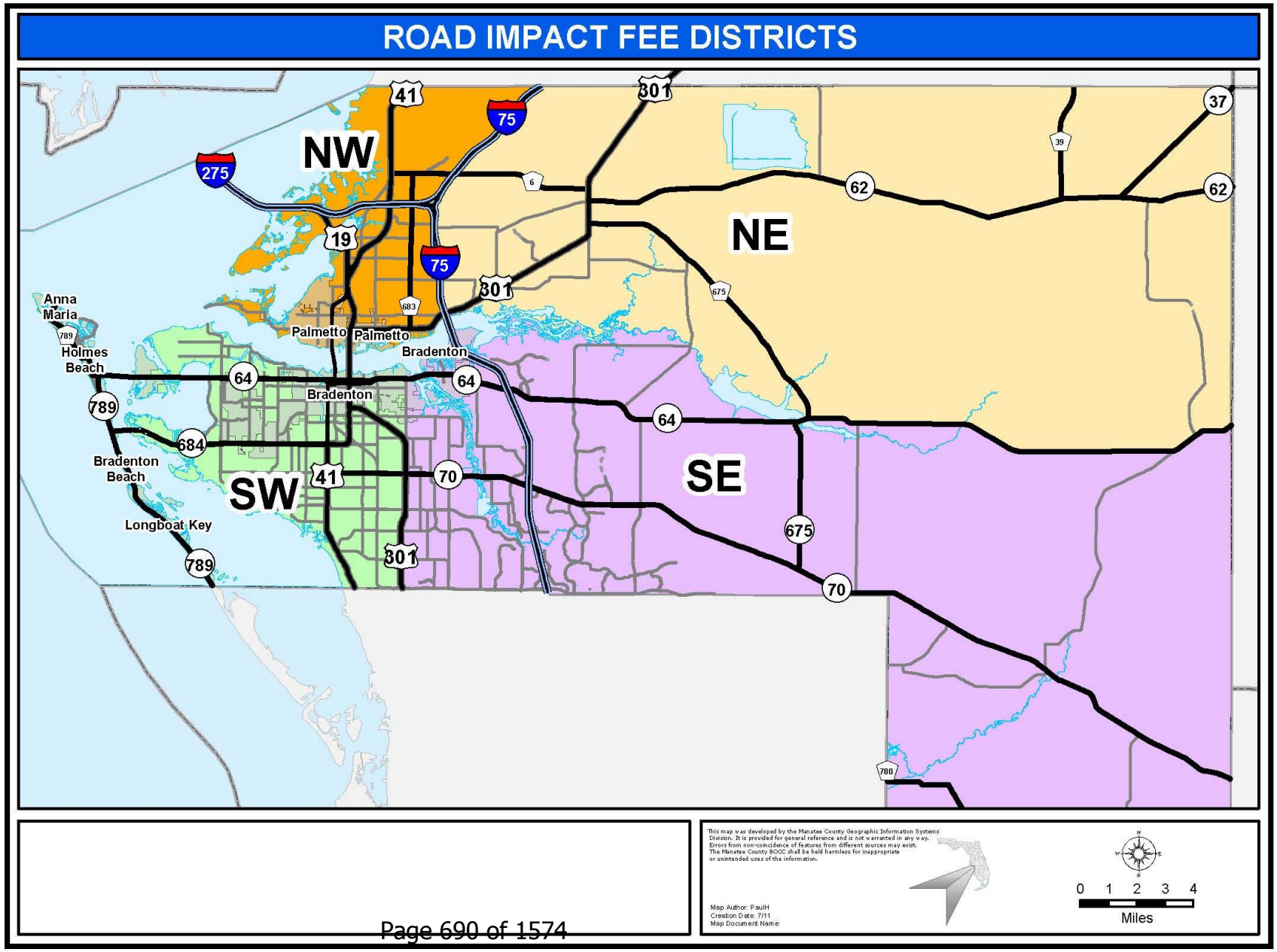
Knowingly furnishing false information to any governmental official on any matter related to the administration of this chapter shall constitute a violation of this chapter. Violations of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction, shall be punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment; however, in addition to or in lieu of any criminal prosecution, the County shall have the power to sue for legal and equitable relief in Circuit Court to enforce the provisions of this chapter.

Exhibit 11 - 1: Manatee County Impact Fee Schedule for Unincorporated Areas, October 1, 2011
Note: Does not include any adjustments for water or sewer fees. Contact the Manatee County Utilities Department for information on water and sewer fees.

	Impact Fee Components				
	Countywide Parks	Roads	Law Enforcement	Public Safety	Total Fee
Residential Categories (per housing unit)					
Single Family Detached					
0-2 bedrooms	$1,177.02	$3,254.87	$471.52	$250.77	$5,154.18
3 bedrooms	$1,426.82	$3,946.03	$572.05	$304.29	$6,249.19
4+ bedrooms	$1,878.44	$4,741.66	$752.90	$400.46	$7,773.46
Townhouse/Duplex					
0-2 bedrooms	$1,042.81	$1,542.90	$604.91	$254.09	$3,444.71
3+ bedrooms	$1,528.61	$1,918.80	$886.29	$372.19	$4,705.89
Mobile Homes					
0-2 bedrooms	$505.12	$1,183.82	$258.25	$166.25	$2,113.44
3+ bedrooms	$612.32	$1,436.30	$313.59	$201.88	$2,564.09
All Other Housing Types					
0-2 bedrooms	$702.43	$1,627.06	$320.34	$180.71	$2,830.54
3+ bedrooms	$1,101.19	$2,272.27	$502.49	$283.48	$4,159.43
Nonresidential (per 1,000 Sq. Ft. of Floor Area)					
Commercial/Shop Ctr.	n/a	$7,152.15	$516.23	$127.96	$7,796.34
Office	n/a	$1,822.88	$606.31	$133.22	$2,562.41
Hospital	n/a	$2,734.32	$490.03	$101.03	$3,325.38
Mini-Warehouse	n/a	$414.29	$165.13	$77.05	$656.47
Warehouse	n/a	$589.95	$153.71	$75.71	$819.37
Manufacturing	n/a	$426.16	$127.12	$74.43	$627.71
Light Industrial	n/a	$776.46	$141.97	$75.81	$994.24
Church (without weekday school or day care)	n/a	$1,508.02	$234.10	$91.92	$1,834.04
Nursing Home	n/a	$2,126.39	$183.72	$637.96	$2,948.07
Day Care	n/a	$3,310.39	$715.19	$100.62	$4,126.20
Secondary School (High schools, middle schools)	n/a	$3,310.39	$715.19	$100.62	$4,126.20
Elementary School	n/a	$3,310.39	$715.19	$100.62	$4,126.20
Lodging[1]	n/a	$1,143.44	$399.69	$131.18	$1,674.31

[1] Road impact fee rates for lodging (hotels, motels) are calculated per room. Remaining impact fee rates for lodging are calculated per 1,000 square feet.

Exhibit 11 - 2: **Road Impact Fee Districts**



CHAPTER 1 – GENERAL PROVISIONS~~PURPOSE AND APPLICABILITY~~

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CHAPTER 1 – GENERAL PROVISIONS~~PURPOSE AND APPLICABILITY~~

Section 100. ~~Section 101.~~ Title.

This Manatee County Land Development Code may also be referred to as the Land Development Code or Code.

Section 101. ~~Section 102.~~ Authority and Purpose.

This Land Development Code is enacted pursuant to the requirements and authority of ~~Section 163.3202~~Chapter 163, Part II, Florida~~.~~ Statutes~~. et seq.~~ (the ~~Local Government Comprehensive~~ "Community Planning ~~and Land Development Regulation~~ Act")- and the general powers established in Chapter 125, Florida Statutes (County Government) and the Constitution of the State of Florida.

The purpose of this Land Development Code is to implement the Comprehensive Plan of the County by establishing regulations, procedures and standards for review and approval of all development and use of land in the unincorporated portions of the county. Further, this Land Development Code is adopted in order to foster and preserve public health, safety, comfort and welfare in the unincorporated areas of the County. It is the intent of this Code that the development process in Manatee County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County.

Section 102. ~~Section 105.~~ Administrative Procedures.

The County Administrator is authorized to establish administrative procedures for the implementation of this Code by County departments and staff. Such administrative procedures shall establish the technical standards and staff protocols for reviewing and processing development applications. Provided, however, any requirement that constitutes a substantive regulation of land development shall be included in this Code by amendment to the text hereof in accordance with applicable law.

Section 103. ~~Section 103.~~ Applicability.

103.1. ~~103.1.~~ General Applicability.

The provisions of this Land Development Code shall apply to all development in unincorporated Manatee County. No development shall be undertaken without prior approval and issuance of a development order pursuant to the provisions of this Land Development Code, except as ~~provided~~ noted in this ~~S~~section ~~103.2~~. ~~The provisions of this Land Development Code shall apply to all development in unincorporated Manatee County.~~

103.2. ~~103.2.~~ Exceptions.

A. ~~103.2.1.~~ Projects which have Special Exception status under Chapter 1, Section ~~4B~~ D.2 of the Comprehensive Plan, to the extent of that status, shall not be required to meet the requirements of the following ~~S~~sections:

1. Section 360~~510~~, Certificate of Level of Service Compliance;~~,~~
2. Section 403.8.D,~~604.3.4~~ Coastal High Hazard Area Overlay District/Limitations on Permitted Uses;~~,~~
3. Section 403.8.E,~~604.3.5~~ Coastal High Hazard Area Overlay District/Setback Requirements and Wetland Buffers;~~,~~

4. Section 401.3.D.9,~~702.6.8~~ Waterfront Yards;~~,~~

5. Section 706,~~719~~ Wetland Protection~~,~~; and

6. ~~a~~Any other Section of this Code where the applicant can clearly demonstrate that the Section is a direct result of the Comprehensive Plan and could not have been required under the previous Comprehensive Plan.

~~Amendments to such projects shall be reviewed for consistency with Chapter 11 of this Code if non-conforming.~~

B. ~~103.2.2.~~ Projects which have Special Exception status under Chapter 1, Section 4B of the Plan, or projects ~~which~~ that have an approved ~~Development of Regional Impact development order, preliminary development plan, preliminary site plan, preliminary subdivision plat, final development plan, final site plan, final subdivision plat~~ development order or building permit prior to the effective date of this Code may continue to be developed in a manner consistent with the most recent approval for such project; provided that such approval was lawfully granted and has not expired or otherwise been terminated. However, ~~All~~ such projects ~~which elect to be reviewed under this Section 103.2.2~~ shall be subject to all provisions of this Code which are not specifically addressed in such approval or are not inconsistent with such approval ~~subject to the provisions of Section 103.2.1 above~~.

C. Amendments to ~~such a~~the projects addressed in A and B, above, shall be reviewed for consistency with ~~Chapter 11~~ Section 107 of this Code if non-conforming.

~~103.2.3. Flag Lot. Within one (1) year from the effective date of this Code, an individual flag lot may be permitted to be created as outlined in Section 202B.4 of the 1981 Manatee County Comprehensive Zoning and Land Development Code (Ordinance 81-4) as amended. After one (1) year from the effective date of this Code no new flag lots shall be created.~~

D. ~~103.2.4.~~ Except where specifically provided for in this Code, the following structures and uses shall be exempt from the regulations of this Code:

1. ~~*103.2.4.1.*~~ *Utility Installations.* Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or storm water operated or maintained by a governmental entity or a public utility including customary meter pedestals, telephone pedestals and distribution transformers, whether any such installation is located underground or aboveground but not including any substation located on or above the surface of the ground.

2. ~~*103.2.4.2.*~~ *Railroad Facilities.* Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad rights-of-way, and maintenance and repair work on such facilities and equipment.

3. ~~*103.2.4.3.*~~ *Public Schools.* Public Schools shall be required to adhere to all requirements of this Code except those requirements which public schools are not required to meet under Chapter 235, Florida Statutes.

4. ~~*103.2.4.4.*~~ *Public Parks.* Passive activity recreation and temporary recreation uses conducted on county designated park land. This exemption does not apply to ~~either~~ structures greater than one thousand (1,000) square feet or vehicle use areas larger than twenty-five (25) parking spaces located within County park land.

~~(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 06-20, § 2, 2-24-06)~~

Section 104. Consistency with Comprehensive Plan.

~~103.3.~~ In the event of a conflict between the regulations in the Land Development Code and the Comprehensive Plan, in all instances the Comprehensive Plan shall supersede the Code.

Commented [LDI1]: I.Combined with B and moved to C, below.

Commented [LDI2]: 2.Section 103.2.3 is now obsolete as the one year has passed.

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Section 105. ~~202~~ Rules of~~Construction~~ Interpretation.

Commented [LDI3]: 3.Sec. 104 (Official Zoning Atlas) moved to Ch. 4. Sec. 105 (Admin Procedures) moved to Chap. 3.

In the interpretation of the language of this Land Development Code, the rules set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the Board.

105.1. ~~202.1.~~Generally.

A. All provisions, terms, phrases and expressions contained in these regulations shall be liberally construed in order that the true intent and meaning of the Board may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this State for the same terms. The terms used in this Code are intended for use with this Code only and may not apply to other codes or regulations. When a Section number within this Code is referred to, then all Subsections shall apply.

B. In the interpretation and application of any provision of these regulations, the provision shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Land Development Code imposes greater restrictions upon the subject matter than a general provision imposed by another provision of these regulations or other County ordinance, unless stated otherwise the provision imposing the greater restriction or regulation shall be deemed to be controlling. References to Statutes in this Code are deemed to include successive and replacement regulations.

C. It is not the intent of this Code to interfere with, abrogate or annul any order of a court of competent jurisdiction, statute, or other provision of law. Further, this Code is not intended to abrogate any legally enforceable easement, covenant, or any other private agreement, or restriction; provided that where the provisions of this Code are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this Code shall govern.

105.2. ~~202.2.~~Computation of Time.

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the Board, that day shall be excluded. The next regular business day shall then be considered the last day.

105.3. ~~202.3.~~Delegation of Authority.

Whenever a provision of this Code requires any County officer or employee to do some act or perform some duty, this Code shall be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

Whenever the Code refers to any specific County department or other agency to do some act or perform some duty, this Code shall be construed to allow the performance of such act or duty by the department or its successor that normally performs such act or duty.

In the instance of a conflicting delegation, the County Administrator shall designate the department, County Officer or employee responsible for such act or duty.

105.4. ~~202.4.~~Gender.

Words importing the masculine gender shall be construed to include the feminine and neuter.

105.5. ~~202.5.~~Non-Technical and Technical Words.

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning of law shall be construed and understood according to such meaning.

105.6. ~~202.6.~~Number.

A word importing the singular number may extend and be applied to several persons and things as well as to one person and thing. The use of a plural number shall be deemed to include any single person or thing.

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105.7. ~~202.7.~~Shall, May.

The word "shall" is mandatory; "may" is permissive.

105.8. ~~202.8.~~Tense.

Words used in the past or present tense include the future as well as the past or present.

105.9. ~~202.9.~~Written or in Writing.

The term "written" or in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

105.10. ~~202.10.~~Year.

The word "year" shall mean a calendar year, unless otherwise indicated.

Commented [LDI4]: 4.Section 202.11 (1 to 7) moved to Chapter 4

105.11. ~~202.11.8.~~Boundaries of Transportation Construction Districts.

Any road used as a boundary of a transportation construction district may be considered within any district it bounds for the purpose of using the transportation impact fees.

105.12. ~~202.12.~~Used For.

For the purposes of administration and enforcement of Chapter 11~~8~~ (Impact Fees) of this Code, the phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

105.13. ~~202.13.~~Connected Terms.

Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by a conjunction "and," "or," "either…or," the conjunction shall be interpreted as follows:

A. ~~202.13.1.~~"And" indicates that all the connected terms, conditions, provision, or events shall apply.

B. ~~202.13.2.~~"Or" indicates that the connected terms, conditions, provisions or event may apply singularly and in any combination.

C. ~~202.13.3.~~"Either…Or" indicates that the connected items, conditions, provisions, or events shall apply singularly, but not in combination.

105.14. References to Other Laws.

References to applicable laws such as Florida Statutes, the Florida Administrative Code, the United States Code, and to provisions of this Code or the County's Code of Ordinances shall include all amendments and successor provisions thereto.

Commented [LDI5]: 5.Added per CAO's recommendation.

~~(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 91-29, § 3, 11-20-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 01-31, § 3, 6-5-01)~~

Section 106. Enforcement, Violations, and Penalties.~~Chapter 12 - Enforcement~~

106.1. ~~Section 1201.~~ Purpose and Intent.

This ~~Chapter~~ Section is intended to establish enforcement responsibilities, define Code violations and provide penalties for violations.

A. ~~1201.1.~~**Authority.** In conducting investigations of suspected or known violations, the Department Director shall have the authority, where otherwise lawful, to inspect property, obtain the signed statements of prospective witnesses, photograph violations, and do such other gathering of evidence as is necessary for the complete investigation of a violation.

B. ~~**1201.2.**~~**Responsibility.** The provisions of this Code, any local Codes or Ordinances, or other Codes, Statutes, Regulations as allowed by law may be enforced by the Department Director.

C. ~~**1201.3.**~~**Initiation.** Investigations of violations under this Section shall be initiated by the Department Director upon a complaint provided by any person, ~~the Planning Director, Building Official, the Public Works Director and other~~ County official~~s and~~ or employee~~s~~, or upon direction of the Board of County Commissioners.

106.2. ~~**Section 1202**~~ **Violations.**

A. ~~1205.1.~~**Definition.** In this section "violation of this Code" means:

1. ~~a.~~ Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
2. ~~b.~~ Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
3. ~~c.~~ Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

In this section "violation of this Code" does not include the failure of a County officer or County employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this Section.

B. ~~**1202.1.**~~**Persons in Violation.** Any person whether owner, lessee, principal, agent, employee, occupant of any land or part thereof, and any architect, builder, contractor, agent or other person who participates, assists, directs, creates or maintains any situation that: (a) violates any provision of this Code, (b) permits any such violation, (c) fails to comply with any of the provision or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, variance, or other such final authorization or approval hereunder, or (d) who erects, constructs or reconstructs any building or structure, or uses any land in violations of any written statement or plan submitted and approved pursuant to this Code, shall be in violation of this Code.

1. ~~1202.1.1.~~Any person(s) in violation of this Code shall be held responsible for due violation and be subject to the penalties and remedies provided herein. Such person(s) upon conviction shall be subject to punishment as provided by law.
2. ~~1202.1.2.*Separate Offense.*~~ Each and every person who commits, participates in, assists in, or maintains such violation may individually be found guilty of a separate offense. Each day that such violation continues to exist shall constitute an additional and separate offense.
3. ~~1202.2.*Structures and Uses in Violation.*~~ Any structure or lot erected, constructed, altered, occupied or used contrary to any provisions of this Code and all other applicable codes, stipulations, conditions, approvals and variances shall be declared to be unlawful.

~~Section 1203 Reserved.~~

106.3. ~~**Section 1204**~~ **Enforcement** ~~**and Penalty**~~**.**

A. ~~**1204.1.**~~**Remedies.** The Board of County Commissioners or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to insure compliance with the provisions of this Code, including injunctive relief to enjoin and restrain any person violating the provisions of this Code, and any rules and regulations adopted under this Code, and the court shall, upon proof of the violation of the Code, have the duty to forthwith issue such temporary and permanent injunctions as are necessary to prevent the violation of the Code.

B. ~~**1204.2.**~~**Penalty.** Any person violating the provisions of this Code or who shall fail to abide by and obey all regulations and orders adopted under this Code shall be punished as provided in ~~s~~Section ~~1205~~106.4. Each day that the violation shall continue shall constitute a separate violation.

~~1204.3.A purchaser of land sold in violation of this Code or any regulation or order adopted under this Code shall be entitled to the same remedies provided to purchasers by law; provided that failure to comply with the provisions of this Code shall not impair the title of land so transferred.~~

~~(Ord. No. 07-59, § 6, 10-23-07)~~

Commented [LDI6]: 6.Section 1204.3 deleted per CAO's recommendation. Beyond legal authority of the County.

106.4. ~~Section 1205.~~ Penalties~~General Penalty; Continuing Violations; Cessation of Building and Other Land Use Permits~~.

A. ~~1205.2.~~General Penalty. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail for a term not exceeding sixty (60) days, or by both such fine and imprisonment. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

1. ~~a.~~ The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise, the imposition of civil fines or other administrative actions.

2. ~~b.~~ Violations of this Code that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

~~c. The Board may order the County Administrator and applicable County employees to cease, and thereupon the County Administrator and applicable County employees shall cease, issuance of any Building Permits or renewals or extensions thereof, and all review of applications for, and issuance of, land use permits for any location in unincorporated Manatee County to any person, or anyone acting on behalf of, for the benefit of or in concert with such person, who, on or after February 7, 1992, has been found through a code enforcement hearing or by a court of competent jurisdiction to have two (2) or more violations of this Code pertaining to the use of land, or one (1) violation of this Code pertaining to the use of land which violation poses an imminent threat to the public health, safety and welfare, unless such building or land use permit is required in order to cure the violation. Issuance of permits may resume once the violation has been cured or the person has provided a letter of credit to the County in an amount that, in the judgment of the County Administrator, would be sufficient for the County to perform the work necessary to cure the violation in the event that the person fails to cure it.~~

~~d. In addition to the enforcement mechanisms set forth above, the Planning Director may revoke any administratively approved development order subject to the appeal provisions of Section 516.~~

Commented [LDI7]: 7.Item c deleted per CAO's recommendation. Beyond legal authority of the County.

Commented [LDI8]: 8.Item d deleted per CAO's recommendation.

~~**(Ord. No. 07-59, § 6, 10-23-07)**~~

~~**Section 1206. Additional Penalties.**~~

B. ~~1206.1.~~Stop Work Order. The Department Director may issue a Stop Work Order on a premises, lot or parcel that is in alleged violation of any provision of this Code, or is being done in a dangerous or unsafe manner. A Stop Work Order may be issued in place of or in conjunction with the actions and procedures identified in this Chapter. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Department Director shall not be required to give a written notice prior to stopping the work. Upon receipt of a Stop Work Order, all work associated with the violation shall immediately cease. Any person, whether owner, lessee, principal, agent, employee, or other person who continues to work shall be in violation of this Code and upon conviction, may be punished as provided by law. The issuance of a Stop Work Order may be appealed in accordance with Chapter 3, Part X~~Section 516~~, Appeals, for Land Development Code matters and the Construction Code Board of Appeals for Building Code related matters, by any aggrieved person. An inspection fee shall be paid before any reinspection is conducted. Stop Work Orders may be issued by the Department Director~~Building Official~~ pursuant to the Manatee County Building Code.

~~**1206.2.Suspension of Development Review Proceedings.** The Director shall suspend consideration of any application for development approval during a code enforcement proceeding involving all or a portion of the proposed for development. The Director may suspend consideration of any application for development approval if the premises, lot or parcel has any non-compliance of any applicable code, ordinance or regulations. Approvals may be issued that bring the premises into full and complete compliance with all the requirements of this and applicable codes in a reasonable time, provide [provided] the use is a permitted use.~~

Commented [LDI9]: 9.Sec. 1206.2 deleted per CAO's recommendation.

~~**1206.3.Citations.** This subsection establishes a schedule of violations and civil penalties for enforcement of this Code through citations under Section 162.21, Florida Statutes.~~

C. ~~1206.3.1.Schedule of Violations and~~ Civil Penalties. A violation of any provision of this Code is a civil infraction. The civil penalties to be assessed for violation of any provision of specific sections of this Code shall be

as follows:

Commented [LDI10]: I0.Restored table as directed by staff. To be moved out of LDC at a later phase.

Schedule of Violations and Penalties

SECTION NUMBER	TITLE	CIVIL PENALTY (DOLLAR) FIRST VIOLATION	REPEAT VIOLATIONS
~~505~~3163	Special Permit	150	400
~~506~~3152	Administrative Permit	100	250
~~507~~3547	Temporary Use Permits	100	250
~~508~~Ch. 3, Part IV	Site Plans	150	400
~~514~~3470	Certificate of Appropriateness	150	400
~~702~~401.3	Bulk and Dimensional Regulations	100	250
~~703~~Ch. 5, Part II	Standards for Accessory Uses and Structures	100	250
~~704~~Ch. 5, Part IV	~~Conditional Use Criteria~~Standards for Specific Uses	100	250
~~705~~Ch. 5, Part III	Standards for Temporary Uses ~~Criteria~~	100	250
~~706~~1004.2	Access and Drainage Regulations	150	400
~~707~~531.52~~49~~	~~Adult Entertainment Uses~~Sexually Oriented Businesses	150	400
~~708~~531.4	~~Sale of~~ Alcoholic Beverages Establishments	150	400
~~709~~806~~7~~	Outdoor Lighting	100	250
~~710~~1005~~6~~	Off-Street Parking ~~and Loading~~	100	250
1006~~7~~	Off-Street Loading	100	250
~~727~~	~~Handicap Requirements~~	~~150~~	~~400~~
~~711~~1004~~5~~	Driveway Access Regulations	100	250
~~712~~1001.1	Required Access to Lots	100	250
~~713~~1002~~3.1~~	Visibility Triangle~~s~~	100	250
~~714~~700	Tree Protection	150	400
~~715~~701	Landscape and Screening Standards	150	400
~~716~~511.4	Emergency Storm Shelters ~~and Evacuation Program~~	150	400
~~717~~801	Stormwater Management	150	400
~~718~~802	Floodplain Management	150	400
~~719~~706	Wetland Protection	150	400
~~721~~705	Habitat, Wildlife and Endangered Species Protection	150	400
~~722~~337~~27~~	Installation of Required Improvements	150	400
~~723~~Ch. 5, Part V	Adverse Impact Performance Standards	150	400
~~724~~Ch. 6	Signs	100	250
~~725~~403.2.K	Airport Zones and Airspace ~~Tall Structure and Object Height Limitation~~	150	400
~~726~~531.5	Animal Services (Wild and Exotic Animals)	100	250
~~728~~80~~4~~3.3	Solid Waste Regulations	150	400
~~730~~1005~~6~~.9	Fire Access Requirements	150	400
~~731~~531.33	Moored Water Craft	100	250
~~732~~702	Earthmoving	150	400
~~733~~1001.7~~2.6~~	Traffic Control Standards	100	250
~~734~~511.17~~3~~	Waterfront Structures	150	400
~~737~~900	Entranceways	100	250
~~738~~704	Groundwater/Wellhead Protection	150	400
~~742~~1001.8	Street and Structure Numbering Standards	100	250
~~1206.1~~106.4.B	Stop Work Order	150	400
~~1206.4~~347.4~~106.4.~~E	~~Historical and Archaeological Protection~~Penalties and Remedies	150	400
~~1206.6~~106.4.~~G~~	~~Water Shortage Plan~~	~~100~~	~~250~~

Commented [LDI11]: I1.1206.4 (HP Enforcement) and 1206.5 (Wetland Enforcement) moved to chapter 7.

~~**1206.6.Water Shortage Plan.** The Sheriff, duly appointed deputies, the Director or designee, and other enforcement officials shall diligently enforce the provisions of the Water Shortage Plan and the Water Shortage Emergency.~~

Commented [LDI12]: I2.Sections 1206.6 and 1206.6.1 deleted as recommended by the CAO. This issue does not belong in the LDC.

~~1206.6.1.In situations where Chapter 373, Florida Statutes, is specifically applicable, any violation may be enforced as~~

allowed by Section 373.613, Florida Statutes.

1206.7.Obstacles Within the Rights-of-Way. All items including but not limited to signs, boulders, posts, building materials, solid waste, hazardous waste, trash, debris, junk vehicles within the right-of-way may be removed without attempting to notify the owner or other persons. However, fences within the right-of-way require a Notice of Violation. Public Works Department may remove the above obstacles. For the removal of signs on the rights-of-way, also see Section 724.11.7.

1206.8. *Junk Vehicles.* Manatee County declares that junk vehicles per se are a nuisance due primarily to safety, aesthetics, and visual impact on surrounding areas and, as such may be removed when found to be in violation of this Code. Such junk vehicles constitute a breeding ground for mosquitoes, snakes, rats, rodents, and other vermin. Further, junk vehicles constitute a fire hazard, a dangerous attraction to children, and a haven for drug dealers. When a junk vehicle is found:

1. A Code Enforcement Officer shall place a written notice on the vehicle indicating that it is in violation of this Code and that it must be removed within ten (10) calendar days or it will be subject to removal by the County.
After the expiration of the ten (10) day period, the Code Enforcement Officer shall make a reasonable attempt to determine the owner of the vehicle or the owner of the property, and shall attempt to notify such owner(s) with a written notice delivered by registered or certified mail, return receipt requested, or personal service at their current address, last known address or the address appearing on the certificate of title for the vehicle. The written notice shall specify that the junk vehicle must be removed within forty-eight (48) hours from receipt of the notice.

2. Within the period specified in the notice, the owner of the vehicle or the owner of the property or an authorized agent may appeal the written notice to the Planning Director. If appealed, the Planning Director shall review the violation, and based upon the evidence shall either affirm or dismiss the violation. The Planning Director may also, for good cause, extend the time for compliance or removal. No removal shall commence while an appeal is pending.

3. After the time period for removal has expired, the Planning Director may cause such vehicle to be removed to a storage facility and thereafter disposed of, in accordance with applicable state law, if not reclaimed and disposed of properly by the owner. The County may assess the reasonable costs related to the removal, towing and storage of the vehicle, as determined by the Planning Director, prior to its release to the vehicle owner. The salvage value of the junk vehicle, if any, shall be retained by the County to be applied against the cost of removal, towing, storage and destruction thereof.

4. The property or vehicle owner(s) may appeal the Planning Director's final decision to the Circuit Court.

5. The authorization in this Section for the towing of junk vehicles shall not be construed to preclude the county from pursuing other remedies available under this Code or other county ordinances or State law to enforce this section.

(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 91-29, § 3, 11-20-91; Ord. No. 93-27, § 2, 9-1-93; Ord. No. 98-19, § 3, 12-15-98; Ord. No. 06-49, §§ 1—6, 8-29-06; Ord. No. 07-59, § 6, 10-23-07)

106.5. Section 1207 Other Remedies Preserved.

1207.1.The foregoing provisions shall not be construed to preclude initiation by the County at any time of any lawful civil action or criminal action relating to the violation of a County ordinance upon authorization by the Board of County Commissioners, nor to preclude the operation of any other enforcement procedure.

(Ord. No. 07-59, § 6, 10-23-07)

Section 107. Chapter 11 - Nonconformities

107.1. Section 1101 Purpose and Intent.

1101.1.The purpose of this SectionChapter is to provide for the regulation and limit the development and continued existence of uses, structures, and lots established prior to the effective date of this Code which do not conform to the requirements of this Code and to address nonconformities that result from the exercise of eminent domain powers. Many nonconformities may continue subject to the provisions of this Code or the Comprehensive Plan. It is the general intent of this SectionChapter to reduce nonconformities and eventually bring them into conformance.

Commented [LDI13]: I3.in the ROW are not relevant to land development. Fences are addressed under violations of code. No need to have a separate section.

Commented [LDI14]: I4.Moving Sec. 1206.8, Junk Vehicles, to the code of ordinances

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107.2. Legally Existing Nonconforming Uses Structures and Lots.

~~1101.2.~~Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Code and which remains nonconforming, and any use, structure, or lot which has become nonconforming as a result of the adoption of this Code or any subsequent amendment to this Code or as a result of an acquisition of real property by Manatee County or a state agency through the exercise or threat of exercise of its power of eminent domain may be continued or maintained only in accordance with the terms of this Section~~Chapter~~.

~~(Ord. No. 06-17, § 2A, 1-10-06)~~

107.3. ~~Section 1108 Otherwise Illegal Uses and Structures Prohibited.~~ Applicability.

~~1108.1.All of the foregoing~~The provisions relating to nonconforming uses and structures shall apply to all nonconforming uses and structures existing, or created on the effective date of this Code, and to all uses and structures that become nonconforming by reasons of any amendment thereof. The provisions shall not apply, however, to any use established or structures erected or expanded in violation of law, regardless of the time of establishment or erection.

107.4. ~~Section 1109~~ Signs.

~~1109.1.~~ Signs on nonconforming uses of land or structures and nonconforming signs shall be controlled by the provisions of Chapter 6~~Section 724~~ of this Code.

107.5. Nonconforming Uses.

A. ~~Section 1102~~ Change or Expansion of Nonconforming Use.

~~Section 1104 Change of Use.~~

1. ~~1104.1.~~A legally existing nonconforming use may be changed to a permitted use or conditional use for the zoning district in which the property is located, in accordance with the procedures of Chapter 3~~5~~ of this Code. A nonconforming use shall not be changed to another nonconforming use.
2. ~~1102.1.~~Except as provided in this Section~~Chapter~~, a lawful nonconforming use shall not be changed, intensified, expanded, extended or enlarged in any manner beyond the floor area or lot area that it occupied on the effective date of this Code or the effective date of any amendment to this Code rendering such use nonconforming. Residential Accessory Uses and Home Occupations are exempted from this provision provided they otherwise comply with this Code.

~~1102.2.All existing, accessory use of Parking of Commercial Vehicles and Restricted Vehicles shall comply with Section 703.2.14 and 703.2.15 of this Code, by June 1, 1993 and thereafter.~~

3. ~~1102.3.A lawfully existing nonconforming use classified as a "Special Permit" per this Code~~ When a lot is used lawfully, as a legal non-conforming use, on the effective date of this Code, and Chapter 4~~6~~ of this Code classifies such use as a "Special Permit" in the zoning district in which it is located, such use is hereby deemed a lawful Special Permit for the purpose of this Code and shall be subject to the following~~.~~:
   a. ~~1102.3.1.No~~ Such use ~~existing prior to the effective date of this Code which is allowed by special permit by the provisions of this Code,~~ shall not be replaced or ~~enlarged~~ expanded except in accordance with the provisions of Section ~~505~~316, Special Permit and this section.
   b. ~~1102.3.2.Use of a~~ The structure ~~or land which has~~occupied ~~been approved~~ by such use~~special permit after the effective date of this Code, or which was an approved special exception prior to the effective date of the Code, or meeting the provisions above,~~ may be expanded or enlarged by not more than one thousand (1,000) square feet within any period of three (3) years without requiring an additional special permit approval.~~;~~ and provided that all ~~yard and other~~ dimensional requirements can be met, unless this Code or the special permit approval specifically prohibits such expansion or enlargement.
4. ~~1102.4.Those legal~~A lawfully existing non-conforming use~~s~~ that would now require an "~~A~~administrative ~~P~~permit" shall be deemed to have ~~A~~administrative ~~P~~permit approval and shall be subject to the following:~~.~~
   a. ~~No~~ Such use ~~existing prior to the effective date of this Code which is allowed by Administrative Permit by the provisions of this Code,~~ shall not be replaced or ~~enlarged~~ expanded except in accordance with the

Commented [LDI15]: I5.This section differentiates between "special" and "administrative" permit uses. The only difference between the 2 is the max. Size of the permitted expansion. We would recommend consolidating into a single section and using the 2,000 sf provision (later phase)

Commented [LDI16]: I6.Deleted section 1102.2 because Parking of Commercial Vehicles regulations were moved to the code of ordinances.

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provisions of Section 506315, Administrative Permits, and this section.

b. 1102.4.1.AThe structure on land which used lawfully as occupied by such use a legal non-conforming use as provided above, may be expanded or enlarged by not more than one thousand (1,000) square feet or ten (10) percent of the gross floor area, whichever is greater, not to exceed two thousand (2,000) square feet in area within any period of three (3) years without requiring Aadministrative Ppermit approval, and; provided that all yard and otherdimensional requirements can be met, unless this Code or previous approvals specifically prohibits such expansion or enlargement. An existing or new Aadministrative Ppermit shall not authorize or otherwise exempt a project from these square foot provisions above.

(Ord. No. 92-60, § 3, 12-14-92; Ord. No. 07-59, § 5(Exh. C), 10-23-07)

Section 1103 Discontinuation of Nonconforming Use.

B. 1103.1. If a nonconforming use is discontinued for a period of one (1) year or more, including any period of discontinuation before the effective date of this Code except where governmental action impedes, such use, then that use shall not be renewed or re-established thereafter and any subsequent use of the lot or structure shall conform to the use regulations of the zoning district in which it is located.

Standard agriculture practice which results in allowing a field to lie fallow will not be considered a discontinuation of a non-conforming use. Said non-conforming use is subject to verification by the property owner, Agricultural and Natural Resources Department, and other County staff as deemed appropriate.

(Ord. No. 93-27, § 2, 9-1-93)

107.6. Nonconforming Structures

Section 1105. Repair or Reconstruction of Nonconforming Structure.

A. 1105.1. Only ordinary repairs and maintenance as defined by this Code may be made to a nonconforming structure, unless exempted below.

1105.1.1.The rebuilding, reconstruction, or relocation of an otherwise conforming structure or use rendered nonconforming as a result of the acquisition of a portion of the real property on which such structure or use is located by the County or a state agency through the exercise or threat of exercise of its power of eminent domain shall be governed by the provisions of Section 1112.3. Any expansion of such use or structure shall be governed by Section 1102 or 1106, respectively.

Commented [LDI17]: I7.Section 1105.1.1 already addressed below under nonconformities created by eminent domain (1112.3)

1. 1105.1.2. If a nonconforming structure is damaged by a fire, flood, windstorm, or similar event, and the cost of restoring the structure to its condition immediately prior to the event is not considerednot constitutes a substantial improvement then the structure may be restored to its original nonconforming condition, provided that:

   a. aA Bbuilding Ppermit is secured;,

   b. rReconstruction is started within one (1) year or less from the date of the damage,; and

   c. sSuch reconstruction is diligently pursued to completion.

   Cost of restoration shall be determined in the manner established by the Department DirectorBuilding Division of the Planning Department.

2. 1105.1.3. If a nonconforming structure is destroyed or damaged by a fire, flood, windstorm, or similar event, and the cost of restoring the structure to its condition immediately prior to the event is constitutes a substantial improvement, then the structure shall not be restored unless the structure as restored, and the use thereof, will thereafter conform to all requirements of the land usezoning district in which it is located and this Code., Structures subject to the exception provision in Section 107.61105.1.5 and/or provided however that a structure subject to Section 107.9.C1112.3 may be restored with such non-conformities as are permissible pursuant to Section 107.9.C1112.3, regardless of the cost of restoration. Cost of restoration shall be determined in the manner established by the Department DirectorBuilding Division of the Planning Department.

3. 1105.1.4.All structures located in the one hundred (100) year floodplain, shall adhere to the provisions of Section 802, the Manatee County Floodplain Management, Section 718 and the Manatee County Floodplain

Management Ordinance 89-10.

1105.1.5.If Manatee County is declared a disaster area as a result of a storm, hurricane, tornado, flood or other similar act of God, by the Governor of the State of Florida or the President of the United States, then the provisions of Section 107.6.A.1~~1105.1.2~~ for the repair or reconstruction of a non-conforming structure~~, damaged by such an event,~~ shall be hereby modified to allow the replacement or reconstruction of the structure on the original foundation.

4. This exception shall be allowed only if all of the following conditions are met:

a. ~~4.~~ The original structure was a multifamily residential building, ~~manufactured~~mobile home in a ~~manufactured~~mobile home park or subdivision, single-family detached home that is located in the Cortez Fishing Village HA Overlay District, or a single-family attached dwelling.~~.~~

b. ~~1.~~ The original structure has Special Exception status as provided for in the Manatee County Comprehensive Plan;

c. ~~2.~~ The necessary ~~B~~building ~~P~~permits and ~~F~~final ~~S~~site ~~P~~plans are issued within one (1) calendar year of the aforementioned storm, hurricane, tornado, flood or other similar acts of God; and

d. ~~3.~~ The repair or reconstruction is done in a manner substantially consistent with the prior development approvals for those structures in regards to height, area, type of structures, setbacks and density. Other Code and Comprehensive Plan provisions not inconsistent with the foregoing must be met.~~; and~~

Any Building Permits issued under this modification may be allowed a maximum of one time extension not to exceed ninety (90) days as may be allowed by the Manatee County Building Code.

This modification shall not exempt developments from meeting ~~modify~~ the minimum floor elevation or other provisions of Section 802~~718~~, (Floodplain Management), Section 403.8.H~~604.3.8~~ (Coastal High Hazard Area Overlay District/Reconstruction of Structures), and Manatee County Building Codes.

~~**Section 1106.**~~ **Alteration~~,~~ or Enlargement ~~or Movement~~ of a Nonconforming Structure.**

B. ~~1106.1.~~Except as provided in this Section or in Section 107.9~~1112~~ (Nonconformities Resulting From Exercise of Power of Eminent Domain), a nonconforming structure shall not undergo any substantial improvement or be enlarged or moved in any manner unless provided below:

1. ~~1106.1.1.~~The enlargement, movement, or alteration itself conforms to the requirements of this Code; and/or such alteration or enlargement makes the structure conforming;

2. ~~1106.1.2.~~The use of the structure is conforming; and

3. ~~1106.1.3.~~The property owner or developer secures the ~~Planning~~ Department Director's approval for the enlargement or addition in accordance with this Code and other applicable regulations.

C. ~~**1106.1.4.**~~**Movement of a Nonconforming Structure.** Except as provided in this Section or in Section 107.9 (Nonconformities Resulting From Exercise of Power of Eminent Domain), a nonconforming ~~A~~ structure shall not be moved in whole or in part to any other location unless every portion of such structure and the use thereof is made to conform with all requirements for the zoning district to which such structure is moved. The relocation of the structure shall also comply with structure relocation the requirements and other applicable County regulations.

D. ~~1106.1.5.~~**Changed to Conforming Use.** If any nonconforming use is changed to a conforming use, it shall not thereafter be put into any nonconforming use.

E. ~~**1106.2.**~~**Nonconforming Structures in the Cortez Fishing Village HA Overlay District.** Single-family historic structures in the Cortez Fishing Village HA Overlay District which are legally non-conforming structures due to setbacks may be renovated and expanded at existing side yard setbacks for corner lots, or rear yard setbacks, provided that the renovation, expansion or addition meets the standards of other sections of this Code and the following additional standards:

1. ~~1106.2.1.~~Any addition or renovation must receive a Certificate of Appropriateness by the Historic Preservation Board;

2. ~~1106.2.2.~~The structure for which the renovation or addition is requested is residentially used;

3. 1106.2.3.The existing side yard setbacks for corner lots on one side, must be no less than two (2) feet and no less than ten (10) feet on the other side;

4. 1106.2.4.The addition or expansion shall be located no closer than ten (10) feet to another existing structure on an adjacent lot; and

5. 1106.2.5.No fill shall be used to elevate the addition.; and

6. 1106.2.6.The addition or renovation must comply with the Cortez Design Guidelines.

(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 91-29, § 3, 11-20-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 04-66, § 2B, 12-14-04; Ord. No. 06-17, § 2D, 1-10-06)

F. Section 1110. Unsafe Structure.

1. 1110.1.Any non-conforming structure determined to be unsafe by the Department Director Building Official may be restored to a safe condition, subject to the regulations for non-conforming structures, Section 1106. Such work on any nonconforming structure shall not place it in greater nonconformity.

2. 1110.2.If a nonconforming structure or portion of a structure contains a nonconforming use and becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Department Director Building Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations for non-conforming structures and district in which it is located. (Refer also to the Manatee County Unsafe Structure Ordinance and Section 106Chapter 12, Enforcement, Violations, and Penalties).

(Ord. No. 91-29, § 3, 11-20-91)

107.7. 1105.1.5.1. Nonconforming dDensities in rResidential pProjects.

(eExisting projects that exceed the allowed density of the zoning district or future land use category) are subject to the following provisions.:

A. 1105.1.5.2. If individual units within a nonconforming condominium, apartment or manufacturedmobile home park project are substantially damaged or destroyed by a fire, flood, windstorm, or similar act of God, such units may be replaced to their pre-existing density.

B. 1105.1.5.3. No additions, expansions, movement or substantial alteration of existing units within the aforementioned nonconforming residential units and/or projects shall be allowed.

(Ord. No. 91-29, § 3, 11-20-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 93-27, § 2, 9-1-93; Ord. No. 04-66, § 2B, 12-14-04; Ord. No. 06-17, §§ 2B, 2C, 1-10-06)

107.8. Section 1107 Nonconforming Lots.

A. 1107.1.Applicability. A lot which does not conform to the applicable district regulations for minimum lot area or minimum lot width, or both, shall be deemed a nonconforming lot. Permitted Uses specified in such district regulations shall be exempt from such minimum lot area and minimum lot width requirements on a nonconforming lot which:

1. 1107.1.1.Lot of Record. Was a legally created lot of record on the effective date of this Code;

2. 1107.1.2.Creation. Was not created in violation of this Code or the previous Code (Ord. 81-4), adopted May 4, 1981 and,

3. 1107.1.3.Not Part of a Series of Lots. Was not part of a series of two or more vacant lots which:

   a. 1107.1.3.1. were Iin a single ownership, and

   b. 1107.1.3.2. Sshareing continuous street front-age along their front lot lines, and,

   c. 1107.1.3.3. are Ssufficient when taken together to meet the minimum lot area and width requirements of the zoning regulations of this Code or prior zoning Codes which first made the lot nonconforming.

   1107.1.3.4. In the event that a nonconforming structure is located on a lot which is contiguous to one or more

Commented [LDI18]: 18.Could this be changed to "previous codes" without specifying the date?

vacant lots, all under the same ownership, then the vacant lot(s) may be separated from the lot with a structure provided the lot with the structure maintains minimum district setbacks adjacent to the lot being separated.

B. ~~1107.2.~~**Reduction in Size Prohibited.** Except where necessitated by government action, a lot which is nonconforming by reasons of area shall not be reduced by area, and a lot which is nonconforming by width shall not be reduced by width. No lot shall be reduced in width or area where such reduction will make such lots non-conforming, unless necessitated by government action.

C. ~~1107.3.~~**Use of Nonconforming Lots.** Nonconforming lots may be developed notwithstanding the failure of the lot to meet minimum lot area or minimum lot width requirements specified in the applicable district regulations, provided that the proposed development is a permitted use in the applicable district. All other regulations of this Code, including minimum yards, shall be met.

1. ~~1107.3.1.Use of Nonconforming Lots for Affordable Housing.~~ Nonconforming lots which were legally created and are in single ownership, sharing continuous street frontage, if taken together would meet the minimum zoning district regulations, do not have to combine lots to meet the zoning district regulations if all of the lots are developed as affordable housing.

2. ~~1107.3.2.~~Nonconforming lots created prior to this Code that contained more than one dwelling unit, were not in violation of previous Codes, ~~that~~ and did not increase the density within the approved subdivision may now gain access by easement per Section 1001.1.C.5~~712.2.7~~.

3. ~~1107.3.3.~~Nonconforming lots which were legally created and are in single ownership, sharing continuous street frontage, if taken together would meet the minimum zoning district regulations, do not have to combine lots to meet the zoning district regulations if the nonconformity exists only as a result of the exercise of eminent domain powers by the County or a state agency.

D. ~~1107.4.~~**Procedure.** As part of the application for a ~~B~~building ~~P~~permit for a nonconforming lot, the applicant shall file the following documents with the Department ~~Planning~~ Director:

1. ~~*1107.4.1.*~~*Drawing*. Scaled drawing with dimensions and distances showing boundary lines of the lot and the proposed location, size and use of the structure.

2. ~~*1107.4.2.*~~*Certificate*. Certificate of apparent ownership, or title opinion, stating that the Nonconforming lot of record is exempted from the minimum lot area and width requirements of this Code or prior zoning ordinances which made the lot nonconforming, the date and identification of the instrument by which the lot was created, and the basis for claiming nonconforming status.

~~**(Ord. No. 91-29, § 3, 11-20-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 93-27, § 2, 9-1-93; Ord. No. 06-17, § 2E, 1-10-06)**~~

~~Section 1111.~~ Lots in Non-~~C~~conforming ~~Manufactured~~Mobile Home, Recreational Vehicle Parks and Subdivisions.

E. ~~1111.1.~~In ~~Manufactured~~Mobile Home and Recreational Vehicle Parks without recorded lots or lot lines, the midpoint of the shortest line that can be drawn between two structures shall be employed as the lot line for the purpose of this Code.

107.9. ~~Section 1112.~~ Nonconformities Resulting From Exercise of Power of Eminent Domain.

A. ~~1112.1.~~**Applicability.** The provisions of this Section shall apply to real property of which a portion is acquired by Manatee County or a state agency through the exercise or threat of exercise of eminent domain powers on or after February 1, 2006. This Section shall apply without regard to whether the real property acquisition is pursuant to an order of a court of competent jurisdiction or is pursuant to a process of negotiated purchase. This Section shall apply without regard to whether the acquisition was initiated by Manatee County or a state agency.

B. ~~1112.2.~~**Existing Nonconformities Preserved.** A nonconformity~~,~~ of any nature whatsoever~~,~~ which existed at the time of the real property acquisition shall not be deemed to be permitted, exempted, or reduced, in any manner, nor to any extent, by the application of this Section.

C. ~~1112.3.~~**Nonconformities Created by Eminent Domain Proceedings.**

1. 1112.3.1.A nonconformity created through the exercise of eminent domain powers shall not constitute a violation of this Code, and the owner of any property that is the subject of such nonconformity shall not be required to cure such nonconformity.

2. 1112.3.2.Any structure or site improvement subject to this Section may be rebuilt, relocated, or reconstructed to cure the adverse impacts that result from the exercise of eminent domain powers, even if such rebuilding, relocation, or reconstruction does not conform to this Code with respect to area, width, depth, setbacks, required yards, landscape buffer, location of improvements, location of signs, or parking, so long as the following criteria are met:

   a. 1112.3.2.1.The proposed rebuilding, relocation, or reconstruction is necessary to allow use of the property consistent with or similar to the pre-acquisition use of the property;

   b. 1112.3.2.2.The size or intensity of the structure or use is not expanded in violation of Section 107.5.A1102 or 107.6.B1106 hereof; and

   c. 1112.3.2.3.The rebuilding, relocation, or reconstruction will not result in a violation of the Comprehensive Plan.

3. 1112.3.3.Either Manatee County or the state agency exercising its eminent domain powers, as the case may be, is authorized to apply for such permits or approvals necessary to carry out the rebuilding, relocation, or reconstruction of a structure or site improvement pursuant to this Section 107.9.C 1112.3.

4. 1112.3.4.Following any acquisition of a portion of real property subject to this Section by Manatee County, the County shall endeavor to record with the Clerk of the Circuit Court a notice of severance on the remainder of the real property not acquired. The failure to record such notice shall not limit or prevent the application of this Section to the subject property.

D. 1112.4.Future Right-of-Way and Fire Safety Regulations. The provisions of Sections 107.9.A1112.1 to 107.9.C1112.3 shall not apply nor be interpreted to waive or alter the provisions of this Code pertaining to future right-of-way lines, nor shall the provisions of this Section waive or alter the application of any fire prevention code or fire prevention requirements, either current or in the future, or applicable provisions of the Manatee County Building Codes.

(Ord. No. 06-17, § 2F, 1-10-06)

103.4.Severability of Sign Regulations.

If any part or provision of the sign regulations contained in Chapters 2 and 6Sections 724, 201 and other provisions of the Land Development Code regulating signs or application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these sign regulations or the application thereof to other persons or circumstances. The Board of County Commissioners hereby declares that it would have enacted the remainder of these sign regulations even without any such part, provision, or application. It is the specific intent of the Board of County Commissioners that each provision of the sign regulations contained in Chapters 2 and 6Sections 724, 201 and other provisions of the Land Development Code regulating signs shall stand alone and operate independently of any other provision herein. If any section, subsection, sentence, phrase, or portion of the sign regulations in Chapter 2 and 6, Sections 724, 201 or other provisions of the Land Development Code containing sign regulations, is declared invalid for any reason, it is specifically declared by the Board of County Commissioners that such section, subsection, sentence, phrase, or portion is separate, distinct and independent of all other sections, subsections, sentences, phrases, or portions of the sign regulations in the Land Development Code such that all other provisions are intended to remain valid and enforceable.

(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 06-20, § 2, 2-24-06)

Commented [LDI19]: I9.This section repeats section 724.22 (now 614). Not needed in both places.

Section 108. Public Works Standards Manual

In order to fully implement the requirements of the Comprehensive Plan and the Code, the County adopted the

Manatee County Public Works Standards Manual. All development shall be reviewed by the County for compliance with the applicable criteria of this Manual.

A violation of any provision of the Public Works Standards Manual shall be deemed a violation of this Section and enforceable as provided in Section 106 of this Code.

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Chapter 2 – DEFINITIONS ~~AND RULES OF CONSTRUCTION~~

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Chapter 2 – DEFINITIONS ~~AND RULES OF CONSTRUCTION~~

Section 200 ~~Section 201.~~ Definitions.

Abandoned Sign. (See "Sign, Abandoned.")

Abandonment shall mean the visible or otherwise apparent intention of an owner to discontinue a structure, use of a structure, or lot; or the removal of the characteristic equipment or furnishings used in the performance of the use without its replacement by similar equipment or furnishings, or the replacement of a nonconforming use or structure by a conforming use or structure; for six (6) consecutive months.

Access Improvements (Impact Fees). (See "Impact Fees".)

Accessory Structure. (See "Structure, Accessory.")

Accessory Use. (See "Use, Accessory.")

Accounts (Impact Fees). (See "Impact Fees".)

Acroter shall mean a small pedestal placed on the top of a pedestal or post.

Addition shall mean any extension or increase in area or height of a building or structure.

Addition (To an Existing Building) shall mean any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a free wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load bearing walls shall be considered to be new construction.

Adjacent shall mean to have property lines, or portions thereof, in common or facing each other across a street, right-of-way or narrow water body.

Administrative Adjustment shall mean an administratively approved grant of relief from the requirements of this Code, specifically related to errors in yard measurements, front yard setbacks consistent with established neighborhoods, and errors of structure encroachments into county easements or rights-of-way.

Administrative Procedures (Impact Fees). (See "Impact Fees".)

Adult Day Care Center shall mean any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three (3) or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.

Adult Family Care Home - see *Residential Care Facility*

Adverse Impact shall mean any modification or effect which is or potentially may be harmful or injurious to human health, safety, welfare or property; to biological productivity, diversity, or stability; or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation. The term includes direct, secondary and cumulative impacts.

Affordable shall mean that monthly rents or monthly mortgage payments including taxes and insurance do not exceed thirty (30) percent of that amount which represents the percentage of the median annual gross income for the households which are classified as a Low-Income household, Moderate Income household or a Very-Low Income household. However, it is not the intent to limit an individual household's ability to devote more than thirty (30) percent of its income for housing, and housing for which a household devotes more than thirty (30) percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the thirty (30) percent benchmark.

Agent shall mean any person or firm authorized by a property owner to act on his behalf.

~~*Roadside Sale of*~~ *Agricultural Products* *Retail Stand* shall mean a structure used for the retail sale of fruit, vegetables, and other agricultural products accessory to the agricultural use which produced them.

~~*Agricultural Activities Selected* shall mean any commercial agricultural operation which falls within the definition of "Agriculture" in this Code, provided that no animal feedlots or stockyards, other than temporary facilities, are allowed.~~

Agricultural Product Processing Plant shall mean the use of land, buildings or structures for the production of vegetable or fruit crops, and the sorting, grading, cooling, washing, and final packaging and shipping of such agricultural products. This term may include animal products production, however, this term shall not be deemed to include an animal farm, farm, ranch, or feedlot and stockyard.

Agricultural Research Facility shall mean any premises where the principal use is the experimentation, testing, planting, raising, or growing of agricultural flora or fauna for research purposes.

Agricultural~~e~~ Uses shall mean ~~the use of land for one or more of the following:~~ activities such as aquaculture, silviculture, livestock and poultry raising, cattle and animal grazing, cultivation crops and other commercial production for sale to others, including apiculture, aquaculture, floriculture, groves and orchards, horticulture, pasturing of animals, training or instruction of animals, sod farming, tree farming, viticulture, on-farm composting and similar activities. Preparation (sorting, washing, packing) and shipping or sale of value added goods made using products produced onsite shall be considered an agricultural use. Stables or Equestrian Centers, Public or Private, are deemed to be agricultural uses.

~~(A) The production of strawberries, tomatoes, vegetables or other food and grain crops; production shall include, as permitted accessory uses, the sorting, grading, cooling, washing or initial packing, including a conveyor system and shipping of the agricultural output;~~

~~(B) The production of nut trees, citrus and other fruit trees, vines and bushes; production shall include, as permitted accessory uses, the sorting, grading, cooling, washing or initial packing of the agricultural output and shipping;~~

~~(C) Pasture for cattle, horses, sheep, goats or other farm animals;~~

~~(D) Forestry, sod farms or other forms of food and fiber production for human and animal consumption, including tree farms;~~

~~(E) Greenhouses, nurseries, ornamental horticulture, and commercial flower/bulb growing;~~

~~(F) The raising, breeding, working and use of farm animals including dairies; animal farms, small animal specialty farms;~~

~~(G) Aquaculture; production shall include, as permitted accessory uses, the sorting, grading, cooling, washing or initial packing of the agricultural output;~~

~~(H) Beekeeping.~~

Agricultural Uses, Short Term shall mean agricultural uses projected to transition to urban or suburban development. New short term agricultural uses which are subject to development order approval shall be reviewed and conditioned, when appropriate, to ~~insure~~ ensure that such uses do not have adverse impacts on adjacent existing or future residential uses.

Airport~~AIRPORT~~

Aircraft Landing Field shall mean a privately owned area of land or water, state licensed as a limited, temporary, or private airport under Chapter 330 Florida Statutes, which is used or intended to be used for the landing and taking off of aircraft, which provides limited size runways, required surfaces and any appurtenant areas that may be used for buildings or other aircraft facilities. ~~An aircraft landing field shall be used primarily by the licensee but is available for use by invitation of the licensee.~~

Airport shall mean any State Licensed Federal Aviation Administration (FAA) approved airport within Manatee County.

Airport Elevation shall mean the highest point of the airport's usable landing area measured in feet above Mean Sea Level (MSL).

Airport Hazard shall mean any structure, tree or use of land ~~on or in the vicinity of an airport, which obstructs or causes~~which exceed the federal obstruction~~s~~ standards as contained in 14 C.F.R., and which obstructs

Commented [LDI1]: I.Term not used in LDC

Commented [LDI2]: 2.Moved to chapter 5.

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~~to~~ the air-space required for the flight of aircraft in taking off, maneuvering or landing ~~or taking off at such airport,~~ or is otherwise hazardous to such or taking off, maneuvering or landing of aircraft and for which no person has previously obtained a permit or variance pursuant to Chapter 333, Florida Statutes.

Airport Hazard Area shall mean any area of land or water upon which an airport hazard ~~such as any structure or tree or use of land over or in the vicinity of an airport, which obstructs or causes obstruction to the airspace required for the flight of aircraft in landing or taking off at such airport, or is otherwise hazardous,~~ might be established if not prevented pursuant to Chapter 333, F.S.

Airport Height shall mean the height of the airport runway as designated by the Federal Aviation Administration (FAA).

Airport Obstruction shall mean any structure or object of natural growth or use of land which obstructs the airspace required for flight of aircraft in taking off, maneuvering or landing at an airport or which may otherwise be hazardous to the taking off, maneuvering or landing of aircraft at the airport.

Airport Proposal shall mean any new airport or any expansion, addition or amendment to an existing airport which increases the total length of available runway, square footage of structures or land area.

Airport, Private Use shall mean any privately owned state licensed airport which is used for the landing or departure of aircraft, other than a personal aircraft of the airport owner.

Airport, Public Use shall mean any publicly owned state licensed airport which is used for the landing or departure of aircraft.

Airspace Height shall mean the height limits as established in all zones set forth in this Code. Mean Sea Level (MSL) elevation shall be the datum unless otherwise specified.

Aviation Airport, Commercial shall mean any airport facility which is designed, constructed, or used for the operation of commercial air carriers and their passengers.

Climb Gradient shall mean any aircraft instrument departure procedure requiring adherence to a minimum climb slope or grade expressed in feet per nautical mile.

Heliport shall mean any area, either at ground level or elevated on a structure, licensed or approved for the landing and take-off of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop shall mean any designated landing area, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Minimum Descent Altitude (MDA) shall mean the lowest altitude to which descent is authorized on final approach or during circling to land maneuvering in execution of a Standard Instrument Approach (SIAP) where electronic glide slope is not provided.

Minimum En Route Altitude (MEA) shall mean the lowest published altitude between radio fixes that assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

Minimum Obstruction Clearance Altitude (MOCA) shall mean the lowest published altitude between fixes on federal airways, off-airway routes, or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage within twenty-two (22) miles of an en route radio navigation aid.

Minimum Vectoring Altitude (MVA) shall mean the lowest altitude at which aircraft operating on Instrument Flight Rules (IFR) will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

Non-Precision Instrument Runway shall mean a runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in non-precision instrument approach procedure has been approved or planned, and for which no precision instrument approach facilities are planned or indicated on an appropriate civil or military airport planning document.

Commented [LDI3]: 3.Updated definition to be consistent with Comp Plan and Sarasota Airport Regulations.

Commented [LDI4]: 4.Updated definition to be consistent with Comp Plan

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Non-Standard Take-Off Minimums shall mean conditions of existing weather required for take-off at an airport which exceeds the standards prescribed in Federal Aviation Regulations.

Other Than Utility Runway shall mean a runway that is constructed for and intended to be used by aircraft of a maximum gross weight greater than twelve thousand five hundred (12,500) pounds.

Precision Instrument Runway shall mean a runway having an instrument approach procedure established by the Federal Aviation Administration utilizing an Instrument Landing System (ILS), Microwave Landing System (MLS), or a Precision Approach Radar (PAR) including a runway for which such a system is planned as indicated on an approved airport layout plan or on any other airport planning document.

Utility Runway shall mean a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Visual Runway shall mean a runway intended for the operation of aircraft using visual approach procedures with no instrument approach procedure planned or indicated on an approved layout plan, or on any other airport planning document.

~~*Drinking Establishment* shall mean any establishment devoted primarily to the retailing and on-premises drinking or merely the on-premises drinking of malt, vinous, or other alcoholic beverages. This shall also include any "bring your own bottle" or "bottle club".~~

Commented [LDI5]: 5.Changed name to Alcohol Drinking Establishment

Alcoholic Beverage Establishment shall mean any use located in any structure or building or portion thereof which:

Commented [LDI6]: 6.Added more detail based on Section 708.

A. Involves the retail sale of alcoholic beverages for consumption on the premises. This phrase does not include an accessory use which involves the retail sale of alcoholic beverages for consumption on-premises if the principal use is any of the following:

1. Restaurants of any size;
2. Hotels and motels meeting the requirements of F.S. § 561.20(2)(a)1;
3. Country clubs meeting the requirements of F.S. § 561.20(7)(b);
4. Private, civic and fraternal clubs located in non-residential zoning districts and meeting the requirements of F.S. §§ 561.20(7)(a) and 565.02(4); ~~or~~
5. Performing arts centers meeting the requirements of F.S. § 561.20(2)(j), and theaters with live performances meeting the requirements of F.S. § 565.02(10); or ~~.~~
6. Stadiums.

B. Is a bottle club (bring-your-own-bottle).

Alley shall mean a narrow strip of land intended for vehicular traffic ~~which has a minimum width of twenty-five (25) feet, is~~ and designed to give ~~only~~ main or secondary access, not principal access, to the side or rear of properties whose principal frontage and access is on a street, and is legally established to provide such secondary access.

Commented [LDI7]: 7.[Minimum width is a standards and doesn't belong in definitions so was deleted from definition]

Alteration shall mean any change or modification.

Alteration of a Sign. (See ~~SIGNS~~"Signs".)

Alternative Support Structure shall mean clock towers, steeples, light poles, buildings, or similar structures that may support telecommunication facilities.

Animal Boarding Facility. (See Animal Services (Wild and Exotic Animals~~.~~)

Animal Exhibits. (See ~~WILD AND EXOTIC ANIMALS~~Animal Services (~~"~~Wild and Exotic Animals~~"~~.))

Animal Farm shall mean any facility or portion of any facility used for:

A. ~~(A)~~ Pasturage, including but not limited to cow, horse, sheep, or goat grazing;

B. ~~(B)~~ Dairying, including milk processing and distribution;

C. ~~(C)~~ The raising of poultry or livestock; ~~and~~or

D. ~~(D)~~ The raising or breeding of any other animals primarily for the production of food or agricultural products. (See "Agriculture.")

Animal Product Processing Facility shall mean the use of land, buildings or structures for the processing of animal products including the grading, cooling, washing, packaging and shipping of animal products and falls under the classification of Industrial, heavy. This term shall not be deemed to include an animal farm, farm, ranch, feedlot, stockyard or slaughterhouse.

*Animal Services (*Wild and Exotic Animals-*)* shall mean the boarding (temporary or permanent), rehabilitation, shelter, breeding, sale, and similar activities, of any Class I or II wildlife as listed in Section 68A-6.002, FAC. ~~of the following species.~~ For the purpose of this code, ~~This~~this definition does not include zoo, animal exhibit and circus uses (See "Recreation, High Intensity").

Commented [LDI8]: 8.Replaced lists of species with a reference to the FAC.

~~*Animal Boarding Facility* shall mean any facility or portion of any facility used primarily for the accommodation, whether temporary or permanent, of Exotic and Wild Animals, for a fee.~~

~~*Animal Exhibits* shall mean any use wherein live animals are kept in captivity for the purpose of public display with or without charge or for public sale. Animal Exhibits shall not be deemed to include zoos.~~

~~*Animal Rehabilitation Center* shall mean any facility or portion of any facility used primarily for the treatment and temporary housing of sick, injured or orphaned animals, and the maintenance of permanently disabled animals, not for a fee. For the purpose of this definition, "animals" shall include any species of bird, mammal, or reptile.~~

~~*Animal Shelter* shall mean any not-for-profit facility primarily designed to provide for the temporary accommodation, for not more than five (5) or more stray common household pets until more appropriate disposition of such pets can be made.~~

~~*Breeding Facility – Wild and Exotic Animals* shall mean any facility or a portion of any facility used primarily for the breeding of Exotic and Wild Animals.~~

~~*Pet Store, Wild and Exotic* shall mean any commercial retail use where wild and exotic animals are possessed, maintained, or sold for a fee.~~

~~*Professional Staff (Wild and Exotic Animals)* shall mean employees of an animal facility especially qualified in the care and keeping of exotic and wild animals. Such persons shall have obtained a degree in zoo keeping, animal training or a related field from a State approved educational institution, or alternatively possess a minimum of three (3) years experience in the care, keeping, and husbandry of Exotic and Wild Animals.~~

~~*Water Animal* shall mean amphibians, fish, or other marine or estuarine animals that meet the definition of exotic or wild animals under the provisions of this Code.~~

~~*Wild and Exotic Animals* shall mean all wild or non-domestic birds, mammals, reptiles, fish or amphibians which are identified as Class I or Class II Wildlife or poisonous or venomous reptiles by the Game and Freshwater Fish Commission and which require Game and Freshwater Fish Commission permits for their possession or exhibition under Sections 372.86, 372.921, and 372.922, Florida Statutes, as further delineated through Title 39, Florida Administrative Code, which defines Class I and Class II Wildlife as follows:~~

~~Class I Wildlife:~~

~~(A) Chimpanzees~~

~~(B) Gorillas~~

~~(C) Gibbons~~

~~(D) Drills and mandrills~~

~~(E) Orangutans~~

~~(F) Baboons~~

~~(G) Siamangs~~

~~(H) Gelada Baboons~~

~~(I) Snow leopards~~

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~~(J) Leopards~~
~~(K) Jaguars~~
~~(L) Tigers~~
~~(M) Lions~~
~~(N) Bears~~
~~(O) Rhinoceros~~
~~(P) Elephants~~
~~(Q) Hippopotamuses~~
~~(R) Cape Buffalo~~
~~(S) Crocodiles~~
~~(T) Gavials~~
~~(U) Black Caimans~~
~~(V) Komodo Dragons~~
~~Class II Wildlife:~~
~~(A) Howler Monkeys~~
~~(B) Uakaris~~
~~(C) Mangabeys~~
~~(D) Guenons~~
~~(E) Bearded Sakis~~
~~(F) Guereza Monkeys~~
~~(G) Celebes Black Apes~~
~~(H) Indris~~
~~(I) Macaques~~
~~(J) Langurs~~
~~(K) Douc Langurs~~
~~(L) Snub-nosed Langurs~~
~~(M) Proboscis Monkeys~~
~~(N) Servals~~
~~(O) European and Canadian Lynx~~
~~(P) Cougars, Panthers~~
~~(Q) Bobcats~~
~~(R) Cheetahs~~
~~(S) Caracals~~
~~(T) African Golden Cats~~
~~(U) Temminck's Golden Cats~~
~~(V) Fishing Cats~~
~~(W) Ocelots~~

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~~(X) Clouded Leopards~~

~~(Y) Coyotes~~

~~(Z) Gray Wolves~~

~~(AA) Red Wolves~~

~~(BB) Asiatic Jackals~~

~~(CC) Black-backed Jackals~~

~~(DD) Side-striped Jackals~~

~~(EE) Indian Dholes~~

~~(FF) African Hunting Dogs~~

~~(GG) Wolverines~~

~~(HH) Honey Badgers~~

~~(II) American Badgers~~

~~(JJ) Old World Badgers~~

~~(KK) Binturongs~~

~~(LL) Hyenas (all species)~~

~~(MM) Dwarf Crocodiles~~

~~(NN) Alligators, Caimans (except American Alligator and Spectacles Caiman)~~

~~(OO) Cassowary~~

In addition to the Class I and Class II Wildlife, the following animals shall be considered Wild and Exotic for purposes of land use regulation:

A. ~~1.~~ Primates collectively referred to as "prosimians," including but not necessarily restricted to lemurs, bushbabies, lorises and tarsires.

B. ~~2.~~ Primates collectively referred to as "anthropoids," including but not necessarily restricted to New World Monkeys (cebids), Old World Monkeys (cercopithecids), gibbons and great apes.

Animal Services (Non-Wild and Exotic) - see Pet Services

Animal .Rehabilitation Center (See Animal Services (Wild and Exotic Animals)~~.~~)

Animal Shelter. (See ~~WILD AND EXOTIC ANIMALS~~"~~Wild and Exotic Animals~~Animal Services" and "Pet Services".)

Animated Sign. (See "Sign, Animated.")

Antenna shall mean any exterior apparatus designed for telecommunication and any other electronic communicating devices or services through the sending or receiving of electromagnetic waves. This term includes satellite dish antennas, utility pole mounted antennas, amateur radio antennas, antennas for the reception of television broadcasts, antennas which provide telemetry for lift stations, private mobile service, and antenna arrays.

Apartment. (See "Dwelling, Multi-family.")

Appeal shall mean any request for a review of a decision of an administrative determination of an official or employee of Manatee County.

Application for Development Approval shall mean a written request for approval of a proposed use and for issuance of a development order, including applications for approval of permitted uses, ~~conditional~~ special permit uses, rezonings, text amendments, and variances.

Approved Agency shall mean an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the appropriate department or governmental agency having jurisdiction.

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Aquaculture shall mean the cultivation of animal and plant life in a water environment. (See "Agriculture.")

Aquarium shall mean any facility or structure designed for the keeping of water animals, under the supervision of professional staff, for the purpose of public display, with or without a charge. (See "Recreational Use, High Intensity.")

Aquiclude shall mean a soils formation which contains water but cannot transmit it rapidly enough to furnish a significant supply to a well or spring.

Arterial shall mean a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. The primary purpose of arterials is to provide service to major traffic movements; access to abutting property is a subordinate purpose. An arterial street (or road) is also typically characterized by restricted parking, access control, signals at important intersections and stop signs on the side streets, and typically distributes traffic to and from collector streets or roadways. Existing roads classified as Arterial are indicated on the adopted Roadway Functional Classification Map. Roads which are built or proposed subsequent to the adoption of the Comprehensive Plan shall be initially classified as Arterial only by action of the Manatee County Department of Planning, following a recommendation from the Manatee County Department of Public Works. ~~providing inter-urban or continuous intra-urban service between major population centers, with long average trip lengths.~~

Commented [LDI9]: 9.Updated definition to be consistent with Comp Plan

Artificial Drainage System. (See "Drainage System, Artificial.")

Asphalt Processing or Manufacturing shall mean a plant utilizing sand, stone, shell, recycled asphalt or other materials, plus petroleum products, to produce asphalt to be used in roadway and other paving.

Assisted Living Facility (ALF) shall mean any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. For the purpose of this code, small ALF facilities house up to fourteen (14) residents. Large ALF facilities house more than fourteen (14) residents.

Commented [LDI10]: I0.Replaces Group Care Homes.

Auction House, Enclosed shall mean an establishment where the principal use is the public or private sale of property or items of merchandise to the highest bidder within an enclosed building. ~~(This shall not be deemed to include Auction House, Auto).~~

Auction House, Open~~Auto~~ shall mean an establishment where the principal use is the public or private sale of property or items of merchandise, including motor vehicles and/or recreational vehicles, to the highest bidder.

Automatic Teller shall mean any automated facility through which certain banking functions such as deposits or withdrawals can be completed. For the purpose of this Code, when automatic teller is listed as a separate use, it refers to a freestanding facility not a part of a bank or branch bank building.

~~*Automotive services, limited* means establishments primarily engaged in providing any of the following services: automobile stereo and cellular telephone sales and installation; auto detailing which may include washing, waxing and polishing by hand; pinstriping, window tinting, interior cleaning and carpet shampooing; rustproofing; sales and installation of car accessories such as car covers, car masks, sunroofs and louvers; automobile batteries, tires and brakes, sales and installation; automotive lubrication and fluid change operations which may include the replacement of engine oil, brake and transmission fluids, and filters; and diagnostic automotive center (tune-up clinics), which may include the testing, adjustment and replacement of spark plugs, points, condensers, coils, carburetors, fuel injectors, distributor caps, voltage regulators, fan belts and water hoses.~~

Commented [AM11]: I I.Consider adding in Phase 2

Average Grade shall mean a horizontal reference plane representing the average of finish ground surface elevations within and for a prescribed area.

Awning Sign. (See "Sign, Awning.")

Bank shall mean any financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans, investments, and fiduciary activities. For the purpose of this Code, this use is classified as an *Office*.

Bank, Drive-Through shall mean any financial institution engaged in deposit banking and closely related functions, where the principal use is drive through banking. Not more than four (4) drive-through lanes may be considered

accessory to the enclosed bank facility.

Banner. (See ~~SIGNS~~"Signs".)

Base Flood. (See ~~FLOODPLAIN MANAGEMENT~~"Floodplain Management".)

Base Flood Elevation (BFE). (See ~~FLOODPLAIN MANAGEMENT~~"Floodplain Management".)

Basement shall mean any building story having a floor below grade.

Beach shall mean the zone of unconsolidated material that extends landward from the mean low waterline to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Beach and Shoreline Access Point shall mean access to ~~those~~ beaches and shorelines that are ~~publicly owned and are~~ suitable for ~~passive~~ recreation, boat launches or other use by the general public. Small, unsuitable access points in environmentally sensitive areas are~~shall~~ not ~~be~~ considered beach and shoreline access points.

Commented [LDI12]: I2.Updated definition to be consistent with Comp Plan

Beacon Light shall mean any light with one (1) or more beams having a wattage that exceeds seventy-five (75) watts and is capable of being directed at any direction or directions, capable of being revolved automatically, or capable of having any part thereof revolve automatically. Beacon light shall not be deemed to include any lights used to illuminate either directly or indirectly, a sign, airport, or seaport rotating beacon lights.

Bed and Breakfast shall mean any building of residential character or portion thereof which provides lodging with no more than eight (8) rental room units for transient occupancy on a daily or weekly basis, where food may be served family style and not from a menu.

Bedroom (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Bench Sign. (See "Sign, Bench.")

Benefit District (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Berm shall mean any mound of soil used for screening or landscaping purposes which is planted with trees, shrubs or ground cover to prevent erosion.

Best Management Practices shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of this Code (BMP list of approved practices by Board resolution for Special Overlay Districts—Evers Reservoir and Lake Manatee Watershed Areas).

Best Possible Technology shall mean the most advanced technology which provides the maximum protection possible for the public health, safety, and welfare and which minimizes to the greatest degree possible any adverse impacts from industrial uses, mining activities or major earthmoving activities, in the Special Treatment Overlay District. Best Possible Technology may include, but is not limited to: innovative reclamation techniques, augmentation of public water supplies that could be adversely affected by mining activities; construction of secondary containment structures or other measures to ensure against catastrophic failure of primary containment structures; construction of below grade slime ponds; elimination of mine site rock dryers; and zero point discharge; provided however, such requirements shall not be applied if the applicant demonstrates that they are technologically infeasible.

Board shall mean the Board of County Commissioners of Manatee County, Florida.

~~*Board of Zoning Appeals (BZA)* shall mean the body established by the Board pursuant to Section 303 of this Code.~~

Commented [LDI13]: I3.Section 303 was a reserved section. The Code does not have BZA mentioned in it in ch. 2. Does the County still have this board?

Boarding House shall mean~~s~~ any building or establishment which provides two (2) or more lodging units for non-transient occupancy, which may provide dining room service; and which is subject to licensing by the Division of Hotels and Restaurants of the Florida Department of Business Regulations as a rooming or boarding house. A rooming or boarding house shall not be deemed to include a Hotel, Motel, Group Care Home, Recovery Home, Residential Treatment Facility, or any similar establishment. For the purpose of this Code, this use is classified as *Group Housing.*

Boat Dock. (See "Single Boat Docking Facility" and "Dock.")

Boat Livery shall mean any commercial establishment providing boat hauling or launching facilities, rental of covered

or uncovered boat slips or dock space, or enclosed dry storage space, rental or sale of boats or boat motors, repair and maintenance of boats or boat motors; or the sale of marine fuel or lubricants, and accessory service uses, including onshore restaurants, hotels or motels, and sale of bait and fishing equipment. The term boat livery shall be deemed to include Marina, but shall not be deemed to include Boat Yard and Way. (See "Water Dependent Use"(if applicable).)

Boat Yard and Way shall mean A premise or site used as an establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boat slips, or dockspace or enclosed dry storage space, marine railways, listing or launching services. ~~any premise or site which is used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction and reconstruction of boats.~~ The term boat yard and way shall be deemed to include Boat Livery and Marina. (See "Water Dependent Use"(if applicable).)

Breeding Facility—Non-Wild and Non-Exotic Animals shall mean any facility or a portion of any facility used primarily for the breeding of animals other than Exotic and Wild Animals. This definition ~~is deemed~~does not to include the breeding of ~~dogs~~common household animals~~.~~ (~~S~~see Kennels).

Breeding Facility—Wild and Exotic Animals. (See Animal Services~~Wild and Exotic Animals.~~)

Buffer, Roadway shall mean that area located within the required front yard of any nonresidential or multifamily lot, and adjacent to any right-of-way (public or private) that contains landscaping materials and/or fencing. The width of the roadway buffer is determined by whether or not the site is located within an entranceway on a collector or higher road.

Buffer, Screening shall mean a landscaped or fenced area providing residential and other low intensity land uses with protection from the visual, noise and other adverse impacts of more intensive land uses. (See Section 701~~715.~~)

Buffer, Wetland shall mean any upland area adjacent to a wetland that is necessary to protect the wetland and wetland species from the detrimental impacts of development or alteration. The buffer shall include canopy, understory, and groundcover, which consists of preserved existing vegetation or planted native species.

Buffer Yard is a landscaped strip along a parcel boundary that serves to separate uses and/or create attractive boundaries.

Buffer Zone shall mean the area which shields a natural community or protected species habitat by prohibiting development activities and the removal of native vegetation. (See Chapter ~~76~~7~~.~~)

Building shall mean any structure that encloses a space used for sheltering any occupancy; including a gas or liquid storage tank, that is principally above grade; and shall include ~~manufactured~~ mobile homes. The term building shall not be deemed to include any "restricted vehicles."

Building Codes. (See "~~Manatee County~~ Florida Building Codes.")

Building Footprint shall mean the two-dimensional area at grade level of a building as measured at the outer perimeter of the structure from the exterior surfaces of the exterior walls. Where a building is elevated above grade level, the building footprint is the area the building would cover if it were located at grade level. In the Parrish Commercial Village Overlay, the building footprint shall not include a one-story covered, unenclosed front porch; canopied patio; one-story gallery or walkway; porte-cochere, etc., even if covered by metal, asphalt, tile, or other permanent roof materials.

Building Frontage shall mean the length of an exterior wall of an establishment facing a street or any rights-of-way, exclusive of alleys and railroad rights-of-way.

Building Height. (See "Height, Building.")

Building Line shall mean a line intersecting the side lot lines of a lot and located parallel to the front lot line at the point closest to and at the farthest point from such front lot line where the principal structure or building is erected.

Building Materials Establishment shall mean any supplier of a wide variety of materials which enter into building construction which shall include but shall not be limited to carpentry including a ~~,~~ lumberyard, masonry, painting, plumbing, electrical and heating.

Building Official shall mean the Building Official of the Building Division of the ~~Planning Department~~Building and

Commented [LDI14]: I4.Updated definition to be consistent with Comp Plan

Commented [LDI15]: I5.Updated definition to be consistent with Comp Plan

Development Services Department of Manatee County, Florida.

Building Permit shall mean an official document or certification issued by the Building Official authorizing performance of a specified activity.

~~*Building Permit Review (BPR)* shall mean a review for compliance with building construction standards adopted by the County under Chapter 533, Florida Statutes, and does not include a review for compliance with Land Development Regulations.~~

Commented [LDI16]: I6.This chapter was repealed in 2000.

Building, Principal shall mean a building in which the principal, main, or primary use is conducted.

Build-to line shall mean a line stated as a setback dimension, along which a facade must be placed.

Commented [LDI17]: I7.Added at the request of staff.

Bulk Regulations shall mean the dimensional regulations set out in this Code.

Bus, Truck or Train~~/Railroad~~ Maintenance Facility shall mean a facility where buses, trucks, railroad cars, railroad engines and other associated equipment is cleaned, maintained and upgraded. This shall not be deemed to include any manufacturing, fabrication or other manufacturing type uses.

Bus Terminal shall mean any area or building where buses stop to load and unload passengers, cargo, or luggage on a regular basis. The sale of tickets may occur in conjunction with this use.

Business Service shall mean any establishment offering primarily services to the business community and to individuals. Such services shall include but shall not be limited to advertising agencies, blueprinting services, interior cleaning services, computer and data processing services, detective agencies and security services, insurance agencies, management consulting and public relations services, news syndicates, personnel services, photofinishing laboratories, photography, art and graphics services, financial services (other than banks), and printing services with no use or storage of noxious chemicals apparent off-site ~~.~~(printing services using noxious ~~heavy~~ chemicals are classified as an ~~Intensive Service~~Light Industrial).

Caliper shall mean a measurement of the diameter of the tree trunk measured six (6) inches above grade for trees under four (4) inches in diameter and one (1) foot above grade for trees greater than four (4) inches in diameter.

Camouflaged Tower shall mean any telecommunication tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. Towers which have been painted shall not be considered "camouflaged."

Canopy Sign. (See "Sign, Awning.")

Canopy Tree. (See "Tree, Canopy.")

Capital Improvement shall mean physical assets constructed or purchased to provide, improve or replace a public facility, and which are large scale and high in cost. The cost of a capital improvement is generally non-recurring and may require multi-year financing. For the purpose of this Code, physical assets which have been identified as existing or projected needs in the individual Comprehensive Plan elements shall be considered capital improvements.

Capital Law Enforcement Facilities (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Capital Public Safety Facilities (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Capital Public Facility Standards (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Capital Transportation Facilities (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Capture and Diversion Rate (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Carport, Attached shall mean an open sided or semi-enclosed shelter intended primarily for the storage of vehicles, which has at least one wall in common with a residence or other main building and has a permanent roof. ~~(See Section 604.7.3.5).~~

Carrier or Cellular on Wheels (COW) shall mean a portable PWSF that can be moved to a location and set up to provide wireless communication service on a temporary or emergency basis. A COW is ordinarily mounted on or towed by a vehicle or trailer and often contains a telescoping boom as the antenna support structure.

Car Wash, Full Service shall mean any facility providing complete car washing and cleaning services. Car washing is

generally automatic, with the driver leaving the car during the washing procedure. Waxing and detailing may also be provided.

Car Wash, Incidental shall mean any automated car wash which is incidental to the sale of fuel, and characterized by an automatic wash which requires the driver to remain in the vehicle during operation. The facility may be an attached or a free standing structure.

Car Wash, Self Service shall mean any facility providing stalls with water, soap, wax or other materials for cleaning vehicles by individuals.

Catering Service. (See "Food Catering Service.")

Cemetery shall mean one of the following:

A. ~~(A)~~ Human—Land used or intended to be used for the burial of the human dead and dedicated to cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery; or

B. ~~(B)~~ Pet—Land used or intended to be used for the burial of animals in individual burial plots or a mausoleum, dedicated to cemetery purposes.

Centerline shall mean a line lying midway between the side lines of the rights-of-way or a street.

Certificate of Appropriateness shall mean a written document ~~issued pursuant to Section 514 of this Code,~~ permitting specified alterations, demolition, or other work to a designated historic landmark or for a building within a designated historic landmark district.

Certificate of Completion shall mean one of the following certificates:

A. ~~1.~~ A Certificate other than a Certificate of Occupancy that is issued upon the satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system~~. This Certificate is proof that a structure or system is complete and, for certain types of building permits, is released for use and may be connected to a utility system. This Certificate does not grant authority to occupy or connect electrical service to a building, such as a shell building, prior to the issuance of a Certificate of Occupancy. This Certificate is issued by the Building Official~~; ~~or~~

B. ~~2.~~ A Certificate issued for subdivisions under Chapter 3~~Section 328910~~; or

C. ~~3.~~ A Certificate that is issued for site plans and other development approvals upon the satisfactory completion of a project. This Certificate is issued when no building permit or Certificate of Occupancy is required.

Certificate of Occupancy shall mean a document issued by the Department Director ~~Building Official~~ allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with all applicable County codes and ordinances.

Certificate of Use Compliance shall mean the Certificate of Use and Density/Intensity Compliance under the provisions of the Comprehensive Plan and this Code.

Change of Use shall mean any change, modification or alteration of the use of any structure, lot, or building from one defined use to another. In instances where the specific use is not defined, the defined use closest to that of the specific use shall be used.

Changeable Copy Sign. (See "Sign, Changeable Copy.")

Church or Other Place of Worship shall mean any premises operating as a non-profit organization and used principally as a place of worship and religious education, which shall include, but shall not be limited to chapels, funeral chapels, temples, and synagogues. A church shall not include any Group Housing. A church may also include one (1) accessory dwelling unit for exclusive use of the pastor, priest, rabbi or other church leader.

Child ~~Day~~ Care Center shall mean any establishment that provides, on a regular basis, supervision and care for six (6) or more ~~persons~~ children unrelated to the operator and which may or may not receive a payment, fee or grant for any of the ~~persons~~ children receiving care, wherever operated, and whether or not operated for profit. A ~~Day~~ Care Center shall not be deemed to include: public and non-public schools~~, private schools which are in compliance with the compulsory school attendance law, Chapter 232~~ and their integral programs, except as

Commented [LDI18]: I8.Moved to Chapter 3.

Commented [LDI19]: I9.Changed name for consistency with Florida Statutes.

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provided in Section 402.3025, Florida Statutes; summer camps having children in fulltime residence; summer day camps; ~~or~~ Bible schools normally conducted during vacation periods; and operators of transient establishments, as defined in chapter 509, F.S, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435, F.S. The term shall include but shall not be limited to, kindergartens, nurseries, nursery schools, and day nurseries. A Child ~~Day~~ Care Center shall fall under one of the following categories:

A. ~~(A)~~ Small—6 to 50 persons.

B. ~~(B)~~ Medium—51 ~~to 100~~ or more persons.

~~(C) Large—101 or more persons.~~

Child ~~Day~~ Care ~~Facility~~Center, ~~(~~Accessory~~)~~ shall mean any ~~day~~ child care facility used in conjunction with any church, school, private community use, or cultural facility. A ~~day~~ child care facility built in conjunction with any other professional, commercial, industrial or retail use shall not be deemed an Accessory ~~Day~~ Child Care ~~Facility~~Center ~~(Accessory)~~.

Circus or Circus Exhibition shall mean a permanent facility or temporary, traveling facility where wild and exotic animals are displayed or exhibited to the public during scheduled performances under the supervision of Professional Staff, primarily for commercial, entertainment purposes. (See "~~High Intensity~~ *Recreation Use, High Intensity*.")

Civic, Social and Fraternal Organizations/Clubs shall mean any recreational or social use, owned, organized and operated by a profitable or non-profit organization, where membership is limited to bona fide members paying dues ~~or to the residents of nearby residential areas. Food, meals, and beverages may be served on the premises, provided adequate dining room space and kitchen space is available.~~

Clearing shall mean the removal of trees that have a two-and-one-half (2½) inch diameter breast height or greater. The term shall not include grubbing, the removal of brush, or the ordinary mowing of grass.

Clinic shall mean any establishment where patients, who are not lodged overnight except for observation or emergency treatment, are admitted for examination and treatment by one (1) person or group of persons practicing any form of healing or health building services to individuals, whether such persons are medical doctors, chiropractor's, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. The term clinic shall not be deemed to include Veterinary Clinics, Hospitals~~, Residential Care Facilities~~ or Personal Service Establishments.

Clinic, Veterinary. (See "Veterinary Clinic.")

Cluster Development. (See "Development, Cluster.")

Coastal Evacuation Area (CEA) shall mean the evacuation Level A for a Category 1 hurricane as established in the regional hurricane evacuation study applicable to Manatee County, as updated on a periodic basis~~.~~

Coastal High Hazard Area (CHHA) shall mean The geographic area below the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, pursuant to applicable law, as updated on a periodic basis.~~those portions of The County which lie seaward of the five (5) foot Mean Sea Level topographic contour (the predicted average storm surge height for a Class 1 storm) and which have either historically experienced destruction or severe damage by tidal or wave action, or which have been scientifically predicted to experience destruction or severe damage from storm surge, waves, erosion, or other manifestation of rapidly moving or storm driven water. Notwithstanding the foregoing, this area shall also include all areas within Manatee County's jurisdiction where public facilities have been damaged or undermined by coastal storms, FEMA designated velocity zones (V-zones), areas seaward of the coastal construction control line as established by the Florida Department of Environmental Protection pursuant to Chapter 161, Florida Statutes, and inlets which are not structurally controlled. The CHHA shall consist of two (2) sub-areas. The first sub-area, the Federal Emergency Management Agency's V-zone, is that area subject to direct wave action during storm events and is shown on the most current Flood Insurance Rate Maps (FIRM) for the County. The second sub-area is the area predicted to be subject to other manifestations of storm driven water, and may be referred to as the flood zone. This area is predicted to be subject to coastal flooding during Category 1 hurricane and is defined as that area seaward of the five (5) foot contour and not within the V-zone. The subareas of the CHHA may be treated differently for the purpose of establishing policy for the CHHA.~~

Commented [LDI20]: 20.Was originally called private community uses. "residents of nearby areas deleted per CAO comments. Last sentence moved to Chapter 5.

Commented [LEA21]: 21.Added definition from comp plan.

Commented [LDI22]: 22.Updated according to Comp Plan definition

Coastal Planning Area (CPA) shall mean those portions of Manatee County which lie within the Hurricane Vulnerability Area (evacuation levels A, B, and C) as updated on a periodic basis. This area shall also include water and submerged lands of oceanic water bodies or estuarine water bodies; shorelines adjacent to such water bodies; coastal barriers; living marine resources, marine wetlands; water-dependent or water-related facilities on oceanic or estuarine waters; public access facilities to oceanic beaches or estuarine shorelines; and all lands adjacent to such occurrences where development activities would impact the integrity of the above mentioned land or water body.

Commented [LEA23]: 23.Added definition from Comp Plan.

Code shall mean this Land Development Code.

Collapse Zone. See "Falldown Radius."

Collector, ~~*Major*~~ shall mean a route A route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Traffic movement is a priority but there is a higher degree of land access than with an arterial road, allowing such a route to collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs. A collector street (or road) is also one which typically collects traffic from local streets and which generally connects with Arterials, as defined herein. ~~providing linkage to arterials or other major collectors or major traffic generators and which is relatively continuous through urban areas.~~

Commented [LDI24]: 24.Updated definition to be consistent with Comp Plan

~~*Collector, Minor* shall mean a route providing linkage to major collectors, minor collectors, and arterials or high traffic generating land uses.~~

College. (See "School, College/University.")

Collocation shall mean the placement of a second or subsequent wireless antenna on an existing telecommunication tower or existing structure. The term includes the ground, platform or roof installation of equipment enclosures, cabinets or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

Co-location shall mean the ability to use or the use of a common telecommunication facility by more than one (1) telecommunication service provider, or more than one (1) type of telecommunications technology by one (1) provider.

Combination Sign. (See "Sign, Combination.")

Commercial Parking. (See "Parking, Commercial.")

Commercial Vehicle shall mean any motor vehicle (including mobile homes or recreational vehicles) that qualifies as one of the following:

A. ~~(A)~~ Is designed, altered or used principally for business, governmental, institutional, or non-profit organizational purposes; ~~or~~

B. ~~(B)~~ Has a platform, cabinet, box, rack, compartment, or other facility for transportation of materials, equipment, and items other than the personal effects of private passengers or for carrying passengers for hire; ~~or~~

C. ~~(C)~~ Conspicuously displays the name or other advertising of the business, agency or organization on the exterior thereof, resulting in a total of more than six (6) square feet of sign area on the vehicle~~.~~;

D. ~~(D)~~ Is designed to carry passengers for hire; or

E. ~~(E)~~ Has a rated gross payload of three-quarter (¾) ton or greater~~.~~.

~~(F) Commercial vehicles shall not be deemed to include any manufactured homes or recreational vehicles.~~

Common Household Pet. (See "Pet, Common Household.")

Common Improvement shall mean all streets, driveways, parking areas and other vehicular use areas, and all uses, facilities, structures, buildings, and other improvements, or portions thereof, which are designed and provided for the common use, benefit, and enjoyment of all residents or occupants of all or a designated portion of a development or neighborhood, or for the protection of adjacent property.

Common Open Space. (See "Open Space, Common~~.~~")

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Common Ownership. (See "Ownership, Common~~.~~")

Community Residential Home. A dwelling unit ~~licensed to serve clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration~~ which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. Homes of six (6) or fewer residents shall be deemed a single-family unit and a non-commercial, residential use. For the purpose of this Code, Adult Family Care Homes, as defined in the Florida Statutes, are deemed to be Community Residential Homes.

Community Residential Home Resident. A frail and elderly person, a physically disabled or handicapped person, a developmentally disabled person, a non-dangerous mentally ill person or child as defined by Florida Statutes.

Compactor shall mean a container ranging from five (5) to forty (40) cubic yards in size, in which wastes are compressed to reduce their volume and are stored for disposal.

~~*Compatibility* shall mean not having significant adverse impact as defined by specific goals, objectives, or policies within the Comprehensive Plan. Also, with limited variation from adjacent uses in net density, in type and use of structures (unless highly complementary), and with limited variation in visual impact on adjacent land uses. Compatibility may be achieved through the use of mitigation measures.~~

Comprehensive Plan shall mean the Manatee County Comprehensive Plan adopted pursuant to the requirements and authority of Chapter 163, Part II, Florida Statutes (the "~~Local Government Comprehensive~~ Community Planning ~~and Land Development Regulation~~ Act") ~~as adopted by Ordinance No. 89-1 and as may be amended from time to time~~.

~~*Conditional Use.* (See "Use, Conditional.")~~

Conservation Area shall mean any area that has been set aside for environmental protection through conservation easements, dedicated open space, or other legal mechanism.

Consistent shall mean in accordance, in compliance, in agreement, and to the same extent as.

Construction shall mean any manmade change to improved or unimproved real estate, which shall include but shall not be limited to: buildings or other structures, mining, dredging, filling, grading, paving, or excavation.

Construction Drawing shall mean the drawing(s) showing the location, elevations, dimensions, and materials of improvements and facilities to be installed in a development.

Construction Service Establishment shall mean any premises which may contain outside storage of equipment, materials, vehicles and other items, where the principal use is the provision of services off the premises that directly result in the fabrication, construction, addition, alteration, repair or development of land, buildings or other structures. Construction Service Establishment shall also mean an establishment whose principal use is the rental and retail/wholesale sales of heavy equipment over one and one-half (1½) tons in size. This equipment shall include, but not be limited to bulldozers, backhoes, other construction equipment and tractor/trailer rigs. For the purpose of this code, this use is classified as *Equipment Sale, Rental, Leasing, Storage and Service*, if there is equipment stored on the site, or as *Office* if there is no equipment involved.

Construction Sign. (See "Sign, Construction.")

Contiguous shall mean adjoining or separated by no more than a street, railroad, canal, stream, or similar feature.

Control Structure shall mean any structure designed to control the volume of stormwater runoff that passes through it during a given time period.

Convenience Retail. (See "Retail, Convenience.")

Correctional Facility shall mean any facility used for the housing of persons convicted of or being held for a crime. A correctional facility ~~shall be considered as one of the following~~may be:

A. ~~(A) Major Facility.~~ A prison facility regulated by the State of Florida Department of Corrections designed for maximum security to house persons convicted of a crime, or~~.~~

Commented [LEA25]: 25.From Sec. 419.001, Florida Statutes. Previously known as Family Care Homes in the County. Simplified to avoid needing to change agency/departments' names.

Commented [LEA26]: 26.419.001, FS.

Commented [LEA27]: 27.To be addressed in phase 2.

Commented [LEA28]: 28.The LDC uses the term "conditional use" to refer to uses that have additional standards in section 704. This can be confusing as most communities use the term to refer to uses that require public hearing. The new LDC will refer to the uses subject to additional standards as "specifically regulated uses".

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B. ~~(B) Community Facility.~~ A facility designed to house persons convicted of a crime, or for the custody of persons arrested for a crime and awaiting adjudication. Such facilities shall include community correctional centers, probation and restitution centers, vocational training centers and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

Cost (Floodplain Management). See Floodplain Management.

County shall mean Manatee County, Florida, a political subdivision of the State of Florida.

County Capital Facilities (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

County Impact Fee Administrator (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

County Impact Fee Funds (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Critical Habitat shall mean viable areas of habitation for Endangered and Threatened species as confirmed by appropriate jurisdictional agency documentation, or by reports which may be submitted by an applicant requesting a development order on a site containing an area of such habitation by Endangered or Threatened species. The extent of these areas shall have a definitive boundary which may vary in extent based upon the individual species, e.g., bald eagle's nest or pond harboring a protected turtle.

Cul-de-Sac shall mean a minor local street, one (1) end of which is closed and consists of a non-symmetrically shaped circular space for turning around vehicles, and designated either as a left cul-de-sac which indicates that the turning is mostly accomplished on the left portion of the center of the turning area, when looking at the subject space from the open end of the street; as a right cul-de-sac which indicates that the turning is mostly accomplished on the right portion of the center of the turning area, when looking at the subject space from the open end of the street. (See also "Turnaround.")

Cultural Facility shall mean the use of land, buildings, or structures to provide educational and informational services to the general public, which shall include but shall not be limited to art galleries, museums, libraries, conference and convention centers which do not include hotels.

Dam or Dike shall mean a barrier erected to impound or restrain the flow of water or fluid materials.

Dancing Establishment shall mean a dance hall or night club where the primary use of the facility is for the purpose of recreational dancing.

Day Care Home, Family. (See "Family Day Care Home.")

~~*D.B.H.* (See Diameter Breast Height.")~~

Decision Making Body shall mean the person or body designated by this Code to have decision making authority.

Dental Laboratory. (See "Medical and Dental Laboratory.")

Department Director shall mean the ~~Department Director~~staff person designated by the County Administrator to administer this code.

Design Storm shall mean the minimum recurrent interval storm, based upon the current edition of the Florida Department of Transportation Rainfall Duration Charts applicable in the County, for which a stormwater management facility shall be designed.

Detention shall mean the temporary storage of stormwater runoff for subsequent disposal by evapo-transpiration, percolation, or surface release at a rate which is less than the rate of inflow.

Detention Area or Facility shall mean a natural or artificially created area or facility for stormwater detention.

Developer shall mean any person undertaking the use of land, the construction, reconstruction, or demolition of structures or improvements thereon, or the preparation of land for any use. A developer shall be the legal or beneficial property owner of the land involved, or the authorized agent, thereof. The holder of an option of contract to purchase, any person with the power of condemnation, or other person having an enforceable possessory interest in such land shall be deemed to be a developer for the purpose of this Code. Developer shall also mean the owner(s) of record executing the dedication required for approval of a plat in accordance with Ch. 177, F.S.

Development shall mean the carrying out of any building activity or mining operation, the making of any material

Commented [LDI29]: 29.County Environmental Preserve now called Environmental Land Preserve. Moved below.

Commented [LDI30]: 30.Already included in the abbreviations section

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change in the use or appearance of any structure or land, or the dividing of land into parcels. The following activities or uses shall be taken, for the purpose of this Code, to involve development:

A. ~~(A) A~~ New construction, reconstruction, alteration of, or material change in the ~~extent or~~ external appearance of a structure, or land.~~; or~~

B. ~~(B)~~ A change in the intensity ~~or~~ of use of land, such as an increase in the number of dwelling units in a structure or on ~~a parcel or lot~~land, or ~~an~~ a material increase in the number of businesses, manufacturing establishments, offices, or ~~other uses on one (1) lot or parcel~~dwelling units in a structure or on land.~~; or~~

C. ~~(C)~~ The alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction as defined in Section 161.021, Florida Statutes.~~; or~~

D. ~~(D)~~ Mining, drilling, or excavation, except to obtain soil samples, on a parcel of land.~~; or~~

E. ~~(E)~~ The demolition of a structure.~~; or~~

F. ~~(F)~~ The clearing of land as an adjunct of construction.~~; or~~

G. ~~(G)~~ Depositing refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken, for the purpose of this Code, to involve "development":

A. ~~(A)~~ Work by a ~~governmental~~ highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right~~s~~-of-way~~; government owned property or public easements; or~~.

B. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

C. Environmental preserve restoration taking place within environmental preserves.

D. ~~(B)~~ Work for the maintenance, renewal, improvement, or alteration of any structure~~ of, or minor repairs of a non-structural nature~~, if the work affects only the interior or the color of the structure ~~finish surface, the color,~~ or the decoration of the exterior of the structure.~~; or~~

E. ~~(C)~~ The use of any structure or land devoted to dwelling ~~units~~ uses for any purposes customarily incidental to enjoyment of the dwelling.~~; or~~

F. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

G. ~~(D)~~ A change in the ownership or form of ownership of any parcel or structure.~~; or~~

H. ~~(E)~~ The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

Development shall include all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development refers to the act of ~~development~~ developing or to the result of development. (See also "Redevelopment.")

Development, Cluster shall mean a development approach of the division of land into lots which permits a reduction in the minimum lot size requirements for certain residential districts where said lots are arranged into one (1) or more groups while keeping the overall project gross density the same as in a conventional development. These clusters or groups shall be separated from adjacent property and other groups of lots by intervening common land. No lot shall front on a major local street, thoroughfare, or arterial.

~~*Development Concept Plan* shall mean a preliminary development plan that accompanies plan development applications and can be submitted to the Building and Development Services Department for review and approval. Approval of a Development Concept Plan does not allow a developer to obtain a Certificate of Level of Service Compliance.~~

Development Order shall mean any order granting, denying, or granting with conditions, an application for a

Commented [LDI31]: 31.This definition matches the FS. The comp plan definition is much shorter: "The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or nonagricultural land disturbance, and any nonagricultural use or extension of the use of land. Includes redevelopment but does not include environmental preserve restoration taking place within environmental preserves." They are not exactly the same but are consistent.

Commented [LDI32]: 32.Added to match FS.

Commented [LDI33]: 33.Added for consistency with Comp Plan (not in Statutes).

Commented [LDI34]: 34.Slightly different than FS. Modified to match.

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development permit, including ~~development approval.~~ a building permit, zoning compliance permit, subdivision approval, rezoning, certification, ~~conditional~~special permit use, variance, or any other official action of the County having the effect of permitting the development of land. It shall also refer to the final action of a land use hearing officer. The issuance of any development order shall be determined to include the issuance of a certificate of density and intensity compliance as required by the Comprehensive Plan.

Development (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Development Standards shall mean the adopted Manatee County Development Standards, and any amendment thereto, setting forth engineering and construction standards and practices, and associated procedures, for approval of improvements for development.

Development Unit (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Diameter Breast Height (DBH) shall mean a measurement of the diameter of the tree trunk measured four and one half (4.5) feet above grade.

Directional Sign, Off Site. (See "Sign, Directional Off Site.")

Directional Sign, On Site. (See "Sign, Directional On Site.")

Discharge Rate shall mean the volume of runoff over time, expressed as Gallons Per Minute (G.P.M.) or Cubic Feet per Second (C.F.S.).

Discharge, Stormwater shall mean the stormwater runoff which leaves a site and subsequently directly enters natural or artificial surface drainage systems, artificial subsurface drainage systems, or other property. For water quality purposes, this term shall also include stormwater runoff which directly or indirectly enters surface waters of the State, including surface waters wholly within the site boundaries.

District shall mean all areas of land or water whose boundaries are identified on the Official Zoning Atlas adopted pursuant to the provisions of this Code.

District, Non-Residential shall mean any parcel or parcels of land or water identified as such by this Code, or any areas designated as Professional Office (PR), Neighborhood Commercial (NC), General Commercial (GC), Heavy Commercial (HC), Commercial Recreational Vehicle (CRV), Planned Development Urban Industrial (PDUI), Planned Development Port Manatee (PDPM), Planned Development Office (PDO), Planned Development Commercial (PDC), Planned Development Industrial (PDI), Planned Development Public Interest (PDPI), Planned Development Research Park (PDRP), and Planned Development Mixed Use (PDMU).

District Park~~. (See "Park, District.")~~ shall mean a park designed to serve the recreational needs of several communities or an entire county, and usually provides some areas and facilities that are resource-based. Typical facilities may include play apparatus, natural lands, natural trails, multi-use trails, nature center, boating, swimming, picnic areas and sports fields.

Disturbed Wetland. (See "Wetland, Disturbed.")

Ditch shall mean a man-made channel or excavation, through upland, non-hydric soils, for the purpose of conveying or directing water, draining land, watering livestock or irrigating crops~~; and for which the point of connection to other waters is not more than thirty-five (35) square feet in total cross sectional area and which normally has a water depth of no more than three (3) feet~~.

Dock shall mean any structure intended to serve a boat which is constructed on pilings over open water, or which is supported by flotation on the water. The term shall include but shall not be limited to piers, wharfs, and loading platforms. (See also "Waterfront Structures" and "Single Boat Docking Facility.")

Domestic Vehicle. (See "Vehicle, Domestic.")

Dormitory shall mean any building used as group living quarters for a student body, religious order, rehabilitation/support group or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp or other similar use. Dormitories shall not include any kitchen facilities but may include a group kitchen facility to serve all residents. For the purpose of this Code, this use is classified as *Group Housing.*

Drainage Facility, Major shall mean any retention/detention pond, ditch, culvert, or other drainage way or facility

Commented [LDI35]: 35.Clarified as requested by staff

Commented [LDI36]: 36.Updated according to Comp Plan definition

Commented [LDI37]: 37.Dimensions deleted as recommended by staff (12/03/14).

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designed to serve more than one (1) development, and shall include all major drainageways and facilities so designated on the official ~~M~~major ~~D~~drainage ~~P~~plan.

Drainage Outfall shall mean any positive conveyance of stormwater by means of natural or artificial structures.

Drainage Plan, Major shall mean a plan depicting the major drainage facilities for the County as adopted by the Board.

Drainage System, Artificial shall mean any canal, ditch, culvert, dike, storm sewer, detention or retention facility, or other manmade facility which is designed to control the surface flow of water.

Dredging shall mean excavation by any means in the water or a wetland; also the excavation or creation of a waterbody that is, or is to be, connected to waters, directly or via excavated waterbodies or a series of waterbodies.

Drive-through ~~*Bank. (See "Bank, Drive-Through.")*~~ *Facilities* shall mean establishments which provide services or sales that are extended mechanically or personally to customers who do not exit their motorized vehicle. Such facilities include banking facilities, restaurants, food and/or beverage sales, dry cleaning, drug stores, retail sales, express mail services and other services. Not included in this definition are auto fuel pumps and depositories which involve no immediate exchange or dispersal to the customer, such as mailboxes, library book depositories and recycling facilities.

Driveway shall mean that portion of a lot unobstructed to the sky, and the portion of the rights-of-way, which provides vehicular access between an abutting street and vehicular parking area.

Dry Cleaner, General shall mean any establishment engaged in providing laundry, dyeing or dry cleaning services ~~which exceeds three thousand (3,000) square feet in gross floor area.~~ General Dry Cleaners shall not be deemed to include a dry cleaning plant. For the purpose of this Code, this use is classified as an *Intensive Service*.

~~*Dry Cleaner, Neighborhood* shall mean any establishment engaged in providing laundry, dyeing or dry cleaning services to individual customers which does not exceed three thousand (3,000) square feet in gross floor area.~~

Commented [LDI38]: 38.Combined with Dry Cleaner, General

Dry Cleaner, Pick-Up shall mean any establishment where all laundry cleaning operations are conducted off site and where the customer delivers and later retrieves the laundry. For the purpose of this Code, this use is classified as a *Personal Service*.

Dry Lines shall mean pipes used for the transmission of wastewater, which are internal to a project site, and which are installed during initial construction but remain dry (i.e., not used) until an adequate off-site sanitary sewer collection system is available to take wastewater from the development site to the wastewater treatment plant.

Commented [LDI39]: 39.Updated according to Comp Plan definition

Dumpster shall mean a container ~~two (2), three (3), or six (6) cubic yards in size,~~ with a lid, used by ~~smaller~~ businesses to store wastes.

Commented [LDI40]: 40.Dimensions deleted as recommended by staff (12/3/14).

Duplex shall mean ~~any~~ a single ~~residential~~ building that contains two (2) dwelling units attached to each other by a common wall~~sharing a floor-to-ceiling masonry party or partition wall~~ and designed for or used as ~~the~~ separate homes or residences of two (2) separate and distinct families~~which is entirely surrounded by open space or yards on the same lot and contains only two (2) dwelling units~~.

Dustless Surface shall mean a pavement composed of asphaltic concrete or cement concrete, or other pavement or surface determined by a professional testing laboratory to be equivalent with respect to dust emissions and stability, in accordance with the Development Standards.

Dwelling shall mean a conventional or manufactured, detached or attached structure constituting a single, independent, habitable unit used for, or intended to be used for, living, sleeping, sanitation, cooking, and eating purposes by one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing kitchen, sanitary and sleeping facilities not shared by any other such unit. ~~any structure containing one (1) or more dwelling units and kitchen facilities which is readily accessible and open in the interior to all space therein.~~ A dwelling shall not include hotels, rooming or boarding houses, dormitories, fraternity or sorority houses, lodging houses, guest houses, ~~residential care facilities,~~ nursing homes, recreational vehicles or any temporary lodging, boarding or rooming building or structure designed for transient residence.

Commented [LDI41]: 41.Updated to be consistent with Comp Plan

Dwelling, Modular Unit (also known as manufactured dwelling units) shall mean a dwelling unit that may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing

facilities for installation or erection as a finished building or as part of a finished building. ~~any factory fabricated transportable building, approved by the Department of Economic Opportunity (DEO)Department of Community Affairs (DCA), designed to be used by itself or to be incorporated with similar units at a building site into a modular structure, that will be a finished permanent building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include pre-fabricated panels, trusses, plumbing trees, and other pre-fabricated sub-elements incorporated into a structure at the site.~~ A modular dwelling unit shall be deemed a Single Family dwelling and shall not be deemed a Manufactured Mobile Home Dwelling.

Dwelling, Multi-Family shall mean any residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground such as triplexes, ~~quadriplexes~~quadruplexes, condominiums and apartments.

Dwelling, Single Family Attached shall mean three (3) single family dwellings or more attached to one another by a common wall.~~a building divided by a floor-to-ceiling masonry party or partition wall(s) into at least three (3) single family dwellings intended for fee simple ownership. one-family dwelling which is joined to another such unit in a group of at least three (3) but not more than nine (9) dwelling units, by a common party wall, floor ceiling and/or connecting permanent structure such as breezeways, carports, or garages, where the dwelling units are also located on adjoining individual lots, such as townhouses.~~ This term includes townhouse development.

Dwelling, Single Family Detached shall mean any building which is developed with open yards on all sides and contains one (1) dwelling unit, not attached to any other building or dwelling unit. A detached dwelling shall not include ~~manufactured~~ mobile homes. No such dwelling shall contain more than one kitchen facility.

Dwelling, Single Family Semi Detached shall mean a one (1) family dwelling which is joined to no more than one (1) other such unit by a common party, wall, a common floor/ceiling or connecting permanent structure such as breezeways, carports, garages, screening fences or walls, where such two (2) dwelling units are also located on adjoining individual lots such as duplex dwellings which have been divided into two (2) dwelling units on separate lots.

Dwelling Unit shall mean one (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use as a complete independent living facility for no more than one (1) family and which includes permanent provisions for living, sleeping, eating, cooking and sanitation, and is readily accessible in the interior to all spaces therein.

Dwelling Unit, Substandard shall mean any dwelling unit which is unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

Earthmoving shall mean the removal, extraction, excavation, fill or grading for any purpose of soil, sand, shell, limestone, dolomite, gravel, ore, rock, clay, peat or any material by whatever process. ~~(See Section 732, Earthmoving.)~~

~~*Earthmoving, Major.* (See Section 732, Earthmoving.)~~

~~*Earthmoving, Minor.* (See Section 732, Earthmoving.)~~

Easement shall mean a grant by a property owner of the right of use of his land by another party for a specific purpose.

Eating Establishment shall mean any establishment which provides, for compensation, food or drinks for consumption by patrons on the premises. The term shall not be deemed to include a drive-through eating establishment or drinking establishment.

Eating Establishment, Drive-Through shall mean any establishment which provides, for compensation, food or drinks for consumption by patrons. A drive-through eating establishment shall include a pick-up or drive-through window or area and may accommodate individuals dining on the premises. The term shall not be deemed to include an eating establishment or drinking establishment.

Ecosystem Management Plan shall mean a plan for significant, cumulative improvement to the ecological function of the drainage basin in which wetlands are proposed to be impacted by development. The ecosystem management plan shall demonstrate no net loss of wetland quality and function. To mitigate impacts, a combination of restoration, creation, enhancement, and upland preservation may be considered depending on the size, type,

Commented [LEA42]: 42.Copied definition from 553.36, FS. Modified to apply to dwelling units.

Commented [LEA43]: 43.Fixed to be consistent with Building Code. also deleted reference to having to be in fee simple ownership.

Commented [LEA44]: 44.In Phase 2, we will recommend eliminating this term from the LDC and instead including a provision under specific uses that allows the split of a duplex site into two independent sites as long as each site meets the lot size requirements of the district.

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function, viability, and historic status of the wetlands proposed to be altered.

Egress Window shall mean any window meeting the requirements of emergency egress openings from bedrooms as required by the ~~Manatee County Building Code~~Florida Building Code.

Elementary School. (See "School, Elementary~~.~~")

Eligible Affordable Housing shall mean any dwelling unit located within the County which is designed and intended for the primary purpose of providing decent, safe and sanitary residential units that are designed to meet the standards of Chapter 553, Florida Statutes, (excluding mobile and manufactured homes) for home ownership or rental for eligible persons. Eligible affordable housing units shall not exceed the maximum values as defined by Manatee County's Local Housing Assistance Plan.

Eligible Persons or *"Eligible Household"* shall mean~~s~~ one or more natural persons or a family determined by Manatee County to be of very low income, low income, or moderate income according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

Emergency Shelter shall mean any residence, building, or other place providing, for a period not to exceed an average stay of thirty (30) days per person; room, board, protection, pre-placement screening, or counseling for abused children, abused adults, or similar persons not related to the owner of the premises by law, blood, marriage or adoption; provided that such services shall not include intensive treatment or therapy. The term emergency shelter shall not be deemed to include ~~group care homes~~assisted living facilities, community residential homes, ~~family care homes,~~ recovery homes, or residential treatment facilities.

Emergency Shelter Home shall mean any dwelling providing, (for a period not to exceed an average stay of thirty (30) days per person), room, board and protection, pre-placement screening or counseling for no more than two (2) abused children, abused adults, or similar persons, not related to the owner of the premises by law, blood, marriage or adoption provided that such services shall not include intensive treatment or therapy. ~~This term shall not be deemed to include Group Care Homes, Residential Treatment Facilities Recovery Homes or Nursing Homes.~~

Encumbered shall mean the obligation to expend funds under a purchase order issued by the County.

Engineer shall mean a professional who is registered with the State of Florida to engage in the practice of engineering and licensed as a professional engineer.

Engineering Standards (See "Manatee County ~~Engineering~~Public Works Standards.")

Enhancement shall mean the increase in one (1) or more values on all or a portion of an existing wetland by man's activities. The intentional alteration of an existing wetland to provide conditions which previously did not exist and by consensus increase more than one (1) wetland value is enhancement for the purpose of this Code.

~~*County*~~ *Environmental Land Preserve, Public and Private* shall mean a resource based preserve operated by a public or private entity ~~the County~~ for the primary purpose of environmental preservation and public enjoyment of environmentally sensitive lands.

Environmental Preserve Management Plan shall mean a management plan~~, as amended from time to time,~~ depicting or describing the improvements to and uses within, an Environmental Preserve.

Equestrian Centers shall mean any commercial facility designed primarily for the purpose of riding, training, or stabling of horses~~.~~

Equipment sales, rental, leasing, storage and repair, heavy shall mean establishments primarily engaged in sale, renting, leasing, storing and/or repair of farming, landscaping or construction equipment, industrial trucks, portable toilets, lawn care and similar equipment.

Equipment sales, rental, leasing service and repair, *light* shall mean establishments primarily engaged in sale, renting, leasing and/or servicing computers, electronic equipment, appliances, party supplies, pianos, plants, vending machines, and furniture.

Erosion shall mean the wearing away of the land surface by water, wind, ice or other geologic agents or by the activities of man, other animals, or natural catastrophes.~~general process by which soil particles are moved by flowing surface or subsurface water or wind; the actual movement of soil particles by such~~ means~~.~~

Commented [LDI45]: 45.Changed name to Environmental Preserve (see below) and combined with land reserve

Commented [LDI46]: 46.Moved uses to chapter 5.

Commented [LDI47]: 47.Updated to be consistent with Comp Plan

Erosion Control Structure shall mean any groin, jetty, breakwater, riprap, seawall, or other similar structure intended to control erosion.

Establishment shall mean any entity that functions as a separate economic unit.

Exempt Sign. (See "Sign, Exempt.")

Existing shall mean in existence on or before the effective date of ~~Ordinance No. 90-01~~a regulation or standard contained in the Land Development Code.

Existing Structure shall mean a structure that exists at the time an application for permission to place antennae on a structure is filed with the County. The term includes any structure that can structurally support the attachment of antennae in compliance with applicable codes.

Exit Discharge shall mean that portion of a means of egress between the termination of a building exit and a public way.

Expansion of the Capacity of a Road shall mean, but shall not be limited to, any widening, intersection improvement, signalization or other capital improvement designed to increase the road's capacity.

Expansion of the Capacity of a Road (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Exterminating and Pest Control shall mean an establishment engaged in the service of eliminating insects, mice, rats or other nuisance animals. For the purpose of this Code, this use is classified as *Intensive Service*.

Facility Investment Fee (FIF) (relative to water and sanitary sewer) shall mean the dollar investment, the capital cost of the facilities necessary to collect or distribute and treat the volume purchased by a typical customer in each class of customers pursuant to Article VIII of Chapter 2-31 of the Code of Ordinances. The FIF approximates the customer's proportional share of the total capital costs of facilities serving all customers. It is not transferable from one property to another.

Fair Market Value~~. The value shall be established by the Manatee County Property Appraiser, or an appraisal as provided by a State of Florida licensed real estate appraiser, or an appraiser which is a member of the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers. Fair market value~~ shall mean that value that has been established prior to the commencement of impact generating land development activity. The value shall be established by the Manatee County Property Appraiser, or an appraisal as provided by a State of Florida licensed real estate appraiser, or an appraiser which is a member of the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers.

Fair Market Value (Impact Fees). (See "Impact Fees.")

Falldown Radius shall mean the designated area of a telecommunication facility surrounding a telecommunication tower, which, in the event of a structural failure of all or part of the telecommunications tower, would likely contain the failed or collapsed telecommunication tower. This area may also be called the collapse zone. The falldown radius size shall equal one hundred twenty-five (125) percent of the tower height, unless an engineering certification (structural) shows that in the event of collapse, the telecommunication tower is designed to collapse within a smaller area.

Family shall mean one (1) or more persons living together on a non-transient basis as a single, housekeeping unit in a dwelling unit, which group is comprised of:

A. ~~(A)~~ A natural family of one (1) or more persons who are all related to each other by law, blood, marriage or adoption.

B. ~~(B)~~ Two (2) or more persons so related (the natural family) and not more than four (4) persons who are not so related to persons in the natural family.

C. ~~(C)~~ A group of not more than six (6) persons who are not so related.

Stepchildren and foster children under State approved care shall be deemed to be part of the family.

~~*Adult Family-Care Home* shall mean a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five (5) disabled adults or frail elders who are not relatives.any residence., occupied by six (6) or less~~

Commented [LDI48]: 48.STAFF/CAO: Replaced the date with a statement. Please verify.

Commented [LDI49]: 49.Definiti on specific to antenna regulations. To be addressed in Phase 2.

Commented [LDI50]: 50.Florida Statutes definition (Chapter 429)

~~persons, including resident staff, whether operated for profit or not, which provides, for the period exceeding twenty-four (24) hours, one (1) or more personal services for persons not related to the owner or administrator by law, blood, marriage or adoption, who requires such services. The personal services, in addition to housing and food services, may include but shall not be limited to personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services but shall not include medical services.~~

Family Day Care Home~~-~~ shall mean~~s~~ an occupied residence in which child care is regularly provided for ~~no more than five (5) preschool~~ children from ~~more than one (1)~~ at least two unrelated families~~y~~, ~~and~~ which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. ~~The maximum number of five (5) preschool children includes preschool children living in the home and preschool children received for day care who are not related to the resident caregiver. Elementary school siblings of the preschool children received for day care may also be cared for outside of school hours provided the total number of children including the caregiver's own and those related to the caregiver, does not exceed ten (10).~~ A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

A. Small Family Day Care Home:

1. A maximum of four children from birth to 12 months of age.
2. A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
3. A maximum of six preschool children if all are older than 12 months of age.
4. A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

B. Large Family Day Care Home:

5. A maximum of 8 children from birth to 24 months of age.
6. A maximum of 12 children, with no more than 4 children under 24 months of age.
7. Has at least two (2) full-time child care personnel on the premises during the hours of operation One of the two full-time child care personnel must be the owner or occupant of the residence.

Farm Animal shall mean those animals commonly raised, bred or used for agricultural or livestock purposes, including, but not limited to: cattle, sheep, poultry, swine (including miniature pot-bellied pigs), horses, ostriches, emus, rheas, goats and other livestock. Farm animals shall not be deemed to include common household pets, or pot-belly pigs (see definition of Agricultural Uses)~~maintained in compliance with Section 704.2.2 hereof~~.

~~*Farm Equipment and Supply Establishment* shall mean any premises where the principal use is the sale of farm equipment, machinery, hardware, production supplies and other miscellaneous farm and garden supplies, and may include farm equipment repair provided such repair is incidental and accessory to the principal selling of farm equipment and supplies.~~

Farm Labor Housing. (See "Farm Worker Housing.")

Farm, Tree. (See "~~Tree Farm~~Agricultural Uses.")

Farming Service Establishment shall mean any premises where the principal use is the provision of farming services off of the premises, such as vegetable or fruit picking, harvesting, agricultural pest control, plowing, hauling of agricultural products or similar operations. Farming Service Establishment shall not be deemed to include airfields or landing strips, but may include the carrying out, maintaining, operating or accomplishing repairs upon the user's or occupier's farm implements, vehicles and farming service related equipment.

Farmworker(s) shall mean~~s~~ a person(s) who has worked twenty-five (25) days or more, earning at least one-half (½) of their income in agricultural work in the last twelve (12) months and was not employed year round by the same employer.

Farm Worker Housing shall mean habitable structures or dwelling units intended to be occupied by, and for which occupancy is limited to, farm employees and their families. Such uses occur exclusively in association with the

Commented [LEA51]: 51.Combined with Community Residential Homes. Per state statutes, 6 or less residents are deemed to be a SF home.

Commented [LDI52]: 52.From Ch. 402, F.S.

Commented [LDI53]: 53.See Equipment sales, rental and leasing.

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performance of agricultural labor.~~the living accommodations of farm employees and their families, on one (1) lot or parcel without regard to duration, which occurs exclusively in association with the performance of agricultural labor.~~

Commented [LDI54]: 54.Updated to be consistent with Comp Plan

Fascia Sign. (See "Sign, Wall" under ~~SIGNS~~"Signs".)

Federal Communications Commission (FCC) shall mean an independent federal agency charged with licensing and regulating wireless communications at the national level.

Feed Lot and Stock Yard shall mean the use of land, buildings or structures for the confinement of animals for the purpose of producing animal products for consumption or other uses, conducting such activities predominantly outdoors and in partially enclosed buildings. This term shall not be deemed to include farms, ranches, or agricultural product processing plants.

Feepayer (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Fence shall mean a freestanding structure of metal, masonry, composition or wood or any combination thereof resting on, or partially buried in, the ground and rising above ground level, and used for confinement, screening or partition purposes. This shall not be deemed to include a retaining wall.

Festoon. (See ~~SIGNS~~"Signs".)

Filling shall mean the deposition or burial of materials, such as land clearing debris, soil, rock or other solid materials, onto any land, water, or wetland. For purpose of this Code, filling shall not include permitted Landfills with garbage or other similar waste matter, or the (non-jetted) placement of pilings.

Fire Control District shall mean areas in the County that are units of special purpose government created by a special act and are public municipal corporations having the powers and duties of fire protection and control as set forth in their individual special acts.

Firework/Sparkler Manufacturer shall be the manufacturer of fireworks and/or sparklers as defined in Section 2-21-86 of the Code of Ordinances~~Ordinance 86-14~~. For the purpose of this Code, firework/sparkler manufacturer is classified as Manufacturing, Heavy.

Commented [LDI55]: 55.Moved to Industrial Heavy

Fish Hatchery shall mean any commercial facility designed for the artificial propagation of non-tropical fish species, for the primary purpose of producing food or food products. (See "Agriculture.")

Five-year CIE shall mean the five-year schedule of transportation improvements set forth in the capital improvements element of the Comprehensive Plan.

Flashing Sign. (See "Sign, Flashing.")

Flea Market shall mean any premises where the principal use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser in open air or partly enclosed booths or stalls or within an enclosed building.

Floating Residential Unit shall mean a structure primarily designed or constructed as a living unit, built upon a floating base, which is not designed primarily as a vessel, is not self-propelled although it may be towed about from place to place, and is primarily intended to be anchored or otherwise moored in a fixed location.

Floodplain Management~~FLOODPLAIN MANAGEMENT~~

Base Flood shall mean the flood having a one (1) percent chance of being equaled or exceeded in any given year, also known as the one hundred (100) year flood.

Base Flood Elevation (BFE) shall mean the height above mean sea level that flood waters are estimated to reach during a base flood event.

Cost (Floodplain Management) shall mean the dollar value, actual or estimated, of all material, equipment and labor used in the reconstruction, addition, rehabilitation, or other improvements of a structure. Nationally published and industry accepted cost valuation or manhour tables may be used as a guide by the Building Official, who may adjust such information as necessary to more accurately verify or estimate the cost.

When material or equipment is donated or discounted below the retail market value, the cost shall be equal to the retail market value.

The value of labor, donated or self, shall be computed based on the standard trade wage in Manatee County, but in no case less than the minimum federal hourly wage.

Surveyors, architects, designers, testing labs, other professional fees, permitting costs, impact fees, and site development costs that are not directly related to the physical construction, reconstruction, rehabilitation, addition or other improvement of a structure are not included in the determination of cost for substantial improvement, (floodplain management).

Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. ~~(A)~~ The overflow of inland or tidal waters; or

b. ~~(B)~~ The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map shall mean an official map of the unincorporated area of the County on which the Federal Emergency Management Agency (FEMA) has delineated the One Hundred (100) and Five Hundred (500) Year Flood Boundary and Floodways.

Flood Insurance Rate Map (FIRM) shall mean an official map of the unincorporated area of the County on which the Federal Emergency Management Agency (FEMA) has delineated both the One Hundred (100) Year Floodplain and the insurance risk premium zones.

Flood Insurance Study shall mean the official flood insurance study, dated September 15, 1983, along with the "Flood Insurance Rate Map (FIRM), dated March 15, 1984, all provided by the Federal Emergency Management Agency (FEMA).

Flood Protection Elevation shall mean the height above mean sea level (MSL) that a building must be elevated in order to substantially minimize property damage. The Flood Protection Elevation (F.P.E.) shall be one (1) foot above the Base Flood Elevation (B.F.E.) established in accordance with the Floodplain Management Section ~~718.~~ (See "Freeboard.")

Floodplain, One Hundred (100) Year shall mean areas inundated during a 100-year, or other specified flood event or identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.~~land which will be inundated by floods known to have occurred in the past or those which can be expected to occur in the future from the overflow of inland or tidal waters and the accumulation of runoff of surface water from rainfall under certain conditions. The One Hundred (100) Year Floodplain is the area adjoining a river, stream, bay, lake, or gulf which is inundated by the One Hundred (100) Year Flood or storm. For riverine areas, the One Hundred (100) Year Floodplain consists of a high hazardous area (V-zone) and a low hazard area (A-zone). The One Hundred Year Floodplain for the County is identified in the adopted FIRM and Flood Boundary Floodway Maps, Flood Insurance Study.~~

Commented [LDI56]: 56.Updated to be consistent wtih comp plan definition

Floodplain Management Code. (See "Manatee County Floodplain Management Code.")

Floodplain Management Permit shall mean a separate permit issued by ~~the Building Division of~~ the Building and Development Services ~~Planning~~ Department for structures within the Floodplain. The purpose is to track and insure compliance with this Code and the Manatee County Floodplain Management Code. Upon issuance, the applicant may apply for a building permit.

Floodway shall mean ~~the~~ a channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 100-year flood discharge can be conveyed without increasing the elevation of the 100-year flood more than a specified amount.~~of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.~~

Commented [LDI57]: 57.Updated to be consistent with Comp Plan

Floor, Lowest (For Floodplain Management Purposes) shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable

non-elevation design requirements of 44 CFR, 60.3.

Habitable Space [shall mean] a space in a structure for living, sleeping, eating, cooking, working, entertainment or otherwise occupied by people for their use. Storage or utility space and similar areas are not considered habitable space. (For Floodplain Management purposes only.)

National Flood Insurance Program (NFIP) shall mean a federal program enabling property owners to purchase flood insurance. NFIP is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. The NFIP is based on an agreement between local communities and the Federal Government which states that if a community will implement measures to reduce future flood risks to construction, the Federal Government will make flood insurance available within the community. The NFIP is administered by the Federal Insurance Administration (FIA), a component of the Federal Emergency Management Agency (FEMA), an independent agency.

Substantial Improvement (Floodplain Management) shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred 'substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

a. ~~1.~~ Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. ~~2.~~ Any alteration of a historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Floor Area, Gross shall mean the sum of the horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls, and from the center line of walls separating two (2) or more buildings. The term gross floor area shall be deemed to include but shall not be limited to: basements, wall-less structures, elevator shafts and stairwells at each story, floor space used for mechanical equipment with structural headroom of six (6) feet six (6) inches or more, penthouses, attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet six (6) inches or more, interior balconies, mezzanines and garage space, exclusive of area open and unobstructed to the sky. Gross floor area shall also include that area covered by a roof and not enclosed.

Floor Area, Minimum (Residential) shall mean the minimum habitable gross floor area permitted for a dwelling unit, exclusive of carports, attics, garages, breezeways, porches, terraces, basements or cellars.

Floor Area Ratio shall mean gross nonresidential building floor area divided by gross land area related to such building area. Floor Area Ration (F.A.R.) is a measure of intensity for nonresidential development, and is calculated by determining the ratio of gross floor area of the sum of gross horizontal areas of all floors of an enclosed building measured from the exterior face of exterior walls, but not including interior parking, loading, or heights of less than six feet (in square feet), to the product of the total number of Gross Nonresidential Acres (as defined herein) contained in that lot or parcel times 43,560. Height of any floor within an existing or proposed building shall not be considered in determining F.A.R. of an existing building, nor considered in determining maximum allowable gross floor area by use of a maximum F.A.R. Where projects are proposed to contain more than one lot, Floor Area shall be calculated on a project-wide basis (see also definition of "Intensity"). ~~a ratio determined by dividing the nonresidential gross floor area of all buildings on a lot by that portion of the lot used for nonresidential uses.~~

Commented [LDI58]: 58.Update d to be consistent with Comp Plan

Floor, Lowest. See Floodplain Management.

Food Catering Service shall mean any establishment primarily engaged in the ~~provision~~ preparation and sale of prepared food and drinks to be served and consumed off ~~of~~ the premises.

Forestry shall mean the use of land for the planting, raising, harvesting, and replanting of trees. (See "Agriculture.")

Foundation Landscaping shall mean a planting area located contiguous to the principal structure on the site.

Freeboard shall mean a factor of safety usually expressed in feet above a flood level for purposes of floodplain

management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. For the purpose of this Code, the term "Freeboard" shall be deemed the distance between the Base Flood Elevation (BFE) and the Flood Protection Elevation (FPE).

Freestanding Sign. (See "Sign, Freestanding.")

Front Lot Line. (See "Lot Line, Front.")

Front Yard. (See "Yard, Front.")

Frontage shall mean the length of the property line for a single parcel which runs contiguous to and parallel with each public rights-of-way or private street, exclusive of alleys, that it borders.

Functionally Dependent Facility. (See "Water Dependent Use.")

Functionally Impaired shall mean~~s~~ any person sixty (60) years of age or older with physical or mental limitations which restricts the ability to perform the normal activities of daily living and which impede the capacity to live independently without the provisions of core services. This term shall include those persons who meet the definition of Functionally Impaired according to Section 410.023(f), F.S., and are determined to be such through a function assessment administered in accordance with state provisions.

~~*Funeral Chapel* shall mean any building which is used primarily for human funeral services, provided that said building shall not contain facilities for any of the following:~~

~~(A) Embalming;~~

~~(B) The performance of autopsies or other surgical procedures;~~

~~(C) Cremation;~~

~~(D) The storage of funeral caskets and funeral urns, except those on display on the premises;~~

~~(E) Funeral vehicles shall not be stored on the premises unless such vehicles are stored in a garage or other accessory building which has no direct public street frontage. The garage or other accessory building shall not be used for any other purpose.~~

Commented [LDI59]: 59.Included in church

Funeral Home shall mean any building or part thereof used for human funeral services. Such building may contain space and facilities for any of the following:

A. ~~(A)~~ Embalming and the performance of other services used in the preparation of the dead for burial,

B. ~~(B)~~ The performance of autopsies and other surgical procedures,

C. ~~(C)~~ The storage of caskets, funeral urns and other related funeral supplies,

D. ~~(D)~~ The storage of funeral vehicles, or

E. ~~(E)~~ Facilities for cremation.

Future Development Area Boundary (FDAB) shall mean a boundary generally established to designate on the Future Land Use Map the location for new residential and non-residential development consistent with the adopted Land Use Concept in the Technical Support Document for the Manatee County Comprehensive Plan (May 15, 1989). Those lands east of the Future Development Area Boundary are intended to be preserved for primarily agricultural uses. The boundary is intended to serve as a means to provide an efficient use of land and public and private investment, and to contain urban sprawl. This line shall be consistent with the boundaries of the Water Supply and Wastewater Service Areas established by the Board of County Commissioners.

Commented [LDI60]: 60.Updated to be consistent with Comp Plan

Game Preserve shall mean a privately owned commercial facility where game is taken or hunted for a fee.

Garage shall mean an enclosed building or portion thereof which is designed for the enclosed parking or storage of automobiles and other motor vehicles. To be considered as a garage, the building or portion thereof shall have a garage door or similar opening to allow automobiles or motor vehicles to enter or exit.

Commented [LDI61]: 61.CAO recommended moving the last sentence to standards chapter. This should be part of definition.

Garage Sale shall mean the sale of used household or personal articles, such as furniture, tools, or clothing, held on

residentially used property for a limited time.

Gas Pump~~s~~ shall mean any pump used for the retail sale of fuel for up to two (2) motor vehicles at a time ~~where no service or repair activity is provided. The sale of fuel for motor vehicles shall be~~ incidental to the sale of other goods or activities on site. ~~For the purposes of this Code, a gas pump may have up to three (3) dispenser nozzles. If the gas pump contains more than three (3) dispenser nozzles, each multiple of three (3) shall be considered one (1) pump. This definition shall not include gas pumps that are accessory to an agricultural use or gas pumps for boats.~~

General Development Plan shall mean the initial development approval in the planned development approval process under Section 603 of this Code and shall meet the requirements of Section 508.3.

Generation of Traffic (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Golf Course shall mean any tract of land for playing golf, improved with tees, greens, fairways, hazards, and other similar improvements. A golf course may include a driving range. (See "Recreational Use, Low Intensity.")

Government Sign. (See "Sign, Government.")

Gross Floor Area. (See "Floor Area, Gross.")

Gross Non-Residential Acreage shall mean the total acreage within a project, or part thereof, which is proposed for nonresidential lots or parcels, and which is also:

A. ~~(A)~~ Exclusive of all areas considered to be part of a project's gross residential acreage;

B. ~~(B)~~ Above the mean high water line or mean high tide of any naturally occurring water body;

C. ~~(C)~~ Occupied by any manmade water body;

D. ~~(D)~~ Wetland acreage subject to the jurisdiction of any local, state, or federal environmental review agency, provided that the ~~-~~jurisdictional wetland area is less than or equal to twenty (20) percent of the total project acreage; and fifty (50) percent less in the WPM, WPE overlay districts;

E. ~~(E)~~ Within any required setbacks from such jurisdictional area as required by ~~Policy 2.3.1.2. in~~ the Comprehensive Plan;

F. ~~(F)~~ Within any area reserved for protection of any threatened or endangered species, or species of special concern, including any setback from such species' habitat;

G. ~~(G)~~ Part of any proposed public facility dedicated to, and accepted by the County, or by the Manatee County School Board, or part of any private park or outdoor recreation area;

H. ~~(H)~~ Inclusive of local streets or other streets internal to the project;

I. ~~(I)~~ Occupied by any easement for any public or private utility, including those easements shown as P/SP(1) on the Future Land Use Map of the Comprehensive Plan;

J. ~~(J)~~ Acreage ~~P~~proposed as an open space area; or

K. ~~(K)~~ Adjusted, where applicable, for any reductions in gross residential acreage described in ~~Policy 2.3.4.7 of~~ the Future Land Use Element in the Comprehensive Plan, regarding disturbance of wetlands which are directly connected with inflowing watercourses in the WPM and WPE Overlay Districts as shown on the Future Land Use Map in the Comprehensive Plan.

Gross Residential Acreage shall mean the total acreage within a project, or part thereof, which is proposed for residential lots or parcels above the mean high water or mean high tide line of any naturally occurring water body, and exclusive of all areas considered to be part of a project's gross nonresidential acreage, as defined herein. The total acreage shall include:

A. ~~(A)~~ Any manmade water body;

B. ~~(B)~~ Wetland acreage subject to the jurisdiction of any local, state, or federal environmental review agency, provided that the jurisdictional wetland area is less than or equal to twenty (20) percent of the total project acreage; and fifty (50) percent less in the WPE or WPM overlay districts;

Commented [LDI62]: 62.Wrong reference. No need to specify policy.

Commented [LDI63]: 63.Wrong reference. No need to specify policy.

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C. ~~(C)~~ Acreage within any required setbacks from such jurisdictional area as required by ~~Policy 2.3.1.2 of~~ the Comprehensive Plan;

D. ~~(D)~~ Acreage within any area reserved for protection of any threatened or endangered species, or species of special concern, including any setback from such species' habitat;

E. ~~(E)~~ Acreage that is part of any proposed public facility dedicated to, and accepted by the County, or by the Manatee County School Board, or part of any private park or outdoor recreation area;

F. ~~(F)~~ Local streets or other streets internal to the project;

G. ~~(G)~~ Any easement for public or private utility, including those easements shown as P/SP(1) on the Future Land Use Map of the Comprehensive Plan;

H. ~~(H)~~ Acreage proposed for any church or religious place of worship; and

I. ~~(I)~~ Acreage ~~P~~proposed as an open space area or community center.

Total acreage shall be adjusted, where applicable, for any reductions in gross residential acreage as described in ~~Policy 2.3.4.7 of~~ the Future Land Use Element of the Comprehensive Plan regarding disturbance of wetlands, which are directly connected with inflowing watercourses in the WPE and WPM Overlay Districts shown on the Future Land Use Map of the Comprehensive Plan.

Gross Sales Area. (See "Sales Area, Gross.")

~~*Group Care Home, Small* shall mean any residence, building or other place, occupied by sixteen (16) persons or less including resident staff, whether operated for profit or not, which provides, for a period exceeding twenty-four (24) hours, one (1) or more personal services for persons who may or may not be related to the owner or administrator by law, blood, marriage or adoption, and not in foster care, who require such services. The personal services, in addition to housing and food services, may include but shall not be limited to personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related service, however, shall not include medical services.~~

~~*Group Care Home, Large* shall mean any residence, building or other place, occupied by seventeen (17) persons or more including resident staff, whether operated for profit or not, which provides, for a period exceeding twenty-four (24) hours, one (1) or more personal services for persons who may or may not be related to the owner or administrator by law, blood, marriage or adoption, and not in foster care, who require such services. The personal services, in addition to housing and food services, may include but shall not be limited to personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related service, however, shall not include medical services.~~

Ground Cover shall mean plants of species which normally reach a height of less than three (3) feet upon maturity, installed in such a manner as to form a continuous cover over the ground.

Group Housing shall mean any premises where the principal use involves the provision of two (2) or more residential units for ~~non-~~transient or permanent occupancy. ~~Group Housing may provide dining room service.~~ The term group housing shall be deemed to include rooming and boarding house, hospital guest house, fraternity or sorority houses, dormitories, convents, monasteries, retreat houses or camps, farmworker housing and similar uses, but shall not be deemed to include hotels~~, or residential care facilities~~ nursing homes, or emergency shelters.

Guest House shall mean a structure ~~which is~~ accessory to a residential use, used for the occasional housing of guests of the occupants of the principal structure, and not as a rental unit or for permanent occupancy as a housekeeping unit. A guest house does not ~~The guest house shall not have any~~ kitchen or dining facilities. Mobile homes, recreational vehicles, or structures built in conformance with Section 320.823 Florida Statutes, ~~as may be amended from time to time,~~ shall not be deemed a guest house.

Guyed Tower shall mean a telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

Hazardous Substance shall mean any substance which is defined as a hazardous substance in the U.S. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended.

Hazardous Waste shall mean ~~any waste materials or combinations of waste materials which require special~~

Commented [LDI64]: 64.Wrong reference. No need to specify policy.

Commented [LDI65]: 65.Wrong reference. No need to specify policy.

Commented [LDI66]: 66.ALFs replaced Group Homes.

Commented [LDI67]: 67.Now includes Residential Care Facilities

Commented [LDI68]: 68.Moved to Chapter 5.

Commented [LDI69]: 69.The comp plan definition excludes rooming or boarding homes, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters. The term *should* include rooming/boarding houses, fraternities, convents/monasteries. It doesn't have to include the others. We added nursing homes and shelters to the list

Commented [LDI70]: 70.CAO recommended taking out the part about kitchen and dining. This statement should be part of the definition. A guest house with kitchen/dining would no longer be deemed a guest house.

~~management techniques because of their acute and/or chronic effects on air and water quality; or fish, wildlife, and other biota, and on the health and welfare of the public. These waste materials include, but shall not be limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic waste materials.~~ solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under chapter 497, F.S.

Hazardous Waste Generator shall mean any person, or site, whose action or process produces hazardous waste, identified or listed in 40 CFR 261, or whose act first causes a hazardous waste to become subject to regulation.

Hazardous Waste Transfer Facility shall mean any establishment providing short term storage, less than ninety (90) days, of hazardous waste.

Heavy Utility Use. (See Utility Use, Heavy.)

Hedge shall mean a row of closely planted shrubs, bushes, or other vegetative screening forming a boundary or restrictive barrier. The minimum height of such shrubs shall be twenty-four (24) inches at the time of planting.

Height, Building shall mean the vertical distance from average grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gamble roofs measured from the grade; provided that where land is subject to required minimum flood elevations the building height shall be measured from such required elevation.

Height, Satellite Dish Antenna shall mean the height of a ground mounted antenna measured vertically from the highest point of the antenna when positioned for operation to the bottom of the base which supports the antenna.

Height, Sign. (See ~~SIGNS~~"Signs".)

Height, Telecommunication Tower shall mean the distance measured from base (top of foundation) to the highest point of the tower. This measurement excludes any attached antennas, and lighting. The height of the base exceeding four (4) feet above grade shall be included in height of tower.

Heliport. (See AIRPORT.)

Helistop. (See AIRPORT.)

High School. (See "School, High.")

Highest Adjacent Grade shall mean the highest natural elevation of the ground surface, prior to any construction immediately adjacent to and within two (2) feet of the proposed walls of a structure.

Historic Landmark shall mean any site, building, structure, landscape feature, improvement, aesthetically significant zone, or archaeological site, which has been designated as a historic landmark pursuant to procedures described in this Code.

Historic Property or Historic Resource shall mean any prehistoric or historic district, site, building, object or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of Florida or Manatee County.

Historic Resources shall mean all areas, districts or sites containing properties listed as significant on the Florida Master Site File, the National Register of Historic Places, or designated by Manatee County as historically, architecturally, or archaeologically significant.

Historic Structure. (See "Structure, Historic.")

Historical Research shall mean a thorough study of a past event, place, character or society using primary resources such as but not limited to maps, oral histories, newspapers, diaries, photographs, inventories and governmental records.

~~*Historical Sign.* (See "Sign, Historical.")~~

Commented [LDI71]: 71.Replaced with FS definition (s. 403.703)

Commented [LDI72]: 72.Updated to be consistent with Comp Plan.

Commented [LDI73]: 73.[No such definition in the code for historical sign so deleted]

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Historical Significance shall mean a determination~~and be~~ based on the U.S. Secretary of the Interior's criteria for eligibility to the National Register of Historic Places (including archaeological and historical resources).

Home Occupation shall mean any use of a dwelling unit for an occupation subordinate to the dwelling unit and only conducted by the resident thereof, entirely within the dwelling unit, and which is clearly incidental to the use of the structure for residential purposes, does not change the character thereof, and which shall not occupy more than twenty-five (25) percent of the gross floor area or two hundred (200) square feet, whichever is less. ~~No commodities shall be sold on the premises, unless otherwise allowed under the provisions of this Code.~~

~~*Homeless, The*, a~~A ~~person(s) who is not residing in one (1) or more dwelling units.~~

Horticulture shall mean the science and art of growing fruits, vegetables, flowers, and ornamental plants. (See "Agriculture.")

Hospital shall mean any establishment that offers services more intensive than those required for room, board, personal service, and general nursing care, and offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment, or care of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy, and regularly makes available at least clinical laboratory services, diagnostic x-rays services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, and including the issuance of a Certificate of Need by the State of Florida. The term "hospital" also includes a medical office building located on the same premises as a hospital facility if the premises were zoned for hospital purposes on January 1, 1992.

Hospital Guest House shall mean any establishment that provides lodging and meals to relatives of patients in a hospital or in a nursing, convalescent or extended care facility associated with the hospital guest house~~, as an outpatient to said hospital~~. For the purpose of this Code, this use is classified as *Group Housing.*

Hospital, Veterinary. (See "Veterinary Hospital.")

Hotel shall mean any building or portion thereof, or a group of buildings which provides two (2) or more lodging units for transient occupancy on a daily, weekly, or similar short term basis. Hotel shall include but shall not be limited to motel, inn, boatel, motor inn, motor lodge, tourist cabin and tourist court. A hotel shall also be deemed to include any establishment which provides residential living accommodations on a more or less permanent basis, such as an apartment hotel; provided that where more than twenty-five (25) percent of the units in an apartment hotel have cooking facilities, such establishment shall be deemed a multi-family dwelling and shall be subject to this Code as such, counting each such unit as a dwelling unit for all purposes. ~~A hotel shall not be deemed to include residential care facilities.~~

House. (See "Dwelling.")

Hurricane Vulnerability Zone ~~shall mean~~ see Coastal Planning Area ~~which is the~~that area designated by the definition and delineation in Map 4-B of the Comprehensive Plan on the Coastal Planning Area Map.~~.~~

Hydric Soil shall mean soil that is wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants.

Hydrologic Connection shall mean connection to a natural surface water body such as lakes, ponds, rivers, creeks and sloughs, where a flow of surface water occurs on an average of thirty (30) or more consecutive days per year under normal hydrological conditions. In the absence of reliable hydrological records, a continuum dominated by the plant species listed in the Wetlands Planning Guidelines may be used to establish a hydrological connection. Artificial or manmade ditches, canals or channels constructed through uplands that connect previously isolated wetlands to natural surface water bodies shall not be deemed as a hydrological connection. Artificial or manmade ditches, canals or channels constructed in historical natural drainage ways shall be deemed a hydrological connection.

Hydroperiod shall mean a measure of the time (usually in days per year) that water is at or above soil surface under normal hydrologic conditions.

Identification Sign. (See "Sign, Identification.")

Illegal Sign. (See "Sign, Illegal.")

Illuminated Sign. (See "Sign, Illuminated.")

Commented [LDI74]: 74.Already stated in chapter 5.

Commented [LDI75]: 75.The term is not used anywhere in the LDC.

Commented [LDI76]: 76.Original revisions per 3rd round comments-Sandy Tudor. Modified by John Osborne on 5/8/14.

Commented [LDI77]: 77.Updated to be consistent with Comp Plan.

Impact Fees~~IMPACT FEES~~

Access Improvements shall mean improvements designed to insure safe and adequate ingress and egress. The term "access improvements" includes, but is not limited to, acceleration, deceleration and turn lanes, traffic signals and signs and any road capital facility which does not increase the existing road's capacity.

Accounts shall mean any impact fee account established by the County pursuant to Chapter ~~10~~11~~Section 804.1~~.

Administrative Procedures shall mean~~s~~ the manual adopted by the Board by resolution, to implement the provisions of this Chapter ~~10~~11~~8~~: Impact Fees.

Bedroom (Impact Fee Calculations) shall mean a room that can be used for sleeping purposes, which exceeds seventy (70) square feet in floor area with no less than seven (7) feet in any dimension, which can be closed for privacy. A bedroom is a room other than a living room, family room, dining room, breakfast nook, sitting area, laundry room, pantry, or walk-in closet. Dens, studies, libraries, game rooms and offices immediately contiguous to a common area (excluding a hallway) and without a closet, shall not be considered a bedroom. ~~In no event, based on the criteria established in this definition, shall a dwelling unit not be required to pay a minimum one bedroom impact fee.~~

Benefit District shall mean~~s~~ those Benefit Districts established pursuant to ~~Section 805 of~~ Chapter ~~8~~~~10~~11: Impact Fees.

Capital Countywide Parks Facilities shall mean lands, as well as buildings, improvements to land, and capital equipment, facilities and vehicles, used for public parks, recreation, open space, and/or trails — and specifically including those park, open space, recreation and trail elements included in the calculation of Countywide Parks Impact Fees in the Impact Fee Study. ~~The costs of Capital Countywide Park Facilities also includes the costs of related planning for the provision of Capital Countywide Parks Facilities.~~

Capital Law Enforcement Facilities shall mean land, as well as buildings, improvements to land, and capital equipment, facilities and vehicles, used for county law enforcement services — and specifically including those law enforcement facilities included in the calculation of Law Enforcement Impact Fees in the Impact Fee Study. ~~The costs of Capital Law Enforcement Facilities also include the costs of related planning for the provision of Capital Law Enforcement Facilities.~~

Capital Public Facility Standards shall mean those measures of levels of service for countywide parks facilities, law enforcement facilities, public safety facilities, and roads facilities documented and used in the Impact Fee Study to calculate the Impact Fees.

Capital Public Safety Facilities shall mean lands, buildings, improvements to land, and equipment, facilities and vehicles, used for the provision of public safety services — and specifically including those public safety facilities included in the calculation of Public Safety Impact Fees in the Impact Fee Study. ~~The costs of Capital Public Safety Facilities also include the costs of related planning for the provision of Capital Public Safety Facilities.~~

Capital Roads Facilities shall mean transportation planning and the right-of-way acquisition, engineering and construction of road improvements to land of any project to expand the capacity of any arterial or collector shown in Map 5-B (the Future Traffic Circulation Functional Classification Map) of the Manatee County Comprehensive Plan but not including routine or periodic maintenance.

County Capital Facilities shall mean Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, as defined in this chapter.

Capture and Diversion Rate (Impact Fees) shall mean that portion of the travel to and from automobile oriented commercial land uses presented by vehicles making intermediate stops within a longer primary trip.

County Capital Facilities shall mean Capital Local Park Facilities, Capital Countywide Park/Open Space Facilities, Capital Transportation Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, as defined in this chapter.

County Impact Fee Administrator shall mean~~s~~ the County Administrator or a designee, who shall be responsible for the administration of Chapter ~~10~~11~~8~~: Impact Fees.

Commented [LDI78]: 78.Moved to computation section (Ch. 11)

Commented [LDI79]: 79.Moved to Ch. 11 (Use of Impact Fee Funds)

Commented [LDI80]: 80.Moved to Ch. 11 (Use of Impact Fee Funds)

Commented [LDI81]: 81.Moved to Ch. 11 (Use of Impact Fee Funds)

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County Impact Fee Funds shall mean~~s~~ the funds established by the County pursuant to ~~Section 804.1~~Chapter ~~10~~11 to ensure the Impact Fees collected ~~pursuant to this Chapter 8: Impact Fees,~~ are designated for the accommodation of impacts reasonably attributable to new Impact-Generating Land Development that paid the Impact Fees. The County Impact Fee Funds include Accounts established pursuant to ~~Section 804.1~~Chapter ~~10~~11.

Credit Authorization shall mean~~s~~ the document approved by the Board which grants impact fee credits to a person for the completion of non-site related improvements or non-site related transportation facilities and which includes any conditions placed on the use of those credits.

Development shall mean~~s~~ any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for public services.

Development Unit shall mean~~s~~ any lot, parcel, or phase in a project as depicted in a development order, and for which credit under the provisions of Chapter ~~810~~11 is sought.

Expansion of the capacity of a road includes any widening, intersection improvements or other capital improvements which results in an increase of the road's capacity.

Fair Market Value shall mean~~s~~ the value of land or land and Capital County Facilities that is determined as part of an Offer of Credit. Fair market value shall be established by the Manatee County Property Appraiser, or through an appraisal provided by a State of Florida licensed real estate appraiser, or an appraiser who is a member of the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers, or, in cases where the value of new construction has not yet been included on the Tax Roll in force, the declared value of the improvement on a Manatee County ~~B~~building ~~P~~permit, pursuant to the Administrative Procedures.

Feepayer shall mean~~s~~ a person commencing Impact-Generating Land Development who is obligated to pay Impact Fees in accordance with the terms of Chapter ~~810~~11: Impact Fees.

Generation of Traffic (Impact Fees) shall mean both the production and attraction of traffic.

Impact Fees shall mean the Countywide Parks Impact Fees, the Roads Impact Fees, the Law Enforcement Impact Fees, and the Public Safety Impact Fees, established by Chapter ~~810~~11: Impact Fees.

Impact Fee Component shall mean~~s~~ each separate County Capital Facility for which Impact Fees are exacted. More specifically, the following shall each constitute a separate Impact Fee Component:

a. ~~1.~~ Capital Countywide Parks Facilities;

b. ~~2.~~ Capital Roads Facilities

c. ~~3.~~ Capital Law Enforcement Facilities; or

d. ~~4.~~ Capital Public Safety Facilities.

Impact Fee Road System shall mean~~s~~ all arterial and collector roads shown in Map 5-B (the Future Traffic Circulation Functional Classification map) of the Manatee County Comprehensive Plan.

Impact Fee Study shall mean~~s~~ the document titled "Impact Fee~~s~~ Rate Study for Roads, Parks, Public Safety, and Law Enforcement in Manatee County, Florida", prepared ~~for Manatee County, Florida,~~ by Henderson Young & Company, and dated May 26, 2011~~October 25, 2006~~, ~~and prepared by TischlerBise,~~ that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the County's Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, and for determining the cost of these County Capital Facilities necessary to meet the demands created by new development.

Impact Fee Schedule shall mean~~s~~ a fee schedule comprised of Impact Fee Components for each separate County Capital Facility provided by the County for which Impact Fees are exacted. ~~The Impact Fee Schedule is established in Exhibit 8-1, and incorporated herein by reference.~~

Commented [LDI82]: 82.[This part regarding incorporating by reference exhibit 8-1 should go in the impact fee chapter instead so deleted]

Impact-Generating Land Development shall mean~~s~~ either:

a. ~~1.~~ Land development designed or intended to permit a use of the land that will contain more dwelling

units, lots, or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand on Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and/or Capital Public Safety Facilities, unless exempted pursuant to ~~Section 803.2~~Chapter ~~10~~11. (The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.); or

b. ~~2.~~ Any "land development activity" as defined in Chapters ~~810~~2 and ~~2~~11 of the Manatee County Land Development Code ~~repealed with the adoption of this Ordinance 064-75~~, that is obligated to pay but has not paid impact fees.

Improvements shall mean the results of planning, engineering design, construction inspection, on-site construction, off-site construction, land, the purchase of related equipment, vehicles, and financing associated with new or expanded capital facilities, buildings, and equipment that expand the capacity of a facility or service system, but not including maintenance, operations, or improvements that do not expand capacity.

Independent Impact Analysis Study shall mean~~s~~ a study prepared by a Feepayer, calculating the cost the County will incur in providing the necessary Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and/or Capital Public Safety Facilities to serve the Feepayer's proposed Impact-Generating Land Development, based on the established Capital Facility standard(s). ~~The Independent Impact Analysis shall be performed using an average cost (not marginal cost) methodology, that uses the service units and unit construction costs stated in the Impact Fee Study, and complies with all other relevant requirements established by Chapter 8: Impact Fees.~~

Land (See "Land.") ~~shall have the same meaning as set forth in Section 380.031(7), Fla. Stat~~.

Law Enforcement shall mean~~s~~ the provision of services for the protection of people and property in existing and proposed developments, and the enforcement of the penal, criminal, traffic or highway laws enforceable by the Manatee County Sheriff's Department.

Manufacturing (Impact Fees) shall mean the use of a building or structure or any portion thereof for assembling, disassembling, repairing, fabricating, finishing, manufacturing, packaging or processing operations.

~~*Non-Site Related Capital Roads Facilities* mean contributions, construction or dedication of land for right-of-way for Capital Roads Facilities that are not Site-Related Capital Roads Facilities.~~

Non-Site Related Improvements shall mean~~s~~ contributions, construction or dedication of land for Capital Countywide Parks Facilities, Capital Law Enforcement Facilities, Capital Roads Facilities, or Capital Public Safety Facilities that are not Site-Related Improvements.

Nursing Home ~~*(Impact Fees)*~~ shall mean the same as outlined in Chapter 400.021 Florida Statutes, and for the purposes of nursing home impact fees shall include residential treatment facilities.

Person shall mean~~s~~ an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

~~*Site-Related Capital Transportation Facilities* mean Capital Transportation Facilities that provide direct and safe access and egress to the development. Direct access improvements include but are not limited to: (a) a minimum of fifty (50) feet of dedicated right-of-way (i.e., in excess of a twenty-five (25) foot half right-of-way for a curb and gutter section or in excess of a forty-two (42) foot half right-of-way for a rural section) and sub-base, base, and pavement required for two (2) lanes constructed to local standards in an urban configuration for any road on the County Road System that traverses or is adjacent to the land on which the development is located, that is required by local regulations; (b) other safety-related capital road improvements, including but not limited to, construction of acceleration, deceleration, turn, and holding lanes, as well as the installation of traffic signals for those facilities; and (c) internal streets. Credit is not provided for Site-Related Capital Transportation Facilities.~~

~~*Site-Related Improvements* means all Capital Local Park Facilities, Capital Countywide Park/Open Space Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities, located inside or outside the boundaries of the proposed development and designed and intended to serve only the needs of that development.~~

Commented [LDI83]: 83.STAFF: Deleted reference to ordinance. please verify.

Commented [LDI84]: 84.Already stated in chapter 11.

Commented [LDI85]: 85.Deleted by Ord. 14-13.

Commented [LDI86]: 86.Amended by Ord. 14-13.

Commented [LDI87]: 87.Deleted by Ord. 14-13.

Commented [LDI88]: 88.Already defined below.

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Successor-in-Interest shall mean~~s~~ a person who gains a fee simple interest in land for which Impact Fees are paid or a credit is approved pursuant to the terms of this chapter.

Warehouse (Impact Fees) shall mean any premises where the principal use is the storage of merchandise, products, or materials in bulk, for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales, but shall not be deemed to include retail sales establishments, motor freight terminals, mini-warehouses or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

Impact Fee Component (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Impact Fee Road System (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Impact Fee Schedule (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Impact Fee Study (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Impact-Generating Land Development (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Impervious Surface shall mean any surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, shell, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Improvements (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Incidental Adult Materials Vendor. (See ~~ADULT ENTERTAINMENT~~"Adult Entertainment".)

Incinerator shall mean a facility in which wastes are reduced by combustion.

Independent Impact Analysis Study (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Independent Special District shall mean a special district that is not a dependent special district.

Industrial, heavy shall mean an establishment whose principal purpose is the mechanical or chemical transformation of materials or substances, including the bulk storage of raw materials, and which process may emit noise, vibration, dust, odor or pollutants. Activities include animal product processing facility, manufacturing, assembly and fabrication of items, including large scale or specialized industrial operations, firework/ sparklers, processing and compounding of semi-finished products from raw material in bulk form to be used in an industrial operation.

Industrial, light shall mean an establishment whose principal purpose is the manufacturing, assembling, compounding, processing, packing, baling, repairing, storing or distribution of products made from previously prepared basic materials, such as bond, cloth, cork, fiber, leather, paper, plastics, metals (not involving punch presses over fifty (50) tons rated capacity), stones, tobacco, wax, yarns, or wood (except where sawmills or planning mills are employed). Also included in this definition are ~~printing and publishing plants, and~~ micro-breweries. See personal and business services for repair of household appliances and office equipment.

Infirm Elderly shall mean~~s~~ any person sixty (60) years of age or older meeting the definition of functionally impaired.

Infrastructure shall mean road, water, sewer, stormwater or drainage facilities, public use area specifically designed to accommodate the impact generating land development activity.

Intensity. See "Floor Area Ratio."

Intensive ~~*Industrial*~~ *Services* ~~*Establishment* shall mean any premises where the principal use is the provision of maintenance, cleaning, supply, repair, or similar services, such as linen suppliers, or building maintenance, where personal customer visits to the establishment are not commonly necessary.~~ shall mean any type of service that includes carpet cleaning plants, pest control/exterminating services, industrial-type cleaning and laundry, printing and publishing plants, sign painting establishments, wholesale photo processing, and other similar service uses where personal customer visits to the establishment are not commonly necessary. This use category shall also include taxi/limousine service and towing service establishments as defined in this chapter.

Commented [LDI89]: 89.consistent with comp plan definition

Interior Lot. (See "Lot, Interior.")

~~*Interior Play Space* shall mean that indoor area which equals the licensed capacity, which is usable space for each child as defined per Section 10M-12.003(3), HRS Manual, 11/88.~~

Commented [LDI90]: 90.Interior Play Space term not used in LDC.

Intermodal Terminal shall mean the use of land, buildings or structures for the storage and handling of cargo and the transfer of cargo from one mode of transportation to another. Such intermodal transfer may include the transfer of cargo from water vessels to rail or truck. This term shall not be construed to mean airport or airfield as defined in this section.

Interneighborhood Tie shall mean any ~~new~~future street connection made to an existing residential neighborhood's local street network.

Interstate Connector shall mean any thoroughfare that both intersects and has access onto Interstate 75 (I-75) and Interstate 275 (I-275).

Irreversible shall mean any action, deed or accomplishment that is incapable of being reversed as it relates to the Code Enforcement citation program.

Isolated Wetland. (See "Wetland, Isolated.")

Junk Vehicle. (See "Vehicle, Junk.")

Junkyard shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles, motor vehicle parts, scrap metal, waste paper rags, used building materials, white goods, etc.

Laboratory, Medical and Dental. (See "Medical and Dental Laboratory.")

Land shall mean the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land pursuant to ~~same as defined in~~ Section 380.031~~(7)~~, Florida Statutes.

Land (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Land Development Regulations shall mean documented rules, standards and procedures contained in the Manatee County Comprehensive Zoning and Land Development Code or in any regulations developed pursuant to Section 163.3202, F.S.~~an ordinance enacted by the County for the regulation of any aspect of development, including an ordinance governing zoning, subdivisions, landscaping, tree protection, or signs, the County's Comprehensive Plan or any other ordinance concerning any aspect of the development of land. The term does not include any building construction standard adopted under and in compliance with Chapter 553, Florida Statutes.~~

Land Reserve, Public or Private shall mean land restricted for the protection and preservation of the wildlife, natural resources or unique features of the land. For the purpose of this Code, this use is classified as *Environmental Land Preserve*.

Landfill shall mean land used for the disposal of waste as defined by the Florida Department of Environmental Protection. All landfills shall be in compliance with Chapter 403, Florida Statutes, as amended. Landfills may include accessory resource recovery or volume reduction facilities. For the purpose of this code, landfills are classified as *Solid Waste Management Facilities*.

Landscape Architecture shall mean the consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas where, and to the extent that the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values.

Landscape Professional shall mean a landscape architect or other professional permitted to prepare plans or drawings in accordance with Chapter 481 Pt. II, Florida Statutes.

Landscaping Service. (See "Lawn Care and Landscaping Service.")

Lattice Tower shall mean a telecommunication tower that consists of vertical and horizontal supports and crossed metal braces, which is usually triangular or square in a cross section.

Law Enforcement (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Lawn Care and Landscaping Service Establishment shall mean any establishment engaged in performing a variety of lawn and landscaping services such as but not limited to lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping. For the purpose of this Code, this use is classified as *Office* if no

Commented [LDI91]: 91.Included full definition from FS)

Commented [LDI92]: 92.Updated definition to be consistent with Comp Plan.

Commented [LDI93]: 93.Combined with environmental land preserve

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storage of equipment is provided on-site. Otherwise it shall be classified as *Equipment sales, leasing, storage and repair.*

Level of Service shall mean an indicator of extent or degree of service which is, or will be, provided by a facility. Level of Service standards are targets or objectives with which compliance is required.

Lighting, Outdoor. (See "OUTDOOR LIGHTING.")

Limits of Clearing shall mean the area of land to be cleared of trees and other vegetation in conjunction with proposed development or land use.

Limousine Service. (See "Taxi-Cab and Limousine Service.")

Liquor Store shall mean an establishment engaged in the retail sale of packaged alcoholic beverages for consumption off-premises. (See "Retail Sales, Other.")

Live Bottom Communities shall mean sub-tidal biological communities which aggregate on the bottom of water bodies. Live bottom communities include oyster bars, clam, scallop and mussel beds, hard and soft coral reefs, seagrass and algae beds.

Local Park~~.~~ shall mean a park that is a "walk-to" or "short drive-to" a public or private park generally located along streets people can walk or bicycle without encountering heavy traffic. It serves the population of a neighborhood/community in radius of up to one and one-half miles and should have at least two acres for each 1,000 population or other space requirement as determined by adopted level of service standards.~~(See "Park, Local.")~~

Commented [LDI94]: 94.Local park definition was added to be consistent with comp plan.

Local Road. (See "Road, Local.")

Local Street. (See "Street, Local.")

LOS shall mean the level of service established for a transportation facility pursuant to the Comprehensive Plan.

Lot shall mean a single or continuous plot, parcel, or tract of land all of which is to be used, developed or built upon as a unit under single ownership throughout and defined by boundaries or lot lines ascertainable by recorded deed or plat; and which shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record. This definition shall not include individual units under condominium ownership. ~~A lot shall not be developable if it does not meet the standards within the Code, unless it is legally non-conforming in accordance with provisions of Chapter 11.~~

Commented [LDI95]: 95.Already stated in Ch. 4.

Lot Area shall mean the total horizontal area within the legal lines of a lot, excluding streams, ponds, canals, rivers, creeks, or other water bodies, except as may be permitted in the General Agricultural District ~~under Section 702.4.3~~, and any area under an easement for a private street or dedicated as or otherwise having the legal status of a public street except for platted subdivisions in the A District platted or recorded prior to September 9, 1926, in which one-half (½) of the adjacent platted right-of-way or easement for a private street from the extensions of lot lines may be included in calculating lot area. That portion of a lot within the area between the existing right-of-way of a street and any officially adopted future right-of-way lines shall be considered as part of the lot area.

Lot Consolidation shall mean the combining of two or more subdivision lots into a single parcel for the purpose of development and density calculations.

Lot Coverage shall mean the number determined by dividing that area of a lot, which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the lot area.

Lot Depth shall mean the mean horizontal distance between the front and rear lot lines.

Lot Line shall mean any legal boundary line of a lot.

Lot Line, Front shall mean the street line of a lot, except:

Lot, Corner shall mean a lot at the point of intersection of and abutting on two (2) or more intersecting street lines, or in the case of a curved street, extended street lines, being not more than one hundred thirty-five (135) degrees.

Lot, Interior shall mean any lot, including a through lot, other than a corner lot.

A. ~~(A)~~ On a through lot, the front lot line shall be deemed the street line which faces the principal entrance of the

principal building.

B. ~~(B)~~ On lots in common or dedicated open space, the front lot line shall be deemed to be the closest lot line which faces the principal entrance to the principal building or structure.

C. ~~(C)~~ On an existing approved flag lot (lot of record) ~~or a flag lot approved per Chapter 3Section 103.2.3~~, the closest lot line which faces the principal entrance or approach to the principal building shall be deemed to be the front lot line.

Commented [LEA96]: 96.No new flag lots are allowed according to old section 103.2.3

Lot Line, Rear shall mean that lot line that is most distant from, and is most nearly parallel with, the front lot line. A corner lot shall not have a rear lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot.

Lot Line, Side shall mean a lot line which is neither a front lot line, nor a rear lot line.

Lot, Nonconforming shall mean any lot of record lawfully existing on the effective date of this Code, which is not in accordance with all provisions of this Code or any amendment hereto for the zoning district in which it is located.

Lot of Record shall mean either a lot or contiguous lots which legally exist, under single ownership at the time of adoption of this Code, and which are part of a subdivision, the plat of which has been recorded in the office of the Clerk of the Circuit Court of the County; or any parcel of land not a part of a subdivision, that has been officially recorded by deed in the office of the Clerk; provided that such platted lot or parcel was legally established at the time of recording, or provided that the deed for the lot or parcel was recorded prior to the effective date of zoning in the area where the lot is located.

Lot, Reverse (or Double) Frontage shall mean any through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a thoroughfare.

Lot, Through shall mean any lot, other than a corner lot, abutting two (2) or more public streets, but not abutting an alley.

Lot Width shall mean the horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line, parallel to the front lot line at the minimum required building setback line.

Low Income Household shall mean one (1) or more natural persons or a family with a total annual gross household income which does not exceed eighty (80) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the County, or the non-metropolitan median for the state, whichever amount is greatest. With respect to rental units, the low income household's annual income at the time of initial occupancy may not exceed eighty (80) percent of the area's median income adjusted for family size. While occupying the rental unit, a low income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of eighty (80) percent of the area's median income adjusted for family size.

Commented [LDI97]: 97.Last sentence not moved to standards as recommended by CAO because we couldn't figure out where this section wd be relevant.

Lowest Floor. (See "Floodplain Management, Floor, Lowest.")

Lumberyard shall mean any establishment engaged in the cutting, dressing, finishing and wholesale sale of lumber. For the purpose of this Code, lumberyards are deemed *Building Materials Establishments.*

Lumen (Outdoor Lighting). (See "OUTDOOR LIGHTING.")

Mail Order Pickup Facility shall mean any establishment which engages in the taking of requests in person or the on premises delivery of mail order or catalog merchandise.

Major Collector. (See "Collector, Major.")

Major Drainage Facility. ("See Drainage Facility, Major.")

Major Drainage Plan. (See "Drainage Plan, Major.")

Major Earthmoving. (See "Earthmoving, Major.")

Major Subdivision. (See "Subdivision, Major.")

Major Trip Generators or Attractors shall mean concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

Commented [LDI98]: 98.Added to be consistent with Comp Plan.

Major Wellheads shall mean major ground water wells with a permitted capacity of one hundred thousand (100,000) gallons or greater, or a well casing of six (6) inches in diameter or larger.

Management Practices shall mean, with respect to water quality, design, construction, and operation practices tending to maximize water quality control within the limits of demonstrated technology and reasonable cost. Best management practices for control of non-point sources have been established in the Area-Wide Water Quality Management (208) Plan for the Tampa Bay Region and shall be as set forth in the Manatee County Development Standards, or as the County Engineer may otherwise approve.

~~*Manatee County Building Codes* for the purposes of this Code shall mean all the Codes adopted by the Board and administered by the Building Division of the Planning Department. These Codes shall include but not be limited to building, electrical, plumbing mechanical, floodplain management, unsafe structures, handicap accessibility, and energy codes.~~

Commented [LDI99]: 99.Replaced with Florida building code

Manatee County Floodplain Management Code shall mean Section 802 of this LDC~~the Ordinance, adopted by the Board, numbered as 89-10 or as amended, entitled Manatee County Floodplain Management Code~~.

Manatee County Public Works Standards shall mean those standards contained in the Public Works Standards Manual. The document, which contains three parts: the Stormwater Management Design Manual, the Traffic and Highway Standards Manual, and the Utility Standards Manual, is adopted and amended by resolution by the Board, and is on file with the Manatee County ~~Planning Department~~Building and Development Services Department.

Mangrove Stand shall mean an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one (1) or more of the following species: black mangrove (Germinans); red mangrove (Rhizophora mangle); white mangrove (Languncularia racemosa); and buttonwood (Conocarpus erects).

Mansard Sign. (See "Sign, Mansard.")

~~*Manufacturing* shall mean the processing, fabricating, preparing, extracting, assembling, packaging, cleaning, servicing, testing or repairing of materials, products, or equipment on the premises of a manufacturing establishment as defined below. The impacts, adverse or not, for matters discussed in Section 723 shall be certified by an engineer or other qualified professional.~~

Commented [LDI100]: 100.Changed name to Industrial and has new definition under industrial

~~The term manufacturing shall be deemed to include accessory wholesale sales, but shall not be deemed to include any retail sales. The term manufacturing shall also not be deemed to apply to such processing and related activities when performed as an accessory use to retail sales establishments, repair service establishments, wholesale trade establishments, or any other principal use.~~

~~*Manufacturing* shall be considered as one of the following:~~

~~(A) Light Manufacturing shall mean any premises where the principal use is manufacturing which complies with the use limitations and the purpose and intent of the light district, and shall include but shall not be limited to uses such as food preparation, electronics manufacture, automotive parts assembly, appliance manufacture, and photographic labs, but shall not include heavy manufacturing. Light manufacturing shall not create any adverse impacts on adjacent or nearby residential uses.~~

~~(B) Heavy manufacturing shall mean those uses such as ammonia, chlorine manufacture, blast furnaces, boat yards and ways, bulk storage of flammable, toxic, explosive or noxious materials as a principal use, concrete mixing or batching plants, fertilizer or pesticide manufacture, petroleum or asphalt refining/manufacture, the outdoor storage of used tires, phosphate rock dryers, and other similar uses shall be considered heavy manufacturing uses. Additionally, a heavy manufacturing establishment shall mean any premises where the principal use is manufacturing which complies with the use limitations and the purpose and intent of the heavy manufacturing district. Heavy manufacturing uses also shall include any use which creates any adverse impacts per Section 723, on adjacent or nearby residential uses.~~

Manufacturing (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Marina shall mean any establishment with a waterfront location for the dockage of watercraft in wet slips, or for the refueling of watercraft used primarily for recreation, and providing minor repair services for such craft, not

involving removal of the watercraft from the water or the removal of an inboard or outboard engine from the watercraft. ~~A marina may include on shore accessory uses, including food service establishments, laundry or sanitary facilities, sundries store and other customary accessory facilities. 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.~~ The term marina shall not be deemed to include a boat yard and way, or boat livery. (See Water Dependent Uses). ~~)~~

Marina-Type Uses shall mean any marina, boat livery or boat yard and way.

Mass Transit shall mean passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rapid rail transit, light rail transit, light guideway transit, express bus and local fixed route or demand-response bus.

Master Mining Plan shall mean ~~the~~ a Master Mining Plan~~,~~ approved in accordance with Chapter 2-20 of the Code of Ordinances~~which describes the mining and land reclamation activities by the applicant over the life of the mine, so as to allow the overall plans to be reviewed, in as much detail as possible, prior to the onset of any mining activities, thereby enabling the Board to ascertain whether the impacts of the activities are consistent with the public health, safety, and welfare and the overall development of the County~~.

Mean High Water Line shall mean the line formed by the intersection of the tidal plane of mean high water with the shore as established by procedures approved under the Florida Coastal Mapping Act of 1974, Ch. 177, Florida Statutes, as amended.

Mean Sea Level shall mean the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. ~~For the purpose of this Code, the term is synonymous with National Geodetic Vertical Datum (NGVD).~~

Medical and Dental Laboratory shall mean any establishment engaged in the testing and analysis of material for medical or dental services or for the patient on prescription of a health practitioner. This shall also include the creation, fitting and fixing of dentures, crowns, and other dental materials.

~~*Mentally Ill* means an impairment of the emotional processes, of the ability to exercise conscious control of one's actions, or of the ability to perceive reality or to understand, which impairment substantially interferes with a person's ability to meet the ordinary demands of living, regardless of etiology; except that, for the purposes of this Code, the term does not include retardation or developmental disability as defined in Chapter 393, F.S., simple intoxication, or conditions manifested only by antisocial behavior or drug addiction. This term includes those persons included in the definition of the same, or Section 395.455, F.S.~~

Message Center Sign. (See "Sign, Message Center.")

Middle School. (See "School, Middle.")

Minimum En Route Altitude (MEA). (See AIRPORT.)

Minimum Descent Altitude (MDA). (See AIRPORT.)

Minimum Obstruction Clearance Altitude (MOCA). (See AIRPORT.)

Minimum Floor Area (Residential). (See "Floor Area, Minimum (Residential).")

Minimum Project Size shall mean the minimum size in acres or dwelling units, of a development project for which a particular development approval may be obtained. The project size may be divided into phases where initial site or development plan approval is obtained for the entire project, and may include contiguous lands separated only by a public street, canal, or similar feature.

Minimum Vectoring Altitude (MVA). (See AIRPORT.)

Mining shall have the meaning set forth in Chapter 2-20 of the Code of Ordinances~~mean any earthmoving involving extraction of phosphate ore, limestone, or other minerals~~. ~~(See "Earthmoving, Major.")~~

Mining Activities shall mean all functions, work, facilities, and activities in connection with the development, extraction, drying, transporting or ~~P~~processing of mineral deposits and all uses reasonably incidental thereto. The definition of mining activities shall also include reclamation of lands disturbed by oil, natural gas, or mineral extraction operations incidental thereto.

Commented [LDI101]: I01.Standards moved to Chapter 5 (new section - Marinas).

Commented [LDI102]: I02.Revised per CAO comments.

Commented [LDI103]: I03.Deleted language per Todd Boyle's email

Commented [LEA104]: I04.The term is only used in the definition of Community Residential Home Resident and that definition already refers to the statutes. No need to repeat.

Commented [LDI105]: I05.Recommend deleting reference to Earthmoving to avoid confusion between the two activities.

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Mini-Warehouse. (See "Warehouse, Mini.")

Minor Collector. (See "Collector, Minor.")

Minor Earthmoving. (See "Earthmoving, Minor.")

Minor Subdivision. (See "Subdivision, Minor.")

Mitigation. (See "Wetland Mitigation.")

Mixed-use shall mean the mixture of more than one land use within a single building, or within a single project in separate buildings, with such uses planned in a coordinated manner under a single master development plan. Land uses, which when combined constitute mixed or multiple uses, exclude parks, golf courses, schools, and public facilities (fire stations, utility substations, etc.). Land uses, which when combined within a single project constitute mixed or multiple uses include residential, commercial, industrial uses.

Commented [LDI106]: I06.From Comp Plan.

Mobile Home shall have the meaning set forth in Section 513.01, Florida Statutes.

~~*Manufactured*~~ *Mobile Home and Recreational Vehicle Sale, Rental and Leasing Establishment* shall mean any premises where the principal use is the sale, rental or leasing of any ~~manufactured~~ mobile home or recreational vehicle. A ~~manufactured~~ mobile home and recreational vehicle sale, rental and leasing establishment shall not be deemed to include the storage, except for sales display, of any ~~manufactured~~ mobile homes or recreational vehicles or the sale, rental or leasing of any commercial or domestic vehicles.

Mobile Home Park shall have the meaning set forth in Section 513.01, Florida Statutes.

~~*Manufactured*~~ *Mobile Home Park, Existing* shall mean all ~~manufactured~~ mobile home parks or subdivisions built and operating before April 30, 1981.

~~*Manufactured*~~ *Mobile Home Park Pre-FIRM* shall mean any ~~manufactured~~ mobile home park or subdivision that was built and operating before January 1, 1975.

~~*Manufactured*~~ *Mobile Home Site* shall mean any designated area of land within a ~~manufactured~~ mobile home park or a lot within a ~~manufactured~~ mobile home subdivision, where such area of land or lot is designed for occupancy by not more than one (1) ~~manufactured~~ mobile home dwelling.

~~*Manufactured*~~ *Mobile Home Subdivision.* (See "Subdivision, ~~Manufactured~~ Mobile Home.")

Mobile service shall mean a radio communication service that is carried on between mobile stations or receivers and land stations, by mobile stations communicating among themselves, and includes (A) one-way and two-way radio communication services, (B) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and (C) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.

~~*Private*~~ *Mobile Service*, *Private* shall mean a radio communication service that is not a commercial mobile service or the functional equivalent of a commercial mobile service, as specified by Federal Communication Commission (FCC). This term, shall also include aviation and emergency services.

Model Home shall mean any residential structure used for demonstration or sales purposes, open to the public for inspection, and not occupied as a dwelling unit.

Moderate Income Household shall mean one (1) or more natural persons or a family with a total annual gross household income which does not exceed one hundred twenty (120) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the County, or the non-metropolitan median for the state, whichever is greatest. With respect to rental units, the moderate income household's annual income at the time of initial occupancy may not exceed one hundred twenty (120) percent of the area's median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of one hundred twenty (120) percent of the area's median income adjusted for family size.

Commented [LDI107]: I07.Last sentence not moved to standards as recommended by CAO because we couldn't figure out where this section would be relevant.

Modular Unit shall mean any factory fabricated transportable building, approved by the Department of Economic

Opportunity (DEO)~~Community Affairs (DCA),~~ designed to be used by itself or to be incorporated with similar units at a building site into a modular structure, that will be a finished permanent building in a fixed location on a permanent foundation. This term is intended to apply to major assemblies, and does not include pre-fabricated panels, trusses, plumbing trees, and other pre-fabricated sub-elements incorporated into a structure at the site.

Monopole Tower shall mean a telecommunication tower of a single pole design.

Monument shall mean a survey marker which must:

A. ~~A.~~ Be composed of a durable material.

B. ~~B.~~ Have a minimum length of eighteen (18) inches.

C. ~~C.~~ Have a minimum cross-section area of material of 0.2 square inches.

D. ~~D.~~ Be identified with a durable marker or cap bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable.

E. ~~E.~~ Be detectable with conventional instruments for locating ferrous or magnetic objects.

Motel. (See "Hotel~~.~~")

Motor Freight Terminal shall mean a building or area where freight brought by truck is assembled and/or stored for routing and reshipment, or where semitrailer trucks, including tractor and/or trailer units, are stored.

Motor Pool Facility shall mean any premises where the principal use is the outdoor or indoor storage, service, maintenance or repair of any truck, bus, van, automobile or other motor vehicle fleets. A motor pool facility shall not be deemed to include motor vehicle rental establishments.

Motor Vehicle Repair shall ~~mean either (A), (B), or (C):~~ include neighborhood serving, community serving or major repair establishments, as follows:

Commented [LDI108]: In Phase 2, combine community and neighbor into automotive services, limited

A. ~~(A)~~ Neighborhood Serving, which may include any of the following:

1. ~~1.~~ Sale and service of spark plugs and batteries.

2. ~~2.~~ Replacement of fan belts, brake fluids, light bulbs, fuses, floor mats, windshield wipers and blades, and mirrors.

3. ~~3.~~ Fluid replacement.

4. ~~4.~~ Greasing and lubrication.

5. ~~5.~~ Emergency repair of wiring.

6. ~~6.~~ Minor adjustment not involving removal of the head of crankcase and grinding valves.

7. ~~7.~~ Battery recharging.

8. ~~8.~~ Safety inspections.

B. ~~(B)~~ *Community Serving,* which may include all neighborhood serving motor vehicle repair and may include any of the following:

1. ~~1.~~ Sale or service of distributor and ignition system parts.

2. ~~2.~~ Sale, service or repair of tires, but shall not include recapping or regrooving.

3. ~~3.~~ Replacement of mufflers, tail pipes, water hoses, seat covers, grease retainers, wheel bearings, and the like.

4. ~~4.~~ Radiator cleaning and flushing.

5. ~~5.~~ Providing and repairing fuel pumps, oil pumps, and the like.

6. ~~6.~~ Minor adjustment and repair of carburetors.

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7. ~~7.~~ Adjusting brakes and installing exchange brake shoes.

8. ~~8.~~ Wheel balancing.

9. ~~9.~~ Warranty maintenance.

10. ~~10.~~ Other minor servicing of a similar intensity to those listed above.

C. ~~(C)~~ *Major.* Activities of greater intensity than those listed in (A) or (B). Major motor vehicle repair shall also include the repair of boats and boat motors. (See Section 704, Motor Vehicle Repair).

Motor Vehicle Sale, Rental or Leasing Establishment shall mean any premises where the principal use is the sale, rental or leasing of any commercial or domestic vehicle. Vehicle sale, rental or leasing establishments shall not be deemed to include the storage, except for sales display, of trucks, machinery or equipment of more than one-and-one-half (1½) tons in weight or buses, or the sales, rental or leasing of ~~manufactured~~ mobile homes or recreational vehicles.

Multiple Occupancy Parcel shall mean any parcel which is occupied by more than one (1) establishment.

Multiprism Sign. (See "Sign, Multiprism~~.~~")

National Flood Insurance Program (NFIP). (See "Floodplain Management"~~.~~)

National Geodetic Vertical Datum (NGVD) as corrected in 1929 shall mean a vertical control used as a reference for establishing varying elevations. ~~(See "Mean Sea Level.")~~

Commented [LDI109]: 108.[Deleted language per todd boyle email]

Native (Natural) Vegetation shall mean flora which naturally occurs in the County.

New shall mean a specific entity which is existing legally for the first time on or after the effective date of this Code.

New Construction shall mean any structure for which the "start of construction" commenced on or after the effective date of this Code.

Nonconforming Lot. (See "Lot, Nonconforming~~.~~")

Nonconforming Structure. (See "Structure, Nonconforming")

Nonconforming Use. (See "Use, Nonconforming~~.~~")

Non-Precision Instrument Runway. (See AIRPORT.)

Non-Preferred Zone Districts, ~~as used in Section 704.59 of this Code,~~ shall mean the zone districts listed ~~as Non-Preferred zone districts as described~~ in Table 5-1~~Figure 7-A~~ within which new telecommunication towers are discouraged to be located.

Non-Residential District. (See "District, Non-Residential.")

Non-Site Related Capital Transportation Facilities (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Non-Standard Take-Off Minimums. (See AIRPORT.)

North American Vertical Datum of 1988 shall mean the official vertical datum of the Federal Government.

Commented [LDI110]: 109.[Add definition per todd boyle email]

North Central Overlay District~~NORTH CENTRAL OVERLAY DISTRICT~~

Architectural Feature shall mean~~s~~ a prominent or significant part or element of a building or structure.

Awning shall mean~~s~~ a roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building. Awnings are temporary or portable devices.

Building, Multi-tenant shall mean~~s~~ a structure for the use of multiple businesses with a roof supported by columns or walls, separated by dividing walls without interior openings to the individual businesses, where each business has a separate exterior access.

Building Scale shall mean~~s~~ the relative size of a structure in relationship to other nearby and adjacent structures or to the human form.

Colonnade shall mean~~s~~ a series of columns set the same distance apart to support a roof.

Column shall mean~~s~~ a vertical shaft or pillar that supports, or appears to support, a structure such as a roof, porch, or portico.

Cornice shall mean~~s~~ a horizontal molded projection that finishes or completes a wall or building.

Court shall mean~~s~~ any open space, unobstructed from the ground to the sky, bounded on two (2) or more sides by the walls of a building or buildings located on the same lot.

Eaves shall mean~~s~~ a projecting overhangs at the lower borders of a roof.

Elevation shall mean~~s~~ a scaled drawing of the side, front, or rear project view of a structure without any allowance for the laws of perspective.

Facade shall mean~~s~~ the front or principal face of a building or any side of a building that faces a street or other open space.

Fascia shall mean~~s~~ a flat board with a vertical face that forms the trim along the edge of a flat roof, or along the eaves of a pitched roof. The rain gutter is often mounted to it.

Kiosk shall mean~~s~~ a free-standing structure upon which temporary information and/or posters, notices, and announcements are posted.

Mass shall mean~~s~~ the physical bulk or volume of a building. In architectural terms, a single mass building is a single geometric form such as a rectangle or square, and may include simple roof form with no variation in the roof line. Massing refers to variation in the mass and may involve multiple masses joined together.

Natural shall mean~~s~~ materials present in or produced by nature and not produced or changed artificially.

Outdoor Gathering Space shall mean~~s~~ a plaza, courtyard, or other open space designed for the assembly of people.

Parapet shall mean~~s~~ the extension of the main walls of a building above the roof level.

Pavers shall mean~~s~~ the reformed paving blocks that are installed on the ground to form patterns that articulate pathways or driveways.

Pediment shall mean~~s~~ a wide low-pitched gable surmounting the facade of a building in a classical style, and~~.~~ ~~Also~~ any similar triangular crowing elements used over doors, windows, and niches.

Pitch shall mean~~s~~ the angle of a roof, usually expressed as a ratio of units of vertical distance to twelve (12) units of horizontal distance. For example, 4:12 means four (4) units of vertical rise to every twelve (12) units of horizontal run.

Plaza shall mean~~s~~ an open space that may be improved and landscaped, usually surrounded by streets and buildings.

Primary Structure shall mean~~s~~ a structure designed to serve as a focal point to the site and to suggest a point of activity. On parcels with more than one (1) structure, it is the primary or anchor tenant building.

Roof shall mean~~s~~ the outside top covering of a building.

Roof, Flat shall mean~~s~~ a roof that is pitched less than 1:12 and the surface of which is generally parallel to the ground.

Roof, Gable shall mean~~s~~ a ridged roof forming a gable at both ends of the building.

Roof, Gambrel shall mean~~s~~ a roof with two (2) slopes on each side, the lower steeper than the upper.

Roof, Hip shall mean~~s~~ a roof with sloping ends and sides.

Roof, Mansard shall mean~~s~~ a roof with two (2) slopes on each of four (4) sides, the lower steeper than the upper. In current use the upper slope may be flat.

Scale of Development shall mean~~s~~ the relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

Storefront shall mean~~s~~ that portion of the front of a building which is especially arranged to afford extensive show windows for a shop or store. Characteristically, it is a screen of windows, glazed with large sheets of

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plate or tempered glass so as to give the greatest possible space for display of goods.

Nursing Home shall mean any facility licensed under Chapter 400, Part ~~I~~II Florida Statutes, which shall include but shall not be limited to skilled nursing facilities and intermediate care facilities.

Nuisance, Exotic plants ~~are~~ shall mean those species introduced to Florida from a natural range outside of Florida that have naturalized and have altered native plant communities by displacing native species, changing community structures or ecological functions, or through hybridizing with natives. The list shall include those upland plant species indicated as Florida prohibited noxious weeds or Florida prohibited aquatic plants species in the document entitled Non-Native Plant Species Restricted by Federal, State, or Local Law in Florida, and compiled by the Bureau of Invasive Plant Management, Florida Department of Environmental Protection.

Nuisance Species shall mean~~.~~ ~~S~~species of flora whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to compromise the viability of desirable native species.

Nursery, Retail shall mean an establishment whose principal use is the sale of plant materials including trees, flowers, shrubs, sod and other such items, as well as accessory fertilizer, pesticides and garden equipment. This may include accessory cultivation and transplantation, however the principal use is the retail sale of plant materials. Retail Nurseries shall not include the accessory retail sales where the principal use is growing and cultivating plant materials on-site for sale in other locations.

Occupancy shall mean any structure or premises, or portion thereof which is owned, leased, rented, or otherwise occupied for a given use.

Occupied Space shall mean the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections allowed by this Code.

Office shall mean any room, studio, suite or building in which a person transacts business or carries on a stated occupation. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods and products; or the sale or delivery of any materials, goods or products which are physically located on the premises. Unless specified otherwise, the term Office when used in this code shall include professional and medical offices, banking, and lawn care/landscaping and construction headquarter offices.

Office, Medical and Dental shall mean an office in which the principal use is the dispensing of health and/or dental services by licensed practitioners. The use shall include, but not be limited to, physicians and dentists offices, veterinarians, and massage therapists (masseurs/ masseuses) licensed by the State of Florida.

Office, Professional shall mean any office wherein the primary use is the conduct of a business by professionals such as engineers, architects, bankers, planners, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, ~~dentists or physicians,~~ and landscape architects.

Off Site Sign. (See "Sign, Off Site.")

Off Street Parking. (See "Parking, Off Street.")

On Site Sign. (See "Sign, On Site.")

One Hundred (100) Year Floodplain. (See "Floodplain, One Hundred (100) Year" under "Floodplain Management"~~.~~)

Open Sales Area. (See "Sales Area, Open~~.~~")

Open Space shall mean any parcel or area of land or water which is unimproved, or is landscaped using plant cover and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the protection of natural resources. ~~that area within the boundaries of a lot or a development that is intended to provide light and air, and is designed for scenic, recreational, or ecological purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of~~ openness.

Open Space, Common shall mean any open space provided and maintained for common use of and owned by a homeowner's or other such association for the use and enjoyment of the owners, tenants and/or their guests.

Open Space, Dedicated shall mean all open space which is to be dedicated or conveyed to the County, or to an

Commented [LDI111]: 110.Requested by staff.

Commented [LDI112]: 111.As requested by staff.

Commented [LDI113]: 112.updated to be consistent with comp plan

Commented [LDI114]: 113.The rest of the definition was moved to chapter 8.

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appropriate public agency, board or body, for public use as open space.

Open Space, Landscaped shall mean that open space that is designed to enhance privacy and the amenity of the development by providing landscaping features; screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness.

Open Space, Recreational shall mean that open space that is designated and improved for recreational use by residents of a development. Recreational open space may be located on or off the site but shall be reasonably accessible to all dwelling units therein. Land designated as recreational open space shall be suitable for active and passive recreational use, and may include without limitation, playgrounds, tot lots, golf courses, beach frontage, nature trails,~~,~~ horseback riding trails, bikeways, recreational clubhouses, swimming pools, tennis courts and similar facilities, provided that such open space shall be comprised of not more than:

A. ~~1.~~ Thirty (30) percent by other utility easements or rights-of-way provided they are at least twenty-five (25) feet wide, located entirely outside a street right-of-way, and signed and reserved to adequately serve as recreational open space. Utility easements or rights-of-way where all utility facilities associated therewith are below ground and completely covered may be fully credited as recreational open space; OR

B. ~~2.~~ Twenty-five (25) percent of which lies within a floodplain.

Recreational open space shall not be deemed to include required minimum yards or minimum distances between buildings, retention or detention areas, or landscaped medians or islands in parking or other vehicular use areas.

Ordinary High Water Mark shall mean the line formed by the intersection of the plane of mean high water with the shore for freshwater bodies and watercourses by reference to current USGC or other official governmental records, or in their absence by the determination of the Department Director based upon historical or empirical evidence presented.

Ordinary Repairs and Maintenance shall mean any work for the maintenance of or minor repairs of a non-structural nature.

Other Than Utility Runway. (See AIRPORT.)

Outdoor Advertising Sign. (See "Sign, Outdoor Advertising.")

Outdoor ~~Firing~~ Shooting Range~~.~~ See Shooting Range.~~(See Conditional Use Criteria, Section 704.)~~

Outdoor Gathering Space shall mean a plaza, patio, porch, gallery or promenade; green space; or focal elements such as water features, public art, and public gardens in non-residential developments that are appropriate for public gathering, outdoor dining, farm markets, seasonal events, vendor carts, kiosks, and other outdoor activities. Outdoor gathering space shall not mean parking facilities. A public garden is one that is identified with signs or other educational materials (e.g., butterfly or demonstrational gardens) and open to the public.

Outdoor Sales. (See "Sales, Outdoor.")

Outdoor Lighting~~OUTDOOR LIGHTING.~~

Fixture (Outdoor Lighting)~~.~~ shall mean ~~T~~The light source, the lamp holder, the shields, and their housing in an assembly that may include other components, e.g., electrical devices. Including but not limited to: security, flood, spot, wall, fascia, back, advertising, landscape, foot path, accent, outline, swivel, directional, movable, portable, yard, seawall, or dock light.

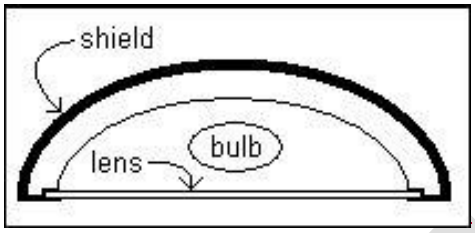
Footcandle (Outdoor Lighting)~~.~~ shall mean ~~T~~the unit for measurement of illumination received by a surface located at a distance from a source of visible light. Typically calculated for a lighting plan and measured with a light meter.

Full horizontal shielding (Outdoor Lighting)~~.~~ shall mean ~~A~~a design for a fixture that does not emit light above the horizontal plane running through the lowest point on the light source. Does not include a drop lens, sag lens, or convex lens if the lens extends below the shield. Sometimes called fully shielded by manufacturers of outdoor lighting. ~~The following illustrations provide examples:~~

~~The bulb, reflectors, or lens do not extend below the shield:~~
~~Vertical cross section of fixture with full horizontal shielding~~

Commented [LDI115]: 114.Graphics moved to Chapter 8.

Commented [LDI116]: 115.Moved to Chapter 8



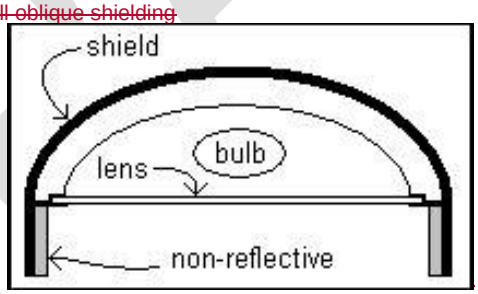
~~The illumination does not project above the fixture:~~
~~Street lighting from fixture with full horizontal shielding~~

Commented [LDI117]: 116.Deleted. Bad quality.

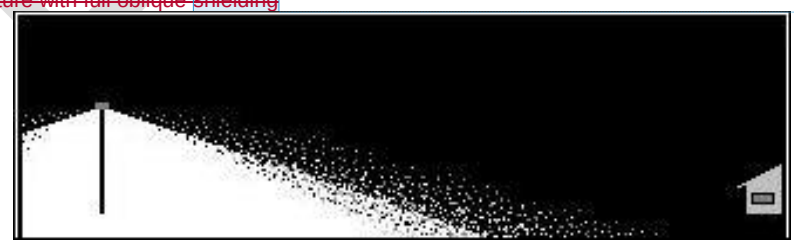
Full oblique shielding (Outdoor Lighting)~~.~~ shall mean ~~A~~a design for a fixture that does not emit light above the line of sight to the light source when viewed from protected property. The shield blocks direct illumination of protected property. The fixture completely conceals and recesses the light source from all viewing positions except those positions permitted to receive illumination. ~~The following illustrations provide examples:~~

~~The interior surface of the shield below the lens has a dull and dark finish to prevent reflection of light.~~

~~Vertical cross section of fixture with full oblique shielding~~



~~The illumination does not project into protected property:~~
~~Area lighting from fixture with full oblique shielding~~



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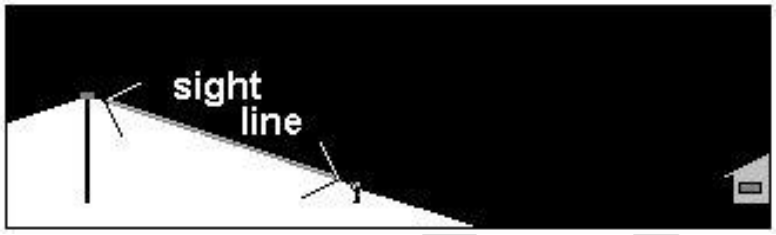
~~Observations along the sight line to an installed fixture can determine if the fixture has full oblique shielding. Sight lines exist along the oblique boundary between the illumination cone and the shielded area above it.~~

~~Sight line between observer and light source~~



An observer can establish a sight line at any location where the observer can see only a small part of the fixture's light source. By moving away from the fixture until the light source no longer appears, the observer will cross the sight line. Where the observer's eyes coincide with the sight line, the observer can project the sight line to the ground. The sight line coincides with the oblique line along the bottom of the shielding angle (see definition). If the sight line falls on protected property, then the fixture does not provide adequate full oblique shielding.

Light source (Outdoor Lighting)~~.~~ shall mean ~~T~~the medium producing the visible light or changing the direction of the light. Such media may include bulbs, lenses, refractors, reflectors, diffusers, or any emitter of visible light either directly from the material discharging the visible radiant energy or indirectly from material that redirects the illuminating light.

Lumen (Outdoor Lighting)~~.~~ shall mean ~~T~~the unit of measurement of the total visible light produced by a light source. Typically published in specifications by the manufacturer.

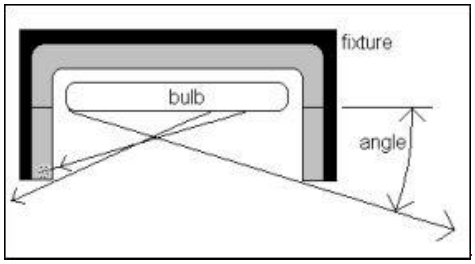
Protected area (Outdoor Lighting)~~.~~ shall mean ~~A~~an area intended for protection from outdoor lighting including any property: 1) in residential use, 2) in a residential zoning district that may develop into a residential use, 3) in a planned development zoning district that may develop into a residential use, or 4) in a public street right-of-way.

Shield (Outdoor Lighting)~~.~~ shall mean ~~T~~the opaque barrier on the fixture to block the light from illuminating certain distant surfaces. No light escapes through a shield.

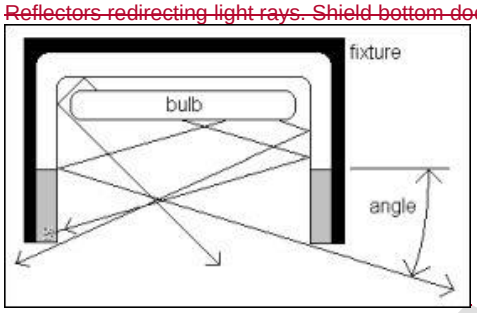
Shielding Angle (Outdoor Lighting)~~.~~ shall mean ~~T~~the opaque angle shielded below the horizontal plane that runs through the bottom of the light source in a fixture with full oblique shielding. The oblique line along the bottom of the angle coincides with the sight line (see definition of full oblique shielding) along the oblique boundary between the illumination cone and the shielded area above it. Lighting plans use the shielding angles in calculations to plot projections of the sight lines onto land areas. ~~Manufacturers of fixtures can provide specifications with shielding angles or diagrams showing vertical cross-sections of the fixtures. Also, direct measurements of actual fixtures can determine shielding angles. Shielding angle and sample light ray paths in vertical cross sections of fixtures appear in the following illustrations showing examples of how to determine a shielding angle:~~

Commented [LDI119]: I18.Moved to Development Review Manual.

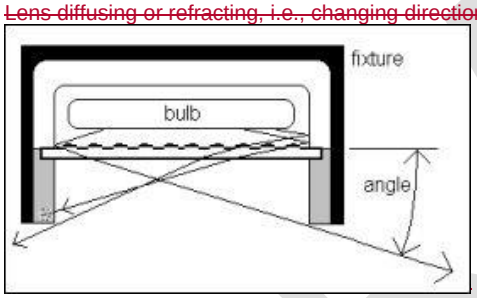
~~Simple shield blocking light rays above and around sides~~



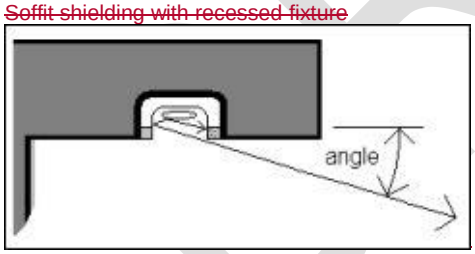
~~Reflectors redirecting light rays. Shield bottom does not reflect~~



~~Lens diffusing or refracting, i.e., changing direction of light rays~~



~~Soffit shielding with recessed fixture~~



~~Opaque fabric canopy or fixed awning shielding a hidden fixture~~

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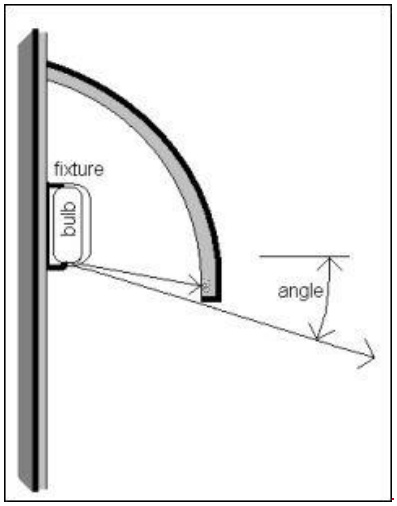

Outdoor Storage. (See "Storage, Outdoor.")

~~*Outpatient Treatment Facility* shall mean any outpatient establishment, other than a clinic or professional office, providing diagnostic or therapeutic services for alcoholism, drug abuse, mental illness, emotional problems, development disabilities or similar conditions. It shall also mean any facility providing physical, occupational and speech therapy and job training for disabled persons. An outpatient treatment facility shall not be deemed to include a clinic or professional office.~~

Overburden shall mean the natural covering of any solid mineral sought to be mined, which shall include, but shall not be limited to, soils, sands, shell, rocks, gravel, limestone, clays, water, oil, or peat.

Owner shall mean any person recorded as such on official records as holding fee simple title.

Owner, Sign shall mean the owner of the property on which any sign is located. (See Chapter ~~5~~6~~Section 724.~~)

Ownership, Common shall mean the ownership of common open space or common improvement which grants at least some undivided and common rights in such lands or improvements to the residents or occupants of a development or a neighborhood either directly, or indirectly, through shares or other interests in the property of a separate legal entity.

Ownership, Single shall mean the possession of land under single or unified control, whether sole, joint, common or other ownership recorded as such on official records, as holding fee simple title.

Parapet Wall shall mean that portion of any exterior wall, party wall or fire wall which extends above the roof line. ~~For safety purposes a parapet shall extend a minimum of four (4) feet above the roof~~ deck~~.~~

Parcel shall mean any area of land with its appurtenances and buildings which, because of its unity of use or commonality of ownership, may be regarded as the smallest conveyable unit of real estate.

Parcel Identification Number shall mean a unique number assigned by the Manatee County Property Appraiser's office which identifies each lot(s) or parcel. The parcel identification number shall also be known as the data processing number or D.P. number.

Parking shall mean any space located outside of any street right-of-way or easement, and designed to accommodate the parking of domestic vehicles.

Parking, Commercial shall mean a principal use of land or structures designed primarily for the parking of personal vehicles, and excluding recreational vehicles, commercial vehicles, or trailered vehicles (boats, RV's etc.), and vehicles over one-ton, for a fee. ~~This term does not allow the parking of vehicles over one-ton, recreational vehicles, commercial vehicles, or trailered vehicles (boats, RV's etc.)~~.

Commented [LDI120]: 119.Replaced with rehabilitation center- see that definition

Commented [LDI121]: 120.The CAO recommended moving this sentence to the standards section. The only sections that address parapets are height (parapets of up to 4' in height are exempt from height measurement) and antennas (required a parapet to screen the antennas). Recommend deleting standard. Parapets of less than 4' are fine.

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Parking, Off Street. (See Section 1005~~710~~.)

Parking Space shall mean a designated striped ~~[~~space~~]~~ on an off street area, which is available and usable for the parking of one (1) motor vehicle.

~~*Pennant.* (See SIGNS.)~~

Perennial Lake or Stream shall mean any lake or stream shown as perennial on the most recent United States Geological Survey Topographical Quadrangle Maps, in the most recent Soil Survey of Manatee County published by the United States Department of Agriculture, or by a method accepted by Manatee County.

~~*Permanent Control Point (PCP)* shall mean a reference monument. P.C.P.'s set in impervious surfaces must:~~

~~• Be composed of a metal marker with a point of reference.~~
~~• Have a metal cap or disk bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters P.C.P.~~
~~P.C.P.'s set in pervious surfaces must:~~
~~1. Consist of a metal rod having a minimum length of eighteen (18) inches and a minimum cross-section area of material of 0.2 square inches encased in concrete. The concrete shall have a minimum cross-section area of twelve and one-quarter (12.25) square inches and be a minimum of twenty-four (24) inches long.~~
~~2. Be identified with a durable marker or cap with the point of reference marked thereon bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters P.C.P. P.C.P.'s must be detectable with conventional instruments for locating ferrous or magnetic objects.~~
~~*Permanent Reference Monument (PRM)* means a permanent reference monument which must:~~
~~A. Consist of a metal rod having a minimum length of eighteen (18) inches and a minimum cross-section area of material of 0.2 square inches encased in concrete. The concrete shall have a minimum cross-section area of twelve and one-quarter (12.25) square inches and be a minimum of twenty-four (24) inches long.~~
~~B. Be identified with a durable marker or cap with the point of reference marked thereon bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters P.R.M.~~
~~C. Be detectable with conventional instruments for locating ferrous or magnetic objects.~~
~~If the location of the P.R.M. falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.~~

Permanent Sign. (See "Sign, Permanent.")

Permitted Use. (See "Use, Permitted.")

Person shall mean any individual, group of individuals, firms, associations, joint ventures, partnerships, estates, trustees, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.~~corporation, governmental agency, business trust, estate, trust, partnership, association, or two (2) or more persons having a joint or common interest, or any other legal entity.~~

Person (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Personal Pets. (See "Pets, Personal.")

Personal Service Establishment shall mean any establishment that primarily provides services generally involving the care of a person or a person's apparel which shall include but shall not be limited to barber shops, beauty salons, seamstress shops, shoe repair and shining shops, coin operated laundry, optician shops, tanning salons, health clubs, diet centers, nail salons, pick-up dry cleaners and pet grooming shops.

Personal Wireless Service Facility (PWSF) shall mean a facility for the provision of personal wireless services as defined in ~~Section 704 of~~ the Telecommunications Act of 1996. A PWSF is any facility for the transmission and/or reception of personal wireless services, which may consist of an antennae array, transmission cables, equipment shelter or building, access road, telecommunication towers and a guy system.

Pest Control. (See "Exterminating.")

Pet Service Establishments (Kennel) shall mean any land or structure ~~designed so that~~ where dogs and other common household pets are kept, sheltered, boarded, trained, or bred for compensation, or~~cannot escape and~~

Commented [LDI122]: I21.Pennant term not used in the LDC.

Commented [LDI123]: I22.Added to be consistent with Comp Plan

Commented [LDI124]: I23.PCP term not used in the LDC. The subdivision details were moved to the Development Review Manual. That section already refers to the Florida Statutes for PCP and PRM standards. No need to repeat in the code.

Commented [LDI125]: I24.PRM term not used in the LDC. The subdivision details were moved to the Development Review Manual. That section already refers to the Florida Statutes for PCP and PRM standards. No need to repeat in the code.

Commented [LDI126]: I25.Updated to be consistent with Comp Plan.

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~~where four (4) or more dogs or other common household pets over the age of four (4) months are kept for the purpose of sale, rental, boarding, hire as guard dogs on other property or for any commercial purposes or economic venture or where up to ten (10) dogs or other common household pets are kept primarily for conformation, obedience, tracking, or herding exhibition and breeding and where the sale of dogs or other common household pets is clearly an incidental activity to the primary purpose of either exhibition or breeding.~~ a non-profit establishment for the rescue, rehabilitation and adoption of common household pets.

Pets, Common Household shall mean any animal domesticated by man so as to live and breed in a tame condition. The term common household pet includes the keeping of domesticated animals, such as dogs, cats, birds, and the like, but does not include farm, livestock, poultry, or wild and exotic animals.

Pets, Personal shall mean animal species that are primarily for personal use and enjoyment rather than for commercial purposes.

Physical Culture Establishment. (See ~~ADULT ENTERTAINMENT~~"Adult Entertainment".)

Planning Commission shall mean the Commission created and governed by this Code. ~~(See Section 302.)~~

~~*Planning Director* shall mean the Director of the Planning DepartmentBuilding and Development Services Department for Manatee County.~~

Plat shall mean any preliminary or final subdivision plat. ~~(See Chapter 9.)~~

Platform shall mean a support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

Pole Cover. (See ~~SIGNS~~"Signs".)

Political Sign. (See "Sign, Political.")

Pollution shall mean the presence in the outdoor atmosphere, soil or waters of the state of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of the air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

Pool, Cage. (See "Screen Cage.")

Pool, Public Swimming shall mean~~s~~ a watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A public swimming pool shall mean a conventional pool, spa, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, ~~day~~ child care centers, group homes facilities for eight (8) or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects, such as apartment, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses. However the term does not include a swimming pool located on the premises of a single-family or duplex dwelling. Any swimming pool not accessory to, and not situated on the premises of a single-family, or duplex dwelling for the purposes of this code shall be considered a public swimming pool.

Pool, Single-Family Swimming shall mean any swimming pool, spa, or spa-like structure, that are accessory to, and situated on the premises of a single-family, or duplex dwelling that is intended for swimming or recreational bathing and contains water over twenty-four (24) inches deep, including, but not limited to, in-ground, above ground, and on-ground swimming pools, hot tubs, and non-portable spas.

Port ~~*Facility shall mean a*~~ harbor or shipping improvements used predominantly for commercial purposes, including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges, tunnels, roads, causeways and all other property or facilities necessary or useful in connection with commercial shipping.~~(See "Water Dependent Uses.")~~

Commented [LDI127]: I26.Updated to be consistent with comp plan.

Portable Sign. (See "Sign, Portable.")

Portable Spa shall mean a non-permanent structure intended for recreational bathing, in which all controls and water

heating and water circulating equipment are an integral part of the project and which is cord connected and not permanently electrically wired.

Potable Water shall mean water which is satisfactory for drinking, culinary, and domestic purposes and which meets the appropriate requirements of the Florida Department of Health.

Potable Water System(Facilities) shall mean a system of structures designed, constructed or used to collect, treat or distribute potable water, which includes water wells, treatment plants, reservoirs and distribution mains.

Pot-Belly Pig or *Pot-Bellied Pig* shall mean a domesticated miniature Vietnamese, Chinese, or Asian pot-bellied or pot-belly pig not exceeding one hundred fifty (150) pounds in weight.

Precision Instrument Runway. (See "Airport".)

Preferred Zone Districts, ~~as used in Section 704.59 of this Code,~~ shall mean the zone districts preferred as siting preferences for PWSF as described in Table 5-1~~Figure 7-A~~.

Pre-FIRM Structure. (See "Structure, Pre-FIRM.")

Premises shall mean any parcel or parcels of land with its appurtenances and buildings. A premise includes any business, activity or land use which may be composed of one or more establishments and is conceived as an unified concept (this includes shopping centers).

Principal Building. (See "Building, Principal.")

Principal Use. (See "Use, Principal.")

~~*Printing, Heavy* shall mean those uses that do printing, publishing, book binding, magazine publishing, publishing of other documents, with use of heavy chemicals with no size limitation.~~

~~*Printing, Medium* shall mean those uses that do photocopying, printing and lithography on a small scale on a building no larger than 15,000 square feet, with no use or storage of noxious chemicals apparent off-site.~~

~~*Printing, Small* shall mean those uses that do photocopying, and printing on a small scale in a building no larger than 3,000 square feet, with no use or storage of noxious chemicals apparent off-site.~~

Privacy Yard. (See "Yard, Privacy.")

~~*Private Community Use* shall mean any recreational or social use, owned, organized and operated by a profitable or non-profit organization, where membership is limited to bona fide members paying dues or to the residents of nearby residential areas. Food, meals, and beverages may be served on the premises, provided adequate dining room space and kitchen space is available.~~

Private School. (See "School, Private.")

Private Stable. (See "Stable, Private.")

Private Street. (See "Street, Private.")

Private Use Airport. (See "Airport, Private Use" under "Airport.")

Professional Engineer shall mean a duly qualified individual currently licensed to practice engineering in the State of Florida pursuant to Chapter 471, Florida Statutes, practicing in the discipline required for the particular task as indicated in ~~Section 704.59 of~~ this Code.

Professional Office. (See "Office, Professional.")

Professional Staff (Wild and Exotic Animals). (See Animal Services (Wild and Exotic Animals).)

Project shall mean any land use or combination of more than one (1) land use, either existing or proposed, for which application for approval has either been submitted or is in the process of being reviewed, or which has been issued a development order. Cultivation or raising ~~or~~ of agricultural or other farm or plant products shall not be considered a project unless either:

A. ~~(A)~~ The proposed or existing agricultural use is considered a special agricultural use, as defined herein; or

B. ~~(B)~~ The proposed or existing agricultural use is conducted along with uses other than residential dwelling

Commented [LDI128]: 127.added definition to be consistent with comp plan. updated the correct dept.

Commented [LDI129]: 128.Changed name to match term used in LDC.

Commented [LDI130]: 129.added definition to be consistent with comp plan.

Commented [LDI131]: 130.combined with intensive services

Commented [LDI132]: 131.combined with business services

Commented [LDI133]: 132.combined with business services

Commented [LDI134]: 133.Changed name to Civic, Social and fraternal organizations/clubs

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unit(s) for the family of the individual or individuals carrying out the agricultural activity.

A project shall also constitute a parcel or tract of land which is proposed or exists as a single development, with all portions of the parcel or tract being contiguous, except where divided by roadways, railroads, streams, rivers, lakes or utility transmission corridors.

Projecting Sign. (See "Sign, Projecting~~.~~")

Protected Species~~.~~ shall mean ~~A~~any plant or animal species listed for the purpose of special protection in Rules ~~39-27.003 and 39-27.004,~~ 68A-27 F.A.C. or 50 C.F.R. 17.11 and 17.12.

Public (when used in any reference to any use, building, or structure), shall mean held, used, or controlled exclusively for public purposes by a department or branch of government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

Public Community Use shall mean a non-profit community organization, which provides a service to the County as a whole or to specific residents within the County.

Public Garage. (As defined in the ~~Manatee County Building Code~~Florida Building Code.)

Public Need shall mean for the benefit of a significant portion of the residents of the County.

Public School. (See "School, Public.")

Public Stable. (See "Stable, Public.")

Public Street. (See "Street, Public.")

Public Swimming Pool. (See "Pool, Public Swimming.")

Public Use Airport. (See "Airport, Public Use" under AIRPORT.)

Public Use Area shall mean a dedicated area possibly with an option to purchase property that may include any of the following uses in any combination: parks, schools, fire stations, police stations, and other public uses.

Public Use Facility shall mean the use of land, buildings, or structures by Manatee County or other governmental agency to provide protective, administrative, social, or recreational services directly to the general public, including police or fire stations, County buildings, post offices and any other public facility providing the above services, but shall not be deemed to include public land or buildings devoted solely to the storage and maintenance of equipment and materials and shall not include cultural facilities.

Public Way shall mean any street or navigable waterway, but shall not be deemed to include alleys, private parking areas, or private pedestrian areas.

Public Works Standards. (See "Manatee County Public Works Standards.")

Railroad Switching and Classification Yard shall mean any facility engaged in the furnishing of terminal facilities for rail traffic for linehaul service and in the movement of railroad cars between terminal yards, industrial sidings and other such facilities.

~~*Rain Garden* shall mean a planted depression or a hole that provides the opportunity for stormwater runoff to be absorbed from impervious areas, such as roofs, driveways, walkways, parking lots, and compacted lawn areas.~~

Commented [LDI135]: 134.Term not used in LDC.

Ready for Highway Use shall mean a recreational vehicle that is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and security devices and does not have any additions.

Real Estate Sign. (See "Sign, Real Estate.")

Rear Lot Line. (See "Lot Line, Rear.")

Rear Yard. (See "Yard, Rear.")

Recovery Home, Large shall mean a group residential facility with one (1) or more supervisors residing on the premises, serving seventeen (17) persons or more, with professional staff services as needed, providing board, lodging, supervision, medication and other treatment and counseling, for persons ~~progressive~~ progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full normal participation in community life or persons otherwise in need of a structured

environment to deal with such conditions. A recovery home shall not be deemed to include a Residential Treatment Facility, ~~Residential Care Facility,~~ Assisted Living Facility, Family Care Home, Nursing Home, Hospital or Emergency Shelter.

Recovery Home, Small shall mean a group residential facility with one (1) or more supervisors residing on the premises, serving sixteen (16) persons or less, with professional staff services as needed, providing board, lodging, supervision, medication and other treatment and counseling, for persons progressing~~progressive~~ from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full normal participation in community life or persons otherwise in need of a structured environment to deal with such conditions. A recovery home shall not be deemed to include a Residential Treatment Facility, ~~Residential Care Facility,~~ Assisted Living Facility, Family Care Home, Nursing Home, Hospital or Emergency Shelter.

Recreational Facility shall mean any land or improvements designed for scenic, recreational, or open space purposes, and includes scenic easements and all other interests in land which may be acquired or created for such purposes.

Recreation~~al Use~~, High Intensity shall mean any public, quasi-public, or private premises where the principal use is one of the following: amusement park, aquarium, zoo, permanent circus exhibition, stadium, drive-in theater, or a similar facility.

Recreation~~al Use~~, Low Intensity shall mean any public, quasipublic, or private premises where the principal use is one of the following: a park, playground, athletic field, tennis court, handball court, shuffleboard courts, golf course, golf driving range, paintball field (outdoor) or a similar facility.

Recreation~~al Use~~, Medium Intensity shall mean any recreational facility such as billiard or pool halls, bowling alleys, or dancing establishments, skating rinks, shooting arcades, indoor firing ranges, miniature golf courses, theaters, and similar facilities.

Recreation~~al Use~~, Passive Activities shall mean any public recreational pastime such as low impact camping, horseback riding, education/nature studies, canoeing and kayaking, fishing, hiking, off-road bicycling, swimming, ~~wildlife management,~~ or a similar activity as well as those support facilities associated with said uses.

Commented [LDI136]: 135.Restored original wording because stables are not an "activity."

Recreation~~al Use~~, Rural shall mean any commercial or noncommercial recreational use, which by the nature of either the customary operation of the use or the noise impacts of such uses require that the use be located on a large parcel of land and is most appropriately located outside the urban area. ~~Structures shall be limited to only minor or incidental buildings providing office and sanitary facilities. Allowed~~ Rural recreation uses shall include, but not be limited to, game preserves, outdoor shooting~~gun and/or archery~~ ranges, rodeos, and off road vehicle facilities. This definition shall not include major attractor or intensive recreational uses.

Recreation~~al Use~~, Temporary shall mean any recreational facility which will be a temporary use such as carnivals, circuses, festivals, fairs, horse shows, dog shows, steeplechases, tent meetings, music festivals, turkey shoots, and similar activities.

Recreational Vehicle shall mean a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle pursuant to~~have the meaning set forth in~~ Section 320.01, F.S. ~~513.01, Florida Statutes.~~The basic types of recreational vehicles are travel trailers, motor homes, camping trailers, campers and recreational vans.

Commented [LDI137]: 136.updated definition to be consistent with comp plan

Recreational Vehicle Park shall mean a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and the term also includes buildings and sites set aside for group camping and similar recreational facilities pursuant to~~have the meaning set forth in~~ Section 513.01, ~~Florida Statutes~~F.S.

Commented [LDI138]: 137.updated definition to be consistent with that statute definition. Comp plan definition was not utilized because current LDC references statute definition.

Recreational Vehicle Park, Pre-FIRM shall mean any recreational vehicle park or subdivision built and operating before January 1, 1975.

Recreational Vehicle Sales. (See "~~Manufactured~~ Mobile Home and Recreational Vehicle Sale, Rental and Leasing Establishment.")

Recreational Vehicle Site shall mean a designated area of land within a Recreational Vehicle Park, which is intended to be occupied by not more than one (1) recreational vehicle for a limited period of time.

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

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

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

Recyclable Material shall mean those components of the waste stream which can be reused after separation or processing.

Regional Park~~.~~ shall mean large, resource-based areas that serve two or more counties and are usually within an hour's driving distance of the residents they serve. The park should serve a population of 500,000 and should range in size from a minimum of 250 acres to as much as several thousand acres. Because regional parks are generally designed for resource-based activities, location is dependent upon the availability of high quality natural resources capable of being developed and used for outdoor recreation.~~(See "Park, Regional.")~~

~~*Regularly Moored* shall mean moored in the same general area at least eight (8) hours a day for ten (10) days in any month. General area means within a circle one-quarter (¼) mile in diameter.~~

Rehabilitation Center shall mean a facility providing professional care, nonresident only, for those requiring therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse, social disorders, physical disabilities, intellectual disabilities or similar problems.

Religious Symbol shall mean crosses and other religious symbols which shall be considered as monuments, not signs.

Rental Service Establishment shall mean any premises where the principal use is the rental of tools, household, or gardening equipment, small appliances, musical instruments, apparel, sports equipment, or similar items. For the purposes of this Code, a rental service establishment shall not be deemed to include motor vehicle, sales, rental, and leasing establishments.

Repair Service Establishment shall mean any premises where the principal use is the repair and general service of common home items such as musical instruments, sewing machines, jewelry, televisions and radios, bicycles, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers, or any premises where the principal use is taxidermy, gunsmithing, or similar uses, or interior decorating to include reupholstering and the making of draperies, slipcovers and other similar articles, but not to include furniture or cabinet making establishments.

~~*Re-Subdivision*~~*Replat* shall mean the further division, since May 4, 1981, of lots or the relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law that increases the density of any such subdivision or the alteration of any streets or the establishment of any new streets within any such subdivision, but shall not include conveyances made so as to combine existing lots by deed or other instrument.

Required Yard. (See "Setback.")

Research and Development Activity shall mean any research, development, or prototype testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Research Facility, Agricultural. (See "Agricultural Research Facility.")

Residential Care Facility~~*, Large*~~ shall mean any Emergency Shelter, assisted living facility, community residential home, or recovery home~~Emergency Shelter Home, or Group Care Home, with seventeen (17) persons or more~~, as individually defined herein. ~~A residential care facility shall not be deemed to include a general hospital, residential treatment facility, recovery home, or nursing home.~~

Commented [LDI139]: 138.[Standard, not definition. Belongs in chapter 1 so deleted language]

Commented [LDI140]: 139.Updated definition to be consistent with comp plan.

Commented [LDI141]: 140.Regularly Moored term not used in the LDC.

Commented [LEA142]: 141.Replaced Outpatient Treatment Facility

Commented [LDI143]: 142.Changed name per S. 177.051, FS.

Commented [LDI144]: 143.Residential Care Facilities is the name used to group the various types into one for the purpose of applying standards in chapter 5.

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~~*Residential Care Facility, Small* shall mean any Emergency Shelter, Emergency Shelter Home, Group Care Home, with sixteen (16) persons or less, as defined herein. A residential care facility shall not be deemed to include a general hospital, residential treatment facility, or nursing home.~~

Residential Development shall mean any residential subdivision, ~~manufactured~~ mobile home park or ~~manufactured~~ mobile home subdivision, planned residential development, or planned commercial development involving residential dwelling units, including ~~manufactured~~ mobile home dwellings but excluding hotels.

Residential Support Use shall mean any Church or Other House of Worship, ~~Day~~ Child Care Center, Accessory ~~Day~~ Child Care Facility ~~(Accessory)~~, Family Day Care Home, Environmental Education Facility, or School (whether it is elementary, middle, high, or college/university; public or private; or school of special education).

Residential Treatment Facility shall mean a 24-hour residential program ~~any residential establishment, other than a nursing home,~~ providing relatively intensive diagnostic or therapeutic services for its residents for alcoholism, drug abuse, mental illness~~, emotional problems~~, development disabilities, emotional or social problems, or similar conditions. A residential treatment facility shall not be deemed to include a nursing home, ~~general~~ hospital ~~(as defined in Section 395.002(4) F.S. 1992 Supplement)~~, ~~group care home~~assisted living facility, dormitory (although a dormitory facility may be included as a part of a residential treatment facility), family care home, or emergency shelter ~~or emergency shelter home~~. Nothing in this Code shall prevent a residential treatment facility from having outpatients ~~or a recovery home component~~. For the purpose of this code, "small" treatment facilities house up to fourteen (14) residents. A residential treatment facility with more than fourteen (14) residents is deemed "large."

Resource Recovery Facility shall mean any facility ~~in~~ at which solid waste ~~garbage, minerals, glass, tin cans, paper, rags, and other materials are reclaimed or~~ is processed for the purpose of extracting, converting~~ed~~ into energy~~.~~, or otherwise separating and preparing solid waste for reuse. For the purpose of this code, resource recovery facilities are classified was Solid Waste Management Facilities.

Restricted Vehicle shall mean any vehicle that qualifies as one of the following:

~~(A)~~ Type A: A commercial vehicle.

~~(B)~~ Type B: Motor homes, campers and house trailers, or any other vehicle in which the interior contains the facilities for any two (2) or more of the following personal needs: sleeping, food preparation, or toilet.

~~(C)~~ Type C: Boats of any size regardless of whether the boat rests on a trailer or other supporting structure, except when docked in a navigable waterway or suspended from a davit immediately adjacent to a navigable waterway.

~~(D)~~Type D: ~~-~~Trailers and other vehicles which are not self-~~-~~propelled and which are designed to be moved by other vehicles which are ~~self propelled~~self-propelled.

Retail Sales, General shall mean any premises where the principal use is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for the use or consumption by the immediate purchaser. This shall include but shall not be limited to apparel, shoes, appliances, art supplies, automotive supplies, camera and photography supplies, furniture, guns and ammunition, hardware supplies, toys, crafts, jewelry, lawn and garden supplies, retail nurseries, musical instruments and supplies, office equipment, office supplies, paint, wallpaper, pets, stereos, televisions, florists, tobacco shops, candy, nut and confectionery shops, sporting goods, trading stamps and redemption outlets.

Retail Sales, Community shall mean establishments, or groupings thereof, that in addition to serving day-to-day commercial needs of a neighborhood, also supply the more durable and permanent needs of a community (e.g., office supplies, home improvement centers, furniture stores, junior department stores).

Retail Sales, Neighborhood Convenience shall mean any commercial establishment, or groupings thereof which generally serve the day-to-day commercial needs of a residential neighborhood which shall include but shall not be limited to food stores, convenience stores, drug stores, liquor stores, newsstands, bakeries, delicatessens, dairy product stores, meat and seafood shops, video rental and sales stores, and produce markets.

Retail Sales, Neighborhood General shall mean a commercial establishment or groupings thereof which generally serves more than the day-to-day commercial needs of a residential neighborhood, and which includes all uses listed under "Retail Sales, General" but which shall be limited to three thousand (3,000) square feet.

Retail Sales, Regional shall mean commercial establishments, or groupings thereof, which serve any or all

Commented [LEA145]: I44.See previous comment.

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commercial needs of a broadly distributed population and work force (e.g., regional malls) in addition to including community-serving and other commercial uses. However, region serving retail uses shall not include bulk warehousing or uses for which distribution of goods to other than a residential end-user is a primary or major use.

Commented [LEA148]: I47.Definition came from comp plan (Retail Uses - Region-Serving, Definitions, page 29)

Retention shall mean storage of stormwater runoff for subsequent disposal by evapo-transpiration, percolation or filtration.

Retention Area or Facility shall mean any natural or artificially created area or facility for stormwater retention.

Reverse Frontage Lot. (See "Lot, Reverse Frontage~~.~~")

Revolving Sign (a/k/a Rotating Sign). (See "Sign, Revolving~~.~~")

Rights-of-Way shall mean the strip of land over which facilities such as roads, highways, railroads, or power lines are built.

Road shall mean the area of pavement or other surface that is driven or travelled upon within a street right-of-way.

Road, Local shall mean a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements and high volume land access for abutting property.~~route which provides linkage from local roads or low traffic generators such as residences to more continuous highly traveled roads with a higher functional classification.~~

Commented [LDI149]: I48.Updated to be consistent with the Comp Plan.

Roadway Functional Classification System shall mean the system of existing and proposed streets that comprise the Roadway Functional Classification Map as described in the Traffic ~~Circulation~~ Sub-Element of the Comprehensive Plan.

Roll-off Container shall mean a container for storing solid wastes, ranging in size from ten (10) to forty (40) cubic yards and having rollers attached to the bottom.

Roof Sign. (See "Sign, Roof~~.~~")

Rotating Sign. (See "Sign, Revolving~~.~~")

Runoff Co-efficient shall mean an empirical value used in the calculation of stormwater runoff. Said value varies and is determined by the perviousness of the area being drained.

Runoff, Stormwater shall mean that portion of precipitation which is not passed into the soil by infiltration, evaporated into the atmosphere, or entrapped by small surface depressions and vegetation, and which flows over the land surface during, and for a short duration following any rainfall.

Runway shall mean a defined area on an airport prepared for the landing and takeoff of aircraft along its length.

Rural Street. (See "Street or Thoroughfare, Rural~~.~~")

Rural Thoroughfare. (See "Street or Thoroughfare, Rural~~.~~")

Rural Village shall mean an area within a planned development agricultural project set aside for neighborhood general and neighborhood convenience retail sales uses, public community uses and other similar uses to service the development.

Sales Area, Gross shall mean that area designated within the gross floor area of the structure for the display of vehicles or merchandise. (This definition shall be used only for parking calculations.)

Sales Area, Open shall mean the area designated which is not within the gross floor area of the structure(s) and used for the display or storage of vehicles or merchandise. (This definition shall be used only for parking calculations.)

Sales, Outdoor shall mean the use of any lot for the purpose of the buying, selling, or trading of any goods or commodities and including the storage of the same prior to sale or exchange.

Salvage shall mean the recovery of materials from the waste stream, particularly metals and white goods.

Sand Dunes shall mean any accumulation of sand in ridges or mounds landward of the beach.

Sandwich Sign. (See "Sign, Sandwich.")

Sanitary Sewer System shall mean structures or systems designed for the collection, transmission, treatment or disposal of sewage, and includes trunk mains, interceptors, treatment plants and disposal systems.

Commented [LDI150]: I49.Changed name to match term used in LDC.

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~~*Sewerage System* shall mean pipelines or conduits, pumping stations, and force mains and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.~~

Satellite Dish Antenna shall mean all parabolic or spherical antennas ~~whose~~ with a diameter or width exceed~~s~~ing one (1) meter in residential zoning districts, or two (2) meters in non-residential, industrial, agricultural, Conservation, Village, manufacturing, Extraction, Planned Development Waterfront, Planned Development Golf Course, or Planned Development Agricultural zoning districts.

Satellite Dish Antenna Height. (See "Height, Satellite Dish Antenna.")

School, College/University shall mean any degree granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training; and shall include but shall not be limited to colleges, community colleges, universities, technical institutes, seminaries, and professional schools (architectural, dental, engineering, law, medical, planning, etc.).

School, Elementary shall mean any public or private school that has an enrollment of students in the grades pre-school or any of the grades kindergarten through Five (5).

School, High shall mean any public or private school that has an enrollment of students in any of the grades Nine (9) through Twelve (12).

School, Middle shall mean any public or private school that has an enrollment of students in any of the grades Six (6) through Eight (8).

Schools, Private shall mean any use, building or structure, which is held, used, or controlled for private or non-profit purposes by any non-governmental entity.

Schools, Public shall mean any use, building or structure, which is held, used, or controlled exclusively for public educational purposes by the School Board of Manatee County or other government entity.

School, Other~~ of Special Education~~ shall mean any public, parochial, or private school primarily devoted to giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious, athletic or other special subjects, and shall include business or secretarial schools, but shall not include a riding school or ~~day~~ child care center unless accessory to such school, however designated.

Screen Cage or Enclosure (only for the purpose of allowing setbacks per Section 511~~703.2.24.1~~) shall mean a type of screen enclosure consisting of a structural network of metal, wood or concrete columns with open mesh panels for both walls and roofs.

Secondary School shall mean~~s~~ any public or private school that has an enrollment of students in any of grades six (6) through twelve (12) defined as a Middle and/or High School.

Secondary School (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Security/Caretaker's Residence shall mean a dwelling unit used solely for a security guard or caretaker for an agricultural, commercial or industrial use.

Sedimentation shall mean the general settling process by which soil particles, debris, or other materials are deposited in water bodies or drainage facilities.

Septic Tank shall mean a watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

Commented [LDI151]: 150.Added to be consistent with comp plan.

Service Bay shall mean a specified area and approved as such, whether enclosed or not, capable of accommodating one (1) motor vehicle, in which repair or maintenance work takes place.

Service Station shall mean any premises ~~including not more than four (4) service bays~~ where the principal use is the retail sale of gasoline, oil, batteries, tires, or other motor vehicle accessories, and the performance of automotive maintenance services and minor repair work not involving major motor, drive train, or suspension system adjustments or repair, other major mechanical and body work, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found

in service stations in the County. Service station may also include the sale of cold drinks, packaged foods, tobacco products, or similar convenience goods for service station customers, but only when such sales are conducted entirely inside the principal building or accessory refreshment center buildings.

~~A service station shall not be deemed to include a facility having more than four (4) service bays.~~

Commented [LDI152]: Standard moved to chapter 5.

Setback shall mean the physical distance which serves to minimize the effects of development activity on any adjacent property, structure or natural resource; and within which it is necessary to restrict activities for the area. Also, a required horizontal distance from the subject land or water area designed to reduce the impact on any adjacent land uses or cover types located on the subject land or water area. The term setback shall include required yards.

Setback, Front shall mean the physical distance on a lot measured from the front lot line to the nearest main wall of a principal building or structure.

Setback, Rear shall mean the physical distance on a lot measured from the rear lot line to the nearest main wall of a principal building or structure.

Setback, Side shall mean the physical distance on a lot measured from the side lot line to the nearest main wall of a principal building or structure.

Setback, Street shall mean the physical distance on a lot measured from the right-of-way line to the nearest main wall of a principal building or structure.

Sewer Use Ordinance shall mean Ordinance No. 89-02, as amended and supplemented and codified in Chapter 2-31 of the Code of Ordinances, ~~an ordinance~~ which provides for connection of building sewerage systems within an assessment district to available public sewerage systems. ~~(See Manatee County Ordinance 87-03.)~~

Sexually Oriented Business~~*Adult Entertainment*~~

Adult Bookstore shall mean any establishment, having more than ten (10) percent of its business stock, as measured in relation to total gross floor area of the business, including books, magazines, films, newspapers, photographs, paintings, drawings, or other publications or graphic media, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such materials; however, a place will not be considered an adult bookstore if it is an incidental adult materials vendor.

Adult Entertainment Establishment shall mean any adult bookstore, adult photographic studio, adult theater, physical cultural establishment, or special cabaret.

Adult Photographic Studio shall mean any establishment which offers or advertises the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas.

Adult Theater shall mean any establishment, located in an enclosed building or an enclosed space within a building or an open air theater designed to permit viewing by patrons seated in or on vehicles, which presents either filmed or live plays, dances, or other performances, either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Incidental Adult Materials Vendor shall mean a place where at all times, not more than ten (10) percent of the business stock, as measured in relation to total gross floor area of the business, is devoted to books, magazines, films, newspapers, photographs, paintings, drawings, or other publications or graphic media, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities, or specified anatomical areas, which materials will hereinafter be referred to as "adult materials";

Physical Culture Establishment shall mean any establishment which offers or advertises massage, body rubs, or physical contact with specified anatomical areas, whether or not licensed. Establishments which routinely provide medical services by state licensed medical practitioners or technicians licensed by the State to operate electrolysis equipment shall be excluded from the definition of adult physical culture establishments.

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Special Cabarets shall mean any bar, bring your own bottle club, dance hall, restaurant, or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or other entertainers, or waiters or waitresses, or other employees or any other persons that either engage in specified sexual activities, or display specified anatomical areas, or any such establishment which advertises for, or a sign or signs identifying which, uses the words "topless," "nude," "bottomless," or other words of a similar import.

Specified Anatomical Areas shall mean:

a. Less than completely and opaquely covered:

1. Human genitals or pubic region;

(2.) The entire cleft of the male or female buttocks, also known as the natal cleft;

(3.) Female breasts including the nipple and the areola and outside area of such gland wherein the outside area is:

(i1) Reasonably compact and contiguous to the areola, and

(ii2) cContains at least the nipple and areola and ¼ of the outside surface area of such gland.

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

Specified Sexual Activities shall mean that the following will be considered specified sexual activities:

(Aa.) Human genitals in a state of sexual stimulation or arousal;

(Bb.) Acts of human masturbation, sexual intercourse, or sodomy, whether actual or simulated;

(Cc.) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Shooting Range shall mean any indoor or outdoor area designed for the use of firearms, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, BB guns, air guns, or similar devices for recreation or training purposes. Archery falls under this definition (see, Recreation, Rural).

Shopping Center shall mean any group of two (2) or more commercial uses exceeding one thousand (1,000) square feet of gross floor area in total which:

A. (A) Are designed as a single commercial group, whether or not located on the same lot;

B. (B) Are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by walkways and access ways designed to facilitate customer interchange between the uses;

C. (C) Share a common parking area; and

D. (D) Otherwise present the appearance of one (1) continuous commercial area.

Shoreline shall mean the interface of land and water in oceanic and estuarine conditions which follows the general configuration of the mean high water line (tidal water) and the ordinary high water mark (fresh water). This term shall include the shorelines of lakes, streams and rivers.

Short Term Agricultural Use. (See "Agricultural Use, Short Term.")

Shrub shall mean any woody perennial plant of low height, characterized by multiple stems and branches continuous from the base. Shrubs shall be minimum of twenty four (24) inches in height and have a minimum twelve (12) inch spread, or a three (3) gallon container size upon planting.

Side Lot Line. (See "Lot Line, Side.")

Side Yard. (See "Yard, Side.")

Sidewalk Sign. (See "Sign, Sidewalk.")

*Signs*SIGNS

Commented [LDI153]: 151.Updated to be consistent with Comp Plan.

Commented [LDI154]: 152.Chapter 7 contains standards for shrubs based on what they are used for.

Commented [LDI155]: [The following definitions reflect the latest version of the sign ordinance being considered for adoption]

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Abandoned shall mean any sign or sign structure which bears no sign or copy for a period of six (6) consecutive months, or for onsite signs that display for a period of six (6) consecutive months, information which incorrectly identifies the business, owner, lessor, or principal activity conducted on the site. Abandoned sign shall also mean any sign on which proper maintenance is not being done; any on site sign on a parcel that has been vacant or unoccupied for six (6) months or more; or any sign which pertains to a time, event or purpose which no longer applies, regardless of the message or lack of message.

Adjustment shall mean relief granted by either the County Administrator, designee, or Hearing Officer limited to relief from certain specifications as to height of sign, size of sign and setback of sign as described in Chapter 6 ~~Section 724~~ of this Code.

Allowable Sign shall mean all signs for which a sign permit is not required but which must, nonetheless, conform to all the other terms and conditions of this Code.

Alteration of a Sign shall mean but shall not be limited to the following: The addition of sign area, the changing or relocation of light source, or the relocation of an outdoor advertising display from one location to another location. "Alteration" includes any and all structural changes in the sign, but shall not include the changing of copy on a sign which is designed as a changeable copy sign.

Animated Sign shall mean any sign which changes physical position by any action, motion, or gives the optical illusion of action or motion, or color changes of all or part of the sign area, requiring electrical energy, or set in motion by movement of the atmosphere.

Awning (a/k/a Canopy) shall mean any shelter, supported partially or entirely from the exterior wall of a building, which is used for advertising. Such sign may be constructed of canvas, plastic, metal, or other similar material.

Figure 2- 1~~11~~: Awning/Canopy Signs

Bench shall mean any bench whose primary purpose is collateral with providing transportation service to the public upon which a sign is indelibly drawn, painted, or printed.

Changeable Copy Sign shall mean an integral part of a sign not covering more than sixty-five (65) percent of the sign area and designed so as to readily allow the changing of its message either manually or electronically. Signs with changeable copy that utilize a computer generated message, images or is controlled or changed by some other electronic means are included in this definition.

Combination Sign shall mean a single, permanent on site non-animated sign composed of:

a. ~~A.~~ One (1) message relating to the entire premises on which it is located, and

b. ~~B.~~ One (1) or more additional messages of substantially the same size, material, and design, arranged in a compact group on the same structure, and identifying the establishments on the premises.

Figure 2- 2~~12~~: Combination Signs

Construction Sign shall mean~~s~~ any temporary on-site identification sign erected at a building site while active construction is underway.

Directional DRI Sign shall mean a free standing sign located within a project approved as a Development of Regional Impact (DRI) which indicates the distance, direction, location and name of the facilities and services located within the boundaries of the same DRI project.

Directional Off-Site Sign shall mean a sign which indicates no more than the distance, direction, location, and name of any facility or activity located in Manatee County.

Figure 2- 3~~13~~: Directional Off-Site Sign

Directional On-Site Sign shall mean a permanent on-site sign which directs traffic within a parcel, or which identifies the location of entrances, exits, restrooms, telephones, freight, etc.

Fascia Sign. (See "Wall Sign.")

Flags shall mean any fabric or similar material or bunting containing the same colors, patterns or symbols used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity and which is not a banner.

Flashing Sign shall mean any sign on which any electric lighting by any device is either alternated on and off or raised and lowered in brightness or intensity, or reflects lighting or gives the appearance of flashing.

Freestanding Sign shall mean a sign on or in the ground and not supported by any building. This term shall include ground sign, monument sign, pole sign and pylon sign.

Gateway Sign shall be a ground or monument sign that identifies the CDD or DRI located at major thoroughfare intersections or points along major thoroughfares near the CDD or DRI boundaries.

Government Sign shall mean any sign erected by or on the order of a public official or quasi-public entity (i.e., Community Development District, Community Redevelopment Agency, Water Management District) in the performance of his or her official office or duty including but not limited to, on and off-site signs identifying a government building or service, traffic control signs, street name signs, warning and information signs, public notices of events, or signs of a similar nature. Signs posted for the purposes of providing public notice for identifying a proposed change of land use or zoning shall be deemed to serve similar purposes as Government Signs.

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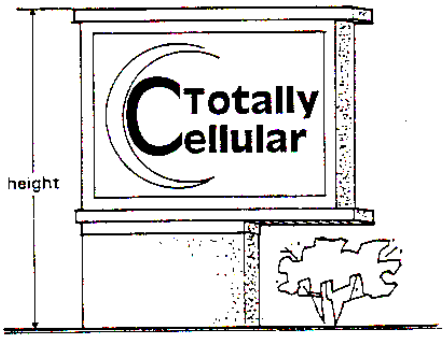
Ground (a/k/a Monument sign) shall mean a freestanding sign whose structural system is that other than a pole(s), column(s) or post(s) or other similar type structural system.

Figure 2- 4~~14~~: Ground Sign

~~*Height* of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.~~

Commented [LDI156]: 153.Moved to Chapter 6.



Illegal Sign shall mean any sign erected unlawfully.

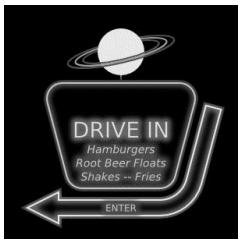
Illuminated Sign shall mean any sign which either:

a. ~~A.~~ Provides artificial light through exposed bulbs, lamps, or luminous tubes on the sign surface; or

b. ~~B.~~ Emits light through transparent or translucent material from a source within the sign; or

c. ~~C.~~ Reflects light from a source intentionally directed upon it.

Figure 2- 5~~16~~: Illuminated Signs



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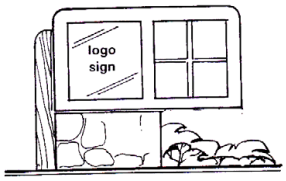

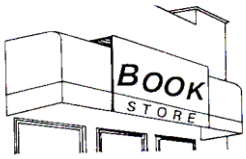

Mansard Sign shall mean any sign which is attached to a mansard style roof with the face parallel to the structure to which it is attached and which does not project more than twenty-four (24) inches from such structure. Since such sign is to be mounted parallel to and within the limitations of the building wall or mansard roof on which it is to be mounted, a mansard sign shall be considered a wall sign and not a roof sign.

For the purposes of this definition, the term mansard roof shall mean a single slope roof, usually found along the front of a building, with a maximum angle of forty-five (45) degrees measured from the roofing surface upward to the vertical.

Figure 2- 6~~17~~: Mansard Sign

Monument Sign. (See "Ground Sign.")

Moving Sign shall mean any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of such movement or rotation.

Mural Sign shall mean a wall sign painted on the exterior wall of a roofed building with its face in a parallel plane to the plane of the building façade.

Multiprism Sign shall mean any sign made with a series of triangular vertical sections that turn and stop to show two (2) or more pictures or messages in the copy area.

Nonconforming Sign shall mean a sign which does not conform ~~with~~ to this Code but was in conformance with all sign, permitting and other regulations applicable at the time it was permitted or erected. The term legal nonconforming sign shall mean the same as nonconforming sign. This term does not include signs that were erected without a permit when one was required.

Off-site Sign shall mean any sign not located on the same lot as the business, commodity, service or entertainment to which it relates. This shall include any structure designed primarily for the display of offsite signs. (See "Outdoor Advertising.")

On site Sign shall mean any sign located on the same lot or parcel as, and is accessory to, the business, commodity, service or entertainment to which it relates.

Outdoor Advertising Sign shall mean any sign structure advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which the sign is located. This shall include but shall not be limited to billboards, off-premises signs or off site signs.

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(See "Off site.")

Permanent Sign shall mean any sign which is affixed to a building or the ground in accordance with the requirements of the Florida Building Code and any other applicable federal, state, or local laws, and in such a manner as to be immobile without the use of extraordinary means such as disassembly.

Pole Sign shall mean a freestanding sign whose structural system consists of a pole(s), column(s), post(s) or other similar type structural system. Pole signs may also be referred to as pylon signs.

Pole Cover shall mean covers that enclose or decorate the poles or other structural supports of a sign.

Political Sign shall mean a type of temporary off-site sign which constitutes a political advertisement, the primary purpose of which is related to the candidacy of any person for public office or any issue which has been submitted for referendum approval.

Portable Sign shall mean any sign which is manifestly designed to be transportable, including transportation by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support, constructed without wheels, is converted to an A or T frame sign, or attached temporarily or permanently to the ground, since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consists of a changeable copy sign. ~~These signs are prohibited in the County.~~

Commented [LDI157]: 154.Chapter 6.

Figure 2- 7~~18~~: Portable Sign

Projecting Sign shall mean any sign which is attached to and which projects more than twenty-four (24) inches from the outside wall of any building or structure.

Figure 2- 8~~19~~: Projecting Sign

Real Estate Sign shall mean a temporary non-illuminated on-site ground sign offering for sale, lease or rent a structure or parcel.

Restricted Temporary Sign shall mean animated signs, banners, flashing or moving signs, multi-prism signs, portable signs, roof signs, snipe signs, twirling signs and other similar signs.

Revolving Sign (a/k/a Rotating) shall mean any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.

Roof Sign shall mean a sign erected upon or above the roof surface of any building. This term shall not include a mansard sign or a sign erected on the vertical wall portion of a cupola.

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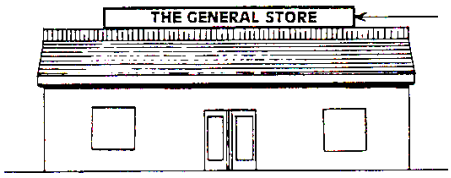
Figure 2-20: Roof Sign



Sandwich Board shall mean a portable, free-standing, movable and double-faced sign and shall be displayed as a temporary sign.

Sidewalk Sign shall mean any sign placed on a public or private sidewalk.

Sign shall mean any combination of sign structures (poles, fences, walls) and writing, pictorial presentation, illustration decoration, symbol, any material, color, lighting or other device which:

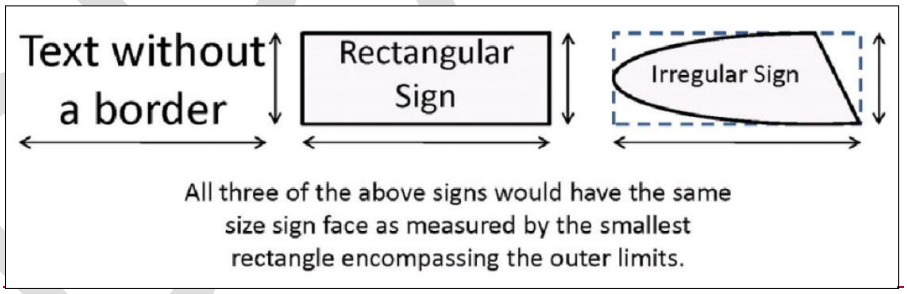
a. ~~A.~~ Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and

b. ~~B.~~ Is visible from any public way or adjoining property.

The term "sign" shall not be deemed to include the terms "building," "landscaping," any architectural embellishment of a building not designed to communicate information, religious symbols, memorials or tablets.

~~*Sign Area* shall mean the entire area within the outer periphery of the smallest single or combination of regular simple geometric shapes within which the message is contained. This shall enclose the extreme limits of writing, representation, emblems, and all material, color, or lighting forming an integral part of the display or used to differentiate it from the background against which it is placed. The sign area is calculated in units of square feet based on one (1) side. However, the maximum total area allowed for all sides shall not exceed twice the allowable specified in this Code.~~

Commented [LDI158]: 155.Moved to sign chapter.



Sign Contractor shall mean any individual who is qualified to install, repair, add to, or change signs. ~~The sign contractor shall be licensed through registration or certification with the County in accordance with the County licensing regulations or as may be exempted by those regulations.~~

Commented [LDI159]: 156.Unnecessary. The term Sign Contractors is only mentioned once in the LDC (c. 613, Violations) and does not need to be defined in such detail.

Sign Face shall mean the area, display surface, or part of a sign on which the copy or message is placed.

Sign Permit shall mean a permit issued by the Director that authorizes the holder to erect, move, enlarge or substantially alter a sign. ~~A sign permit may constitute a permit separate from a building permit or in some instances a building permit may serve as a sign permit as specified in this Code.~~

Commented [LDI160]: 157.Unnecessary. Chapter 3 addresses permit requirements.

Snipe Sign shall mean an off-site temporary sign made of any material in the public right-of-way or utility easement which is tacked, nailed, posted, glued, or otherwise attached to any utility pole, tree, fence, fence post supports, stakes, or other signs or other similar objects.

Figure 2- 9~~21~~: Snipe Sign

Structure Sign shall mean any structure which is designed specifically for the purpose of supporting a sign, has supported, or is capable of supporting a sign, including any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

Subdivision Sign shall mean an identification sign which is designed to identify a major subdivision (defined generally as 11 or more residential lots and more specifically in ~~Section 201~~Chapter 2 of this Code).

Figure 2- 10~~22~~: Subdivision Sign

Tag Sign shall mean a sign for scannable information without readable text.

Figure 2- 11~~23~~: Tag Sign

Temporary Sign shall mean any sign erected on-site for a specific purpose (e.g., construction sign) intended to be displayed for 3 months or less at the end of which the temporary sign is expected to be removed along with the pole, mast, frame or other structure to which it is attached if it is a free standing sign.

Temporary Off-Site Sign shall mean any temporary sign not located on the same lot as the business commodity, service or entertainment to which it relates. This shall include any structure designed primarily for the display of off-site signs.

Wall Sign- shall mean any sign which is painted on, fastened to, or erected against an exterior wall of a roofed building with its face in a parallel plane to the plane of the building facade or wall and which shall not project more than twelve (12) inches from such wall.

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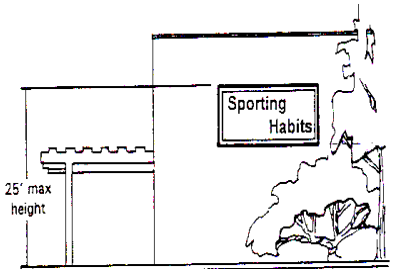
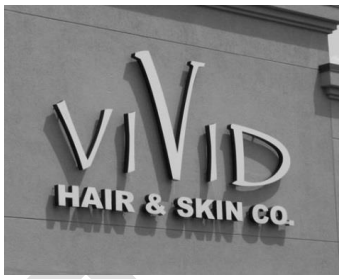
Figure 2- 12~~24~~: Wall Sign





Warning Sign shall mean any sign which is designed to provide public notice of a clear and present danger to public health, safety, or welfare and shall not exceed six (6) square feet of sign area.

Window Sign shall mean any sign which is painted on the inside of, or attached to, the inside of, or visible through a window, excluding the display of merchandise.

Silviculture shall mean the branch of forestry dealing with the development and care of forests and forest products. (See "Agriculture.")

Single Boat Docking Facility shall mean any structure for the storage of watercraft which serves a single residential building containing only one (1) dwelling unit on a single building lot. (See also "Waterfront Structures" and "Dock.~~")~~

Single Family Attached Dwelling. (See "Dwelling, Single Family Attached.")

Single Family Semi Detached Dwelling. (See "Dwelling, Single Family Semi Detached.")

Single Family Swimming Pool. (See "Pool, Swimming Single-Family.")

Single Occupancy Parcel shall mean any parcel which is occupied by a single establishment.

Single Ownership. (See "Ownership, Single.")

SIS shall mean the strategic intermodal system of state highways established pursuant to general law.

Site shall mean that portion of a subject property where a PWSF is to be placed and which contains all associated telecommunication towers, equipment buildings, and shelters, security fencing, landscaping, access and utility easements and any guy wires and anchors. An acceptable property may have several potential sites within it.

~~*Site Development Plan* shall mean a required development plan application illustrating site improvements to be completed by a developer on real property.~~

Site-Related Capital Transportation Facilities (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Site-Related Improvements (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

~~*Site-Related Capital Roads Facilities* mean Capital Roads Facilities that provide direct and safe access and egress to the development. Direct access improvements include but are not limited to: (a) a minimum of fifty (50) feet of dedicated right-of-way (i.e., in excess of a twenty-five (25) foot half right-of-way for a curb and gutter section or in excess of a forty-two (42) foot half right-of-way for a rural section) and sub-base, base, and pavement required for two (2) lanes constructed to local standards in an urban configuration for any road on the County Road System that traverses or is adjacent to the land on which the development is located, that is required by local regulations; (b) other safety-related capital road improvements, including but not limited to, construction of acceleration, deceleration, turn, and holding lanes, as well as the installation of traffic signals for those facilities; and (c) internal streets. Credit is not provided for Site-Related Capital Roads Facilities.~~

Site-Related Improvements shall mean~~s~~ all Capital Local Park Facilities, Capital Countywide Parks/Open Space Facilities, Capital Law Enforcement Facilities, Capital Roads Facilities, or Capital Public Safety Facilities, located inside or outside the boundaries of the proposed development and designed and intended to serve only the needs of that development.

Commented [LDI161]: 158.Term not used in the LDC. However, rejected recommended deletion to be consistent with the comp plan

Commented [LDI162]: 159.Deleted by ord. 14-13

Commented [LDI163]: 160.Amended by Ord. 14-13.

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Slaughterhouse shall mean an establishment where animals are killed, butchered and prepared for further processing.

~~*Slow Speed Zone* shall mean a designated area within which it has been established that manatees are known to congregate. In a slow speed zone, motorboat operators shall not proceed at a speed greater than is reasonable and prudent to avoid, either intentionally or negligently, annoying, molesting, harassing, disturbing, colliding with, injuring, or harming manatees. Within any such zone motorboats shall be operated in accordance with legal requirements.~~

Small Animal Specialty Farm shall mean any premises where the principal use is the commercial production of rabbits, birds, fish, mink, bees, worms, or similar small animals or their products. Small animal specialty farms shall not be deemed to include kennels or animal shelters. ~~(See~~ For the purpose of this code, small animal specialty farms are deemed to be "Agricultural~~e~~ Uses.")

Snipe Sign. (See "Sign, Snipe.")

Solid Waste shall mean, for the purposes of this code, garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations, ~~all waste commonly characterized by the terms "garbage," "garden trash," "rubbish," and "industrial waste,"~~ but shall not include recyclable materials (which are separated, at the point of generation, by the generator or his agent, and donated or sold by the generator for recycling purposes, nor shall it include hazardous wastes (including fecal wastes, carcasses and pathological wastes).

Solid Waste Management Facility shall mean any solid waste disposal area, volume reduction plant, transfer station or ~~other~~ similar facility~~, the purpose of which is resource recovery of the disposal, recycling, processing, or storage of solid waste~~. The term shall not include facilities which use or ship recovered materials unless such facilities are managing solid waste.

Source Separation shall mean the segregation of recyclable materials from the waste stream at the point of generation.

Special Cabarets. (See ~~ADULT ENTERTAINMENT~~"Adult Entertainment".)

Special District shall mean a local unit of special purpose, as opposed to general purpose, government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. ~~The special purpose or purposes of special districts are implemented by specialized functions and related prescribed powers.~~

Special Exception shall mean a type of approval given in accordance with ~~previous versions of~~ the comprehensive plan ~~and land development code. A use with an active Special Exception approval shall be deemed to have obtained a "Conditional Use Permit."~~

Special Needs Population shall mean those persons who have incomes not exceeding moderate income and, because of particular social, economic, or health related circumstances have greater difficulty acquiring or maintaining affordable housing. Such persons may include, but not be limited to, persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaway and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

Special Permit Use~~. (See "Use, Special Permit.")~~ shall mean uses that are deemed to be generally compatible with the other land uses permitted in a zoning district. However, because of their unique characteristics or potential impacts on the surrounding neighborhood and the County as a whole, such uses are subject to individual review of its location, design, configuration, operation and the public need for the particular use at the particular location proposed to assure consistency with this Code and the Comprehensive Plan. ~~Each Special Permit may require the imposition of individualized conditions to achieve such consistency and to ensure that the proposed use is appropriate at its particular location.~~

Special Waters shall mean any water body or area so designated in accordance with Section 17-302.700, Florida Administrative Code.

Special Yard. (See "Yard, Special.")

Species. (See "Nuisance Species or Protected Species.")

Commented [LDI164]: 161.Not relevant to LDC.

Commented [LDI165]: *COMP PLAN:* Sludge from a waste treatment works, water supply treatment plant or air pollution control facility; or garbage, rubbish, refuse or other discarded material, including solid, liquid semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.
162.*STATUTES:*s ludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Commented [LDI166]: 163.Deleted per CAO's comments.

Commented [LEA167]: 164.This language came from the review procedures Chapter (old Sec. 505.1). Last sentence already in that chapter; not needed here.

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Specified Sexual Activities. (See ~~ADULT ENTERTAINMENT~~"Adult Entertainment".)

Stable, Private shall mean any boarding facility for horses or livestock in which use is limited to the property owner or occupants of the property only. ~~Rental of one (1) stall space is allowed.~~

Stable, Public shall mean any boarding facility for horses or other livestock with stall space available for rental to the public.

Stadium shall mean a large outdoor facility designed for the performance of athletic activities with seating for the viewers of such activities. (See "Recreational Use, High Intensity.")

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L 97-348)) shall mean the first placement of permanent construction of a structure (other than a ~~manufactured~~ mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, filling, nor does it include excavation for a basement, footings, piers, foundations or the erection of temporary forms or temporary fences; nor does it include the installation on the property of temporary construction offices. For a structure (other than a ~~manufactured~~ mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For ~~manufactured~~ mobile homes the "start of construction" means the affixing of the ~~manufactured~~ mobile home to its site. ~~The removal of trees requires a Tree Removal Permit, (see Section 714).~~

Storage, Outdoor (Principal Use) shall mean the use of any lot for either the primary ~~or accessory~~ outdoor storage of domestic vehicles, restricted vehicles, and recreational vehicles, goods, commodities or equipment~~. (See Sections 703.2.20 and Section 704.69)~~. This definition shall not include residential outdoor storage.

Storage, Residential Outdoor shall mean outdoor storage, including compost piles, associated with a residential dwelling unit or units.

Stormwater shall mean surface water resulting from rainfall.

Stormwater Discharge. (See "Discharge, Stormwater.")

Stormwater Management System shall mean all natural and artificial drainage facilities which convey, store, or control the flow of stormwater runoff from one (1) or more drainage basins.

Stormwater Runoff. (See "Runoff, Stormwater.")

Story shall mean a portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street shall mean any public or private way intended for vehicular and pedestrian traffic; and providing the principal means of access to the property.

Street, Cul-de-Sac. See "Cul-de-Sac."

Street Frontage shall mean the length of the property line for a single parcel which runs parallel to, contiguous, and along each public right-of-way or private street (exclusive of alleys) that it borders.

Street, Half shall mean any street improved to a width of less than twenty-four feet (24') or with concrete curb and sidewalk on only one side of said street.

Street Line shall mean the dividing line between a street and a lot. For public streets, the street line shall be the existing right-of-way line. For private streets, the street line shall be the street parcel boundary of the legally described street. For existing private streets, the street line shall be the street parcel boundary or the easement boundary of the legally described street. However, for any street exhibited on the Roadway Functional Classification Map, the street line shall be the proposed right-of-way line on such map, or the existing street curb line, whichever is the greater distance from the center line established on the map.

Street, Local shall mean any street, not classified as an expressway, arterial, major collector, or minor collector, which primarily provides direct access to residential, commercial, industrial, or other abutting property. A local street is designed to carry light volumes of traffic, usually fewer than three thousand (3,000) vehicles per day, on rights-of-way that are ~~a maximum of~~typically fifty (50) feet wide. Overall operating speeds are low in order to permit frequent stops or turning movements to be made with maximum safety. ~~Service to through traffic movement shall~~

Commented [LDI168]: 165.Standard moved to chapter 5.

Commented [LDI169]: 166.[Please confirm this Definition fits Manatee's idea of a Half Street]

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be deliberately discouraged.

Street, Major Local shall mean any street not illustrated on the Manatee County Future Thoroughfare Maps. Major Local Streets provide direct access to properties located between two or more functionally classified roads, and serve as neighborhood level collectors facilitating through traffic. A major local street is designed to carry light volumes of traffic, usually fewer than three thousand (3,000) vehicles per day, on rights-of-way that are a maximum of fifty (50) feet wide. Overall operating speeds are low in order to maximize neighborhood safety.

Street, Private shall mean any street, which is not a component of the state system or county thoroughfare system, that is privately owned and affords access in perpetuity to all adjoining property.

Street, (Private, New) shall mean a specific entity which existed for the first time on or before May 4, 1981.

Street, Public shall mean any street, road, thoroughfare or highway that is dedicated to and owned by any city or county, state, or federal government.

Street Stub or Stub-out shall mean a portion of a road that terminates at the edge of a site but is aligned to eventually extend to a new road or adjacent development.

Street or Thoroughfare, Rural shall mean any street which connects and provides accessibility to urban centers. While traffic volumes on rural thoroughfares may be low, such streets provide the necessary accessibility that ensures personal mobility to urban services and movement of goods between cities. The term rural street shall be limited to all streets so designated on the Roadway Functional Classification Map.

Structure shall mean any combination of materials used to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Accessory shall mean a structure, the use of which is incidental to that of the main structure and which structure is located on the same lot as the main building.

Structure, Habitable [shall mean] a structure that is used for living, sleeping, eating, cooking, working, entertainment or otherwise occupied by people for their use.

Structure, Historic shall mean any structure that is:

A. (A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, or eligible for listing on the National Register; or

B. (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as registered historic district, or eligible for listing on the National Register; or

C. (C) Certified or preliminarily determined by the Manatee County Historic Preservation Board as historically or archaeologically significant to Manatee County.; or

(D) Sign. (See "Sign, Historical.")

Structure, Nonconforming shall mean any structure lawfully established prior to and existing on the effective date of this Code, or any amendment hereto, which does not conform to the requirements of this Code for the zoning district in which it is located and all applicable floodplain regulations.

Structure, Pre-FIRM shall mean a structure that was built and occupied before January 1, 1975.

Structure, Waterfront shall mean any dock, wharf, pier, boathouse, boat hoist, mooring pile, or similar structure.

Structure, Waterfront Multi-family shall mean any waterfront structure associated with a multi-family or multi-family condominium development.

Structure, Waterfront Other shall mean any waterfront structures that are associated with non-residential development.

Structure, Waterfront Residential shall mean any waterfront structure associated with individual single-family or duplex lots.

Subdivision shall mean the division of a parcel of land or lot of record that results in the creation of a third parcel of

Commented [LDI170]: 167.Already stated in chapter 10. Didn't move other characteristics as those are not standards but description of a typical local street.

Commented [LEA171]: 168.Will discuss as part of phase 2.

Commented [LDI172]: 169.Confusing definition. Deleted as recommended by staff.

Commented [LDI173]: 170.[No such definition (sign, historical) in the code]

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land since May 4, 1981, under five (5) acres in size for the purpose, whether immediate or future, of transfer of ownership, or, if the establishment of a new street is involved, any division of such parcel. The term subdivision shall also include any ~~resubdivision~~replat.

Subdivision shall not be deemed to include, if the division of land results in parcels:

A. ~~1.~~ Each greater than five (5) acres in area except in conjunction with the creation of a new street, or

B. ~~2.~~ Any change in street lines or easements.

The combining or reconfiguration of platted lots or portions thereof, does not constitute a subdivision when the lot area, required access and width of the resulting lots is not less than the original lots or than allowed by this Code, whichever is less provided the number of lots is not increased.

The division of property for the conveyance of land to a federal, state, county or municipal governmental agency, entity, political subdivision, or public utility does not constitute a subdivision, if such property is accepted by the governmental body~~.~~ (See Chapter ~~9~~3, Part V~~.~~).

Subdivision, Major shall mean any subdivision of eleven (11) or more residential lots or parcels of land; or any non-residential subdivision; or any time the division of land results in the establishment of a new street; or the creation of six (6) or more lots on an existing unpaved, county street~~.~~ (See Chapter 3, Part ~~I~~V~~9.~~).

Subdivision, ~~Manufactured~~ Mobile Home shall mean any subdivision where lots are sold or offered for sale for the placement of ~~manufactured~~ mobile home dwellings which are occupied on a non-transient residential basis.

Subdivision, Minor shall mean a subdivision creating three (3) to ten (10)~~less than eleven (11)~~ residential lots or parcels of land; and never involves the establishment of a new street and does not include any type of non-residential subdivision~~.~~ (See Chapter 3~~9~~, Part ~~I~~V~~.~~).

Commented [LDI174]: I7I.Per Ord. 14-24.

Subdivision, ~~Resubdivision~~Replat. (See "~~Resubdivision~~Replat~~.~~")

Subdivision Sign. (See "Sign, Subdivision~~.~~")

Substandard Dwelling Unit. (See "Dwelling Unit, Substandard~~.~~")

Substantial Damage shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the "fair market value" of the structure before the damage occurred. The fair market value in the substantial damage provision is the market value of the ~~manufactured~~ mobile home or park trailer itself and its foundation and shall not include the fair market value of the land or of other improvements made to the land.

Substantial Improvement shall mean any combination of repairs, reconstruction, addition, alteration, or improvement to a structure, taking place during the life of the structure, which the cumulative cost equals or exceeds fifty (50) percent of the fair market value of the structure either,

A. ~~(A)~~ Before the improvements or repair is started, or

B. ~~(B)~~ If the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term shall not, however, include:

1. ~~(1)~~ The cost of the minimum improvements necessary to correct existing violations of a health, sanitary, handicap accessibility or safety code which is solely necessary to assure safe conditions only when such improvement is initiated, as a result of the issuance of an order, citation, unsafe notice or other directive from an appropriate governmental agency or official prior to the repair or improvement.

2. ~~(2)~~ Any alteration of a historic structure~~,~~ provided the alteration will not preclude the structure's continued designation as a historic structure.

Suburban Development shall mean a pattern of built up land areas exhibiting moderate intensity, primarily residential uses, functionally connected to adjacent urban areas by transportation and public utility links and providing for a gradual transition from these urban areas to neighboring rural, primarily open, land areas.

Successor-in-Interest (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Swimming Pool. (See "Pool, Swimming.")

Tall Tower shall mean any telecommunication tower with an overall height of five hundred (500) feet or more above grade, which contains one (1) or more antennas for telecommunication services.

Tall Tower Cluster shall mean a grouping of two (2) or more tall towers in a specified geographical location with established dimensions of area and height, where tall towers with a common impact on aviation may be grouped.

Taxi-Cab and Limousine Service shall mean any establishment engaged in providing passenger transportation by automobile, taxi-cab, truck, limousine, or other similar vehicle, not operating on regular schedules or between fixed terminals, and containing space for vehicle fleets and related office facilities. For the purpose of this code, this use is classified as Intensive Services.

Telecommunication Equipment Building shall mean the telecommunication support facility structure located on a tower site, which houses the electronic receiving and relay equipment.

Telecommunications Facility shall mean a facility, site, or location that contains one (1) or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals.

Telecommunication Support Facility shall mean the telecommunication support equipment and cabinets associated with a telecommunication facility.

Telecommunication Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more wireless provider's antennae, including camouflaged towers, lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, and common-carrier towers. The term shall exclude alternative support structures.

Telephone Answering Service shall mean any business whose only function is that of answering telephone calls for others and recording messages. This occupation shall not generate any vehicular traffic.

Temporary Recreational Use. (See "Recreational Use, Temporary.")

Temporary Sign. (See "Sign, Temporary.")

Temporary Use. (See "Use, Temporary.")

Temporary Wireless Telecommunication Facility shall mean any Carrier or Cellular on Wheels (COW) or antenna designed for use while a permanent wireless facility is under construction or reconstruction, for a large-scale special event or conference or during a declared emergency by the County.

Thoroughfare shall mean any major street or roadway that is designated as collector, arterial or limited access facility within the Comprehensive Plan for the purposes of this Code.

Thoroughfare, Rural. (See "Street, Rural.")

Through Lot. (See "Lot, Through.")

Towing Service and *Storage Establishment* shall mean any establishment where the principal use is the towing of disabled or otherwise non-operative motor vehicles and the subsequent storage of such vehicles. ~~The repair, dismantling or demolition of such vehicles shall not be allowed.~~ This definition shall not be deemed to include a junkyard or motor vehicle repair. For the purpose of this code, this use is classified as *Intensive Services*.

Commented [LDI175]: I72.Already stated in chapter 5

Traffic Generation shall mean both the production and attraction of traffic.

Transit Oriented Design (TOD) shall mean mixed use higher density development that occurs within a walkable distance (generally ½ mile) of a transit station.

Transportation CLOS shall mean a certificate of level of service compliance for transportation concurrency to be issued pursuant to ~~Section 510, hereof~~this Code.

Transportation CMS shall mean the concurrency management system established for transportation concurrency pursuant to ~~F.S. §~~ Section 163.3180, F.S., and the Comprehensive Plan, and implemented pursuant to ~~Sections 510 and 511, hereof~~this Code.

Travel Way. (See "Street.")

Tree shall mean any self-~~-~~supporting woody plant which usually produces one (1) main trunk, has a more or less distinct and elevated head with many branches, normally grows to an overall height of at least fifteen (15) feet in the environs of the County, and provides shade or is capable of providing shade at maturity. For the purpose of this Code, a mangrove shall be considered a tree.

Tree, Canopy shall mean a tree species which produces one (1) main trunk and normally reaches a height of thirty (30) feet or more upon maturity. ~~All canopy trees shall be a minimum of one and one-half to two (1.5 to 2) inches in diameter breast height at the time of planting, unless otherwise indicated.~~

Tree, Understory shall mean any tree species which produces single trunk or multiple trunks and normally reaches a height of less than thirty (30) feet upon maturity. ~~All understory trees shall be a minimum of six (6) feet in height and one (1) inch diameter breast height at the time of planting.~~

Trip Length/Rate Study (a/k/a TLS) shall mean an analysis of the trip length, trip rate, capture and diversion rate or any combination thereof.

Truck Terminal shall mean the use of land, buildings or structures for the parking of trucks, and the storage and transfer of cargo to and from trucks on a regular basis. This term shall not be deemed to mean intermodal terminal.

Turnaround shall mean the closed end of a minor local street, one (1) end of which is closed and consists of a symmetrically shaped circular space for turning around vehicles~~.~~ (~~S~~see also "Cul-de-Sac~~.~~").

Understory Tree. (See "Tree, Understory.")

Use shall mean the purpose for which a structure is arranged, designed, or intended to be used, occupied, or maintained.

Use, Accessory shall mean a use or structure which meets all of the following:

A. ~~(A)~~ Is clearly incidental to, customarily found in association with, and serves a principal use;

B. ~~(B)~~ Is subordinate in purpose, area, or extent, to the principal use served;

C. ~~(C)~~ Is located on the same lot as the principal use, or on an adjoining lot in the same ownership and district as that of the principal use; and

D. ~~(D)~~ Is not the principal use.

~~*Use, Conditional* shall mean any use which may be conditionally allowed in a particular zoning district. (See Chapter 6.) A land use that would not be appropriate if permitted throughout the zoning district, but when subject to appropriate limitations, conditions and safeguards, would promote the public health, safety, welfare, convenience and comfort.~~

Use, Nonconforming shall mean any use lawfully existing at the time of adoption of this Code, or any subsequent amendment thereto, which does not conform to one (1) or more provisions of this Code, including an existing use permissible as a ~~conditional~~ special permit use but which has not been so specifically authorized.

Use, Permitted shall mean any land use permitted by right in a zoning district~~.~~ (~~S~~see Chapter ~~6~~3~~.~~).

Use, Principal shall mean the main or primary purpose for which a structure, building, or lot is designed, arranged, constructed, or intended, or for which it may be used, occupied or maintained under this Code.

Use, Special Permit. (See "Special Permit Use~~, Conditional~~.")

Use, Temporary~~.~~ ~~(See Section 705.)~~ shall mean a use permitted for a fixed period of time with the intent to discontinue such use at the expiration of the time period.

Urban Development shall mean a pattern of built up land areas exhibiting relatively intense residential, commercial, industrial, institutional, governmental or recreational uses, generally in combination, and functionally connected by a system of transportation and public utility networks. These built up areas are characterized by concentrations of population and activities.

Utility Pole Mounted Antenna shall mean an antenna attached to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar structure.

Commented [LDI176]: I73.Standards already in chapter 7.

Commented [LDI177]: I74.Standards already in chapter 7.

Commented [LEA178]: I75.The LDC uses the term "conditional use" for uses that have additional standards in Section 704. The term makes it confusing as most communities refer to conditional use means uses that require public hearing. Those are called "Special Use Permit Uses in Manatee County. For phase I, we are keeping the term Spec Use Permit and getting rid of the CU term. In Ph. II, we would recommend using the term CU and getting rid of the term SP.

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Utility Runway. (See "Airport"~~.~~).

Utility Use shall mean any of the following uses:

A. ~~(A)~~ Electric substations or distribution centers including transformer stations.

B. ~~(B)~~ Natural gas, oil or other petroleum product metering, regulating, compressor, control or distribution stations, and local office space incidental thereto and necessary for the operation of such station, but shall not include any storage facilities.

C. ~~(C)~~ Major sewage pumping facilities.

D. ~~(D)~~ Telecommunication facilities, including but not limited to exchanges, dial centers, or repeater stations. Telecommunication towers and antennas are not included in the definition of "Utility Use."

E. ~~(E)~~ Major potable water storage, control, or pumping facilities.

F. ~~(F)~~ Service or supply yards for any of the above uses, where such yards are less than one (1) acre in area.

G. ~~(G)~~ Wastewater Treatment Plants.

Utility Use, Heavy shall include, but ~~[is]~~ not limited to, power generating facilities and multiple transmission line facilities.

Variance shall mean a grant of relief upon appeal in specific cases by a governmental entity empowered to authorize relief from the requirements of this Code.

Vehicle, Commercial. (See "Commercial Vehicle.")

Vehicle, Domestic shall mean any vehicle used in operation on streets or waterways and shall include but shall not be limited to automobiles, private pickup trucks, and vans, and private pleasure crafts. (See "Motor Vehicle Repair" definition).

Vehicle, Junk shall mean any motor vehicle, trailer, or semi-trailer which is inoperable or would not be allowed to operate legally upon the public roads under the laws of the State of Florida in its present condition. This definition does not include vehicles used for legal competition which are in an operable condition.

Vehicle, Recreational. (See "Recreational Vehicle.")

Vehicle, Restricted. (See "Restricted Vehicle.")

Vehicle or Trailer Sign. (See "Sign, Vehicle or Trailer.")

Vehicle Use Area shall mean the area of a site devoted to driveways, drive aisles, parking stalls and loading zones.

Vertical Clearance shall mean the lateral vision that shall be maintained between a height of two-and-one-half (2½) feet and eight (8) feet above the average elevation of the existing surface of both streets, measured along the center lines, and adjacent to the visibility triangle.

Very Low Income Household shall mean one (1) or more natural persons or a family, with a total annual gross household income that does not exceed fifty (50) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the County, or the non-metropolitan median for the state, whichever is greatest. With respect to rental units, the low income household's annual income at the time of initial occupancy may not exceed fifty (50) percent of the area's median income adjusted for family size. While occupying the rental unit, a very low income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of fifty (50) percent of the area's median income adjusted for family size.

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

Veterinary Hospital shall mean any facility rendering surgical or medical treatment to animals, and may provide other related services such as grooming, boarding and animal disposal, which may include cremation, and shall allow boarding without limitation to number of animals, provided that those animals were treated at the facility.

Visibility Triangle shall mean an area of a lot or parcel where development is restricted adjacent to the intersection of

streets with other streets or driveways, to allow for vehicular visibility.

Visual Runway. (See "Airport"~~.~~).

Volume Reduction Facility ~~[~~shall mean~~]~~ a facility which removes materials from the overall solid waste process entering a landfill for further recycling.

Walking Mile shall mean a distance measured in miles of the shortest pedestrian route along public or private roadways. Such distance shall be measured from the closest pedestrian entry point of the school to the closest pedestrian entry point of the development. The pedestrian entry point shall be where private property meets the public right-of-way.

Wall, Decorative, Opaque, shall mean any solid fence constructed of concrete aggregate, stucco finish, brick, stone, concrete masonry split face design or other such substantial material, as determined by the ~~Planning Director~~ Department Director. ~~.~~

Wall, Retaining shall mean any wall, fence or other structure erected to hold back or support a bank of earth. This term shall not include erosion control structures (seawalls).

Wall Sign. (See "Sign, Wall.")

Warehouse shall mean any premises where the principal use is the storage of merchandise, products, or materials in bulk, for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales, but shall not be deemed to include retail sales establishments, motor freight terminals, mini-warehouses or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

Warehouse (Impact Fees). (See ~~IMPACT FEES~~"Impact Fees".)

Warehouse, Mini shall mean any building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of goods belonging to the individual lessees of the stalls and accessible to the lessees through individual doors.

Warning Sign. (See "Sign, Warning.")

Waste Minimization shall mean the reduction of the amount of wastes generated through:

A. ~~(A)~~ The use of nondisposable products and durable materials;

B. ~~(B)~~ The purchase of only the exact amounts of a material or product needed;

C. ~~(C)~~ Modifications to systems and operations to reduce the amounts of material needed;

D. ~~(D)~~ The use of closed rather that open ended systems;

E. ~~(E)~~ Reuse of byproducts; and

F. ~~(F)~~ Any other procedure by which the creation of wastes is avoided or reduced.

Wastes shall mean sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters of the state.

Water Animal. (See Animal Services (~~WILD AND EXOTIC ANIMALS~~"Wild and Exotic Animals)~~".~~)

Water ~~b~~Body shall mean any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water or which has a discernible shoreline.

Water Dependent Use shall mean activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electric generating facilities; or water supply.~~any facility which cannot be used for its intended purposes unless it is located or carried out in close proximity to water. The term shall include only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, or ship building, or repair facilities, or seafood processing facilities, but shall not include long term storage or related manufacturing facilities.~~ This term includes structures meeting Title 44, Code of Federal Regulations (C.F.R.) definition of functionally-dependent use.

Commented [LDI179]: I76.Updated definition to be consistent with comp plan.

Watercourse shall mean any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks or other discernible boundary. Watercourse shall not include irrigation and drainage ditches constructed in the uplands which are not more than thirty-five (35) square feet in total cross section area and which normally has a water depth of no more than three (3) feet, provided they are not in and do not directly connect to Outstanding Florida Waters, Class I Waters and Class II Waters.

Waterfront Property shall mean any property abutting any gulf, bay, bayou, navigable stream, canal, lake, or impounded reservoir.

Waterfront Structure. (See "Structure, Waterfront.")

Waterfront Yard. (See "Yard, Waterfront.")

Water Management System shall mean a system of natural or artificial waterbodies or watercourses which stores or conveys water; a stormwater management system.

Waters shall mean, but shall not be limited to, rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one (1) person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but shall not be limited to, all underground waters passing through pores of rocks or soils or flowing through in channels, whether manmade or natural.

Waters of the State shall mean the same as defined in Chapter 403, Florida Statutes.

Watershed; Discharge Basin shall mean a geographic land area which because of its geography, collects all precipitation falling within its boundaries and stores or discharges all resulting stormwater runoff through a single drainage outfall.

Water Shortage Emergency shall mean a condition when the Southwest Florida Water Management District declares that a water shortage exists and pursuant to the provision of Chapter 120, Florida Statutes issues an Emergency Order.

Water Shortage Plan shall mean Chapter 40D-21, Florida Administrative Code, the codification of the Water Shortage Rule adopted and published by the Southwest Florida Water Management District and any amendments thereof. The enforcement of this shall not apply to any persons using treated effluent or saltwater.

Wetland, as defined by SWFWMD Rule Chapter 40D-4.021(~~10~~21), shall mean those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. ~~The non-existence of wetland vegetation alone shall not exempt a project from complying with Wetland Protection Policies of the Comprehensive Plan and Land Development Code.~~

Commented [LDI180]: I77.moved this sentence to Section 706

Wetland, Disturbed shall mean any wetland that has been substantially affected by the actions of man, but which continues to be dominated by wetland or transitional vegetation, and retains some degree of wetland function.

Wetland, Isolated shall mean any wetland that does not have hydrological or vegetative connections with "Waters of the State" as defined in Section 403.~~032~~031~~(3)~~, Florida Statutes.

Wetland Mitigation shall mean actions including, but not limited to, restoration, enhancement, creation of wetlands, upland preservation, or a combination of the above required to be taken to offset environmental impacts of permitted activities.

Wetland Vegetation shall mean as defined in Rule ~~17-3.022~~62-340.400, Florida Administrative Code.

Wholesale Trade Establishment shall mean any premises where the principal use is the conduct of Wholesale Sales, or the sale of merchandise to institutional, commercial, or industrial customers. Wholesale trade establishment shall not be deemed to include warehouse or any retail sales.

Wild and exotic animals. (See "Animal Services").

Window Sign. (See "Sign, Window.")

Workforce Housing shall mean attainable, safe, decent housing purchased by an individual or family with income at or below the income equivalent no higher than twenty (20) percent above the moderate income level for a family of three (3) and where the sales price of the home is no higher than twenty (20) percent above the moderate income home sales price established by the Manatee County Local Housing Assistance Plan~~, as such may be amended from time to time~~.

Yard shall mean any area on the same lot with a building or building group lying between the building or building group and the nearest lot line, or streetline, whichever is closer, unobstructed to the sky and unoccupied except by specific uses and structures allowed pursuant to this Code.

Yard, Front shall mean a yard extending across the full width of a lot, measured from and perpendicular to the front lot line, or streetline, whichever is closer, and extending to the principal building or structure.

Yard, Privacy shall mean a small area adjoining a building and enclosed on at least two (2) sides with a fence of at least six (6) feet in height.

Yard, Rear shall mean a yard extending across the full width of the lot and lying between the rear lot line of the lot, or street line, whichever is closer, and the principal building group, and measured perpendicular from and along a line parallel with the rear lot line.

Yard, Required. (See "Setback.")

~~*Yards, Required*. (See Section 702.6.)~~

Yard, Side shall mean a yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The side yard shall be measured perpendicular from and along a line parallel with the side lot line.

~~*Yard, Special* shall mean a yard behind any required yard adjacent to a public street, required to perform the same function as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Planning Director shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.~~

Commented [LDI181]: I78.Term only used once in the LDC. Definition not necessary.

Yard, Waterfront shall mean a yard required on waterfront property with depth measured from shore line.

Zonal Landscaping shall mean a landscaping method which groups plant materials with similar water requirements together, i.e. planting drought resistant plants together, etc.

Zoo shall mean any permanent facility where exotic and wild animals are housed or maintained under the supervision of professional staff, and exhibited to the public on a regularly scheduled basis, in a variety of natural or habitat like settings, for the purposes of education, conservation, scientific studies, or recreation and whether operated for profit or not. Zoo shall also be deemed to include "Zoological Parks" and "Zoological Gardens." For the purpose of this code, Zoos are classified as *Recreation Use, High Intensity*.

Zoological Parks and Zoological Gardens. (See "Zoo.")

~~*(Ord. No. 91-29, § 3, 11-20-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 93-27, § 2, 9-1-93; Ord. No. 94-09, § 3(I), 6-16-94; Ord. No. 95-19, § 2, 6-21-95; Ord. No. 96-50, § 2, 6-10-97; Ord. No. 97-31, 12-16-97; Ord. No. 98-01, § 3, 2-10-98; Ord. No. 98-18, § 3, 9-1-98; Ord. No. 98-19, § 3, 12-15-98; Ord. No. 00-22, § 2, 1-25-00; Ord. No. 00-29, § 3, 5-23-00; Ord. No. 00-50, § 2, 11-16-00; Ord. No. 01-24, § 3, 5-15-01; Ord. No. 01-31, § 3, 6-5-01; Ord. No. 02-20, § 2, 3-26-02; Ord. No. 02-22, § 3, 6-18-02; Ord. No. 02-25, 4-23-02; Ord. No. 04-19, §§ 3, 4, 2-24-04; Ord. No. 05-14, § 1, 2-8-05; Ord. No. 05-15, § 2, 4-5-05; Ord. No. 05-37, § 2, 9-20-05; Ord. No. 05-51, §§ 2, 3, 10-25-05; Ord. No. 05-53, § 2, 8-23-05; Ord. No. 05-58, §§ 2, 3, 9-27-05; Ord. No. 05-66, § 3, 10-25-05; Ord. No. 06-51, § 2, 11-7-06; Ord. No. 06-75, § 4, 11-7-06; Ord. No. 07-27, § 2A, 1-23-07; Ord. No. 07-41, § 2A, 5-24-07; Ord. No. 08-67, § 3, 10-2-08; Ord. No.*~~

~~09-13, § 3, 1-8-09; Ord. No. 09-28, § 3, 5-7-09; Ord. No. 10-25, § 3, 3-30-10; Ord. No. 10-26, § 3(Exh. A), 2-23-10)~~

Section 201 Abbreviations & Acronyms.

A .....General Agriculture
A-1 .....Suburban Agriculture
AASHTO .American Association of State Highway and Transportation Officials
ACSC .....Areas of Critical State Concern
AD .....Administrative Determination
ADA .....Americans with Disabilities Act (1990)
ADT .....Average Daily Traffic (or Average Daily Trips)
ADU .....Accessory Dwelling Unit
AG/R .....Agriculture/Rural
AHCA.....Agency for Healthcare Administration
AI .....Airport Impact
AI .....Airport Impact Overlay
AIA .....American Institute of Architects
AICP .....American Institute of Certified Planners
ALF .....Assisted Living Facilities
ANSI .....American National Standards Institute
AO-D .....Airport Overlay District
AP .....Administrative Permit
APA .....American Planning Association
APTA .....American Public Transit Association
APWA .....American Public Works Association
AQI .....Air Quality Index
ASAP .....As Soon As Possible
ASCE .....American Society of Civil Engineers
AT .....Major Attractors

BEBR .....Bureau of Economic & Business Research
BFE .....Base Flood Elevation
BLM .....Bureau of Land Management (US)
BMPs .....Best Management Practices
BOCC .....Board of County Commissioners
BPA.....Bayshore Planning Area
BPAB .....Bicycle Pedestrian Advisory Board
BZA .....Board of Zoning Appeals

CA .....Coastal Area
CAA .....Clean Air Act (see also FCAA)
CAC .....Citizen Action Center
CAC .....Citizen Advisory Committee
CARL .....Conservation & Recreational Lands Committee
CBD .....Central Business District
CCCL .....Coastal Construction Control Lines
CDBG .....Community Development Block Grant
CEA .....Coastal Evacuation Area
CEM .....Comprehensive Emergency Management
CERCLA ..Comprehensive Environmental Response, Compensation, and Liability Act
CFASPP ..Continuing Florida Aviation System Planning Process
CFR .....Code of Federal Regulations
CH .....Coastal High Hazard Area Overlay
CHHA .....Coastal High Hazard Area
CHHA .....Coastal High Hazard Area
CIE .....Capital Improvements Element
CIP .....Capital Improvements Plan
CLOS .....Certificate of Level of Service
CMAQ ..... Congestion Mitigation and Air Quality Improvement Program
CMAQ ..... Congestion Mitigation and Air Quality Program
CO ..... Certificate of Occupancy
COD ..... Corridor Overlay District
COG ..... Council of Governments
COMP ..... Comprehensive Planning
CON ..... Conservation
CON ..... Conservation Lands
CPTED .... Crime Prevention Thru Environmental Design
CRA ..... Community Redevelopment Area
CRV ..... Commercial Recreational Vehicle
CS ..... Community Services
CTC ..... Citizen Trail Committee
~~CUP ..... Conditional Use Permit~~
CURRENT Current Planning
CUTR ..... Center for Urban Transportation Research (USF)

DA ..... Duplex Access Overlay
DBH ..... Diameter Breast Height
DCA ..... Florida Department of Community Affairs
DDA ..... Downtown Development Authority
DEM ..... Florida Department of Emergency Management
DEP ..... Florida Department of Environmental Protection
District 8 .. Tampa Bay LEPC area (Hillsborough, Manatee, Pasco & Pinellas Counties)
(F)DNR ... (Florida) Department of Natural Resources
DO ..... Development Order
DOE ..... Department of Energy (US)
DOT ..... Department of Transportation (US)
DP ..... Property Identification Number
DRC ..... Development Review Committee
DRI ..... Development of Regional Impact
DU ..... Dwelling Unit

EAR ..... Evaluation & Appraisal Report
ELMAC ... Environment Lands Management & Acquisition Committee
EMD ..... Environmental Management Department
EMS ..... Emergency medical services
EOC ..... Emergency Operations Centers
EPA ..... (Federal) Environmental Protection Agency
EPCRA ... Emergency Planning & Community Right-To-Know Act
ER ..... Estate Rural
ESCP ..... Erosion and Sediment Control Plan
EX ..... Extraction
EZ ..... Enterprise Zone

F.S. ..... Florida Statutes
FAA ..... Federal Aviation Administration
FAC ..... Florida Administrative Code
FAR ..... Floor Area Ratio
FBC ..... Florida Building Code
FCC ..... Federal Communications Commission
FDAB ..... Future Development Area Boundary
FDEO ..... Florida Department of Economic Opportunity

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FDER .....Florida Department of Environmental Regulation
FDF .....Florida Department of Forestry
FDOH .....Florida Department of Health
FDOEA ....Florida Department of Elder Affairs
FDOT .....Florida Department of Transportation
FEMA .....Federal Emergency Management Agency
FFWCC ...Florida Fish & Wildlife Conservation Commission
FHA .....Farmers Housing Administration
FHP .....Florida Highway Patrol
FHWA .....Federal Highway Administration
FIA .....Federal Insurance Administration
FIF .....Facility Investment Fee
FIRE .....Finance, Insurance, and Real Estate
FIRM .....Flood Insurance Rate Map
FISH .....Florida Institute of Saltwater Heritage
FLUC .....Future Land Use Category
FLUM .....Future Land Use Map
FMSF .....Florida Master Site File (Historical)
FPE .....Flood Protection Elevation
FPL .....Florida Power & Light
FPZA .....Florida Planning and Zoning Association
FQD .....Florida Quality Development
FSP .....Final Site Plan
FSUTMS .Florida Standard Urban Transportation Modeling Structure
FTA .....Federal Transit Administration
FTC .....Florida Communities Trust
FTCM .....Future Traffic Circulation Map

GC .....General Commercial
GDP .....General Development Plan
GFA .....Gross Floor Area
GIS .....Geographic Information Systems
GLA .....Gross Leasable Area
GOPs .....Goals, Policies & Objectives
GPM .....Gallons Per Minute
GPS .....Global Positioning System

HA .....Historical and Archaeological Overlay
HBA .....Home Builders Association
HC .....Heavy Commercial
HC .....Manatee County Historical Commission
HM .....Heavy Manufacturing
HMGP .....Hazard Mitigation Grant Program
HOV .....High Occupancy Vehicle
HPB .....Historic Preservation Board
HR .....Historic Resources
HUD .....US Department of Housing and Urban Development

ICMA .....International City/County Managers Association
IH .....Industrial-Heavy
IL .....Industrial-Light
ISTEA .....Intermodal Surface Transportation Efficiency Act
ITE .....Institute of Transportation Engineers
ITS .....Intelligent Transportation System
IU .....Urban Industrial

LDC .....Land Development Code
LEPC .....Local Emergency Preparedness Committee
LIS .....Land Information System
LM .....Light Manufacturing
LOS .....Level of Service
LULU ..... Locally Unwanted Land Use

MF ..... Multi-Family
MGD ..... Million Gallons Per Day
MPO ..... Metropolitan Planning Organization
MPO TAC Metropolitan Planning Organization Technical Advisory Committee
MRSWCD Manatee River Soil and Water Conservation District
MSL ..... Mean Sea Level
MSO ..... Manatee County Sheriff's Office
MU ..... Mixed Use
MU-C ..... Mixed Use Community
MUTCD ... Manual for Uniform Traffic Control Devices

NAAQS ... National Ambient Air Quality Standards
NACo ..... National Association of Counties
NAHB ..... National Association of Home Builders
NCG ..... North County Gateway Overlay
NC-M ..... Neighborhood Commercial - Medium
NCO ..... North Central Overlay
NC-S ..... Neighborhood Commercial - Small
NEP ..... National Estuary Program
NFIP ..... National Flood Insurance Program
NFPA ..... National Fire Protection Association
NGVD ..... National Geodetic Vertical Datum
NHPA ..... National Historic Preservation Act
NIABY ..... Not in Anyone's Back Yard
NIMBY .... Not in My Back Yard
NIMTO .... Not in My Term of Office
NOAA ..... National Oceanic and Atmospheric Administration
NOI ..... Notice of Intent
NOPC ..... Notice of Proposed Change
NTHP ..... National Trust for Historic Preservation
NWS ..... National Weather Service

OFW ..... Outstanding Florida Waters
OGT ..... Office of Greenways and Trails (FDEP)
OHWM .... Ordinary High Water Mark
OL ..... Low Intensity Office
OM ..... Medium Intensity Office
OMB ..... Office of Management and Budget
OPP ..... Off-Street Parking Plan
ORD ..... Ordinance
ORV ..... Off-Road Vehicle
OSHA ..... Occupational Safety and Health Administration

P/SP(1) ... Public/Semi-Public(1)
P/SP(2) ... Major Public/ Semi-Public (2)
P-2000 .... Preservation 2000 Program
PC ..... Planning Commission
PCS ..... Personal Communication Services
PCV ..... Parrish Commercial Village Overlay
PHT ..... Peak Hour Traffic (or Peak Hour Trips)
PHU ..... Manatee County Parks & Recreation Department
PPB ..... Parts Per Billion
PPM ..... Parts per Million
PR-M ..... Professional -Medium
PR-S ..... Professional - Small
PSM..... Professional Surveyor an Mapper

QCT ..... Quality Communities Team

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R/OS .....Major Recreation/Open Space
RAC .....Regional Activity Center
RCRA .....Resource Conservation and Recovery Act
RDD (3,4,5,6) Residential Duplex
RES-1 .....Residential-1 DU/GA
RES-12 ....Residential-12 DU/GA
RES-16 ....Residential-16 DU/GA**
RES-3 .....Residential-3.0 DU/GA
RES-6 .....Residential-6 DU/GA
RES-9 .....Residential-9 DU/GA
RFCM .....Roadway Functional Classification Map
RFP .....Requests for Proposals
RFQ .....Requests for Qualifications
RMF (6,9) Residential Multi-Family
ROR .....Retail/Office/ Residential
ROW .....Right-of-Way
RPC .....Regional Planning Council
RSF (1,2,3,4,5,6) Residential Single-Family
RSMH (4,5,6) Residential Single-Family Mobile Home
RV .....Recreational Vehicle
RV .....Restricted Vehicle Overlay

SAIL .....State Apartment Incentive Loan Program
SARA .....Title III of the Superfund Amendments and Reauthorization Act of 1986, often referred to as "SARA Title III."
SBNEP ....Sarasota Bay National Estuary Program
SCS .....U.S. Dept. of Agriculture, Soil Conservation Service
SERC .....State Emergency Planning Commission for Hazardous Materials
SF .....Single Family
SLOSH ....Sea, Lake and Overland Surges from Hurricanes
SMAA .....Sarasota-Manatee Airport Authority
SMATS ....Sarasota Manatee Area Transportation Study
SOV .....Single Occupancy Vehicle
SP .....Special Permit
SQG .....Small Quantity Generator
ST .....Special Treatment Overlay
STP .....Sewage Treatment Plant
SWFWMD Southwest Florida Water Management District

TBNEP ....Tampa Bay National Estuary Program
TBRPC ....Tampa Bay Regional Planning Council
TCO .....Temporary Certificate of Occupancy
TDM .....Transportation Demand Management
TDR .....Transfer of Development Rights
TIF .....Tax Increment Financing
TIP .....Transportation Improvement Program
TOD .....Transit Oriented Design
TSD .....Technical Support Document

UF-3 .....Urban Fringe-3.0 DU/GA
UIRA .....Urban Infill and Redevelopment Area
ULI .....Urban Land Institute
UMTA .....Urban Mass Transit Administration
URPL .....Urban and Regional Planning
USCG .....US Coast Guard
USDA .....US Department of Agriculture
USDI .....US Department of the Interior
USFS .....US Forest Service
USFWS ...US Fish and Wildlife Service
USGS .....US Geological Survey

USPLS .... US Public Land Survey
UTM ..... Universal Transverse Mercator Grid

VFP ..... Vehicle Fueling Positions
VIL ..... Villages—Myakka, Parrish, Rubonia
VMT ..... Vehicle Miles Traveled
VOAD ..... Volunteer Organizations Active in Disasters

WMD ..... Water Management District
WO ..... Potable Water Reservoir Watersheds
WO-E ..... Evers Reservoir Watershed Overlay District
WO-M ..... Lake Manatee Reservoir Watershed Overlay District
WPE ..... Evers Reservoir Watershed Protection Overlay
WPM ..... Lake Manatee Reservoir Watershed Protection Overlay
WR ..... Whitfield Residential Overlay
WRAP ..... Waste Reduction Assistance Program (FDEP)

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CHAPTER 3 – REVIEW AUTHORITY AND PROCEDURES

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CHAPTER 3 - REVIEW AUTHORITY AND PROCEDURES

Part I. ~~CHAPTER 3 - DECISION MAKING AND ADMINISTRATIVE BODIES~~Review Authority.

Section 300. ~~Section 301.~~Board of County Commissioners.

~~301.1.Powers and Duties.~~

As the governing board of the County, the Board of County Commissioners reserves all powers to be exercised under this Code except where otherwise delegated pursuant to the provisions hereof. In addition to any authority granted to the Board by state law or the Code of Ordinances of Manatee County, the Board shall have the following powers and duties in regard to this Land Development Code:

A. ~~301.1.1.~~To approve, approve with modifications, or deny applications for development approval for Developments of Regional Impact (DRI's) and Florida Quality Developments (FQD), and to issue D~~d~~evelopment O~~o~~rders in accordance with the Board's decision;

B. ~~301.1.2.~~To enter into development agreements, as provided for in this ~~C~~chapter ~~10 of this Code~~ and as provided ~~in~~ in Section 163.3220, Florida Statutes;

C. ~~301.1.3.~~To approve and~~,~~ execute final plats and replats prior to recording, as provided in this ~~C~~chapter ~~9 of this Code~~;

D. ~~301.1.4.~~To vacate and annul plats, as required by ~~s.~~Section 177.101, Florida Statutes;

E. ~~301.1.5.~~To approve, approve with modifications or deny site plans in ~~P~~planned ~~D~~development ~~Z~~zoning ~~D~~districts, where no plan currently exists, or an approved plan is requested to be modified as provided in Section ~~603.6.3~~321.5.

F. ~~301.1.6.~~To adopt and amend the Official Zoning Atlas after recommendation by the Planning Commission as provided in this ~~C~~chapter ~~5 of this Code~~;

G. ~~301.1.7.~~To initiate, review and adopt amendments after recommendation of the Planning Commission to the text of the Land Development Code as provided in this ~~C~~chapter ~~5 of this Code~~;

H. ~~301.1.8.~~To employ hearing officers to make recommended findings of fact, conclusions of law, final decisions on special permit uses, appeals from determinations regarding ~~L~~levels of ~~S~~service, and such other decisions as the Board may deem appropriate;

I. ~~301.1.9.~~To hold public hearings regarding DRI's, FQD's, development agreements, amendments to the Official Zoning Atlas, and amendments to the Land Development Code;

J. ~~301.1.10.~~To set such fees as necessary to implement the provisions of this Code; ~~and~~

K. ~~301.1.11.~~To take such other action not delegated to decision-making and administrative bodies designated in this ~~C~~chapter as the Board may deem desirable and necessary to implement the provisions of this Code and the Comprehensive Plan;~~.~~

L. ~~301.1.12.~~To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, determination made by any administrative official acting pursuant to this Code, except where ~~S~~state or County regulations or this Code specifically provide otherwise;~~.~~

M. ~~301.1.13.~~To hear and decide requests for interpretation of the Official Zoning Atlas where there is uncertainty as to the location of a zoning district boundary.

N. 301.1.14.To interpret this Code at the request of the Planning Department Director;.

O. 301.1.15.To review and approve Environmental Preserve Management Plans; and

P. Vacation or abandonment of streets, as provided in -this chapter.

Section 301. Section 302.Planning Commission.

301.1. 302.1.Powers and Duties.

The Planning Commission shall have the following powers and duties:

A. 302.1.1.To act as the Local Planning Agency under Section 163.3174, Florida Statutes; and to carry out such duties as may be prescribed by the Comprehensive Plan;

B. 302.1.2.To hold and regulate public hearings on Official Zoning Atlas Aamendments, Pplanned Ddevelopment Ssite Pplans, site and development plans where no plan currently exists, or modifications to an approved plan, Ddevelopments of Rregional Iimpact and Florida Quality Developments;

C. 302.1.3.To initiate, review and make recommendations to the Board in regard to adoption and amendment of the text of this Code;

D. 302.1.4.To hold and regulate public hearings on applications for amendments to the text of this Code;

E. 302.1.5.To hold and regulate public hearings on applications for development agreements and make recommendations to the Board on said agreements;

F. 302.1.6.To make its special knowledge and expertise available, upon reasonable written request and authorization of the Board, to any official, department, board, commission or agency of the County, Sstate, or federal governments;

G. 302.1.7.To recommend to the Board that special studies be performed as may be deemed necessary and proper to conduct the work of the Planning Commission, subject to the approval of the Board and available appropriations;

H. 302.1.8.To adopt rules of procedure which are not inconsistent with this Code and are necessary for the administration of the Ccommission's responsibilities and to govern its proceedings; and

I. 302.1.9.To perform any other duties which that may be lawfully assigned to it.

301.2. 302.2.Membership: Appointment, Removal, Terms, Officers and Vacancies.

A. 302.2.1.**Membership.** The Planning Commission shall be composed of seven (7) members appointed by the Board. Additionally, there shall be a non-voting member serving as a representative of the Manatee County School Board. This non-voting member shall be appointed by the Sschool Bboard and not subject to the qualifications of Ssubsection 301.2.B302.2.2 below.

B. 302.2.2.**Qualifications.** Members of the Planning Commission shall be qualified electors in Manatee County. While no particular expertise is required, persons with experience or training in the substantive areas of planning, engineering, environmental science, and the development industry shall be considered in appointing members. No member of the Planning Commission shall otherwise be elected office holders, or employed by the Board. No member of the Planning Commission shall be a member of another land development related advisory board serving unincorporated Manatee County, except as specifically provided for.

C. 302.2.3.**Terms of Office.** The term of office of the Planning Commission members shall be for four (4) years. Not more than two (2) of such members' terms shall expire in any one year. A member whose term expires shall continue to serve until his or her successor is appointed. The Sschool Bboard representative shall serve until replaced by the Sschool Bboard.

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D. ~~302.2.4.~~**Removal from Office.** Any member of the Planning Commission may be removed from office, with or without cause, by majority plus one vote of the full membership of the Board. In the event that any member is no longer a qualified elector or is convicted of a felony or any offense involving moral turpitude while in office, the Board shall terminate the appointment of such person as a member of the Planning Commission.

E. ~~302.2.5.~~**Vacancies.** Whenever a vacancy occurs on the Planning Commission, the Board shall fill such vacancy for the remainder of the term.

F. ~~302.2.6.~~**Compensation.** Members of the Planning Commission may, after written authorization from the Board, receive compensation, travel and other expenses while on official business for the Planning Commission. Compensation for the ~~S~~school ~~B~~board representative shall be furnished by the ~~S~~school ~~B~~board.

G. ~~302.2.7.~~**Officers.** The Planning Commission shall annually elect a ~~C~~chairman and ~~V~~vice-~~C~~chairman among its members and may create and fill such other offices as necessary. Terms of all offices shall be for one (1) year with eligibility for re-election. The ~~S~~school ~~B~~board representative shall not be eligible for election to any office on the Planning Commission. All Planning Commission members shall be subject to Chapter 112, Part II, Florida Statutes

Commented [LDI1]: I.Moved from below

H. **Disclosure.** Applicants for appointment to the Planning Commission shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency including serving on an advisory board.

I. **Ethics.** Members of the Planning Commission shall be subject to all applicable provisions of Chapter 112, Part III, Florida Statutes, regarding ethics for public officers.

301.3. ~~302.3.~~Agendas, Meetings, Hearings and Procedures.

A. ~~302.3.1.~~**Agenda Preparation.** The ~~Planning~~ Department Director shall prepare the Planning Commission agenda and shall maintain the correspondence of the Planning Commission.

B. ~~302.3.2.~~**Quorum.** Except as provided in this ~~S~~section, no meeting of the Planning Commission shall be called to order, nor shall any business be transacted by the Planning Commission, without a quorum consisting of at least four (4) members of the Planning Commission being present. The ~~C~~chairman shall be considered and counted as a member. When there is no quorum, those members of the ~~C~~commission who are present may convene for the purposes of continuing a public hearing or scheduling a special meeting.

C. ~~302.3.3.~~**Regular Meetings.** Regular meetings of the Planning Commission shall be held as necessary. Meetings may be called by the ~~C~~chairman of the Board, the ~~C~~chairman of the Planning Commission, a majority of the members of the Planning Commission, a majority of the Board or the ~~County Administrator or designee~~Department Director. If consideration of a matter is postponed due to lack of a quorum, the ~~C~~chairman of the Planning Commission shall continue the meeting as a special meeting to be held within seven (7) working days thereafter. In the case of delays caused by other reasons, the meeting should be rescheduled to the next Planning Commission meeting. The ~~Planning Director~~Department Director shall notify all members of the date of the continued meeting.

D. ~~302.3.4.~~**Rules of Procedure.** The Planning Commission shall, by majority vote of the entire membership, adopt written rules of procedure as may be necessary for the transaction of its business.

E. ~~302.3.5.~~**Public Meetings.** All meetings of the Planning Commission and its committees shall be ~~public meetings.~~ open to the public.

~~A.~~F. ~~302.3.6.~~**Vote.** No action of the Planning Commission shall be valid unless authorized by a majority vote of the membership present. ~~All Planning Commission members shall be subject to Chapter 112, Part II, Florida Statutes.~~

Commented [LDI2]: 2.Moved to previous section

G. ~~302.3.7.~~**Minutes and Public Records.** The Clerk of Circuit Court shall serve as ~~C~~clerk to the Planning Commission as it serves as ~~C~~clerk to the Board. The ~~C~~clerk shall keep minutes of all Planning Commission proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Planning Commission and the vote of each member, or if absent, or~~,~~ failing to vote, such fact. The ~~C~~clerk shall be the custodian of the official record of the Planning Commission and shall keep indexed records of all ~~R~~resolutions, transactions, findings and determinations. All such records shall be official public records and shall be covered by all Florida Statutes pertaining to public records.

~~Section 303. Reserved.~~

Section 302. ~~203 Section 304.~~Hearing Officers.

302.1. ~~304.1.~~Duties.

Each Hearing Officer shall have the following duties related to land development:

A. ~~304.1.1.~~To conduct public hearings regarding applications for special permits and appeals from determinations on certificates of Level of Service;

B. ~~304.1.2.~~To decide applications for Special Permits;

C. ~~304.1.3.~~To make recommended findings of fact and conclusions of law, in accordance with relevant standards and criteria set forth in this Code;

D. ~~304.1.4.~~To decide appeals from determinations regarding certificates of Level of Service;

E. ~~304.1.5.~~To decide requests for variances, except floodplain variances in ~~the Cortez Fishing Village~~ Historical and Archaeological Overlay Districts

F. ~~304.1.6.~~To issue reports and make recommendations to the Board;

G. ~~304.1.7.~~To take any other action authorized by ordinance or resolution of the Board; ~~and~~

H. ~~304.1.8.~~To visit the site of a~~n~~ land development application; ~~and~~ .

I. ~~304.1.9~~ To decide applications for adjustments to the sign regulations not authorized to be granted administratively~~, to hear appeals from determinations of the Director regarding adjustments to the sign regulations approved or denied administratively and to hear appeals from the approval or denial of sign permits as described in Section 724 of this Code~~.; and

J. To decide upon any other matter assigned to the Hearing Officer pursuant to this Code

302.2. ~~304.2.~~Powers.

Each Hearing Officer shall, in the course of carrying out the duties described above, be empowered to:

A. ~~304.2.1.~~Administer oaths and affirmations;

B. ~~304.2.2.~~Issue notices;

C. ~~304.2.3.~~Receive relevant evidence; and

D. ~~304.2.4.~~Take or cause other such action as necessary to perform such duties.

302.3. ~~304.3.~~Appointment, Qualifications, Term, Removal and Compensation.

The Board shall appoint one or more qualified Hearing Officers. Each Officer shall be appointed for a renewable term of one to four years.

A. ~~304.3.1.~~**Qualifications.** Generally, Hearing Officers shall have a degree in law from an accredited American Bar Association law school, be licensed to practice law in the State of Florida, and have a minimum of two (2) years of experience in land use, zoning, or other land use regulatory experience; or have a bachelor's degree in planning or other directly related field and a minimum of five (5) years of experience as listed above. A master's degree in planning or directly related field and American Institute of Certified Planners designation is preferred. The Board may modify these qualifications as needed.

B. ~~304.3.2.~~**Limitations on Hearing Officer Activities While Appointed.** A Hearing Officer shall not hold other

Commented [LDI3]: 3.See below

Commented [LDI4]: 4.Changed to cover all historic districts

Commented [LDI5]: 5.Administrative decision appeals already addressed above.

Commented [LDI6]: 6.Had proposed for deletion as it is already in Code of Ordinances. Restored as requested by the CAO.

Commented [LDI7]: 7.Already in Code of Ordinances.

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appointive or elective office or position in the County government. Further, a Hearing Officer shall not present nor assist in the preparation of any land use matter or application before another Hearing Officer~~,~~ or the Board~~, or Construction Code Board of Appeals~~ during his or her term nor shall the Hearing Officer present or assist in preparation of any land use matter or application requiring Administrative Approval by the Planning Director. The firm with which a Hearing Officer is or was associated with shall not present or assist in the preparation of any land use matter before that Hearing Officer. All Hearing Officers shall be subject to Chapter 112, Part III, Florida Statutes.

C. ~~304.3.3.~~**Limitations on Activities ~~After~~after Term.** ~~Whoever shall accept an appointment as a~~ Hearing Officer~~,~~ are~~is~~, for a period of six months from the date of termination as holder of such office, hereby expressly prohibited from acting as agent or attorney in any proceeding, application or matter before any commission, board, agent or other office of County government. The firm with which a Hearing Officer is or was associated with shall not present or assist in the preparation of any land use matter before that Hearing Officer. The limitation above shall be for a period of two years if the property was the subject of an application heard by the Hearing Officer during his or her term.

D. ~~304.3.4.~~**Removal.** A Hearing Officer shall be removed only for cause by a majority plus one of the Board.

E. ~~304.3.5.~~**Compensation.** A Hearing Officer shall be compensated for his or her services and expenses. The Board shall have authority and responsibility for setting the amount of the compensation, the source of such compensation and limitations on compensable expenses.

F. ~~304.4.~~**Disqualification of Hearing Officer.** The Hearing Officer shall disqualify himself or herself when it reasonably appears that he or she has a conflict of interest. When a Hearing Officer is disqualified, the case shall be randomly assigned to another Hearing Officer.

302.4. ~~304.5.~~Freedom from Improper Influence.

A. ~~304.5.1.~~No person who is or may become a party of record before the Hearing Officer, nor anyone appearing on behalf of a party of record before the Hearing Officer, shall communicate ex parte with any Hearing Officer about an application currently before him or her.

B. ~~304.5.2.~~No member of the Board shall communicate ex parte with any Hearing Officer about an application currently before him or her. Communication between the Hearing Officer and the Board acting as a collegial body shall be undertaken in accordance with the terms of this Code.

C. ~~304.5.3.~~In order to assure that the Hearing Officers are free from improper influence, a Hearing Officer shall neither initiate nor consider ex parte communications concerning a pending or impending application. A Hearing Officer, however, may obtain the advice of a disinterested expert other than another Hearing Officer on law, planning, or zoning applicable to a proceeding before him, if he gives notice to the parties of record of the person consulted and the substance of the advice, and affords the parties of record reasonable opportunity to respond.

D. ~~304.5.4.~~Ex parte communications as contemplated herein shall not include the required transmission of official documents by staff pursuant to the terms of this Code nor shall it include discussion with representatives of the Manatee County Attorney's Office, regarding discussions, not related to a specific land use case to be heard before him or her.

302.5. ~~304.6.~~Maintenance of Records.

The Clerk of the Circuit Court shall serve as Clerk to the Hearing Officers as it serves as Clerk to the Board. The Clerk shall keep the minutes of the Hearing Officers' proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Hearing Officers and the determination of the Hearing Officers. The Clerk shall be the custodian of the official record of the Hearing Officer and shall keep indexed records of all resolutions, transactions, findings and determinations. All such records shall be official public records and shall be covered by all Florida Statutes pertaining to public records.

~~Section 305. Reserved~~

Commented [LDI8]: 8.Ord 13-43 eliminated the Code Enforcement Board

Section 303. ~~Section 306.~~Historic Preservation Board.

303.1. ~~306.1.~~Purpose and Intent.

The Historic Preservation Board is established in order to preserve and protect Manatee County's archaeologically and ~~,~~ historically ~~and aesthetically~~ significant sites, districts and zones; to encourage historical and archaeological preservation; to identify historic buildings and sites and archaeological sites in Manatee County; and to ensure appropriate preservation, restoration, renovation, development and adaptive reuse of historical buildings and archaeological sites.

303.2. ~~306.2.~~Duties and Powers.

The Historic Preservation Board, in addition to such other powers, duties and authority as ma~~n~~y be set forth elsewhere in this Code, shall have the following powers and duties:

A. ~~306.2.1.~~Maintain and update files of the Manatee County Historic Survey for the purpose of identifying and conserving those sites, districts and zones of special archeological, historic, ~~aesthetic,~~ architectural, or cultural ~~, social, or political~~ value or interest. In exercising this authority, the Historic Preservation Board shall endeavor to improve and expand the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and to periodically re-evaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance. The Manatee County Historic Survey shall utilize the format provided by the Florida Master Site File (FMSF), and the Building and Development Services Department shall provide copies of all survey forms to the FMSF.

B. ~~306.2.2.~~Recommend properties for designation as historic landmarks, historical and archaeological overlay districts, and historic vista protection areas in accordance with the criteria and procedures specified in this Code for each type of action. Regulate and administer properties as historic landmarks and historic landmark districts.

C. ~~306.2.3.~~Participate in, and review nominations of landmarks to, the national register program for Florida to the greatest possible extent, as specified by the 1981 amendments to the National Historic Preservation Act of 1966, as amended, and by regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Historic Preservation Office, which encourages such local participation and initiative.

D. ~~306.2.4.~~Approve or deny Certificates of Appropriateness pursuant to ~~Section 514 of~~ this Code, or provide standards for administrative approval of certain Certificates of Appropriateness.

E. ~~306.2.5.~~Recommend zoning text or atlas amendments to the Board for referral to the Planning Commission.

F. ~~306.2.6.~~Recommend to vary, waive, or supersede provisions of this Code when appropriate as a means of encouraging significant historic preservation.

G. ~~306.2.7.~~Recommend approval for certificates of transfer of development rights in accordance with procedures set forth by the Board.

H. ~~306.2.8.~~Make recommendations to the Board concerning the transfer of development rights, facade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.

I. ~~306.2.9.~~Maintain a record of archaeologically or ~~,~~ historically ~~or aesthetically~~ significant sites, districts or zones within the County and update the record through ongoing historical resources surveys. The ~~Building and Development Services Department~~ County shall provide copies of the current record to the Florida Master Site File (FMSF) and the State Historic Preservation Officer (SHPO).

J. ~~306.2.10.~~Increase public awareness of the value of historic preservation by developing and participating in public information programs.

K. ~~306.2.11.~~Make recommendations to the Board concerning the utilization of grants from Federal and State agencies or private groups and individuals, and utilization of County funds to promote the preservation of

archaeologically, historically and aesthetically significant sites, districts and zones.

L. ~~306.2.12.~~Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archaeologically, historically and aesthetically significant sites, districts and zones.

M. ~~306.2.13.~~Contact public and private organizations and individuals and endeavor to arrange intervening agreements and/or actions to ensure preservation of archaeologically or ~~,~~ historically ~~or aesthetically~~ significant sites, districts and zones for which demolition or destruction is proposed.

N. ~~306.2.14.~~Recommend and approve placement of historic markers and plaques and issue recognition to designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas within Manatee County and those persons, organizations or entities deserving of recognition in the field of archeological, historic or aesthetically significant site preservation.

O. ~~306.2.15.~~Advise the Board on all matters related to the use, administration and maintenance of County owned designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas.

P. ~~306.2.16.~~Review and approve all projects and construction requiring Certificates of Appropriateness issued by the Historic Preservation Board pursuant to Section ~~514~~347.

Q. ~~306.2.17.~~Recommend to vary, waive or supersede provisions of this Code, to the appropriate agencies, when appropriate as a means of encouraging significant historic preservation. Request that the appropriate agencies or departments investigate alternative methods so that alterations required by the Florida Building Code, Florida Fire Prevention Code, Florida Americans with Disabilities Accessibility Implementation Act, and state health code are done in a manner to preserve character-defining spaces, features and finishes.

R. ~~306.2.18.Adopt regulations~~ Determine, through a resolution, which activities may be approved administratively, ~~would allow administrative review by the Building and Development Services Department~~ without further review by the Historic Preservation Board for certain Certificates of Appropriateness ~~so designated by the Historic Preservation Board~~.

~~306.2.19.Establish criteria for administrative review of Certificates of Appropriateness which are consistent with criteria established for Historic Preservation Board review of Certificates of Appropriateness.~~

S. ~~306.2.20.~~ Review and approve any variance regarding floodplain elevation of structures within the Cortez Fishing Village Historical and Archaeological Overlay District.

T. ~~306.2.21.~~ Subject to availability and appropriation of funds and advanced approval by the Board, attend local, state and national information or education meetings, workshops and conferences when such attendance is relevant to the duties of the Historic Preservation Board.

U. ~~306.2.22.~~ Any other function which may be designated by the Board.

The Historic Preservation Board is authorized to exercise the foregoing powers throughout unincorporated Manatee County. The responsibilities assigned to the Historic Preservation Board pursuant to this Section ~~306~~ shall be complementary to the Historic Preservation Office of the State of Florida.

303.3. ~~306.3.~~Membership and Meetings.

A. ~~306.3.1.~~Membership. ~~Establishment.~~ A Historic Preservation Board is hereby established which shall consist of five (5) members appointed by the Board.

B. ~~306.3.2.~~Qualifications. Members of the Historic Preservation Board shall be qualified residents in Manatee County who have knowledge of archaeological, historical or architectural development or have deep concern for the preservation, development and enhancement of historic resources in the County. The Historic Preservation Board shall, whenever possible, be composed of professional members from the following disciplines: architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, and historic preservation or related disciplines. In the event there are insufficient professionals in the County, lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall comprise the balance of the historic

Commented [LDI9]: 9.The HPB doesn't adopt regulations; this is already set up that way in the LDC. No need to state it.

Commented [LDI10]: 10.The criteria has already been established.

preservation board.

C. ~~306.3.3.~~**Terms of Office.** The term of office of the Historic Preservation Board members shall be for four (4) years. Not more than two (2) of such members' terms shall expire in any one (1) year. A member whose term expires shall continue to serve until his or her successor is appointed.

~~B.~~D. ~~306.3.4.~~**Removal from Office**. Any member of the Historic Preservation Board may be removed from office, with or without cause, by majority plus one vote of the full membership of the Board following a hearing by the Board. In the event that any member is no longer a qualified elector or is convicted of a felony or any offense involving moral turpitude while in office, the Board shall terminate the appointment of such person as a member of the Historic Preservation Board.

E. ~~306.3.5.~~**Officers.** The Historic Preservation Board shall annually elect a Chairman and Vice Chairman from among its members and may create and fill such other offices as necessary. Terms of all offices shall be for one (1) year with eligibility for re-election.

F. ~~306.3.6.~~**Vacancies.** Whenever a vacancy occurs on the Historic Preservation Board, the Board shall fill such vacancy for the remainder of the term. The Board shall attempt to appoint new members within sixty (60) days of the date any vacancy, subject to availability of qualified individuals.

G. ~~306.3.7.~~**Quorum.** Except as provided in this s~~S~~ection, no meeting of the Historic Preservation Board shall be called to order, nor shall any business be transacted by the Historic Preservation Board, without a quorum consisting of at least three (3) members of the Historic Preservation Board being present. The Chairman shall be considered and counted as a member. When there is no quorum, those members of the Preservation Board who are present may convene for the purposes of continuing a public hearing or scheduling a special meeting.

H. ~~306.3.9.~~ **Attendance.** Historic Preservation Board members shall be removed from office by the Building and Development Services Director for failure to attend three (3) successive meetings, excluding workshop meetings, or when a member's absences exceed 25% of all scheduled meetings, including workshop meetings, in a calendar year if the absence is not approved by the Board for cause. Any member who fails to attend a meeting during a least 75% of the time of the meeting is in session shall be considered not to have attended the meeting,

I. ~~306.3.10.~~**Rules of Procedure.** The Historic Preservation Board shall, by majority vote of the entire membership, adopt written rules of procedure as may be necessary for the transaction of its business. In any proceeding deemed quasi-judicial under this Code, the Historic~~al~~ Preservation Board shall adhere to the procedures established pursuant to this Code, and any additional procedures established by resolution by the Board.

J. **Disclosure.** Applicants for appointment to the Historic Preservation Board shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency including serving on an advisory board.

K. **Ethics.** Members of the Historic Preservation Board shall be subject to all applicable provisions of Chapter 112, Part III, Florida Statutes, regarding ethics for public officers.

L. ~~306.3.8.~~**Regular Meetings.** Regular meetings of the Historic Preservation Board shall be held as necessary, with at least one (1) meeting held every three (3) months. Meetings may be called by the Chairman of the Board, the Chairman of the Historic Preservation Board, a majority of the members of the Historic Preservation Board, a majority of the Board or the County Administrator or his or her designee. If consideration of a matter is postponed for any reason, the Historic Preservation Board may continue the meeting to a special meeting or reschedule the matter to the next Historic Preservation Board meeting. The Building and Development Services Department shall notify all Historic Preservation Board members of the date of any continued meeting. A public notice and the agenda for each Historic Preservation Board meeting shall be advertised in a newspaper of general circulation in Manatee County at least thirty (30) calendar days before the meeting. Meeting agendas shall include information required by the rules of procedure.

M. ~~306.3.11.~~**Public Meetings.** All meetings of the Historic Preservation Board shall be public meetings and conducted in accordance with the applicable rules of procedure.

N. ~~306.3.12.~~**Vote.** No action of the Historic Preservation Board shall be valid unless authorized by a majority vote of the quorum. The Historic Preservation Board members shall be subject to Chapter 112, Part III, Florida Statutes.

O. ~~306.4.~~**Appeals.** Any aggrieved person, including Manatee County, may file a petition for review of any final

decision of the Historic Preservation Board to the Circuit Court (see Appeals section at the end of this chapter). ~~Such petition shall be filed within thirty (30) days of the decision to be reviewed.~~

P. ~~306.5.~~ **Staff.** The Building and Development Services Department shall provide staff to the Historic Preservation Board for the performance of its duties and powers. Subject to availability and appropriation of funds, the County may enter into contracts to obtain additional expertise to the Building and Development Services Department in considering national register nominations when a professional discipline is not represented as a member of the Historic Preservation Board.

Q. ~~306.3.13.~~ **Clerk.** The Clerk of Circuit Court in his or her capacity as Clerk to the Board of County Commissioners shall likewise serve as Clerk to the Historic Preservation Board. The Clerk shall keep minutes of all Historic Preservation Board proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Historic Preservation Board and the vote of each member, or if absent, or, failing to vote, such fact. The Clerk shall be the custodian of the official record of the Historic Preservation Board and shall keep indexed records of all Resolutions, Certificates of Appropriateness, variances, transactions, findings and determinations.

R. ~~306.3.14.~~ **Records.** All records of the Historic Preservation Board, including but not limited to historic survey files and rules of procedure, shall be official public records and shall be open to the public in accordance with Chapter 119, Florida Statutes, pertaining to public records.

303.4. ~~306.6.~~ Certified Local Government Program.

A. **Responsibilities of the Building and Development Services Department.** The Building and Development Services Department shall perform all activities required for compliance with the Certified Local Government Program administered by the State Historic Preservation Officer ("SHPO"). The Building and Development Services Department shall provide written notice to the SHPO the next business day following the approval of any new historic landmark designation or alteration of any existing historic landmark designation. The Building and Development Services Department shall provide written notice to the SHPO no later than thirty (30) calendar days after any of the following events:

1. ~~1.:~~ Changes in Historic Preservation Board membership.
2. ~~2.~~ Amendment of regulations governing the Historic Preservation Board: provided, however, that the SHPO shall review and approve any amendments prior to adoption by the Historic Preservation Board.

B. ~~306.7.~~ **Reporting.** The Building and Development Services Department shall provide duplicates of all documents to the SHPO and maintain written records verifying receipt of documents by the SHPO.

1. ~~306.7.1.~~ The Building and Development Services Department shall submit advance written notice of each Historic Preservation Board meeting to the SHPO at least thirty (30) calendar days before each meeting.
2. ~~306.7.2.~~ The Building and Development Services Department shall submit proposed amendments to any ordinance governing the Historic Preservation Board to the SHPO at least thirty (30) calendar days before the meeting at which such amendments will be considered; provided, however, that no amendments shall be adopted by the Historic Preservation Board until after the SHPO has reviewed and approved such amendments.
3. ~~306.7.3~~ The Building and Development Services Department shall submit draft minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
4. ~~306.7.4.~~ The Building and Development Services Department shall submit approved minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting at which such minutes were approved.
5. ~~306.7.5.~~ The Building and Development Services Department shall submit written records of attendance by Historic Preservation Board members at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
6. ~~306.7.6.~~ The Building and Development Services Department shall submit written records of attendance by the public at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days

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after each meeting.

7. ~~306.7.7.~~ The Building and Development Services Department shall submit an annual written report to the SHPO no later than November 1 of each year covering the time period from the previous October 1 through September 30. The annual report shall include the following information:

   a. ~~1.~~ A copy of the rules of procedure for the Historic Preservation Board;

   b. ~~2.~~ A copy of the historic preservation ordinance;

   c. ~~3.~~ Resumes of all Historic Preservation Board members;

   d. ~~4.~~ Changes to the membership of the Historic Preservation Board;

   e. ~~5.~~ The total number of projects reviewed by the Historic Preservation Board;

   f. ~~6.~~ A review of survey and inventory activity with a description of the system used;

   g. ~~7.~~ New historic landmark designations;

   h. ~~8.~~ New listings on the National Register of Historic Places; and

   i. ~~9.~~ A report of all grant assisted activities.

Section 304. Development Review Committee (DRC).

Commented [LDI11]: I I.This is new language, but the practice has been in place.

304.1. Establishment of Development Review Committee

There is hereby established a Development Review Committee (DRC). The structure, membership, and duties may be modified by the Department Director.

304.2. Duties and Powers

The DRC, in addition to such other powers, duties, and authority as may be set forth elsewhere in this Code, shall have the following powers and duties:

A. To review the following applications and prepare comments addressing the application of all relevant codes:

   1. Site Plans;

   2. Subdivisions and Vacation of Streets;

   3. Amendments to the Comprehensive Plan and Future Land Use Map;

   4. Amendments to the Official Zoning Atlas;

   5. Special Permits;

   6. Land Development Code Amendments;

   7. Developments of Regional Impact; and~~.~~

   8. Other applications referred to the Committee by the Department Director.

B. To determine the impact of proposed developments upon the County's public facilities and services.

C. To provide comments regarding consistency of the proposed application with the County's adopted Land Development Code.

D. To perform any other duties that may be lawfully assigned to it.

304.3. Membership, Officers and Meetings

A. Membership. The Development Review Committee shall be composed of representatives of County departments including, but not limited to, representatives of the following:

1. Building and Development Services Department
2. Health Department
3. Parks and Natural Resources
4. Neighborhood Services - Economic Development
5. Property Management
6. Public Safety
7. Public Works - Engineering
8. Public Works - Transportation & Concurrency
9. Utility Department

B. Officers. The Chairman of the Committee shall be the Department Director or a designee. Other offices and subcommittees to carry out the purposes of this section may be appointed by the Department Director as needed.

C. Meetings. The Committee shall meet on a regular schedule to be determined by the Department Director. Meetings will be noticed on the County Calendar and meeting minutes will be recorded. The DRC meetings shall be open to the public.

304.4. Rules of Procedure

The Committee shall, by majority vote of the membership, adopt written rules of procedure as may be necessary for the transaction of its business.

Section 305. to 309 Reserved.

~~Reserved.~~

Part II. ~~Chapter 5 -~~ Development Review Procedures.

Section 310. ~~Section 501~~ Applicability.

310.1. ~~501.1.~~ Purpose and Intent.

The purpose of this Part is to ~~This Chapter 5~~ set~~s~~ forth the procedural requirements and review criteria for decisions made pursuant to this Code and the Comprehensive Plan. ~~Section 502 describes the general requirements and procedures that apply unless another section of this Code specifically provides otherwise. The requirements and procedures pertaining to specific types of development approvals appear in the sections following Section 502.~~

310.2. Development Order Required

Commented [LDI12]: I2.Development orders not addressed anywhere in the Code.

The purpose of requiring a Development Order is to ensure the availability of adequate urban services, determine compliance with specific development standards, and calculate impact fee assessments, when applicable, prior to the issuance of a building permit.

A. Activities Requiring a Development Order. It shall be unlawful to change the use of an existing structure, modify an approved site plan, commence the clearing of land, excavations for, or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Department Director has issued a Development Order authorizing such activity.

B. Exceptions. In addition to the activities exempted in Section 101 of this Code, the following construction activities do not require a Development Order:

- swimming pools,
- decks,
- patios,
- fences,
- sheds (under 250 sq. ft.),
- sign installation,
- tree removal,
- exterior above-ground renovations,
- residential driveways,
- interior renovations which do not add dwelling units or change the occupancy of the building, and
- other minor additions to single family homes.

C. Review and Approval. The following sections contain the specific processing and review requirements for the various types of Development Orders required.

310.3. ~~Section 512~~Building Permit~~s~~ Required.

~~512.1.Purpose and Applicability.~~All ~~other~~ approvals, permits and certificates required by this Code must be applied for and obtained before an application for a ~~B~~building ~~P~~permit can be approved by the County. Where the ~~Manatee County~~ Florida Building Code, this Code or other applicable Code requires a Building Permit, no start of construction or development shall occur until and unless the Building Department has issued a Building Permit for that development in accordance with the terms of this Code and the Florida Building Code.

~~**512.2Application** Requirements. An application for a Building Permit shall be filed with the Building Department on a form proscribed by the Building Official, and shall be accompanied by any necessary plans, documents or information.~~

Commented [LDI13]: I3.These two sections are not necessary. Building permits are addressed by the Florida Building Code.

~~**512.3. Action by Building Department.** The Building Department may issue a Building Permit if the applicant demonstrates that the proposed development and lot is in compliance with the Manatee County Code, Health Code, this Land Development Code, the Comprehensive Plan, and other applicable codes. The Building Department shall not issue a Building Permit until compliance with the Comprehensive Plan has been verified for such a proposed development by requiring the demonstration of consistency described herein. The Building Department shall review all applications for Building Permits to verify the existence of a valid Certificate of Level of Service Compliance for that project, or project phase. The Building Department shall condition all Building Permits upon compliance with soil stabilization, soil erosion and transport policies and regulations.~~

310.4. ~~Section 513.~~Certificate of Occupancy Required.

Commented [LDI14]: I4.This section was trimmed to the minimum as the Florida Building Code regulates Certificates of Occupancy.

~~**513.1. Purpose and Effect.** No new building or structure shall be used or occupied unless and until a Certificate of Occupancy has been issued by the Building Department. No addition or structural alteration to existing building or structure, shall be used or occupied until and unless a Certificate of Occupancy has been issued by the Building Department. No new non-residential use, and no change in the occupancy of an existing non-residential use, shall be established until and unless a Certificate of Occupancy has been issued by the Building Department. No Certificate of Occupancy shall be issued unless all applicable fees are paid.~~ A Certificate of Occupancy is required prior to:

A. Occupying a new building or structure, building addition, or structure alteration;

B. Establishing a new non-residential use within an existing building or structure; or

C. Changing the occupancy classification of an existing non-residential building or structure

~~**513.2. Standards and Review.** A Certificate of Occupancy shall be issued only after the premises have been inspected and found to comply with all applicable development standards and requirements for the zoning district in which they are located, and that the use or structure conforms to the plans and specifications for which the Building Permit was issued.~~

~~**513.2.1. Temporary Certificate of Occupancy.** The Building Department may issue a Temporary Certificate of Occupancy for a period of time not to exceed one hundred and eighty (180) days to allow the building, structure, or lot to be occupied for the proposed use, provided that such certificate shall become final and effective only upon full compliance with the requirements of this Code and provided that the failure to fully comply with this Code does not~~

~~relate to provisions regarding health and safety. The Building Official may place conditions on a Temporary Certificate of Occupancy to insure public safety, health and welfare.~~

~~**513.3. Action by Building Department**. The Certificate of Occupancy shall be issued or denied by the Building Department. When a request for a Certificate of Occupancy is denied, the applicant may in writing request a written explanation specifying the reasons for denial. This explanation shall be issued within fourteen (14) days from receipt of the request by the Building Department.~~

~~**513.4. Contents of Certificate**. Every Certificate of Occupancy shall be dated, shall state the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the Building Code, and shall be signed by the Building Official.~~

310.5. ~~513.5.~~ Certificate of Completion**.**

Upon the satisfactory completion of improvements for a site plan approval, when no Building Permit is required, the Building Official shall issue a Certificate of Completion. This Certificate is proof that a structure or system is complete and, for certain types of building permits, is released for use and may be connected to a utility system. The Certificate of Completion does not grant authority to occupy or connect electrical service to a building, such as a shell building, prior to the issuance of a Certificate of Occupancy. This Certificate is issued by the Building Official.

Commented [LDI15]: I5.Brought in from definition.

310.6. Other Permits Required.

In addition to obtaining a Development Order from the County, the developer must also obtain all other applicable permits or exemptions as may be required by law prior to commencement of development.

Section 311. ~~Section 515.~~Code Interpretation.

311.1. ~~**515.1.**~~**Purpose.**

The ~~Planning~~ Department Director may, subject to the procedures and limitations of this ~~S~~section, issue written letters of interpretation of the provisions of one ~~(1)~~ or more standards or requirements of this Code or the Comprehensive Plan as it relates to a particular type of development on a particular property. ~~In the case of functions assigned to a particular department of the County or an agency pursuant to this Code or the Comprehensive Plan, the Planning Director shall forward the request for interpretation to such department or agency, who in turn shall issue an interpretation through the Planning Director.~~

311.2. ~~**515.2.**~~**Scope and Applicability.**

~~Such~~ Code interpretations may include, but shall not be limited to:

A. ~~a.~~ A determination of whether a particular use, which does not clearly fall under the definition of one ~~(1)~~ of the uses specified in this Code and ~~,~~ is not ~~clearly~~ specifically allowed in the zoning district, is substantially similar to one ~~(1)~~ of the permitted uses, Special Permit, or Administrative Permit uses allowed in the district and therefore should be allowed as such;

B. ~~b.~~ An interpretation of the definition of any term used in this Code or the Comprehensive Plan as it affects any development being proposed on a particular property;

C. ~~c.~~ An interpretation of the boundaries of a zoning district on the Official Zoning Atlas; and

~~d. An interpretation required pursuant to Section 515.3.~~

~~**C.**~~D. ~~515.3.~~A ~~G~~government-~~I~~initiated ~~I~~interpretation~~.~~, ~~The Planning Director shall issue a letter of interpretation, upon his or her own initiative, or at the request of any governing body or official of the County, in~~for the following circumstances:

I. ~~a.Where in order to carry out his or her duties pursuant to this Code, he or she requires an i~~Interpretation or clarification of a standard, requirement, zoning district boundary or term set forth in this Code, as applied to a particular property or development proposal, which will or could lead to a development

approval; and

2. ~~b.~~Where in the view of the ~~Planning~~ Department Director or the requesting body or official, the formal establishment of such an interpretation or clarification is appropriate.

311.3. ~~515.4.~~Application for Interpretation.

A letter of interpretation may ~~also~~ be requested by any person~~, for a fee set by the Board~~. The ~~A~~ request ~~for a letter of interpretation~~ shall ~~set forth~~ include a description of the facts and circumstances which are the basis for the request for an interpretation, including a description of the proposed development ~~that the interpretation might accommodate, and the precise interpretation claimed by the requestor to be correct~~.

311.4. ~~515.5.~~Action by ~~Planning Director~~Department Director.

Within a reasonable time after receipt of an application, the ~~Planning~~ Department Director shall issue a letter of interpretation specifying the facts, reasons, analysis and standards upon which the interpretation is based.

A. ~~515.6. *Standards.*~~ No interpretation shall authorize any use in a zoning district unless the ~~Planning~~ Director determines that the use is substantially similar to a use specified as a permitted, administrative permit or special permit use ~~or conditional use~~ in that district and is no more similar to any other use specified in this Code as a permitted, administrative permit or special permit use ~~or conditional use~~ in any district.

B. No interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question and no interpretation shall have the effect of amending, abrogating or waiving any standard or requirement established in this Code.

C. No interpretation shall have the effect of changing zoning on a parcel of land.

D. No interpretation of this Code shall result in an inconstancy between this Code and the Comprehensive Plan.

E. No ~~letter of~~ interpretation shall itself authorize the ~~establishment of a use or the~~ carrying out of any development.

~~515.7. Effect of Interpretation.~~

~~No letter of interpretation shall itself authorize the establishment of a use or the carrying out of any development.~~

311.5. Official Record.

~~515.8.~~The ~~Planning~~ Department Director shall maintain an official record ~~keep a file~~ of all formal interpretations and shall periodically prepare Code amendments to incorporate the interpretations into the code.

Section 312. ~~Section 502.~~Procedures of General Applicability~~.~~.

312.1. Level of Review Required

~~502.6.Classification of Decisions.~~ Decisions made pursuant to this Land Development Code shall be classified as ~~provided below:~~

~~502.6.1.~~Legislative, ~~. The following shall be treated as legislative decisions:~~

~~a. Amendments to the text of this Land Development Code;~~

~~b. Comprehensive Plan and Future Land Use Map amendments;~~

~~c. Street and right-of-way vacations; and~~

~~d. County-initiated area-wide rezones.~~

~~502.6.2.~~Quasi-Judicial~~. The following shall be treated as quasi-judicial decisions:~~

~~a. Site Plan Approvals (except those approved administratively);~~

Commented [LDI16]: I6.Deleted as recommended by the CAO.

Commented [LDI17]: I7.Moved up

Commented [LDI18]: I8.Consolidated into table.

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~~b. Site-specific rezonings;~~

~~c. DRI Development Order Approvals;~~

~~d. Special Permit Approvals;~~

~~e. Variances, except Administrative Variances;~~

~~f. Approvals of environmental preserve management plans;~~

~~g. Historic designations;~~

~~h. Certificates of Appropriateness, except administratively issued Certificates of Appropriateness;~~

~~i. Development agreements approved simultaneously with other development orders that are treated as quasi-judicial matters pursuant to this Section;~~

~~j. Final subdivision plat approvals;~~

~~k. Appeals from administrative interpretations;~~

~~l. Extensions of CLOSs; and~~

~~m. Such other decisions as are required to be treated as quasi-judicial matters under applicable law, regardless of how they may be designated under this Code.~~

~~502.6.3.~~or Administrative. ~~The following shall be treated as administrative decisions (except in cases where the Board has imposed a specific condition in a prior approval requiring such matter to be subject to Board approval):~~

~~a. Site plan approvals by the Planning Director; Chapter 5 DEVELOPMENT REVIEW PROCEDURES~~

~~b. Issuance or modification of Administrative Permits;~~

~~c. Certificates of Level of Service;~~

~~d. Temporary use permits;~~

~~e. Earthmoving operating permits;~~

~~f. Lot consolidation.~~

~~g. Administratively issued Certificates of Appropriateness;~~

~~h. Administrative Variances approved pursuant to Section 509.8;~~

~~i. Administrative interpretations pursuant to Section 515; and~~

~~j. All other permits issued by the Planning Director or other County officials which do not require a prior public hearing under the provisions of this Land Development Code, the Comprehensive Plan or applicable law.~~

Based on the type of application, various levels of review are required prior to the issuance of a development order as shown in Table 3-1. The following sections contain the specific requirements for each level of review:

Table 3 - 1: Development Order Review Authorities

APPICATION TYPE	SEE SECTION	APPROVAL TYPE	PRE-APPLICATION MEETING	DRC	DEPARTMENT DIRECTOR	WORK-SHOP [3]	HEARING OFFICER	PLANNING COMMISSION	BOCC
Site Plans:									

APPICATION TYPE	SEE SECTION	APPROVAL TYPE	PRE-APPLICATION MEETING	DRC	DEPARTMENT DIRECTOR	WORK-SHOP [3]	HEARING OFFICER	PLANNING COMMISSION	BOCC
General Development Plan	321	Q	No	Yes	Yes	Yes	No	Yes	**Yes**
Preliminary Site Plan	322	Q	No	Yes	Yes	**Yes**	No	Yes	**Yes**
Final Site Plan	323	Q	No	No	**Yes**	**No**	No	**No**	No
Subdivisions:									
Vacation of Streets/Plats	331	L	Yes	No	Yes	No	No	No	**Yes**
Preliminary Plat	333	Q	Yes	Yes	**Yes**[1]	No[1]	No	No[1]	No[1]
Construction Drawings	334	A	No	No	**Yes**	No	No	No	No
Final Plat	335	Q	No	No	Yes	No	No	No	**Yes**
Comprehensive Plan/LDC/Zoning Map Amendments[2]:									
Comprehensive Plan/Future Land Use Map amendments (area-wide)	340	L	Yes	Yes	Yes	Yes	No	Yes	**Yes**
Comprehensive Plan/Future Land Use Map amendments (site-specific)	340	L	Yes	Yes	Yes	Yes	No	Yes	**Yes**
LDC Amendments	341	L	Yes	No	Yes	Yes	No	Yes	**Yes**
Zoning Atlas amendments (area-wide)	342	L	Yes	Yes	Yes	Yes	No	Yes	**Yes**
Zoning Atlas Amendments (site specific, PD)	342	Q	Yes	Yes	Yes	Yes	No	Yes	**Yes**
Other Activities:									
Administrative Permit	315	A	No	No	**Yes**	No	No	No	No
Certificate of Appropriateness	347	Q	Yes	No	Yes	No	No	**HPB**	No
Certificate of Appropriateness (Administrative)	347	A	Yes	No	**Yes**	No	No	No	No
Certificate of Level of Service (extension 1+ yrs.)	360	Q	No	Yes	Yes	No	No	Yes	**Yes**
Certificate of Level of Service (new)	360	A	No	Yes	Yes	No	No	Yes	**Yes**
Code Interpretations	311	A	No	No	**Yes**	No	No	No	No
Special Permit	316	Q	Yes	Yes	Yes	Yes	**Yes**	No	No
Development Agreement	350	L[4]	Yes	Yes	Yes	Yes	Yes	Yes	**Yes**
DRI Development Order	348	Q	Yes	Yes	Yes	Yes	Yes	Yes	**Yes**
Environmental Preserve Management Plans	351	Q	No	Yes	Yes	No	No	Yes	**Yes**
Floodplain Variances	802.8	Q	Yes	No	Yes	No	No	**HPB**[5]	No
General Plan for Educational Facilities	353	Q	No	No	Yes	No	No	No	**Yes**
Historic Designations	710	Q	Yes	No	Yes	No	No	**HPB**	No
Modification of Standards	365	A	No	No	**Yes**	No	No	No	No
Temporary Use Permits	354	Q	No	No	**Yes**	No	No	No	No
Variance	367	Q	Yes	No	Yes	No	**Yes**	No	No
Zoning Compliance Permit	346	A	No	No	Yes	No	No	No	No

Legend: A = Administrative; L = Legislative; Q = Quasi-judicial; HPB = Historic Preservation Board; **Bold** = Indicates approving authority.

[1] Required if the application also triggers the thresholds for General Development Plan review and the applications are processed concurrently.

[2] Amendments to the Official Zoning Map are deemed to be legislative if they are County initiated and include a large number of properties which would be similarly affected by the proposed change. Otherwise, the application is deemed quasi-judicial.

[3] Optional

[4] Development Agreements will generally be treated as Legislative except when required to be treated as quasi-judicial pursuant to applicable law.

[5] HPB review in lieu of Hearing Officer for floodplain variances within the Cortez Fishing Village HA Overlay.

312.2. 502.1.Pre- aApplication ConferenceMeeting.

Upon request of an applicant, the Planning Director may schedule and hold preapplication conferences with applicants and appropriate representatives of County staff, for the purpose of reviewing proposed development prior to the formal submission of an application for development approval. An applicant may also request a preapplication conference with the Planning Director. Applicants are encouraged, though not required, to request a preapplication conference.

Whenever a pre-application meeting is required per Table 3-1, the applicant must request such meeting with the Department Director, prior to filing an application, to discuss the development review process requirements. The applicant is encouraged to bring preliminary plans and data to show existing conditions of the site and its vicinity and the proposed layout. It is intended that the meeting will assist the applicant in preparing plans which will meet the requirements of the code.The preapplication conference shall be informal, and its purpose shall be to discuss the proposals, views and concerns of the applicant, or whether any additional information will be required. Comments made by staff at a pre-application meeting are made solely for preliminary informational purposes and shall not be construed as an approval or denial or agreement to approve or deny any development order. Failure of staff to identify any required permits or procedures at a pre-application conference shall not relieve the applicant of any such requirements nor constitute waiver of the requirement by the decision-making body.

312.3. 502.3.Application RequirementsSubmittal.

A. Application Forms and Requirements. The Department Director shall establish application forms and submittal requirements for all development applications referenced in this Chapter. Application fees are established by Resolution by the Board of County Commissioners.

Every application for development approval shall be in a form specified by the Planning Director and shall be accompanied by a fee, as established by the Board. The application shall be accompanied by such plans, data or documents as are (a) required pursuant to this Code and the administrative procedures adopted hereunder and (b) such plans, data, or documents specified in the application form.

All applications for development approval shall be filed with the Planning Director, except where otherwise specified by this Code. Unless otherwise specified, an application may only be filed by the owner of the property, or an agent of the owner specifically authorized by the owner to file such application.

B. Concurrent Applications. Applicants for projects requiring more than one type of review (e.g. Special Permit and General Development Plan) may submit concurrent applications if determined appropriate by the Department Director.

502.5.7.Authority to Enter Premises.

C. The submission of an application for development approval shall confirm or authorize the right of reasonable entry to a premises, lot or parcel associated with the development approval request. This right of entry shall extend to all County employees, members of various boards, appropriate reviewing agencies, and any other agencies, or any designee of the above, along with their motor vehicles, which are responsible for the review of development approval requests and inspections of those approvals.

312.4. 502.4.Determination of Completeness **Review** of Application.

When an application for development approval is submitted, the Department Planning Director shall make a threshold determination as to whether the application is complete and whether the application is in conformance with the land uses, density and intensity allowed by the future land use category.

A. If the Department Planning Director determines that the application for development approval is not complete or not in conformance with the land uses, density and intensity allowed by the future land use category, he or she shall notify the applicant in writing that the application is incomplete and shall specify the additional

Commented [LDI19]: 19.The details should be spelled out in a Development Review Application Manual.

Commented [LDI20]: 20.Fee schedule needs to account for concurrent applications. Should pay only one fee or set up a combined fee.

information required in order for the application to be determined to be complete or the modification necessary for conformance. No further action shall be taken on the application unless and until the additional information is submitted and determined to be complete by the Department ~~Planning~~ Director. If the incompleteness has not been remedied within thirty (30) days of receipt of notice thereof, the application shall be ~~automatically voided and the Planning Director shall return the application to the applicant~~deemed withdrawn. Application fees may be refunded in accordance with ~~subs~~Section 312.5.E~~O~~.

B. When an application for development approval is determined to be complete, the Department Director shall notify the applicant, and shall forward the application to the Development Review Committee for sufficiency review ~~and processing by the County in accordance with this Land Development Code~~. A determination of completeness shall not constitute a determination of compliance with the requirements of this Code or Comprehensive Plan.

312.5. ~~502.5.Determination of~~ Sufficiency **Review** of Application.

A. ~~**502.5.1.Application Distribution.**~~ **Review**

1. After an application is determined to be complete, ~~and to be in conformance with the land uses, density and intensity that is allowed by the future land use category,~~ the Planning Director shall forward copies of the application to ~~appropriate agencies and designated County departments~~ the DRC for sufficiency review. Applications that do not require DRC review per Table 3-1 shall be reviewed by the Planning Director for sufficiency. For purposes of this Section, "sufficiency review" shall constitute an analysis of whether a proposed application:

   a. ~~a.~~Meets the stated objective requirements of the Comprehensive Plan, this Code and the County's rules and regulations ~~(taking into consideration any requests for specific approval pursuant to Section 603.3)~~; and

   b. ~~b.~~Includes the necessary analysis and information to enable the ~~decision-making body or official~~ approving authority to make the necessary determinations under the Comprehensive Plan and this Code.

2. The Department Director will notify the applicant of the date and time when the DRC will review the application. Applicant attendance at this meeting is optional.

~~The Planning Director may establish standardized forms for sufficiency review and comment which shall be used by reviewing departments and agencies. Sufficiency review shall be completed in a manner that permits the County to render a decision on an application within any timeframes imposed pursuant to applicable law.~~

3. ~~502.5.2.Determination of Sufficient Application.~~ The DRC~~reviewing agencies and department representatives~~ shall ~~determine if the application is sufficient, and shall~~ notify the Department ~~Planning~~ Director if the application was determined to be sufficient, if ~~of~~ any insufficiencies were found, or if additional information ~~that~~ is required to be submitted. ~~The Planning Director shall, in turn, compile such comments and forward them to the applicant in writing.~~ If the application is found insufficient, the DRC shall issue a report listing the code requirements that need to be addressed. The DRC reserves the right to require a second review meeting based on the level of plan changes requested.

4. ~~During the course of sufficiency review, t~~The DRC or Department Director, as applicable,~~reviewing agencies and departments, including the Planning Department,~~ may also include comments and recommendations regarding evaluative and case-specific factors for consideration under this Code and the Comprehensive Plan, but shall not treat such comments or recommendations as insufficiencies for purposes of this Section.

~~502.5.3.Remedy of Insufficiencies. If the applicant fails to respond to the specified insufficiencies within one hundred eighty (180) days of the date of the written comments, the application shall be deemed withdrawn. If the applicant responds, but the applicant, Planning Director and County departments or agencies, after the receipt and review of all requested information, are unable to resolve the insufficiencies, the applicant may elect to proceed forward, subject to the requirements of Section 502.5.6., below.~~

~~502.5.5.Staff Analysis. After an application is determined sufficient, the Planning Departmentshall collect the comments and analysis of the other departments and agencies and shall prepare a written analysis of the issues raised by the application.~~

Commented [LEA21]: 21.Added per workshop comments.

Commented [LDI22]: 22.Considered changing the word "sufficiency." Sufficiency seems to fit better than "substantive" or "compliance." Not many people know about DRIs and the use of the word "sufficiency" in that context. Therefore, we would recommend leaving it as it is now.

Commented [LDI23]: 23.These are administrative procedures that can be establish with or without this provision in the Code. Unnecessary.

Commented [LDI24]: 24.From 502.5.1.

Commented [LDI25]: 25.Already stated below.

Commented [LDI26]: 26.Already stated in #2.

Commented [LDI27]: 27.Repeats K

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5. ~~502.5.6.Action by the Planning Director.~~ Upon receipt of a sufficiency determination~~s~~ from the DRC, ~~reviewing agencies and department representatives,~~ or election to proceed from the applicant notwithstanding insufficiencies, the ~~Planning~~ Department Director shall:

   a. ~~(a)~~ In the case of administrative decisions, take administrative action required by this Code; or

   b. ~~(b)~~ In the case of legislative or quasi-judicial decisions, prepare a report and recommendation to the appropriate decision-making or recommending body and schedule a hearing.

   ~~502.5.6.1.Scheduling for Consideration.As required, the Planning Director shall schedule a hearing for an appropriate date. No application shall be scheduled for consideration by a Hearing Officer, the Planning Commission or Board until either (a) all specified insufficiencies have been resolved, or (b) the applicant has elected in writing to proceed notwithstanding the unresolved insufficiencies.~~ Specified insufficiencies may be resolved by the written consent of the applicant, which shall be provided in writing to the Planning Director in advance of scheduling the hearing~~for consideration by a Hearing Officer, the Planning Commission or Board, to conditions or stipulations that, in the view of the Planning Director and each affected agency or department representative, correct such insufficiencies~~.

~~502.5.6.2.Approval, Recommendation of Approval. The Planning Director shall not approve any application subject to administrative approval, or recommend approval of any application subject to approval by a Hearing Officer or the Board, unless the Planning Director has (a) received a positive determination of sufficiency from all reviewing agencies and department representatives, or (b) has received the written consent of the applicant, to conditions or stipulations that, in the view of the Planning Director and each affected agency or department representative, correct such insufficiencies.~~

~~502.5.8.Administrative Procedures.Pursuant to Section 105, the County Administrator shall establish administrative procedures for sufficiency review of applications, which shall include, but shall not be limited to, assignments of review of various types of applications, and various issues, to specific departments of the County.~~

B. ~~502.11.~~Incorrect Information.

1. ~~*502.11.1.Reliance on Information Presented by Applicant.*~~ The ~~Manatee County staff, the Planning Commission, Hearing Officers and the Board,~~ DRC shall have the right to rely on the accuracy of statements, documents and all other information presented to them by the applicant, applicant's attorney or agent, in review of an application for development approval issued under this Code.

2. ~~*502.11.2.Presentation or Submittal of Incorrect Information.*~~ In the event that an applicant, its attorney or agent presents or submits false or incorrect information, regardless of whether such information is presented fraudulently or deceitfully ~~to the staff, Planning Commission, Hearing Officers or the Board~~, concerning a material fact or consideration relating to an application for any ~~rezoning, conditional use permit, or other~~ type of development order or permit issued under this Code, the ~~staff, Hearing Officer or the Board~~approving authority may take action to rescind such development approval or development order~~, subject to the requirements of Chapter 12 of this Land Development Code and applicable law~~. Upon notice to an applicant that the County is considering rescission of a development approval or development order because it was based in part on false or incorrect information, any work performed by or at the request of the applicant on the subject property shall be at the risk of the applicant.

~~**502.13.Abandonment or Extension of Application for Development Approval.**~~

C. An application for development approval shall be deemed to have been abandoned six (6) months after the date of issuance of review comments if the applicant has failed to respond in writing to ~~such~~ review comments in a manner that addresses each item identified by staff as necessary to render the application complete or to address an insufficiency.

D. Extension. One (1) or more extensions of time for periods of not more than ninety (90) days each may be allowed by the ~~Planning~~ Department Director for abandoned applications ~~for the application,~~ provided each extension is requested in writing and justifiable cause is demonstrated.

E. Withdrawn Applications. Upon written request to the Department Director, an applicant who has paid the appropriate fee but withdraws the application prior to any review or advertising by County staff may be entitled to a refund.

Commented [LDI28]: 28.Repeats Section 4 above.

Commented [LDI29]: 29.Same as previous. Refers to internal activities. No need to be in the LDC.

Commented [LDI30]: 30.Chapter 2 is definitions and rules of construction.

Commented [LDI31]: 31.Sec. 502.12 moved to DO section.

Commented [LDI32]: 32.New language.

F. ~~502.5.4.~~Additional/Revised Information. If an applicant submits additional or revised data or information at any time after a determination of sufficiency has been made, or if previously submitted data or information is determined by the County to be unreliable because of passage of time or changed circumstances, the revised application will be subject to the same sufficiency review and fee as the initial application.

~~13~~ ~~502.9.~~Examination and Copying of Application and Other Documents.

G. At any time upon reasonable request, and under the supervision of the ~~Planning Director~~Department Director, any person may examine an application for development approval and materials submitted in support or in opposition, in accordance with Chapter 119, Florida Statutes. Copies of such materials shall be made available upon payment of the appropriate fee as prescribed in an official fee schedule.

312.6. ~~502.2.~~Neighborhood Workshops.

Applicants are encouraged to hold a neighborhood workshop during the application process. The ~~Planning~~Department Director or the Board may require an applicant to hold a neighborhood workshop for any application that, in the view of the ~~Planning~~Department Director or Board, has potential neighborhood impacts.

The purpose of the neighborhood workshop is to ensure early citizen participation in an informal forum in conjunction with development applications, and to provide an applicant the opportunity to understand any impacts an application may have on an affected community. These workshops ensure that citizens and property owners have an adequate opportunity to learn about applications that may affect them. A neighborhood workshop is not intended to produce complete consensus on all applications, but to provide information about the application to adjacent property owners. ~~shall be to inform the neighboring residents of the nature of any proposed land use(s), development features or site plans, and to solicit comments. The Planning Director or the Board may require an applicant to hold a neighborhood workshop for any application that, in the view of the Planning Director or Board, has potential neighborhood impacts. Mailed and posted notice for n~~Neighborhood workshops shall be noticed as required in Table 3-2.~~provided in accordance with Sections 502.7.3 and 502.7.4, respectively.~~

A. Workshop Time and Location. Prior to scheduling a neighborhood workshop, the applicant shall coordinate the meeting date, time and location with the Department Director. The initial workshop shall be held within the general area of the subject property. Additional workshops may be held but are not required.

B. Workshop Elements. At the workshop, the applicant shall present the plans, information and data as needed to inform the public of the proposed development.

C. Workshop Summary. The applicant shall submit to the Department, as part of the application, a summary of the materials presented at the workshop, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, and a copy of the workshop advertisement and a copy of the mailed notices sent to property owners.

312.7. ~~502.7.~~Notice of Public Hearings.

~~Notice of public hearings under this Code shall be provided in accordance with the provisions of this Section and in accordance with applicable law.~~ All meetings of the Board of County Commissioners, the Planning Commission, Hearing Officer, and the Historic Preservation Board are subject to the notice requirements under this section, the Florida Statutes and the Rules of Procedure of the Board of County Commissioners. If there is ever a conflict between the provisions of this Code and state law relative to notice matters, the most restrictive shall prevail and apply. The applicant shall be responsible for all costs incurred by the County in the issuance and publishing of notices.

A. Notice Types. The types of public notice used for various public hearings include *mailed* notice, *published* notice, and *posted* notice by signs located on the subject property. The public notices noted in Table 3-2 are required for each public hearing.

Table 3 - 2: Required Public Notice for Development Applications

	Type of Notice		
Application	Mailed	Published	Posted

Neighborhood Workshop	X	-	-
Comprehensive Plan Amendment, Text	-	X	-
Comprehensive Plan Amendment, Map	X	X	X
LDC Text Amendment	-	X	-
Rezoning (incl. Rezoning to Planned Development)	X	X	X
Special Permit	X	X	X
General Development Plan	X	X	X
Final Site Plan	-	-	-
Preliminary Plat	-	-	-
Final Plat	X	X	X
Vacation of Streets/Plats	-	X	X
Variance	X	X	X
CLOS Appeal to Hearing Officer (other than administratively approved)	-	X	X
Local Development Agreement	-	X	-

B. ~~502.7.3.~~Mailed Notices.

~~502.7.3.1.*Generally.* Except where otherwise required by applicable law or this Land Development Code, mailed notice shall be provided at least ten (10) days prior to the public hearing. The applicant shall send a notice prepared by the Planning Department , by first class U.S. mail, mailed to owners, as shown on the latest ad valorem tax records, of all lands contiguous and all property owners within five hundred (500) feet of the entire parcel of land under consideration that is owned or controlled by the applicant. However, mailed notice shall only be required if the adjacent property owners are within one thousand (1,000) feet of the project. For property that is a part of a condominium, or a manufactured home community, individual owners shall be noticed if located within five hundred (500) feet of the project, and the owner of common property shall be notified. The Planning Director may require additional notice to other property owners and neighborhood organizations based upon project design and potential impacts. The Planning Director may require that the cost of preparing and mailing notice be borne by the applicant.~~

~~502.7.3.2.Amendments involving Board initiated changes to actual official Zoning Atlas designations of less than ten (10) contiguous acres. In cases in which the proposed amendment to the Official Zoning Atlas is initiated by the Board and involves less than ten (10) contiguous acres, the Planning Director shall give mailed notice, at least thirty (30) days prior to the public hearing, to each real property owner whose land will be reclassified by the amendatory ordinance and whose address is known by reference to the latest ad valorem tax records, in addition to the notice required pursuant to Section 502.7.3.1.~~

1. *To Whom Provided.* Public notices for public hearings shall be mailed by the County to all individuals and property owners indicated below. In any instance where applicable law requires additional notice or a different publication time frame, the form or timeframe of the notice shall be adjusted accordingly to comply with such applicable law.

   a. All property owners of the land subject to the application.

   b. The Manatee County School Board if the application involves residential development.

   c. All property owners within five hundred (500) feet of the boundaries of the development site. If any dwelling unit within the required notification area is part of a neighborhood association or property owner's association, and that information is a matter of record with the Department, the association shall receive written notice of public hearing and workshop.

2. *Mailing and Postmarking.* Notices shall be mailed a minimum of ten (10) days prior to the hearing and fifteen (15) days prior to the neighborhood workshop, with the exception of Board initiated changes to the Official

Commented [LDI33]: 33.Moved below

Commented [LDI34]: 34.Moved below

Commented [LDI35]: 35.See below

Commented [LDI36]: 36.Moved below

Commented [LDI37]: 37.Current code says 500 from site but 1,000 from project. Confusing.

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Zoning Atlas for properties ten (10) acres or larger, which shall be mailed a minimum of thirty (30) days prior to the initial public hearing. Notice shall be deemed mailed by its deposit in the mail, properly addressed and with sufficient postage paid.

3. *Notices for Neighborhood Workshops.* Public notices for neighborhood workshops, as well as a mailing list, will be provided by the Department Director to the applicant, who shall be responsible for mailing the notice.

C. 502.7.2.Published Notices.

1. The Department Director shall prepare the content of the notice and be responsible for publishing the Published notice shall be provided in a newspaper of general circulationthe Bradenton Herald and Manatee Herald-Tribune selected by the county.

2. The Planning Director may require that the cost of publishing such notice shall be borne by the applicant. .

3. Unless otherwise required by State law, the advertisement shall be published no less than ten (10) days prior to the date of the public hearing.

4. 502.7.3.3.Mailed Notice in lieu of Published Notice. To the extent authorized by, and in accordance with, applicable law, the Board may direct the Planning Department Director to mail a notice to each person owning real property within the area covered by amendments involving changes to the actual list of permitted, conditional special or prohibited uses within a zoning category, or Board initiated changes to actual Official Zoning Atlas designations of ten (10) contiguous acres or more, in lieu of the published notice otherwise required. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance. In lieu of publishing the advertisements set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution (Section 125.66(4)(b)3, FS).

D. 502.7.4.Posted Notices. Signs shall be posted by the applicant as instructed by the Department Director The applicant shall post a notice on a sign or signs furnished by the , on the affected property, and where otherwise directed by the Planning Director. Notice shall be posted on weather resistant signs in a form established by the Department.

2.1. *Timing of Posted Notice.* The sign shall be posted not less than ten (10) days nor more than forty (40) days in advance of the scheduled hearing date, unless the Planning Department Director requires earlier notice. The notice shall contain, at a minimum, the matters described in paragraphs a. and b. of Section 502.7.1.

2. *Maintenance.* In the interim period between the sign posting and hearing, the applicant shall be responsible for the maintenance of the sign and replacement of the sign, if the applicant is aware that the signs have been removed from the site.The applicant shall ensure that the signs are maintained and remain on the site until completion of the final action on the application.

3. *Location of Signs.* Notice shall be posted no more than fifteen (15) feet from the front lot line, so as to be clearly visible from the public way.

4. *Lack of Street Frontage.* If the land does not have frontage on a street, at least one sign shall be placed on the property at the access point and additional signs shall be placed on the nearest public right-of-way with an indication of the location of the subject property.

Commented [LDI38]: 38.New language.

5. *Additional Signage Required.* More than one (1) sign and/or a larger sign may be required to be posted by the Planning Department Director, if it is determined to be necessary to ensure adequate public notice. Such additional signs shall be posted in a number and location determined by the Planning Department Director.

6. *Removal of Posted Signs.* The applicant shall remove all posted signs within ten (10) days after final action on the application.

E. 502.7.1. Contents of Mailed and Published Notices. Generally, all notices of public hearings All mailed and published notices shall includecontain the following information:

1. *Statutory Requirements.* For public notice required by Sections 125.66 or 163.3184, Florida Statutes, the

standards for those sections shall apply.

2. *Title.* The title of the published notice for hearings shall be "Notice of Public Hearing";

3. ~~*b.*~~*Nature of Application.* ~~A general description of the nature of the matter to be addressed, written in layman's terms;~~The application number, the application type, and the description of the proposal or request.

4. *Location, Time and Date.* The scheduled date, time and location of the hearings or workshops.

5. ~~*c.*~~*Location of the Subject Property.* ~~The address of the subject property;~~ A description of the land involved by street address, if any, or by legal description or parcel number(s). For mailed notices, a location map shall be included, indicating the location and general boundaries of the property with reference to the closest intersection of public streets, when possible.

6. *Size of Subject Property.* The total size of the parcels, rounded to the nearest one-tenth of an acre.

7. *Comprehensive Plan and Zoning Designations.* The future land use map designation and zoning district of the property subject to the application.

8. *Materials Available for Public Information.* The ~~name, address, and telephone number of the department in which the~~ application, staff report and related materials may be inspected by the public~~, and the fact that information available for public inspection~~ during normal business hours at the county administration building or on the County's website (www.mymanatee.org).

9. *Other Information.* The notice shall also state,

   a. ~~d. T~~that persons may appear and be heard;

   b. ~~e. T~~that written comments filed with the ~~Planning~~ Department Director will be entered into the record;

   c. ~~f. T~~that the hearing may be continued from time to time as necessary;

   d. ~~g. A~~a telephone number for more information;

   e. ~~h. T~~the title of the ordinance under consideration, if applicable; and

   f. ~~i. S~~such additional information as may be required pursuant to this Code or applicable law for specific types of development approval.

F. Additional Notice for Continued, Rescheduled or Reopened Meetings. Notice of subsequent hearings shall be ~~provided~~ mailed and published in accordance with this ~~S~~section ~~502.7~~ for:

1. ~~a.~~ Any hearing for which the Board, ~~Planning Director~~Department Director or County Attorney determines new notice should be provided, because of the time elapsed from the original notice, or to correct any defect or apprise affected parties of significant changes to the application as originally noticed;

2. ~~b.~~ Any hearing continued to an unspecified date, time and place; and

3. ~~c.~~ Any hearing where such new notice is required pursuant to applicable law or this Code.

G. ~~**502.7.5.**~~**Affidavit of Notice.** Affidavits confirming that the required publication, mailing and/or posting of the notice was provided shall be filed with the ~~Planning Director~~Department Director at least five (5) days prior to the date of the hearing. Such affidavits shall be accompanied by a complete list of the names and last known addresses of the persons entitled to notice and the method by which notice was provided. Such affidavits shall also certify that signs were posted in compliance with the standards of this Chapter including provision of photographs upon request of the Department Director of all signs as part of the affidavit. Failure to provide such affidavits will require postponement of the hearing date and may require repeat of required notification procedures.

H. ~~**502.7.6.**~~**Defects in Notice.** If a defect in notice not caused by an intentional or negligent act or omission of the applicant is discovered after the conclusion of the hearing, it shall not in any way affect the action taken at such hearing. In accordance with applicable law, if a substantial defect in notice is discovered prior to the hearing, then such notice shall be redone and the hearing rescheduled.

Commented [LEA39]: 39.Added per comments from the workshop

Commented [LDI40]: 40.Moved here from 502.8.5 (last sentence).

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312.8. ~~502.8.~~Public Hearings ~~Procedures~~.

Upon issuance of the written recommendation by staff, the application shall be scheduled for a public hearing before the applicable approval/reviewing authority per Table 3-1. The approving/reviewing authority (Planning Commission, Hearing Officer, Historic Preservation Board or Board of County Commissioners) shall conduct the public hearing in accordance with the hearing requirements noted in this section. At the hearing, the authority shall approve, approve with conditions, or deny the application.

A. General Hearing Requirements. ~~The p~~Public hearings held by the Hearing Officer, Historic Preservation Board, Planning Commission and Board of County Commissioners to review Development Order requests ~~procedures required under this Code~~ shall be ~~provided~~ conducted in accordance with the requirements of the Florida Statutes and the following provisions: ~~of this Section.~~

1. ~~*502.8.1.*~~*Scheduling.* When the ~~Planning~~ Department Director has determined that an application ~~is complete and~~ has ~~undergone sufficiency review~~been found sufficient ~~pursuant to Section 502.5.~~, and that a public hearing is required by this Code, he or she shall schedule a date, time and place for the required hearing.

2. *Public Notice.* The public shall be notified of the hearing as provided in this chapter.

3. ~~*502.8.2.*~~*Representation.* Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization, upon receiving proper recognition ~~from the Hearing Officer or chair of the body conducting the~~from the person presiding over the hearing. Anyone representing an organization must present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration, unless the ~~Hearing Officer or chair~~person presiding over the hearing waives this requirement. Each person who appears at a public hearing shall identify himself/herself and his/her address and, if appearing on behalf of an organization, shall state the name and mailing address of the organization.

4. ~~*502.8.4.*~~*Irrelevant Testimony Excluded.* The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. Any person may ask relevant questions of other persons appearing as witnesses, but shall do so only through the person presiding over the hearing~~Hearing Officer or chair~~. Such questions may be excluded by the person presiding over the hearing ~~Hearing Officer or chair~~ where the answer to the question would be repetitious, or is an attempt to harass the witness.

5. ~~*502.8.5.*~~*Continuance and Adjournment.* The body conducting the hearing may, on its own motion or at the request of any person, continue the hearing to a fixed date, time and place. In the event that the continuance is to a specified date, time and place, the specific date, time and place of the continued public hearing shall be publicly announced at the meeting at which the continuance is approved.

6. ~~*502.8.7.3.*~~*Hearing Reopening.* ~~The Hearing Officer~~A hearing may be reopened ~~ahearing~~ for extraordinary cause. Reopening of a hearing shall take place prior to the issuance of a ~~final~~ Development O~~o~~rder ~~on the Special Permit~~ or ~~V~~variance. ~~To reopen a hearing, the Hearing Officer must file with the Clerk of the Circuit Court a statement of the reasons for such reopening.~~ Such reopening shall only be ordered when the Hearing Officer, Planning Commission, or Board has insufficient information to make a recommendation or decision where it is necessary to avoid undue injury to the County or the applicant, or other similar causes. Upon making a finding that the hearing should be reopened the Hearing Officer, Planning Commission, or Board shall schedule with the ~~Planning Director~~Department Director a date for the hearing, not to exceed forty-five (45) days from the filing of the affidavit. Notice of the reopened hearing shall be provided in accordance with this chapter.~~Written notice of the reopened hearing shall be sent by U.S. Mail at the County's expense to any person who indicated that he wishes to receive notices of the final order pursuant to Section 502.8.7.5. Notice of the reopened hearing shall also be provided in accordance with Section 502.7.~~

Commented [LDI41]: 4I.Staff requested mention of DRC.

Commented [LDI42]: 42.IAST SENTENCE MOVED UP TO NOCICES.

~~D.~~B. ~~502.8.6.~~Quasi-Judicial Hearing Procedures. All quasi-judicial hearings conducted pursuant to this ~~Land Development~~ Code by the Board, Planning Commission, Hearing Officer, Historic Preservation Board, or any other body or official, shall be conducted in accordance with this Code and the rules of procedure for quasi-judicial hearings established by the Board. In all quasi-judicial proceedings, the applicant shall bear the burden of demonstrating by competent and substantial evidence that the application satisfies the standards and requirements of this Code and the Comprehensive Plan. Quasi-judicial hearings shall meet the following requirements:

1. ~~*502.8.3.*~~*Oaths Required.* In all public hearings for quasi-judicial matters, all testimony and evidence shall be

given under oath or by affirmation to the body conducting the hearing.

~~*502.8.7.Specific Procedures for HearingsHeld by Hearing Officers.*~~

2. ~~*502.8.7.1.*~~*Procedure.* The ~~Hearing Officer~~reviewing authority may call and question witnesses as deemed necessary and appropriate. ~~The Hearing Officer shall decide all questions of procedure.~~

3. ~~502.8.7.2.~~*Transcript.* For Hearing Officer proceedings, ~~T~~the ~~Planning Director~~Department Director shall ensure that ~~a court reporter is present and~~ a transcript of the hearing will ~~shall~~ be made available upon request of the Hearing Officer, ~~for all Hearing Officer proceedings. The transcript shall be prepared upon request of the Hearing Officer~~ or any party at its expense, and shall be part of the record for the hearing. If requested, a copy of the transcript shall be furnished to the Hearing Officer or any party at its expense within ten (10) days of the close of the hearing.

4. ~~*505.4.3.*~~*Action by the Hearing Officer.* Upon the close of the public hearing and consideration of the record, the Hearing Officer shall ~~either~~:

   a. ~~c.~~ Issue a ~~Notice of Intent~~decision to approve, approve with conditions, or deny the ~~Special Permit~~Development Order~~, with such conditions as may be necessary.~~; or

   ~~a. Issue a Notice of Intent to deny the application for the Special Permit;~~

   b. ~~b.~~ Determine that more information is necessary, refer the application back to the staff, and schedule an additional public hearing to consider any additional evidence necessary to decide upon the ~~Special Permit~~Development Order; or~~; or~~

   c. Issue a Notice of Intent to approve, approve with conditions, deny, or determine more information is necessary and reopen the public hearing by the Hearing Officer.

5. ~~*505.4.3.2.*~~ *Final Order~~s~~.* After issuance of the Notice of Intent by a Hearing Officer, parties of record shall have five (5) business days~~, excluding Saturday, Sunday and County holidays,~~ in which to ~~respond to the Notice of Intent and proposed conditions. Responses shall be~~ file~~d~~ a response with the ~~Planning Director~~Department Director. Within ten (10) business days from the date of receipt of response~~, excluding Saturday, Sunday and County holidays, of the issuance of the Notice of Intent, after review of any responses to the notice and proposed final order~~, the Hearing Officer shall:

   a. Issue the order approving, approving with conditions or denying the ~~Special Permit~~application~~, with such conditions as may be imposed pursuant to Section 505.4.3.1.~~; or

   ~~b. Issue the order denying the Special Permit; or~~

   b. ~~c.~~ If, after reviewing the responses, the Hearing Officer determines that there is substantial new information which would materially affect the decision and which was not reasonably available at the time of the public hearing, he/she shall reopen the public hearing pursuant to Section 312.8.A.6~~502.8.7.3~~.

6. ~~*502.8.7.4.*~~*Findings and Recommendations.* For Hearing Officer proceedings, ~~T~~the Hearing Officer shall, within twenty-one (21) calendar days of the public hearing, issue a written report detailing the findings of fact, conclusions of law and recommendation regarding approval or denial of ~~an~~ the application ~~for Special Permit or Variance~~. The Hearing Officer's findings shall include:

   a. ~~a.~~ A summary of record of the public hearing;

   b. ~~b.~~ The standards relevant to the application;

   c. ~~c.~~ Conclusions of law as to whether each standard has been satisfied; and

   d. ~~d.~~ A Notice of Intent to issue a final decision, if involving an appeal of determinations regarding levels of service or a Development Order ~~Special Permit~~.

7. ~~*502.8.7.5.*~~*Notice of Action/Recommendation.* Any person wishing to receive notice of a final decision or recommendation ~~of a Hearing Officer~~ may supply the ~~Planning Director~~Department Director with his/her name, address, and a stamped self-addressed envelope for that purpose.

C. Legislative Hearing Procedures. When reviewing applications of a legislative nature (see Table 3-1), the

Historic Preservation Board, Planning Commission and Board of County Commissioners shall comply with the provisions of Subsection A (General Hearing Requirements), above. Upon the close of the public hearing and consideration of the record, the approving authority shall:

1. Approve, approve with conditions or deny the application (if acting as final approval authority), or issue a recommendation to the BOCC for approval, approval with conditions or denial; or
2. Determine that more information is necessary, refer the application back to the staff, and schedule an additional public hearing to consider any additional evidence necessary to decide upon the application.

D. 505.4.3.1. Approval Subject to Conditions. When approving special use permits, Tthe approving authorityHearing Officer may attach such conditions (or in the case of the Planning Commission, recommendations) to the approval as deemed necessary to assure compliance with Section 505.2this Code. Such conditions may address matters including, but not limited to: limitations on size, bulk and location; duration of construction period; requirements for landscaping, signage, outdoor lighting and the provision of adequate ingress and egress; duration of the approval; design and appearance; hours of operation; and the mitigation of traffic and environmental impacts. Such conditions may be imposed for a specified period of time, after which time the condition shall expire and the obligations of the applicant pertaining to such condition shall be automatically terminated. The applicant shall address the conditions prior to the issuance of a building permit or a zoning compliance permit if no building permit is required.

312.9. Effect of Development Order Approval.

The issuance of a Development Order does not authorize the disturbance of any part of the subject property involved. A Development Order only authorizes the filing of an application for a building permit, or to proceed to the next step in the process, as indicated in Table 3-1.

Development orders are not transferable to other properties. However, so long as the land or structure or any portion thereof covered under the development order continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the development order) may make use of the land except in accordance with the conditions and requirements of the development order. The provisions of the development order run with and burden the real property to which it relates.

312.10. Enforcement and Administrative Errors.

502.10.Compliance With Approvals, This Code and the Comprehensive Plan.

A. Applicants for dDevelopment Order approval shall be responsible for ensuring that all development proceeds in accordance with the terms and conditions of any development order, permit, or certificate issued to the applicant. A determination by the PlanningDepartment Director that the terms and conditions of the approval have been violated shall constitute a violation of this Code subject to the provisions of Chapter 121.

502.12.Erroneously Issued Development Orders.

B. When a development orderDevelopment Order is issued through administrative error, the error shall be called to the attention of the applicant as soon as possible after it is discovered. If the error is not voluntarily corrected within fourteen (14) days, the appropriate County official shall authorize the issuance of a stop work order pursuant to Section 1204.1, and the order and the matter shall be processed pursuant to the provisions of Chapter 121.

C. An applicant shall be responsible for any aspect of an application that fails to comply with the requirements of this Code or the Comprehensive Plan, such that approval of such application in error by the County shall not operate to grant the applicant an exemption from any such requirement, and tThe applicanttion shall be responsible for bringing the development into compliance with such requirement, or, if such development cannot be brought into compliance for whatever reason, obtaining such additional development orders or approvals as are necessary under this Code to reconcile such error.

312.11. Recording of Approved Development Orders.

An approved Development Order for Special Permits, Variances, and Developments of Regional Impact shall be

recorded, at the applicant's expense, in the official records of the County maintained by the Clerk of the Circuit Court. The purpose of recording the development order shall be to notify subsequent purchasers of any limitations on the use of the land.

Section 313. to 314 Reserved.

Part III. Administrative Permit and Special Permit Approval.

Section 315. ~~Section 506.~~Administrative Permits.

315.1. ~~506.1.~~Purpose ~~and Intent~~.

This Section is established to provide for the granting of Administrative Permits by the ~~Planning~~ Department Director for certain activities, which by their scale, duration or nature, would not generally have an adverse impact on their surroundings when controlled in accordance with the standards set forth in this Code.

315.2. Administrative Permit Required.

Those uses listed in the schedule of uses in Chapter ~~3~~4 as AP may be established in that district only after issuance of an Administrative Permit in accordance with this section. The issuance of an Administrative Permit does not waive the requirements for a building permit or other required approvals.

~~c. For increases of single-family residential docks and seawalls less than one thousand (1,000) square feet, and for manufactured mobile homes, an application for Building Permit shall also constitute the application for Administrative Permit, and the Department Planning Director's signature on the Building Permit shall constitute approval of the Administrative Permit.~~; and

315.3. ~~506.2.~~Approval Authority~~Authorization~~.

The ~~Planning~~ Department Director is hereby authorized to decide all applications for Administrative Permits~~,~~ but~~,~~ shall not have the authority to attach conditions, to waive or modify the requirements of this Code, rule on the compatibility of proposed uses, or exercise any other discretionary authority except as may be specifically authorized pursuant to this Code. The Department ~~Planning~~ Director may, however, include terms in Administrative Permits that impose time limitations, limitations on transfer, and restrictions on renewals or extensions of such permits.

315.4. ~~506.3.~~Application Requirements.

~~Pursuant to Section 105, t~~The ~~County Administrator~~Department Director shall establish administrative procedures setting forth the requirements for information to be submitted with any application for an Administrative Permit.

315.5. ~~506.5.Staff~~ Review Procedures.

All applications for Administrative Permit shall be reviewed and processed for completeness and sufficiency pursuant to ~~Sections 502.4 and 502.5~~this Chapter. Within a reasonable time after receipt of the sufficiency review comments ~~pursuant to Section 502.5.1.~~, the Department ~~Planning~~ Director shall approve or deny the application and shall furnish the applicant a written statement (if requested in writing by the applicant) of the reasons for any denial.

315.6. ~~506.4.~~Standards for Review and Approval.

All Administrative Permits shall be reviewed under the standards set forth in this Code, including, without limitation, ~~Section 704~~Chapter 5. No Administrative Permit shall be issued unless found to be in compliance with such provisions.

~~506.6.Additional Procedures.~~

Commented [LEA43]: 43.Deleted as directed by CAO

Commented [LDI44]: 44.Most of these are already stated in those sections. No need to state in 2 places.

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~~In addition to the other requirements set forth in this Code, Administrative Permits shall be subject to the following procedures:~~

~~a. The Planning Director may waive the requirement for a Final Site Plan, if the criteria for Section 508.4.3.1 for exemptions are met;~~

~~b. Administrative permits with Final Site Plans shall require a Certificate of Level of Service compliance and Building Permit pursuant to the requirements of this Code;~~

~~c. For increases of single-family residential docks and seawalls less than one thousand (1,000) square feet, and for manufactured homes, an application for Building Permit shall also constitute the application for Administrative Permit, and the Planning Director's signature on the Building Permit shall constitute approval of the Administrative Permit; and~~

~~d. Non-conforming uses and expansion of such uses that are subject to the requirement for Administrative Permit shall be governed by Chapter 11.~~

315.7. ~~506.7.~~Appeals.

See Part X of this Chapter~~Appeal from the decision of the Planning Director may be filed in accordance with Section 516 by any person affected by such action within thirty (30) days of the decision by the Planning Director~~.

315.8. ~~506.8.~~Effect of Approval.

Administrative approvals authorize the applicant to proceed with a Building Permit application (if not processed concurrently), or Certificate of Occupancy if no building permit is required.~~Upon the satisfactory completion of the required improvements and applicable Building Permits, the Administrative Permit shall authorize the continued existence of the approved use, structure and improvements subject to the conditions and stipulations contained within the permit and all applicable Federal, State and local regulations.~~

315.9. ~~506.9.~~Expiration.

An Administrative Permit approval without a site plan approval (general development, preliminary or final) shall expire automatically without notice in one (1) year unless, before that time, the applicable Building Permits or Certificate of Occupancy or Certificate of Completion have been issued or the use has been otherwise legally established in accordance with this Code. Administrative permit approvals with a site plan approval shall be valid for the life of the site plan approval.

315.10. Extension.

An extension of this time period may be requested by filing, prior to the expiration, a letter requesting an extension with the Department Director. The letter must state the reasons for the request. No more than one (1) extension may be granted under the provisions of this subsection. Such extensions may not exceed a period of one (1) year from the original date of expiration of the Administrative Permit.

315.11. Abandonment.

An Administrative Permit for any use that is discontinued for longer than one (1) year shall be deemed abandoned, and rendered invalid. Such use may be reestablished only through the approval of a new Administrative Permit pursuant to this section.

315.12. Alterations to Approved Administrative Permits.

Modifications to a development approved through the AP process shall be handled as follows:

A. Site plan layout modifications and changes to the use require a new Administrative Permit.

B. Building additions of less than 1,000 square feet, which do not affect the site plan layout, do not require Administrative Permit approval

Commented [LEA45]: 45.Removed per comments from workshop

Commented [LDI46]: 46.C moved up to applicability

Commented [LDI47]: 47.CAO recommended deleting. Recommend keeping it here so that the reader knows where appeals are addressed. All other sections have this cross-reference.

Commented [LDI48]: 48.Confusing language. Replaced with new.

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Section 316. ~~Section 505.~~Special Permits

316.1. ~~505.1.~~Purpose.

~~Uses permitted by~~ The purpose of Special Permits ~~pursuant to this Code shall be considered generally compatible with the other land uses permitted in a zoning district. However, because of their unique characteristics or potential impacts on the surrounding neighborhood and the County as a whole, each application for a use that requires a Special Permit shall be subject~~ to provide individual review of ~~its~~ the location, design, configuration, operation and the public need for the particular use at the particular location proposed to assure consistency with this Code and the Comprehensive Plan. Each Special Permit may require the imposition of individualized conditions to achieve such consistency and to ensure that the proposed use is appropriate at its particular location.

Commented [LDI49]: 49.The term is already defined in chapter 2 (same write up). Changed this section to address purpose instead.

316.2. Special Permit Required.

Those uses listed in the schedule of uses in Chapter 4 as SP may be established in that district only after issuance and recordation of a Special Permit in accordance with this section. The issuance of a Special Permit does not waive the requirements for a building permit or other required approvals.

316.3. Approval Authority.

The Hearing Officer is hereby authorized to decide all applications for Special Permits and may attach conditions pursuant to Section 312.8.D, rule on the compatibility of proposed uses, or exercise any other discretionary authority except as may be specifically authorized pursuant to this Code. The Hearing Officer may also include terms in Special Permits that impose time limitations, limitations on transfer, and restrictions on renewals or extensions of such permits.

316.4. ~~505.3.~~*Application Requirements.*

~~Pursuant to Section 105, t~~The ~~County Administrator~~Department Director ~~or designee~~ shall establish administrative procedures setting forth the requirements for information to be submitted with any application for a Special Permit.

316.5. ~~505.4.~~Review Procedures.

A. ~~505.4.1.~~ **Staff Review.** All applications for Special Permit shall be reviewed ~~and processed~~ for completeness and sufficiency pursuant to this Chapter~~Sections 502.4 and 502.5~~. Within a reasonable time after receipt of the sufficiency review comments ~~pursuant to Section 502.5.1.~~, the ~~Planning~~ Department Director shall deliver to the Hearing Officer a copy of the application and a written report summarizing the facts of the case, incorporating or summarizing the comments ~~and recommendations~~ of the Planning Department and the DRC ~~and the input of reviewing departments and agencies~~, and schedule a date for a public hearing. ~~Subject to the requirements of Section 502.5.1., t~~The staff report ~~of the Planning Director~~ shall include an analysis of compliance with the general and specific standards set forth in this Section~~Section 505.2~~ and recommended action on the case, including approval, denial or approval with conditions.

B. Neighborhood Workshop. The applicant shall hold a public workshop per Section 312.6.

C. ~~505.4.2.~~**Public Hearing on Special Permit.** Upon receiving the application, report and recommendation from the ~~Planning~~ Department Director and comments from the DRC, the Hearing Officer shall hold at least one (1) public hearing on an application for a proposed Special Permit in accordance with the procedures set forth in this Code.

316.6. ~~505.2.General~~ Standards ~~of~~ for Review and Approval.

~~All proposed Special Permit uses shall meet the following standards:~~A Special Permit request shall not be approved unless it meets the following:

A. ~~a.~~ The proposed use shall be consistent with the Comprehensive Plan and the requirements of this Code;

B. ~~b.~~ The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare;

C. ~~c.~~ The establishment of the use shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district;

~~d. The Special Permit shall meet the requirements of Section 510, Certificate of Level of Service Compliance,or the Special Permit shall be conditioned upon a Certificate of Level of Service being granted prior Construction Drawing approval (this later option is available only where the applicant is required to obtain Construction Drawing approval);~~

D. ~~e.~~ Adequate measures shall already exist, or shall be taken, to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets;

E. ~~f.~~ The ~~proposed~~ use, as proposed, ~~shall be consistent with the community character of the immediate neighborhood of the proposed development;~~is compatible with the surrounding uses and the general desired character of the area (height, bulk, scale, intensity, traffic, noise, drainage, lighting, and appearance);

F. ~~g.~~ Development of the proposed use shall not have a substantial adverse ~~a~~effect on a known archaeological, historical or cultural resource located on or off the parcel proposed for development;

~~h. The design of the proposed use shall minimize adverse effects, including visual impacts, of the proposed use on adjacent property;~~

G. ~~i.~~ Screening and buffers are proposed of such type, dimension and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties. ~~Adequate provision shall be made for buffers, landscaping, public open space and other improvements associated with the proposed use; and~~

~~j. The proposed use shall meet all other standards or requirements set forth in this Code applicable to that use in the zoning district in which or proposed.~~

Commented [LDI50]: 50.Language not necessary. Deleted as recommended by the CAO.

Commented [LDI51]: 51.Same as A.

316.7. Appeals.

See Part X of this Chapter.

316.8. ~~505.5.~~Effect of Approval.

Issuance of an order approving a Special Permit shall authorize the applicant to proceed through the development process required pursuant to this Code. Any County department responsible for considering an additional required approval (such as site plan, CLOS, Building Permit, Certificate of Occupancy, for example) shall review the application for such additional required approval to assure compliance with the Special Permit and any conditions thereof, and shall not grant any additional approvals for development that does not comply with the Special Permit and any conditions thereof.

Upon the satisfactory completion of all required improvements and applicable approvals required pursuant to this Code, the Special Permit shall authorize the ~~continued existence~~ establishment of the approved use, structure and improvements, subject to any conditions of the Special Permit, the requirements of this Code and applicable law.

316.9. ~~505.6.~~Expiration ~~or Abandonment of Special Permit~~.

Unless otherwise provided in the order approving the Special Permit, a Special Permit shall automatically expire one (1) year after the date of approval if~~:~~ the next approval in the process (final site plan approval, building permit or certificate of occupancy) has not been issued.

~~a. A Final Site Plan or Building Permit for the proposed development has not been approved or issued; or~~

~~b. The use has not been otherwise legally established in accordance this Code.~~

316.10. Extension.

An extension of this time period may be requested by filing, prior to the expiration, a letter requesting an extension with the Department ~~Planning~~ Director. The letter must state the reasons for the request. No more than one (1) extension may be granted under the provisions of this subsection. Such extensions may not exceed a period of one

(1) year from the original date of expiration of the Special Permit.

316.11. Abandonment.

A Special Permit for any use that is discontinued for longer than one (1) year shall be deemed abandoned, and rendered invalid. Such use may be reestablished only through the approval of a new Special Permit pursuant to this ~~S~~section ~~505~~.

316.12. ~~505.7.Amendments and~~ Alterations to Approved Special Permits.

~~505.7.1.*Substantial Amendments and Modifications to Permit.*~~ Non-substantial amendments to an approved Special Permit may be approved by the Department Director. Any substantial amendment or modification ~~to a Special Permit or imposed condition~~ shall require the issuance of a subsequent development order by a Hearing Officer ~~pursuant to this Section 505~~. Substantial amendments include the following:

~~505.7.2. *Non-Substantial Changes to Plans.* The Planning Director may approve minor changes to site plans submitted in connection with a Special Permit, subject to the following requirements:~~

~~a. Any required approval by other County departments has been obtained by the applicant;~~

A. ~~b. The proposed changes do not constitute a substantial~~ Any modification ~~of the Special Permit or any~~ to the conditions of approval;

B. ~~c. Such changes do not result in additional external impacts such as a small~~ A major shift in the location of a building or structure;~~,~~

~~**E.** an addition of one thousand (1,000) square feet or less, additional parking spaces or landscaping and aisles, the relocation of a driveway, or a change in the selection of building materials; and~~

C. ~~d. Such c~~Changes ~~will not conflict with a~~ that would affect the project's Certificate of Level of Service; ~~or~~

D. Changes that will conflict with the applicable zoning district requirements or other requirements of this Code~~.~~;

~~For purposes of this Section, the following specific changes shall be considered non-substantial changes that may be made administratively:~~

E. ~~a. Any change in required parking areas resulting in a~~An increase or decrease of ~~less~~ more than ten (10) percent ~~in~~ of the number of parking spaces approved;~~.~~

F. ~~b.~~ Structural alterations ~~not significantly~~ affecting the basic size, construction and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within fifty (50) feet of the boundaries of the lot or within fifty (50) feet of any part of the structure subject to the Special Permit which has been constructed or sold to any owner or owners different from the applicant requesting the change;~~.~~

G. ~~c. A~~~~ny~~ reduction in the total amount of open space of ~~less~~ more than five (5) percent or any minor change in the location or characteristics of open space;~~.~~

H. ~~d. Minor~~Major~~-~~ change in the location or type of pedestrian or vehicular access points or circulation.

I. ~~e. An~~~~y~~ increase in intensity or density ~~beyond~~ within five hundred (500) feet of the use subject to the Special Permit boundaries or ~~beyond~~ within two hundred (200) feet of any part of a structure subject to the Special Permit which has been constructed or ~~sold to an owner or owners different from the applicant requesting the change.~~ is now under different ownership;

J. ~~f. An~~~~y~~ increase in number of stories. An increase in structure height of less than eight (8) feet, ~~provided that there is no increase in the number of~~ not resulting in additional stories~~.~~ may be approved administratively.

K. ~~g.~~ An increase in height of a telecommunication tower of forty (40) feet or ~~less.~~more;

L. ~~h.~~ The relocation of a telecommunication tower ~~within~~ beyond fifty (50) feet of its original location;~~.~~

M. ~~i.~~ A decrease ~~Any increase~~ in the number of pedestrian access points~~.~~;

Commented [LDI52]: 52.This list is too long and detailed, but shouldn't be reduced as part of this phase. It needs to be revisited at a later phase.

Commented [LDI53]: 53.The following came from two other sections in the code (603.6.2.1 and 508.8.3.2).

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N. ~~j.~~ A~~Any~~ change in the phasing schedule which ~~does not~~ affects timing or the amount of improvements or the satisfaction of specific conditions~~.~~

O. ~~k.~~ A reduction of the approved ~~Any changes in~~ yards setbacks of ~~less~~ more than ten (10) percent~~.~~, and any yard change which would encroach upon or affect any utility or drainage easement.

P. ~~l.~~ A change in intensity of use by increasing usable floor area by ~~less~~ more than one thousand (1,000) square feet,~~.~~ by increasing the number of dwelling units by ~~less~~ more than five (5) percent, or by increasing the area devoted to outdoor sales, displays and demonstrations by ~~less~~ more than five (5) percent.

Q. ~~m.~~ An increase in traffic generation by ~~less~~ more than ten (10) percent.

~~F.~~R.~~n.~~ An increase in the area allocated to any land use type by ~~less~~ more than ten (10) percent;

~~Such changes may be approved only as part of the approval of the next required site plan, or by the issuance of a letter of approval by the Planning Director which states that the proposed changes comply with this Code and the Special Permit and all conditions thereof. The Planning Director shall include in the letter written approvals of other departments or agencies.~~

S. A change in use, except that the addition of any of the following permitted and accessory uses, if no specific approval is required, shall be deemed non-substantial: family care homes, permitted home occupations, bed and breakfast facilities, utility uses, and waterfront structures (residential); provided that any applicable use standards in Chapter 5 shall be met.

Commented [LDI54]: 54.Old 508.8.3.2.k.

316.13. ~~505.8.~~Recording of Approved Special Permits.

A notice of an approved Special Permit shall be recorded in the official records of the County maintained by the Clerk of the Circuit Court. The purpose of such notice shall be to notify subsequent purchasers of any limitations on the use of the land.

Section 317. to 319 Reserved.

Part IV. ~~508~~Site Plan~~s~~ Review.

Section 320. Generally

320.1. ~~508.1.~~Purpose and Intent.

The purpose of site plan review is to ensure that development is carried out in compliance with this Code and the Comprehensive Plan. In addition, a site plan describing and portraying both existing and proposed conditions of the development is required in order that the approving body or official can make an informed decision. ~~An applicant may be required to proceed directly to preliminary site plan approval where the Board determines a General Development Plan will not provide adequate detail to assure compliance with this Code and the Comprehensive Plan.~~ There are three levels of site plan review: General Development Plan (GDP), Preliminary Site Plan, and Final Site Plan review.

Commented [LDI55]: 55.Moved down

320.2. ~~508.2.~~Applicability.

Pursuant to this Code, in certain circumstances a site plan may be required as part of a submitted application for development approval, or may~~,~~ where authorized by this Code, be considered and approved as a separate step in the development process. An applicant has the option of proceeding directly to preliminary site plan approval without first obtaining approval of a General Development Plan.

A. General Development Plan Review Required for Planned Development. General development plans shall be

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required in connection with applications for Planned Developments~~s~~ zoning, for all Planned Development projects on property which is zoned for Planned Development but which have no plan approval, ~~and applications for EX Extraction~~, Large Projects, Developments of Regional Impact. An applicant may be required to proceed directly to preliminary site plan approval where the Board determines a General Development Plan will not provide adequate detail to assure compliance with this Code and the Comprehensive Plan. If the applicant is allowed to submit a preliminary site plan without receiving General Development Plan approval, the preliminary site plan shall meet all of the requirements hereunder for a General Development Plan and shall be reviewed for all of the criteria in this Code for both a General Development Plan and a preliminary site plan.

~~508.4.Site Type, Purpose and Requirements.~~

B. Preliminary Site Plan Review Required: ~~An applicant may choose to submit a Final Site Plan at this stage, provided that all requirements for both preliminary and Final Site Plans are met. Provided, however, p~~Preliminary site plans shall be required for the following:

1. ~~*508.4.2.1.*~~*Office and Commercial Projects.* Prior to the submission of Final Site Plans for office and commercial projects greater than thirty thousand (30,000) square feet of gross floor area and for projects greater than three thousand (3,000) square feet of gross floor area in the Agricultural/Rural category of the Comprehensive Plan.
2. ~~*508.4.2.2.*~~*Multi-Family.* Prior to the submission of Final Site Plans for multi-family projects with ten (10) or more dwellings.
3. ~~*508.4.2.3.*~~*Industrial.* Prior to the submission of Final Site Plan for industrial projects of greater than fifty thousand (50,000) square feet of gross floor area except in platted industrial subdivisions.

An applicant may choose to ~~skip~~combine the Preliminary Site Plan review and submit a Final Site Plan instead, provided that all requirements for both Preliminary and Final Site Plans are met.

C. ~~508.4.3.1.~~Final Site Plan Review Required. ~~*Exemptions.*~~ Final site plan~~s~~ review is required for all development projects except the following activities~~shall not be required for~~:

1. ~~*508.4.3.1.1.*~~*Dwellings.* One family, two family, or ~~manufactured~~ mobile home dwellings and their accessory uses and structures, including home occupations, but not including such uses which allow more than two (2) dwelling units per lot.
2. ~~*508.4.3.1.2.*~~*Temporary Uses.*
3. ~~*508.4.3.1.3.*~~*Limited Increase in Gross Floor Area.* When additions, improvements, or alterations to existing uses do not result in an increase of all the structures on the lot in excess of one thousand (1,000) square feet of gross floor area or equals ten (10) percent of the total existing gross floor area, whichever is greater, not to exceed two thousand (2,000) square feet in area.
4. ~~*508.4.3.1.4.*~~*Change of Use~~,~~ with ~~N~~no Additional Parking Spaces Required.* When a change of use to existing structures, not requiring ~~conditional~~ special use approval, requires no additional parking spaces pursuant to Section ~~710~~1005, Off-~~s~~Street Parking.
5. ~~*508.4.3.1.5.*~~*Exempted Special Permits.* ~~Prior to the establishment of a Special Permit use which will occupy an existing structure, where~~ When the ~~Planning~~ Department Director determines that the external modifications to ~~the~~ an existing structure to be occupied by a Special Permit site would not ~~otherwise~~ require submission of a Final Site Plan.
6. ~~*508.4.3.1.6.*~~*Agriculture.* Non-commercial agricultural buildings such as barns, storage structures and similar facilities which contain no wholesale or retail sales activities. Commercial agricultural buildings, such as greenhouses, shall, however, meet all requirements outlined in ~~Section 703~~Chapter 5, Part II, Standards for Accessory Uses and Structures. Any agricultural use in either the WP-E or WP-M Overlay Districts shall require Administrative Permit approval. This exemption shall not apply to any retail agricultural use, building or operation such as farm equipment and supply establishment.

D. Previously Approved Plans. All active conceptual development plans and conceptual site plans approved before adoption of this Code shall be considered General Development Plans for the purposes of this Code. All active preliminary development plans and final ~~development~~ Site plans approved before adoption of this Code

Commented [LDI56]: 56.From 508.4.1. Applications for extraction have to meet the Mining and Reclamation Plan requirements contained later in this chapter, not GDPs.

Commented [LDI57]: 57.Large developments and DRIs not mentioned as requiring GDP, but section 508.4.1.3 addresses the approval of phases in conjunction with the GDP approval.

Commented [LDI58]: 58.Moved from 508.4.1.5.

Commented [LEA59]: 59.Added per workshop comments

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shall be considered ~~p~~Preliminary site plans and Final Site Plans, respectively.

E. ~~508.2.1.~~Site Plans Submitted in Conjunction with Rezoning Application. For all site plans submitted in as part of a rezoning application (for a rezoning to a Planned Development zoning district, for example), the site plan shall be reviewed and approved or denied in accordance with the procedures set forth ~~in Section 504 as part of the~~ for rezoning applications.

Section 321. ~~508.4.1.~~General Development Plans (GDP).

General development plans shall be designed to show the general location and nature of a project and existing site conditions, outlining the type and intensity of land use and principal improvements. ~~General development plans shall be required in connection with applications for Planned Developments – zoning, for all Planned Development projects on property which is zoned for Planned Development but which have no plan approval, and applications for EX-Extraction. All active conceptual development plans and conceptual site plans approved before adoption of this Code shall be considered General Development Plans for the purposes of this Code. All active preliminary development plans and final development plans approved before adoption of this Code shall be considered preliminary site plans and Final Site Plans, respectively.~~

321.1. ~~508.4.1.1.~~Application Requirements~~Information Included~~.

A General Development Plan ~~is required for determinations as to~~ shall depict internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities systems and facilities. A General Development Plan shall include all data reasonably necessary for determining whether the proposed development meets the specific requirements and limitations and the intent, concerning a particular type of Planned Development district. ~~Additional information including, but not limited to market studies, tree surveys, topographical surveys, and view perspectives where view protection is an objective, may be requested, when necessary to make such determinations with respect to a particular General Development Plan. Such information shall be provided, if reasonably necessary to make such determinations, before processing the applications.~~ Specific items to be included in the plan include:

A. ~~508.4.1.2.Uses Listed in General Development Plan.~~ Proposed Uses ~~proposed for a General Development Plan shall be specifically indicated in the application for approval of a General Development Plan~~. Each use listed in the application must be a permitted or accessory use in the requested Planned Development district and shall be listed using the ~~terms~~ terminology used in~~of~~ this Code. The range of permitted uses may be limited or certain uses not permitted by the Board at the time of General Development Plan approval as it is necessary to meet the criteria set forth in Section ~~508.6~~322.2.

B. ~~508.4.1.3.Phasing of~~ Large Projects, Developments of Regional Impact. For large projects, ~~and~~ DRI's~~,~~ and County Facilities, a ~~reasonable~~ proposed phasing schedule ~~may be approved by the Board at the General Development Plan stage,~~ for the submittal of future ~~p~~Preliminary or Final Site Plans shall be included with the application. Such schedule shall provide for a logical division of the units and/or square footage between the phases. The approval of such schedule shall authorize the applicant to apply for construction drawing and final site plan approval in phases, so long as each preliminary site plan has not expired at the time of application. The timing of approvals for each phase of project approval within a preliminary site plan shall be subject to the requirements of Section 321.5~~508.8.1~~ (Expiration and Extensions of General Development Plan).

C. Additional information. Additional information including, but not limited to market studies, tree surveys, topographical surveys, and view perspectives where view protection is an objective, may be requested by the Department Director, when necessary to ~~make such determinations with respect to~~ review a particular General Development Plan. Such information, if requested by the Director, shall be provided~~, if reasonably necessary to make such determinations,~~ before processing the applications.

~~508.4.1.4.Phasing of County Facilities. For County facilities a reasonable phasing schedule may be approved by the Board at the General Development Plan stage, for the submittal of future preliminary or Final Site Plans. Such schedule shall provide for a logical division of the units and/or square footage between the phases. For County facilities that maintain level of service standards, the approval of such schedule shall authorize the County to apply for Construction Drawing and Final Site Plan approval in phases, so long as each preliminary site plan has not expired at~~

Commented [LEA60]: 60.Added shall per workshop comments

Commented [LDI61]: 61.Moved down

Commented [LEA62]: 62.Moved to expiration section (508.8.1/317.4)

Commented [LDI63]: 63.Moved from the bottom half of the old Section 508.4.1.1

~~the time of application. The timing of approvals for each phase of project approval within a preliminary site plan shall be subject to the requirements of section 508.8.1.~~

Commented [LDI64]: 64.Covered above.

321.2. General Development Plan (GDP) Review Process.

A. Pre-Application Meeting. The applicant shall schedule and attend a first-step meeting consistent with the requirements of this Chapter.

B. Application Submittal. The application shall be submitted per this Chapter. If the proposed development also requires Special Permit approval, the applications for GDP and Special Permit may be submitted concurrently.

C. DRC Review. The DRC must review the GDP in accordance with the provisions of this Chapter.

~~Neighborhood workshop. The applicant shall schedule and facilitate a neighborhood workshop per this Chapter.~~

Commented [LEA65]: 65.Deleted per workshop comments.

D. Planning Commission Review. Upon issuance of the written comments by the DRC, the General Development Plan shall be scheduled for a quasi-judicial hearing before the Planning Commission.

E. Board of County Commissioner Review. The Board shall conduct a quasi-judicial hearing on the plan per the requirements of this Chapter.

321.3. Review Criteria.

In deciding whether to recommend for approval, approval with modifications or denial of a proposed GDP, the approving authority shall consider whether the proposed plan is consistent with the Comprehensive Plan and this Code. In making such determination, the approving authority shall consider the approval criteria particular for each PD district, contained in Chapter 4.

Commented [LDI66]: 66.Not the ideal situation, but cannot fix or streamline at this time. Will reconsider in Phase 2.

321.4. ~~508.4.1.5.Further Planned Development Procedures~~Effect of GDP Approval.

~~After~~ Upon approval of a General Development Plan, the applicant may proceed with ~~Planned Development shall be subject to the requirements pursuant to this Section for~~ the submittal ~~and approval~~ of ~~p~~Preliminary and Final Site Plans or, in the case of subdivisions, the submittal of a Preliminary Plat/Plan. ~~If, pursuant to Section 508.2, a preliminary site plan is submitted without receiving General Development Plan approval, the preliminary site plan shall meet all of the requirements hereunder for a General Development Plan and shall be reviewed for all of the criteria in this Code for both a General Development Plan and a preliminary site plan.~~

~~If the Planned Development requires the subdivision of land per this Code, a Preliminary Plat/plan may be submitted. Such plat/plan shall meet the requirements of Section 508 and Chapter 9. The Preliminary Plat/plan shall have an effective period as allowed for a Preliminary Plat in Section 903.5.2 to obtain Construction Drawing, Final Site Plan and Final Plat approval. Once the preliminary site plan is approved, the applicant shall be authorized to submit a Final Site Plan for the parcel. All Planned Developments regardless of whether or not the land is subdivided, shall obtain Final Site Plan approval.~~

Commented [LDI67]: 67.Some of these are requirements that are already stated in those sections (subdivision requirements)

~~508.7.1.*General Development Plan.* Upon approval of a General Development Plan under this Section, the applicant may apply for preliminary site plan approval.~~

Commented [LDI68]: 68.Already stated above.

~~508.8.Expiration, Extensions and Changes. All site plans shall be subject to the following requirements for expiration, extension and changes.~~

Commented [LDI69]: 69.Moved extensions below. Changes only applied to Site Plans. Moved to that section.

321.5. ~~508.8.1.~~ Expiration and Extensions of General Development Plans.

~~508.8.1.1. *General Development Plans.*~~ General Development Plans in effect as of January 1, 2012 shall not expire, notwithstanding any stipulations to the contrary in any ordinances approving a general development plan. General Development Plans shall not contain an expiration date unless otherwise provided for in the development order approving the general development plan or a local development agreement.

~~508.8.1.1.1. *Port Encouragement Zone.* General Development Plans in the PDEZ Districts shall not expire.~~

~~508.8.2.1.General Development Plans. General development plans in effect as of January 1, 2012 shall not expire notwithstanding any stipulations to the contrary in any ordinances approving a general development plan.~~ The build out dates in development orders for developments of regional impact are governed by the Florida Statutes and are not

amended by this Code.

~~508.8.2. Extensions.~~ Extensions to expiration dates for ~~site~~ plans initially approved by the Board may only be granted only by the Board. The Extensions to expiration dates for ~~site~~ plans initially approved by the ~~Planning~~ Department Director may only be granted by the Department~~Planning~~ Director.

~~603.6. Changes in Approved General Development Plan.~~

~~603.6.1. Requests for Change. All requests for review of changes to the General Development Plan shall include, a drawing indicating the property, a location drawing indicating the relationship of the portion to be revised with respect to the entire Planned Development district, if the revision does not include the entire Planned Development district; and such other information concerning the lot, adjoining lots, or other information to clearly represent the entire proposed change and any associated impacts upon the planned development and adjacent properties; and for determining whether the provisions of the district and this Code are being observed.~~

~~603.6.2. Administrative Changes. Certain changes in approved General Development Plans may be permitted by the Planning Director, on application by the original applicant or successors in interest, but only upon making a finding that such changes are:~~

~~1. In accord with all applicable regulations in effect at the time of the amendment creating the Planned Development district, as modified in the amending action;~~

~~2. In accord with all applicable regulations currently in effect; and~~

~~3. In accord with all the conditions and requirements specified in the amendment creating the Planned Development.~~

~~The Planning Director is authorized to approve minor changes in the approved plans of Planned Development districts, provided the changes are consistent with the originally approved Planned Development district.~~

~~603.6.2.1. The following specific changes may be approved administratively:~~

~~1. Any change required in the required number of parking spaces resulting in an increase of less than ten (10) percent in the number of spaces approved.~~

~~2. Structural alterations not significantly affecting the basic size and form of the building(s) as shown on the approved plan, subject to an amended Building Permit approval. Changes in form will only be considered substantial if they occur within fifty (50) feet of the boundary of the Planned Development district or within fifty (50) feet of any part of the planned district which has been constructed or sold to any owner or owners different from the applicant requesting the change.~~

~~3. Any reduction in the amount of open space of less than five percent or any non-substantial change in the location or characteristics of open space, except previously approved stormwater management facilities.~~

~~4. Non-Substantial changes in location or type of pedestrian or vehicular accesses or circulation, which will still adhere to the Manatee County Development Standards.~~

~~5. Any increase in density or intensity for a portion of the project beyond one hundred (100) feet of the zoning lot boundaries or beyond fifty (50) feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change. (This does not authorize an increase in overall density.)~~

~~6. An increase in structure height less than eight (8) feet, or fifteen (15) percent of the approved height, whichever is less, provided there is no increase in number of stories.~~

~~7. Any increase in the number of pedestrian access points.~~

~~8. Any changes in the phasing schedule which do not impact timing, amount, or completion of improvements; or the satisfaction of specific conditions.~~

~~9. Any change in required yard setbacks of less than ten percent, except any yard change which would encroach upon or affect any utility or drainage easement. Such changes may only be approved either on the perimeter of the project or in a nonresidential project.~~

~~10. Any increase in gross floor area of less than or equal to five (5) percent of the gross floor area for the project,~~

~~since the adoption of this Code.~~

~~11. The following Administrative Permit and Accessory Uses may be added to an approved General Development Plan without Board approval if no specific approval is required; Family Care Homes, Permitted Home Occupations, Bed and Breakfast Facilities, Utility Uses, and Waterfront Structure (Residential). Any applicable conditional use criteria in Section 704 shall be met.~~

~~603.6.3. Board Modifications. The following changes shall be considered modifications and shall require approval by the Board at noticed public hearings:~~

~~1. Any change in required parking spaces resulting in an increase of greater than ten percent in the number of spaces approved.~~

~~2. Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approved plan. Changes in form will only be considered significant if they occur within fifty (50) feet of the boundary of the Planned Development district or within fifty (50) feet of any part of the planned district which has been constructed or sold to any owner or owners different from the applicant requesting the change.~~

~~3. Any reduction in the amount of open space of more than five percent or any substantial change in the location or characteristics of open space.~~

~~4. Substantial changes in location or type of pedestrian or vehicular accesses or circulation.~~

~~5. Any increase in density or intensity within 500 feet of the zoning lot boundaries or within 200 feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change. (This does not authorize an increase in overall density or intensity.)~~

~~6. An increase in structure height more than eight (8) feet, or sixteen (16) percent of the approved height, whichever is less.~~

~~7. Any change in the number of vehicular access points or decrease in the number of pedestrian access points.~~

~~8. Any changes in the phasing schedule which impact timing, amount, or completion of improvements; or the satisfaction of specific conditions.~~

~~9. Any change in required yard setbacks of more than ten percent.~~

~~10. Any change which the Planning Director will not make pursuant to 603.6.2 and which is not a substantial modification pursuant to 603.6.4.~~

~~603.6.4. New Plans Required. The following changes and similar changes, shall be considered substantial modifications requiring consideration of a new General Development Plan by the Planning Commission and Board of County Commissioners:~~

Commented [LDI70]: 70.There were 2 sections addressing this topic: 508.8.3.5 and 603.6.4. Consolidated the 2 into 1. Moved to end of Site Plans section.

~~1. An increase in intensity of use of more than five percent useable floor area, or an increase of more than three percent in the number of dwelling units, or an increase of more than five percent in the amount of outside land area devoted to sales, displays or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the Planned Development district in general or the Comprehensive Plan.~~

~~2. Any change in use from the specifically approved use, except as listed in 603.6.2.1(11). However, a change from multi-family to single family shall not be a major modification, if it does not increase external impacts such as, but not limited to transportation, schools, parks, or utilities; and is consistent in lot size, coverage and yards with other single family portions of the development. If no single family units are included in the project, the minimum requirements of the RMF-9 district shall be met.~~

~~3. Any increase in traffic generation by more than ten percent.~~

~~4. Any increase in the area allocated to any land use type by more than ten percent.~~

~~5. Any change in structure height greater than fifteen feet.~~

~~6. Any combination of changes which cumulatively are deemed to be of such significance that a rezoning is required.~~

~~7. Any new airport runaway or expansion to an existing airport runway.~~

Section 322. ~~508.4.2.~~Preliminary Site Plans (PSP).

Preliminary site plans shall be designed to show the location and nature of a project at a greater detail, to allow analysis of the arrangement of land uses and improvements on the site in relation to each other, existing conditions, and surrounding property. ~~An applicant may choose to submit a Final Site Plan at this stage, provided that all requirements for both preliminary and Final Site Plans are met. Provided, however, preliminary site plans shall be required for the following:~~

~~508.4.2.1.Office and Commercial Projects. Prior to the submission of Final Site Plans for office and commercial projects greater than thirty thousand (30,000) square feet of gross floor area and for projects greater than three thousand (3,000) square feet of gross floor area in the Agricultural/Rural category of the Comprehensive Plan.~~

~~508.4.2.2.Multi-Family. Prior to the submission of Final Site Plans for multi-family projects with ten (10) or more dwellings.~~

~~508.4.2.3.*Industrial.* Prior to the submission of Final Site Plan for industrial projects of greater than fifty thousand (50,000) square feet of gross floor area except in platted industrial subdivisions.~~

322.1. ~~508.3.~~ Application Requirements.

~~Pursuant to Section 105, t~~The ~~County Administrator~~Department Director shall establish administrative procedures setting forth the requirements for information to be submitted with any application for a preliminary site plan approval. Such requirements may include distinct requirements for different types of site plans, and/or distinct requirements for different types of development approvals for which site plans are required. The matters which may be addressed by such requirements may include, and shall not be limited to:

A. ~~a.~~ Graphic, documentary and technical standards;

B. ~~b.~~ Information relating to project design, configuration, proposed uses, buffering, delineation of lots, uses, easements, public and private improvements, conservation and preservation areas;

C. ~~c.~~ Information relating to existing and pending approvals, conditions, related off-site improvements, external surroundings, existing and proposed facilities; and

D. ~~d.~~ Any other information necessary to assure compliance with this Code and the Comprehensive Plan.

322.2. ~~508.6.Factors for Reviewing Proposed~~ Preliminary Site Plan~~s~~ Review Criteria.

In deciding whether to recommend for approval, or approv~~e~~al with modifications, or denial of a proposed preliminary site plan, the approving authority ~~Planning Commission, Board or Planning Director, as the case may be,~~ shall consider the following~~whether the proposed site plan is consistent with the Comprehensive Plan and this Code. In determining whether such site plan is consistent with the Comprehensive Plan and this Code, the Planning Commission, Board and the Planning Director shall consider the following~~ factors:

A. Previous Approvals: The site plan substantially conforms and is consistent with prior approvals such as a General Development Plan, rezoning, Special Permit, variance, etc.

B. Comprehensive Plan. The proposed plan must be consistent with all applicable provisions of the Manatee County Comprehensive Plan.

C. Land Development Code. The proposed plan must be in conformance with ~~the purpose and intent of the~~ Land Development Code.

~~**508.6.25.4. Other Regulations.** The proposal is in accordance with the provisions of any other applicable regulations or standards, as evidenced by the written approval of any other appropriate authorities whose approval is being sought as part of the site plan review process pursuant to Section 508.4.~~

D. Use and District Requirements. The proposal must conform to the requirements of the zoning district(s) in which it is located and, where applicable, to the requirements of Chapter 5 for the particular use or activity under consideration.

~~**Public Facilities and Services.** All necessary public facilities and services (both on-site and off-site), such as~~

Commented [LDI71]: 71.Moved up

Commented [LDI72]: 72.This section was originally written for PD site plans. Moved all standards (508.6.1 to 24) to the zoning chapter. Kept 508.6.25 and 26 here.

Commented [LDI73]: 73.It is not the County responsibility to ensure compliance with other agency's regulations.

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~~transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, and other essential public facilities and services, must be adequate to serve the proposed use.~~

~~**Public Health, Safety and Welfare.** The proposal shall not adversely affect the public health, safety, welfare or quality of life.~~

E. Environment. The proposal shall not adversely impact environmentally sensitive lands or natural resources.

F. Circulation. Ingress and egress to the property and internal traffic patterns must be designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe.

~~508.6.25.Additional Factors for Review of Preliminary Site Plans. In addition to the foregoing factors, review of preliminary site plans shall also include consideration of the following factors:~~

~~508.6.25.1.General Development Plans. The site plan substantially conforms to any valid General Development Plan previously approved for the development, and any conditions of approval.~~

~~508.6.25.2.Conditional Use. The proposal is in accordance with the terms and conditions of any applicable Administrative Permit or Special Permit.~~

G. ~~508.6.25.3.~~ Concurrency. The site plan ~~has~~ must meet~~met~~ the requirements of Section ~~510~~360, Certificate of Level of Service, or the site plan ~~has been~~must be conditioned upon a Certificate of Level of Service being granted prior to Construction Drawing approval (this second option is available only where the applicant is required to obtain Construction Drawing approval).

~~508.6.26. Factors for Administrative Review of Preliminary and Final Site Plans. Administrative review of preliminary and Final Site Plans shall include consideration of the following factors:~~

~~508.6.26.1. Preliminary Site Plans. The site plan substantially conforms to any valid preliminary site plan previously approved by the Board or Planning Director for the development, and any conditions of approval.~~

~~508.6.26.2. Required Improvements. The developer provides adequate assurance that he or she will comply with the provisions of Section 722, Installation of Required Improvements.~~

~~508.6.26.3. Concurrency. The development has received a Certificate of Level of Service.~~

322.3. Preliminary Site Plan Review Process.

A. Pre-Application Meeting. The applicant shall schedule and attend a first-step meeting consistent with the requirements of this Chapter.

B. Application submittal. The application shall be submitted per this Chapter. If the proposed development also requires Special Permit approval, the applications for PSP and ~~CUP~~Special Permit may be submitted concurrently.

C. Development Review Committee Review. The DRC must review the PSP in accordance with the provisions of this Chapter.

~~Neighborhood workshop. The applicant shall schedule and facilitate a neighborhood workshop per this Chapter.~~

D. Planning Commission Review. Upon issuance of the written ~~recommendation~~comments of ~~by~~ the DRC and the staff report, the ~~General Development~~Preliminary Site Plan shall be scheduled for a quasi-judicial hearing before the Planning Commission.

E. Board of County Commissioner Review. The Board shall conduct a quasi-judicial hearing on the plan per the requirements of this Chapter.

322.4. ~~508.7.2.~~Effect of Preliminary Site Plan Approval.

Upon approval of a preliminary site plan under this Section, the applicant may apply for Final Site Plan approval.

Commented [LEA74]: 74.Per CAO, county does not require review of LOS at this level.

Commented [LEA75]: 75.Not applicable to technical site plan

Commented [LDI76]: 76.All these are covered in the previous section (introduction).

Commented [LEA77]: 77.Deleted per workshop comments

Commented [LEA78]: 78.Changed per workshop comments

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322.5. Expiration of Preliminary Site Plans.

~~508.8.1.2.*Preliminary Site Plans.* Preliminary site plans shall expire~~ The applicant must submit a Final Site Plan application within five (5) years of the preliminary site plan approval~~after the date of approval unless a complete Final Site Plan is submitted within five (5) years~~. If the applicant does not receive final site plan approval within this time, then the preliminary site plan is no longer valid.

~~508.8.2.2. Preliminary Site Plans.~~ The expiration date for a preliminary site plan may be extended by the Board for ~~not be extended more than~~ a maximum of two (2) years beyond the original expiration date. The applicant must request such an extension in writing. When reviewing requests for extension, the Board shall consider the following criteria:

A. The proposal remains consistent with applicable provisions of the adopted Comprehensive Plan, including a consideration of any change to the future land use map designation for adjacent properties since the original approval of the preliminary site plan.

B. Whether the proposal remains consistent with applicable provisions of the adopted Land Development Code, including a consideration of any change to the zoning map designation for adjacent properties since the original approval of the preliminary site plan.

C. Whether the proposal remains compatible with existing development on adjacent properties, including a consideration of any new development on adjacent properties since the original approval of the preliminary site plan.

Commented [LDI79]: 79.New language. The Board needs to have criteria to determine if an extension is warranted.

Section 323. ~~508.4.3.~~Final Site Plan (FSP)~~s~~.

Final Site Plan review is intended to assess compliance of a proposed development with the specific use, dimensional, and other regulations of this Code and the terms of any prior approval of the project. Therefore, Final Site Plans shall be designed to show the specific arrangement of buildings and other improvements on a site in relation to each other, existing site conditions, and surrounding property, together with specific information on the nature and intensity of land use.~~, primarily for determination of compliance with the specific use, dimensional, and other regulations of this Code and the terms of any prior conditional approval of the project.~~ Final site plans shall be generally required:

A. ~~a.~~ Prior to the application for a Building Permit,

B. ~~b.~~ Prior to the establishment or expansion of a Special Permit use,

C. ~~c.~~ Concurrently with the issuance of an Administrative Permit,

D. ~~d.~~ Prior to the establishment, expansion, or change of any use, activity, or structure, pursuant to the provisions of this Code.

323.1. ~~508.5.Staff~~ Review and Approval.

A. Application submittal. The application for Final Site Plan review shall be submitted on a form prescribed by the County. A developer may apply for Final Site Plan and Building Permit concurrently, at his or her own risk, provided that no Building Permits shall be issued until the Final Site Plan is approved. All applications for site plan approval shall be reviewed and processed for completeness and sufficiency ~~pursuant to Sections 502.4 and 502.5.~~ prior to proceeding with the review.

Commented [LDI80]: 80.From 508.7.3

B. Administrative Review. The Department ~~Planning~~ Director shall review the Final Site Plan for conformance with the land development code.

323.2. Final Site Plan Review Criteria.

Every site plan shall be evaluated based upon the following criteria, in addition to the criteria for General Development Plan approval:

A. Whether the plan meets the requirements of the land development code;

B. Whether the proposed development is consistent with the comprehensive plan;

C. Whether the proposed development is consistent with prior applicable approvals; and

D. Whether the proposed development meets the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applicable at the particular development review stage), or certificate of conditional concurrency reservation.

323.3. ~~508.7.~~Effect of Final Site Plan Approval.

~~508.7.3.*Final Site Plan.* Upon submission of a Final Site Plan under this Section a developer may apply for a Building Permit, at his or her own risk, provided that no Building Permits shall be issued until the Final Site Plan is approved.~~

Approval of the Final Site Plan authorizes the applicant to proceed with an application for Building Permit. Any comments issued by the DRC will need to be addressed prior to the approval of the Building Permit.

Prior to commencement of construction activities authorized with the approved Final Site Plan, an Erosion and Sediment Control Plan (ESCP) shall be approved by the ~~Planning~~ Department Director, as required pursuant to ~~Section 519 of this Code~~the Manatee Public Works Standards Manual.

~~The approval of a Final Site Plan upon the issuance of the required Building Permits authorizes the start of construction. This authorization shall expire automatically without notice upon failure to obtain all principal structure Building Permits and other required Federal, State or local approval before the stated expiration date or the completion or expiration of such Building Permits.~~

~~Upon the satisfactory completion of the improvements and Building Permits, the Final Site Plan shall authorize the continued existence of the approved use, structure and improvements subject to the conditions and stipulations contained within and all applicable Federal, State and local regulations.~~

~~Substantive design and development standards for development that is subject to site plan approval shall not be imposed pursuant to this Section 508.3.~~

~~508.4.4.*Site Plan to Serve as Mechanism for Other Required Approvals.*~~ Developments requiring approval of a tree protection plan and tree removal permit, parking lot landscaping plan, screening plan, off-street parking or loading plan, driveway permit, private street application and similar approvals, may be processed concurrently with the final site plan, within the discretion of the Department Director and based upon prior written approval of the appropriate County approving authority for such other plan or permit. ~~A preliminary site plan or Final Site Plan may serve as the mechanism for granting other approvals required under this Code, provided that the intention to utilize the site plan in this manner is~~ The request for specific approvals shall be clearly stated in the formal submission of ~~such~~ the site plan. ~~Site plans processed in accordance with this Section may serve as any required tree protection plan and Tree Removal Permit, parking lot landscaping plan, screening plan, off-street parking or loading plan, driveway permit, Private Street application and approval otherwise required pursuant to this Code. Site plans may also serve as any other formal plan or permit required under this Code or other County ordinance, within the discretion of the Planning Director and based upon prior written approval of the appropriate County approving authority, if any, for such other plan or permit.~~

~~To implement this Section, the County Administrator may establish special review and approval procedures pursuant to Section 105 to facilitate a streamlined and simplified development approval process, which may include a reduced fee schedule if appropriate.~~

323.4. Expiration and Extension of Final Site Plans.

~~508.8.1.3. *Final Site Plans.*~~ Final site plans shall be valid for four (4) years, unless the Board specifically approved a longer time frame as part of a DRI or large project~~, in which case such Final Site Plans may be valid for a maximum of ten (10) years. Except as otherwise provided above, the approval of a~~ Final Site Plan approvals shall expire ~~on its stated expiration date~~as noted above, unless ~~before that date,~~ all Building Permits for the principal structures are issued before that date.

~~508.8.1.4. Expedited Expirations.~~ The ~~Board or Planning~~ approval authority ~~Director~~ may, as a condition of approval of a site plan, establish an expiration date that is sooner than otherwise required pursuant to this Section, in order to

Commented [LDI81]: 81.Moved up.

Commented [LDI82]: 82.Unnecessary. Section above only authorizes to pull building permit.

Commented [LDI83]: 83.Same comment as previous.

Commented [LDI84]: 84.Unnecessary

Commented [LDI85]: 85.The "specific approval" noted in the previous sentence may have been for a different timeframe.

ensure prompt compliance with the Code in a case involving code enforcement action, or to further the public health, safety and welfare.

~~508.8.2.3.Final Site Plans.~~ The expiration date of a final site plan may be extended by the Department Director for a maximum of ~~The expiration date for a Final Site Plan may not be extended more than~~ three (3) years beyond the original expiration date. The expiration date of a Final Site Plan scheduled to expire concurrently with the expiration of a Certificate of Level of Service ~~pursuant to Section 508.8.1.4.~~ may not be extended beyond the date of expiration of the Certificate. When reviewing requests for extensions, the Director shall consider the criteria for preliminary site plan extensions (section 322.5).

~~508.8.2.4.*Local Government Development Agreements.*~~ The expiration date for any approved site plan may be extended for a period longer than ~~allowed pursuant to the above sections~~three (3) years ~~508.8.2.1, 508.8.2.2, and 508.8.2.3~~, ~~notwithstanding the limitations contained in those sections,~~ in connection with a development agreement.

Section 324. ~~508.8.3.~~Changes to Approved Site Plans (GDP, PSP and FSP).

~~Except for administrative changes authorized pursuant to Section 508.8.3.2., changes to site plans approved by the Board may be approved only by the Board. Changes to site plans approved by the Department Planning Director may be approved by the Department Planning Director.~~

Commented [LDI86]: 86.In conflict with the sections below which state which changes can be approved administratively vs. Board.

324.1. ~~508.8.3.1.~~Requests for Change.

All requests for review of changes to site plans shall include a drawing indicating the property, a location drawing indicating the relationship of the portion to be revised with respect to the entire project; and such other information concerning the lot, adjoining lots, or other matters, to clearly represent the entire proposed change and any associated impacts upon the project and adjacent properties; and for determining whether the provisions of the district and this Code are being observed.

324.2. **Approval Authority**

A. ~~**508.8.3.2.**~~**Administrative ~~Changes~~Approval.** The following ~~administrative~~ changes to ~~Board~~ approved site plans may be approved by the Department ~~Planning~~ Director:

1. ~~a.~~ Any change in the required number of parking areas resulting in an increase of less than ten (10~~%~~) percent in the number of spaces approved;
2. ~~b.~~ Structural alterations not significantly affecting the basic size and form of the building(s) as shown on the approved plan~~, subject to an amended Building Permit approval~~; Changes in form will only be considered substantial if they occur within fifty (50) feet of the boundaries of the ~~lot~~ site (or district in the case of a PD GDP) or within fifty (50) feet of any part of any of the structures ~~subject to the Special Permit~~ which have~~s~~ been constructed or sold to any owner or owners different from the applicant requesting the change;~~.~~
3. ~~c.~~ Any reduction in the amount of open space of less than five (5~~%~~) percent or any non-substantial change in the location or characteristics of open space~~, except previously approved stormwater management facilities; Any reduction in the total amount of open space of less than five (5) percent or any minor change in the location or characteristics of open space~~;~~.~~
4. ~~d.~~ Non-substantial changes in location or type of pedestrian or vehicular accesses or circulation, which will still adhere to the Manatee County Development Standards;
5. ~~e.~~ Any increase in density or intensity for a portion of the project beyond five hundred (500) feet of the ~~zoning lot~~ site boundaries or beyond two hundred (200) feet from any part of the site which has been constructed or sold to an owner or owners different from the applicant requesting the change. For Planned Development GDPs, it shall be one hundred (100) feet from the district boundaries and beyond fifty (50) feet from any part of the site which has been constructed or sold to an owner or owners different from the applicant requesting the change.(This does not authorize an increase in overall density or intensity);
6. ~~f.~~ An increase in structure height less than eight (8) feet, or within fifteen (15) percent of the approved height, whichever is less, provided there is no increase in number of stories;

Commented [LDI87]: 87.No need to note the amended Building Permit (handled by Building Code).

Commented [LDI88]: 88.Repeats previous sentence.

Commented [LDI89]: 89.What is a "zoning lot"? Changed to "site". The County currently uses 500 feet for site plans but 100 feet (and 50 if sold) for GDPs. Should consider using tame distance for both.

Commented [LDI90]: 90.This part seems to have been left out. Without it, there is no criteria for distance from site boundaries. The Board approval list shows 200'.

Commented [LDI91]: 91.Not new, the Board approvals state 16% or more. Need to keep at 15% so that there is no question about what happens between 15 and 16%.

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7. g. Any increase in the number of pedestrian access points;

8. h. Any changes in the phasing schedule which do not impact timing, amount, or completion of improvements; or the satisfaction of specific conditions;

9. i. Any change in required yard setbacks of less than ten (10%) percent, except any yard change which would encroach upon or affect any utility or drainage easement. In PDs, such changes may only be approved either on the perimeter of the project or in a nonresidential project. ;

10. j. Any increase in gross floor area of less than or equal to five (5%) percent of the gross floor area for the project, since the adoption of this Code; and

11. k. The addition of any of the following Administrative Permit and accessory uses, if no specific approval is required: family care homes, permitted home occupations, bed and breakfast facilities, utility uses, and waterfront structure (residential); provided that any applicable conditional use criteria in Chapter 5, Part IVSection 704 shall be met.

12. However, a A change from multi-family to single family shall not be considered a major modification, if it does not increase external impacts such as, but not limited to transportation, schools, parks or utilities; and is consistent in lot size, coverage and yards with other single family portions of the development. If the zoning district does not specify dimensional requirements for single family units, or no single family units are were included in the original PD GDP approvalproject, the minimum requirements of the RMF-9 district shall be met.

Such changes may only be approved if the Planning Director determines that such changes are consistent with the requirements of this Code and the Comprehensive Plan, but only upon making a finding that such changes are:

a.In accord with all applicable regulations in effect at the time of the amendment creating the Planned Development district, as modified in the amending action;

b. In accord with all applicable regulations currently in effect; and

c. In accord with all the conditions and requirements specified in the amendment creating the Planned Development.

B. 508.8.3.3.Board ModificationsApproval. The following All other changes shall be considered modifications that shall require approval by the Board at a noticed public hearings, except for those noted below as requiring a new application.:

a. Any change in required parking spaces resulting in an increase of ten (10%) percent or more in the number of spaces approved.

b. Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approval plan. Changes in form will only be considered significant if they occur within fifty (50) feet of the boundary of the Planned Development district or within fifty (50) feet of any part of the planned district which has been constructed or sold to any owner or owners different from the applicant requesting the change.

c. Any reduction in the amount of open space of more than five (5%) percent or any substantial change in the location or characteristics of open space.

d. Substantial changes in location or type of pedestrian or vehicular accesses or circulation.

e. Any increase in density or intensity within five hundred (500) feet of the zoning lot boundaries or within two hundred (200) feet of any part of the Planned Development district which has been constructed or sold to an owner or owners different from the applicant requesting the change. (This does not authorize an increase in overall density or intensity.)

f. An increase in structure height more than eight (8) feet, or sixteen (16) percent of the approved height, whichever is less.

g. Any change in the number of vehicular access points or decrease in the number of pedestrian access points.

h. Any changes in the phasing schedule which impact timing, amount, or completion of improvements; or the satisfaction of specific conditions.

Commented [LDI92]: 92.The GDP section has this additional language: "Such changes may only be approved either on the perimeter of the project or in a nonresidential project."

Commented [LDI93]: 93.From 508.8.3.5.

Commented [LDI94]: 94.508.8.3.3.*board modifications.* Not needed – board has to change anything that can't be changed administratively

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~~i. Any change in required yard setbacks of more than ten (10%) percent.~~

~~j. Any change that the Planning Director is not authorized to approve administratively pursuant to Section 508.8.3.2. and which is not a substantial modification that requires approval of a new site plan pursuant to 508.8.3.5.~~

~~508.8.3.5.~~Changes Requiring a New Application~~Plans~~.

C. The following types of changes shall be considered substantial modifications requiring the submittal of a new application for GDP, PSP or FSP approval ~~of a new General Development Plan or preliminary site plan pursuant to this Section 508~~:

1. ~~a.~~ An increase in intensity of use of more than five (5~~%~~) percent of the usable floor area, or an increase of more than three (3~~%~~) percent of the number of dwelling units, or an increase of more than five (5~~%~~) percent of the amount of outside land area devoted to sales, displays or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the ~~Planned Development~~zoning district ~~in general~~ or the Comprehensive Plan.
2. ~~b.~~ Any change in use from the ~~specifically~~ approved use, except as ~~listed in Section~~noted in subsection, A, above~~603.6.2.1(11)~~. ~~However, a change from multi-family to single-family shall not be considered a major modification, if it does not increase external impacts such as, but not limited to transportation, schools, parks or utilities; and is consistent in lot size, coverage and yards with other single family portions of the development. If no single family units are included in the project, the minimum requirements of the RMF-9 district shall be met.~~
3. ~~c.~~ Any increase in traffic generation by more than ten (10%) percent.
4. ~~d.~~ Any increase in the area allocated to any land use type by more than ten (10%) percent.
5. ~~e.~~ Any change in structure height greater than fifteen (15) feet.
6. ~~f.~~ Any combination of changes which cumulatively are deemed by the Department Director to be of such significance that a ~~rezoning~~ new application is required.
7. ~~g.~~ Any new airport runaway or expansion to an existing airport runway.
8. ~~h.~~ Any change of a similar nature to the foregoing.

324.3. Review Criteria:

~~Such~~ Plan changes may only be approved if the Department ~~Planning~~ Director (for changes listed under section 324.2.A) or the Board (for changes listed under section 324.2.B) determine~~s~~ that such changes are consistent with the requirements of this Code and the Comprehensive Plan, but only upon making a finding that such changes are:

A. ~~a.~~ In accord with all applicable regulations in effect at the time of the original plan approval~~amendment creating the Planned Development district, as modified in the amending action~~;

B. ~~b.~~ In accord with all applicable regulations currently in effect; and

C. ~~c.~~ In accord with all the conditions and requirements specified in the amendment creating the Planned Development, in cases where the site is zone PD.

324.4. ~~508.8.3.4.~~Effect on Expiration.

Changes approved pursuant to this Section shall not operate to extend the expiration date of a site plan.

Section 325. to 329 Reserved.

Commented [LDI95]: 95.There were 2 sections addressing this topic: 508.8.3.5 and 603.6. Consolidated the 2 into 1.

Commented [LDI96]: 96.Moved to administrative approvals section.

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Part V. ~~Chapter 9 –~~ Subdivision Procedures ~~and Standards~~.

Section 330. General Requirements

330.1. ~~Section 901. -~~ Purpose.

The purpose of this section~~Chapter~~ is to set forth the procedures and standards for subdividing land, reviewing and approving subdivision plats.

330.2. ~~Section 902. - General Procedures~~Subdivision Approval Required.

~~902.1. General Requirements. The requirements set forth herein stipulate the procedure for three types of subdivision plat approvals which are: a minor subdivision, a major subdivision, and a certified lot(s). Each type is specifically identified in this Section.~~ No person, firm, or corporation shall create a subdivision, pursuant to section 177.031(18), Florida Statutes, of any land, or proceed with the improvement of lots in a subdivision or the construction of ~~ways~~ streets, or the installation of utility services therein until the appropriate subdivision ~~is approved by the Director~~ and, when applicable, the construction drawings are approved by the ~~Director~~County.

Commented [LEA97]: 97.Added per workshop comments

There are three (3) levels of subdivision review based on the nature of the subdivision, as follows. Table 3-3 outlines the general steps required for each.

A. ~~902.1.2.~~**Major subdivision** shall mean any subdivision of land creating eleven (11) or more residential lots or parcels of land; or any non-residential subdivision; or any time the division of land results in the establishment of a new street; or the creation of six (6) or more lots on an existing unpaved, county street.

B. ~~902.1.1.~~**Minor subdivision** shall mean any residential subdivision of land creating three (3) to ten (10) lots or parcels of land; and does not include any type of non-residential subdivision. The minor subdivision shall front on an existing public street or private street built to the current Manatee County Development Standards; and which meets the following three (3) requirements:

1. ~~1.~~ Not involving the establishment of a new street;
2. ~~2.~~ Not involving the extension of any public facility mains within the rights-of-way and creation of any new general public improvements involving the review or approval of construction drawings, as determined by the Manatee County excluding individual lot service connections; and
3. ~~3.~~ Not in conflict with any provision of the Comprehensive Plan, Land Development Code, Building Code or other officially adopted plans, policies or regulations.

C. ~~902.1.3~~ Lot Split (**Certified Lot(s)**) shall mean any subdivision, dividing or splitting of unplatted land for no more than two lots, all of which are buildable per the current zoning of the proposed parcel(s) and consistent with the LDC and Comprehensive Plan and which meets the following three (3) requirements:

1. ~~1.~~ Not involving the establishment of a new street;
2. ~~2.~~ Not involving the extension of any public facility mains within the rights-of-way and creation of any new general public improvements involving the review or approval of construction drawings, as determined by the Manatee County excluding individual lot service connections; and
3. ~~3.~~ Not in conflict with any provision of the Comprehensive Plan, Land Development Code, Building Code.
   a. ~~a.~~ Each new lot shall be a legal conforming lot of sufficient size to meet minimum zoning requirements, uplands, and setbacks as required by the Land Development Code. Flag lots shall not be permitted.
   b. ~~b.~~ The parent parcel shall front on an existing public ~~street~~ or private street built to the current Manatee County Development Standards. Creation of a new public or private street shall require a Major Subdivision. Access by easement is permitted pursuant to LDC Section 1001.1.C.5~~712.2.7~~.

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Table 3 - 3: Review by Subdivision Type

	Preliminary Plat (see Section 220)	Construction Plans (see Section 221)	Final Plat (see Section 222)
Major Subdivision	Required	Required	Required
Minor Subdivision	Not required	Not required	Required
Lot Split (Certified Lots)	Not required	Not required	Not required

~~902.1.4.The general processing of the subdivision plat application consists of:~~

~~Stage~~	~~Minor Subdivision~~	~~Major Subdivision~~
~~Pre-Application Conference~~	~~Required~~	~~Required~~
~~Preliminary Plat~~	~~Not Required~~	~~Required~~
~~Construction Plans~~	~~Not Required~~	~~Required~~
~~Final Plat~~	~~Required~~	~~Required~~

~~902.2.Pre-Application Conference.~~
~~902.2.1. Minor Subdivisions. A pre-application conference for a minor subdivision is mandatory.~~
~~902.2.2.Major Subdivisions. Applicants requiring Preliminary Plat approval of a major subdivision shall be required to attend a pre-application conference with the appropriate County Departments.~~
~~902.2.3. Certified Lot(s). A pre-application conference for a Certified Lot(s) is not mandatory, but encouraged.~~
~~902.2.4.For Minor, Major, Subdivisions and Certified Lot(s).. At the pre-application conference, the applicant shallprovide written proof of ownership or option to purchase subject property. The pre-application conference shall be recognized as a formal meeting and is not to be confused with general inquiries or with individual meetings with County staff involving general information.~~
~~902.3.Application Submission and Determination of Completeness.~~

~~902.3.1.All applications for approval of a plat for a subdivision shall be submitted to the Planning Director in accordance with the provisions of Chapter 5. If the application documents are incomplete, the application may, at the sole option of the Planning Director be returned to the applicant as disapproved and requiring no further obligation of the County to continue the application process. No application shall be deemed to be complete and therefore officially filed with the County, unless and until, all information and materials required by these Regulations have been submitted.~~

~~902.3.2.Required Document Submission.~~

~~Stage~~	~~Submit to and Determination of Completeness By~~
~~Preliminary Plat~~	~~Director~~
~~Construction Plans~~	~~Director~~
~~Final Plat~~	~~Director~~
~~Certified Lot(s)~~	~~Director~~

~~902.4.Lot Consolidation and Reconfiguration. Adjacent lots or portions thereof may be consolidated in accordance with this Section so long as doing so will not result in the creation of a new nonconformity under Chapter 11. Nothing herein shall be construed to require that adjacent lots be consolidated pursuant to this Section in order to be developed in common.~~

Commented [LDI98]: 98.Deleted as requested by staff.

~~902.4.1.General. Applications for lot consolidation review shall be submitted to the Director for review and approval. The application shall include a Lot Consolidation Agreement ("Lot Consolidation Agreement"), sketch and parcel description, a completed land development application and an affidavit of ownership and agency appointment. The Lot Consolidation Agreement shall be in recordable form acceptable to Manatee County and shall provide that such lots shall be considered and developed as one (1) parcel of land, and that no portion of the parcel of land shall be transferred, devised or assigned separately, except as one (1) parcel of land. Any further subdivision of the parcel of land shall comply with this Code. This Lot Consolidation Agreement shall be deemed a covenant running with the land and shall remain in full force and effect and be binding upon the owner, any heirs and assigns.~~

~~902.4.2.Review. Review by Department within a reasonable period following receipt of the application, the Director~~

~~shall approve or deny the lot consolidation, furnishing the Owner with a statement in writing of its reason for disapproval. Upon approval, the Director shall cause the Lot Consolidation Agreement to be recorded in the Public Records of Manatee County, Florida.~~

~~902.4.3.Effect. Upon approval and recording in the public records, of a lot consolidation, the density of the overall subdivision development shall be calculated utilizing the consolidated parcel.~~

Section 331. ~~Section 911.~~Vacation of Streets and ~~Transfer of~~ Plats.

331.1. ~~911.1.~~Purpose.

This ~~S~~section is established to provide procedures for the exercise of the authority granted to the Board to vacate and annul plats or portions thereof, pursuant to Section 177.101, Florida Statutes, and to vacate, abandon, discontinue, close, renounce and disclaim streets, roads, alleys, and other appropriate property; or any portion thereof; and termination of County easements; pursuant to Section 336.09 through 336.12, Florida Statutes, lying within the unincorporated area of the County.

~~911.2.2.*Title Documents and Tax Certifications.* Title documents must accompany the application which indicates that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the Board will not affect the ownership or right of convenient access of persons owning other parts of the subdivision. The applicant shall also furnish certificates showing that all state and county taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under Section 194.171, Florida Statutes, the owner of the platted lands sought to be vacated shall post a cash bond, approved by the Manatee County Tax Collector and by the Florida Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to Section 194.192, Florida Statutes, adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable time frame for such litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond shall be attached to the application.~~

~~911.2.3.*Receipt; Application Number.* Upon the filing of said application and the payment of said filing fee as hereinabove set forth, and as nearly simultaneously therewith as practicable, the Transportation Department shall issue a receipt to the applicant for the filing fee and assign a file number to said application.~~

~~911.2.4.*Review and Coordination by DPT.* The Transportation Department shall be the coordinator and liaison between the applicant, the Board, and the appropriate reviewing agencies. The Transportation Department shall cause the original application to be transmitted to the Board to be filed among the public records. The Transportation Department shall within a reasonable time after receipt of an application, and based upon the report and recommendation of the reviewing agencies, prepare a written report and make a recommendation to the Board as to what action should be taken on the application.~~

331.2. ~~911.3.Public Hearing Requirements~~Review Process.

A. Pre-Application Meeting. The applicant shall attend a pre-application meeting as provided for in Section 312.2.

~~911.2.Application Requirements.~~

B. ~~911.2.1.~~Application Submittal. ~~Filing with the Public Transportation Department.~~ An applicant proposing to ~~for the vacation of~~ vacate certain streets, roads, or other appropriate property, and to terminate County easements~~any real property~~ pursuant to the provisions ~~herein~~ of this section shall ~~duly~~ complete and ~~file~~ submit an ~~A~~application ~~with the required documents and appropriate number of copies~~ to the ~~Transportation~~ Department Director~~for~~ ~~the vacation of certain streets, roads, or other appropriate property, and termination of County easements~~ subject to the provisions of Section 312.3. ~~The submission of documents shall be in compliance with the "Application For The Vacation Of Certain Streets, Roads, Or Other Appropriate Property" form, together with the required filing fee as established by the Board.~~ It will be the responsibility of the ~~costs to be borne by the~~ applicant to furnish any additional maps, charts, surveys, legal descriptions, title opinions, and title policies as required by the ~~Public Transportation~~ Department Director for clarification to the reviewing agencies and the Board.

Commented [LDI99]: 99.Current Code says to submit to Transportation Department Director. Propose channeling through Department Director just like all other applications.

911.3.1.*Public Hearing and Notice*. Subsequent to transmitting the original application to the Board by the Transportation Department, the Board shall schedule a public hearing for consideration of the adoption of a Resolution Declaring Public Hearing On Application For The Vacation Of Streets, Roads Or Other Appropriate Property, in connection with said application.

C. **911.3.2.Advertising Requirements (For Notice Of Public Hearing for Vacations**. In accordance with the Florida Statutes the Public Hearing Notice will be provided.It shall be the applicant's responsibility to give the proper notice in accordance with the provisions of Section 177.101, Florida Statutes, or Section 336.09 through 336.12, Florida Statutes, whichever is applicable, and the following:.

Commented [LEA100]: I00.Simplified as requested by the CAO.

Vacations Pursuant toApplication	**Advertisement Must Appear**
Plat Annulments pursuant to Section 177.101, F.S.	TwiceTwo separate weeks:, both at least fifteen (15) days and no longer than forty-five (45) working days prior to the public hearing (Sundays and holidays excluded). Also both advertisements shall not appear within the same week period.
Vacation pursuant to Section 336.09 through 336.12, F.S.	Once,; at least fifteen (15) days and no longer than forty-five (45) working days prior to the public hearing. (Sundays and holidays excluded.)

911.3.3.Location of Advertisement. In general, all advertisements shall be published in a standard size newspaper of general circulation within unincorporated Manatee County in accordance with Ch. 163.3164 (14) Florida Statutes.

911.3.4.Mailed Notice. Mailed notice shall be provided at least fifteen (15) days prior to the public hearing, excluding Sundays and legal holidays. The applicant shall send a similar notice by first class mail, mailed to owners, as shown on the latest ad valorem tax records, of all lands contiguous to the entire parcel of land vacation under consideration that is owned by the applicant.

911.3.5.Posted Notice. The applicant shall post a notice on a sign furnished by the Transportation Department, on the affected property not less than fifteen (15) days nor more than thirty (30) days in advance of the scheduled hearing date. Notice shall be posted no more than fifteen (15) feet from the front lot line and no less than four (4) feet nor more than six (6) feet above grade, so as to be clearly visible from the public way. More than one sign may be required to be posted by the Transportation Director, if it is determined to be necessary to ensure adequate public notice. Such additional signs shall be posted in a number and location determined by the Transportation Director.

Posted notice shall include:

1. A headline entitled "A Change Affecting The Use Of Land; Vacating Of Certain Specific Property";

2. The scheduled date, time and location of the hearing;

3. A general description of the property to be vacated including a referenced project number; and

4. A telephone number for more information.

911.3.6.Affidavit of Notice. The applicant is required to provide an affidavit that the required mailing and posting of the notices stipulated under 911.3.4 and 911.3.5 were given, shall be filed with the Transportation Director, fifteen (15) days prior to the date of the hearing. Such affidavit shall be accompanied by a complete list of the names and last known addresses of the persons entitled to notice and the method by which notice was delivered. Failure to do so will require postponement of the hearing date and may require repeat of required notification procedures.

911.3.7.Defects in Notice. If a defect in notice, not caused by an intentional or negligent act or omission of the applicant, is discovered after the conclusion of the hearing, it shall not in any way affect the action taken at such hearing. If a defect in notice is discovered prior to the hearing, then such notice shall be redone and the hearing rescheduled.

911.3.8.Public Hearing ProceduresBoard Review. The Board shall conduct the public hearing in accordance with the general procedures of Section 312.8502 of this Code and as specifically delineated by this section.

D. 911.3.9.Action by the Board of County Commissioners. The Board shall, at the conclusion of the public hearing on

any particular application, or subsequent thereto, consider the adoption of a resolution~~"Resolution Vacating Certain Streets, Roads Or Other Appropriate Property"~~ granting the particular application of any portion thereof, or such other actions as the Board may deem appropriate under the circumstances.

331.3. ~~911.4.~~Notice of Adoption of Resolution Pursuant to Section 336, F.S. Only.

Upon the adoption of any such "Resolution Vacating Certain Streets, Roads or Other Appropriate Property," for streets and property vacated and County easements terminated under Section 336.09 through 336.12, Florida Statutes only, the applicant shall cause same to be duly published one (1) time in a newspaper of general circulation in Manatee County, Florida, within thirty (30) days following the adoption of said resolution. The Notice shall be in substantial compliance with the "Notice of Resolution Vacating Certain Streets, Roads ~~O~~or Other Appropriate Property" form~~,~~ established by the County.

331.4. ~~911.5.~~Recording Requirements.

The applicant shall be responsible for filing the following documents ~~listed in 911.5.1 or 911.5.2~~, whichever is applicable, within thirty (30) days after adoption of the resolution by the Board, with the Clerk of Circuit Court and duly recorded in the Official Records Book among the Public Records of Manatee County, Florida.~~:~~

A. ~~911.5.1.~~For vacations and annulment of plats or portions thereof, pursuant to Section 177.101, Florida Statutes:

1. ~~911.5.1.1.~~A certified copy of the subject resolution.

2. ~~911.5.1.2.~~Original proof of the two (2) publications of the Notice of Public Hearing.

3. ~~911.5.1.3.~~Location maps, survey, legal description or other appropriate data as determined by the ~~Public Transportation~~ Department Director.

4. ~~911.5.1.4.~~All applicable easements, if required.

B. ~~911.5.2.~~For vacations, abandonment, discontinued, closed, renounced and disclaimed streets, roads, alleys and other appropriate property of portions thereof, and termination of County easements, pursuant to Section 336.09 through 336.12, Florida Statutes:

1. ~~911.5.2.1.~~A certified copy of the subject resolution.

2. ~~911.5.2.2.~~Original proof of the one (1) publication of the Notice of Public Hearing.

3. ~~911.5.2.3.~~Location maps, survey, legal description or other appropriate data as determined by the Department ~~Public Transportation~~ Director.

4. ~~911.5.2.4.~~Original proof of publication of the Notice of Adoption of the subject resolution~~. This publication shall occur~~ within thirty (30) days after adoption of the resolution by the Board.

5. ~~911.5.2.5.~~All applicable easements, if required.

~~911.5.3.~~Within forty-five (45) days after the adoption of the resolution, the applicant shall provide the ~~Transportation Department, Land Acquisition Division~~Department Director, with a copy of the recorded documents.

331.5. ~~911.8.~~Effective Date.

No vacation shall become effective until the documents required under Section 331.4.A or B~~911.5.1 or 911.5.2~~, whichever is applicable, have been filed with the Clerk of Circuit Court and duly recorded in the public records of Manatee County.

331.6. ~~911.7.~~Applicants Responsibility.

The County, the Board, the reviewing agencies and all of the officers, employees and agents thereof shall not assume any responsibility or liability for any matters ~~and things~~ to be done or completed by the applicant, pursuant to the provisions required herein. It is recognized that this procedure may affect substantial interests in real property and other proprietary rights; and the applicant shall assume full and complete responsibility for compliance with the

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requirements of law and these procedures in connection with or arising out of any vacation proceedings instituted by the applicant.

Section 332. ~~911.6.~~Replatting Requirements.

~~In accordance with Chapter 177, F.S., whenever the lands embraced by a recorded plat or part thereof are to be subdivided differently under and by virtue of another plat of the same identical lands, and the first plat was also filed of public record at an earlier date; the following applicable requirements shall be adhered to:~~

Commented [LDI101]: I0I.These section repeats the statutes word for word. Not needed in LDC.

~~911.6.1.When no conveyances of lots by reference to the first plat so filed appears of record with the Clerk of Circuit Court of Manatee County, the Board may, by resolution, vacate and annul the first plat of such lands appearing of record upon application of the developer of such lands under the first plat or upon application of the owners of all the lots shown and designated upon the second and subsequent plat of such lands.~~

~~911.6.2.Whenever it is discovered that after the filing of a plat subdividing a parcel of land, the developer of the lands therein and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the Board that the filing and recording of the second plat would not materially affect the right of convenient access to lots previously conveyed under the first plat, the Board may, by resolution, vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developer of such lands under the first plat or their successors, grantees, or assignees.~~

~~911.6.3.The Board may adopt resolutions vacating plats in whole or in part of subdivisions, returning the property covered by such plats either in whole or in part into acreage. Before such resolution to vacate any plat either in whole or in part shall be entered by the Board, the Board must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the Board will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.~~

~~911.6.4.~~Notwithstanding the ~~above~~previous section ~~911.6.4.1, 911.6.4.2, and 911.6.4.3~~, if replatting of lands previously platted or parts thereof is proposed, ~~a prerequisite to the filing of the application for the proposed plat with the Transportation Department under Section 911.2,~~ the applicant shall provide a notation upon the face of the proposed plat which expressly states that the new plat vacates the same identical lands previously platted. The notation shall specifically reference the plat being vacated. The application, all advertisements, notices, Board agenda, and resolution shall specifically state the action being taken by the Board is to vacate specifically referenced identical lands previously platted, if applicable, in addition to the new plat being proposed. The specific notation placed on the proposed plat (replatted land) will eliminate the need to adopt a separate resolution to vacate the previous plat. The recording requirements stipulated under Section 331.4~~911.5~~ shall be adhered to for all replatting.

Section 333. ~~903.~~Preliminary Plat Review Procedures ~~— Major Subdivisions~~.

333.1. ~~903.1.~~Purpose.

The purpose of a preliminary plat review is to provide the County with sufficient information at an early stage of a major subdivision in order to permit alterations in plans as may be required prior to the developer preparing construction plans and a final subdivision plat; and prior to the County expending significant amounts of time reviewing incomplete or substandard plat applications. Developments that require both ~~Concept~~General Development Plan and Preliminary Plat approval may be submitted for concurrent review.

333.2. ~~903.2.~~Preliminary Plat ~~*General*~~Review Process.

A. Pre-Application Meeting. The applicant shall attend a pre-application meeting as provided for in Section 312.2.

B. Application Submittal. Applications for preliminary plat review shall be submitted to the ~~Planning Director~~Department Director for review and approval in accordance with Section 312.3. If the proposed project

triggers the thresholds for General Development Plan review, the applicant may submit the GDP and preliminary plat applications concurrently.

The preliminary plat shall be clearly and legibly drawn to scale showing sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the construction drawings and final plat. Such information shall address in sufficient detail all the required items required by Code in Sections 508.3.3, 722 and 907 of this Code. In addition, the general information required to be submitted as part of the Ppreliminary Ssubdivision P plat shall include the location and classification of any proposed changes in zoning on the site. Those subdivisions being processed as a Planned Developments shall follow the timing requirements found in Section 508.5.4. A preliminary subdivision plat shall be prepared under the direction of a professional land surveyor, engineer, architect or landscape architect, in accordance with the laws and regulations set forth by the State of Florida. All drawings shall be at a scale not smaller than one inch equals two hundred feet (1″ = 200′).

C. 903.3.Review by Appropriate Reviewing Departments and Agencies.**Development Review Committee.** Once the application for approval of preliminary plat for a subdivision is determined to be complete, the Planning Director shall forward copies of the application documents to tThe appropriate County Departments and reviewing and agencies Development Review Committee who shall review the request in accordance with Section 312.5.after a thorough review, submit a report to the Planning Director indicating whether the proposed plat complies with the provisions of this Code and make a recommendation to approve, approve with conditions, or disapprove the preliminary plat.

D. **903.4.Review by the Planning DirectorDepartment Director.** Within a reasonable period of time following receipt of the recommendation of the appropriate County Departments and reviewing agencies, tThe Planning DirectorDepartment Director shall review and approve, approve with conditions, or disapprove the preliminary plat, furnishing the developer a statement in writing of its reasons for any disapproval. The acquisition of necessary rights and the presentation of complete and correct information to the Planning DirectorDepartment Director are responsibilities of the applicant and the failure to do so, including the failure or inability to obtain all necessary permits, licenses, releases or rights may constitute a reason for disapproval and/or rescission of approval of the prepared subdivision plat.

Failure of the plat to meet the requirements of the Manatee County Comprehensive Plan and this Code shall require the Planning Director to disapprove the proposed preliminary subdivision plat.

333.3. 903.5.2.2.Phased Development.

A. **Delineation of Phases.** In conjunction with approval of the preliminary plat, the preliminary plat may include approved construction phases. Construction drawings for all phases must be submitted within three (3) years of preliminary subdivision plat approval, unless a Certificate of Level of Service was obtained with approval of the Preliminary Plat. In which case, construction drawings for all phases shall be submitted within one (1) year of preliminary plat approval. Any subdivision development project involving phased development shall be identified as such on a preliminary subdivision plat., which The preliminary plat shall designate specifically itsthe limits of the various construction phases and the proposed detailed development schedule. To ensure the overall project design is adequately integrated, the developer shall submit a master preliminary plat for the entire project or a separate preliminary plat for each phase. The master preliminary plat shall clearly indicate the limits of construction for each phase. When separate preliminary plats are submitted separately for each phase, the developer shall also submit a plan, for general informational purposes, showing all phases, phase lines, and other information to clearly represent the proposed project.

Commented [LDI102]: I02.This is addressed in the expiration section.

CHAPTER 4 - Any proposed project phasing must be limited to the life of the Certificate of Level of Service. If it is received with Preliminary Plat approval, the phasing must be within the three years that the plat is valid. If the Certificate of Level of Service is received with construction drawing approval, the phasing must be within the total four (4) year approval time frame.

Commented [LDI103]: I03.Not current practice. As long as the developer commences and continues construction, the CLOS does not expire

B. **903.5.2.2.1.Phasing Identification.** All projects shall identify phasing on their plats consistent with the numbering and titles listed below from the largest unit/increment to the smallest:

1. Phase - Roman Numeral (i.e. III).

2. Sub phase - Capital Letter (i.e. G).
3. Unit - Number (i.e. 8).
4. Subunit - Small Case letter (i.e. j).
5. Tract - Number (i.e. 6).

C. ~~903.5.2.3.~~**Independent Operation.** All construction phases in a development shall be capable of operating independently with respect to drainage, circulation, utilities, and other applicable public facilities and services; provided however, the County may permit the posting of performance security to guarantee the installation of recreational facilities and similar improvements to serve particular phases of the development at a later time.

333.4. ~~903.5.~~Effect of Approval.

~~903.5.1.*Generally.*~~ Approval of a preliminary plat by the ~~Planning Director~~Department Director shall not constitute approval of the final plat, nor authorize recording of the plat, nor effect the acceptance of any land or improvements proposed to be dedicated to the County. Upon approval or approval with conditions, the applicant may proceed to the construction ~~plan~~ drawings approval stage.

333.5. ~~903.5.2.Effective Period for~~ Expiration of Preliminary ~~Approval~~Plats.

~~903.5.2.1.Approval of a~~ Preliminary Plats shall expire ~~as follows:~~ within one (1) year, unless the applicant submits construction drawings.

~~1. After three (3) years i~~If a Certificate of Level of Service ~~has been~~ was obtained ~~with approval of~~in conjunction with the Preliminary Plat, the expiration of the preliminary plat shall be three (3) years from approval date. ~~and both the construction drawings and Final Plat have not been approved; or~~

~~2. The applicant has one (1) year after approval by both the Public Works and Planning Director to submit construction drawings. One (1) three year extension may be granted if the Certificate of Level of Service is obtained with construction drawing approval. During this three (3) year period the final plat must be approved by the Board.~~

~~3.~~ Phase and plat timing ~~shall be consistent with the requirements~~ for DRI's and Large Projects shall be consistent with the requirements found in Sections 348 and 349~~508.3.2.2~~.

~~Any proposed project phasing must be limited to the life of the Certificate of Level of Service. If it is received with Preliminary Plat approval, the phasing must be within the three years that the plat is valid. If the Certificate of Level of Service is received with construction drawing approval, the phasing must be within the total four (4) year approval time frame.~~

333.6. ~~907.14.~~Graphic Standards.

Preliminary subdivision plats shall include the following information:

A. ~~907.14.1.~~The project name, boundaries, north arrow, legend and scales shall be indicated on each plan. The date drawn and revision dates shall be indicated on the subdivision plat.

B. ~~907.14.2.~~The name of the plat shall be shown in bold legible letters of uniform size and type, including the words "section," "unit," "replat," "amended," etc., although the latter need not be in bold letters of the same size as the basic name. The name of the subdivision shall be shown on each sheet. A prominent "North Arrow" shall be drawn on every sheet including showing any portion of the lands subdivided.

C. ~~907.14.3.~~ The first sheet shall indicate the location and classification of zoning on the site; total acreage of the site; total number of lots, specified by type of intended use; and gross residential acreage.

D. ~~907.14.4.~~Names and address of record owner and applicant and the subdivision designer, engineer, and land surveyor shall be provided on the plat. In addition, any citation and general description of any existing covenants, private restrictions, easements and rights-of-way affecting the use and development of the property, including the Section, Township, Range, and if in a land grant, the plat will so state. The application shall include a complete legal description of the property.

Commented [LDI104]: I04.STAFF: We made a lot changes (moving around, consolidating, eliminating repetition, and rewording for clarity) to the expiration of preliminary plats, construction drawings and final plats. Please review all three sections to make sure this is the way it is done currently.

Commented [LDI105]: I05.Reworded to match current practice. The extension tied to construction drawing approval is really addressing the expiration of the construction drawings, not the preliminary plat.

Commented [LEA106]: I06.Wrong cross-reference.

Commented [LDI107]: I07.Consider moving to development review procedures manual later..

E. ~~907.14.5.~~The plans shall be at a scale of one inch equals fifty (50) feet (1″ = 50′) or such other scale as the County may accept to show details clearly and adequately. In all cases, the scale used shall be of sufficient size to show all detail. Sheet sizes shall not exceed twenty-four (24) inches by thirty-six (36) inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire development with a key plan on each sheet properly orientated and a title box on each sheet properly labeled.

F. ~~907.14.6.~~ All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated.

G. ~~907.14.7.~~The one hundred (100) year Floodplain and floodway within the subject project with references noted with respect to the panel number from the Flood Insurance Study shall be shown on the Subdivision Plat.

H. ~~907.14.8.~~The twenty-five (25) year floodplain within the subject project (see requirements in Section 801.3~~717.3.11~~) shall be shown on the Subdivision Plat.

I. ~~907.14.9.~~Location of waterways and water bodies existing within and adjacent to the subdivision.

Section 334. ~~Section 904.~~Construction Drawings.

334.1. ~~904.1.~~General Requirements.

Construction drawings, which provide detailed technical information on all site improvements prior to actual construction, are required to ensure that development will be in conformance with County Codes and any conditions of the approved development. ~~for all development requiring approval from the Public Works Department. Construction drawings shall include all design and drawing requirements applicable to the respective development approval sought after and the drawings shall be complete to reflect the full extent of the proposed scope of work.~~ The completeness and adequacy of the construction drawings shall be determined by the Department Director based on the type of development approval required. Construction drawings shall be prepared and certified by an engineer, except as exempted by Chapter 471, Florida Statutes, ~~that~~and ~~all Construction Drawings~~ shall conform to the requirements of the Manatee County Development Standards and the requirements of this Code.

Commented [LEA108]: I08.Moved from 722.2.1.

334.2. ~~904.2.~~Construction Drawings Not Required.

The review and approval of construction drawings will not be required when:

A. ~~904.2.1.~~No improvements are required by this Code, or

B. ~~904.2.2.~~Only rights-of-way, drainage, or utility easements are required by this Code, provided that such rights-of-way shall be dedicated and easements granted to the County by plat or separate instrument, or

C. ~~904.2.3.~~The only improvements required by this Code are usually installed by the County and the developer has paid or posted security for such improvements.

334.3. ~~904.4.~~Review ~~and Approval~~Procedures.

Prior to or concurrently with submission of the final plat, the developer shall submit ~~C~~construction ~~D~~drawings to the ~~Planning Department~~ Department Director for the installation of required improvements for the entire subdivision; or approved construction phase, if part of an approved phasing plan. The construction drawings shall be submitted and approved prior to commencing any site work, grading, or other on-site construction activities connected with the development, except brush removal in connection with surveying. If submitted in conjunction with or in advance of a Final Site Plan for a Planned Development project, no site work may commence until such Final Site Plan has been approved.

~~All drawings shall be proof read, clear, legible, and complete with all necessary plans, details, sections required to represent a complete set of engineered drawings. Incomplete drawings may be rejected and returned to the applicant for resubmission.~~

Within sixty (60) days after receipt of complete ~~C~~construction ~~D~~drawings, the ~~Planning~~ Department Director will

approve, approve with conditions, or disapprove the ~~C~~construction ~~D~~drawings, stating in writing any reasons for disapproval. The approval of the construction plans shall be subject to the approvals and permits by other necessary ~~S~~state and ~~F~~federal agencies. Construction drawing approval shall not be granted unless the applicant has secured a valid ~~C~~certificate of ~~L~~level of ~~S~~service compliance.

334.4. ~~904.3.Requirements~~Review Criteria.

Construction ~~D~~drawings duly submitted to the ~~Planning~~ Department Director during the effective period of the preliminary plat approval shall conform to such approved plat, including any conditions, and shall state that all work shall be subject to the County's regulations and development standards in effect at the time of such plat approval. Construction ~~D~~drawings shall be approved by the ~~Planning~~ Department Director for major subdivisions which comply with the requirements of the ~~P~~preliminary ~~P~~plat ~~A~~approval, Manatee County Development Standards and this Code.

334.5. ~~904.5.~~Effect of Approval.

Upon the written approval of the ~~C~~construction ~~D~~drawings by the ~~Planning Department~~Department Director, the developer shall schedule an inspection pursuant to Section 337.3~~910.3.1~~ of this code. After obtaining a pre-construction inspection by the ~~Planning~~ Department Director, the developer may commence site development and the installation of improvements, provided that all guarantees required by Section 337~~910~~ of this Code have been approved and posted. This approval shall not constitute approval to commence any construction which is subject to separate approval required by other federal, State, and local development codes including the Florida Building Code.

Prior to commencement of construction activities authorized with the approved ~~C~~construction ~~D~~drawings, an Erosion and Sediment Control Plan (ESCP) shall be approved ~~by the Environmental Management Department, as required pursuant to Section 508.3.4.7.j of this Code~~.

334.6. Expiration.

~~unless a Certificate of Level of Service was not obtained with Preliminary Plat approval, in which case, c~~Construction drawings shall expire three (3) years after approval of the construction drawings~~of a Certificate of Level of Service with the construction drawings; the preliminary subdivision plat approval and any Construction Drawings approval shall automatically expire. In such event, any Construction Drawings for the subdivision, and the uncompleted construction phases shall be subject to review and approval as for an initial application in accordance with all current regulations.~~

~~Section 722. Performance Standards for Required Improvements.~~

334.7. ~~722.1.~~ Required Improvements.

~~722.1.1. Applicability.~~ No development in the County shall be approved unless adequate assurance as stipulated under Section 337~~910~~, is provided that the improvements required under this ~~Section~~ Code will be installed in accordance with professional engineering standards.

334.8. ~~722.2~~ Design Requirements for Construction Drawings

~~722.2.1. *Purpose and Intent.* This subsection is established to provide standards for all construction drawings required for submission to the Planning Department. All plans, design, and construction required for any applicable development order shall conform to the Manatee County Public Works Standards and this Code.~~

~~722.2.2. *Applicability.* Construction drawings are required for all development requiring approval of from the Public Works Department.~~

A. ~~722.2.3.~~ Preparation. Construction Drawings shall be prepared and certified for all required improvements by an engineer, except as exempted by Chapter 471, Florida Statutes. Plans shall be drawn at a scale no smaller than one (1) inch equals fifty (50) feet, unless otherwise specifically authorized in writing by the ~~Planning~~ Department Director. All revisions shall be prepared and submitted as required for original drawings. All drawings shall be proofread, clear, legible, and complete with all necessary plans, details, sections required to represent a complete set of engineered drawings. Incomplete drawings may be rejected and returned to the applicant for resubmission. Within sixty (60) days after receipt of complete construction drawings, the ~~Planning~~ Department Director will

Commented [LDI109]: I09.From Sec. 906.1. The code requires the CLOS either at Prelim Plat or construction drawings. Code does not currently specify expiration date if the CLOS is approved with the preliminary plat, as opposed to construction drawings.

Commented [LDI110]: I10.Sections 722.1.2 through 722.1.7 moved to Ch 10. Section 722.3 was repealed in 2014.

Commented [LEA111]: I11.This section was previously recommended for moving to the development review manual. Brought back as directed by staff. I12.

approve, approve with conditions, or disapprove the construction drawings, stating in writing any reasons for disapproval.

B. Contents.

1. ~~*722.2.4. Vicinity Map.*~~ An accurate vicinity map shall be included on the construction plans, at a scale not less than one inch equals one mile (1″ = 1 mile), which shows the site in relationship to its surroundings. The vicinity map shall include the rights-of-way lines of all proposed streets in the subdivision and their location in relation to one or more existing streets, or portions thereof, in the immediate vicinity which is shown and readily identifiable, as to locus on the County map.

2. ~~*722.2.5. Existing Conditions.*~~ The construction plans shall show:

   a. ~~722.2.5.1.~~ The location of the property with respect to contiguous development, together with the existing zoning on adjoining property, and existing land uses adjacent to the property at a scale 100 feet = one inch minimum.

   b. ~~722.2.5.2.~~ The name, location and width of existing or platted streets, street rights-of-way within or contiguous to the site.

   c. ~~722.2.5.3.~~ The approximate location, size and depths of sewers, water mains, storm drains, electric power and cable and other underground facilities, within or contiguous to the site.

   d. ~~722.2.5.4.~~ The location and width of easements for all above and below ground utilities, including electric power and cable lines, within and adjacent to the site.

   e. ~~722.2.5.5.~~ Topographic contours at one (1) foot intervals, based on Mean Sea Level datum for the site and a minimum of fifty (50) feet beyond the property line for a single lot development and one hundred (100) feet beyond the limits of the site for subdivisions. Topographic survey information shall be furnished by a professional land surveyor which meets the minimum requirements as set forth in Chapter 21-HH-6, of the Florida Administrative Code. The survey must have been made within the last ten (10) years.

   f. ~~722.2.5.6.~~ Major existing site features, such as stone walls, fences, buildings, identifiable historical sites, and special attention should be given to noting physical features which define the boundaries of the subdivision.

   g. ~~722.2.5.7.~~ The type and location of trees, and native vegetation as defined in Section 700~~714~~, Tree Protection, within six (6) feet of, or within the limits of clearing; the type and approximate location of other trees more than four (4) inches DBH.

   h. ~~722.2.5.8.~~ The twenty-five (25) year floodplain (see Section 801.3.P~~717.3.11~~), the one hundred (100) year floodplain (see Section 802~~718~~), watercourses, wetlands, and other significant and natural features.

   i. ~~722.2.5.9.~~ Existing stormwater management facilities, and drainage structures.

   j. ~~722.2.5.10.~~ Existing easements, both public and private.

3. ~~722.2.6.~~ *Required Improvements.* ~~In addition to the construction plan requirements of Chapter 9 and this Section 722 of this Code, which are required for all subdivisions, t~~The improvement requirements of this Section, shall apply only to subdivisions requiring a final subdivision plat. All improvements required by this Code shall be installed by and at the expense of the developer, as required by the ~~Planning~~ Department Director in accordance with professional engineering standards.

   a. ~~722.2.6.1.~~ Plans shall show the overall project street layout, with street names and all traffic control signage as per the Manatee County ~~Development~~ Public Works Standards. Profiles on the lines of proposed streets and fifty (50) feet beyond, at a horizontal scale of 1″ = ~~50″ [~~50′~~]~~ and a vertical scale of 1″ = 5′, or such other scales acceptable to the Planning Department. All elevations shall refer to NGVD of 1929 datum. Profiles shall also include the location of any intersecting public or private streets, and the location, material and size of proposed storm water management facilities, water mains, and sewers and their appurtenances; street lighting; and other underground utilities to be placed in the rights-of-way. The proposed topographic contours shall be at the same scale as the existing topographic contours. The exterior lines of existing streets ingressing to the subdivision and existing utility lines and appurtenances

or easements shall be shown on the plan to clearly indicate location of proposed connections.

b. ~~722.2.6.2.~~ On the same sheet, there shall be drawn typical cross sections of the proposed street, properly located and identified by station number, at such intervals along the streets as will adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, sidewalks, and similar physical features.

c. ~~722.2.6.3.~~ Utility and highway construction details shall be shown.

d. ~~722.2.6.4.~~ Storm drainage system construction details shall be shown.

e. ~~722.2.6.5.~~ Any special construction and safety details including guardrails or other pertinent information, as necessary, to construct the project based on the proposed design.

f. ~~722.2.6.6.~~ Names of all streets, location of all proposed buildings and other structures, parking areas, loading areas, and other pedestrian and vehicular use areas, yards and open spaces.

g. ~~722.2.6.7. Detail drawings:~~ Any special construction features, deviating from or not covered by Manatee County Public Works Standards shall be shown on detail drawings. Such detail drawings may be incorporated as part of a utility plan or profile or may be shown on a separate sheet or sheets; and shall provide information as to dimensions, location, elevations, cross sections, materials, etc., of the construction details involved. The requirement for detail drawings shall be applicable, but not limited to, culverts, structurally stabilized slopes, utility piping encased in concrete, ditches and brooks shaped or constructed to a definite cross section, spillways, and similar construction features.

h. ~~722.2.6.8. *Drainage Basin Plan:*~~ A plan with a suitable scale, satisfactory to the ~~Planning~~ Department Director, outlining the entire drainage basin which includes the subject development therein shall be submitted indicating surface water flow to the development, within the development and impact after exiting the development. The plan shall cross reference the drainage calculations. Both the twenty-five (25) year floodplain (see Section 801.3.P~~717.3.11~~) and the one hundred (100) year floodplain shall be shown.

i. ~~722.2.6.9.~~ Traffic sight distances, vertical and horizontal, for all intersections within the project and for the rights-of-way adjoining the project, at the location for ingress or egress, shall be shown.

j. ~~722.2.6.10.~~ Details showing connections to existing and proposed utility systems.

k. ~~722.2.6.11.~~ Easements required for any purpose including access easements for maintenance purposes.

l. ~~722.2.6.12. Supplemental Information.~~ The following information shall be provided in graphic or narrative form, as necessary, to satisfy the requirements set forth below.

i. ~~722.2.6.12.1. Computation Sheets.~~ Computation sheets or other closure method showing closure of boundary surveys in accordance with Section 800~~907~~, shall accompany submission of Final Plats.

ii. ~~722.2.6.12.2.~~ All calculations and descriptions, prepared by an engineer, needed to show evidence of compliance with Section 801~~717~~, Stormwater Management, and Section 802~~718~~, Floodplain Management.

iii. ~~722.2.6.12.3.~~ Type and location of any erosion and sedimentation controls to be used during the construction process.

iv. ~~722.2.6.12.4.~~ All calculations and descriptions, prepared by an engineer, used in sizing water and sewer mains, including any impact on existing systems and fire flow requirements.

v. ~~722.2.6.12.5.~~ All plans, calculations, and descriptions necessary to show that the sewage disposal system is in compliance with all applicable requirements of the HRS/Manatee County Public Health Unit and the Florida Administrative Code Chapter 10D-6.

vi. ~~722.2.6.12.6.~~ All plans, calculations, and descriptions necessary to show that the potable water supply system is in compliance with all applicable requirements of the ~~HRS/~~Manatee County ~~Public~~ Health Department, Environmental Health Services~~Unit~~ and the Florida Administrative Code Chapters 62-532, 62-555~~10D-6~~ and 17-22.

vii. 722.2.6.12.7. Cost estimates for completion of all required improvements to be covered by performance security shall be prepared by an engineer for all required improvements, or bids by two (2) reputable bondable contractors. Cost estimates shall be submitted prior to approval and acceptance of all performance bonds and defect security.

viii. 722.2.6.12.8. The location and dimensions of easements reserved or dedicated recreational open space, including the percent of open space. The nature, location, dimensions of any buffer areas.

ix. 722.2.6.12.9. Such information may include the results of any tests or copies of calculations used in design, copies of agreements granting the developer rights essential to development of the land and construction work involved, including the right of access over existing ways.

722.2.7. Requirements for Developments that Require Administrative Approval. Construction drawing requirements for developments which require the approval of the Planning Department Director, other than development of subdivisions stipulated under Section 334.8.B.3722.2.6.

4. 722.2.7.1. Construction drawings shall be prepared by an engineer unless exempted by Chapter 471, Florida Statutes. The construction drawings shall include all design and drawing requirements applicable to the respective development approval sought after. The construction drawings shall be complete to reflect the full extent of the proposed scope of work and to insure that all parts of the construction can be adequately put together. The completeness and adequacy of the construction drawings shall be determined by the Planning Department based on the type of development approval required.

Section 335. Section 905.Final Plat Review Procedures.

335.1. 905.1.Purpose.

The purpose of final plat review is to determine whether the final plat is in compliance with the approved preliminary plat, in the case of major subdivisions; and in the case of minor subdivisions to ensure that the plat complies with the standards of this Code and, in the case of major subdivisions, also to determine whether the final plat is in compliance with the approved preliminary plat.

335.2. Final Plat Preparation.

Final plats submitted to the County for review and approval shall meet the requirements of Section 177.091, Florida Statutes.

335.3. 905.2.GeneralReview Procedures.

A. Application. An application for approval of a final plat shall be submitted to the Planning Department Department Director consistent with the requirements of Section 312.3.and shall be reviewed in accordance with the procedures of Section 905, 906 and 907. In the case of a major subdivision with an approved phasing plan, final plats may be submitted in phases.

905.2.3.*Developments of Regional Impact (DRI).* Where a proposed subdivision is subject to the requirements of Chapter 380, Florida Statutes, as a Development of Regional Impact, the procedural requirements of these Regulations may be deemed modified to the extent they are in conflict with the DRI review process authorized by Florida law.

905.3.Staff Review by Planning Department. .

B. The Department Director shall review the application in accordance with the requirements of Section 312.5 Once the application for approval of the final subdivision plat is determined to be complete, the Planning Department shall forward copies of the application documents to the reviewing departments. If the application documents, after review are determined not to be in compliance with County requirements, said application shall be returned to the applicant disapproved, and requiring the documents to be corrected before the County processes the documents further. When the application is complete and determined by the Planning Department to be in compliance with County requirements, the Plannng Department and shall submit the application and recommendation to the Board for approval of the final subdivision plat.

905.4.Review and Action by the Board of County Commissioners.

C. Upon receipt of the application and recommendation from the Department DirectorPlanning, Permitting and Inspections Department for the final subdivision plat, the Board shall review the application in accordance with the standards and criteria as contained herein and all applicable provisions of this Code. The Board shall approve, approve with conditions, or disapprove the final plat. If the Board disapproves the plat, it shall notify the applicant in writing the reason for disapproval. If the final subdivision plat is approved by the Board, evidence of such approval shall be placed on such plat. [905.4.1.*Reserved.*]

335.4. 905.4.2.Review Standards.

No plat shall be approved unless the applicant demonstrates:

A. 905.4.2.1.That the plat complies with the requirements of the State Statutes, this Code and any previously approved Development Orders; and

B. 905.4.2.2.That all required improvements have been completed and installed and a Ccertificate of Ccompletion issued therefor, or where the Board may permit, in both subdivisions with public and private improvements, the developer has posted adequate performance security in accordance with Section 337910, Installation of Improvements, and has received approval of all Cconstruction Ddrawings, in accordance with Section 334722.3.; and

C. 905.4.2.3.That all required fees or charges have been paid, dedications accepted, and any required escrow arrangements have been established.

905.4.2.4.Certificate of Level of Service Compliance has been issued.

905.2.1.All Final Plats shall comply with these Regulations and the Statutes of the State of Florida, Chapter 177. The number of copies required shall be determined by the Planning Department. In addition to the final plats being submitted, one (1) print of all Final Plats shall be submitted at a scale coordinated with the appropriate street address maps of the Planning Department .

335.5. 905.2.2.Required Improvements Agreement.

In connection with the approval of any Ffinal Ssubdivision Pplat where the developer intends to install the required improvements after such approval, a Rrequired Iimprovements Aagreement, in substantial conformance with the model form agreement set forth by the County, shall be executed. All Rrequired Iimprovements Aagreements shall be recorded with the approved Ffinal Ssubdivision Pplat.

335.6. 905.5.Revision Modifications to Approved of Final Plat After Approval.

No changes, erasures, name changes, modifications, phase lines, or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted for a new approval by the Board. This shall not affect the right to file an affidavit confirming an error on a recorded plat, as provided by law.

335.7. 905.6.Recording.

Upon approval of the final plat, it shall be forwarded to the Clerk of the Circuit Court for recording together with the approved drainage plan and any other related legal documents as the County Attorney or other County Departments may require for recording. The drainage plan shall be submitted for recording to the Clerk of the Circuit Court in the format and medium as may be required by the Clerk of the Circuit Court including but not limited to leaving a three-inch margin on the left side of the drainage plan for binding purposes and a one-half-inch margin on each of the three remaining sides. The recording of the drainage plan shall not impair the title to the property in any manner, shall be for informational purposes only and shall not be referred to for the purpose of conveying title to property in accordance with Chapter 177, Florida Statutes.

335.8. 905.7.Effect of Approval.

Approval of a final plat by the Board shall authorize the recording of the plat for all purposes under state law, and shall constitute acceptance of all public ways, streets, walks, thoroughfares, parks, public use areas, and other easements

Commented [LDI112]: I13.Deleted per staff

Commented [LDI113]: I14.NOTE CHANGE: Deleted requirement for recording the drainage plan, as recommended by staff and CAO.

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shown on the final plat, except such areas and facilities which are specifically reserved or which are specifically refused in writing by Manatee County in connection with the approval of the plat.

335.9. 906.2.Condition of Approval.

If, for whatever reason, an approval from another governmental entity expires prior to the time frame herein established, and was a prerequisite approval necessary to obtain a final plat approval, or a required approval subsequent thereto; the final plat approval shall automatically expire. Active permits from all appropriate governmental agencies shall be necessary, at all times, for both major and minor final plats.

335.10. 906.1.Time Limit; Minor and Major SubdivisionsExpiration of Final Plat.

If aAn approved final plat for a minor or major subdivision shall expire if it is not recorded due to circumstances caused by the applicant within thirty (30) days of final plat approval. ; or

the subdivision improvements for major subdivision are not completely installed within three (3) years from the preliminary plat approval for such subdivision or approved phase;

905.8.Property Description.

Each plat shall show a description of the lands subdivided including dedicated and reserved properties and easements. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined by metes and bounds. The legal description of the title certification and all mortgagee jointers shall be exactly the same.

905.9.Section Lines; Metes and Bounds: Land Grants.

All section lines and quarter section lines occurring within the subdivision shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning, shall be indicated. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well established corner.

905.10.Contiguous Properties; Re-subdivisions.

All contiguous properties shall be identified by subdivision title, plat book, and page or, if unplatted, land shall be so designated. If the subdivision platted is a re-subdivision or a part of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. The fact of its being a re-subdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.

Section 906.Recording of Final Plats.

906.3.Certifications. All subdivisions plats made for recording shall have:

906.3.1.*Title Certification.* Every plat of subdivision must be accompanied by a title opinion of an attorney-at-law licensed in Florida or a certification by an abstractor or title company showing that apparent record title to the land as described and shown on the plat is in the name of the person, persons, or corporation executing the dedication, if any, as it is shown on the plat. If the plat does not contain a dedication, the developer has apparent record title to the land. The title opinion or certification shall also show all mortgages not satisfied or released or recorded. Such opinion or certification shall conform exactly to forms established by the County.

906.3.2.*Surveyor's Certification.* Every subdivision of lands made within the provisions of this Code shall be made under the responsible direction and supervision of a land surveyor who shall certify the plat in accordance with Chapter 177, Florida Statutes. A land surveyor shall include his certification and seal on the plat in exact conformance with forms established by the county.

906.3.3.*Certificate of Approval of the Board.* Before a plat is recorded, it shall be approved by the Board and evidence of such approval shall be placed on such plat. Such certificate shall conform exactly with forms established by the county.

906.3.4.*Certificate of Ownership and Dedication.* Every plat of subdivision filed for record shall contain all applicable

Commented [LDI114]: 115.Not true. Final Plat does not constitute acceptance of dedications. Deleted as recommended by the CAO.

Commented [LDI115]: 116.By law, final plats do not expire.

Commented [LDI116]: 117.Deleted all the detailed requirements for final plat recording. It is all in the Statutes and they change, making the LDC outdated. Added a subsection at the beginning of this section referring to the specific section of the Statutes where the requirements are listed.

Commented [LDI117]: 118.Per CAO, current language may be inconsistent with the Statutes.

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~~certificates of ownership and dedication in accordance with Section 909, and shall be in a form established by the County.~~

~~906.3.5.*Evidence of Acceptance.* Evidence of acceptance by the Clerk of the Circuit Court on the plat prior to recording, in exact conformance with forms established by the County shall be required.~~

~~906.3.6.*Easement Dedication.* Every plat of a subdivision filed for record must contain a reservation of easements for the express purpose of accommodating surface and underground drainage and overhead and underground utilities, as provided on forms established by the County or provide for the dedication of specific easements on the plat to accommodate the same purpose, under certain pre-approved conditions as determined by the Planning and Public Works Departments.~~

~~906.3.7.*Notice to be Included Prominently on the Plat, Pursuant to Chapter 177.091(28), Florida Statutes.* A notice shall be included on every plat of a subdivision filed for record stipulating "NOTICE: This plat, as recorded in its graphic form, is the official depiction of subdivided lands described herein and will in no circumstance be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this County."~~

~~906.3.8.*Payment of Property Taxes.* Every subdivision plat must be accompanied by proof of payment of property taxes.~~

335.11. ~~906.3.9.~~Surveyor Review.

Prior to approval by the appropriate governing body, the plat shall be reviewed for conformity to this section by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs which shall be borne by the legal entity offering the plat recordation, and evidence of such review ~~must~~ shall be placed on such plat. Said surveyor/mapper shall certify as to the plat's conformity on the face of the plat.

335.12. ~~906.4.~~Distribution of Certified Recorded Plat.

Prior to the Board approval the applicant shall deposit a fee with the ~~Planning~~Department to cover the cost of obtaining two certified copies of the recorded final plat from the Clerk of the Circuit Court. One copy each shall be retained by the ~~Planning~~ Department.

~~907.11. Open Space.~~

~~In all residential subdivisions, the developer shall provide for open space in accordance with the requirements of Figure 6-2, Area, Height and Bulk Regulations, Section 604 Overlay Districts, Section 722.1.6.1, Required Improvements, if applicable and Section 603, Planned Developments.~~

~~907.12.Recreational Facilities.~~

~~907.12.1.Swimming pools shall comply with the provisions of Section 703.2.23 and 710.~~

~~396.2.~~335.13. ~~907.15.~~Survey Data Required for Final Subdivision Plats.

Plats made for recording shall meet the requirements of Section 177.091, F. S., Plats Made for Recording.

~~907.15.1.*Subdivision Plats Made for Recording.* Subdivision plats made for recording shall be an original drawing made with black permanent drawing ink on a good grade linen tracing cloth or Mylar, in accordance with Chapter 177, Florida Statutes. Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink. A Mylar or linen and the appropriate number of prints as required by the Planning Department shall be submitted. The size of each sheet shall be eighteen (18) inches by twenty-four (24) inches and shall be drawn with a marginal line, or may be printed, completely around each sheet and placed so as to leave at least a one-half (½) inch margin on each of three (3) sides and a three (3) inch margin on the left side of the plat for binding purposes. Property being subdivided on a single plat may not be separated by more than an existing, dedicated roadway, watercourse, or a single out parcel.~~

Commented [LDI118]: [907.1 to 907.8, moved to ch 7]
[907.9.2 to 907.9.6 have been moved to Chapter 9, Transportation Management]
[Easements (907.10) moved to ch 7]

Commented [LDI119]: I19.In chapter 3 now (dimensional standards tables)

Commented [LDI120]: I20.Does not exactly match the provisions of the FS. No need to spell out in the LDC.

907.15.2.*Permanent Reference Monuments (P.R.M.'s).* Permanent reference monuments shall be placed at each corner or change in direction on the boundary of the lands being platted; and may not be more than one thousand four hundred (1,400) feet apart. Where such corners are in an inaccessible place, P.R.M.'s shall be set on a nearby offset within the boundary of the plat and such offset shall be noted on the plat. Where corners are found to coincide with a previously set P.R.M., the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity on the previously set P.R.M. shall be shown on the plat, or if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat.
907.15.3.*Permanent Control Points (P.C.P.'s).* Permanent Control Points shall be set on the centerline of the right-of-way at the intersection and terminus of all streets, at each change of direction, and no more than one thousand (1,000) feet apart. The Permanent Controls Points shall be shown on the plat by an appropriate symbol or designation and shall be installed and certified by an official affidavit within one (1) year of the recording of the Plat or prior to the release of the improvement bond.
907.15.4.*P.R.M. and P.C.P. Standards.* P.R.M.'s and P.C.P.'s shall be constructed and installed in accordance with Chapter 177 Florida Statutes and Chapter 61G17-6, of the Florida Administrative Code. Except that P.C.P.'s along the right-of-way shall be four-inch by four-inch (4″ X 4″) concrete monuments a minimum of twenty-four (24) inches in length, or, if impractical, alterative monumentation as approved by the County Surveyor.
907.15.5.*Coordinates.* Each plat shall show the section, township and range as applicable, or, if in a land grant, the plat will so state. On major subdivision plats, the point of beginning (P.O.B.) of the plat description and one additional significant point on the plat boundary shall be referenced to the Florida State Plane Coordinate System (1983/1990 adjustment). For all subdivision plats a report shall be provided or machine-readable data file portraying boundary information for the closed and open legal entities on a subdivision, e.g. lots, parcels, subdivision boundaries, and centerlines or rights-of-way. The report shall represent all areas as closed traverses and other features as closed or open traverses and shall contain coordinates for boundary corners, bearings and distances between corners, curve definition data, and appropriate closure information. Curve definition data shall include radius point, point of curvature, and point of tangency along with support information that may include radius, delta, arc length, bearing, and chord distance. Information on closed traverses (lots and parcels) shall include area, perimeter, and error of closure. Information on open traverses (rights-of-way centerlines) shall include length and error of closure. Bearings shall be rounded to at least the nearest second, while distance and coordinate data shall be rounded to no less than two decimal places. When data files are submitted, they shall be ASCII text files on DOS or CP/M formatted diskettes. Any changes to the boundaries during project development shall require a resubmission of updated boundary information. The submission may also include machine-readable copies of all drafted materials for the subdivision. These submissions shall be formatted based on AutoCAD drawing exchange file specifications. For coordinates referenced to State Plane, West Zone, the submission shall also include descriptions of well established reference points from which state plane coordinates have been determined along with scale factors and closed traverse.
907.15.6.*Irregular Lot Line.* When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable.
907.15.7.*Measurements.* Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.
907.15.8.*United States Bureau of Standards Definitions.* All measurements shall refer to horizontal plane and in accordance with the definition of a foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/12 = 3.28083333333 equation for conversion from a U.S. foot to a metric foot.
907.15.9.*Curvilinear Lots.* Curvilinear lots shall show the radii, arc distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction of radial or non-radial lines shall be indicated.
907.15.10.*Street Centerlines.* The centerlines of all streets shall be shown as follows: non-curved lines: with distances together with either angles, bearings, or azimuths. Curved lines: arc distances, central angles, and, radii, together with chord and chord bearing or azimuths.
907.15.11.*Excepted Parcels.* All interior excepted parcels shall be clearly indicated and labeled "Not a part of this plat."
907.15.12.*Dedications and Reservations.* The purpose and location of all areas dedicated or reserved must be clearly indicated or stated on the plat.
907.15.13.*Curve Details.* When it is not possible to show curve detail information on the map, a tabular form may be used.

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~~907.15.14.*Geometric Requirements.* Sufficient data including lengths, bearings, radii, chord bearing, and central angles to determine the exact location, direction, and length of every street and right-of-way line, lot line, boundary line, and easement, and to establish these lines on the ground. Block corner radii dimensions shall be shown.~~
~~907.15.15.*Lot Corners.* Monuments shall be set at all lot corners, points of intersection, and changes of direction of lines within the subdivision which do not require a P.R.M. or a P.C.P. Such monument need not be set if a monument already exists at such corner, point, or change of direction or when a monument cannot be set due to a physical obstruction. Where a physical obstruction is present, a monument shall be set on an offset nearby. Such lot corners shall be installed prior to the expiration of the performance bond or other defect security for required subdivision improvements, or within one (1) year of the recording of the plat, and shall be confirmed by an affidavit from the land surveyor setting the corners.~~
~~907.15.16.*Bench Mark Reference.* A minimum of two (2) permanent bench marks referenced to the NGVD of 1929 shall be established within each development and shown on the plan. The identity, location and elevation of each of the two (2) bench marks shall be shown on the plat. The description and elevation of the original benchmark shall be shown on the plat.~~
~~907.15.17.*Area and Dimensions.* Boundary lines, areas in square feet, and dimensions of all proposed lots, with all lots designated numerically and in sequence.~~
~~907.15.18.*Waterbodies.* The location of all water courses exiting the project shall be tied into the nearest perimeter monument.~~
~~907.15.19.The plat name, boundaries, north arrow, legend and scales shall be indicated on each plat.~~
~~907.15.20.The name of the plat shall be shown in bold legible letters of a uniform size and type including the words "Section", "Unit," "Replat," "Amended," etc., although the latter need not be in bold letters of the same size as the basic name. The name of the subdivision shall be shown on each sheet. A prominent "North Arrow" shall be drawn on every sheet including showing any portion of the lands subdivided. The bearing or azimuth reference is required to be shown and shall be clearly stated on the face of the plat in the notes or legend.~~
~~907.15.21.Names and addresses of the land surveyor shall be provided on the plat. In addition, any citation and general description of any existing covenants, private restrictions, easements and rights-of-way affecting the use and development of the property, including the Section, Township, Range, and if in a land grant, the plat will so state.~~
~~907.15.22.The plat shall be at a scale of one inch equals fifty (50) feet (1″ = 50″) or such other scale as the County Surveyor may accept to show details clearly and adequately. In all cases, the scale used shall be of sufficient size to show all detail and shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided. Sheet sizes shall not exceed twenty-four (24) inches by thirty-six (36) inches for preliminary subdivision plats. See Section 907.15.1 for sheet size of final subdivision plats. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire development with a key plan on each sheet properly orientated and a title box on each sheet properly labeled. Match lines shall be shown on the index with plan numbers between the match lines. The match lines shall correspond to those which shall be on each sheet. The match lines shall be arranged and extended one (1) inch beyond the match line so that if two (2) adjacent plans are to be joined they will match by stationing and direction. All sheets shall be consecutively numbered, and must show the particular number of that sheet and the total number of sheets included. All lettering shall be neat and legible, and a minimum of three-thirty seconds (3/32) inch in height. All dimensions shall be in feet and decimals of a foot.~~
~~907.15.23.All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.~~
~~907.15.24.Location of waterways and water bodies existing within and adjacent to the subdivision.~~
~~907.15.25.All subdivision plats made for recording shall conform to Chapter 177, F.S., or the regulations, whichever is more restrictive.~~

Section 336. ~~Section 909.~~Dedications and Reservations.

336.1. ~~909.1.~~Authorization.

In connection with the approval of a final plat, the developer shall be required to dedicate or reserve any lands and

required improvements according to the provisions of this Code, and may be required to dedicate or reserve other land and improvements as provided by the ~~C~~comprehensive ~~P~~plan, to provide for circulation, stormwater management, drainage, utilities, open space, lighting, schools, fire service, public safety and law enforcement protection, park land and other appropriate public needs related to the development.

336.2. ~~909.2.~~Manner of Dedication to Manatee County.

A. ~~909.2.1.~~**Generally.** No final plat shall be approved unless it is accompanied by a dedication to Manatee County of all land, easements, and improvements which are required to be dedicated to Manatee County under this Code. Such dedication shall be in a form acceptable to the County.

B. ~~909.2.2.~~**Execution.** The dedications shall be executed by all persons having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the land being subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.

C. ~~909.2.3.~~**Notation on Plat.** All final plats shall bear the notation in a form prescribed by the County.

D. ~~909.2.4.~~**Protection of Reversionary Interests.** Nothing herein shall be construed as affecting or abridging any rights or responsibilities related to reversionary interests as provided in state law.

336.3. ~~909.3.~~Reservations.

~~**909.3.1.Effective Period, Notice to Agencies. Any reservation of land required under this Code excluding easements shall be void upon written request of the property owner, if it is not acquired for a public purpose within five (5) years of the approval date of the final plat, or within such other time as may be fixed upon approval of the preliminary plat, whichever time is greater. The Planning Director shall notify in writing all applicable County agencies of any reservation of land by another public agency.**~~

A. ~~909.3.2.~~**Release by Board of County Commissioners.** The Board, after ten (10) years, may release any reserved land at any time by formal resolution, if it is found to be no longer necessary for any public purpose.

B. ~~909.3.3.~~**Designation on Plat.** The developer shall be required to clearly show the location and purpose of all reservations on the final subdivision plat; and, to also show in dotted lines, or by other means specifically, how any reserved land shall be used in event the reservation is released or otherwise void.

~~909.3.4.Development Agreement; Compensation. Where reservation of land is required it shall be an express element of a Development Agreement, which shall fix the compensation due the developer, if the reservation is for land acquisition by Manatee County.~~

C. ~~909.3.5.~~**Common Areas and Common Improvements.** Any common areas or commonly used improvements in a subdivision which are not dedicated to Manatee County, shall be subject to the requirements of Section 336.4~~909.5, of this Code~~, unless otherwise provided for as the County may require or approve.

D. ~~909.3.6.~~**Jurisdictional areas and conservation areas.** All jurisdictional areas and conservation areas shall be shown as such on the final plat.

~~909.4.School Dedications.~~

~~The purpose of this section is to assist the School Board in ensuring that adequate public school sites are provided to accommodate residential development. School site needs and dedication requirements implement the provisions of the Comprehensive Plan in the spirit and intent of Florida Statutes, Chapters 163, 230, 235, and 380, which require coordination and cooperation between school boards and local governments regarding residential approvals and location of school sites and the construction of schools.~~

~~909.4.1.*Statement of School Needs.* Applicants for proposed residential developments shall request a "Statement of School Needs" from the School Board or its designee prior to preliminary plat, preliminary development plan, or preliminary site plan approval, or prior to final site plan or final subdivision plat approval where preliminary plan or preliminary subdivision plats are not required under this Code.~~

~~909.4.2.*Required Information Submittals.* Applicants for proposed residential preliminary site plan approvals shall~~

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Commented [LDI123]: I23.Deleted as directed by the CAO. Inconsistent with current practice.

~~advise the County and the School Board of the number and types of dwelling units being proposed, the schedule of projected dates for build-out, and such other information as may be required. The applicant shall update information submitted if there are any changes in the development. Any residential major subdivision or multi-family development of eleven (11) dwelling units or more should be located in an area in which public schools are or will be available and adequate for the uses proposed. If such necessary facilities are not to be provided by the public prior to the approval of the final development plan, final site plan, or final subdivision plat, the applicant may provide such facilities through dedication or contribution or post adequate security to assure their future availability in the development.~~

~~909.4.3.The School Board or its designee may review the information submitted by the applicant and provide the County with a statement of school needs within thirty (30) calendar days, if such a statement is deemed appropriate by the School Board or its designees. Such statement shall include an indication that either all school needs are being met and no deficiencies of school facilities exist in the area of the proposed development, or provide a summary of the specific deficiencies and needs of the School Board in order to meet the following standards:~~

~~High School: 1 per 18,500 households~~

~~Middle School: 1 per 12,600 households~~

~~Elementary School: 1 per 4,100 households~~

~~909.4.4.The County shall consider the availability of school facilities for development in reviewing all such requests where such information is required to be provided, as appropriate.~~

~~909.4.5.*Dedication and Contribution.* Where dedication or contribution is made, such dedication or contribution shall be made prior to, or in conjunction with the final site plan, final development plan, or final subdivision plat approval, whichever comes first.~~

~~909.4.6.*Procedure for Conveying Sites to the School Board.* To convey school sites to the School Board the following provision shall be met at no cost to the County or the School Board. All documents shall be in a form approved by the School Board. Land dedicated or reserved for the School Board must be of suitable size, dimension, soil type, flood zone, topography, and general character to meet the need for a school site created by the development, as set forth in the "General Location and Accessibility Criteria" section that follows.~~

~~909.4.6.1.The delivery to the School Board of a complete and current abstract of the title together with a title insurance commitment, including the commitment to insure as to matters of survey, including boundary survey and legal description, insure said property in a sum to be agreed upon by the School Board.~~

~~909.4.6.2.Delivery to the School Board of a warranty deed conveying the right, title and interest in the described property.~~

~~909.4.6.3.The delivery to the School Board, or the title insurance agent, of a deed with sufficient funds for recording same.~~

~~909.4.6.4.The escrow of taxes for the current year pursuant to Chapter 196, Section 196.295, Florida Statutes, as the same may be amended, or the payment of said taxes for the year.~~

~~909.4.6.5.The issuance of a title insurance policy subsequent to recording of the deed and escrow taxes.~~

~~909.4.6.6.In the event that dedication of a site, or sites, does not totally satisfy the education site assessment of the particular development, then the developer may be required to pay the difference between the dedication and the total assessment at their discretion.~~

~~909.4.6.7.In the event that dedication of a site, or sites, more than satisfies the assessment of the particular development, the School Board of Manatee County may elect to pay the developer the difference between the dedication and the total assessment as calculated pursuant to the fee schedule adopted by the School Board of Manatee County.~~

~~909.4.7.General Locational and Accessibility Criteria.~~

~~909.4.7.1.*Schools.* Land to be utilized as school sites in connection with proposed developments shall be of sufficient size and dimensions, shall be in a suitable location, shall have adequate accessibility and shall be transferred in an appropriate manner.~~

~~909.4.7.2.There must be a current or projected need for the type of school facility that is envisioned to be located on the property being considered for dedication/reservation.~~

~~909.4.7.3.The required acreage for sites is described in the following Section 909.4.8. Guidelines for school site dedications/reservations follow:~~

~~909.4.7.4.It is recommended that the distance between schools be a minimum of one (1) mile for elementary schools, two (2) miles for middle schools, and three (3) miles for high schools. When a planned development does not generate enough students to create full enrollment, the sites should be located in such a way that students in adjacent residential areas can have easy access to the facility.~~

~~909.4.7.5.School sites shall be located in areas that are free from health or safety hazards and protected from noise, air pollution, or odors.~~

~~909.4.7.6.The site should be accessible from at least two public streets, with the streets constructed to County standards. Preferably one (1) of the streets should be a collector. These access areas shall provide adequate areas for safe bicycling and walking to and from the site. Median cuts and turning lanes shall be provided as required to facilitate access of buses, teachers, parents, students, and services.~~

~~909.4.7.7.The roadway level of service of streets providing access to the proposed site must be acceptable to handle the increased levels of service of traffic generated by the site and adequately handle the increased school traffic without creating risk to students traveling to the site or prohibit or delay building on the site.~~

~~909.4.7.8.Location of school sites immediately adjacent to major arterial streets is to be discouraged. If such a location is unavoidable, construction of overpasses or signalized pedestrian walkways should be part of the project, at the developer's expense.~~

~~909.4.7.9.The site should be appropriately located with references to existing and proposed traffic control and safety devices.~~

~~909.4.7.10.Review of the proposed site should ensure that sidewalks or walkways can be constructed to serve this site in a location that does not pose a potential threat to students. Residential development contiguous to the sites shall be connected to the site by sidewalks or walkways in order to facilitate pedestrian movement.~~

~~909.4.7.11.Sites should have a minimal amount of jurisdictional, environmentally sensitive, or conservation/preservation areas as designated by the Federal, State and Local governments.~~

~~909.4.7.12.Sites shall not be located within FEMA FIRM Flood Zone A, velocity, floodway, and preferably not in Flood Zone B.~~

~~909.4.7.13.Appropriate assurance that public water supply and sanitary sewer disposal will be available to serve all school buildings shall be evaluated. Such assurance shall also be given for electric and telephone service. It must be determined that positive drainage can be achieved on the site without extensive and costly drainage improvements.~~

~~909.4.7.14.Soils on the property should be suitable for building.~~

~~909.4.7.15.The location of the proposed site must be such that adequate police and fire services are available. Location in a public use area is to be encouraged.~~

~~909.4.8.*Stand Alone Schools.* The minimum size for stand alone schools should be as follows: twelve (12) acres for an elementary school, twenty-five (25) acres for a middle school, and forty (40) acres for a high school.~~

~~909.4.9.*Public Use Areas.* Dedication or reservation of land for the use of schools, parks, and public safety in a public use area should follow the following criteria for acreage.~~

~~909.4.9.1.The minimum size for a public use area that will include an elementary school should be at least fifteen (15) acres. The school campus should be at least ten (10) acres, while the play field/local park area should be at least five (5) acres to include, but not being limited to, a playground, one (1) or two (2) multipurpose ballfields (i.e. softball/baseball/football), a basketball court, and a tennis court. If included, at least two (2) acres of the property should be reserved for a public safety facility.~~

~~909.4.9.2.The minimum size for a public use area that will include a middle school should be at least thirty (30) acres. The school campus should be at least twenty (20) acres, while the play field/local park area should be at least ten (10)~~

~~acres and include, but not being limited to, two (2) or three (3) multipurpose ballfields (i.e. softball/baseball/football), several basketball courts, several tennis courts, a two hundred and twenty (220) yard track, and six (6) tennis courts. If included, at least two (2) acres of the property should be reserved for a public safety facility.~~

~~909.4.9.3.The minimum size for a public use area that will include a high school should be at least one hundred and thirty-five (135) acres. The school campus should be at least thirty-five (35) acres. Recreational field/local park area of at least one hundred (100) acres to include ballfields, tennis courts, basketball court, six (6) handball courts, outdoor pool, soccer field, baseball and softball fields. If included, at least four (4) acres should be reserved for public safety facilities.~~

336.4. ~~909.5.~~Common Areas~~Open Space and Common Improvement Regulations and Dedications~~.

Commented [LDI124]: I24.This section gets into too much detail that is out of the County's purview (HOAs). Revisit in the future. No changes proposed at this time.

A. ~~909.5.1.~~Purpose and Intent. This subsection is established to assure that adequate ownership and management measures will be provided in residential and other developments to protect and perpetually maintain all common open space and common improvements required pursuant to this Code or other applicable County law or regulations, in order to ensure their continued availability and utility for the residents or occupants of the development, and~~. Also,~~ to prevent such facilities or the need for such facilities from becoming an unnecessary burden or nuisance to the County or surrounding property; provided that nothing in this subsection shall be construed as creating any obligation upon the County to maintain such facilities or otherwise ensure their availability and condition.

B. ~~909.5.2.~~Applicability.

1. ~~*909.5.2.1*~~*Generally.* Except as provided below, this Section ~~909.5~~ shall apply to all common open space and all common improvements, which are required to be provided~~,~~ pursuant to this Code, the Comprehensive Plan, or other applicable County laws and regulations.

2. ~~*909.5.2.2.*~~*Exceptions.* This subsection shall not apply to:

   a. ~~909.5.2.2.1.~~*Dedicated Lands and Improvements.* Any lands or improvements to be dedicated or conveyed to the County, or to an appropriate public agency, board or body, for designated or general public use.

   b. ~~.909.5.2.2.2.~~*Private Lands and Improvements.* Any lands or improvements to be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on the lot or parcel where such lands and improvements are situated or on other lots or parcels owned by the landlord, as for typical multi-family or shopping center development.

   c. ~~909.5.2.2.3.~~*Condominiums and Cooperatives.* Any lands or improvements to be owned and maintained under a condominium or cooperative, which shall be established and regulated in accordance with Florida law.

   d. ~~909.5.2.2.4.~~*Other Open Space and Improvements.* Any open space and improvements provided in excess of County requirements, unless such facilities are otherwise included, at the election of the developer, within any common ownership and management system established pursuant to this subsection.

C. ~~909.5.3.~~Common Ownership General Requirements. Prior to final approval of an application for development ~~approval~~, the developer shall provide documents and other assurances satisfactory to the ~~Planning~~ Department Director, to establish a means of common ownership and management of all common open space and common improvements subject to this subsection. Such means of common ownership and management shall conform to the following minimum requirements~~:~~. Such documents, once approved, shall become part of the recorded subdivision plat or approved special use.

1. ~~*909.5.3.1.*~~*Establishment of Non-profit Organization.* The applicant or developer shall provide for and establish a non-profit organization or other legal entity under the laws of Florida for the ownership, care, and maintenance of all such lands and improvements.

2. ~~*909.5.3.2.*~~*Membership; Responsibilities.* Such organization ~~shall be created by covenants and restrictions running with the land and~~ shall be composed of all persons having ownership within the development. Such organization shall be responsible for the perpetuation, maintenance, and function of all common lands, uses

and facilities, subject to these regulations.

3. ~~909.5.3.3.~~*Covenants and Restrictions—Generally.* All such common lands and improvements shall be described and identified as to location, size, use and control in a restrictive covenant, and such covenant shall set forth the method of assessment for the maintenance of such land. These restrictive covenants shall be written so as to run with the land and be in full force and effect for a period of not less than twenty-five (25) years, and shall be automatically extended for successive periods of ten (10) years unless terminated in a manner set forth in this subsection. These covenants shall become part of the deed to each lot or parcel within the development.

4. ~~909.5.3.4.~~*Covenants and Restrictions—Responsibilities; Disposition of Common Open Space.* Such restrictive covenant and organization shall continue in effect so as to control the availability of the facilities and land thereby provided, to maintain the land and facilities for their intended function, and to protect the development from additional and unplanned densities of use. Such organization shall not be dissolved, nor shall such organization dispose of any common open space, by sale or otherwise except to an organization conceived and organized to own and maintain the common open space, without first offering to dedicate the same to the County or other appropriate governmental agency.

5. ~~909.5.3.5.~~*Conservation Easements within Common Open Space.* No lands in common open spaces shall be denuded, defaced or otherwise disturbed in any manner at any time, except for maintenance or repair, without the prior written approval of the ~~Planning Director~~Department Director.

   ~~909.5.3.5.1.~~Activities within Common Open Space Conservation Easements, other than those ~~listed in Section 719.11.1.2~~ specifically allowed by ~~of~~ this Code, shall be prohibited. Restrictive covenants relating specifically to the Conservation Easement shall be ~~reviewed and approved by the Environmental Management Department (EMD), and~~ included in the documentation prepared to satisfy requirements set forth in Section ~~909.5.3~~336.4.C of this Code.

6. ~~909.5.3.6.~~*Maintenance by County.* If the ~~Planning Director~~Department Director determines that the public interest requires assurance as to adequate maintenance of common open space areas and improvements, the ~~Planning Director~~Department Director may require that the covenants creating such organization shall provide that in the event the organization established to own and maintain such common open/improvements, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space/improvements in reasonable order and condition in accordance with the approved plans, then the following provisions shall apply:

   a. ~~909.5.3.6.1.~~*Initial Notice.* The County may serve notice in writing upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common space/improvements in reasonable condition, and said notice shall contain a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of public hearing thereon which shall be held within twenty (20) days of the notice.

      If the ~~Planning Director~~Department Director, after consultations with the Public Works Department, Manatee County Sheriff, Parks and Recreation Department, Health Department, or the Building Division of the Building and Deve~~v~~lopment Services Department, determines an emergency exists which is detrimental to the health, safety and welfare of the public, [he] may direct in writing the non-profit organization to immediately correct the deficiency. If the non-profit organization fails to correct the deficiency within seven (7) days, the ~~Planning Director~~Department Director may cause the emergency deficiency to be corrected and all charges related thereto shall be borne by the non-profit organization in accordance with subs~~S~~ection b, below~~909.5.3.6.2., *Modification of Initial Notice*~~. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured.

   b. ~~909.5.3.6.2.~~ Modification of Initial Notice. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured.

   c. ~~909.5.3.6.3.~~*Failure to Comply.* If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within said thirty (30) days or any authorized written extension thereof, the County, in order to preserve the taxable values of the properties within the development and to prevent

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the common open space/improvements from becoming a public nuisance, may, at its option, enter upon said common space/improvements and maintain the same for one (1) year.

d. ~~909.5.3.6.4.~~*Public Use Excluded.* Said entry and maintenance shall not vest in the public any rights to use the common open space/improvements, except when the same is voluntarily dedicated to the County by the owners and accepted by the County.

e. ~~909.5.3.6.5.~~*Subsequent Periods.* Before the expiration of said one (1) year period, the County, shall, upon its initiative or upon the request of the organization responsible for the maintenance of the common open space/improvements, call a public hearing, upon notice in writing, to such organization or to the residents of such development, to be held by the Board; at which hearing the organization shall show cause why such maintenance by the County shall not, at the election of the Board, continue for a succeeding one (1) year period.

f. ~~909.5.3.6.6.~~*Termination of County Maintenance.* If the Board shall determine that such organization is ready and able to maintain the common open space/improvements in reasonable condition; the County shall cease to maintain the common open space/improvements at the end of said one (1) year period.

g. ~~909.5.3.6.7.~~*Continuation of County Maintenance.* If the Board shall determine that such organization is not ready and able to maintain the common open/improvements in a reasonable condition, the County may, in its discretion, continue to maintain the common open space/improvements during the next succeeding year, and subject to a similar hearing and determination in each year thereafter.

h. ~~909.5.3.6.8.~~*Assessment of Costs.* The covenants creating such organization shall further provide that the cost of such maintenance by the County shall be assessed pro-ratedly, against the properties within the development that have a right of enjoyment of the common open space/improvements, and shall become a charge on said properties, and such charge shall be paid by the owners of said properties within sixty (60) days after receipt of a statement therefor, and shall become a lien on the property if unpaid at the end of such period.

7. ~~*909.5.4.*~~*Submission Requirements.* Before an applicant or developer can establish a non-profit organization as required in Section ~~909.5.3.1~~ 336.4.C.1 above, the following documents shall be submitted to the ~~Planning Director~~Department Director:

a. ~~909.5.4.1.~~*Articles of Incorporation.* The articles of incorporation or other organizational documentation for the non-profit organization.

b. ~~909.5.4.2.~~*By-laws.* The by-laws of the non-profit organization.

c. ~~909.5.4.3.~~*Covenants and Restriction.* The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.

d. ~~909.5.4.4.~~*Fiscal Program.* A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the non-profit organization.

e. ~~909.5.4.5.~~*Right of Entry by County.* A documentation granting the right of entry upon such common property to the County law enforcement officers, health and pollution control personnel, emergency medical service personnel, and ~~fire fighting~~firefighting personnel while in the pursuit of their duties and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access.

f. ~~909.5.4.6.~~*Listing of Holdings.* A complete listing of all land, buildings, equipment, facilities, and other holdings of the non-profit organization, as proposed, and a complete description of each.

g. ~~909.5.4.7.~~*Maintenance Program.* A recommended program for the maintenance of all major facilities, including streets, street signs, stormwater facilities, pools, sidewalks, parking areas and buildings.

h. ~~909.5.4.8.~~*Notice to Buyers.* A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program.

i. ~~909.5.4.9.~~*Lands to be Dedicated.* A copy of the deed of conveyance and title certificate, or dedication,

where applicable, for all lands proposed to be conveyed or dedicated to the County or other appropriate governmental agency.

8. ~~*909.5.5.*~~*Required Approval; Filing.* The documents set forth in~~-~~ Section 336.4.C.7~~909.5.4~~, above shall be ~~reviewed and approved by~~ submitted to the Director for filing before any final plat is recorded or building permit is approved, and such approval shall be obtained before any Final Plat is recorded or Building Permit is approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved ~~conditional~~ special use.

D. ~~**909.5.6.**~~**Election of Officers.** In no event shall a ~~C~~certificate of ~~C~~completion be issued for a development until it has been substantiated that the non-profit organization responsible for the ownership, care, and maintenance of common open space and common improvements has been constituted and has elected officers.

Section 337. ~~Section 910.~~ Installation of Required Improvements

~~396.3.~~337.1. ~~910.1.~~ Certification, Approval of Plans.

The engineer of record shall certify the design of all required improvements such as streets, drainage structures, bridges, bulkheads, and water and wastewater facilities. All construction drawings for improvements shall be prepared by such engineer in a form acceptable to the County Engineer and. prior to construction, must be approved by the County Engineer.

337.2. ~~910.2.~~ Construction.

Upon approval of all construction drawings, and the approval of any required performance security and written notification to the County Engineer, the developer may commence installation of the required improvements in accordance with such approved drawings, or approved written modifications thereto, and the performance standards set forth in Section ~~722~~Chapter 8. Such installation shall be subject at all times to inspection by Federal. State and County agencies, and the developer shall employ an engineer, which need not be full time, for complete observation and approval during such construction activities as necessary to assure compliance with the approved plans. All field and construction changes shall require approval of the County Engineer and shall be filed in such written form and detail as specified by the County Engineer; and incorporated into the record drawing as applicable.

A. ~~910.2.1.~~ **Posting of Permit.** Work requiring a development order, approved plans or permit shall not commence until the permit holder posts the development order, one set of approved plans and permit card in a conspicuous place on the property. The permit placard for all inspection services will be issued by the County Engineer. The development order and permit card shall be protected from the weather and located in such position as to permit the County Engineer to conveniently make the required entries thereon. The development order and permit card shall be maintained in such position by the permit holder until the Certificate of Completion or final approval is issued in writing by the County Engineer.

B. ~~910.2.2.~~ **Survey Layout.** The developer shall establish lines and levels, to locate and layout, by instrumentation and similar appropriate means, all construction work required to be done under the development order. The physical laying out of the construction work shall be a prerequisite for any field inspection by the County Engineer.

C. ~~910.2.3.~~ **Access for Inspections.** Inspections by County agencies and all other agencies having jurisdiction shall be permitted at all times during the installation of all improvements. The applicant shall provide safe and convenient access to all parts of the work for inspections.

D. ~~910.2.4.~~ **Inspections During Construction.** At each of the stages hereinafter indicated, inspections shall be requested by the applicant at least two (2) working days in advance by notice to the County Engineer.

1. ~~910.2.4.1.~~ Clearing, grubbing, filling, grading, and erosion control. (Spot inspection required at beginning and at completion. See also inspection required by Section ~~717.3.17~~801.)

2. ~~910.2.4.2.~~ The installation of underground utilities and services including the storm drainage system. (Spot inspections required before the backfilling of trenches or other covering of structures.)

3. ~~910.2.4.3.~~ The storm water management system. (Spot inspection required at completion.)

4. ~~910.2.4.4.~~ All rights-of-way (inspections required at completion of the subgrade, subbase, base course, and curbing prior to the placement of the surface course).
5. ~~910.2.4.5.~~ All rights-of-way and easements (spot inspections required during completion of surface course, sidewalks, finish grading, stripping, traffic control and street signs, sodding, seeding and final cleanup).
6. ~~910.2.4.6.~~ Final inspection of all components required by Section ~~910~~337.3.

E. ~~910.2.5.~~ **Material Testing.** The County Engineer may require tests and test reports for any and all materials incorporated into the work, as proof of compliance with County engineering specifications. Required tests are to be made at the expense of the owner, by an approved testing laboratory or other approved agency.

F. ~~910.2.6.~~ **Correction or Removal of Defective Work**. If required by the County Engineer, the developer shall promptly, as directed, either correct all defective work, whether or not fabricated, installed or completed, or if the work has been rejected by the County Engineer, remove it from the site and replace it with non-defective work. The developer shall bear all costs associated with the removal and replacement.

G. ~~910.2.7.~~ **Construction Subject to Continued Compliance.** Unless the approval of the work completed, including approval of type of materials specified on the approved plans, to each stage has been given by the County Engineer, no further work shall be done on that particular aspect of construction until such work is subsequently completed to the satisfaction of the County Engineer.

H. ~~910.2.8.~~ **Notice to Stop Work.** Upon notice by the Public Works Department that work at any stage is being done contrary to the provisions of this Code, the Public Works Development Standards, or in a dangerous or unsafe manner, the work shall immediately cease. Such notice shall be given in writing and shall be given to developer, owner or agent or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Public Works Department shall not be required to give a written notice prior to stopping the work.

I. ~~910.2.9.~~ **Damage to Public Property.** It shall be the responsibility of the developer to restore and/or replace all public property damaged or destroyed which was caused by work of the developer. A pre-inspection of the contiguous and adjacent public property will be conducted by the County Engineer prior to the developer commencing any work of the development order. An inspection will be conducted by the County Engineer, as a prerequisite to the final approval, which inspection shall review and observe the same contiguous and adjacent public property for possible damage thereto.

337.3. ~~910.3.~~ Final Inspection of Improvements.

After all required improvements have been installed, the engineer of record shall submit certified record drawings, in a form acceptable to the County Engineer, to the County that the improvements have been constructed substantially according to approved plans and specifications. The County Engineer shall periodically inspect all construction subject to this Section. Noncompliance with approved plans or specifications or evidence of faulty materials or workmanship shall be immediately called to the attention of the developer or the engineer and, if not corrected in an expeditious manner, all work on the project will be suspended.

337.4. ~~910.4.~~ Performance Security.

When platting is proposed prior to completion of construction, the developer shall:

~~J.~~**A.** ~~910.4.1.~~ **Agreement.** Record an agreement acceptable to the Board of County Commissioners which commits the developer and/or financial institution to comply with this Section 337~~910~~; and

~~K.~~**B.** ~~910.4.2.~~ **Security.** Submit a performance security that satisfies the requirements of Section 337.10~~910.10~~. Such performance security shall be in the penal sum of one hundred and thirty percent (130%) of the estimated cost of the required improvements. The performance security shall cover the cost of all improvements and may be adjusted by the County Engineer to reflect the completion or partial completion of such improvements.

In the event that the County Engineer determines that the developer has failed to complete required improvements, or has failed to provide the County with a substitute performance security in advance of expiration of a performance security, the County Engineer shall exercise the County's rights under the developer's agreement and performance security to assure the completion of such required improvements.

337.5. ~~910.5.~~ Defect Security.

Before issuance of a certificate of completion, the developer shall submit to the County Engineer a defect security that satisfies the requirements of Section 337.10~~910.10~~. Such defect security shall be in the penal sum of ten (1 0) percent of the actual construction cost of all the required public improvements and any private water or wastewater utility improvements. The defect security shall have an expiration date of three (3) years from the date of issuance of the certificate of completion. The financial institution shall be responsible for notifying the County Engineer in writing of the expiration date no less than thirty (30) days before the expiration date. (The defect security shall be renewed for an additional ninety (90) days upon the written request of the County Engineer.) Defect Securities are required for public improvements that are county maintained

~~L.~~A. ~~910.5.1.~~ **Guarantee of Workmanship.** The purpose of the defect security is to guarantee the materials, workmanship, structural integrity, functioning, and maintenance of the required improvements during the three-year period following issuance of the certificate of completion.

~~M.~~B. ~~910.5.2.~~ **Determination of Defect.** If the County Engineer determines after issuance of the certificate of completion that the materials, workmanship, structural integrity, functioning, or maintenance of any of the required improvements is unacceptable, or if he determines that the developer has failed to provide the County with a substitute defect security in advance of expiration of a defect security, he shall so notify the developer by registered mail of the unacceptable condition, and, subject to subsection ~~910.5.3~~C below, he shall afford the developer a reasonable period of time in which to correct the unacceptable condition. If the County Engineer thereafter determines that the unacceptable condition has not been corrected, the County may present to the financial institution a demand for payment on the defect security.

~~N.~~C. ~~910.5.3.~~ **Expiration.** The reasonable period of time referenced in subsection ~~910.5.2~~B above may be shortened or waived at the discretion of the County Engineer (a) if the defect security will expire before the end of a reasonable period of time, unless the defect security is renewed for an additional ninety (90) days before the expiration date, or (b) if the unacceptable condition poses a risk or danger to the health, safety, And welfare of the people of the County.

~~396.4.~~337.6. ~~910.6.~~ Certificate of Completion: Approval for Maintenance; Acceptance.

A. ~~910.6.1.~~ **Maintenance Prior to Acceptance.** The developer shall be responsible for the maintenance and operation associated with the public improvements facilities until approval for maintenance is issued.

B. ~~910.6.2.~~ **Certificate of Completion.** After successful completion of all improvements, and after receipt of the required documents, the County Engineer will provide a certificate of completion verifying the satisfactory construction of all required improvements. The required documents shall include the following:

1. ~~910.6.2.1.~~ Completion of satisfactory final inspections.
2. ~~910.6.2.2.~~ Submission and approval of a certification by the engineer and registered land surveyor of record, on forms prescribed by the County.
3. ~~910.6.2.3.~~ Posting and approval of the required defect security, in accordance with Section 337.5~~910.5~~.

C. ~~910.6.3.~~ **Acceptance of Public Required Improvements.** Upon the issuance of any Certificate of Completion by the County Engineer for any public required improvements, the County shall thereby accept responsibility for the maintenance of such improvements, provided such improvements are on land which the County owns, or for which it has accepted an offer of dedication. Maintenance of improvements to be owned by a community development district or other government or private entity shall remain the responsibility of such district or entity.

~~396.5.~~337.7. ~~910.7.~~ Monuments.

A. ~~910.7.1.~~ **Permanent reference monuments.** Permanent reference monuments shall be placed as required by Ch. 177, F.S., as amended. Monuments shall be set in the ground so that the top is flush or no more than one (1) foot below the finished grade.

B. ~~910.7.2.~~ **Permanent control points.** Permanent control points shall be placed as required by Ch. 177. F.S., as amended. Points shall not be more than one (1) foot below finished grade.

337.8. ~~910.8.~~ Certified record drawings.

Certified record drawings shall contain the following:

A. ~~i.~~ Original approved design;

B. ~~ii.~~ All field modifications;

C. ~~iii.~~ Field verified elevations and locations as required under the engineer's certification of completion. Field elevations and locations shall be shown on the record drawings and denoted as such; and

D. ~~iv.~~ Engineer's certification in accordance with Section 337.9~~910.9~~.

337.9. ~~910.9.~~ Engineer's certification of completion.

The engineer of record shall provide the following certification on certified record drawings:

In the professional opinion of _____P.E., as a registered engineer in the State of Florida, I certify that the improvements for grading, paving, drainage facilities, water distribution system and wastewater collection system for the project (description of platted lands) have been completed substantially in compliance with the engineering plans approved by Manatee County and in compliance with the Manatee County Code and the Public Works Standards Manual ~~of Standards and Specifications for Wastewater and Water Main Construction~~. This determination is based on construction site observations and review of test reports by me or a representative under my direction. Enclosed are record drawings which I have reviewed prior to this certification.

337.10. ~~910.10.~~ Requirements for Performance and Defect Securities.

Each performance security posted in accordance with Section 337.4~~910.4~~, and each defect security posted in accordance with Section 337.5~~910.5~~, shall be an irrevocable letter of credit or surety bond, in a form acceptable to, and issued by a financial institution acceptable to, the County Administrator.

~~C.~~A. ~~910.10.1.~~ **Replacement Security.** If, at any time after posting of a performance or defect security, a material change occurs in the condition of the financial institution, or if the financial institution fails to honor the posted security, and the developer fails to provide a replacement security in satisfaction of this Section 337~~910~~, (a) the developer may be deemed in violation of this Code, and may be subject to a stop work order or any other remedy available hereunder, and (b) the County Engineer may draw upon the security.

~~D.~~B. ~~910.10.2.~~ **Cash Security.** The County Engineer may, in his or her discretion. Accept cash in lieu of a performance security or defect security, to be held by the County in its depository accounts, if and only if (a) the amount to be secured by such cash deposit does not exceed twenty five thousand dollars ($25.000), and (b) the total amount of improvements secured through cash deposits by the developer and its affiliates for all projects in the County does not exceed fifty thousand dollars ($50,000).

337.11. ~~910.11.~~ Designation of County Engineer.

The County Administrator shall designate an employee in the Public Works Department to serve as the County Engineer and carry out the functions set forth in this Section. The County Engineer may designate subordinate employees to carry out such functions under his authority and supervision.

Part VI. Comprehensive Plan, Land Development Code and Zoning Atlas Amendments.

Section 340. Comprehensive Plan Amendments

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340.1. Purpose.

The Comprehensive Plan (Goals, Objectives and Policies, and Map Series) may be amended from time to time in accordance with the procedures and standards set forth in the Florida Statutes and this section. The purpose of this

section is to outline the general review requirements for plan amendments.

340.2. Review procedures.

Comprehensive plan amendments may be initiated by a property owner or the County. The following procedures shall apply to all applications for comprehensive plan amendment.

A. Pre-Application Meeting. A pre-application meeting is required. See Section 312.2 for specific requirements.

B. Application submittal. Applications shall be filed as prescribed in Section 312.3.

C. Department Director and DRC Review. The Development Review Committee shall review the application as prescribed in Section 312.5. The Department Director shall prepare a written report that includes analysis of the application and a recommendation based on the findings required in this Section.

~~**Neighborhood workshop. The applicant shall hold a neighborhood workshop per Section 311.4.**~~

D. Planning Commission Review. The Planning Commission shall review the proposed application at a public hearing. After consideration of the petition, the Commission shall transmit the petition and its recommendation thereon ~~either~~ to the Board of County Commissioners.

E. Board of County Commissioners Review.

The Board shall consider the application at one (1) public hearing for small-scale comprehensive plan amendments as required by Section 163.3187, Florida Statutes, or two (2) hearings (transmittal/first reading and adoption) for expedited comprehensive plan amendments per Section 163.3184(3), Florida Statutes.

340.3. Review Criteria for Future Land Use Map and Comprehensive Plan Text Amendments

In reviewing proposed changes to the future land use map that are privately initiated, the reviewing authorities shall consider and evaluate the changes in relation to all pertinent factors, including the following:

A. The goals, objectives and policies of the comprehensive plan.

B. An analysis, conducted by the Department Director, of the need for the additional land based on the projected population of the County and the availability of property designated for the land use being requested by the petitioner.

C. The location of the site in relation to adjacent uses and other similar uses.

D. The potential impact of the proposed use on adopted level of service standards.

Section 341. ~~Section 503.~~ LDC ~~Text~~ Amendments.

341.1. ~~503.1.~~Purpose.

The text of this Land Development Code may be amended from time to time in accordance with the procedures and standards set forth in this ~~S~~section. The purpose of this ~~S~~section is not to relieve particular hardships, and not to confer special privileges or rights on any person, but only to make adjustments to the text of this Code that are necessary in light of changed conditions or changes in public policy or that are necessary to implement the Comprehensive Plan, to resolve issues of interpretation, or to advance the general welfare of the County.

341.2. Review Procedures

Land Development Code amendments may be initiated by a property owner or the County. The following procedures shall apply to all applications for amendment.

A. Pre-Application Meeting. A pre-application meeting is required. See Section 312.2 for specific requirements.

B. ~~503.2.Initiation; Required Information~~Application Submittal.- An amendment to the text of this Code may be initiated by any public body or any applicant. The LDC Amendment application must be submitted as provided in

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Section 312.3. Pursuant to Section 105, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with any request for an amendment initiated by an applicant or a public body other than the County, or by any officer or department of the County other than the Board or County Attorney.

C. Development Review Committee Review. The DRC shall review the application as prescribed in Section 312.5.

E.D. 503.3.Staff Department Director Review. For any amendment to this Code not initiated by the County, within a reasonable time after receipt of the review comments, tThe Planning Department Director shall deliver to the Planning Commission a copy of the application and a written report summarizing the amendment, including all relevant documents and incorporating or summarizing the comments and recommendations of the Planning Department County and the input of reviewing departments and agencies, and schedule a date for a public hearingreview the request as provided in Section 312.5.

F.E. 503.4.Public HearingsPlanning Commission Review. Public hearings shall be conducted in accordance with the general procedures and requirements of Section 312.8502 of this Code, Section 125.66, Florida Statutes, and other applicable law. Public hearings to enact emergency ordinances to amend the text of this Code need not comply with the notice requirements of Section 502, hereof, so long as they comply with the requirements of Section 125.66(3), Florida Statutes.

The Planning Commission shall hold an advertised public hearing to consider the proposed amendment, provided additional hearings may be held at the option of the Planning Commission.

The Board shall hold an advertised public hearing to consider the proposed amendment, provided additional hearings shall be held when required by applicable law and when at the option of the Board.

503.5.Recommendation of the Planning Commission. The Planning Commission shall consider the proposed amendment and provide a recommendation to the Board addressing consistency with the Comprehensive Plan. The Planning Commission may also provide comments, including recommended changes to the proposed amendment and additional issues to be considered. The Planning Department shall forward the recommendation and comments of the Planning Commission, together with the report of thePlanning Department and any written and oral comments received before or at the public hearing, to the Board for consideration in the public hearing or hearings in which the proposed amendment will be considered.

F. 503.6.Action by the Board of County Commissioners Review. At the hearing, TThe Board may:

1. a. Determine that the proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare, and adopt the proposed amendment as proposed, or with such modifications as are necessary to assure consistency with the Comprehensive Plan and to promote public health, safety and welfare;
2. b. Refer the matter back to the Planning Commission for further consideration; or
3. c. Determine that the proposed amendment is not consistent with the Comprehensive Plan or does not promote the public health, safety or welfare, and reject deny the proposed amendment.

Section 342. Section 504. Amendments to Official Zoning Atlas.

342.1. 504.1.Purpose.

The Official Zoning Atlas may be amended from time to time in accordance with the procedures and standards set forth in this Ssection. The purpose of this Ssection is not to relieve particular hardships, and ornot to confer special privileges or rights on any person, but only to make allow adjustments to the Official Zoning Atlas that are necessary to:

A. in light of Accommodate changed conditions or changes in public policy; or that are necessary

B. to iImplement the Comprehensive Plan;

C. Create a new zoning district; or

D. ~~or to a~~Advance the general welfare of the County.

~~504.2.Initiation.~~

~~An amendment to the Official Zoning Atlas may be initiated:~~

~~a. By motion of the Board expressing its intent to consider amending the Official Zoning Atlas;~~

~~b. By application of any person owning of the property that is subject to the proposed amendment to the Official Zoning Atlas; or~~

~~c. By application of the owners of fifty (50) percent or more of the land area that is subject to the proposed amendment to the Official Zoning Atlas.~~

342.2. Review Procedures.

The following procedures shall apply to all applications for amendment to the Official Zoning Atlas:

~~**504.2.Initiation.**~~

A. Applicant: An amendment to the Official Zoning Atlas may be initiated by:

1. ~~a. By~~A motion of the Board expressing its intent to consider amending the Official Zoning Atlas;
2. ~~b. By~~ A~~application of any~~ person owning ~~of~~ the property that is subject to the proposed amendment ~~to the Official Zoning Atlas~~; or
3. ~~c. By application of t~~~~T~~~~he o~~Owners of fifty (50) percent or more of a parcel of ~~the~~ land ~~area~~ that is subject to the proposed amendment ~~to the Official Zoning~~ Atlas.

B. Pre-Application Meeting. A pre-application meeting is required, as provided in Section 312.2.

~~504.3.County-Initiated Amendments.~~

~~*Planning Director Preparation.* The Planning Director shall prepare and file the applications initiated by the Board unless another County department is so directed.~~

~~**504.4.Staff Review.**~~

C. Application Submittal. All applications for amendments to the Official Zoning Atlas shall be ~~reviewed and processed for completeness and sufficiency~~prepared and submitted pursuant to Section~~s~~ 312.3~~502.4 and 502.5~~. The ~~Planning~~ Department Director shall prepare and file the applications initiated by the Board unless another County department is so directed.

~~504.4.2.Zoning Disclosure Forms.~~

In addition to the information required ~~by administrative procedure~~in Section 312.3, the following shall be submitted with each application:

1. ~~each application for an Official Zoning Atlas amendment shall be accompanied by c~~Completed disclosure forms listing the individuals who have a material interest in the approval of the application. ~~Such forms shall be established by the County Administrator by administrative procedure pursuant to Section 105.~~ The completed disclosure forms shall be included in the materials distributed to the Planning Commission and the Board for all Official Zoning Atlas amendment requests. Completed disclosure forms shall not be required for County initiated Official Zoning Atlas amendments, or for applications filed by governmental entities for the rezoning of property for the purpose of developing public facilities.
2. Applications for rezoning to Planned Development shall be accompanied by a General Development Plan ~~and a Developers Agreement~~.

~~Neighborhood Workshop. The following types of zoning atlas amendments require a neighborhood workshop:~~

~~Rezones to Planned Development (PD) district;~~

~~Rezones to non-residential zoning districts; and~~

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~~Rezones to residential districts that result in an increase of more than two potential dwelling units on the site.~~

D. Department Director and Development Review Committee Review. The Director and DRC shall review the application. ~~Within a reasonable time after receipt of the sufficiency review comments pursuant to Section 502.5.1., the Planning Director shall deliver to the Planning Commission a copy of the application and a written report summarizing the facts of the case, including all relevant documents and incorporating or summarizing the comments and recommendations of the Planning Department and the input of reviewing departments and agencies, and schedule a date for a public hearing.~~

E. Planning Commission Review. Public hearings shall be conducted in accordance with the general procedures and requirements of this Chapter.

F. Board of County Commissioners Review. At the hearing, the Board may:

1. Determine that the proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare, and adopt the proposed amendment as proposed, or with such modifications as are necessary to assure consistency with the Comprehensive Plan and to promote public health, safety and welfare;
2. Refer the matter back to the Planning Commission for further consideration; or
3. Determine that the proposed amendment is not consistent with the Comprehensive Plan or does not promote the public health, safety or welfare, and deny the proposed amendment.

~~504.4.1.*Application Requirements.* Pursuant to Section 105, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with any application for an amendment to the Official Zoning Atlas, which may include special requirements for applications for amendments to rezone property to Planned Development districts.~~

342.3. ~~504.5.Factors for Review and Adoption of~~ Review Criteria for Zoning Map ~~Proposed~~ Amendments.

In deciding whether to recommend adoption of, or to adopt, a proposed amendment, the ~~Planning Director~~Department Director, Planning Commission or the Board, as the case may be, shall consider whether the proposed amendment is consistent with this Code and the C~~c~~omprehensive P~~p~~lan. In determining such consistency, the following factors shall be addressed and considered:

A. ~~a.~~ Compatibility ~~Is the requested change compatible~~ with the existing development pattern and the zoning of nearby properties.~~?~~

B. ~~b. Has there been a c~~Changes in ~~the~~ land use or conditions upon which the original zoning designation was based.~~?~~ ~~Have major land uses or conditions changed since the zoning was established?~~

C. ~~c. Does the current zoning or the proposed zoning better conform~~ Consistency with~~to~~ the current ~~C~~comprehensive ~~P~~plan.~~?~~

D. ~~d. Will the proposed change c~~Conflicts with existing or planned public improvements.~~?~~

E. ~~e. Whether the proposed change will be supported by sufficient~~ Availability of public facilities, based upon a consideration of the following factors:

1. ~~(i) Will the proposed change adversely affect~~ Impact on the traffic characteristics related to the site, specifically trip generation potential.~~patterns or congestion?~~
2. ~~(ii) Will the proposed change adversely impact~~ Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are adversely affected~~?~~.
3. ~~(iii) Are sufficient~~ Impact on public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the ~~C~~comprehensive ~~P~~plan and applicable law~~?~~.

F. ~~f. Will the proposed change adversely affect the h~~Health, safety or welfare of the neighborhood and County.~~?~~

Commented [LEA132]: I32.Deleted per workshop comments

Commented [LDI133]: I33.New language added per Bob Agrusa Comment on 10.4.11

Commented [LEA134]: I34.Added per workshop comments

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G. ~~g. Is the proposed amendment in c~~Conformance with all applicable requirements of this Code.~~?~~

H. ~~h. Is the proposed amendment c~~Consistency~~t~~ with the development patterns in the area and appropriateness for orderly development of the community.~~?~~ The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

I. ~~i. Is the proposed amendment the l~~Logical expansion of adjacent zoning districts.~~?~~

~~j. Is the timing of the request appropriate given the development trends in the area?~~

J. ~~k. Will the proposed change adversely i~~Impact on historic resources.~~?~~

K. ~~l. Will the proposed change have an adverse e~~Environmental impacts. ~~on the vicinity?~~

L. ~~m. Will the proposed change allow~~ Types of allowable uses and impact of those on surrounding ~~that require so much outdoor lighting that even the light from shielded fixtures may reflect off-site with potentially adverse effects on~~ residential areas.~~?~~

~~n. Will the proposed change adversely affect the health, safety and welfare of the County as a whole?~~

M. ~~o. For any rezoning that would result in the removal or relocation of mobile home owners residing in a mobile home park, has the applicant demonstrated that adequate mobile home parks or other suitable facilities exist for the r~~Relocation of ~~the~~ mobile home owners, if applicable, within the meaning of, and pursuant to, Section 723.083, Florida Statutes.

N. In the case of rezones to Planned Development, consistency with the Planned Development District standards contained in Chapter 4.

O. ~~p.~~ Any other matters which may be appropriate for consideration pursuant to this Code, the ~~C~~comprehensive ~~P~~plan or applicable law.

~~342~~4. ~~504.6.~~Additional Requirements for Amendments to Planned Development Zoning Districts.

A. Submittal Requirements

In addition to the other requirements of ~~this~~ the previous ~~S~~section, applications for amendments to rezone property to a Planned Development district shall be subject to the following requirements.

~~*504.6.1.Site Plans Not Necessarily Required.*~~*Planned Development Application Without Site Plan.*

1. Applications for amending the Official Zoning Atlas to Planned Development districts may be submitted and approved without an accompanying General Development Plan or preliminary site plan, unless required by the Department Director~~. Pursuant to Section 508, and applicant may also submit, or be required to submit, a General Development Plan or preliminary site plan to be approved simultaneously with the Official Zoning Atlas amendment. Alternatively, an applicant may submit, or be required to submit, a General Development Plan or preliminary site plan after the approval of an Official Zoning Atlas amendment, in accordance with Section 508.~~

~~*504.6.2.*~~*Amendments Approved Without a Site Plan.*

2. An application which does not include a General Development Plan or preliminary site plan shall be reviewed for the range of potential uses allowed within that zoning district. The density/intensity of the use shall be reviewed when the General Development Plan or preliminary site plan is submitted. The zoning map amendment to a Planned Development district may include conditions, limitations and specific approvals. The approval of a Planned Development zoning category without the approval of a General Development Plan or preliminary site plan shall authorize the submittal of a General Development Plan or preliminary site plan by the property owner, but shall not authorize any development on the subject property.

   In any zoning district established without an accompanying General Development Plan or preliminary site plan, or any zoning district in which a General Development Plan or preliminary site plan has been approved pursuant to ~~Section 508~~this Chapter but has subsequently expired, a General Development Plan or preliminary site plan shall be submitted and reviewed pursuant to ~~Section 508~~this Code in the same manner

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as a General Development Plan or preliminary site plan submitted in conjunction with an application to rezone to a Planned Development district.

B. ~~Section 603.4~~ Planned Districts – Review Criteria.

~~603.4. *Planned Districts – Review Criteria.* Planned Development Districts may hereafter be established by amendment to the Official Zoning Atlas.~~

Planned development districts may be established in appropriate locations, with respect to intended function; in conformance with the goals, objectives, and policies of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where they will not adversely impact facilities and services of the County; where they will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage nonresidential strip development along streets.

~~The following General Review Criteria shall be utilized in evaluating requests and establishing conditions for Planned Development districts.~~

Commented [LDI135]: I35.This section repeats the PD standards included in Sections 508.6.1 through 508.6.23. See Chapter 4 (Zoning).

~~*1. Physical Characteristics of the Site; Relation to Surrounding Property.* The tract shall be suitable, or it shall be possible to make the tract suitable for development in the manner proposed without hazard to persons or property, on or off the tract, free from the probability of erosion, subsidence, slipping of the soil, flood hazard, destruction of wetlands or other dangers. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of use intended.~~

~~*2. Relation to Public Utilities, Facilities and Services.* Planned Development districts shall be so located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations that services can reasonably be expected to be available at the time of request for Certificate of Level of Service.~~

~~*3. Relation to Major Transportation Facilities.* Planned Development districts, where appropriate because of the size or intensity of the proposed district, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the district.~~

~~*4. Compatibility.* Planned Development districts shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.~~

~~*5. Transitions.* Planned Development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.~~

~~*6. Design Quality.* All planned developments proposing specific approval of requirements for development under standard zoning district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.~~

~~*7. Relationship to Adjacent Property.* The Planned Development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.~~

~~*8. Access.* Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need.~~

~~Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.~~

~~Pedestrian access shall, where practical, be separated from vehicular access points in order to reduce congestion, friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movement safety.~~

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~~*9. Streets, Drives, Parking and Service Areas.* Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and general facilities. Commercial and office uses shall be grouped in relation to parking areas so after visitors arrive by automobile, establishments can be visited with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic. Loading zones where customers pick up goods shall be located and arranged as to prevent interference with pedestrian movement, fire lanes, and other vehicular travel ways.~~

~~For all rights-of-way and private streets in planned developments, the following minimum design considerations shall be adequately addressed:~~

~~**a.** Safe vehicular travel;~~

~~**b.** The manner in which pedestrians, including the physically handicapped, can traverse in the planned development;~~

~~**c.** Structural stability of all construction materials;~~

~~**d.** Utility distribution, power, sewer, cable, potable water and fire protection routing, location, and sizing;~~

~~**e.** Horizontal and vertical sight distances;~~

~~**f.** Traffic safety requirements;~~

~~**g.** Emergency vehicle maneuverability and access;~~

~~**h.** Logical future extension of inter-neighborhood ties.~~

~~*10. Pedestrian Systems.* All residential Planned Development districts and other Planned Development districts, shall provide internal or external walkways where pedestrian circulation requires them.~~

~~The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent, to the district, with a minimum of conflicts with vehicular traffic.~~

~~Pedestrian systems through buildings shall be related to a network of exterior open spaces reserved for pedestrian use and enjoyment, consistent with the handicap accessibility standards. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district, and shall connect to principal access points within and outside the district.~~

~~Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Where there are crossings of pedestrian ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, safeguards shall be required to prevent crossings, except at designated points. Bicycle or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.~~

~~*11. Natural and Historic Features, Conservation and Preservation Areas.* Planned Development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography, and archaeological and historic sites, as much as possible.~~

~~*12. Density/Intensity.* Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.~~

~~*13. Height.* Height in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.~~

~~*14. Fences and Screening.* Fences or vegetative screening at periphery of Planned Development district shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences. When adjacent development is of either similar use or intensity, such screening may be reduced at the discretion of the Planning Director.~~

~~*15. Yards and Setbacks.* Yard and setback requirements shall be consistent in each Planned Development district to promote general health, safety, welfare, design excellence and neighborhood compatibility. Notwithstanding other~~

required wetland and jurisdictional buffer requirements, all setbacks within a planned development subphase shall maintain consistency with the approved General Development Plan throughout the development. All setbacks within the Planned Development Districts shall be measured from property lines, not zoning district lines. All proposed setbacks shall be shown on the General Development Plan in either graphic or tabular form.

16. Trash and Utility Plant Screens. In the Planned Development district all central refuse, trash, and garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development district.

17. Signs. Signs in the Planned Development district shall be in accordance with Section 724Chapter 6. The provisions of the planned development approvals may be more restrictive, as necessary to meet the other standards contained in this Section 603.4, but not less restrictive than Section 724Chapter 6. Stipulations contained in Planned Development Ordinances shall not be interpreted to regulate signage based upon sign content.

18. Landscaping. Landscaping shall be equal to or exceed the standards stipulated under Section 715Chapter 7, Landscaping.

19. Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways. The Comprehensive Plan establishes interstate interchange as critical gateways to Manatee County. In these areas, additional scrutiny shall be given to the potential visual impacts of the proposed projects, per Section 737900.

20. Water Conservation.

A. Site Plan Alternatives.

Creative Site Development Concepts for Water Conservation. Creative site development concepts shall be used in order to promote water conservation. Water requirements may be reduced by providing for:

The preservation of existing plant communities;

The reestablishment of native plant communities;

Limited amount of lawn grass areas;

The use of site specific plant materials;

The use of shade trees to reduce transpiration rates of lower story plant materials;

Site development that retains stormwater runoff on site;

The use of pervious paving materials;

Site development that addresses the carrying capacity of the land in its present form; and

Other environmentally sensitive site development concepts.

B. Preservation of Existing Plant Communities.

General. Existing native plant communities on sites proposed for development should be preserved and incorporated into the required open space wherever possible. Existing native plant communities that are specified to remain shall be preserved in their entirety, with all desirable trees, understory, and ground covers left intact and undisturbed. In most cases, preservation of existing native plant communities will decrease the initial costs of site development, decrease future water and maintenance requirements and enhance the aesthetic appearance of the property.

Existing Native Plant Communities Required to Remain. When existing native natural plant communities occur on a parcel of land and are located within planned open spaces, thirty-five (35%) percent of the required open space or 75% of the existing native plant communities, whichever is less, shall be in the form of preserved native plant communities.

21. Utility Standards. All utility improvements shall adhere to the requirements of the Manatee County Public Works Standards for all construction. Specific deviations from the Standards, due to an existing site constraint or dimensional conflict, may individually be approved in writing by the Public Works Director. The remote radio alarm system is not required for privately owned lift stations. No utility system will be accepted for operation and maintenance by the County until all aspects adhere to the Manatee County Public Works standards.

~~*22. Stormwater Management.* Stormwater Management facilities shall adhere to the requirements of Section 717, Stormwater Management and the Manatee County Development Standards.~~

~~*23.* No Planned Development shall be approved if it is inconsistent with the Comprehensive Plan.~~

~~*24. Minimum Open Space Requirements.* Minimum open space requirements shall be as required by each specific planned development.~~

C. ~~603.4.1.~~ Procedures for Planned Development Zoning Atlas Amendments.

~~*603.4.1.1.*~~ *Applications for Planned Development Zoning.*

1. ~~Applications for Planned Development Zoning Atlas~~ Applications for Planned Development Zoning Atlas amendments shall be submitted, processed and reviewed as for other amendments to the Official Zoning Atlas. Material submitted with the application, or on subsequent request by the ~~Planning Director~~Department Director, shall include the specific zoning district classification requested, the material required by Chapter 5 and other plans, maps, studies and reports, as required below, with sufficient copies for necessary referrals and records.

   An application which does not include a General Development Plan shall be reviewed for the range of potential uses allowed within that zoning district. The density/intensity of the use shall be reviewed when the General Development Plan is submitted. The approval of a Planned Development zoning category without the approval of a General Development Plan shall authorize the submittal of a General Development Plan by the property owner, but shall not authorize any development on the subject property.

   Applications for zoning atlas amendments for the Planned Development Districts may include submission for approval of a General Development Plan or a General Development Plan may be submitted after the approval of a zoning atlas amendment for the Planned Development District.

   If Planned Development Zoning Atlas amendment is submitted without a General Development Plan, conditions, limitations, and specific approval may be placed on the application and approval of a Planned Development Zoning Atlas amendment.

~~*603.4.1.2.*~~ *General Development Plan Requirements*.

2. Where No Plan Exists. A General Development Plan shall be submitted in accordance with the requirements for and reviewed in the same manner as a General Development Plan which is submitted with an application for a rezone.

~~*504.7.*~~ *Public Hearings.*

3. ~~Except as modified below, p~~Public hearings shall be conducted in accordance with the general procedures and requirements of Section 312.8~~502~~ of this Code.

~~504.7.1. *Planning Commission.* The Planning Commission shall hold a public hearing on each application for amendment of the Official Zoning Atlas. The Planning Commission shall submit a recommendation to the Board, after considering each of the factors for reviewing amendments, as to whether the Planning Commission finds the proposed amendment to be consistent with this Code and the Comprehensive Plan.~~

~~504.7.2. *Board of County Commissioners.* The Board shall conduct a public hearing or public hearings in accordance with the procedures and requirements of Section 502 of this Code. Based upon the evidence submitted at the public hearing(s), the Planning Commission recommendation, and the criteria set forth in Section 504.5, the Board may:~~

~~a. Adopt the proposed amendment and, in the case of rezonings to Planned Development districts, impose stipulations or conditions necessary to assure consistency with this Code and the Comprehensive Plan;~~

~~b. Refer the matter back to the Planning Commission for further consideration; or~~

~~c. Reject the proposed amendment.~~

D. Effect of Approval.

1. Approval of an amendment to the Official Zoning Atlas or rezone to PD does not entitle the owner/applicant to

do any work on the property, unless the appropriate approvals are obtained.

2. Approval of a PD entitles the applicant to proceed with final site plan review for the entire development or individual phases. Prior to submitting an application for final site plan approval or within ninety (90) days from the approval of the PD, whichever is first, the applicant shall submit the general development plan approved in conjunction with the PD to the Department Director for signature. The ~~Concept~~General Development Plan shall reflect all changes and conditions approved by the Board.

3. With each application for development plan approval, the developer of a planned development shall submit a progress report to the review body. At a minimum, the progress report shall include the following information listed below. If the required progress report is not up to date or is not filed, additional development approvals shall not be granted.

   a. Updated ~~concept~~general development plan for the entire development indicating the status of approvals, phasing schedule, undeveloped areas and within developed areas, the number, size, type and locations of all structures and improvements that have been installed or constructed.

   b. Subsequent developers or owners. The names of any subsequent developers and owners of any increments, phases or portions of the planned development.

Commented [LEA136]: 136.Changed back per workshop comments

Commented [LEA137]: 137.Changed back per workshop comments

E. ~~504.8.~~ Typographical or Drafting Errors.

Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors on the Official Zoning Atlas may be adopted by the Board at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.

F. ~~504.9.~~ Resubmission of Application after Denial.

An application for amendment of the Official Zoning Atlas shall not be resubmitted for consideration for a period of one (1) year after the date on which an application for substantially the same proposed amendment has been rejected. This ~~S~~section shall not apply to proposed amendments initiated by the County ~~pursuant to Section 504.2~~, or where the Board specifically authorizes resubmittal based upon new information.

342.5. ~~602.6. Procedures~~Additional Requirements for Rezoning to ~~for~~ the MP-I District.

~~602.6.1. Application for Approval of Rezoning; Institution Master Plan Review.~~

A. ~~602.6.1.1.~~ Filing of Application. Any person wishing to rezone property into the MP-I District and to undertake development within the MP-I district shall file an application with the Director in accordance with the provisions of Section ~~504~~342, and this Section. Such application shall include a copy of an Institution Master Plan.

B. ~~602.6.1.2.~~ Review Procedures. The review and approval procedures for an Institutional Development shall be the same as for a rezoning pursuant to Section ~~504~~342, Amendments to Official Zoning Atlas.

C. ~~602.6.1.3.~~ Institution Master Plan. In addition to the application ~~required under Section 504~~requirements for rezoning, the applicant shall provide an Institution Master Plan for review and approval. The plan shall provide sufficient detail for the Board to determine that compatibility between adjacent uses will be achieved upon build out. The plan shall include, at a minimum, the following information:

- ~~•~~ Property Boundary
- ~~•~~ General Range of Uses, including principal and accessory uses
- ~~•~~ Range of Density and/or Intensity, as appropriate
- ~~•~~ Building Height
- ~~•~~ External Access Points
- ~~•~~ Minimum Setbacks from Property Boundary
- ~~•~~ Upland Preservation Areas
- ~~•~~ Wetlands, wetland buffers and proposed wetland impacts
- ~~•~~ Perimeter buffers

D. ~~602.6.1.4.~~ Board of County Commissioner Approval. In review of the Institution Master Plan, the Board of County Commissioners may limit the range of uses to ensure compatibility with adjacent existing or future land

uses. The Board may also approve specific building heights, perimeter buffers, and setbacks not in strict compliance with ~~Figure 6-6~~Chapter 4 based upon a review of the plan. The Board of County Commissioners shall also be authorized to grant Special Approval with the approval of the Institution Master Plan.

E. ~~602.6.2.~~ **Further Development Review Procedures.** Upon approval of a Zoning Atlas Amendment and accompanying Institution Master Plan by the Board of County Commissioners, the applicant may proceed with approvals of site plans in accordance with ~~Section 508~~this chapter. Such approvals shall be consistent with the approved Institution Master Plan and may be approved in phases. Future development shall occur in accordance with regulations in effect at the time, with the exception of the information contained on the Institution Master Plan (e.g., details of landscaping, lighting, parking, etc. will not be shown on the master plan but future approvals will be required to comply with the most current regulations).

F. ~~602.6.3.~~ **Uses Proposed.** Uses must be consistent with and allowed under the range of potential uses for the applicable Future Land Use Category of the Comprehensive Plan. Uses listed as permitted in ~~Figure 6-1~~ Chapter 4 must be declared as either principal or accessory on the Institution Master Plan.

The following uses may be considered principal uses: Office, Hospital, Research and Development Activity, Churches or other places of worship, College/University, Schools of Special Education, Cultural Facilities, and Nursing Home.

All remaining uses permitted in Figure 6-1 shall be allowed as accessory uses if they are listed on the Institution Master Plan.

G. ~~602.6.4.~~ **Effect of Approval.** Upon approval of the Institution Master Plan by the Board through adoption of a Development Order, the applicant may apply directly for approval of a Preliminary/Final Site plan and may indicate phases on that plan. Subsequent applications may depart from the phasing plan if each site plan provides access and other common improvements adequate to serve all cumulative developments in the event other phases fail to develop timely.

H. ~~602.6.5.~~ **Modification.** Minor Modifications may be approved by the Director after a finding of consistency with the Institution Master Plan and Comprehensive Plan. Should future development conditions warrant a major modification to the Institution Master Plan, such an amendment shall be reviewed and approved in the same manner as the original plan.

I. ~~602.6.6.~~ **Expiration.** Upon approval, the Institution Master Plan shall not expire.

J. ~~602.6.7.~~ **Other Permits Required.** Nothing in this Section shall eliminate the obligation of the applicant to obtain any required permits from State or Federal agencies.

K. ~~602.6.8.~~ **Revocability.** In the event the Director determines, in his or her sole discretion, that the applicant has failed to suitably monitor the progress of the development under the Institution Master Plan so as to trigger or have a factual basis to conclude that the numerical thresholds will be exceeded such as to trigger review as a development-of-regional-impact, the Director shall notify the applicant in writing of his or her determination. The applicant(s) receiving such notice shall have the right to appeal pursuant to Section 516, LDC, of the decision or interpretation of the Director in the enforcement of this Code requirement. The applicant shall record a notice to buyers in the public records at such time as any parcel or portion of the property is sold or transferred to another legal entity of the requirement of a subsequent purchaser to comply with the monitoring requirements regarding numerical thresholds and development-of-regional-impact review.

Such appeal shall be heard by the Board. The Board, at its option, based upon evidence in the record and exclusive of all other remedies available to the Board pursuant to Land Development Code and applicable law, may revoke the approval of a portion of the Institution Master Plan for which no Preliminary/Final Site Plan has been issued in order to prevent issuance of further development orders and prevent the ~~exceedence~~exceedance of numerical thresholds for development-of-regional-impact review. In the event the approval of all or a portion of the Institution Master Plan is revoked by the Board, the Board shall adopt a resolution providing for such revocation and a Notice of Revocation shall be recorded in the public records.

~~(Ord. No. 91-29, § 3, 11-20-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 94-09, § 3(I), 6-16-94; Ord. No. 98-50, § 3, 12-15-98; Ord. No. 07-41, § 2B, 5-24-07; Ord. No. 12-07, § 5, 1-5-12)~~

Section 343. to 344 Reserved.

~~Part XI.~~Part VII. Other Applications.

~~1.~~Section 345. ~~Section 605 -~~ Special Approval Process as Required by the Manatee County Comprehensive Plan.

345.1. ~~605.1.~~Purpose.

~~2.~~ Special approval is a process requiring an additional level of review that is required pursuant to the Comprehensive Plan. The special approval process as required by the Manatee County Comprehensive Plan is outlined in ~~the attached Chart 605~~Table 3-4.

~~3.~~ ~~605.1.2.~~The Special Approval table~~Chart 605 -~~ is not intended to replace any development review procedures which are required pursuant to ~~Figure 6-1~~Tables 4-1 and 4-2 and this Chapter~~ 5 of this Code~~, but rather must be read in conjunction with those development review procedures.

345.2. ~~605.2.~~Timing of Special Approval.

~~4.~~ Special approval needs only to be granted on a single development application. Table 3-4~~Chart 605 -~~ indicates with regard to many types of special approvals that there are options as to what type of development review process may simultaneously provide the review necessary to grant special approval; however, special approval is not required to be granted at each stage of review. No development order, administrative or otherwise, may be approved for projects which require special approval prior to the granting of special approval. Therefore, special approval shall be granted prior to or concurrent with the earliest approval required.

345.3. ~~605.3.~~Duration of Special Approval.

~~5.~~ A special approval shall continue in effect until such time as the use for which the special approval was granted is discontinued for a period exceeding one (1) year. However, the use must have been established prior to the expiration of the special approval. A special approval shall expire at the time specified in the instrument granting the special approval or, if no time was specified in the instrument, the special approval shall expire seven (7) years from the date on which the special approval was granted.

345.4. ~~605.4.~~Manner of Granting Special Approval.

~~6.~~ Special approval may be granted as part of another development order when allowed pursuant to Table 3-4 ~~Chart 605~~ or may be granted through the adoption of a resolution following a duly noticed public hearing before the Board.

~~7.~~ ~~605.4.1.~~To the maximum extent possible, special approval is to be granted with whatever development application is required elsewhere in this Code. In many cases, special approval may be granted with administrative approvals (Preliminary and Final Site Plans, Preliminary Plats, etc.). In other cases, only the Board or a Hearing Officer may grant special approval (Rezone, General Development Plans, Special Permits, etc.). Where rezoning is required pursuant to Table 3-4~~Chart 605~~, the Planned Development process will be required to obtain special approval.

345.5. ~~605.5.~~Standards for Granting Special Approval.

~~8.~~ Special approval may be granted only upon findings that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities and only when the specific criteria for the special approval established in the Comprehensive Plan or this Code, if any, have been satisfied. Conditions may be placed on the special approval to ensure the standards for granting are met and maintained through the life of the special approval.

345.6. ~~605.6.~~Submittal Requirements.

~~9.~~ The County Administrator shall establish by administrative regulation the submittal requirements for special approval. At a minimum, the regulations shall require (i) preliminary data and analysis regarding existing public facilities and the impact of the project on those facilities, and (ii) an aerial photograph and project plan showing the arrangements of existing and proposed buildings; existing wetlands, trees, and other natural resources; proposed buffers and landscaping; neighboring land uses and the distances of those uses from the uses within the project.

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Table 3 - 4: Special Approval as Required by the Manatee County Comprehensive Plan ~~CHART 605~~

~~SPECIAL APPROVAL AS REQUIRED BY THE MANATEE COUNTY COMPREHENSIVE PLAN CHART 605~~											
		REZONE AND GD PLAN	**SPECIAL PERMIT**	**PREL. PLAN**	**PREL. PLAT**	**FINAL SITE**	**ADM. PERMIT**	**FINAL PLAT**	**BLDG. PERMIT**	**EARTH/ MOVING**	**CO**
A.	Mixed and multi-use projects in residential, agricultural, urban fringe, low intensity office, and retail/office residential categories:	X	X	X		X					
B.	Residential developments at or above a specified density in the Comprehensive Plan which require Special Approval(5)	X									
C.	Non-residential projects which exceed 30,000 square feet of gross building area and are located in the RES-1, RES-3, UF-3, RES-6, RES-9, RES-12, or RES-16 future land use categories.	(9) See Note (9) Below									
D.	All projects in the mixed use future land use categories (5)	X							X		
E.	Any project which requires Preliminary Site Plan/plat approval which is at least partially located in the Manatee Watershed Reservoir Overlay category:(5)(7)	X									
F.	Any project which requires Preliminary Site Plan/Plat Approval which is at least partially located in the Evers Watershed Reservoir Overlay category. (5)(7)	X									
G.	Any project at least partially located in the Coastal High Hazard category which requires Preliminary Site Plan/Plat Approval except a project located on land owned, leased or operated by the Manatee County Port Authority; (1)(5)(6)(7)	X	X								

~~SPECIAL APPROVAL AS REQUIRED BY THE MANATEE COUNTY COMPREHENSIVE PLAN CHART 605~~

		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
H.	Any project involving noise-sensitive uses within the Sarasota-Bradenton Airport's Airport Impact Overlay category: See Section 403.2~~604.5.2 and 604.5.3~~ of this Code										
I.	Any project in which density is transferred from part of a wetland site to another part of the same project site (1)(2).	X	X	X	X	X	X	X			
J.	Any project involving the siting of marina-type uses	X									
K.	All new recreational vehicle parks. Must rezone to CRV.			X		X					
L.	Development in ROR (retail/office/residential) IL (light industrial) and OL (office light) Future Land Use categories at special approval floor area ratios specified in the Plan plus any development exceeding 6 du/ac in the R/O/R F.L.U. designation (5)	X									
	Note: In IL categories retail commercial uses over 3,000 square feet require planned development.										
M.	Newly proposed non-residential non-agricultural development in the Manatee and Evers Watershed Overlay categories which require a construction or operating permit for industrial waste treatment as referred to in F.A.C., Chapter 17-4.	X									
N.	Modifications to Special Exception projects, see note (3).										
O.	Any projects involving continued agricultural uses where clustering						X				

~~SPECIAL APPROVAL AS REQUIRED BY THE MANATEE COUNTY COMPREHENSIVE PLAN CHART 605~~

		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
	option farm working housing has been utilized in the AG/R or implementing the cluster option for farmworker housing until approved development is started on the project.										
P.	Any project adjacent to all interstate connectors designated as entranceways	See Section ~~737~~900									
Q.	When alternative scenarios for project access yield substantially different impacts on the number and magnitude of impediments to traffic on any functionally classified roadway or on any roadways shown on the Future Traffic or Circulation Map.						X				
R.	Any support uses located within a planned office or industrial park in the light industry and heavy industry land use categories seeking exemption from commercial location criteria	X	X	X		X	X		X		X
S.	Mineral resource extraction activities which are regulated by the Manatee County Mining and Reclamation Ordinance and which are within the Manatee or Evers Watershed Overlay categories: (6)	X									
T.	Mineral resource extraction activities which are exempted by the Manatee County Mining and Reclamation Ordinance but which are defined as major earthmoving under the Land Development Code and which are within the Manatee or Evers Watershed Overlay categories:		X							X	
U.	Mineral resource extraction activities									X	

~~SPECIAL APPROVAL AS REQUIRED BY THE MANATEE COUNTY COMPREHENSIVE PLAN CHART 605~~

		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
	which are exempted by the Manatee County Mining and Reclamation Ordinance but which are defined as minor earth moving under the Land Development Code and which are within the Manatee or Evers Watershed Overlay categories:										
V.	Any project adjacent to perennial lake or stream	X	X	X	X	X	X	X			
W.	Any project in the Aviation Overlay District: See Section ~~725~~403.2										
X.	Additions under 50,000 square feet to existing (prior to approval of the LDC) non-residential projects which already exceed 50,000 square feet in size, located within the R/O/R and MU future land use categories: (5)	X	X	X		X	X		X		
Y.	Additions over 50,000 square feet to existing non-residential projects located within the R/O/R and MU future land use categories: (5)	X									
Z.	New non-residential projects located within the R/O/R and MU future land use categories having more than 50,000 square feet: (5)	X									
AA.	Legally established light industrial uses located within the R/O/R who wish to change light industrial uses or increase their square footage. (See Note 3 below)										
BB.	Permit consideration of densities in excess of the maximum densities in a residential zoning category for projects which qualify as affordable housing, pursuant to the criteria										

~~SPECIAL APPROVAL AS REQUIRED BY THE MANATEE COUNTY COMPREHENSIVE PLAN CHART 605~~											
		REZONE AND GD PLAN	**SPECIAL PERMIT**	**PREL. PLAN**	**PREL. PLAT**	**FINAL SITE**	**ADM. PERMIT**	**FINAL PLAT**	**BLDG. PERMIT**	**EARTH/ MOVING**	**CO**
	approved by the Board of County Commissioners. (See note 8).										
CC.	Additions ~~under~~ of less than 50,000 sq. ft. to existing (prior to approval of the Code) nonresidential projects located within the IL and IH Future Land Use Categories. (5)	X	X	X		X	X		X		
DD.	Additions over 50,000 sq. ft. to existing nonresidential projects located within the IL and IH future land use categories. (5)	X									
EE.	Projects where nuisance, exotic vegetation will not be removed, pursuant to Section ~~715.4.E~~701.4.E.	X	X	X	X	X	X	X	X	X	X
FF.	When a project in the Wastewater Service Area proposes use of a septic tank in conjunction with development. (10)										

NOTES:
(1) All development proposed in the Coastal Wetland Habitat requires BOCC approval.
(2) Any proposed mitigation ratios below 2:1 for herbaceous wetlands and 4:1 for forested wetlands require approval by the BOCC (excluding single family homes on a lot of record).
(3) All modifications, except those which are listed under Section ~~508.5.4.3~~324.2.A of this Code require BOCC approval. Those items listed as minor modifications may be approved administratively.
(4) In AG/R, and OL Category non-residential development over 3,000 s.f. requires Planned Development.
(5) Parcels which already have a Planned Development category do not need to be rezoned.
(6) Mineral Resource extraction requires a rezone to EX. The Master Mining Plan may serve as the General Development Plan.
(7) Commercial RV Parks may be established on property zone CRV.
(8) A Land Use and Deed Restriction Agreement must be approved ~~pursuant to Section 1302.5.3 of this Code~~.
(9) Special approval for non-residential projects which exceed 30,000 square feet and are located in a residential (FLU) category shall be heard and decided by the Board of County Commissioners. Notwithstanding the Board review of special approval, such projects shall comply with ~~the~~ all other development review procedures ~~set forth in Figure 6-1~~ and ~~all other~~ applicable provisions of this Code. Special approval may be granted by the Board as part of any other development order or through a separate process. Where special approval is granted by the Board through a separate review process, the granting of any other development order for such a project shall occur only subsequent to the Board's adoption of a resolution granting special approval for that project, and the granting of any other development order must be consistent with the Board's special approval resolution.

Commented [LDI138]: 138.Wrong cross-section. Used reference to Admin approvals of site plan changes inst

Commented [LDI139]: 139.Section number does not exist.

(10) ~~Special~~ Approval shall be determined as ~~shown~~ provided in ~~Section 722.1.8.1.3~~the Manatee County Public Works Standards Manual (Utilities).

Section 346. Zoning Compliance Permit.

Commented [LDI140]: I40.NEW

346.1. Zoning Compliance Permit Required.

Except as otherwise specifically provided in this chapter, it shall be unlawful to conduct any of the following activities until the Department Director or designee has issued a zoning compliance permit confirming that such activity complies with the applicable provisions of this chapter.

A. Make a change of use, as the term is defined in Chapter 2 of this Code, of any land or structure, or to extend any use or any lot on which exists a nonconforming use.

B. Establish any business, profession or occupation, or to change the location of a business, profession or occupation which is subject to an occupational license (local business tax receipt).

346.2. Review Procedures.

A. **Application Submittal.** An application for a zoning compliance permit shall be submitted to the Department Director.

B. **Department Director Review.** Upon receipt of a completed application, the Department Director or designee shall cause an analysis to be made as expeditiously as possible by qualified representatives of the County and such other agencies or officials as appear appropriate in the circumstances of the case, to determine compliance with the applicable provisions of this chapter. Final action shall be based on findings as to compliance with all applicable provisions of this chapter. The permit may be approved, approved subject to conditions, or denied.

C. **Actions Subsequent to Decision.** In the case of approval or approval with conditions, the Department Director or designee shall issue the zoning compliance permit. In the case of denial of an application, the applicant shall be notified as soon as possible, in writing, of the reasons for such denial.

346.3. Expiration.

If the use, construction or activity authorized by approval of an application for a zoning compliance permit is not commenced within six (6) months of the date of issuance of the permit, or within such further time stipulated in such permit, the zoning compliance permit shall automatically expire. Any other approval, grant, certificate, building permit or special permit issued or granted by the County pursuant to or in conjunction with the zoning compliance permit shall become null and void unless any required work thereon is substantially underway or lawful use has begun within six (6) months after the effective date of the issuance of such approval, certificate, grant, building permit or special permit, unless otherwise provided in this chapter. The Department Director or designee shall determine whether the use, construction or activity is substantially underway or has begun upon review of substantial competent evidence.

Section 347. ~~Section 514.~~Certificate of Appropriateness.

Commented [LDI141]: I4I.Considered moving to the same chapter where the HP regulations are, but decided to keep the procedures portion in this chapter with all the other approvals required by Code.

347.1. ~~514.2.Applicability~~Certificate of Appropriateness Required.

No person may remove, relocate, alter, restore, renovate, demolish, destroy, excavate or build on a~~n~~ historic landmark, ~~or~~ in a~~n~~ ~~H~~historical and ~~A~~archaeological ~~O~~overlay ~~D~~district, or in a ~~H~~historic ~~V~~vista ~~P~~protection ~~A~~area without first obtaining a ~~C~~certificate of ~~A~~appropriateness. The following are the specific activities requiring a certificate of appropriateness in each designated district~~Sections 514.2.1 through 514.2.3 are applicable in the Whitfield, Cortez Fishing Village, and Terra Ceia Historic and Archaeological Overlay Districts.~~:

A. ~~514.2.1.~~**Whitfield Estates Historical and Archaeological Overlay District.** ~~No person may~~ The remov~~e~~al, relocat~~e~~ion, alteration, restor~~e~~ation, or renovat~~e~~ion that includes~~using~~ a change in exterior facade materials~~,~~; the ~~destroy~~ demolition or ~~build~~ construction on any site ~~in the Whitfield Estates Historic and Archaeological Overlay District~~ that contains a principal building built prior to 1932~~, without first obtaining a Certificate of Appropriateness~~.

B. 514.2.2.Terra Ceia Historical and Archaeological Overlay District. No person may The removeal, relocateion, alteration, restoreation or renovateion that includes using a change in exterior facade materials,; or destroy the destruction of any exterior portion of a building built prior to 1942; or the construction of build any waterfront structure in excess of two hundred (200) square feet in area without first obtaining a Certificate of Appropriateness.

C. 514.2.3.Cortez Fishing Village Historical and Archaeological Overlay District. No person mayThe removale, relocatione, alteration, restoratione, renovatione, destructionoy or building of any structure or the excavatione of any site in the Cortez Village Overlay District, except for mobile homes and Rrecreational Vvehicles located in the Cortez Trailer Park, without first obtaining a Certificate of Appropriateness.

514.3.Procedure.

347.2. 514.3.2.Criteria for Review of ApplicationAuthority.

Unless the application meets criteria for administrative approval as adopted by the Historic Preservation Board by resolution, the Historic Preservation Board shall review all applications for a Certificate of Appropriateness.

347.3. 514.3.2.5.1.Review Procedures.

A. Pre-Application Meeting. The applicant shall schedule a pre-application meeting in accordance with this Chapter. The pre-application meeting shall be optional for Certificates of Appropriateness requiring administrative approval.

B. 514.3.1.Submission of Application Submittal. A person desiring a Ccertificate of Aappropriateness shall submit a written application to the Historic Preservation BoardDepartment Director on a form approved and provided by the Historic Preservation Board.

C. Department Director Review. Upon receipt of the complete Ccertificate of Aappropriateness application, the Planning DirectorDepartment Director shall review and act on the application in accordance with Section 312 if the request qualifies for administrative review.

D. Historic Preservation Board Review. Applications that do not qualify for administrative approval shall be forwarded it to the HHistoric PPreservation BBoard, who will, within a reasonable period of time, meet to review and approve the application for review and approval subject to the provisions of Section 312.8.

514.3.5. The Historic Preservation Board shall approve, deny, or approve with conditions Certificates of Appropriateness.

514.3.3.*Fees.* The application shall be accompanied by a Certificate of Appropriateness fee in an amount to be prescribed by the Board.

E. Criteria for Board Review. In approving or denying applications for Ccertificates of Aappropriateness for alterations, new construction, demolition or relocation, the Historic Preservation Board shall consider:

(1) the effect of the proposed work on the Historical and Archaeological Overlay District or historic landmark upon which such work is to be done;

1. (2) the relationship between such work and other structures in the landmark Historical and Archaeological Overlay District or on the historic landmark;
2. (3)the extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the historic landmark or Hhistorical and Aarchaeological Ooverlay Ddistrict will be affected;
3. the extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the historic or archaeological landmark will be affected;
4. (4)whether the denial of a Ccertificate of Aappropriateness would deprive the property owner of reasonable beneficial use of his property; and
5. (5)whether the plans may be reasonably carried out by the applicant.

F. 514.3.2.4.1. Deferral of Application for Demolition. The Historic Preservation Board may approve. deny or

Commented [LDI142]: I42.514.3.1 moved below.

Commented [LDI143]: I43.Last two sentences moved. Had previously added specific criteria provided by staff to determine if the CAO needed Board or admin approval. Deleted all the additional text and updated to reflect most recent ordinance.

Commented [LDI144]: I44.Split section into 2 for clarification purposes

continue a decision for a period not to exceed one (1) year on an application for a Certificate of Appropriateness for demolition in order to:

1. ~~a.~~ Contact interested individuals and organizations for assistance in seeking an alternative to demolition; or
2. ~~b.~~ Allow an applicant to supply additional information as requested by the historic preservation board which may include, but is not limited to, evidence showing that plans for a new building on the site will be implemented.

Section 348. ~~Section 736~~ Developments of Regional Impact (DRI~~'s~~) ~~and Large Projects~~.

~~736.1.Developments of Regional Impact (DRI).~~

~~736.1.1.~~A Development of Regional Impact (DRI) shall be as defined in Chapter 380, ~~Florida Statutes~~Florida Statutes~~F.S~~. All review shall occur as specified by the ~~S~~statutes, and in accordance with the procedures established by the Regional Planning Council.

~~736.1.2.~~Any request for an Official Zoning Atlas Amendment~~,~~ or, where an ~~Zoning~~ Aatlas ~~A~~amendment is not required, the first request for any other type of ~~D~~development ~~A~~application for a project which is deemed to be a DRI shall be processed simultaneously with a request for approval of a DRI~~Development of Regional Impact~~ development order. Prior to a review of the ~~development order~~~~D~~development ~~O~~order, the ~~R~~rezone ~~O~~ordinance shall be considered for approval by the Board. Generally, local conditions of approval shall be stipulated in the ~~R~~rezone ~~O~~ordinance and regional conditions of approval shall be stipulated in the ~~D~~development ~~O~~order. However, applicable conditions of approval which have both regional and local impact may be stipulated in both the ~~D~~development ~~O~~order and ~~R~~rezone ~~O~~ordinance.

~~736.1.3.~~Following approval of a ~~D~~development ~~O~~order and ~~R~~rezone ~~O~~ordinance, all subsequent requests for development approval shall be processed in accordance with the provisions of this Code.

Section 349. ~~736.2.~~Large Projects.

Commented [LDI145]: I45.Will revisit this section in a future phase.

349.1. Large Project Application Required.

~~736.3.1.~~Projects which are not deemed to be a DRI, but which meet one or more of the following criteria, shall be considered large projects, and shall file, in addition to all requests for approval as required by this Code, a large project application (LPA):

A. ~~•~~ Residential development project containing eight hundred (800) units or more.

B. ~~•~~ Projects which are between eighty (80) and one hundred and twenty (120) percent of a numerical threshold for DRI's, as provided in Section 380.0651(3)(a) through (~~h~~i), Florida Statutes ~~(Supp. 1998)~~.

349.2. ~~736.2.1.~~Binding Letter.

A Binding letter of Interpretation (BLI) shall be required for the following projects. A BLI, however, shall not be required if the applicant submits an Application for Development Approval (ADA) for a DRI.

A. ~~736.2.1.1.For any p~~Projects ~~which is~~ between one hundred (100) percent and one hundred twenty (120) percent of a numerical threshold for DRI's, as established in Chapter 380.06, Florida Statutes, ~~the Planning Director~~ shall require ~~that the applicant obtain~~ a ~~Binding Letter of Interpretation (~~BLI~~)~~ prior to submitting a request for a Zoning Atlas Amendment for that project. ~~A BLI shall not be required if the applicant submits an Application for Development Approval (ADA) for a DRI.~~

B. ~~736.2.1.2.The Planning Director shall require a binding letter for any p~~Projects ~~(at the development stage) which is~~ between eighty (80) percent and one hundred (100) percent of a numerical threshold for DRI's, as established in Chapter 380.06, Florida Statutes, require a BLI at the development stage upon findings that the character and magnitude of the development creates a likelihood that the development will have a substantial effect on the health, safety and welfare of citizens of more than one County. ~~A BLI shall not be required if the applicant submits an Application for Development Approval (ADA) for a DRI.~~

349.3. 736.3.Large Project Application (LPA).

736.3.2.The Large Project Application shall be processed simultaneously with the first application for development approval.

A. 736.3.3.**Pre-Application.** Prior to submittal of a Large Project, the applicant shall have a pre-application conference with the Planning Building and Development Services Department and the Environmental Management Department.

B. 736.3.4.**Required Information.** Information that shall be required upon submittal of a Large Project Application shall include, but not be limited to:

1. Recent aerial photo, including at one (1) foot contours (for areas within five hundred (500) feet of project boundaries).
2. Topographic map at one (1) foot contours (for areas within five hundred (500) feet of project boundaries).
3. Map showing existing land uses within the development area and adjacent land within five hundred (500) feet of the project boundaries. (Note: all above information may be combined on a single map or aerial photo, if appropriate.)
4. Master Development Plan for site, including a breakdown (acreage and percentages) of the types of proposed land uses; rights-of-way (major roads); open space areas; general areas of stormwater retention; acreage and number of proposed residential units for each parcel, acreage and size (square feet) of each non-residential component of the project.
5. Development Phasing Plan. depicting Ggeneral breakdown in types of proposed land uses by project phase (including acreage, number of residential units and size of non-residential components).
6. An existing native habitat map or list. Indicate on this map or list, acreage for each native habitat area lying within the project site.
7. A native habitat preservation, alteration and mitigation plan. Indicate on this map acreage of each native habitat area to be preserved, conserved, altered or mitigated, if applicable. Provide on this map a summary of native habitat acreage to be preserved, conserved, and mitigated by habitat type.
8. An existing drainage map. Indicate on this map existing basin/subbasin boundaries, drainage flow directions, drainage easements, discharge points, natural creeks, manmade canals, lakes, other waterbodies, drainage structures (both on-site and within one (1) mile downstream), coastal construction control lines, DEP jurisdictional lines, floodplains and floodways, as determined by FEMA and any other studies available through the Engineering Division of the Public Works Department. Summarize in tabular form on this map the following information:
   a. a. Basin area(s), slope(s) and length(s);
   b. b. Acreage and percent impervious coverage for each basin;
   c. c. Acreage and percent directly connected impervious coverage for each basin;
   d. d. Acreage and percent wetland/depression surface coverage for each basin; and
   e. e. Wetland/depression storage capacity within each basin.

~~A map or list of the roadway segments and intersections included within the transportation impact area.~~

~~A map or table showing existing peak-hour peak-season traffic volume and level of service conditions on the roadway segments and intersections within the transportation impact area.~~

~~A map (or map series) showing projected development generated traffic (daily and peak-hour by development phase) on the roadway segments and intersections within the transportation impact area.~~

~~A map (or map series) showing projected peak-hour peak-season traffic volume and level of service conditions on the roadway segments and intersections within the transportation impact area (by development phase), excluding traffic generated by the proposed development project.~~

~~A map (or map series) showing projected peak-hour peak-season traffic volume and level of service~~

Commented [LEA146]: I46.The following can be moved to a development review manual.

Commented [LDI147]: I47.Deleted per CAO

~~conditions on the roadway segments and intersections within the transportation impact area (by development phase), including traffic generated by the proposed development project.~~

9. A traffic impact analysis that satisfies the standard for a DRI traffic impact analysis.

10. A map or list identifying any locations of existing public facilities (e.g., water supply, wastewater treatment, transportation facilities, emergency service facilities, recreational parks, schools, etc.) which would serve the project site.

11. A map showing future improvements necessitated by the proposed development (e.g., water supply, wastewater treatment, transportation facilities, emergency service facilities, recreational parks, schools, etc.).

C. ~~736.3.5.~~General Project Description.

1. ~~736.3.5.1.~~Describe and discuss in general terms all major elements of the proposed development in its completed form. Include in this discussion the proposed phases of development, and expected beginning and completion dates for construction. For non-residential Large Projects, also include target dates for facility operation or utilization. If the development will have a proposed build-out of ten (10) years or less, phasing should be shown on an annual or biannual basis.

2. ~~736.3.5.2.~~Project the number of on-site permanent fulltime employees with low or moderate incomes that could afford to rent or purchase within the development. Specify if any affordable housing provisions will be available to these employees within the development.

3. ~~736.3.5.3.~~If the proposed project would include low and moderate income housing units, describe how these units would be provided. Indicate what available mechanisms or incentives the applicant is seeking to achieve affordable housing within the project.

4. ~~736.3.5.4.~~Provide a market study which has been prepared for the proposed commercial development. If such a study has not been prepared, describe in general terms how the overall demand for this project has been determined.

D. ~~736.3.6.~~Industrial Uses.

Indicate the type of anticipated operations that would occupy the proposed industrial park (e.g., manufacturing).

E. ~~736.3.7.~~Environmental Systems.

1. ~~*736.3.7.1.*~~*Native Habitats*.

   a. ~~736.3.7.1.1.~~Methodology.

      i. The applicant shall use a methodology for determining on-site hydroperiods and flow conditions which has been approved by the Pollution Control Department prior to submittal of this application.

      ii. Describe the acreage, species composition and degrees of disturbance for each habitat existing within the development site, based on the Comprehensive Plan Conservation Element. Identify the occurrence of any on-site unique habitats such as those listed by the Florida Natural Areas Inventory, and describe the ecological values and functions of these unique habitats.

      iii. Provide an analysis of historic flow conditions and hydroperiods, with seasonal water elevations, of on-site wetlands.

   b. ~~736.3.7.1.2.~~Post-Development Conditions.

      i. Discuss how the project would not adversely affect the base flow or the periodicity of flow in water courses.

      ii. Indicate all native habitats that will be preserved in their natural or existing state.

      iii. Indicate all native habitats that will be conserved. Discuss how this proposal is consistent with the Comprehensive Plan Conservation.

      iv. Indicate all wetlands, or portions thereof, that are proposed for alteration. Discuss the reason for alteration, and indicate whether alternatives were investigated to either limit or eliminate the need for wetland alteration. Discuss how this proposal is consistent with the Comprehensive Plan

Conservation Element residential component of the project.

v. Development Phasing Plan. General breakdown in types of proposed land uses by project phase (including acreage, number of residential units and size of non-residential components).

c. ~~736.3.7.1.3.~~Conceptual Mitigation Plan for all wetlands, meeting the criteria for alterations as specified in Section 719.

d. ~~736.3.7.1.4.~~A list of species likely to occur or present within the development area listed as threatened, endangered, rare, unique, or of special concern.

F. ~~736.3.8.~~Drainage.

1. ~~736.3.8.1.~~Provide a general overview of existing drainage conditions, including any potential flooding and/or erosion problems.

2. ~~736.3.8.2.~~Indicate that steps will be taken during development construction and maintenance to prevent or control soil erosion caused by wind and/or water action.

G. ~~736.3.9.~~Surface Water—Existing Conditions.

1. ~~736.3.9.1.~~Indicate any surface water quality monitoring stations existing on and near the development.

2. ~~736.3.9.2.~~Describe in terms of appropriate water quality parameters the existing surface water quality conditions on and abutting the project site.

3. ~~736.3.9.3.~~Provide the existing surface water pollutant loading rates for the site based on site-specific data and/or literature sources.

H. ~~736.3.10.~~Surface Water—Post Development Conditions.

1. ~~736.3.10.1.~~Identify any potential sources and the significance of pollution to the surface waters of the development area which could adversely affect the quality of water resources.

2. ~~736.3.10.2.~~Estimate post-development pollutant loading rates of the surface waters and compare with pre-development loading rates.

3. ~~736.3.10.3.~~Provide a surface water quality monitoring program for the development which identifies proposed monitoring stations, frequency of sampling, parameters and method for reporting results.

4. ~~736.3.10.4.~~Indicate what measures would be utilized in the proposed drainage system to ensure acceptable water quality.

I. ~~736.3.11.~~Groundwater—Existing ~~-~~Conditions.

1. ~~736.3.11.1.~~Indicate any groundwater quality monitoring stations existing on and near the development site.

2. ~~736.3.11.2.~~Describe in terms of appropriate water quality parameters the existing groundwater conditions on and abutting the project site.

J. ~~736.3.12.~~Groundwater—Post-Development Conditions.

~~736.3.12.1.~~Identify any potential sources and the significance of pollution to the groundwater of the development area which could adversely affect the quality of water resources.

K. ~~736.3.13.~~Floodplains.

1. ~~736.3.13.1.~~If any structures and roadways are proposed within the 100-year flood prone area as identified by FEMA, indicate what measures will be taken to mitigate the potential flood hazard and to maintain the 100-year floodplain storage volume.

2. ~~736.3.13.2.~~Identify all areas within the 25-year floodplain.

L. ~~736.3.14.~~Historical and Archaeological Sites.

1. ~~736.3.14.1.~~Describe any known historical or archaeological sites on the development site. Provide a letter from the Department of State, Division of Historical Resources (DHR) which includes:

a. A list of archaeological and historic sites located within the development site;

b. The results of any site surveys; and

c. Whether a site survey is needed.

2. ~~736.3.14.2.~~If available, indicate the results of any archaeological or historical survey conducted for the development site.

M. ~~736.3.15.~~Public Facilities.

~~*736.3.15.1.*~~ *Transportation*.

1. ~~736.3.15.1.1.Methodology.~~ The applicant shall use a traffic impact assessment methodology that has been approved by the Manatee County Planning Department.

2. ~~*736.3.16.*~~*Water Supply*.

a. ~~736.3.16.1.~~Provide a general description of the type of potable water system or combination of systems, available within the development area.

b. ~~736.3.16.2.~~Project water usage for the proposed development, in accordance with the Manatee County Comprehensive Plan standards.

~~*736.3.17.*~~*Non-Potable Water—Existing~~-~~ Conditions*.

3. ~~736.3.17.1.~~Provide a general description of the type of non-potable water system (e.g., private wells) existing within the development area.

4. ~~*736.3.18.*~~*Non-Potable Water—Post-Development Conditions*.

a. ~~736.3.18.1.~~Project average daily non-potable water demands generated by the proposed development. Indicate any large consumers of water (e.g., domestic irrigation) and seasonal peaks. Specify what consumption rates have been assumed in this analysis.

b. ~~736.3.18.2.~~Identify the non-potable water sources to meet project demands (e.g., proposed wells). Provide pumping rates (average and maximum) for each existing and proposed well within the development area.

~~*736.3.19.*~~*Wastewater Management*~~-~~.

5. ~~736.3.19.1.~~Provide a general description of the wastewater treatment and disposal system, or combination of systems available within the development area (e.g., septic systems or central system(s)).

6. ~~*736.3.20.[*~~*Wastewater Management—*~~*]*~~*Post-Development Conditions*.

a. ~~736.3.20.1.~~Project wastewater generation for the proposed development by land use classification. These projections are to be based on County infrastructure standards.

b. ~~736.3.20.2.~~If applicable, generally describe the volumes, characteristics and pre-treatment techniques of any industrial or other effluents prior to discharge from proposed industrial-related use(s).

7. ~~*736.3.21.*~~*Solid Waste Management*.

a. ~~736.3.21.1.~~Provide a general description of the solid waste management system, including methods of collection and disposal, existing within the development area.

b. ~~736.3.21.2.~~Identify any proposed uses that are potential generators of hazardous waste. Hazardous waste has been defined by EPA as any substance that exhibits ignitable, corrosive, reactive and/or toxic properties. Identify the proper on-site handling and temporary storage procedures for any hazardous waste that may be generated on site, in accordance with local, regional, state, and federal hazardous waste programs. Discuss provisions that will be made for disposal of these hazardous materials.

8. ~~*736.3.22.*~~*Education*.

~~736.3.22.1.Site Selection.~~

a. ~~736.3.22.1.1.~~If any school facilities and/or sites within the project boundaries are proposed to be dedicated to the Manatee County School Board, the applicant shall meet with representatives from the School Board prior to submittal of the application to discuss site suitability and any other relevant issues.

b. ~~736.3.22.1.2.~~Indicate what existing public schools would serve the development area. Identify any present excess student capacities within these schools that would be available for the proposed development.

c. ~~736.3.22.1.3.~~Based on the demographic information given, estimate the number of school-aged children by development phase that would be attending public schools.

d. ~~736.3.22.1.4.~~Attach a letter from the Manatee County School Board, acknowledging approval of the public school age population estimates given above, and providing a statement of what capital improvements would be necessary to accommodate these students for each phase of development.

e. ~~736.3.22.1.5.~~Indicate any school facilities and/or sites within the project boundaries which are proposed to be dedicated to the Manatee County School Board. Describe the suitability of each proposed site dedication to support a school based on size and configuration criteria and other aspects including environmental, drainage, transportation and land use compatibility. Discuss what measures will be taken to reduce or eliminate any potential compatibility conflicts.

f. ~~736.3.22.1.6.~~Indicate any private and/or proprietary schools proposed within the project boundaries. Identify type of school, student capacity, schedule of facility utilization, and service area. In addition, for each proposed school facility, estimate the number and percentage of students drawn from individual counties.

9. ~~*736.3.23.*~~*Recreation*.

a. ~~736.3.23.1.~~If any park facilities and/or sites within the project boundaries are proposed to be dedicated to Manatee County, the applicant shall meet with representatives from the County's Parks and Recreation Department prior to submittal of the application to discuss site suitability and any other relevant issues.

b. ~~736.3.23.2.~~Inventory any existing passive and active recreation facilities or open space areas within the development area. Indicate whether public access to these areas is currently provided.

c. ~~736.3.23.3.~~Indicate any recreational areas within the development that would not be dedicated to Manatee County. Provide information on each of these recreational areas as follows:

i. Type of recreational area (active vs. passive);

ii. Acreage of the recreational area;

iii. The development stage in which the recreational area would become operational;

iv. The entity or entities responsible for the operation and maintenance of the recreational area; and

v. The users (residents vs. open to the general public).

~~*736.3.24.*~~*Emergency Services*.

10. ~~736.3.24.1.~~Provide a letter of service availability and capacity from the appropriate ambulance service for the proposed project. This letter should contain a statement of the ambulance service's ability to provide service with adequate emergency response time as the project is currently phased.

11. ~~*736.3.25.*~~*Fire Protection*.

a. ~~736.3.25.1.~~Provide correspondence from the appropriate fire protection agency indicating: (1) whether or not the present facilities and manpower of the department are capable of serving the project with adequate emergency response times as the project is currently phased, and (2) what additional manpower and equipment the project would require.

b. ~~736.3.25.2.~~Identify any proposed on-site facilities or services (e.g., land dedication for fire station, private fire protection service, built-in fire protection systems) that would be utilized to compliment public protection and safety services. Provide an estimated percentage of total service that would be provided by private fire protection services.

c. ~~736.3.25.3.~~Identify any proposed development that would create a demand beyond present fire flow capabilities (sustained and immediate). Indicate what steps (e.g., sprinkler system) would be taken to ensure adequate fire protection for this development.

~~736.3.26.~~*Police Protection*.

12. ~~736.3.26.1.~~Identify any proposed on-site facilities or services (e.g., private security service, built-in alarm systems) that would be utilized to compliment public protection and safety services.

~~736.3.27.~~*Hurricane Evacuation*.

13. ~~736.3.27.1.~~Provide a breakdown of proposed land uses to be located within Category 1, 2 and/or 3 storm zones.

Section 350. ~~Section 518~~ Development Agreements.

350.1. ~~518.1.~~Purpose and Intent.

Pursuant to ~~the Local Government Comprehensive Planning and Land Development Regulation Act (the "Act"),~~Sections 163.3220 through 163.3243, Florida Statutes, development agreements may be entered into by a developer and the County to secure the completion of improvements or performance of other developer obligations in consideration for any procedural or substantive right or entitlement, as may be authorized and required by this Code, the ~~C~~comprehensive ~~P~~plan and applicable law.

Development agreements may be required in conjunction with a rezone to Planned Development (PD) district,

350.2. ~~518.2.~~Application.

Application for a development agreement shall be made to the ~~Planning Director~~Department Director, and may be filed in conjunction with an application for development approval. ~~Applications shall be signed by all property owners.~~

Development agreements shall be reviewed, approved and administered as provided in this ~~S~~section and ~~the Act~~Sections 163.3220 through 163.3243, Florida Statutes. If, in the course of such review, approval or administration of a development agreement, a conflict arises between this ~~S~~section and ~~the Act~~state law, ~~the Act~~state law shall govern. Amendments and modifications to development agreements shall be treated in the same manner as approvals of development agreements under this ~~S~~section.

350.3. ~~518.3.~~Form of Agreement for Public Improvements.

Applicants shall be responsible for preparing a draft development agreement using the standardized form provided by the County ~~Attorney~~, and shall specifically identify each substantive change to such form in the draft. ~~All development agreements shall include such information and such substantive terms as are required pursuant to the Act.~~

350.4. ~~518.5.Standards of~~ Review Procedures.

A. ~~518.4.~~**Staff Review.** All development agreements shall be reviewed and processed for completeness and sufficiency pursuant to the requirements of this Chapter. ~~Sections 502.4 and 502.5. Within a reasonable time after receipt of the sufficiency review comments pursuant to Section 502.5.1., the Planning Director shall act upon the application pursuant to Section 502.5.6.~~

B. **Standards of Review.** All proposed development agreements shall be reviewed to assure that:

1. ~~a.~~ Any requirement for Manatee County or a private party to invest in any new construction or improvement of any facility is based upon compliance with all other applicable level of service standards, unless compliance, with adopted level of service standards is made a condition of the local government land development agreement;

2. ~~b.~~ Any construction or improvement complies with the County's design, engineering and construction standards; and

3. ~~c.~~ Any rights or entitlements granted pursuant to the development agreement are consistent with this Code and the ~~C~~comprehensive ~~P~~plan.

C. ~~518.6.~~**Approval.** ~~All development agreements are subject to the approval of the Board of County~~

Commented [LDI148]: I48.The DA sections brought in from current Chapter 10 were deleted, as they were supposed to have been repealed in 2005 when 518 was established.

Commented [LDI149]: I49.2nd paragraph moved below.

Commented [LEA150]: I50.Removed per workshop comments

Commissioners. To assure compliance with applicable law, dDevelopment agreements are to be treated as quasi-judicial matters pursuant to Section 502.6.2. Accordingly, the applicant shall bear the burden to demonstrate that a development agreement satisfies the requirements of this Section. Except to the extent otherwise required by applicable law, the approval of any development agreement that requires the County to accept or to construct public improvements, or requires the County to accept funds or other consideration toward public improvements, shall be subject to the fiscal and managerial discretion of the Board of County Commissioners.

518.7.Public Hearings; Notice.

D. Pursuant to the requirements of the Act, aAt least two (2) public hearings shall be held prior to the approval of a development agreement by the Board, such hearings to be noticed and conducted in accordance with Section 502 and applicable law. One (1) of the two (2) required public hearings may be held before the Planning Commission. The hearings must be noticed in accordance with this Chapter.

350.5. 518.8.Recording.

The County, at the applicant's expense, shall record the development agreement in accordance with the ActState Statutes.

350.6. 518.9.Administration of Development Agreements.

Development agreements shall be subject to periodic review, amendment or cancellation, modification or revocation, and enforcement, pursuant to and in accordance with this e Actsection.

350.7. 518.10.Application of Subsequently Adopted Local Laws and Policies.

The County may apply subsequently adopted laws and policies to a development that is subject to a development agreement only in accordance with the requirements of the ActState Statutes.

Chapter 10 - DEVELOPMENT AGREEMENTS

Section 1001. - Purpose and Intent.

Development agreements may be entered into by a developer and the Board of County Commissioners to guarantee that the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act are followed.

Section 1002. - Procedures for Adoption.

1002.1.Application. Application for a development agreement should be made to the Planning Director in conjunction with an application for development approval in a form to be prescribed by the Planning Director. Applications shall be signed by all property owners.

1002.1.1.The applicant shall demonstrate that the adoption of a local government land development agreement requiring or committing either Manatee County or a private party, to invest in any new construction or improvement of any facility is based upon compliance with all other applicable level of service standards, or unless compliance, with adopted level of service standards is made a condition of the local government land development agreement.

1002.2.Development Agreement.

1002.2.1.The development agreement shall include the following:

1002.2.1.1.A legal description of the land subject to the agreement and the names of all persons with a legal or equitable interest in such land;

1002.2.1.2.A listing of all parties to the agreement and the relationship between said parties;

1002.2.1.3.The duration of the agreement, which shall not exceed the maximum length of time allowed by law;

1002.2.1.4.A statement indicating the sole means of relief from this agreement shall be by an action for injunctive relief filed in a Circuit Court of Manatee County and any appropriate appeal thereof;

1002.2.1.5.The development uses permitted on the land, including population and unit densities, and building intensities and height;

Commented [LDI151]: 151.Chapter 10 was supposed to be repealed when section 518 was established in 2005.

~~1002.2.1.6.A description of the public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;~~

~~1002.2.1.7.A description of any reservation or dedication of land for public purposes;~~

~~1002.2.1.8.A description of all local development permits approved or needed to be approved for the development of land;~~

~~1002.2.1.9.A finding that the development, permitted or proposed, is consistent with the Comprehensive Plan and this Code;~~

~~1002.2.1.10.A description of any conditions, terms, restriction, or any other requirements determined to be necessary by local government for the public health, safety, or welfare of its citizens;~~

~~1002.2.1.11.A statement indicating that failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions; and~~

~~1002.2.1.12.A statement that the burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest including all mortgages to the parties of the agreement; and.~~

~~1002.2.1.13.The effective dates shall not begin until all time periods for appeals have expired.~~

~~1002.3. Public Hearings; Notice.~~

~~1002.3.1. There shall be two (2) public hearings prior to approval of a proposed development agreement or a proposed amendment or revocation~~

~~1002.3.2. Public hearings shall be conducted in accordance with the procedures and requirements of Section 502 of this Code.~~

~~1002.3.3. Notice of intent to consider a development agreement shall be published and shall also be mailed to all affected property owners in accordance with Section 502 of this Code. The day, time and place at which the second public hearing will be held shall be announced at the first public hearing.~~

~~1002.4.Preparation of Draft Agreement. With their application, the applicant shall provide sufficient information to staff for preparation of the draft development agreement. Upon preparation, the draft shall be forwarded to the County Attorney for review.~~

~~1002.5. Review and Recommendation. Review of a development agreement shall be performed by the Planning Director and the Public Works Director or their designees. Recommendations on the proposed development agreement shall be provided to the applicant the Planning Commission, and to the Board.~~

~~1002.6.*Review and Action by the Planning Commission and Board of County Commissioners.* The Board and Planning Commission shall each hold a public hearing to review the application for development agreement and hear recommendations from the Planning Director and Public Works Director.~~

~~1002.6.1.*Planning Commission.* The Planning Commission shall hold a public hearing on each application for a development agreement. After conducting the public hearing the Planning Commission shall make a recommendation to the Board on each application for a development agreement.~~

~~1002.6.2.*Board of County Commissioners.* The Board shall conduct a public hearing in accordance with the procedures and requirements of Section 502 of this Code and after a review by the County Attorney for consistency with prior approvals and actions of the Board, the Chairman shall execute the development agreement on behalf of the County. If the application is denied, the Board shall provide reasons for said action.~~

~~1002.7.*Recording.* The County, at the applicant's expense, shall record the development agreement within fourteen (14) days after execution by the Chairman, and shall provide a copy to the applicant. The Planning Director shall forward a copy to the state land planning agency within one (1) month after recording.~~

~~1002.8.*Periodic Review.* The Planning Director shall review land subject to a development agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the Planning Director finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the Planning Director, shall notify the parties to~~

~~the agreement of the failure. A reasonable time period, not less than fourteen (14) days shall be provided for the parties to come into compliance with the agreement. If the violating parties have failed to comply within the specified time period, the Planning Director shall forward to the Board a recommendation that the agreement be revoked or modified. Notice of this recommendation, the reasons therefore, and the time and place of the hearing on this matter will be sent to all parties not less than fourteen (14) days prior to said hearings.~~

~~1002.9.*Amendment or Cancellation.* A development agreement may be amended or canceled by mutual consent of the parties to the agreement or their successors in interest.~~

~~1002.10.Modification or Revocation.~~

~~1002.10.1.The development agreement may be modified or revoked by the Board:~~

~~1002.10.1.1.For failure to comply with the terms of the agreement, or~~

~~1002.10.1.2.In order to apply subsequently adopted local laws pursuant to subsection.~~

~~1002.10.2.A development agreement shall be modified as is necessary to comply with relevant state or federal laws enacted after the execution of the agreement which preclude the parties' compliance with the terms of the agreement.~~

~~1002.11.*Application of Subsequently Adopted Local Laws and Policies.* The County may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the Board has held a public hearing and determined that the subsequently adopted laws and policies:~~

~~1002.11.1.Are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement; or~~

~~1002.11.2.Are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement; or~~

~~1002.11.3.Are specifically anticipated and provided for in the development agreement; or~~

~~1002.11.4.The development agreement was based on inaccurate information supplied by the parties to the agreement or their agents.~~

~~1002.12.Enforcement. Any party, any aggrieved or adversely affected person as defined herein, or the state land planning agency may file an action for injunctive relief in the Circuit Court of Manatee County to enforce the terms of a development agreement.~~

Section 351. ~~Section 517~~ Environmental Preserve Management Plan (EPMP).

351.1. ~~517.1.Purpose and Applicability~~EPMP Required.

A. Purpose and Intent. An environmental preserve management plan (EPMP) is required to ensure improvements and uses within an Environmental Preserve are designed to adequately protect natural features on the site.

B. Applicability. ~~Environmental preserve management plans ("~~EPMP~~")~~s prepared and approved in accordance with the provisions of this section~~,~~ shall be utilized to assure compliance with all applicable requirements of this Code. The EPMP shall include appropriate measures for stormwater management, wetland protection, and habitat, wildlife and endangered species protection.

351.2. ~~517.3.Information~~ Plan Requirements.

The EPMP shall include a site plan that contains ~~have~~ sufficient detail to ensure compliance with all applicable ~~the~~ development standards ~~enumerated~~ in the Code~~Section 517.2~~. In circumstances where detailed development information is not available at the time of the EPMP, acknowledgement of the need to comply with ~~the~~applicable development standards ~~identified in Section 517.2~~ will suffice.

The application for an EPMP shall be submitted by the County Administrator to appropriate reviewing agencies including the Development Review Committee.

~~517.4.3.*Special Approval.*~~ Notwithstanding the provision of Section ~~605.~~345 Special Approval, an EPMP may be used as the vehicle to obtain special approval as required by the Comprehensive Plan.

351.3. 517.4.Review Procedures.

A. 517.4.1.Public Meeting RequiredPlanning Commission Review. Prior to consideration of an EPMP by the Board of County Commissioners, tThe County staffPlanning Commission shall hold a public meeting pursuant to this Chapter about to review the proposed management plan. Property owners shall receive mailed notice as would be required for public hearings. The County shall also provide notice, in the form required pursuant to Section 502.7, to persons who have requested such notification.

B. 517.4.2.Board of County Commission MeetingReview. The Environmental Management PlanEPMP shall be considered by the Board at a regular or special meetingpublic hearing pursuant to this Chapter.

Written notice of the meeting shall be provided to the persons/property owners noticed in Section 517.4.1., and additional persons who have requested such notice.

At the meeting, the Board may approve, deny or approve with conditions, the EPMP. Additionally, the Board may continue consideration of the item until another date.

517.4.3.*Special Approval.* Notwithstanding the provision of Section 605, Special Approval, an EPMP may be used as the vehicle to obtain special approval as required by the Comprehensive Plan.

C. 517.4.4.Specific ApprovalModifications. Where action, designs, or solutions proposed are not literally in accord with applicable general regulations, but the Board makes a written finding in the particular case, that the public purposes of the regulation are satisfied to an equivalent or greater degree, the Board may grant specific approval modifications for the particular case. However, where floor area and similar building ratios, as well as maximum permitted densities have been established by these regulations, the Board shall not grant specific approval to increase such ratiosns, maximums, or minimums.

517.4.5.*Modification.* Minor modifications may be made during the development process. All such modifications shall be consistent with the Comprehensive Plan. Such modifications may be approved by the Planning DirectorDepartment Director, after a finding of Comprehensive Plan consistency.

351.4. 517.2.Development StandardsReview Criteria.

Environmental preserves management plans shall show compliance with shall be subject to the development standards outlined in the following Code Ssections:

507354. Temporary uses.
510360. Certificates of Level of Service.
512310.3. Building permits.
705520. Standards for Temporary uUses criteria.
709806. Lighting.
7131002. Visibility triangles.
718802. Floodplain management.
720403.6. Historic vista protection.
722.1.8.1803. Utilityies Service Requirements.
722.1.8.2. Water.
722.1.8.4. Fire protection.
722.1.8.6801. StormwaterDrainage Management.

Commented [LDI152]: 152.Water and Fire are included in 704.

351.5. 517.6.Other Permits Required.

Nothing in this Ssection shall eliminate the obligation of the County to obtain any required permits from Sstate or Ffederal agencies. A Ccertificates of Llevel of Sservice compliance, all required County permits, and approval for utility connections shall be obtained.

351.6. 517.5.Effect of Approval.

The approval of an EPMP pursuant to this Ssection shall satisfy the requirement for Final Site Plan approval for purposes of compliance with this Code. In circumstances where a property is zoned Planned Development, the approved EPMP shall supersede any previously approved plan and/or stipulation. All required Building Permits, Floodplain Management Permits, Erosion, and Sedimentation Control Plans, Certificates of Level of Service and Construction Drawing approvals for utility connections shall be obtained.

Section 352. ~~Section 520~~Public School Determinations of Consistency.

352.1. ~~520.1.~~Purpose and Intent.

This ~~S~~section sets forth the procedures and criteria for issuance of determinations of consistency for public educational facilities pursuant to Section 1013.33(~~12~~6), Florida Statutes, and the alternative procedures adopted pursuant to Section 1013.33(~~14~~8), Florida Statutes, under the Amended and Restated Interlocal Agreement ("Interlocal Agreement") for Public School Facility Planning among the School Board of Manatee County ("School Board"), the County and certain municipalities.

352.2. ~~520.2.~~Applicability.

This ~~S~~section shall apply to the development of all public educational facilities by the School Board within the meaning of Section 1013.01, Florida Statutes~~.S.Florida Statutes~~. Pursuant to Section 1002.33(16), Florida Statutes~~F.S.Florida Statutes~~, this Section shall not apply to the development of charter schools.

~~520.3.Reserved.~~

352.3. ~~520.4.~~Review Procedures ~~for Application, Consideration, and Approval~~.

With respect to each proposed educational facility, the School Board and the County shall follow the procedures and requirements set forth in Section 1013.33(~~12~~6), Florida Statutes~~.S.Florida Statutes~~, as amended, for the issuance of a determination of consistency with the ~~C~~comprehensive ~~P~~plan (including, without limitation, the requirement that a complete request be deemed approved if the County fails to act upon it within ninety (90) days), subject to the following conditions:

Commented [LDI153]: 153.There is no 1013.33(12).

A. ~~520.4.1.~~**Completeness**. In order to be deemed "complete", a request for determination of consistency must include the following items:

1. ~~(i)~~ School site plan application;
2. ~~(ii)~~ All applicable information required by the School Site Plan standards set forth in Exhibit "C" to the Interlocal Agreement, as amended from time to time; and
3. ~~(iii)~~ Pedestrian plan for new educational facilities illustrating sidewalks which exist or are proposed on thoroughfare roads within a two-mile radius of the school site.
4. Other items may be requested of the School Board and considered by the County, but are not required in order for the request to be deemed "complete".

B. ~~520.4.2.~~**Statutory Time Limit**. The time periods set forth in Section 1013.33(~~12~~6), Florida Statutes~~Florida Statutes~~, shall begin to run from the date that the Director acknowledges in writing that the County has received a complete request for determination of consistency. If the County does not issue either (a) a written acknowledgement that the request is complete, or (b) a written determination that the request is incomplete with a list of the specific items from the School Site Plan standards set forth in Section ~~520.4.1~~352 that should be provided in order to complete the request, then, within ten (10) business days from the initial date of submittal and within five (5) business days of subsequent submittals, the request shall be deemed to have been determined to be complete. The ninety (90) day window for issuing the determination of consistency shall not apply if the school board submits a General School Plan to the County for review.

C. ~~520.4.3.~~**Board Consideration**. A request for determination of consistency for a public school facility shall be decided by the Board. A determination of consistency shall also constitute the sole method for special approval of an educational facility pursuant to the ~~C~~comprehensive ~~P~~plan.

D. ~~520.4.4.~~**Quasi-Judicial Procedures**. The Board shall consider determinations of consistency in accordance with the requirements for quasi-judicial decisions pursuant to Section~~s 502.6, 502.7 and 502.8~~312.8. No affected party shall be deemed to have waived any requirement of any statutory provision referenced herein unless such waiver is made by written instrument expressly stating such party's intent to waive such provision.

E. ~~520.4.5.~~**Existing Schools**. With respect to the expansion of any proposed educational facility, the County shall adhere to the requirements of Sections 1013.33(3) and (15), Florida Statutes. Existing educational facilities shall be considered consistent with the ~~C~~comprehensive ~~P~~plan. When the need for closure of an education facility is identified, the School Board's superintendent shall notify the County in writing and shall give due consideration to

any concerns and alternatives set forth by the County. Any expansion of an existing educational facility shall only be subject to the informational requirements, procedures, timeframes, and review process requirements of this ~~Section~~section, and only if the proposed expansion constitutes a major renovation or construction in that the expansion:

1. ~~(i)~~ Increases school permanent FISH capacity by more than ten (10) percent;
2. ~~(ii)~~ Provides for a change to the primary use of the educational facility (with respect to change in type of school from elementary, middle or high school to a different type of school); or
3. ~~(iii)~~ Provides for the construction of a stadium.
4. Review of any such expansion shall be limited to those aspects of the educational facility affected by the expansion.

F. ~~520.4.6.~~Compliance with Decision. As required pursuant to the Interlocal Agreement, the School Board shall not act in a manner that is contrary to the County's decision regarding a determination of consistency. In the event the School Board does not agree with the County's decision, the School Board may initiate dispute resolution procedures in accordance with the Interlocal Agreement.

352.4. ~~520.5.~~Standards and Criteria.

All determinations of consideration shall be subject to the following standards and criteria:

A. ~~520.5.1.~~Zoning Districts. Public educational facilities shall be allowable uses in all zoning districts, except heavy manufacturing and conservation zoning districts subject to compliance with applicable development standards set forth in this ~~S~~section. Public Educational Facilities may be allowed in heavy manufacturing and conservation zoning districts at the discretion of the County.

B. ~~520.5.2.~~Criteria for Approval. The Board shall review for consistency with the ~~C~~comprehensive ~~P~~plan in regard to impacts on natural resources, surrounding land uses and public facilities. If the request is determined to be consistent with the County's ~~C~~comprehensive ~~P~~plan land use policies and categories in which public school facilities are allowable uses, and with this ~~S~~section, then the County shall not deny the request for determination of consistency but shall issue a determination of consistency. The issues to be considered by the Board in deciding whether to grant a determination of consistency request shall be limited to those specified in Section 1013.33(13), Florida Statutes.

C. ~~520.5.3.~~Conditions of Approval. With respect to each proposed educational facility, the Board may place reasonable development standards and conditions upon the approval of a determination of consistency relating to environmental concerns, health, safety and welfare, and effects on surrounding property. Any condition requiring off-site improvements by the School Board shall be subject to the limitations established by Section 1013.51, Florida Statutes.

D. ~~520.5.4.~~Determination of, Agreement for, On-Site and Off-Site Improvements. In conjunction with a determination of consistency provided pursuant to ~~Section 520~~this chapter, the School Board and the County shall determine the need for and timing of on-site and off-site improvements necessary to support a proposed Educational Facility construction or renovation and the needs and/or opportunities for construction of additional area improvements on a cooperative basis. Any improvements by the School Board required or agreed to in order to fulfill the requirements of this Section shall be subject to the limitations established by Section 1013.51, Florida Statutes~~F.S.Florida Statutes~~. A written agreement between the School Board and the County may be entered into concerning the timing, location, and the party or parties responsible for constructing, operating and maintaining such improvements.

352.5. ~~521.8.Determination of, Agreement for,~~ On-Site and Off-Site Improvements.

~~-~~In conjunction with a determination of consistency ~~provided pursuant to Section 520~~, the School Board and the County shall determine the need for and timing of on-site and off-site improvements necessary to support a proposed ~~E~~educational ~~F~~facility construction or renovation and the needs and/or opportunities for construction of additional area improvements on a cooperative basis. Any improvements by the School Board required or agreed to in order to fulfill the requirements of this ~~S~~section shall be subject to the limitations established by Section 1013.51, Florida Statutes. A written agreement between the School Board and the County may be entered into concerning the timing, location, and the party or parties responsible for constructing, operating and maintaining such improvements.

352.6. 520.6.Effect of Determination of Consistency.

Issuance of a determination of consistency by the County for an educational facility shall satisfy the requirements for development approval for the education facility, including without limitation:

A. (i) All development approvals required pursuant to this Code and the Ccomprehensive Pplan; and

B. (ii) All development approvals required from the County pursuant to Section 1013.33, Florida Statutes.

Accordingly, upon issuance of a determination of consistency by the County, the School Board shall not be required to seek any additional approvals from the County for development of the subject educational facility, so long as it is developed in accordance with the determination of consistency and any conditions imposed there under pursuant to this Ssection.

Section 353. Section 521 General Plans for Educational Facilities.

353.1. 521.1.Purpose and Intent.

This Ssection sets for the procedures and criteria for submission by the School Board, at their option, of a General School Plan for purposes of long-range school planning. The submittal of a General School Plan is intended to facilitate implementation of the Public School Facilities Element of the Ccomprehensive Pplan so as to provide for a collaboration in the planning for future sites for educational facility site selectioning consistent with the Ccomprehensive Pplan and growth and development patterns of Manatee County. The submittal of a General School Plan by the School Board shall be supplemental to the procedure for the future determination of a school site plan as to consistency pursuant to Section 352520 of this Code.

353.2. 521.2.Review Procedures for Application, Consideration and Approval.

If the School Board elects to submit a General School Plan, the 90-day timeframe for reviewing and making a determination of consistency referenced in Section 520.4 shall not be applicable.

521.3.CompletenessApplication.

A. In order to be deemed "complete", a request for review of a General School Plan must include the following items:

1. (i) School General Plan application;

2. (ii) All applicable information required by the General School Plan standards set forth in Exhibit "B" to Ordinance 09-59.

3. Other items may be requested of the School Board and considered by the County, but are not required in order for the request to be deemed "complete."

521.4.Board Consideration.521.5. Quasi-Judicial Procedures.

B. The Board shall consider and comment on a General School Plan in accordance with the requirements for quasi-judicial decisions pursuant to this ChapterSections 502.6, 502.7 and 502.8. A request for consideration of a General School Plan shall be decided by the Board. A General School Plan shall not be the method for special approval of an educational facility pursuant to the Ccomprehensive Pplan.

521.7.Conditions. of Approval.

C. With respect to General School Plans, tThere shall be no conditions of approval placed upon the review of the General School Plan by the Board. Provided, however, the Board may place reasonable development standards and conditions upon the future consideration of a determination of consistency relating to environmental concerns, health, safety and welfare, and effects on surrounding property in accordance with Section 520.5.3, LDC.

353.3. 521.6.Standards and Review Criteria.

A review of General School Plans shall be subject to the following standards and criteria:

(i) The Board shall review the degree to which the proposed General School Plan complies with the standards set forth in Exhibit "B" to Ordinance 09-59.

353.4. ~~521.9.~~Effect of Review and Consideration of General School Plan.

The review of a General School Plan by the Board shall serve as a planning tool for the following:

A. ~~(i)~~ The General School Plan shall guide the siting of schools and remain in effect until such time ~~and~~ the School Board submits a school site plan which is approved by the Board for the subject site. The action by the Board shall be codified as a resolution to approve or deny the proposed General School Plan.

B. ~~(ii)~~ The General School Plan shall serve only as a planning tool and shall not be relied upon for determinations of satisfying school concurrency requirements as described in Article VII of the Interlocal Agreement and in Chapter 163, Part II, Florida Statutes.

Section 354. ~~Section 507.~~Temporary Use~~s~~ Permits.

354.1. ~~507.1.~~Temporary Use Permit Required.

No temporary use which is not otherwise treated by this Code as a permitted use or ~~conditional~~ Special Permit use in a particular zoning district shall be conducted or erected without a temporary use ~~or Building P~~ permit issued by the ~~Planning Director~~Department Director~~, Building Official or the Board~~. The issuance of a temporary use permit shall not be deemed to amend the Official Zoning Atlas or this Code. The issuance of a ~~T~~temporary ~~U~~use ~~P~~permit does not waive any requirements for a Building Permit. ~~For instance, where a Building Permit is required, the Building Permit may serve as a Temporary Use Permit if specially stated as such and approved by the Planning Director and Building Official.~~

354.2. ~~507.2.Application Requirements~~Review Procedures.

~~Pursuant to Section 105, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with any application for a Temporary Use Permit. Each application shall include Construction Drawings, which shall prescribe the nature of the activities and temporary improvements involved, and the time period for which the permit is requested.~~

~~705.1.2.Application. All a~~Applications for a temporary use shall be made at least thirty (30) days prior to the proposed commencement date for the use. ~~Applications reviewed within thirty (30) days prior to the proposed commencement date for such use may not permit ample time for all agencies to review same. All such~~The application~~s~~ shall include a description of the proposed activities, the time period for which the permit is requested, a site plan ~~which shall describe the nature of the activities,~~ depicting the proposed use of the site and any temporary site or building improvements proposed~~involved and the time period for which the permit is requested~~, and any additional information and documentation as may be required by the Department Director. Plans for sanitation and public health protection including temporary bathroom facilities, inspection of food facilities, drainage, garbage and litter control, and recycling, shall be approved by the Department Director and the Health Department, when applicable.

~~507.3.Standards for Review and Approval.~~Unless otherwise provided herein, the Department Director has the authority to approve a temporary use permit ~~Applications for temporary use shall be reviewed and approved~~ in accordance with procedures ~~for Administrative Permits~~ set forth in Section 315~~506, and standards and uses set forth in this Section and Section 705~~.

~~507.5.Conditions.~~

The ~~Planning Director~~Department Director may impose reasonable conditions upon the ~~T~~temporary ~~U~~use ~~P~~permit ~~or Building Permit~~ including, without limitations, any conditions or restrictions placed on the proposed use activities to address hours of operation, traffic control and access, lighting, sanitation, and noise control to ensure compliance with the standards above.

354.3. ~~507.6.Expiration of Permits; Extension~~Duration of Temporary Use Permit.

Unless specifically authorized in Chapter 5~~7~~, no ~~T~~temporary ~~U~~use ~~P~~permit shall allow continuation of the use ~~-~~for a period of more than six (6) months,~~.~~ unless approved at a public hearing of the Board of County Commissioners in accordance with Section 312.8. Such a request shall not require a Planning Commission review.

~~705.1.4. Termination.~~ By the end of the time period for which the temporary use was permitted, including any renewal or extension periods, the use shall be discontinued, all temporary structures involved removed, and the site restored

to an acceptable condition free of debris and code violations.

354.4. Extension of Temporary Use Permit.

~~a~~An applicant who has obtained a ~~T~~temporary ~~U~~use ~~P~~permit may request an extension of the permit period by filing, before expiration, a letter stating the reasons for the request with the ~~Planning Director~~Department Director. ~~The Planning Director may grant the request for good cause shown by the applicant. Only one extension may be granted under this subsection. The extension of any Building Permit associated with a temporary use shall also require the written approval of the Building Official.~~

~~705.1.5. Renewals, Extensions.~~ The Director may grant, for good cause shown by the applicant, ~~O~~one ~~(1)~~ renewal or extension of a temporary use permit ~~may be made~~ for a maximum period not to exceed ninety (90) days, unless otherwise specified in this Chapter ~~57,~~ or by the authority initially approving the temporary use permit. Such renewal or extension may be granted, subject to the standards and procedures of this ~~S~~section. Only one extension may be granted under this subsection

354.5. ~~705.1.6.~~Consolidated Permits.

Where an activity or project, such as a construction project, involves more than one (1) temporary use regulated under this ~~S~~section, a consolidated temporary use permit may be issued for all such uses involved in the activity or project.

354.6. ~~705.13.~~ Violations.

~~If the applicant violates the conditions of the Temporary use permit, this permit is subject to revocation.~~ Enforcement and violations of this section shall be addressed as specified in Chapter 1 of this Code.

~~The appeals procedures in Section 516 shall be utilized.~~

~~Section 912. - Reserved.~~

~~Editor's note—~~

~~Ord. No. 94-09, § 3(I), adopted June 16, 1994, renumbered section 912 as section 742. The user's attention is directed to said section 742 for the street and structure numbering standards. See also the Table of Amendments.~~

Section 355. ~~Section 519~~ Erosion and Sediment Control Plan.

Commented [LDI154]: I54.Consider moving to Admin Procedures or Public Works Manual

355.1. ~~519.1.~~Applicability.

Development approval that, pursuant to this Code, requires a ~~F~~final ~~S~~site Plan or construction plan shall also be subject to the requirement of an Erosion and Sediment Control Plan (ESCP) pursuant to this Section.

355.2. ~~519.2.~~Application Requirements.

Prior to commencement of construction activities, the applicant shall submit an ESCP to the ~~Planning~~ Department Director for review and approval. Construction activities shall not commence unless and until such approval is obtained. Pursuant to Section ~~105~~102, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with any application for an ESCP.

355.3. ~~519.3.~~On-Site Meeting.

The applicant shall schedule an on-site meeting with staff from the Building and Development Services ~~Planning~~ Department ~~staff~~ and ~~staff of~~ the ~~County's~~ Public Works Department, as well as the engineer of record and the contractor. Final approval of the ESCP and authorization of construction will be granted only after an on-site meeting has been conducted.

Prior to scheduling the on-site meeting the developer shall:

A. ~~a.~~ Obtain all applicable approvals (~~F~~final ~~S~~site ~~P~~plan, construction plans, environmental resource permit and NPDES permit);

B. ~~b.~~ Stake the boundaries of the wetland buffers, upland preservation areas or other environmentally sensitive

areas, as indicated on the approved ~~F~~final ~~S~~site ~~P~~plan/construction plans; and

C. ~~c.~~ Stake all silt screen locations every one hundred (100) feet, as indicated on the approved Final Site Plan/construction plans.

355.4. ~~519.4.~~Changes.

Prior to approval of the ESCP, the applicant shall make any changes to the ESCP that staff deem necessary to assure compliance with this Code and the Comprehensive Plan. Changes to an approved ESCP must be submitted to staff by the engineer of record for review and approval prior to implementation, and are subject to the approval of the ~~Planning Director~~Department Director. Additionally, changes to an ESCP that also constitute changes to a Final Site Plan are subject to the requirements of Section ~~508.8.3~~324. Changes to an ESCP that also constitute changes to construction plans are subject to the approval of the ~~Planning Director~~Department Director.

Section 356. Mining Activity Permitting

~~602.4.1.2.~~ Mining operations require the approval of a ~~All~~ Master Mining and Reclamation Plan~~s~~ ~~approved in this district shall~~ meeting the requirements of ~~Ordinance 81-22~~the Manatee County Phosphate Mining Code (Chapter 220, Code of Ordinances)~~, and all subsequent revisions~~. ~~In addition, all~~ Approval of such plans shall follow the procedures defined herein.

356.1. ~~602.4.2.~~ Review and Approval Procedures.

A. **~~602.4.2.1.~~ Pre-application Conference**. The developer of a proposed mining activity shall meet ~~jointly~~ with ~~staff of~~ the ~~Planning~~ Department Director~~, Phosphate Mining Coordinator~~ and other affected County agencies prior to the preparation or submission of a Master Mining and Reclamation Plan. The purpose of this meeting shall be to discuss informally the minimum requirements and design standards for proposed mining activities as well as to discuss existing or proposed developments which may affect, or be affected by the proposed activities. For the purpose of such discussion, it is advised that the applicant have a sketch plan indicating the proposed project area, its relationship to the surrounding area, and its general development scheme. Formal application or filing of a plan with the ~~Planning~~ Department Director is not required for the Pre-application Conference.

~~602.4.2.2. Application for Approval of Rezoning; General Development Review.~~

B. **~~602.4.2.2.1.~~ Filing of Application.** Following the Pre-application Conference, a developer wishing to undertake a mining activity shall file an application with the ~~Planning~~ Department Director in accordance with the provisions of Section ~~504~~342, Amendments to Official Zoning Atlas, and this Section. Such application shall include a copy of ~~a~~the Master Mining and Reclamation Plan.

C. **~~602.4.2.3.~~ Review Procedures.** The review and approval procedures for Master Mining and Reclamation Plan shall be the same as for a rezoning pursuant to Section ~~504~~342, Amendments to Official Zoning Atlas.

D. **~~602.4.2.3.1.~~ Modifications.** In approving a Master Mining and Reclamation Plan, the Board ~~of County Commissioners~~ may require such modifications as shall assure compliance with the purpose and intent of the EX district regulations.

E. **~~602.4.2.3.2.~~ Rezoning Application.** In the event that a Master Mining and Reclamation Plan shall be disapproved by the Board ~~of County Commissioners~~, the application for rezoning shall thereby be deemed to be denied. In the event that the Board ~~of County Commissioners~~ shall approve, or approve with modifications or conditions, a Conceptual Site Plan, the Board ~~of County Commissioners~~ may thereupon grant the rezoning application accompanying said plan.

F. **~~602.4.2.3.3.~~ Additional Information.** Prior to or in addition to approval of a Master Mining and Reclamation Plan, and upon a determination that additional information is necessary for proper review of the proposed mining activity, the Board ~~of County Commissioners~~ may require the submission of additional information by the applicant. The review of such additional information shall follow the same procedures applicable to review of the Master Mining and Reclamation Plan with which such information is to be associated.

G. **~~602.4.2.3.4.~~ Amendment.** Once a Master Mining and Reclamation Plan has been approved, and there is cause for amendment of same or any portion thereof, such amendment shall be processed in like manner as the original submission. However, there shall be no requirement to file an amended rezoning application unless the proposed

amendment would so dictate.

356.2. ~~602.4.3.~~ Deviations from Approved Plans.

Deviations from the approved plans or failure to comply with any requirements or safeguard imposed by the Board ~~of County Commissioners~~ during the approval procedure shall constitute a violation of this Code.

Section 357. to 359 Reserved.

Part VIII. Concurrency Management.

~~396.1.~~Section 360. ~~Section 510.~~ Certificate of Level of Service Compliance.

360.1. ~~510.1.~~Purpose.

This ~~S~~section is intended to ~~ensure that development is consistent with the level of service standards for public facilities which are contained in the Comprehensive Plan and to~~ prevent the issuance of Development Orders which result in a reduction in the adopted level of service standards for public facilities below the level required by ~~-~~the Comprehensive Plan.

360.2. ~~510.2.~~Applicability.

The following ~~D~~development order requests shall not ~~commence~~ be issued ~~without~~ unless the applicant has obtained a ~~C~~Certificate of ~~L~~Level of ~~S~~Service ~~C~~Compliance ~~(Certificate)~~. All development shall obtain a certificate. If proposed development qualifies as a special exception to the Comprehensive Plan, the certificate will be issued indicating the exception.

~~510.2.1.*Required Certification.* The following development orders, approvals, or requests shall not be issued unless the applicant has obtained a Certificate of Level of Service Compliance:~~

A. ~~a.~~ Approval to commence development.

B. ~~b.~~ Construction drawing approval.

C. ~~c.~~ Final site plan.

D. ~~d.~~ Final subdivision plat.

E. ~~e.~~ Administrative permit with a Final Site Plan.

F. ~~f.~~ Earthmoving permit, minor or major.

G. ~~g.~~ Off-street parking plan.

H. ~~h.~~ Building permits for the following:

1. ~~i.~~More than one thousand (1,000) square feet of non-residential floor area as either a ~~whole~~ new building or an addition.

2. ~~ii.~~Dwelling unit as a whole unit but not an addition to a unit.

3. ~~iii.~~Other use that would increase parking spaces, traffic generation, potable water use, wastewater generation, or solid waste generation beyond that of a dwelling unit or an office with one thousand (1,000) square feet of floor area.

4. ~~iv.Required improvements to a site such as i~~Installation of drainage, water, sewer or roadway improvements.

5. Request for public water or wastewater service. (Comprehensive Plan special exception status does not

give applicant automatic approval for water or wastewater service.)

I. Construction approval for required improvements (except as performed by Manatee County) to a site, such as the installation of drainage, water, sewer, parking or roadway improvements.

360.3. ~~510.2.2.~~Optional Certification.

A. Concurrent Approvals. An applicant may apply for and receive a certificate concurrently with the approval of the following Development Orders or approvals:

1. ~~a.~~Development of regional impact or Florida ~~q~~Quality ~~d~~Development.
2. ~~b.~~Preliminary site plan.
3. ~~c.~~Preliminary subdivision plat.
4. ~~d.~~Special permit with a preliminary site plan.

B. Exceptions. The optional certification provided in this section shall not be available for the wastewater and potable water components of concurrency. ~~The sole means of obtaining the potable water component of concurrency shall be through Section 510.2.1.~~ In the event an applicant does not apply for and receive a certificate concurrently with any of the forgoing ~~development order~~Development Orders and approvals, such ~~development order~~Development Orders and approvals shall not grant any rights or entitlements to a certificate, shall not exempt the proposed development from eventual requirements for a certificate, and shall not grant any rights to commence development without a certificate.

~~510.2.3.Prohibited Certificate.~~

~~An applicant may not apply for or receive a certificate concurrently with the approval of the following development orders, actions or approvals:~~

Commented [LDI155]: I55.Not needed. Already addressed above.

~~a. Administrative appeal.~~

~~b. Adult entertainment permit.~~

~~c. Comprehensive Plan Future Land Use Map amendment.~~

~~d. Floodplain management permit.~~

~~e. General development plan.~~

~~f. Private street approval.~~

~~g. Tree removal permit.~~

~~h. Variance.~~

~~i. Verification or determination of compliance with land development regulations or the Comprehensive Plan.~~

~~j. Zoning atlas amendment, zoning change, rezoning, zoning permit, or zoning action of any kind.~~

~~k. Gateway Overlay District Master Plans unless otherwise provided for in Section 604.12 of this Code.~~

~~An applicant who has obtained any of the foregoing development orders or approvals shall not receive any rights or entitlements to a certificate or an exemption from the requirements for a certificate and may not commence development until the applicant has obtained a certificate in connection with a development order or approval pursuant to Section 510.2.1 or 510.2.2 or as otherwise provided for in Section 604.12 of this Code.~~

360.4. ~~510.2.4.~~Special Permits, Rezonings and Site Plan Approvals.

A. ~~510.2.4.1.No~~ Certificate Not Required, ~~Public Facilities Considered.~~ A certificate shall not be required in connection with a Special Permit, rezoning or approval of a General Development Plan or ~~p~~Preliminary ~~s~~Site ~~p~~Plan. However, the County may consider the availability of public services and facilities when evaluating the appropriateness of any such approval, and may deny a request for any such approval if public facilities and services are not expected to be available as required pursuant to the Comprehensive Plan.

B. ~~510.2.4.2.~~Recommendation for Denial. In the case where there is a recommendation of denial of the requested future land use map, comprehensive policy plan, rezoning, or site plan application, the applicant is not precluded

from applying for a development agreement ~~or proportionate fair share mitigation~~ in accordance with this Code, or otherwise proposing conditions of approval that would achieve consistency with the requirements of the Comprehensive Plan.

Commented [LDI156]: I56.Prop Fair Share ordinance deleted.

Commented [LEA157]: I57.Brought back.

360.5. ~~510.3.~~Application Review ~~Requirements~~Procedures.

~~Pursuant to Section 105, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with applications for certificates and for the review and analysis of such applications.~~

A. ~~510.4.~~**Staff Review.** All applications for certificates shall be reviewed and processed for completeness and sufficiency pursuant to Section~~s~~ 312.4 and 312.5~~502.4 and 502.5~~. Within a reasonable time after receipt of the sufficiency review comments ~~pursuant to Section 502.5.1.~~, the ~~Planning Director~~Department Director shall act upon the application ~~pursuant to Section 510.6~~.

B. ~~510.5.~~**Standards of Review and Approval.** All proposed certificates shall be reviewed under, and shall only be approved if found to be in compliance with, the following standards:

1. ~~a.~~ The standards for concurrency and level of service set forth in the Comprehensive Plan;
2. ~~b.~~ Any professionally accepted techniques for measuring level of service in order to assure compliance with the Comprehensive Plan and applicable law; and
3. ~~c.~~ The procedures established for concurrency review ~~pursuant to Section 510.3~~.

~~A.~~C. ~~510.6.~~**Action by ~~Planning Director~~Department Director.** Upon receipt of all comments from reviewing departments and agencies ~~pursuant to Section 502.5~~, the ~~Planning Director~~Department Director shall:

1. ~~a.~~ Approve the application and issue the certificate with ~~such~~ conditions ~~as may be imposed pursuant to Section 510.7~~; or
2. ~~b.~~ Issue to the applicant a Notice of Intent to deny the application and:
   a. ~~i~~If the applicant fails to respond within thirty (30) days of the date of such notice~~,~~ requesting to undertake proportionate fair share mitigation ~~pursuant to Section 511~~, the application shall be deemed denied without further notice to the applicant.
   b. ~~ii.~~ If the applicant responds and requests to undertake proportionate fair share mitigation ~~pursuant to Section 511~~, the certificate shall be issued if and when the requirements of that ~~S~~section ~~511~~ are satisfied.

D. ~~510.7.~~**Conditions of Approval.** The ~~Planning Director~~Department Director may attach such conditions to the approval of a certificate as are necessary to assure compliance with this Section ~~510.9~~, which may include, but shall not be limited to, development phasing, facility phasing, and capital improvements programming~~, and/or proportionate share mitigation pursuant to Section 511~~, and may be required to be secured by land development agreements, construction contracts, and/or posting of performance security.

Commented [LDI158]: I58.Prop Fair section deleted.

E. ~~510.8.~~**Effect of Approval.** Issuance of a certificate shall satisfy the concurrency requirements of the Comprehensive Plan, subject to all conditions imposed pursuant to the certificate, and any other conditions or requirements imposed pursuant to any other applicable ~~development order~~Development Order or approval, this Code or the Comprehensive Plan.

~~**510.9.Succession, Expiration, Extension and Modification.**~~

F. ~~510.9.1.~~**Succession.** If a proposed development ~~order~~ requires subsequent development orders, e.g., a preliminary site plan followed by a Final Site Plan followed by a Building Permit, the original certificate will serve all such subsequent development orders, unless and until such certificate expires.

G. ~~510.9.4.~~**Modification.** Requests for modifications to certificates shall be reviewed and approved in the same manner as applications for new certificates ~~pursuant to Section 510.5~~. An applicant that has received approval of a certificate may request approval of a modification to such certificate, and the ~~Planning Director~~Department Director may approve such request, so long as such modification:

1. ~~a.~~ Does not result in a reservation of additional infrastructure capacity over and above capacity reserved in the original certificate, unless there are no complete applications for certificates pending before the County that would require such additional capacity; and

2. ~~b.~~ Does not result in the release of the applicant from any obligation to construct public improvements, or provide payment in lieu thereof, for impacts to public facilities.

H. ~~510.10.~~ **Appeals.** Appeals of decisions to approve and issue, or deny, certificates shall be heard by ~~the Board~~ a Hearing Officer pursuant to ~~Section 516~~Part X of this Chapter.

360.6. ~~510.9.2.~~Expiration.

~~510.9.2.1.*Time Period.*~~ All certificates shall expire three (3) years from the date of issuance except as otherwise provided in this Section ~~510~~. If a certificate is issued for transportation concurrency ~~pursuant to Section 510.2.2~~, a subsequent certificate for potable water shall be given the same expiration date as the original certificate for transportation. The issuance of a certificate for potable water at the final development stage shall not operate to extend the expiration of a prior certificate for other concurrency requirements.

~~510.9.2.1.1.*Developments of Regional Impact, Florida Quality Developments, and Local Government Development Agreements.*~~ Certificates valid for more than three (3) years may be issued in connection with a development order for a development of regional impact, Florida quality development or a development agreement.

A. ~~510.9.2.1.2.~~ **Building Permits.** Building permits shall be obtained prior to the expiration of a certificate. Construction may continue to completion after the certificate's expiration if the Building Permits remain valid and do not expire.

B. ~~510.9.2.1.3.~~ **Subdivisions.** Building permits for single family and duplex dwelling units on individual lots within a residential subdivision, which previously received a certificate, shall not be required to obtain a new certificate if:

1. ~~a.~~ Said subdivision received final subdivision plat approval;
2. ~~b.~~ Such Final Plat was recorded in the public records before its certificate expired; and
3. ~~c.~~ All necessary conditions of the certificate have been met.

Commented [LEA159]: 159.A & B brought back.

360.7. ~~510.9.3.~~Extensions.

No later than thirty (30) days before the expiration date ~~of a certificate originally issued for three (3) years~~, the applicant may request one (1) extension, not to exceed two (2) additional years. Such extension shall be subject to ~~the~~ approval of the Board. In connection with any requested extension, a limit may be placed on the amount of capacity which may be carried forward and allocated to the two-year extension term, and a limit may be placed upon the timeframe for which the extension is granted. The Board ~~of County Commissioners~~ may, by resolution, approve blanket extensions to certificates for development projects in all or part of the County to reflect market conditions or availability of unused infrastructure capacity. The ~~Planning~~ Department Director shall recommend to the Board whether the extension is warranted, based on criteria including, but not limited to, the following:

Commented [LEA160]: 160.Brought back per workshop comments

A. ~~a.~~ Size of the project;
B. ~~b.~~ Amount of capacity requested;
C. ~~c.~~ Phasing;
D. ~~d.~~ Location of the project;
E. ~~e.~~ Capacity availability within the service area;
F. ~~f.~~ Reasons for requesting the reservation time period extension;
G. ~~g.~~ Whether the developer exercised good faith in attempting to secure issuance of a Building Permit;
H. ~~h.~~ Whether the applicant has substantially completed all required improvements to public facilities or provided the County with payment in lieu of such improvements; and
I. ~~i.~~ Whether the applicant has applied for or has made a proportionate fair-share contribution for the provision of transportation facilities or pre-paid estimated transportation impact fees.

~~Section 511 Proportionate Fair-Share Program.~~

Commented [LDI161]: 161.Per CAO, no longer needed in the Code.

~~511.1.Applicability.~~

~~The proportionate fair-share mitigation procedures set forth in this Section 511 shall be available for any development~~

~~project for which:~~

~~511.1.1.The applicant has filed, or intends to file, an application for a Transportation CLOS, or renewal or extension of an existing transportation CLOS, in accordance with the requirements of Section 352510, on or after December 1, 2006; and~~

~~511.1.2.The Planning Director has, pursuant to Section 511.4.1., issued a Notice of Intent to deny the application for transportation CLOS, or the applicant anticipates that such a notice will be issued because the applicant expects to impact a deficient roadway.~~

~~The procedures set forth herein shall not be available for developments of regional impact (DRIs) using proportionate fair-share under Section 163.3180(12), Florida Statutes, or to developments exempted from transportation concurrency pursuant to general law.~~

Commented [LDI162]: I62.Sec. 163.3180(12), FS, was deleted in 2011.

~~511.2.General Requirements.~~

~~An application to satisfy the County's transportation concurrency requirements through proportionate fair-share mitigation shall be subject to the following requirements:~~

~~511.2.1.The subject development project must be consistent with the Comprehensive Plan and this Code;~~

~~511.2.2.The improvement project proposed to meet the developer's fair-share obligation must meet design standards of the County for locally maintained roadways (and of the Florida Department of Transportation ("FDOT") in the case of projects in the state highway system ("SIS")), as well as any conditions necessary to satisfy the requirements of the Comprehensive Plan and this Code; and~~

~~511.2.3.One (1) of the following must apply:~~

~~511.2.3.1.The five-year schedule of capital improvements in the 5-Year CIE must include construction of a transportation improvement(s) that, upon completion, will satisfy the requirements of the Transportation CMS; or~~

~~511.2.3.2.The County chooses, in its discretion, to allow an applicant to satisfy transportation concurrency through proportionate fair-share mitigation by contributing to an improvement that, upon completion, will satisfy the requirements of the Transportation CMS, but is not contained in the five-year schedule of capital improvements in the 5-Year CIE, where the following apply:~~

~~511.2.3.2.1.The County adopts, by resolution, a commitment to add the improvement to the five-year schedule of capital improvements in the 5-Year CIE no later than the next regularly scheduled update of the 5-Year CIE. Such resolution shall include a finding by the Board of County Commissioners that the proposed improvement is (a) financially feasible pursuant to Part II, Chapter 163, Florida Statutes, (b) consistent with the Comprehensive Plan, and (c) in compliance with the provisions of this Section.~~

~~511.2.3.2.2.In the case of a transportation improvement for which funds allocated for the five-year schedule of capital improvements in the 5-Year CIE are insufficient to fully fund construction, the County may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated, if the proportionate fair-share amount is sufficient to pay for one (1) or more improvements which will, in the opinion of the County (and FDOT, in the case of improvements to the state highway system), significantly benefit the impacted transportation system. The improvement(s) funded by the proportionate fair-share component must be adopted into the 5-Year CIE at the next annual capital improvements element update.~~

~~511.3.Intergovernmental Coordination.~~

~~Pursuant to policies in the Intergovernmental Coordination Element of the Comprehensive Plan and applicable policies in the Tampa Bay Strategic Regional Policy Plan and other adopted regional plans for transportation, the County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the County's jurisdiction.~~

~~511.4.Application Process.~~

~~511.4.1.Any Notice of Intent to deny an application for transportation CLOS because of lack of transportation capacity shall identify in writing any deficient impacted transportation facilities.~~

~~511.4.2.An applicant shall file with the Planning Director a request to undertake proportionate share mitigation pursuant to this Section and, in the case of an application to undertake mitigation by improving a state road, provide notice of such to the FDOT.~~

~~511.4.3.A pre-application meeting may be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is a State or Federal facility, then FDOT will be notified and invited to participate in the pre-application meeting.~~

~~511.4.4.An applicant shall submit a formal application to the County that includes the application fee established pursuant to the County's fee ordinance, and the following:~~

~~a. Name, address and phone number of owner(s), developer and agent;~~

~~b. Property location, including parcel identification numbers;~~

~~c. Legal description of property;~~

~~d. Project description, including type, intensity and amount of development;~~

~~e. Phasing schedule, if applicable;~~

~~f. Description of requested proportionate fair-share mitigation method(s);~~

~~g. Copy of Transportation CLOS application; and~~

~~h. Such other items as may be required by the County Administrator.~~

~~511.4.5.The application shall be reviewed and processed for completeness and sufficiency pursuant to Sections 502.4 and 502.5. If an application is determined to be insufficient, incomplete or inconsistent with the requirements of this Section, then the applicant will be notified in writing of the reasons for such deficiencies. If such deficiencies are not remedied by the applicant within thirty (30) days of receipt of the written notification, then the application will be deemed abandoned. The Planning Director may grant an extension of time to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to affect a cure.~~

~~511.4.6.For any application to undertake proportionate fair-share mitigation for development impacts to facilities on the SIS, the applicant shall submit evidence satisfactory to the County of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.~~

~~511.4.7.When an application is deemed sufficient, complete and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the County, or by the applicant with direction from the County, and delivered to the appropriate parties for review, including a copy to FDOT for any proposed proportionate fair-share mitigation on a SIS facility.~~

~~511.4.8.The County shall provide reasonable notice to the applicant of the date of the Board meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the Board.~~

~~511.5.Determining Proportionate Fair-Share Obligation.~~

~~511.5.1.Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities. So long as the mitigation obligation of an applicant is determined in accordance with Subsection C511.5.3., hereof, the County shall retain the discretion to determine which form of mitigation is acceptable.~~

~~511.5.2.A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.~~

~~511.5.3.Pursuant to Section 163.3180(12), Florida Statutes, the methodology used to calculate an applicant's proportionate fair-share obligation shall be.~~

~~The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.~~

~~OR~~

~~Proportionate Fair Share = Σ[[(Development Trips$_i$) / (SV Increase$_i$)] x Cost$_i$]~~

~~Where:~~

~~Development Trips$_{ij}$=~~	~~Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;~~
~~SV Increase$_{ij}$=~~	~~Service volume increase provided by the eligible improvement to roadway segment "i" per Section E [§ 511.2];~~
~~Cost$_{ij}$=~~	~~Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year or years each will be incurred.~~

~~511.5.4.For the purposes of determining proportionate fair-share obligations, the County shall determine improvement costs based upon the actual cost of the improvement as obtained from the 5-Year CIE (subject to any inflation or cost increase factors set forth in the 5-Year CIE). Where such information is not available, improvement cost shall be determined using one (1) of the following methods:~~

~~511.5.4.1.For projects to improve roads other than State and Federal roads, an estimate by the County of project costs acceptable to the County Administrator. In order to accommodate increases in construction material costs, project costs shall be based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events; and~~

~~511.5.4.2.For projects to improve State or Federal roads, the most recently available data from FDOT regarding transportation improvement costs and inflation factors, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.~~

~~511.5.5.If the County has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one (1) of the methods provided in this Section.~~

~~511.5.6.If the County has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued in accordance with Section 807.7.6.3 hereof. The applicant shall supply a drawing and legal description of the land and a Certificate of Title or Title Search of the land to the County at no expense to the County. If the estimated value of the right-of-way dedication proposed by the applicant is less than the County estimated total proportionate fair-share obligation for that development, then the applicant must also provide addition/mitigation in a value equal to the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share mitigation for projects funded in whole or in part with State or Federal funds, public or private partners should contact the FDOT for essential information about compliance with Federal law and regulations.~~

~~511.6.Impact Fee Credit for Proportionate Fair-Share Mitigation.~~

~~511.6.1.Proportionate fair-share mitigation made pursuant to this Section shall be applied as a credit against impact fees in accordance with the following requirements:~~

~~511.6.1.1.The mitigation provided by the applicant must be used to mitigate impacts to a transportation facility that is a component of the transportation facilities for which the applicant is required to pay transportation impact fees for the subject development.~~

~~511.6.1.2.The credit shall be an amount equal to the value of such mitigation, as determined pursuant to Section 353511.5.~~

~~511.6.1.3.The credit shall be applied against only the portion of the applicant's impact fee that is a pro rata equivalent of the specific transportation facility in relation to the aggregate transportation facilities for which impact fees must be paid. The applicant shall still be responsible for paying the remaining impact fee obligation that corresponds to the transportation facilities for which no mitigation has been made, notwithstanding that the value of the mitigation may exceed the component of impact fees that correspond to the mitigated transportation facilities.~~

~~511.6.2.Impact fee credits for the proportionate fair-share contribution shall be determined at the time of approval of a proportionate fair-share agreement. Impact fees owed by the applicant shall be reduced per the applicable proportionate fair-share agreement as they become due per Section 807, or the County may collect impact fees from the applicant without reducing them and reimburse the applicant in an amount equal to such credit.~~

~~511.6.3.Major projects undertaken pursuant to Sections 511.2.3.1 and 2 which can demonstrate a significant benefit to the impacted transportation system may be eligible, pursuant to Section 807 of this Code, for impact fee credits notwithstanding that such projects are not included in the transportation facilities for which the applicant's impact fees are levied.~~

~~511.6.4.The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless authorized pursuant to Section 807.~~

~~511.7.Proportionate Fair-Share Agreements.~~

~~All agreements for proportionate fair-share mitigation shall be approved in the form of development agreements pursuant to Section 518 of this Code, and in accordance with the requirements of this Section 511.7. Additionally, an agreement for proportionate fair-share mitigation shall not be scheduled for consideration and approval by the Planning Commission or Board until the applicant has submitted an executed original agreement to the County in a form acceptable to the County Administrator and the County Attorney.~~

~~511.7.1.Upon execution of a proportionate fair-share agreement by the County, the applicant shall be eligible to receive a transportation CLOS, subject to the requirements of the Comprehensive Plan and this Code. Should the applicant fail to commence or complete development during the term of the transportation CLOS, then the agreement shall automatically terminate, and the applicant shall be required to reapply.~~

~~511.7.2.Payment of the proportionate fair-share contribution is due in full no later than recording of the Final Plat or equivalent approval, or as otherwise provided in a proportionate fair-share agreement, and shall be non-refundable. If the payment is submitted more than one (1) year from the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to this Section, and adjusted accordingly.~~

~~511.7.3.All developer improvements authorized under this Section must be completed prior to recording of a Final Plat or equivalent approval, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed before issuance of Building Permits or Certificates of Occupancy.~~

~~511.7.4.Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to recording of the Final Plat or equivalent approval.~~

~~511.7.5.Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.~~

~~511.7.6.An applicant may submit a letter to withdraw its application at any time prior to its execution of the agreement. The application fee and any associated advertising costs to the County will be nonrefundable.~~

~~511.7.7.The County may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.~~

~~511.8.Appropriation of Fair-Share Revenues.~~

~~511.8.1.Revenues received pursuant to this Section as proportionate fair-share mitigation shall be placed in the appropriate project account for funding of scheduled improvements in the 5-Year CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the County, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project for which the proportionate fair-share revenues were contributed. Proportionate fair-share revenues may also be used as the local match for funding under various FDOT cost-sharing programs.~~

~~511.8.2.In the event a scheduled facility improvement is removed from the 5-Year CIEthen the revenues collected for its construction may, in the discretion of the County, be applied toward the construction of another improvement that would mitigate the impacts of development pursuant to the requirements of Section 511.2.3.2.~~

~~511.8.3.Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, Florida Statutes, the County may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under a FDOT cost-sharing program. Such coordination shall be ratified by the County through an inter-local agreement that establishes a procedure for earmarking of the developer contributions for this purpose.~~

~~511.8.4.Where an applicant, in performance of an agreement approved pursuant to this Section 511, constructs a transportation facility that is set forth in the 5-Year CIE as required pursuant to Section 511.2.3.1., hereof, and the cost of such construction exceeds the applicant's proportionate fair-share obligation calculated under Section 511.5, the County shall reimburse the applicant for the excess contribution using one or more of the following methods:~~

~~511.8.4.1.Impact fee credits may be awarded to the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the County.~~

~~511.8.4.2.An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.~~

~~511.8.4.3.The County may compensate the applicant for the excess contribution through payment or other consideration, or combination thereof, acceptable to the County and the applicant.~~

Section 361. to 364 Reserved.

Part IX. Variances and Modifications.

Section 365. ~~Section 908.~~Modification~~s~~ of Standards.

365.1. ~~908.1.Authorization and Procedure~~Applicability.

In connection with any development approval, the final approving authority of the development application~~Planning Director or the Board, as applicable,~~ may modify any of the following requirements ~~of~~ in accordance with this section:

A. Section 337~~722~~, Installation of Required Improvements~~,~~

B. ~~Section 907.7 – 13, General Standards~~Section 800.8, Lot Requirements

C. Section 800.9, Blocks

D. Section 805, Easements

E. Section 1000, Right-of-Way Standards

F. Section 1001, Street Standards

G. Open Space requirements per Table 4-3 to 4-6

H. Section 800.10, Non-Residential Subdivisions

I. Section 1001.1.C.5~~712.2.7.~~, Ingress and Egress Easements, ~~or~~

~~Section 740, Private Streets in accordance with this Section. Requests made for specific approval in conjunction with Planned Development applications shall be done so during the public hearing process.~~

365.2. ~~908.2.General Standards~~Review Criteria.

~~908.2.1.~~No modification may be granted under this Code unless:

A. ~~908.2.1.1.~~The modification is consistent with the stated purpose and intent of this Code and with the ~~C~~comprehensive ~~P~~plan; ~~and~~

Commented [LDI163]: 163.Section 722 was renamed from "Installation of" to "Performance Standards for" Required Improvements. Sec. 722.3 was replaced by 910, "Installation of Required Improvements"

Commented [LDI164]: 164.Section 907.7 to 13 are now in various chapters, therefore they had to be listed individually. 907.12, titled "Recreation" only contained a reference to swimming pools. Left out of this list as any modifications to swimming pools would need to go through other procedures.

Commented [LDI165]: 165.Covered above (1000 and 1001)

B. 908.2.1.2.The modification would not have an adverse impact on the public interest, or on adjacent property; and

C. 908.2.1.3.The modification shall is not be discriminatory. Similar situations in the general area and in past decisions under this Code shall be reviewed prior to a modification being granted; and

908.2.2.*Specific Standards.* No modification may be granted unless the developer clearly shows the existence of all of the following circumstances:

D. 908.2.2.1.Where the development will provide an alternative which will achieve the purposes of the requirement throughThe modification will permit clearly superior design, efficiency, and performance.;

E. 908.2.2.2.Where If applicable, the modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic or archeological sites or public facilities, related to the development site.;

F. 908.2.2.3.Where tThe strict application of the requirement would be technically impractical or effectively deprive the owner of all reasonable use of the land to be subdivided, due to it unusual size, shape, topography, natural conditions, or location; Provided, such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case. Also, the unusual conditions involved are not personal to, nor the result of actions of the developer or property owner which occurred after the effective date of this Code.;

G. 908.2.2.4.Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, existing conditions, natural conditions, or location, of the land, or due to The deferral of the installation of required improvements will allow for improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvements; provided, the development will provide an alternative adequate to achieve the purposes of the requirement, including security for the current construction cost, adjusted for inflation, of any required improvements which may be deferred. Also, any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner which occurred after the effective date of this Code.; and

H. 908.2.2.5.Where all or any part of tThe requirement has no relationship to the needs of the development, or to the modification will not result in a negative impact of the development on the public facilities, land use, traffic, or environment of the neighborhood and the general community, due to the location, scale, or type of development involved. Provided, that any specific waiver or modification requirements set forth in this Code are met.

365.3. Approval of Modification.

908.2.3.Conditions. The approving authority may approve, approve subject to conditions or deny the application. Reasonable conditions, and additional or alternative requirements, includeing, but are not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any waiver or modification of any requirements under this Section.

908.2.1.4.All modifications shall be duly noted in writing on the final plat or site plan documents as a public record of each specific modification granted.

Section 366. 509.8.Administrative AdjustmentsVariance Approvals.

366.1. Types of Administrative Adjustments..

The Planning Director may approve the following three (3) types of Administrative Variances. The review of such Administrative Variances shall be conducted by the Planning Director in conformance with the following criteria for each type of Administrative Variances:

509.8.1.Errors in Yard Measurements.

A. The Department Director is authorized to approve a deviation to a yard requirement lif it is determined that there

Commented [LDI166]: 166.This repeats the previous criterion

Commented [LDI167]: 167.Changed name so that they are not confused with regular variances.

was an error ~~is discovered~~ in the location of an existing building or structure relative to the minimum yard requirements, ~~, the property owner, or their authorized representative, may file apply for and receive an Administrative Variances~~ provided that:

1. ~~a.~~ The ~~Administrative Variances~~requested adjustment ~~-~~shall not exceed ~~more than~~ ten (10) percent of the required yard or one (1) foot, whichever is ~~less~~greater; and

2. ~~b.~~ The error was unintentional and unforeseen.

~~509.8.2.~~Front Yard Setbacks Consistent ~~W~~with Established Neighborhoods.

B. The Department Director may approve an adjustment to the front yard setback to allow a setback that meets or exceeds the average setback of the existing homes on the same side of the street, provided that:

1. The use is either:

   a. A new ~~If a residential,~~ single-family or duplex dwelling ~~is proposed~~ within an established neighborhood.~~,~~

   b. An expansion of existing, non-elevated single-family or duplex dwellings ~~or, if~~ in the Cortez Fishing Village HA Overlay District ~~an expansion of an existing, non-elevated home is proposed, and the existing zoning district front yard setbacks are in excess of the prevailing front yard setbacks for existing homes, as described below, the property owner, or their authorized representative may apply for and receive an Administrative Variances~~.

~~These setbacks shall then be averaged, and the applicant may apply for a setback that meets or exceeds that average and provided that:~~

~~(i.)~~ The ~~minimum~~ approved front yard setback ~~allowed~~ is not less than twenty (20) feet, ~~and~~ or fifteen (15) feet if located within~~in~~ the Cortez Fishing Village HA Overlay District~~, a minimum of fifteen (15) feet~~; and

2. ~~(ii.)The maximum Variance from the zoning district setback allowed for front yard setbacks~~ the adjustment is less than ten (10) feet~~; and~~.

3. ~~The request must meet the following standards:a.~~ The average front yard setback ~~for~~ of existing homes shall be ~~taken~~ calculated based on ~~by measuring~~ the front yard setbacks ~~for~~ of existing homes on the same side of the street for a distance of either four (4) homes on either side of the lot in question or the length of the block, whichever is less.

~~**(iii.)This shall apply to single-family and duplex dwellings only.**~~

~~509.8.3.~~Errors of Structure Encroachments ~~of Buildings or Other Structures~~ into County Easements or Rights-of-Way.

C. If it is discovered that an error has been made in the location of a building or structure, including a swimming pool, fence, wall, or similar structure, such that the structure is partially located within a County easement or right-of-way, the property owner~~,~~ or ~~its~~ authorized ~~representative~~agent, may apply for ~~and receive~~ an ~~A~~administrative ~~Variances~~adjustment ~~seeking~~ to allow the structure to remain within the easement or right-of-way provided that:

1. ~~a.~~ The ~~Administrative Variances~~adjustment is limited to five (5) feet or fifty (50) percent of the width of the easement, whichever is less~~, unless prior to the approval of the Administrative Variances by the Planning Director, the Planning Director receives authorization by the Board.~~;

2. ~~b.~~ The structure does not obstruct, impede, or unreasonably interfere with the intended use of the right-of-way or easement~~.~~; and

3. ~~c.~~ The error was unintentional and unforeseen.

366.2. Review and Approval of Administrative Adjustments.

~~509.8.4.Denial of Administrative Variance.~~

~~Any r~~Requests for ~~an A~~administrative ~~Variances~~adjustments ~~which does not~~ shall meet the criteria listed above. ~~will be~~ If the adjustment is denied, ~~and~~ the applicant shall comply with the ~~yard/setback~~code requirements or cure the encroachments, or ~~unless the applicant receives~~ apply for a ~~V~~variance pursuant to ~~-~~Section 366~~509.8~~.

~~509.8.3.1.Applications.~~ Property owners with ~~such~~ errors of encroachment shall file an application for vacation of the easement or right-of-way in accordance with the standards for such applications, which shall include a release of

Manatee County for any claims or damages that may result from such encroachment. After review by the appropriate agencies, the County may approve an Administrative ~~Variance~~ Adjustment if the standards above are met.

366.3. ~~509.8.5.~~Effect of Approval.

The granting of an ~~A~~administrative ~~Variances~~adjustment ~~by the Planning Director~~ authorizes the applicant to proceed with any additional applications for development approval, ~~C~~certificates of ~~O~~occupancy, and other permits which the County may require for any proposed development of the property, or to continue and use or encroachment permitted by such ~~Administrative Variances~~adjustment.

~~509.8.6.Appeal.~~

~~Any appeal of a Planning Director determination shall be per Section 516 of this Code.~~

Section 367. ~~Section 509.~~Variances.

367.1. ~~509.1.~~Purpose and Scope.

The purpose of ~~this Section~~a variance is to provide limited relief from the requirements of this Code in those cases where strict application of those requirements will create a practical difficulty or unnecessary hardship, or~~, as distinguished from a mere inconvenience,~~ where the requirements of this Code render the land difficult to use because of some rare and unique physical attribute of the property itself or some other factor unique to the property for which the ~~V~~variance is requested. ~~Further~~ Floodplain elevation variances are addressed ~~specific limitations on granting of Variances are contained~~ in Section ~~718~~802, Floodplain Management ~~and Section 724, Signs, of this Code~~.

367.2. ~~509.2.~~Limitations on Granting of Variances.

Variances may be granted for no other purpose than to allow ~~no more than~~ a single lot or parcel to depart from the dimensional regulations of this Code that restrict the following matters:

A. ~~a.~~ Minimum floor area per dwelling units;

B. ~~b.~~ Required yards, buffers, or setbacks;

C. ~~c.~~ Maximum lot coverage~~s~~;

D. ~~d.~~ Maximum heights; and

E. ~~e.~~ Errors of encroachments.

~~Variances may not be granted for any other purpose.~~

367.3. ~~509.3.Additional~~ Prohibitions.

Even if a requested ~~V~~variance complies with the requirements of this Section ~~509.2~~, such ~~V~~variance shall not be granted if such ~~V~~variance:

A. ~~a.~~ Allows the expansion or establishment of a use in a zone or district in which such use is not permitted by this Code;

B. ~~b.~~ Permits the establishment or expansion of a Special Permit or Administrative Permit use without the required approvals ~~under Sections 505 and 506~~;

C. ~~c.~~ Relates in any way to a nonconforming use, except to the extent such use has been approved pursuant to ~~Chapter 11, Nonconformities~~this Code;

D. ~~d.~~ Purports to modify any definitions set forth in Chapter 2, Definitions;

E. ~~e.~~ Results in an increase in density above that permitted in the applicable zoning district regulations;

F. ~~f.~~ Will be inconsistent with the Manatee County Comprehensive Plan;

G. ~~g.~~ Results in approval of any action which would violate any floodplain management provision of Manatee County ~~Ordinance No. 89-10~~; any floodplain management provision of the National Flood Insurance Program;

and/or any floodplain management provision of the Community Rating System Program; or

~~h. For Variances from floodplain management standards requested pursuant to Section 718, fails to comply with the requirements of Section 718.10.~~

367.4. Certificate of Appropriateness.

Any proposed work in any historical overlay district established pursuant to this Code must first be granted a ~~C~~Certificate of ~~A~~Appropriateness by the Manatee County Historic Preservation Board in accordance with the requirements of ~~Section 514~~this Chapter~~, and the proposed lowest habitable floor of the renovation/addition must be equal to or higher than the elevation of the existing historical structure without the use of fill~~.

~~509.4. Issuing Officer or Board.~~

~~The following Variances shall be issued by the following officers or boards: a. The Historic Preservation Board shall be authorized to issue any Variance regarding proposed floodplain elevation of structures within the Cortez Fishing Village Historical and Archaeological Overlay District. b. All other Variance shall be issued by a Hearing Officer.~~

367.5. ~~509.5.Staff~~ Review Procedures.

A. Application. All applications for ~~V~~variances shall be reviewed and processed for completeness and sufficiency ~~pursuant to Sections 502.4 and 502.5~~. Within a reasonable time after receipt of the sufficiency review comments ~~pursuant to Section 502.5.1.~~, the ~~Planning Director~~Department Director shall deliver to the Hearing Officer ~~appropriate official or board~~ a copy of the application and a written report summarizing the facts of the case including all relevant documents and incorporating or summarizing the comments from the appropriate reviewing departments and agencies, and schedule a date for a public hearing.

B. ~~509.7.Action by~~Review ~~Issuing Official or Board~~.

1. ~~509.7.1.*Public Hearing.*~~ Upon receiving the report from the ~~Planning Director~~Department Director, the Hearing Officer shall hold at least one (1) public hearing on the proposed ~~V~~variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with ~~Section 502 of~~ this Chapter.

2. ~~509.7.2.*Review and Issuance by Hearing Officer.*~~ The ~~issuing official or board~~Hearing Officer shall review the application, the report of the ~~Planning Director~~Department Director, and the evidence presented and~~. The issuing official or board~~ shall issue a ~~V~~variance only if ~~the issuing official or board finds~~ it is found that all the standards set forth in this ~~S~~section ~~509~~ have been satisfied.

3. ~~509.7.3.*Conditions.*~~ The ~~issuing official or board~~Hearing Officer may impose such conditions and restrictions upon the ~~V~~variance as may be necessary to comply with the requirements of this ~~S~~section and the ~~C~~comprehensive ~~P~~plan, and to prevent or minimize adverse effects on other property in the neighborhood. Such conditions may include, but shall not be limited to: limitations on size, bulk and location; requirements for landscaping, signage, outdoor lighting, and the provision of adequate ingress and egress; hours of operation; and the mitigation of environmental impacts. Such conditions may also include limitations on the duration of a ~~V~~variance.

367.6. ~~509.6.Standards of~~ Review ~~and Approval~~Criteria.

~~-~~All ~~V~~variances shall comply with the following ~~standards~~criteria:

A. ~~a.~~The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

B. ~~b.~~The conditions upon which the request for a ~~V~~variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity;

C. ~~c.~~The ~~V~~variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application~~, except that physical handicaps or disability may be considered where relevant to the request~~;

D. ~~d.~~The alleged hardship has not been created by any person presently having an interest in the property or was created as a result of a bona fide error;

Commented [LDI168]: 168.Already stated in the Review Procedures section.

Commented [LDI169]: 169.Section 509.5.1 (Review of Floodplain Variances) was moved to Chapter 8.

E. ~~e.~~The granting of the ~~V~~variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity;

F. ~~f.~~The proposed ~~V~~variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety~~, or substantially diminish or impair property values within the vicinity~~;

G. ~~g.~~The ~~V~~variance granted is the minimum ~~V~~variance that will make possible the reasonable use of the property; and

H. ~~h.~~The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the ~~V~~variance is granted.

I. Alternatively, a ~~V~~variance may be issued to correct a bona fide staff error that has been made and has led to construction that does not comply with the Code.

367.7. ~~509.7.4.~~Effect of Approval.

The granting of a ~~V~~variance authorizes the applicant to proceed with any additional applications for development approval, ~~C~~certificates of ~~O~~occupancy, and other permits which the County may require for any proposed development of the property.

~~509.7.5.*Appeal.* Any appeal of a determination by an issuing official or board shall be per Section 516 of this Code.~~

Section 368. to 369 Reserved.

Part X. ~~Section 516.~~Appeals.

Section 370. ~~516.1.Purpose and Applicability~~Appeals of Administrative Decisions.

~~This Section is intended to provide for a~~Appeals from the decisions from any written order, requirement, decision, determination or interpretation made by an administrative official in the enforcement of these regulations~~. Except where expressly provided otherwise in this Code, the Board~~ shall be heard by the Hearing Officer~~ and decide appeals of decisions regarding all matters decided administratively pursuant to this Code~~.

370.1. ~~516.2.~~Application. ~~Filing of Application and Notice of Appeal.~~

An application and notice of appeal authorized under the provisions of this Section shall be filed with the ~~Planning Director~~Department Director in accordance with the general requirements of Section 312~~502~~ of this Code; provided however that the ~~Planning Director shall not be required to consider an~~ application shall be filed no more than thirty (30) days after the date of the decision to be appealed.

370.2. ~~516.3.~~Hearing Scheduled. ~~Review.~~

Within forty-five (45) days after receipt of a complete application and notice of appeal, the ~~Planning Director~~Department Director shall schedule a public hearing. Published ~~N~~notice of the public hearing shall be given in accordance with the requirements of Section 312~~502~~. Mailed ~~notice~~ and posted notices ~~under Sections 502.7.3 and 502.7.4, respectively,~~ shall not be required.

370.3. Department Director Recommendation.

At least ten (10) days prior to the date of the hearing, the ~~Planning Director~~Department Director shall forward a copy of the application to the Hearing Officer~~ or Board~~ together with a report and recommendation summarizing the facts of the case, any relevant documents and any comments received.

~~502.7.7.Public Hearings for Administrative Appeals. Published notice of public hearings for administrative appeals shall be provided in accordance with Sections 502.7.1 and 502.7.2. Mailed notice and posted notice under Sections~~

Commented [LDI170]: I70.Deleted per CAO.

~~502.7.3 and 502.7.4, respectively, shall not be required.~~

370.4. ~~516.4.~~Review and Decision. ~~Action by the Board or Hearing Officer.~~

The ~~Board or~~ Hearing Officer shall review the application and report and recommendation of the ~~Planning Director~~Department Director and conduct a public hearing on the application in accordance with the requirements of Section 312~~502~~. After the public hearing is held, the ~~Board or the~~ Hearing Officer shall issue a written decision and order granting the relief sought in the application, with or without conditions, or denying the appeal.

Section 371. ~~304.7.~~Appeals of Quasi-Judicial Decisions.

Any final action, including final order, and/or any alleged impropriety of the ~~Hearing Officer~~approving authority may be appealed, within thirty (30) days of the date of the action taken ~~by the Hearing Officer~~, by any aggrieved person, including Manatee County, or any officer, or department thereof, with the appropriate court of record as provided by law. All such appeals shall be filed with the court of record and shall include a petition, duly verified, setting forth that such decision is illegal, and/or improper, and specifying the grounds of the illegality.

Commented [LDI171]: I7I.Per PC/Attorney

CHAPTER 4 – ZONING

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CHAPTER 4 – ~~Chapter 6 -~~ ZONING ~~DISTRICTS~~

Section 400. Generally

400.1. ~~Section 104.~~Official Zoning Atlas.

Manatee County is divided into zones or districts, as shown on the Official Zoning Atlas (Atlas) or as described in this Code. Such Atlas, together with all explanatory matter thereon, shall be considered a part of this Code. Said Atlas is composed of a series of sheets or maps, properly identified as such, and shall be on file in the Office of the Clerk of the Circuit Court, and shall be the official record of zoning status of unincorporated lands within the County. A copy shall be maintained in the office of the ~~Planning~~ Building and Development Services Department and is hereby incorporated by reference.

400.2. ~~104.1.~~Recording Amendments to the Maps of the Official Zoning Atlas.

On the effective date of any amendment to the Zoning Atlas the change shall be posted on the Atlas by the ~~Planning~~ Department Director and the maps shall identify the official action by which such amendment was made, the date of such action and the area involved.

400.3. ~~104.2.~~Unauthorized Changes in Zoning Atlas Prohibited.

No substantive changes of any nature affecting property shall be made in the Official Zoning Atlas or any matter shown thereof except in conformity with the procedures and requirements of this Code and/or other applicable law.

400.4. ~~104.3.~~Replacement of Official Zoning Atlas.

~~104.3.1.~~In the event that the Official Zoning Atlas or any portion thereof becomes damaged, destroyed, lost or illegible or difficult to interpret because of the nature or number of changes and additions, the Board is authorized to replace said Atlas, map or portion thereof by resolution and the same shall supersede said replaced portion.

~~104.3.2.~~The new Atlas, map or portion thereof may correct drafting or other errors or omissions in the prior map, but no replacement map shall have the effect of amending the Official Zoning Atlas, which shall be amended only as provided in Section 354~~507~~ (Amendments to Official Zoning Atlas). The replacement shall be properly identified as such, with the date of the resolution of the Board. Unless the prior Atlas, map or portion thereof has been lost or totally destroyed, any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

400.5. ~~104.4.~~Unclassified Areas.

Unless areas are classified on or by the Official Zoning Atlas, or classification can be established by the rules above, such areas shall be considered to be classified as General Agricultural (A) until rezoned by the Board.

Commented [LEA1]: Repeats section 202.11.7

~~202.11.7. Unclassified Areas. Unless areas are classified on or by the Official Zoning Atlas, or the classification can be established by the rules above, such areas shall be considered to be classified as General Agriculture (A) until rezoned by the Board.~~

400.6. ~~202.11.~~Rules for Interpretation of District Boundaries.

Interpretations regarding boundaries of zoning districts shown on the Official Zoning Atlas shall be made in accordance with the following:

A. ~~202.11.1.~~**Center Lines as Boundaries.** Where district boundaries appear to follow center lines of streets, alleys, easements, railroads and the like, they shall be construed as following such center lines.

B. ~~202.11.2.~~**Property Lines and the Like as Boundaries.** Where district boundaries appear to follow street, lot,

property, or similar lines, they shall be construed as following such lines.

C. ~~202.11.3.~~**Boundaries in or Adjacent to Bodies of Water.**

1. ~~202.11.3.1.~~Where district boundaries appear to follow shorelines or center lines of bodies of water, they shall be construed as following such shore lines or center lines. In case of change in shore lines or course or extent of water, the boundaries shall be construed as moving with the change.

2. ~~202.11.3.2.~~Boundaries indicated as entering any body of water, but not continuing to intersection with other zoning boundaries or with the limits of jurisdiction of the County shall be construed as extending in the direction in which they enter the body of water to intersect with other zoning boundaries or with the limits of jurisdiction.

D. ~~202.11.4.~~**Boundaries Indicated as Parallel to or Extensions of Features** Listed. Where district boundaries are indicated as parallel to or extension of features listed above, they shall be so construed.

E. ~~202.11.5.~~**Dimensions**. Where dimensions are not otherwise indicated on or by the Official Zoning Atlas, the scale of the map shall govern.

F. ~~202.11.6.~~**Variation of Actual Location from Mapped Location**. Where physical or cultural feature existing on the ground are at variance with those shown on or by the Official Zoning Atlas, the actual location shall govern.

400.7. ~~702.2.~~Minimum District Size.

After the effective date of this Code, where a minimum district size is specified for a given district, no area of land of lesser size shall be so zoned in a given location in the County, except where initiated by the Planning Commission or the Board acting on its own motion pursuant to a comprehensive rezoning; however, if the same district classification or that of similar nature and similar or greater intensity exists in a given location, additional lands may be rezoned to such classification in accordance with the following:

A. ~~702.2.1.~~ If such additional lands are contiguous to such existing same or similar district;

B. ~~702.2.2.~~ If the rezoning of such additional lands would be consistent with the Comprehensive Plan;

C. ~~702.2.3.~~ If such additional lands satisfy the minimum lot area and lot width requirements specified for the given district; and

D. ~~702.2.4.~~ Provided that with the addition of such lands, the total area zoned for the same intensity and type of use will be equal to or greater than the minimum district size.

400.8. Future Land Use Categories and Zoning Districts.

No property shall be rezoned unless it is to a district that implements the future land use designation of the site. The following table correlates individual zoning districts with future land use categories. In no event shall the density or intensity in a given zoning district exceed the maximum permitted in the Future Land Use designation of the site. Properties with a zoning designation not consistent with the future land use category are not required to rezone. However, if the property owner wishes to rezone the property, it shall be eligible to be rezoned to a designation that is consistent with the assigned future land use category.

Future Land Use Category	~~Compatible~~ Zoning Districts
Conservation (CON)	CON
Agriculture/Rural (AG/R)	A, A-1, ~~C~~RVP, EX
Estate Rural (ER)	A
Residential-1 DU/GA (RES-1)	A-1, RSF-1, PDGC, PDMH, PDR
Residential-3 DU/GA (RES-3)	A-1, RSF-1, RSF-2, VIL, PDGC, PDMH, PDR
Urban Fringe-3 DU/GA (UF-3)	A-1, VIL, RSF-1, PDGC, PDMH, PDR
Residential-6 DU/GA (RES-6)	VIL, RSF-2, RSF-3, RSF-4.5, RSMH-4.5, RDD-3, RDD-4.5, PDGC, PDMH, PDR
Residential-9 DU/GA (RES-9)	VIL, RSF-3, RSF-4.5, RSF-6, RSMH-4.5, RSMH-6, RDD-3, RDD-4.5, RDD-6, RMF-6, PDGC, PDMH, PDR
Residential-12 DU/GA (RES-12)	RSF-4.5, RSF-6,RSMH-4.5, RSMH-6, RDD-3, RDD-4.5, RDD-6, RMF-6, RMF-9, PDGC, PDMH, PDR

Commented [LDI2]: Staff: Note districts added by LEA.

Commented [LEA3]: Added per workshop comment.

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Future Land Use Category	~~Compatible~~ Zoning Districts
Residential-16 DU/GA (RES-16)	RSF-6, RSMH-6, RDD-3, RDD-4.5, RDD-6, RMF-6, RMF-9, PDGC, PDMH, PDR
Low Intensity Office (OL)	RSF-3, RSF-4.5, RSF-6, RSMH-4.5, RSMH-6, RDD-3, RDD-4.5, RDD-6, RMF-6, RMF-9, PR-S, PR-M, PDO
Medium Intensity Office (OM)	PR-S, PR-M, NC-S, NC-M
Retail/Office/Residential (R/O/R)	RSMH-6, RDD-3, RDD-4.5, RMF-6, RMF-9, HC, PDGC, PDMH, PDR, PDC, PDMU, PR-S, PR-M, NC-S, NC-M, GC, PDO
Light Industrial (IL)	LM, HC, PDRP, PDI, PDMP
Heavy Industrial (IH)	LM, HC, HM, PDRP, PDI, PDMP
Urban Industrial (IU)	LM, PDUI
Mixed Use (MU)	PDGC, PDI, PDMH, PDO, PDR, PDMU, PDC, PDRP, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/AC-1)	RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/AC-2)	RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/AC-3)	A, A-1, RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/R)	RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Mixed-Use Community (MU-C/RU)	RSF-3, RSF-4.5, RSF-6, RMF-6, RMF-9, PR-S, PR-M, NC-S, NC-M, GC, LM
Public/Semi-Public (P/SP(1))*	PDPI
Public/Semi-Public (P/SP(2))	PDPI
Major Attractors (AT)	PDPI
Major Recreation/Open Space (R/OS)	PDGC

~~Section 601.Districts Established.~~

~~In order to carry out the purposes and terms of this Chapter, the County shall be divided into the following districts:~~

~~CON:~~	~~Conservation~~
~~A:~~	~~General Agriculture~~
~~A-1:~~	~~Suburban Agriculture~~
~~RSF-(1, 2, 3, 4.5, 6):~~	~~Residential Single Family District~~
~~RSMH-(4.5, 6):~~	~~Residential Single Family Manufactured Home~~
~~RDD-(3, 4.5, 6):~~	~~Residential Duplex~~
~~RMF-(6, 9):~~	~~Residential Multi-Family~~
~~VIL:~~	~~Villages—Myakka, Parrish, Rubonia~~
~~PRS:~~	~~Professional—Small~~
~~PRM:~~	~~Professional—Medium~~
~~NCS:~~	~~Neighborhood Commercial—Small~~
~~NCM:~~	~~Neighborhood Commercial—Medium~~
~~GC:~~	~~General Commercial~~
~~HC:~~	~~Heavy Commercial~~
~~CRV:~~	~~Commercial Recreational Vehicle~~
~~LM:~~	~~Light Manufacturing~~
~~HM:~~	~~Heavy Manufacturing~~
~~EX:~~	~~Extraction~~
~~PDR:~~	~~Planned Development—Residential~~
~~PDMH:~~	~~Planned Development Manufactured Home~~
~~PDO:~~	~~Planned Development Office~~

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~~PDC:~~	~~Planned Development Commercial~~
~~PDRP:~~	~~Planned Development Research Park~~
~~PDI:~~	~~Planned Development Industrial~~
~~PDW:~~	~~Planned Development Waterfront~~
~~PDPI:~~	~~Planned Development Public Interest~~
~~PDMU:~~	~~Planned Development Mixed Use~~
~~PDRV:~~	~~Planned Development Recreational Vehicle~~
~~PDUI:~~	~~Planned Development Urban Industrial~~
~~PDPM:~~	~~Planned Development Port Manatee~~
~~PDGC:~~	~~Planned Development Golf Course~~
~~PDA:~~	~~Planned Development Agriculture~~
~~MP-I:~~	~~Master Planned—Institutional~~

~~Overlay Districts. Additionally, there shall be established the following overlay zoning districts:~~

~~WPE:~~	~~Evers Reservoir Watershed Protection Overlay District~~
~~WPM:~~	~~Lake Manatee Reservoir Watershed Protection Overlay District~~
~~AI:~~	~~Airport Impact Overlay District~~
~~CH:~~	~~Coastal High Hazard Area Overlay District~~
~~ST:~~	~~Special Treatment Overlay District~~
~~HA:~~	~~Historical and Archaeological Overlay District~~
~~WR:~~	~~Whitfield Residential Overlay District~~
~~RV:~~	~~Restricted Vehicle Overlay~~
~~DA:~~	~~Duplex Access Overlay District~~

Section 401. ~~Section 602.~~Standard Zoning Districts Established.

~~602.1.Statements of Intent and General Requirements. All developments within standard zoning districts shallmeet the requirements of Section 508 or Chapter 9, whichever is applicable.~~Zoning districts are hereby established for the purpose of regulating the location and development of residential and non-residential uses. The rezoning of land to any of the zoning districts established in this code must be consistent with the Comprehensive Plan directives, must discourage non-residential strip development along transportation corridors, shall not adversely impact the facilities and services of the County, and shall not set a precedent for the introduction of inappropriate use into an area. All development and redevelopment activities shall be consistent with the Comprehensive Plan regarding permitted uses and densities and intensities of uses, as well as applicable performance criteria, best management practices and standards set forth in the Plan and this Code.

401.1. Purpose of Districts

~~602.1.1.Conservation.~~

A. ~~CON:~~ **Conservation District (CON).** The CON~~onservation~~ District is intended to preserve and protect large areas of open space, vegetative habitat, natural drainage systems, aquifer recharge areas, soils, and wildlife habitats ~~in areas of major~~located on public property or on privately-held lands as desired by the property owner. ~~which~~Conservation lands are intended primarily for the purpose of preserving natural resources.

All commercial agricultural operations within CON Districts must possess approved Conservation Plans consistent with the Comprehensive Plan, ~~which~~ and incorporate site specific best management practices ~~(BMP) which are~~ approved by Manatee County and applied by the applicant.

Commented [LDI4]: The rest of the paragraph was moved to chapter 5.

~~602.1.2.Agricultural Districts.~~

~~Agricultural districts provide for agriculture and agricultural uses on minimum five acre and one acre lots.~~

B. ~~602.1.2.1.A:~~ **General Agriculture District (A).** The A~~ General Agriculture~~ District is intended to preserve agricultural lands, promote general agricultural economic activity, and allow for the co-existence of other uses

generally consistent with agricultural activities. ~~It is also the intent of this Section to provide for rural residential development in which the gross density does not exceed 0.2 dwelling unit per acre.~~ In addition, it is intended that agricultural areas be protected from the encroachment of incompatible uses and that development be guided within the district ~~to occur in a manner that complies with the Manatee County Comprehensive Plan~~. ~~(See Figure 6-2 and Section 702.4.3 for minimum lot size requirements.~~

C. ~~602.1.2.2.A-1:~~ **Agricultural Suburban District (A-1).** The purpose of ~~classifying land and water areas within~~ this district is to permit short-term agricultural and related uses ~~on short-term agricultural lands~~ and to provide for ~~limited transition~~ areas~~. This district is intended to meet specific needs where there is the meeting of~~ transitioning from ~~urban and~~ rural to suburban or urban character~~areas~~.

~~602.5.VIL—~~**Village Districts (Myakka City, Parrish, Rubonia) (VIL).**

D. ~~602.5.1.Purpose and Intent.~~ The ~~V~~village districts ~~is~~ are established to~~:~~ conserve the distinctive rural village character of rural communities where conventional urban zoning would be inconsistent with established patterns of land use and~~;~~ to ensure that new uses which might be located in these areas can be harmoniously ~~fitted~~ incorporated into their surroundings~~; and otherwise implement the stated purpose and intent of this Code~~.

~~602.1.3.Residential Districts.~~

~~Residential districts provide for residential housing development of a variety of types on a variety of lot sizes in accordance with the Comprehensive Plan. Alternative forms of housing types are permitted at appropriate densities, through the Planned Development Residential District (PDR) provisions of this Code.~~

E. ~~602.1.3.1.RSF-1:~~ **Residential Single Family Districts (RSF-1, RSF-2, RSF-3, RSF-4.5, and RSF-6).** The ~~RSF-1 District is~~ purpose of these districts is~~intended~~ to provide for residences in a suburban environment at low to medium densities, ~~at a maximum density of one (1) dwelling per acre. In addition, this district is intended~~ to accommodate ~~a complement of residential~~ support non-residential uses ~~normally utilized during the daily activities of residents~~, and to protect these areas from the encroachment of incompatible uses ~~and to guide development within the district to occur in a manner that complies with the Comprehensive Plan~~.

~~602.1.3.2.RSF-2: Residential Single Family District. The RSF-2 District is intended to provide for single family residences in a suburban residential environment at a maximum density of two (2) dwelling units per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.~~

~~602.1.3.3.RSF-3: Residential Single Family District. The RSF-3 District is intended to provide for single family residences in a suburban residential environment with a maximum density of three (3) dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.~~

~~602.1.3.5.RSF-4.5: Residential Single Family District. The RSF-4.5 District is intended to provide for single family residences in a suburban residential environment with a maximum density of four and one-half (4.5) dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.~~

F. ~~602.1.3.6.RSMH-4.5:~~ **Residential Single Family ~~Manufactured~~ Mobile Home Districts (RSMH-4.5, and RSMH-6).** The RSMH-4.5 District is intended to ~~provide~~ accommodate mobile ~~manufactured~~ home ~~for~~ parks and subdivisions in a suburban residential environment ~~with a maximum density of four and one-half (4.5) dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan~~. The minimum size to establish this district shall be ~~This district is not intended to be applied to individual lots or tracts of less than~~ twenty (20) acres. ~~See Figure 6-3. New manufactured home developments are prohibited within the Coastal High Hazard Area Overlay District. Manufactured Home Subdivisions shall be processed by the procedures and standards of Chapter 9, Subdivisions. Manufactured Home Parks shall be processed by the procedures of Section 508, Site Plans, and the standards of Sections 508.3.3, 508.3.4, and 603.8.~~

~~602.1.3.7. RDD-4.5: Residential Duplex District. The RDD-4.5 Residential Duplex district is to provide for two family~~

Commented [LDI5]: Section 602.5.2 (MH dwelling) deleted. Already in Chapter 4.

Commented [LDI6]: 602.5.2 Moved to Ch 4

Commented [LEA7]: Consolidated all into one to avoid repetition. Densities and intensities are noted in the table.

Commented [LEA8]: Combined similar districts for description only.

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~~development on lots at a maximum density of four and one-half (4.5) dwellings per acre. In addition, the district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible use and to guide development which occurs in the district in a manner which complies with the Comprehensive Plan. Developments or subdivisions which propose more than four (4) duplex units shall be developed as Planned Residential Developments.~~

~~602.1.3.8.RSF-6: Residential Single Family District. The RSF-6 District is intended to provide for single family residences in a suburban residential environment with a maximum density of six (6) dwellings per acre. In addition, this district is intended to accommodate a compliment of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.~~

Commented [LEA9]: Combined with other RSF districts for description only.

~~602.1.3.9.RSMH-6: Residential Single Family Manufactured Home District. The RSMH-6 District is intended to provide for manufactured home subdivisions and parks in a suburban residential environment with a maximum density of six (6) dwelling units per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan. This district is not intended to be applied to individual lots or tracts of less than twenty (20) acres. See Figure 6-4. New manufactured home developments are prohibited within the Coastal High Hazard Area Overlay District. Manufactured Home Subdivisions shall be processed by the procedures and standards of Chapter 9, Subdivisions. Manufactured Home Parks shall be processed by the procedures of Section 508, Site Plans, and the standards of Sections 508.3.3, 508.3.4, and 603.8.~~

~~602.1.3.10.RDD-6: Residential Duplex District. The RDD-6 Residential Duplex district is to provide for two family development on lots at a maximum density of six (6) dwelling units per acre. In addition, the district is intended to accommodate a complement of residential support uses normally utilized during the daily activity of residents, to protect these areas from the encroachment of incompatible use and to guide development which occurs in the district in a manner which complies with the Comprehensive Plan. Developments or subdivisions which propose more than four (4) duplex units shall be developed as Planned Residential Developments.~~

G. ~~602.1.3.4.RDD-3:~~ Residential Duplex Districts (RDD-3, RDD-4.5, RDD-6). ~~RDD-3 Residential Duplex District~~ The purpose of this district is to provide for medium density residential uses, including single-family and ~~two family~~ duplex development, and to accommodate support non-residential uses ~~on lots at a maximum density of three (3) dwellings per acre~~. ~~In addition, the district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible use and to guide development which occurs in the district in a manner which complies with the Comprehensive Plan. Developments or subdivisions which propose more than four (4) duplex units shall be developed as Planned Residential Developments.~~

H. ~~602.1.3.11.RMF-6:~~ Residential-Multi-Family Districts (RMF-6, RMF-9). The purpose of ~~this~~ these districts is to provide areas for multiple family dwelling units at medium to high densities at appropriate locations ~~and with densities not to exceed six (6) units per acre~~. In addition, the districts are ~~is~~ intended to accommodate ~~a~~ complementary ~~of residential~~ support uses. ~~normally utilized during the daily activity of residents, to protect these areas from the encroachment of incompatible use and to guide development which occurs in the district in a manner which complies with the Comprehensive Plan. Developments or subdivisions which propose more than four (4) duplex units shall be developed as Planned Residential Developments.~~

~~602.1.3.12.RMF-9: Residential-Multi-Family District. The purpose of this district is to provide areas for multiple family dwelling units at appropriate locations and with densities not to exceed nine (9) units per acre. In addition, the district is intended to accommodate a complement of residential support uses normally utilized during the daily activity of residents, to protect these areas from the encroachment of incompatible use and to guide development which occurs in the district in a manner which complies with the Comprehensive Plan. Developments or subdivisions which propose more than four (4) duplex units shall be developed as Planned Residential Developments~~

~~602.1.4.Office Districts.~~

~~The Office districts are intended to provide for office uses, compatible special uses and related support uses in accordance with the Comprehensive Plan and the provisions of the Code.~~

I. ~~602.1.4.1.PR-S:~~ Professional- Small and Medium Office Districts (PR-S and PR-M). The PR-~~S~~ districts are~~is~~ designed to provide for office development on a small (PR-S) and medium (PR-M) scale to serve nearby

residential neighborhoods~~.~~. Therefore, ~~T~~this district shall only be applied at appropriate locations: to serve the needs of such neighborhoods~~; in conformance with the goals, policies, objectives and locational criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage non-residential strip development along streets~~. ~~The district has a maximum building square footage of three thousand (3,000) square feet.~~

~~602.1.4.2.PR-M: Professional-Medium Office District. The PR-M district is designed to provide for office development on a medium scale to serve residential neighborhoods. This district shall only be applied at appropriate locations: to serve the needs of such neighborhoods; in conformance with the goals, policies, objectives and locational criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage non-residential strip development along streets. The district has a maximum fifty thousand (50,000) square feet building area per project.~~

~~602.1.5.Commercial Districts.~~

~~The Commercial districts are intended to provide for retail sales, personal service and office uses, as well as appropriate supporting accessory uses and selected Special Uses in locations and at intensities in accord with the Comprehensive Plan and this Code.~~

J. ~~602.1.5.1.NC-S:~~ Neighborhood Commercial ~~-~~Small and Medium Districts (NC-S and NC-M). The purpose of ~~this~~ these districts is to provide for limited retail uses, personal services and offices in free-standing parcels or small shopping centers to serve residential neighborhoods. This district shall only be applied at appropriate locations to supply the daily retail and service needs of such neighborhoods~~; in conformance with the goals, objectives, policies, and locational criteria of the Comprehensive Plan; compatible with surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County, where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets~~. ~~Developments within the district shall have a maximum of three thousand (3,000) gross building square footage per project.~~

~~602.1.5.2.NC-M: Neighborhood Commercial-Medium District. The purpose of this district is to provide for limited retail uses, personal services and offices in free-standing parcels or medium shopping centers to serve residential neighborhoods. This district shall only be applied at appropriate locations: to supply retail and service needs of such neighborhoods; compatible with surrounding land uses and zoning districts; in conformance with the goals, objectives, policies and locational criteria of the Comprehensive Plan; where it will not adversely impact the facilities and services of the County, where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets. Developments within the district shall have a maximum of fifty thousand (50,000) gross building square footage per project.~~

K. ~~602.1.5.3.GC:~~ General Commercial District (GC). The purpose of this district is to provide for a variety of retail use and services in free-standing parcels or shopping centers to serve the community's general commercial needs.~~ This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and locational criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets~~

L. ~~602.1.5.4.HC:~~ Heavy Commercial District (HC). The purpose of this district is to provide areas for intense commercial activities permitting commercial and service uses which have greater external effects such as noise, traffic, vibration, outdoor storage and other such impacts than those permitted in less intensive districts.~~ This district shall only be applied at appropriate locations: in conformance with the goals, objectives and policies and locational criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as to not encourage strip commercial development.~~

M. ~~602.1.5.5.CRVP: Commercial~~ Recreational Vehicle Park District (RVP). The ~~C~~RVP district is established to provide for development ~~and design standards for~~of recreational vehicle parks intended for overnight or limited stay occupancy, consistent with the Comprehensive Plan classification of these uses as non-residential. ~~The CRVP district does not permit attachments or accessory uses to Recreational Vehicles (RV) other than open~~

canvas awnings having no walls, rollup screen enclosures, popout units and similar attachments which are integral to the recreational unit as originally manufactured. All recreational vehicle sites shall comply with all applicable Floodplain Management regulations. No park trailers shall be allowed within the CRVP district. See Figure 6-5. Liquefied Petroleum Gas (LPG) tanks/pumps are a permitted accessory use.

Commented [LDI10]: Standards moved to Ch 5.

602.1.6.Industrial Districts.

The industrial districts are designed primarily to provide for manufacturing, processing, assembly, warehousing, intensive commercial and other related uses. Performance standards are used to ensure compatibility with neighboring uses and districts and to distinguish among the various classes on industrial uses.

N. 602.1.6.1.LM: **Light Manufacturing District (LM).** The purpose of this district is to provide areas for light manufacturing, processing or assembling uses, intensive commercial uses and other light industrial uses in appropriate areas of Manatee County if they are compatible with existing development and in conformance with the provisions of the Comprehensive Plan. Appropriate performance standards shall be applied to limit the effect of such uses on uses within the district and adjacent districts.

O. 602.1.6.2.HM: **Heavy Manufacturing District (HM).** The purpose of this district is to provide for areas of intensive manufacturing and industrial uses in appropriate areas of Manatee County that are capable of supporting such uses in conformance with the provisions of the Comprehensive Plan. Appropriate performance standards shall be applied to limit the effect of such uses on uses in adjacent districts.

P. 602.1.7.EX: **Extraction District (EX).** The EX District is established to: provide for areas in which mining, beneficiation, and other closely related activities may be conducted in a manner that and will be compatiblenot interfere with surrounding land uses and the general character of the area;. The district is intended to ensure the orderly developmentextraction of mineral resources in a manner compatible with the overall development of the eCounty; assure the use of best management practices and developing technology for maximum control of potential adverse environmental impacts, ensure that mining activity and reclamation will be conducted in such a manner as not to preclude future normal uses of mined-out land; and permit the beneficial use of such lands consistent with the above standards, practices, and objectives; provide for special protection of those areas of the County having particular environmental, biological, economic, or social qualities requiring more stringent protection; and otherwise implement the stated purpose and intent of this Code.

Q. 602.1.8. MP-I: **Master Planned Institutional District (MP-I).** The MP-I District is established to provide for areas for institutional uses such as churches, schools, medical facilities, or other similar uses with multiple buildings and/or facilities in a campus setting. The district is designed to allow for future expansions and eventual build-out of master planned campuses while ensuring compatibility with adjacent land uses. In addition, this district shall allow for vertical integration of structures and a compact form of development in a village setting. This zoning district shall not be construed to grant entitlements to any property approved for an -Iinstitution Mmaster Pplan in excess of any statutorily prescribed threshold for a development-of-regional-impact review under applicable state law. The permissible uses within the MP-I District shall be limited to those uses authorized pursuant to Figure 6-1Table 4-2 within such District.

401.2. 602.2.Schedule of UsesPermitted, Administrative and Special Uses by District.

Except as specifically provided in this Code, regulations governing the use of land, water and structures within the various districts in the unincorporated portion of Manatee County shall be as shown in Tables 4-1 for agriculture and residential districts and Table 4-2 for non-residential districtsthe Schedule of Permitted, Administrative and Special Uses by District.

Uses of land or structures which are not expressly listed in this Schedule of Permitted, Administrative and Special Permit- Uses, are prohibited uses and shall not be established in that district. Uses listed as Special Permit Uses (SP) or Administrative Permit (AP) Uses or subject to additional standards (section number listed in table) may be established in that district only after approval of an application in accord with the procedures and requirements in Chapter 53. Notwithstanding the development review procedures requirements (P, AP, SP) set forth noted in Figure 6-1Tables 4-1 and 4-2 or any other provision of this Code, the development review procedures required pursuant to Section 605-345and Chart 605- shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.

The permitted, administrative and special uses in the various zoning districts are grouped by major headings. These major headings are:

~~Agriculture Uses;~~

~~Commercial Uses;~~

~~Community Service Uses;~~

~~Industrial Uses;~~

~~Open Uses of Land – Light;~~

~~Open Uses of Land – Heavy;~~

~~Recreation Uses;~~

~~Residential Uses;~~

~~Residential Support Uses;~~

~~Transportation Facilities;~~

~~Warehousing.~~

~~Miscellaneous – Figure 6-1 indicates the permitted, administrative and special uses for the standard zoning districts and Planned Districts.~~

~~602.2.1.Uncertain Classification.~~ Whenever there is any uncertainty as to the classification of a use, the ~~Planning Director~~Department Director shall determine the classification, if any, within~~, if any,~~ which the use falls, ~~according to~~based on its ~~similar~~ characteristics and similarity to other uses in the district. If a use has characteristics similar to more than one classification, the use shall be construed as the classification having the most similar characteristics. In the event that a particular use is determined not to be within an allowed defined use, then the particular use shall be prohibited.

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Table 4 - 1: Uses in Agriculture and Residential Districts

Land Use	See Sec #	CON[1]	A	A-1	RSF	RSMH	RDD	RMF	VIL
Adult Day Care Center	--	X	P	P	P	P	P	P	X
Agricultural Research Facilities	--	X	P	P	X	X	X	X	P
Agricultur~~e~~al Uses	531.1	SP	P	P	AP	SP	SP	SP	P
Agricultural Products Processing Plants	531.1	X	AP	X	X	X	X	X	SP
Animal Products Processing Facility	531.1	X	SP	X	X	X	X	X	SP
Short Term Agricultural Uses	531.1	X	P	P	AP	AP	AP	AP	P
~~Small Animal Specialty Farms~~		~~See Section 726, Wild and Exotic Animals~~							
Stables or Equestrian Centers: Private	531.1	X	P	P	X	X	X	X	P
Stables or Equestrian Centers: Public	531.1	X	AP	AP	X	X	X	X	AP
Tree Farm	531.1	P	P	P	P	P	P	P	P
Aircraft Landing Field	531.2	X	AP	X	X	X	X	X	X
Airport, Commercial	531.3	X	X	X	X	X	X	X	X
Airport, Private or Public	531.3	X	SP	X	X	X	X	X	X
Alcoholic Beverage Establishment	531.4	X	X	X	X	X	X	X	X
~~Drinking Establishment~~		~~See Section 708~~							
Alcoholic Beverage Establishment - 2 COP License	531.4	X	X	X	X	X	X	X	X
Animal Services (Wild and Exotic)	531.5	AP	AP	AP	AP	AP	AP	AP	AP
~~Animal Rehabilitation Center~~		~~See Section 726, Wild and Exotic Animals~~							
~~Animal Shelter/Boarding Facility~~		~~See Section 726, Wild and Exotic Animals~~							
~~Breeding Facility, (Wild and Exotic)~~		~~See Section 726, Wild and Exotic Animals~~							
~~Pet Stores, Wild and Exotic~~		~~See Section 726, Wild and Exotic Animals~~							
Assisted Living Facility~~Group Care Home~~, Large	531.45	X	SP	SP	SP	SP	SP	SP	SP
~~Residential Care Facilities, Large~~		~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~X~~
Assisted Living Facility~~Group Care Home~~, Small	531.45	X	SP	AP	AP	AP	AP	P	AP
~~Residential Care Facilities, Small~~		~~X~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~P~~	~~X~~
Auction Houses, Enclosed	--	X	X	X	X	X	X	X	X
Auction Houses, Open	531.6	X	X	X	X	X	X	X	X
~~Auction Houses, Auto~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Lodging Places:~~ Bed and Breakfast	531.7	X	AP	SP	SP	X	AP	AP	AP
Breeding Facility (~~n~~Non-~~w~~Wild~~,~~ & ~~non-e~~Exotic)	531.8	X	AP	SP	X	X	X	X	P
Building Materials Sales Establishment	531.9	X	X	X	X	X	X	X	SP
Lumberyard	531.9	X	AP	X	X	X	X	X	X
Bus and Train~~RR~~ Passenger Station	--	X	AP	AP	X	X	X	AP	AP
Business Services	--	X	X	X	X	X	X	X	AP

~~[1] Wastewater treatment facilities should not be allowed in the CON district.~~

Commented [LEA11]: Footnote moved to Utility Uses in Ch. 5.

Commented [LEA12]: Deemed to be Ag use. No need to list separately. If wild and exotic animals are involved, then they are deemed animal services.

Commented [LEA13]: Current code doesn't show where allowed. Section 708.1 states where allowed. Noted above. Not shown as new.

Commented [LEA14]: The name entry is new. Section 708.3.2 states that COP establishments are allowed as AP in all standard and PD commercial districts.

Commented [LEA15]: Per sec. 726.1.1, "Any facility which would contain or support wild or exotic personal pets are AP uses in each and every zoning district." Renamed Animal Rehab Center to Animal Services (W & E). Definition includes rehab, shelter, boarding and breeding.

Commented [LEA16]: Renamed Animal Rehab Center to Animal Services (W & E). See above.

Commented [LEA17]: Combined with Animal Services (W & E). See above.

Commented [LEA18]: Breeding facilities (W&E) require SP in A and HC. Those are now classified as Rec Intensive.

Commented [LEA19]: Included in definition of Animal Services.

Commented [LEA20]: Residential Care Facilities are defined as consisting of Group Care Homes and Emergency Shelters/Homes. Both of those categories have their own lines and do not coincide with this line.

Commented [LEA21]: See previous comment. if res care facilities are the same as group homes, why would they be allowed in different ways (SP vs. P vs. X). Consolidated and went with the most restrictive approval; except for VIL, PDI and MP-I, where they are now allowed (Res Care Facilities are allowed).

Commented [LEA22]: Combined with auction, Auto.

Commented [LEA23]: Combined with Auction, Open. Allowed in same districts.

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Land Use	See Sec #	CON[1]	A	A-1	RSF	RSMH	RDD	RMF	VIL
Printing, Medium	--	X	X	X	X	X	X	X	P
Printing, Small	--	X	X	X	X	X	X	X	P
Car Wash: Full Service	531.10	X	X	X	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	X	X	X	X	X	SP
Car Wash: Self-Service	531.10	X	X	X	X	X	X	X	AP
Cemetery: Human and Pet	531.11	X	SP	SP	SP	SP	SP	SP	AP
~~Cemetery: Pet~~		~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~AP~~
~~Day~~ Child Care Center, Large[2]	~~704.18~~ 531.12	X	SP	SP	X	X	X	AP~~S~~P	SP
~~Day~~Child Care Center, Medium[2]	~~704.18~~ 531.12	X	SP	SP	X	X	X	AP/SP	SP
~~Day~~Child Care Center, Small[2]	~~704.18~~ 531.12	X	SP	SP	AP~~/SP~~	X	AP~~/SP~~	AP~~/SP~~	AP
~~Day~~ Child Care Center, (Accessory)[2]	~~704.18~~ 531.12	X	AP~~/SP~~	AP~~/SP~~	AP~~SP~~	X	AP~~/SP~~	AP~~/SP~~	AP
Churches ~~or Other~~ /Places of Worship	531.13	X	AP~~/SP~~	AP~~/SP~~	AP~~/SP~~	AP~~/SP~~	AP~~/SP~~	AP~~/SP~~	AP
Civic, Social, and Fraternal Organizations/Clubs~~Private Community Uses~~	531.14	X	AP	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP
~~Health Services:~~ Clinics	--	X	X	X	X	X	X	X	AP
Community Residential ~~Family Care~~ Homes	531.45	X	P	P	P	P	P	P	P
Correctional Facilities: Community	--	X	SP	X	X	X	X	X	X
Correctional Facilities: Major	--	X	SP	X	X	X	X	X	X
Cultural Facilities	531.15	X	AP	AP	SP	SP	SP	SP	SP
Drive ~~Thru~~ Through~~Eating~~ Establishments	531.16	X	X	X	X	X	X	X	AP
~~Major~~ Earthmoving, Major	702	X	SP	SP	X	X	X	X	SP
~~Minor~~ Earthmoving, Minor	702	X	AP	AP	AP	AP	AP	AP	AP
Emergency Shelters	531.45	X	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP
Emergency Shelter Home	531.45	X	P	P	P	P	P	P	X
Environmental Education Facilities	--	AP	AP	AP	AP	X	AP	X	AP
Environmental Land ~~R~~Preserves, Public ~~or~~and Private	531.17	P	P	P	P	P	P	P	P
~~Environmental Preserve~~		~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~
Equipment sales, rental and leasing, heavy~~Farm Equipment and Supply Establishments~~	531.18	X	AP	SP	X	X	X	X	AP
~~Lawn Care/Landscaping~~		~~X~~	~~AP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~
Construction equipment ~~service Estab.~~	531.18	X	X	X	X	X	X	X	SP
Equipment Sales, rental and leasing, light	--	X	X	X	X	X	X	X	P

Commented [LEA11]: Footnote moved to Utility Uses in Ch. 5.

Commented [LEA24]: Human and pet allowed in same districts. Combined into a single category.

Commented [LEA25]: Human and pet allowed in same districts. Combined into a single category.

Commented [LEA26]: Section 704.18.5 states that ALL day care centers allowed in residential districts are AP if they meet the criteria; otherwise they are SP.

Commented [LEA27]: Section 704.18.5 states that ALL day care centers allowed in residential districts are APif they meet the criteria; otherwise they are SP.

Commented [LEA28]: Addressed in chapter 3 (procedures)

Commented [LEA29]: Combined with Equipment sales, . . . Changed from not allowed to P in PDI and PDEZ.

~~[2] All day care centers shall meet the requirements of Section 704.18~~

Land Use	See Sec #	CON[1]	A	A-1	RSF	RSMH	RDD	RMF	VIL
Family Day Care Home	--	X	P	P	P	P	P	P	P
Farming Service Establishments	531.18	X	AP	SP	X	X	X	X	AP
Farm Worker Housing	531.19	X	AP	SP	X	X	X	X	SP
Flea Markets: Enclosed	531.20	X	X	X	X	X	X	X	X
Flea Markets: Open	531.20	X	X	X	X	X	X	X	X
~~Floating Residential Units~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
Food Catering Service Establishment	531.21	X	X	X	X	X	X	X	X
Funeral Chapel	531.22	X	AP	AP	SP	SP	SP	SP	AP
Funeral Home	531.22	X	SP	SP	SP	SP	SP	SP	SP
Game Preserve	--	AP	AP	SP	X	X	X	X	AP
Gas Pumps	531.51	X	X	X	X	X	X	X	AP
Group Housing	531.23	X	SP	SP	X	X	X	AP	SP
Hazardous Waste Transfer Facility	--	X	X	X	X	X	X	X	X
Heliport	--	X	X	X	X	X	X	X	X
Helistop	531.24	X	SP	X	X	X	X	X	SP
~~Health Services:~~ Hospital~~s~~	--	X	X	X	X	X	X	X	X
Industrial~~Manufacturing:~~, Heavy	531.25	X	X	X	X	X	X	X	X
Firework/Sparkler Manufacture	531.25	X	X	X	X	X	X	X	X
Industrial~~Manufacturing:~~, Light	--	X	X	X	X	X	X	X	X
Intensive Services:	531.26								
Intensive Services: Exterminating and Pest Control	531.26	X	X	X	X	X	X	X	AP
Intensive Services: Motor Pool Facilities	531.26	X	X	X	X	X	X	X	X
Intensive Services: Printing, Heavy	--	X	X	X	X	X	X	X	X
Intensive Services: Industrial Service Establishment	531.26	X	X	X	X	X	X	X	AP
Intensive Services: Sign Painting Service	531.26	X	X	X	X	X	X	X	AP
Intensive Services: Taxi-Cab, Limousine Service	531.26	X	X	X	X	X	X	X	X
Intensive Services: Towing Service and Storage Establishment	531.26	X	X	X	X	X	X	X	X
Intermodal Terminal	--	X	X	X	X	X	X	X	X
Junkyards	531.27	X	X	X	X	X	X	X	X
Laboratories, ~~Health Services:~~Medical and Dental ~~Laboratories~~	--	X	X	X	X	X	X	X	AP
Lodging Places: Boarding House	531.28	X	X	X	X	X	X	AP	X
Lodging Places: Dormitories	531.28	X	X	X	X	X	X	AP	X
Lodging Places: Hospital Guest House	531.28	X	X	X	X	X	X	SP	X
Lodging Places: Hotel/motel	531.28	X	X	X	X	X	X	X	SP
Mining ~~Activity~~	531.30	X	X	X	X	X	X	X	X
Mini Warehouses, Self-storage ~~Mini~~	531.31	X	X	X	X	X	X	X	SP
Mobile~~Individual Manufactured~~ Homes, Individual	531.32	X	~~AP~~/SP	X	X	P	X	X	AP/SP**

Commented [LEA11]: Footnote moved to Utility Uses in Ch. 5.

Commented [LEA30]: Provision in chapter 5 allows AP if conditions met.

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Land Use	See Sec #	CON[1]	A	A-1	RSF	RSMH	RDD	RMF	VIL
Mobile ~~Manufactured~~ Home Parks	--	X	X	X	X	P	X	X	X
Mobile ~~Manufactured~~ Home Subdivisions	--	X	X	X	X	P	X	X	X
Motor Freight Terminal/Maintenance~~s~~	531.34	X	X	X	X	X	X	X	X
Bus RR/Maintenance Facility		X	SP	X	X	X	X	X	SP
~~Health Services:~~ Nursing Homes	531.35	X	X	X	SP	X	SP	SP	AP
~~Health Services:~~ Office, Medical or Professional ~~Office~~	--	X	P	P	X	X	X	X	AP
Miscellaneous Services: Office	--	X	X	X	X	X	X	X	AP
Banking: Bank	--	X	X	X	X	X	X	X	AP
Banking: Bank/Drive-through	--	X	X	X	X	X	X	X	AP
Outdoor Advertising Signs	--	X	X	X	X	X	X	X	X
Outdoor Storage (Principal Use)	531.36	X	X	X	X	X	X	X	X
Parking, Commercial (Principal Use)	--	X	X	X	X	X	X	X	X
Personal Service Establishment	--	X	X	X	X	X	X	X	AP
Dry Cleaners: General	--	X	X	X	X	X	X	X	X
Dry Cleaners: Neighborhood	--	X	X	X	X	X	X	X	X
Dry Cleaners: Pick-up	--	X	X	X	X	X	X	X	AP
Rental Service Establishment	--	X	X	X	X	X	X	X	AP
Repair Service Establishment	--	X	X	X	X	X	X	X	AP
Personal Wireless Service Facilities	531.37	See Section 531.34							
~~Camouflaged Tower, Maximum 150 Feet in Height~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~							
~~Lattice Tower 400 Feet Maximum Height, Maximum 150 Feet in PDR~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~							
~~Monopole Telecommunications Tower With 3 or More Providers, 200 Foot Maximum Height~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~							
~~Monopole Tower Greater Than 150 Feet, 200 Feet Maximum Height~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~							
~~Monopole Tower Less than 150 feet~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~							
~~Guyed Tower~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~							
Pet Service (Kennel)~~s~~ Establishments	531.38	X	AP	SP	X	X	X	X	SP
Public Community Uses	531.39	X	AP	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP
Public Use Facilities	531.40	X	AP	AP	AP	AP	AP	AP	AP
Post Offices	--	X	AP	AP	AP	AP	AP	AP	AP
Radio, TV, Communications, Microwave Facilities	--	SP	AP/SP	SP	SP	SP	SP	SP	X
Railroad Switching/Classification Yard	--	X	X	X	X	X	X	X	X
~~High Intensity~~ Recreation, ~~al Use~~ High Intensity	531.41	X	SP	X	X	X	X	X	X
~~Low Intensity~~ Recreation, ~~al Use~~ Low Intensity	531.41	X	AP	AP	AP	AP	AP	AP	AP

Commented [LEA11]: Footnote moved to Utility Uses in Ch. 5.

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Land Use	See Sec #	CON[1]	A	A-1	RSF	RSMH	RDD	RMF	VIL
~~Medium Intensity~~ Recreation, ~~al Use~~ Medium Intensity	531.41	X	X	X	X	X	X	X	X
~~Passive~~ Recreation, ~~al Uses~~ Passive	531.41	AP	AP	AP	AP	AP	AP	AP	AP
Recreation, Rural ~~Outdoor Firing Ranges~~	531.41	X	SP	SP	X	X	X	X	X
~~Lodging Places:~~ Recreational Vehicle Parks and subdivisions	531.42	X	X	X	X	X	X	X	X
~~MH/~~Recreational Vehicle/Mobile Home Sales, Rental~~,~~ & Leasing	531.43	X	X	X	X	X	X	X	SP
Rehabilitation Center~~Outpatient Treatment Facility~~	531.44	X	SP	SP	SP	SP	SP	SP	SP
Research and Development Activities~~y~~	--	X	X	X	X	X	X	X	X
Recovery Home, Large	531.45	X	SP	X	X	X	X	SP	X
Recovery Home, Small	531.45	X	SP	SP	SP	SP	SP	SP	SP
Residential Treatment Facilities	531.46	X	SP	SP	SP	SP	SP	SP	SP
Residential Use: Duplexes ~~Dwellings~~	531.47	X	X	X	X	X	P	P	SP[3]
Residential Use: Single Family Semi-Detached Dwellings	531.47	X	X	X	X	X	P	P	SP
Residential Use: Multiple Family Dwellings	531.47	X	X	X	X	X	X	P	X
Residential Use: Triplex and Quadr~~a~~uplex Dwellings (Multifamily, four (4) units maximum)	531.47	X	X	X	X	X	X	P	SP[3]
Residential Use: Waterfront Structures, Multi-Family	531.47	X	X	X	X	X	X	AP	AP
Residential Use: Waterfront Structures (Residential)	531.47	X	AP	AP	AP	AP	AP	AP	AP
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.47	X	X	X	X	X	X	P	SP~~4~~
Residential Use: Single Family, Detached Dwellings	531.47	X	P~~5~~	P~~20~~	P~~6~~	X	P~~30~~	P~~30~~	P~~30~~

Commented [LEA11]: Footnote moved to Utility Uses in Ch. 5.

[3] Allowed in Rubonia only.

~~[4] Four (4) units maximum for attached dwellings, allowed in Rubonia only~~

~~[5] Single Family Detached Dwelling Uses within the A or A-1 District on property assigned to the IL (Industrial Light) future land use category must meet the following criteria:~~

- ~~Be located on a lot of record which is not subject in property boundary lines during the development of the proposed land use, and~~
- ~~Be developed without generating a requirement for either subdivision review, or final site plan review, or equivalent development order review, and~~
- ~~Shall not violate the maximum gross residential density requirement of one (1) dwelling unit per acre, and~~
- ~~Shall not violate the maximum net residential density requirement of one (1) dwelling unit per acre, and~~
- ~~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.~~

~~[6] In all zoning districts except A or A-1 on property assigned to the IL (Industrial Light) future land use category, single family-detached dwellings may be allowed subject to the following criteria:~~

- ~~Be located on a lot of record which is not subject in property boundary lines during the development of the proposed land use, and~~

Land Use	See Sec #	CON[1]	A	A-1	RSF	RSMH	RDD	RMF	VIL
Restaurant~~Eating Establishment~~	531.48	X	X	X	X	X	X	X	AP
Retail Sales, Neighborhood Convenience	531.49	X	X	X	X	X	X	X	AP
Retail Sales, Neighborhood General~~7~~	531.49	X	X	X	X	X	X	X	AP
Retail Sales, General ~~Retail Sales Uses~~	531.49	X	X	X	X	X	X	X	SP
Sawmills	531.1	X	AP	X	X	X	X	X	SP
Schools, College/Universities~~y (PDP/SP)~~	531.50	X	X	X	X	X	X	X	X
Schools, Elementary	531.50	X	AP	AP	AP	AP	AP	AP	AP
Schools, High and Middle ~~School~~	531.50	X	SP	SP	SP	SP	SP	SP	SP
~~Schools, Middle~~		~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~
Schools, other~~of Special Education~~	531.50	X	AP	AP	AP	AP	AP	AP	SP
Service Station	531.51	X	X	X	X	X	X	X	SP
Sexually Oriented Businesses	531.52								
Slaughterhouses	531.1	X	SP	X	X	X	X	X	X
~~Resource Recovery Facilities~~Solid Waste Management Facilities	531.53	X	SP	X	X	X	X	X	X
Landfills	531.53	X	SP	X	X	X	X	X	X
Stockyards and Feedlots	531.1	X	SP	X	X	X	X	X	SP
Utility Use	531.54	SP	AP	AP	AP	AP	AP	AP	AP
~~Utility Use, Heavy~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Motor~~ Vehicle Repair~~,~~: Major	531.56	X	X	X	X	X	X	X	X
~~Motor~~ Vehicle Repair: Community Serving	--	X	X	X	X	X	X	X	SP
~~Motor~~ Vehicle Repair: Neighborhood Serving	--	X	X	X	X	X	X	X	SP
~~Motor~~ Vehicle Sales, Rental, Leasing	531.57	X	X	X	X	X	X	X	SP
~~Health Services:~~ Veterinary Clinic	531.58	X	AP	SP	X	X	X	X	AP
Veterinary Hospitals	531.56	X	AP	SP	X	X	X	X	AP
Warehouses	531.57	X	X	X	X	X	X	X	X
Water Dependent Uses	531.58	X	X	X	X	X	X	X	X
~~Waterfront Structures (Other)~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
Wholesale Trade Establishment	--	X	X	X	X	X	X	X	X

AP = Administrative Permit;
SP = Special Permit;
P = Permitted;
X = Not Permitted
AP/SP = Administrative Permit required as specified in ~~Section 704~~Chapter 5 or elsewhere in this Code.

- ~~Be developed without generating a requirement for either subdivision review, or final site plan review, or equivalent development order review, and~~
- ~~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.~~
- ~~The existing recorded subdivision, approved before May 11, 1989, is not required to meet the density limitations of the Comprehensive Plan.~~

~~7 Retail Sales, Neighborhood General are limited to 3,000 square feet and must meet all relevant locational criteria as specified in the Manatee County Comprehensive Plan.~~

Commented [LEA11]: Footnote moved to Utility Uses in Ch. 5.

Commented [LEA31]: Allowed in same districts as high schools

Commented [LEA32]: Addressed in uses subject to additional standards.

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~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code. Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~
~~EMP = Permitted with an approved Environmental Management Plan.~~

NOTES:

~~(a) Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~

- ~~Note: All agricultural uses in the WP-E or WP-M Overlay Districts shall require Administrative Permit approval.~~

~~(b)~~a. ~~Note:~~ Uses may be further restricted or modified by the overlay district ~~criteria in Section 604~~regulations.

~~(c)~~b. ~~Note:~~ Notwithstanding the development review procedures set forth in this ~~Figure 6-1~~table or any other provision of this Code, the development review procedures required pursuant to ~~Section 605~~ Chapter 3 ~~and Chart 605~~ shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.

~~a.~~c. ~~P** =~~ Waterfront structures shall be allowed as described within Section ~~604.6 of the Code~~402.14, PDW—Planned Development Waterfront.

- ~~VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.~~
- ~~Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.~~
- ~~Note: All Sexually Oriented Businesses shall meet the requirements of this Code including, without limitation, Section 707.~~
- ~~Note: HC zoning on property assigned to IL (Industrial Light) future land use category requires that all relevant locational criteria shall be met 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 Approval.~~

~~(d) Note: All outdoor advertising signs shall meet the requirements of Section 724.~~

Commented [LEA33]: Already in Ch. 5.

Commented [LEA34]: Ch. 5

Commented [LEA35]: 604.6 refers to the historic overlay. Wrong reference? Should it be PDW instead?

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Specific Use	Section.*	CON	Agriculture and Village Districts			Residential Districts			
			A	A-1	VIL	RSF	RSMH	RDD	RMF
Adult Day Care Center	-	-	P/SP(2)	P/SP(2)	P/SP(2)	-	-	-	P/SP(2)
Adult Family Care Home	-	-	AP	SP	SP	SP	SP	SP	AP
Agricultural Products Processing Plants	-	-	AP	-	SP	-	-	-	-
Agricultural Research Facilities	-	-	P	P	P	-	-	-	-
Agricultural uses	431.1	SP	P	P	P	AP	SP	SP	SP
Agricultural Uses - Short Term		-	P	P	P	AP	AP	AP	AP
Alcoholic Beverage Establishment - 2 COP License	431.4				AP				
Alcoholic Beverage Establishment	431.4				SP				
Aircraft Landing Field	431.2	-	AP	-	-	-	-	-	-
Airport , Private or Public	431.3	-	SP	-	-	-	-	-	-
Animal Products Processing Facility	-	-	SP	-		-	-	-	-
Animal Services (Wild and Exotic)	431.5	-	P	SP	-	-	-	-	-
Assisted Living Facility , Large	431.6	-	SP(1)	SP(1)	SP(1)	SP(1)	SP(1)	SP(1)	SP
Assisted Living Facility, Small	431.6	-	SP	AP	AP	AP	AP	AP	AP
Automotive services, limited	-	-	-	-	SP	-	-	-	-
Bed and Breakfast	431.8	-	AP(1)	SP(1)	AP(1)	SP(1)	-	AP(1)	AP(1)
Breeding Facility (non-Wild & Exotic Animals)	431.9	-	P	SP			-	-	-
Breeding Facility (Wild & Exotic Animals)	431.9	-	AP	SP	-	-	-	-	-
Building Materials Sales Establishment	-	-	AP(3)	-	SP	-	-	-	-
Bus and train Passenger Station	-	-	AP	AP	AP	-	-	-	AP
Business Services	-	-	-	-	AP	-	-	-	-
Car Wash, Self-Service	-	-	-	-	AP	-	-	-	-
Cemetery, Human and Pet	-	-	SP	SP	AP	SP	SP	SP	SP
Child Care Center, Large	431.10	-	P/SP(2)	P/SP(2)	P/SP(2)	-	-	-	P/SP(2)
Child Care Center, Small	431.10	-	AP/SP(2)	AP/SP(2)	AP/SP(2)	AP/SP(2)	-	P/SP(2)	AAP
Churches/Places of Worship	-	-	AP/SP(2)	AP/SP(2)	AP	AP/SP(2)	AP/SP(2)	AP/SP(2)	AP/SP(2)
Civic, sSocial and fFraternal oOrganizations/ cClubs	-	-	AP	AP/SP	AP	AP/SP(2)	AP/SP(2)	AP/SP(2)	AP/SP(2)
Clinic	-	-	-	-	AP	-	-	-	-
Community rResidential hHomes	431.11	-	-	-	AP	-	-	AP	AP
Correctional Facilities	-	-	SP	-	-	-	-	-	-
Cultural Facilities	-	-	AP(2)	AP(2)	P(2)	SP(2)	SP(2)	SP(2)	SP(2)
Drive-Through Establishments	431.12	-	-	-	AP	-	-	-	-
Duplexes	431.2931	-	-	-	AP	-	-	AP	AP
Earthmoving, Major	-	-	SP	SP					
Earthmoving, Minor	-	-	AP	AP	AP	AP	AP	AP	AP
Emergency Shelters	431.12	-	SP	SP	AP	SP	SP	SP	SP
Equipment sSales, rRental lLeasing, sStorage and sService (heavy)	431.143	-	P(1,3)	SP(1,3)	SP(1,3)	-	-	-	-
Equipment sSales, rRental, lLeasing, sStorage and sService (light)	431.143	-	-	-	SP(1)	-	-	-	-
Family Day Care Home, Large	-	-	SP	SP	SP	SP	SP	SP	AP
Family Day Care Home, Small	-	-	AP	AP	AP	AP	AP	AP	AP

Commented [LDI36]: iNCLUDES STABLES & eQ. cTRS.

Commented [LDI37]: Why are agricultural uses allowed in the residential districts?

Commented [LDI38]: Allowed since duplex allowed in this district

Commented [LDI39]: Combined the two (home and other), added conditions in ch. 4 to address shelters in residential zoning

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Specific Use	Section.*	CON	Agriculture and Village Districts			Residential Districts			
			A	A-1	VIL	RSF	RSMH	RDD	RMF
Farming Service Establishments	-	-	AP	SP	AP	-	-	-	-
Freight Terminal/ Maintenance	-		SP	-	SP	-	-	-	-
Funeral Home	-	-	SP(1)		SP(1)				SP(1)
Game Preserve	-	AP	AP	SP	AP	-	-	-	-
Gasoline Service Station	-		-	-	SP	-	-	-	-
Group Housing	431.167	-	P(1)	SP(1)	SP	-	-	-	AP
Helistop	431.187	-	SP	-	SP	-	-	-	-
Hotel/ motel	-	-	-	-	SP	-	-	-	-
Industrial, Heavy	431.198	-	SP	-	SP	-	-	-	-
Intensive Services	431.2019	-	-	-	SP	-	-	-	-
Laboratories, Medical and Dental	-	-	-	-	AP	-	-	-	-
Land Reserves, Public and Private (4)	-	P	P	P	P	AP	AP	AP	AP
Manufactured Homes, Individual	431.221	-	P	-	AP	-	AP	-	-
Manufactured Home, Parks & Subdivisions	431.221	-	-	-	-	-	AP	-	-
Warehouses, Mini-Warehouses, Self-storage	431.3722	-	-	-	SP	-	-	-	-
Multiple Family Dwellings	431.2931	-	-	-	AP	-	-	-	AP
Nursing Homes	431.253	-	-	-	AP(1)	SP(1)	-	SP(1)	SP(1)
Office, Medical	-	-	AP	AP	AP	-	-	-	-
Office, Professional	-	-	P	P	AP	-	-	-	-
Personal Service Establishment	-	-	-	-	AP	-	-	-	-
Personal Wireless Service Facilities	431.264	CSP	SP	SP	SP	SP	SP	SP	SP
Pet Service (Kennel) Establishments	431.275	-	P	SP	SP	-	-	-	-
Pet Stores, Wild and Exotic	-	-	SP	-	-	-	-	-	-
Public Community Uses	-	-	AP(2)	SP	AP(2)	SP(2)	SP(2)	SP(2)	SP(2)
Public Use Facilities	-	-	AP	AP	AP	AP	AP	AP	AP
Radio, TV, Communications, Microwave Facilities	-	CSP	SP	SP	-	SP	SP	SP	SP
Recreation, Rural and Outdoor Firing Range	-	-	SP	SP	-	-	-	-	-
Recreational, High Intensity	431.268	-	SP	-	AP	-	-	-	-
Recreational, Low Intensity	431.286	-	AP	AP	AP	AP	AP	AP	AP
Recreational, Medium Intensity	431.286	-	AP	-	-	-	-	-	-
Recreational, Passive	431.286	AP	AP	P	-AP	AP	AP	AP	AP
Rehabilitation Center	-	-	SP	SP	SP	SP	SP	SP	SP
Residential Treatment Facilities	-	-	SP	SP	SP	SP	SP	SP	SP
Restaurant	-	-	-	-	AP(1)	-	-	-	-
Retail Sales, Convenience	431.320		AP	AP	P(1)	-	-	-	SP(1)
Retail Sales, Neighborhood	431.320		P	P	SP(1)	-	-	-	SP(1)
Retail Sales, Community	431.32				SP(1)				
RV/Manufactured Home Parks and Subdivisions	431.3027	-	-	-	-	-	SP	-	-
RV/Manufactured Home Sales, Rental & Leasing	431.3028		-	-	SP	-	SP	-	-
Sawmills	-	-	AP	-	SP	-	-	-	-
Schools, Elementary	-	-	AP	P	P	AP	AP	AP	AP
Schools, High and Middle	-	-	SP	SP	PSP	SP	SP	SP	SP

Commented [LDI40]: It is strange that medical offices would be allowed in A and A-1 but not in any other residential district. Would changing this create any problems with existing uses?

Commented [LDI41]: A & VIL limited by size of 3,000. See dimensional table

Commented [LDI42]: A & VIL limited by size of 3,000. See dimensional table

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Specific Use	Section.*	CON	Agriculture and Village Districts			Residential Districts			
			A	A-1	VIL	RSF	RSMH	RDD	RMF
Schools, other	-	-	AP	AP	AP	AP	AP	AP	AP
Sexually Oriented Businesses	431.331	-		-	-	-	-	-	-
Single-Family, Attached Dwellings (3 to 9 units)	431.2931	-	-	-	AP	-	-	-	AP
Single-Family, Detached Dwellings	431.2931	-	AP	AP	AP	AP	-	AP	AP
Slaughterhouses	-	-	SP	-	-	-	-	-	-
Solid Waste Management Facilities	431.342	-	SP	-	-	-	-	-	-
Stockyards and Feedlots	-	-	SP	-	-	-	-	-	-
Utility Use	431.35	SP	AP	AP	AP	AP	AP	AP	AP
Vehicle Repair, Major					SP				
Vehicle Sales, Rental, Leasing	431.3537		-	-	SP	-	-	-	-
Veterinary Clinic & Hospitals	431.3638	-	AP	SP	AP	-	-	-	-

P = Permitted by right; **AP** = Administrative Permitted; **SP** = Special Permit (see Chapter 2); * See Section listed for additional standards.

Uses located within an overlay district may be further restricted or modified by the specific district standards in Section 304 of this chapter.

Footnotes:

(1) Shall be located on a street having a classification of collector or higher.

(2) Special Permit use approval is required if the use is not located on a street classified as a collector or higher, at a corner location, or is an integral part of a multifamily development.

(3) Farming related only.

(4) Environmental Preserves require an Environmental Management Plan (EMP).

Commented [LDI43]: Changed name and noted districts where may be allowed. Adult Entertainment Uses in Ch.4 was name change.

Commented [LDI44]: LEA added

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Table 4 - 2: Uses in Non-Residential Districts

Land Use	See Sec. #	PR	NC	GC	HC	~~C~~RV P	LM	HM	EX	MP-I
Adult Day Care Center	--	AP	AP	AP	AP	X	X	X	X	X
Agricultural Research Facilities	--	X	X	X	P	X	P	P	X	X
Agricultur~~e~~al Uses	531.1	AP	AP	AP	AP	AP	AP	AP	P	X
Agricultural Products Processing Plants	531.1	X	X	X	X	X	AP	AP	X	X
Animal Products Processing Facility	531.1	X	X	X	X	X	AP	AP	X	X
Short Term Agricultural Uses	531.1	AP	AP	AP	X	X	X	X	X	X
~~Small Animal Specialty Farms~~		~~See Section 726, Wild and Exotic Animals~~								
Stables or Equestrian Centers: Private	531.1	X	X	X	X	X	X	X	X	X
Stables or Equestrian Centers: Public	531.1	X	X	X	X	X	X	X	X	X
Tree Farm	531.1	P	P	P	P	X	P	P	X	X
Aircraft Landing Field	531.2	X	X	X	X	X	X	X	X	X
Airport, Commercial	531.3	X	X	X	X	X	X	X	X	X
Airport, Private or Public	531.3	X	X	X	X	X	X	X	X	X
Alcoholic Beverage Establishment	531.4	X	SP	SP	SP	X	X	X	X	X
~~Drinking Establishment~~		~~See Section 708~~								~~X~~
Alcoholic Beverage Establishment- 2 COP License	531.4	X	AP	AP	AP	X	X	X	X	X
Animal Services (Wild and Exotic)	531.5	AP	AP	AP	AP	AP	AP	AP	AP	AP
~~Animal Rehabilitation Center~~		~~See Section 726, Wild and Exotic Animals~~								
~~Animal Shelter/Boarding Facility~~		~~See Section 726, Wild and Exotic Animals~~								
~~Breeding Facility, (Wild and Exotic)~~		~~See Section 726, Wild and Exotic Animals~~								
~~Pet Stores, Wild and Exotic~~		~~See Section 726, Wild and Exotic Animals~~								
Assisted Living Facility~~Group Care Home~~, Large	531.45	AP	AP	AP	AP	X	X	X	X	X
~~Residential Care Facilities, Large~~		~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~
Assisted Living Facility~~Group Care Home~~, Small	531.45	AP	AP	AP	AP	X	X	X	X	P~~X~~
~~Residential Care Facilities, Small~~		~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~
Auction Houses, Enclosed	--	X	X	AP	AP	X	AP	X	X	X
Auction Houses, Open	531.6	X	X	SP	SP	X	AP	X	X	X
~~Auction Houses, Auto~~		~~X~~	~~X~~	~~SP~~	~~SP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~
~~Lodging Places:~~ Bed and Breakfast	531.7	AP	AP	X	X	X	X	X	X	P
Breeding Facility (~~n~~Non-~~w~~Wild~~,~~ & ~~non-e~~Exotic)	531.8	X	X	X	X	X	X	X	AP	X
Building Materials Sales Establishment	531.9	X	X	P	P	X	P	X	X	X
Lumberyard	531.9	X	X	X	AP	X	AP	X	X	X
Bus and Train~~RR~~ Passenger Station	--	AP	AP	AP	AP	AP	AP	AP	X	X
Business Services	--	P	P	P	P	X	P	X	X	P
Printing, Medium	--	X	X	P	P	X	P	X	X	X
Printing, Small	--	P	P	P	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	SP	AP	X	AP	X	X	X

Commented [LEA45]: Deemed to be Ag use. No need to list separately

Commented [LEA46]: Current code doesn't show where allowed. Section 708.1 states where allowed. Noted above. Not shown as new.

Commented [LEA47]: The name entry is new. Section 708.3.2 states that COP establishments are allowed as AP in all standard and PD commercial districts.

Commented [LEA48]: Per sec. 726.1.1, Any facility which would contain or support wild or exotic personal pets are AP uses in each and every zoning district. Renamed Animal Rehab Center to Animal Services (W & E). Definition includes rehab, shelter, boarding and breeding.

Commented [LEA49]: Renamed Animal Rehab Center to Animal Services (W & E). See above.

Commented [LEA50]: Combined with Animal Services (W & E). See above.

Commented [LEA51]: Breeding facilities (W&E) require SP in A and HC. Thos are now classified as Rec Intensive.

Commented [LEA52]: Included in the animal services definition

Commented [LEA53]: Residential Care Facilities are defined as consisting of Group Care Homes and Emergency Shelters/Homes. Both of those categories have their own lines and do not coincide with this line.

Commented [LEA54]: See previous comment. if res care facilities are the same as group homes, why would they be allowed in different ways (SP vs. P vs. X). Consolidated and went with the most restrictive approval; except for VIL, PDI and MP-I, where they are now allowed (Res Care Facilities are allowed).

Commented [LEA55]: Combined with auction, Auto.

Commented [LEA56]: Combined with Auction, Open. Allowed in same districts.

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Land Use	See Sec. #	PR	NC	GC	HC	~~C~~RV P	LM	HM	EX	MP-I
Car Wash: Incidental	531.10	X	AP	AP	AP	X	AP	X	X	X
Car Wash: Self-Service	531.10	X	X	AP	AP	X	AP	X	X	X
Cemetery: Human and Pet	531.11	AP	AP	AP	AP	X	X	X	X	X
~~Cemetery: Pet~~		~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Day~~ Child Care Center, Large~~[8]~~	~~704.18~~ 531.12	AP	AP	AP	AP	X	AP	AP	X	P
~~Day~~Child Care Center, Medium~~[8]~~	~~704.18~~ 531.12	AP	AP	AP	AP	X	AP	AP	X	P
~~Day~~Child Care Center, Small~~[8]~~	~~704.18~~ 531.12	AP	AP	AP	AP	SP	AP	AP	X	P
~~Day~~ Child Care Center, (Accessory)~~[8]~~	~~704.18~~ 531.12	AP	AP	AP	AP	X	AP	AP	X	P
Churches ~~or Other~~ /Places of Worship	531.13	AP	AP	AP	AP	AP~~/S P~~	X	X	X	P
Civic, Social, and Fraternal Organizations/Clubs~~Private Community Uses~~	531.14	AP	AP	AP	AP	AP	X	X	X	X
~~Health Services:~~ Clinics	--	P	P	P	P	X	X	X	X	P
Community Residential ~~Family Care~~ Homes	531.44	P	P	P	X	X	X	X	X	X
Correctional Facilities: Community	--	X	X	X	SP	X	SP	SP	X	X
Correctional Facilities: Major	--	X	X	X	X	X	SP	SP	X	X
Cultural Facilities	531.15	AP	AP	AP	AP	X	AP	AP	X	P
Drive-~~Thru~~ Through~~Eating~~ Establishments	531.16	X	AP	AP	AP	X	AP	X	X	X
~~Major~~ Earthmoving, Major	702	X	X	X	X	X	AP	AP	P	X
~~Minor~~ Earthmoving, Minor	702	AP	AP	AP	AP	AP	AP	AP	AP	X
Emergency Shelters	531.45	AP/SP	AP/SP	AP/SP	AP/SP	X	X	X	X	X
Emergency Shelter Home	531.45	AP/SP	AP/SP	AP/SP	AP/SP	X	X	X	X	X
Environmental Education Facilities	--	AP	X	X	X	X	X	X	X	X
Environmental Land ~~R~~Preserves, Public ~~or~~and Private	531.17	P	P	P	P	X	P	P	X	X
~~Environmental Preserve~~		~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~X~~
Equipment sales, rental and leasing, heavy~~Farm Equipment and Supply Establishments~~	531.18	X	X	AP	AP	X	AP	X	X	X
~~Lawn Care/Landscaping~~		~~X~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~
Construction equipment ~~service Estab.~~	531.18	X	X	SP	AP	X	AP	AP	X	X
Equipment Sales, rental and leasing, light	--	X	X	P	P	X	P	X	X	X
Family Day Care Home	--	P	X	X	X	X	X	X	X	X
Farming Service Establishments	531.18	X	X	AP	AP	X	AP	AP	X	X
Farm Worker Housing	531.19	X	X	X	X	X	X	X	X	X
Flea Markets: Enclosed	531.20	X	X	AP	AP	X	AP	X	X	X

Commented [LEA57]: Human and pet allowed in same districts. Combined into a single category.

Commented [LEA58]: Human and pet allowed in same districts. Combined into a single category.

Commented [LEA59]: Section 704.18.5 states that ALL day care centers allowed in residential districts are APif they meet the criteria; otherwise they are SP.

Commented [LEA60]: Requirement for SP stated in 531.13.

Commented [LEA61]: addressed in chapter 3 (procedures)

Commented [LEA62]: Combined with Equipment sales, . . . Changed from not allowed to P in PDI and PDEZ.

~~[8] All day care centers shall meet the requirements of Section 704.18~~

Land Use	See Sec. #	PR	NC	GC	HC	~~C~~RV P	LM	HM	EX	MP-I
Flea Markets: Open	531.20	X	X	SP	AP	X	AP	X	X	X
~~Floating Residential Units~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
Food Catering Service Establishment	531.21	X	SP	AP	AP	X	AP	X	X	X
Funeral Chapel	531.22	AP	AP	AP	AP	X	X	X	X	X
Funeral Home	531.22	AP	AP	AP	AP	X	X	X	X	X
Game Preserve	--	X	X	X	X	X	X	X	X	X
Gas Pumps	531.51	X	SP	AP	AP	X	SP	X	X	X
Group Housing	531.23	X	AP	AP	X	X	X	X	X	P
Hazardous Waste Transfer Facility	--	X	X	X	X	X	SP	SP	X	X
Heliport	--	X	X	X	X	X	X	AP	X	X
Helistop	531.24	SP	SP	SP	SP	X	AP	AP	AP	X
~~Health Services:~~ Hospital~~s~~	--	X	X	X	X	X	X	X	X	P
Industrial~~Manufacturing:~~, Heavy	--	X	X	X	X	X	X	P	X	X
Firework/Sparkler Manufacture	531.25	X	X	X	X	X	X	SP	X	X
Industrial~~Manufacturing:~~, Light	--	X	X	X	X	X	P	P	X	X
Intensive Services:										
Intensive Services: Exterminating and Pest Control	531.26	X	X	X	SP	X	AP	AP	X	X
Intensive Services: Motor Pool Facilities	531.26	X	X	X	X	X	SP	AP	X	X
Intensive Services: Printing, Heavy	--	X	X	X	X	X	P	P	X	X
Intensive Services: Industrial Service Establishment	531.26	X	X	SP	AP	X	AP	AP	X	X
Intensive Services: Sign Painting Service	531.26	X	X	AP	AP	X	AP	AP	X	X
Intensive Services: Taxi-Cab, Limousine Service	531.26	X	X	AP	AP	X	AP	X	X	X
Intensive Services: Towing Service and Storage Establishment	531.26	X	X	SP	SP	X	AP	AP	X	X
Intermodal Terminal	--	X	X	X	X	X	SP	AP	X	X
Junkyards	531.27	X	X	X	X	X	X	SP	X	X
Laboratories, ~~Health Services:~~Medical and Dental ~~Laboratories~~	--	X	X	P	P	X	P	X	X	P
Lodging Places: Boarding House	531.28	AP	AP	AP	AP	X	X	X	X	P
Lodging Places: Dormitories	531.28	X	X	AP	X	X	X	X	X	P
Lodging Places: Hospital Guest House	531.28	AP	AP	AP	AP	X	X	X	X	P
Lodging Places: Hotel/motel	531.28	X	X	P	P	X	P	AP	X	P
Mining ~~Activity~~	531.30	X	X	X	X	X	X	X	P	X
Mini Warehouses, Self-storage ~~— Mini~~	531.31	X	SP	AP	AP	X	AP	X	X	
Mobile~~Individual Manufactured~~ Homes, Individual	531.32	X	X	X	X	X	X	X	X	X
Mobile ~~Manufactured~~ Home Parks	--	X	X	X	X	X	X	X	X	X
Mobile ~~Manufactured~~ Home Subdivisions	--	X	X	X	X	X	X	X	X	X
Motor Freight Terminal/Maintenance~~s~~	531.34	X	X	X	X	X	AP	AP	X	X
Bus RR/Maintenance Facility		X	X	X	X	X	AP	AP	X	X

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Land Use	See Sec. #	PR	NC	GC	HC	~~C~~RV P	LM	HM	EX	MP-I
~~Health Services:~~ Nursing Homes	531.35	AP	AP	AP	X	X	X	X	X	P
~~Health Services:~~ Office, Medical or Professional ~~Office~~	--	P	P	P	P	P	P~~*~~	X	X	P
Miscellaneous Services: Office	--	P	P	P	P	X	P	P	X	P
Banking: Bank	--	P	P	P	P	X	P	X	X	P
Banking: Bank/Drive-through	--	AP	AP	AP	AP	X	AP	X	X	P
Outdoor Advertising Signs	--	X	X	P	P	P	P	P	X	X
Outdoor Storage (Principal Use)	531.36	X	X	AP	AP	X	AP	AP	X	X
Parking, Commercial (Principal Use)	--	P	P	P	P	X	P	P	X	X
Personal Service Establishment	--	P	P	P	P	X	X	X	X	P
Dry Cleaners: General	--	X	X	P	P	X	P	P	X	X
Dry Cleaners: Neighborhood	--	X	P	P	P	X	X	X	X	X
Dry Cleaners: Pick-up	--	AP	AP	AP	AP	X	X	X	X	X
Rental Service Establishment	--	X	X	P	P	X	P	X	X	X
Repair Service Establishment	--	X	AP	AP	AP	X	AP	X	X	X
Personal Wireless Service Facilities	531.37									
~~Camouflaged Tower, Maximum 150 Feet in Height~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~								
~~Lattice Tower 400 Feet Maximum Height, Maximum 150 Feet in PDR~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~								
~~Monopole Telecommunications Tower With 3 or More Providers, 200 Foot Maximum Height~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~								
~~Monopole Tower Greater Than 150 Feet, 200 Feet Maximum Height~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~								
~~Monopole Tower Less than 150 feet~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~								
~~Guyed Tower~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~								
Pet Service (Kennel)~~s~~ Establishments	531.38	X	X	AP	AP	X	X	X	X	X
Public Community Uses	531.39	AP	AP	AP	AP	AP	AP	AP	X	X
Public Use Facilities	531.40	AP	AP	AP	AP	AP	AP	AP	AP	X
Post Offices	--	AP	AP	AP	AP	AP	AP	AP	X	X
Radio, TV, Communications, Microwave Facilities	--	AP/SP	AP/SP	AP/SP	AP/SP	SP	AP/SP	AP/SP	SP	X
Railroad Switching/Classification Yard	--	X	X	X	X	X	X	AP	X	X
~~High Intensity~~ Recreation, ~~al Use~~ High Intensity	531.41	X	X	SP	SP	X	SP	SP	X	X
~~Low Intensity~~ Recreation, ~~al Use~~ Low Intensity	531.41	AP	AP	AP	AP	AP	AP	AP	X	P
~~Medium Intensity~~ Recreation, ~~al Use~~ Medium Intensity	531.41	X	SP	AP	AP	X	X	X	X	P
~~Passive~~ Recreation, ~~al Uses~~ Passive	531.41	AP	AP	AP	AP	AP	AP	AP	X	P
Recreation, Rural ~~Outdoor Firing Ranges~~	531.41	X	X	X	X	X	AP	AP	AP	X
~~Lodging Places:~~ Recreational Vehicle Parks and subdivisions	531.42	X	X	X	X	P	X	X	X	X

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Land Use	See Sec. #	PR	NC	GC	HC	~~C~~RV P	LM	HM	EX	MP-I
~~MH/~~Recreational Vehicle/Mobile Home Sales, Rental~~,~~ & Leasing	531.43	X	X	AP	AP	AP	AP	X	X	X
Rehabilitation Center~~Outpatient Treatment Facility~~	531.44	SP	SP	SP	SP	X	X	X	X	X
Research and Development Activities~~y~~	--	X	X	X	P	X	P	P	X	P
Recovery Home, Large	531.45	SP	AP	AP	AP	X	X	X	X	X
Recovery Home, Small	531.45	AP	AP	AP	AP	X	X	X	X	X
Residential Treatment Facilities	531.46	SP	SP	SP	SP	X	X	X	X	X
Residential Use: Duplexes ~~Dwellings~~	531.47	X	P~~[9]~~	P~~4~~	P~~4~~	X	X	X	X	P
Residential Use: Single Family Semi-Detached Dwellings	531.47	X	X	X	X	X	P~~27~~	X	X	P
Residential Use: Multiple Family Dwellings	531.47	P~~[10]~~	X	X	X	X	P~~[11]~~	X	X	X
Residential Use: Triplex and Quadr~~a~~uplex Dwellings (Multifamily, four (4) units maximum)	531.47	X	X	X	X	X	X	X	X	X
Residential Use: Waterfront Structures, Multi-Family	531.47	X	X	X	X	X	X	X	X	X
Residential Use: Waterfront Structures (Residential)	531.47	AP	X	X	X	AP	P15 **	X	X	X
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.47	X	X	X	X	X	P~~12~~	X	X	P
Residential Use: Single Family, Detached Dwellings	531.47	P~~30~~	P~~4,30~~	P~~4,30~~	P~~4,30~~	X	P~~27, 30~~	X	X	P~~30~~
Restaurant~~Eating Establishment~~	531.48	X	P	P	P	X	P	X	X	P
Retail Sales, Neighborhood Convenience	531.49	X	P	P	P	P~~13~~	X	X	X	P
Retail Sales, Neighborhood General~~14~~	531.49	X	P	P	P	X	X	X	X	P
Retail Sales, General ~~Retail Sales Uses~~	531.49	X	X	P	P	X	X	X	X	P
Sawmills	531.1	X	X	X	X	X	X	AP	X	X

Commented [LEA63]: Footnote 4 moved to Residential Use standards in Ch. 5.

Commented [LEA64]: Moved to Ch 5.

Commented [LEA65]: Moved to ch. 5.

~~[9] In the NC, GC, and HC zoning districts, single family and duplex dwellings may be allowed subject to the following criteria:~~

- ~~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; and~~
- ~~Be developed without generating a requirement for either subdivision review, final site plan review, or equivalent development order review; and~~
- ~~Shall not violate the maximum gross density requirement of nine (9) dwelling units per acre, and~~
- ~~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.~~

~~[10] Multi-family Dwellings within the PR District shall meet the standards and densities of the RMF-6 Zoning District. The underlying Future Land Use category shall determine the maximum density on each site.~~

~~[11] 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. See also the notes regarding single family uses in the IL category.~~

~~[12] 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. See also the notes regarding single family uses in the IL category.~~

~~[13] Retail Sales, Neighborhood Convenience Uses within the CRV District shall meet the standards for such uses set forth in Section 402.8603.9 (PDRV—Planned Development Recreational Vehicle).~~

~~[14] Retail Sales, Neighborhood General are limited to 3,000 square feet and must meet all relevant locational criteria as specified in the Manatee County Comprehensive Plan.~~

Land Use	See Sec. #	PR	NC	GC	HC	~~C~~RV P	LM	HM	EX	MP-I
Schools, College/Universities~~y (PDP/SP)~~	531.50	X	X	X	X	X	X	X	X	P
Schools, Elementary	531.50	AP	AP	AP	AP	X	AP	AP	X	P
Schools, High and Middle ~~School~~	531.50	SP	SP	SP	SP	X	SP	SP	X	P
~~Schools, Middle~~		~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~X~~	~~SP~~	~~SP~~	~~X~~	~~P~~
Schools, other~~of Special Education~~	531.50	AP	AP	AP	AP	X	AP	AP	X	P
Service Station	531.51	X	SP	AP	AP	X	AP	X	X	X
Sexually Oriented Businesses	531.52	See Section 531.49								
Slaughterhouses	531.1	X	X	X	X	X	X	SP	X	X
~~Resource Recovery Facilities~~Solid Waste Management Facilities	531.53	X	X	X	X	X	SP	SP	SP	X
Landfills	531.53	X	X	X	X	X	X	X	X	X
Stockyards and Feedlots	531.1	X	X	X	X	X	X	SP	X	X
Utility Use	531.54	AP	AP	AP	AP	AP	AP	AP	AP	X
~~Utility Use, Heavy~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Motor~~ Vehicle Repair: Major	531.56	X	X	SP	AP	X	AP	AP	X	X
~~Motor~~ Vehicle Repair: Community Serving	--	X	SP	AP/SP	AP	X	AP	X	X	X
~~Motor~~ Vehicle Repair: Neighborhood Serving	--	X	AP	AP/SP	AP	X	AP	X	X	X
~~Motor~~ Vehicle Sales, Rental, Leasing	531.57	X	X	AP/SP	AP	X	AP	X	X	X
~~Health Services:~~ Veterinary Clinic	531.58	AP	AP	AP	AP	X	X	X	X	X
Veterinary Hospitals	531.58	X	X	SP	SP	X	AP	AP	X	X
Warehouses	531.59	X	X	X	AP	X	AP	AP	X	
Water Dependent Uses	--	X	X	X	X	X	P[15] ~~**~~	X	X	X
~~Waterfront Structures (Other)~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P**~~	~~X~~	~~X~~	~~X~~
Wholesale Trade Establishment	--	X	X	X	P	X	P	P	X	X

AP = Administrative Permit;
SP = Special Permit;
P = Permitted;
X = Not Permitted
AP/SP = Administrative Permit required as specified in ~~Section 704~~Chapter 5 or elsewhere in this Code.
~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code. Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~
~~P** = Waterfront structures shall be allowed as described within Section 604.6 of the Code.~~
~~EMP = Permitted with an approved Environmental Management Plan.~~

NOTES:

- ~~Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~
- ~~Note: All agricultural uses in the WP-E or WP-M Overlay Districts shall require Administrative Permit approval.~~
- ~~Note:~~ Uses may be further restricted or modified by the overlay district ~~criteria in Section 604~~regulations.
- ~~Note:~~ Notwithstanding the development review procedures set forth in this ~~Figure 6-1~~table or any other provision of this Code, the development review procedures required pursuant to ~~Section 605~~ Chapter 3 ~~and Chart 605~~ shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.

Commented [LEA66]: Allowed in same districts as high schools

Commented [LEA67]: Addressed in uses subject to additional standards.

Commented [LEA68]: Already in Ch. 5.

Commented [LEA69]: 604.6 refers to the historic overlay. Wrong reference? Should it be PDW instead? Moved to footnote.

Commented [LEA70]: Ch. 5

[15] ~~P** =~~ Waterfront structures shall be allowed as described within Section ~~604.6 of the Code~~402.14, PDW—Planned Development Waterfront.

- ~~VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.~~
- ~~Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.~~
- ~~Note: All Sexually Oriented Businesses shall meet the requirements of this Code including, without limitation, Section 707.~~
- ~~Note: HC zoning on property assigned to IL (Industrial Light) future land use category requires that all relevant locational criteria shall be met 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 Approval.~~
- ~~Note: All outdoor advertising signs shall meet the requirements of Section 724.~~
-

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Specific Use	Sec.*	PR	RVP	NC	GC	HC	LM	HM	EX	MP-1
Adult Day Care Centers	-	AP		AP	AP	AP	AP	AP	-	
Adult Family Care Home	-	AP	-	AP	AP	-	-	-	-	
Agricultural Products Processing Plants	-	-	-	-	-	-	AP	AP	-	
Agricultural Research Facilities	-	-	AP	-	-	AP	AP	AP	-	
Agricultural Uses	431.1	AP	AP	AP	AP	AP	AP	AP	AP	
Aircraft Landing Field	431.2	-	-	-	-	-	-	-	-	
Airport, private or public	431.3	-	-	-	-	-	-	-	-	
Alcoholic Beverage Establishment – 2 COP License	431.4	-	--	AP	AP	AP	AP	AP	-	
Alcoholic Beverage Establishment	431.4	-	-	SP	SP	SP	SP	SP	-	
Animal Services (Wild & Exotic)	431.5	-	-	-	-	SP	AP	AP	-	
Animal Products Processing Facility	-	-	-	-	-	-	AP	AP	-	
Assisted Living Facility , Small	431.6	AP	-	AP	AP	AP	-	-	-	
Assisted Living Facility, Large	431.6	AP	-	AP	AP	AP	-	-	-	
Auction Houses, Enclosed	-	-	-	-	AP	AP	AP	-	-	
Auction Houses, Open	431.7	-	-	-	SP	SP	AP	-	-	
Automotive services, limited	-	-	-	SP	SP	AP	AP	AP	-	
Bed and Breakfast	431.8	AP(1)	-	AP(1)	-	-	-	-	-	
Breeding Facility (Non-Wild, Non-Exotic)	431.9		-						AP	
Breeding Facility (Wild and Exotic)	431.9	-	-	-	-	SAP	-	-	-	
Building Materials Sales Establishment	-	-	-	-	AP	AP	AP	-	-	
Bus and train passenger station	-	AP(1)	AP(1)	AP(1)	AP(1)	AP(1)	AP(1)	AP(1)	-	
Business Services	-	AP		AP	AP	AP	AP	-	-	
Car Wash, Full-Service	-	-		A	AP	AP	AP	-	-	
Car Wash, Self Service	-	-		A	AP	AP	AP	-	-	
Cemetery, Human and Pet	-	AP	-	AP	AP	AP	-	-	-	
Child Care Centers, Large (more than 51children)	431.10	AP	-	AP	AP	AP	AP	AP	-	
Child Care Centers, Small (6-50 children)	431.10	AP	SAP	AP	AP	AP	AP	AP	-	
Churches/Places of Worship	-	AP	AP	AP	AP	AP	AP	AP	-	
Civic, social and fraternal organizations/clubs	-	AP	AP	AP	AP	AP		AP	-	
Clinic	-	AP	-	AP	AP	AP	-	-	-	
Community Residential Home	431.11	AP	-	AP	-	-	-	-	-	
Correctional Facilities	-	-	-	-	-	SP	SP	SP	-	
Cultural Facilities	-	AP(2)	AP(2)	AP(2)	AP(2)	AP(2)	AP(2)	AP(2)	-	
Drive-Through Establishment	431.12	AP(1)	-	AP	AP	AP	AP	AP	-	
Duplexes	431.31	-	-	AP	AP	AP	-	-	-	
Earthmoving, Major	-	-	-	-	-	-	-	-	SP	
Earthmoving, Minor	-	PSP	SPP	PSP	PSP	SPP	PSP	PSP	PSP	
Emergency Shelters	-	SP	SP	SP	SP	SP	-	-	-	
Equipment Sales, Rental, Storage and Leasing, Heavy	431.14	-	-	-	SP	AP	AP	AP	-	
Equipment Sales, Rental, Storage and Leasing, Light	431.14	-	-	-	AP	AP	AP	-	-	
Family Day Care Home, Small	-	AP	-	AP	AP	-	-	-	-	
Family Day Care Home, Large	-	AP	-	AP	AP	AP	-	-	-	
Farming Service Establishments	-	-	-	-	-	-	AP	AP	-	
Flea Market, Enclosed	431.15	-	-	-	AP	AP	AP	-	-	
Flea Market, Open	431.15	-	-	-	SP	AP	AP	-	-	
Food Catering Service Establishment	-	-	-	SP	AP	AP	-	-	-	
Freight Terminal/ Maintenance	-	-	-	-	-	-	AP	AP	-	
Funeral Home	-	AP(1)	AP(1)	AP(1)	AP(1)	AP(1)	-	-	-	
Gasoline Service Station	431.16	-	-	SP	AP	AP	AP	-	-	
Group Housing	431.17	AP	-	AP	AP	P	-	-	-	
Hazardous Waste Transfer Facility	-	-	-	-	-	-	SP	SP	-	
Heliport	-	-	-	-	-	-	-	AP	-	

Commented [LDI71]: Requested by staff for both LM and HM

Commented [LDI72]: added for bank drive-through

Commented [LDI73]: added for bank drive-through

Commented [LDI74]: Combined the two, added conditions in ch. 4 to address shelters in residential zoning

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Specific Use	Sec.*	PR	RVP	NC	GC	HC	LM	HM	EX	MP-1
Helistop	431.18	SP	-	SP	SP	SP	AP	AP	AP	
Hospital	-	-	-	-	SP	SP	-	-	-	
Hotel/motel	-	-	-	-	AP	AP	AP	AP	-	
Industrial, Heavy	431.19	-	-	-	-	-	-	AP	-	
Industrial, Light	-	-	-	-	-	-	AP	AP	-	
Intensive Services	431.20	-	-	-	SP (1)	P (1)	AP(1)	AP(1)	-	
Intermodal Terminal	-	-	-	-	-	-	SP	AP	-	
Junkyards	431.21	-	-	-	P	SPP	AP	AP	-	
Laboratories, Medical and Dental	-	-	-	-	AP	AP	AP	-	-	
Land Reserves, Public and Private (24)	-	AP	-	AP	AP	AP	AP	AP	AP	
Mining	431.24	-	-	-	-	-	-	-	AP	
Mini Warehouse/Self Storage	431.23	-	SP	SP	AP	AP	AP	-	-	
Multiple Family Dwellings	431.31	AP	-	-SP	-AP	-AP	AP	-	-	
Nursing Home	431.25	AP	-	AP	AP	-	-	-	-	
Office, Medical	-	AP	-	AP	AP	AP	AP	AP	-	
Office, Professional	-	AP	-	AP	AP	AP	AP	AP	-	
Outdoor Advertising Signs	-	-	-	-	AP	AP	AP	AP	-	
Outdoor Storage (Principal Use)	-	-	-	-	AP	AP	AP	AP	-	
Parking, Commercial (Principal Use)	-	-	-	-	AP	AP	AP	AP	-	
Personal Service Establishment	-	AP	AP	AP	AP	AP	AP-	-	-	
Personal Wireless Service Facilities	431.26	P/SP	P/SP	P/SP	AP	P/SP	AP	AP	AP	
Pet Services (Kennels)	431.27	-	-	-	-	-	AP	AP	-	
Pet Stores, Wild and Exotic	-	-	-	-	-	SP	-	-	-	
Public Community Uses	-	AP	AP	AP	AP	AP	AP	AP	-	
Public Use Facilities	-	AP	AP	AP	AP	AP	AP	AP	AP	
Radio, TV, Communications, Microwave Facilities	-	SP	SP	SP	SP	SP	SP	SP	SP	
Railroad Switching/Classification Yard	-	-	-	-	-	-	-	AP	-	
Recreation, Rural and outdoor firing range	-	-	-	-	-	-	SP	P	-SP	
Recreational, High Intensity	431.28	-	-	-	SP	SP	SP	SP	-	
Recreational, Low Intensity	431.28	AP	AP	AP	AP	AP	AP	AP	AP	
Recreational, Medium Intensity	431.28	-	-	SP	AP	AP	-	-SP	-	
Recreational, Passive	431.28	AP	AP	AP	AP	AP	AP	AP	-	
Rehabilitation Center	-	SP	-	SP	SP	SP	-	-	-	
Research and Development Activities	-	-	-	-	-	P	AP	AP	-	
Residential Treatment Facilities	-	SP	-	SP	SP	SP	-	-	-	
Restaurant	-	-	-	AP	AP	AP	AP	AP	-	
Retail Sales, Regional (>150,000 sq. ft.)	431.32	-	-	-	SP(1)	AP(1)	AP(1)	-	-	
Retail Sales, Community (150,000 sq. ft. max.)	431.32		-	SP(1)	P(1)	AP(1)	AP(1)	-	-	
Retail Sales, Neighborhood (30,000 sq. ft. max.)	431.32	SP	AP	AP	AP	AP	AP	-	-	
Retail Sales, Convenience (3,000 sq. ft. max.)	431.32	AP	AP	AP	AP	AP	AP	-	-	
RV/Manufactured Home Parks and Subdivisions	431.27	-	-	-	SP	P	P	-	-	
RV/Manufactured Home Sales, Rentals and Leasing	431.30	-	AP	-	AP	AP	AP	-AP	-	
Sawmills	-	-	-	-	-	-	AP	AP	-	
Schools, Colleges/Universities		SP	AP	AP	AP	AP	AP			
Schools, Elementary	-	AP	AP	AP	AP	AP	AP	AP	-	
Schools, High and Middle	-	SP	SP	SP	SP	SP	SP	SP	-	
Schools, other	-	AP	AP	AP	AP	AP	AP	AP	-	
Sexually Oriented Businesses	431.33	-	-	-	SP	SP	SP	SP	-	
Single Family, Attached Dwellings (3 to 9 units)	431.31	-AP	-	-AP	-AP	-	AP	-	-	
Single Family, Detached Dwellings	431.31	AP	-	AP	AP-	AP-	AP	-	-	
Slaughterhouses	-	-	-	-	-	-	-	-	-	

Commented [LDI75]: LDI proposes to include Mining as a use.

Commented [LDI76]: Currently not allowed in non-res districts, except PR & LM. Propose allowing in NC, GC and HC. It is a way to encourage mixed-use.

Commented [LDI77]: Changed name and noted districts where may be allowed.

DRAFT

Specific Use	Sec.*	PR	RVP	NC	GC	HC	LM	HM	EX	MP-1
Solid Waste Management Facilities	431.34	-	-	-	-	-	-	SP(1)	-	
Stockyards and Feedlots	-	-	-	-	AP	AP	-	SP	-	
Utility Use	431.35	-	AP	-	-	-	AP	AP	AP	
Vehicle Repair, Major	431.36	-	-	-	SP	AP	AP	AP	-	
Vehicle Sales, Rental, Leasing	431.37	-	-	-	AP(1)	AP(1)	AP(1)	-	-	
Veterinary Clinic	431.38	AP	-	AP	SP	SP	AP	AP	-	
Veterinary Hospitals	431.38	-	-	-	SP	SP	AP	AP	-	
Warehouses	-	-	-	-	-	P	AP	AP	-	
Water Dependent Uses	-		-		-		AP	-		
Wholesale Trade Establishment	-	-	-	-	-	AP	AP	AP	-	
Wind Turbines	431.39	-	-	-	-	-	-	-	-	

P = Permitted by right; **AP** = Administrative Permitted; **SP** = Special Permit (see Chapter 2); ***** = See section listed for additional standards.

Uses located within an overlay district may be further restricted by the specific district standards in Section 304 of this chapter.

Footnotes:

(1) Shall be located on a major thoroughfare street having a classification of collector or higher.

(2) Environmental Preserves require an Environmental Management Plan (EMP).

Commented [LDI78]: LEA added

DRAFT

~~FIGURE 6-1~~
~~SCHEDULE OF PERMITTED, ADMINISTRATIVE AND SPECIAL USE BY DISTRICT~~
~~*AGRICULTURAL USES*~~

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
~~Agricultural Products Processing Plants~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~P*~~	~~P*~~	~~X~~
~~Agricultural Research Facilities~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~
~~Agriculture~~	~~SP~~	~~P~~	~~P~~	~~AP~~	~~SP~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~P~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~P~~	~~P~~	~~P*~~	~~X~~
~~Animal Products Processing Facility~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~P*~~	~~P*~~	~~X~~
~~Animal Rehabilitation Center~~	~~**See Section 726, Wild and Exotic Animals**~~																													
~~Animal Shelter/Boarding Facility~~	~~**See Section 726, Wild and Exotic Animals**~~																													
~~Breeding Facility (non-wild, non-exotic)~~	~~X~~	~~AP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P*~~	~~X~~	~~X~~
~~Breeding Facility, Wild and Exotic~~	~~**See Section 726, Wild and Exotic Animals**~~																													
~~Stockyards and Feedlots~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~
~~Farm Worker Housing~~	~~X~~	~~AP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~
~~Farming Service Establishments~~	~~X~~	~~AP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~P*~~	~~P*~~	~~X~~
~~Kennels~~	~~X~~	~~AP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~P*~~	~~X~~	~~X~~
~~Pet Stores, Wild and Exotic~~	~~**See Section 726, Wild and Exotic Animals**~~																													
~~Sawmills~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~P*~~	~~X~~

Short Term Agricultural Uses	X	P	P	AP	AP	AP	AP	AP	AP	AP	X	X	X	X	X	P	X	P	X	X	X	X	P	X	X	X	P	P	P	X
Slaughterhouses	X	SP	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	X	SP	X	X	P	X	X	X	X	X	X	X
Small Animal Specialty Farms	**See Section 726, Wild and Exotic Animals**																													
Stables or Equestrian Centers:																														
Private	X	P	P	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	P	P	P	X	P	P	X	X
Public	X	AP	AP	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P*	X	X	P*	X	P*	X	X	X	AP	P*	X	X
Veterinary Hospitals	X	AP	SP	X	X	X	X	X	X	SP	SP	X	AP	AP	X	X	X	P*	X	P*	P*	X	P*	X	X	X	AP	X	X	X

AP = Administrative Permit
SP = Special Permit
P = Permitted
X = Not Permitted
AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.
P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.
Accessory towers in the PDR district are allowed a maximum height of 150 feet.
Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.
Note: All agricultural uses in the WP-E or WP-M Overlay Districts shall require Administrative Permit approval.
Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.
Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.
VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.
Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.

COMMERCIAL USES – RETAIL

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
RETAIL (See NOTE below)																														
Auction Houses, Open	X	X	X	X	X	X	X	X	X	SP	SP	X	AP	X	X	X	X	P*	X	P*	X	X	P*	X	X	X	X	X	X	X
Auction Houses, Enclosed	X	X	X	X	X	X	X	X	X	AP	AP	X	AP	X	X	X	X	P*	X	P*	X	X	P*	X	X	X	X	X	X	X
Auction Houses, Auto	X	X	X	X	X	X	X	X	X	SP	SP	X	AP	X	X	X	X	P*	X	P*	X	X	P*	X	X	X	X	X	X	X

~~Building Materials Establishment~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~
~~Retail Sales, Neighborhood Convenience~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~AP~~	~~P*~~	~~X~~	~~P~~
~~Retail Sales, Neighborhood General~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~AP~~	~~P*~~	~~X~~	~~P~~
~~Drinking Establishment~~	~~See Section 708~~																												~~X~~	~~X~~
~~Drive Thru Eating Establishment~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~P*~~	~~X~~
~~Eating Establishment~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~P~~	~~P~~
~~Farm Equipment and Supply Establishments~~	~~X~~	~~AP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~AP~~		~~P~~	~~X~~
~~Gas Pumps~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~AP~~	~~AP~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~AP~~		~~P*~~	~~X~~
~~MH/RV Sales, Rental, Leasing~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~SP~~		~~X~~	~~X~~
~~Motor Vehicle Sales, Rental, Leasing~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP/SP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~SP~~		~~X~~	~~X~~
~~General Retail Sales Uses~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~SP~~		~~X~~	~~P~~
~~Service Station~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~SP~~		~~P~~	~~X~~

~~AP = Administrative Permit~~
~~SP = Special Permit~~
~~P = Permitted~~
~~X = Not Permitted~~
~~AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.~~
~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.~~
~~Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~
~~AP/SP = Administrative Permit or Special Permit required as specified in Section 704 or elsewhere in this Code.~~

~~Note: HC zoning on property assigned to IL (Industrial Light) future land use category requires that all relevant locational criteria shall be met 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 Approval.~~
~~Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~
~~Note: Retail Sales, Neighborhood Convenience Uses within the CRV District shall meet the standards for such uses set forth in Section 603.9.~~
~~Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.~~
~~Note: Retail Sales, Neighborhood General are limited to 3,000 square feet and must meet all relevant locational criteria as specified in the Manatee County Comprehensive Plan.~~
~~Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.~~
~~VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.~~
~~Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.~~

~~LIMITATIONS:~~

		~~PDR~~	~~PDO~~	~~PDC~~	~~PDRP~~	~~PDI~~	~~PDPI~~	~~PDW~~	~~PDMU~~	~~PDRV~~	~~PDMH~~	~~PDGC~~
~~Retail Sales,~~												~~Yes~~
~~Neighborhood Convenience:~~												
	~~Size~~		~~10,000 SF Maximum~~				~~———~~	~~10,000 SF Maximum~~	~~———~~	~~5,000 SF Maximum~~	~~5,000 SF Maximum~~	
	~~Location~~		~~Collector or Higher~~				~~Collector or Higher~~	~~———~~	~~Collector or Higher~~	~~Primary Entrance~~	~~Primary Entrance~~	
	~~Orientation~~		~~———~~				~~—~~	~~Towards Waterbody or Collector~~	~~Towards the Project~~	~~Towards Interior of Project~~	~~Towards Interior of Project~~	
~~Drive Thru Eating Establishment:~~												
	~~Location~~				~~Collector or Higher~~	~~Collector or Higher~~	~~Collector or Higher~~	~~———~~				
	~~Orientation~~				~~Towards Exterior of~~	~~Towards Exterior of~~	~~Towards Exterior of~~					
~~Eating Establishment:~~												
	~~Location~~		~~Collector or Higher~~		~~———~~	~~———~~	~~———~~					
	~~Orientation~~		~~Oriented Internally~~		~~Oriented Internally~~	~~Oriented Internally~~	~~Oriented Internally~~					
~~Gas Pumps:~~												
	~~Location~~				~~Collector or Higher~~	~~Collector or Higher~~						

Requirements				Sec. 704 Service Station	Sec. 704 Service Station							
Commercial Vehicle Sales:												
Location					Collector or Higher							
Orientation					Towards Exterior of Project							
Other Retail Sales:												
Size				———	———	———	15,000 SF Maximum		10,000 SF Maximum	5,000 SF Maximum		
Location				Collector or Higher	Collector or Higher	Collector or Higher	Collector or Higher		Collector or Higher	Collector or Higher		
Service Stations:												
Location			Collector or Higher			Collector or Higher		Collector or Higher				
Requirements			See Sec. 704			See Sec. 704		See Sec. 704				

COMMERCIAL USES—SERVICES

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
Banking:																														
Bank	X	X	X	X	X	X	X	P	P	P	P	X	P	X	X	X	P	P	P	P	X	X	P	X	X	X	AP	X	X	P
Bank/Drive-through	X	X	X	X	X	X	X	AP	AP	AP	AP	X	AP	X	X	X	P*	P*	P*	P*	X	X	P*	X	X	X	AP	X	P*	P
Business Services	X	X	X	X	X	X	X	P	P	P	P	X	P	X	X	X	P	P	P	P	P	X	P	X	X	X	AP	X	X	P
Exterminating and Pest Control	X	X	X	X	X	X	X	X	X	X	SP	X	AP	AP	X	X	X	X	X	X	X	X	SP	SP	X	AP	AP	X	P*	X
Health Services:																														
Professional Office	X	P	P	X	X	X	X	P	P	P	P	P	P*	X	X	X	P	P	P	P	P	P	P	P	X	X	AP	X	X	P
Clinic	X	X	X	X	X	X	X	P	P	P	P	X	X	X	X	X	P	P	X	X	P	X	P	X	X	X	AP	X	X	P
Veterinary Clinic	X	AP	SP	X	X	X	X	AP	AP	AP	AP	X	X	X	X	X	P*	P*	P*	X	X	X	P*	X	X	X	AP	P*	X	X
Hospitals	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	P	X	X	X	X	X	X	P

~~Medical and Dental Laboratories~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~P~~
~~Nursing Home~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~		~~P~~
~~Industrial Service Establishment~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~P*~~	~~X~~
~~Lodging Places:~~																														
~~Bed and Breakfast~~	~~X~~	~~AP~~	~~SP~~	~~SP~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~P*~~	~~X~~	~~P~~
~~Boarding House~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~
~~Dormitories~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~
~~Hospital Guest House~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~
~~Hotel~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P*~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~P~~	~~P~~
~~RV Park~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Miscellaneous Services:~~																														
~~Office~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~P*~~		~~P~~
~~Car Wash:~~																														
~~Self Serve~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~
~~Incidental~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~
~~Full Service~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Construction Service Estab.~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~
~~Dry Cleaners:~~																														
~~Neighborhood~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~General~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Pick-up~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~P*~~	~~P*~~	~~X~~
~~Food Catering~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Funeral Chapel~~	~~X~~	~~AP~~	~~AP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~P*~~	~~X~~	~~X~~
~~Funeral Home~~	~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~
~~Lawn Care/Landscaping~~	~~X~~	~~AP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~
~~Printing, Small~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~
~~Printing, Medium~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~		~~X~~
~~Printing, Heavy~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~		~~X~~
~~Wholesale Trade Establishment~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~		~~X~~
~~Personal Service Establishment~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~AP~~	~~P~~	~~X~~	~~P~~
~~Rental Service Establishment~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~		~~X~~
~~Repair Service Establishment~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~

Motor Vehicle Repair:																														
Neighborhood Serving	X	X	X	X	X	X	X	X	AP	AP/SP	AP	X	AP	X	X	X	X	P*	X	P*	X	X	P*	X	X	X	SP	X	X	X
Community Serving	X	X	X	X	X	X	X	X	SP	AP/SP	AP	X	AP	X	X	X	X	P*	X	P*	X	X	P*	X	X	X	SP	X	X	X
Major	X	X	X	X	X	X	X	X	X	SP	AP	X	AP	AP	X	X	X	P*	X	P*	X	X	P*	X	X	X	X	X	P*	X
Sign Painting Service	X	X	X	X	X	X	X	X	X	AP	AP	X	AP	AP	X	X	X	P	X	P	P	X	P	X	X	X	AP	X	X	X
Taxi Cab, Limousine	X	X	X	X	X	X	X	X	X	AP	AP	X	AP	X	X	X	X	P	X	P	X	X	P	X	X	X	X	X	X	X

AP = Administrative Permit
SP = Special Permit
P = Permitted
X = Not Permitted
AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.
P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.
Accessory towers in the PDR district are allowed a maximum height of 150 feet.
Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.
* Hotels are allowed only where the underlying Future Land Use category is Industrial-Light (IL).
Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.
Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.
VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.
Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.

INDUSTRIAL

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
Firework/Sparkler Manufacture	X	X	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	X	P*	X	X	X	X	X	X	X	X	X	X
Manufacturing:																														
Heavy	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P	X	X	P	X	X	X	X	X	P	X
Light	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P	P	P	X	P	X	X	X	X	X	P	X
Research and Development Activity	X	X	X	X	X	X	X	X	X	X	P	X	P	P	X	X	X	X	P	P	P	X	P	X	X	X	X	X	P	P

SP = Special Permit
P = Permitted
X = Not Permitted
AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.

~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.~~
~~Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~
~~Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~
~~Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.~~
~~Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control~~
~~when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.~~
~~VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.~~
~~Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.~~

~~*COMMUNITY SERVICE USES*~~

	~~CON~~	~~A~~	~~A-1~~	~~RSF~~	~~RSMH~~	~~RDD~~	~~RMF~~	~~PR~~	~~NC~~	~~GC~~	~~HC~~	~~CRV~~	~~LM~~	~~HM~~	~~EX~~	~~PDR~~	~~PDO~~	~~PDC~~	~~PDRP~~	~~PDI~~	~~PDPI~~	~~PDW~~	~~PDMU~~	~~PDRV~~	~~PDMH~~	~~PDGC~~	~~VIL~~	~~PDA~~	~~PDEZ~~	~~MP-1~~
~~Camouflaged Tower, Maximum 150 Feet in Height~~	~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~																													
~~Cultural Facilities~~	~~X~~	~~AP~~	~~AP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~P~~	~~P~~	~~P~~
~~Correctional Facilities:~~																														
~~Community~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~SP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~		~~X~~
~~Major~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Emergency Shelters~~	~~X~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P~~	~~X~~	~~P~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~X~~
~~Emergency Shelter Home~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~
~~Guyed Tower~~	~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~																													
~~Lattice Tower 400 Feet Maximum Height, Maximum 150 Feet in PDR~~	~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~																													
~~Monopole Telecommuniations Tower With 3 or More Providers, 200 Feet Maximum Height~~	~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~																													

~~Monopole Tower Greater Than 150 Feet, 200 Feet Maximum Height~~	~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7 A, Section 704.59~~																													
~~Monopole Tower Less than 150 feet~~	~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7 A, Section 704.59~~																													
~~Outpatient Treatment Facility~~	~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~SP~~	~~P*~~	~~X~~	~~X~~
~~Post Offices~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~P~~	~~X~~
~~Private Community Uses~~	~~X~~	~~AP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~P*/SP~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~AP~~	~~P*~~	~~X~~	~~X~~
~~Public Community Use~~	~~X~~	~~AP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP/SP~~	~~P~~	~~X~~
~~Public Use Facilities~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~P~~	~~X~~
~~Radio, TV, Communications, Microwave Facilities~~	~~SP~~	~~AP/SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~AP/SP~~	~~SP~~	~~AP/SP~~	~~AP/SP~~	~~SP~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~
~~Residential Treatment Facilities~~	~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~P*~~	~~X~~	~~X~~
~~Resource Recovery Facilities~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~SP~~	~~SP~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Utility Use~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP/SP~~	~~AP~~	~~AP~~	~~P~~	~~X~~
~~Utility Use, Heavy~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~

~~AP = Administrative Permit~~
~~SP = Special Permit~~
~~P = Permitted~~
~~X = Not Permitted~~
~~AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.~~
~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.~~
~~Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~
~~AP/SP = Administrative Permit or Special Permit required as specified in Section 704 or elsewhere in this Code.~~
~~AP*/SP = General Agricultural (A) and Suburban Agricultural (A-1) parcels smaller than ten (10) acres in size shall obtain approval by a Special Permit.~~
~~AP_1 or SP_1 = approval is limited to institutional, recreational, schools, and utility uses, all which have a lot area of eight (8) acres or more. Utility facility or sites may be less than eight (8) acres in size with approval of Planning Director.~~
~~AP_2 = The Building Permit when authorized by the Planning Director shall serve as the Administrative Permit.~~
~~Note: In the CON District, wastewater treatment facilities shall not be allowed.~~
~~Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~
~~Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.~~

Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control
when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.
VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.
Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.

MISCELLANEOUS USES

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
Flea Markets:																														
Enclosed	X	X	X	X	X	X	X	X	X	AP	AP	X	AP	X	X	X	X	P*	X	X	X	X	P*	X	X	X	X	X	X	X
Open	X	X	X	X	X	X	X	X	X	SP	AP	X	AP	X	X	X	X	P*	X	X	X	X	P*	X	X	X	X	X	X	X
Floating Residential Units	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Lumberyard	X	AP	X	X	X	X	X	X	X	X	AP	X	AP	X	X	X	X	X	X	P*	X	X	P*	X	X	X	X	X	P*	X
Outdoor Advertising Signs	X	X	X	X	X	X	X	X	X	P	P	P	P	P	X	X	X	P	X	P	X	X	X	P	X	X	X	X	P	X
Outdoor Storage	X	X	X	X	X	X	X	X	X	AP	AP	X	AP	AP	X	X	X	P*	X	P	X	X	X	X	X	X	X	X	P*	X
Parking, Commercial	X	X	X	X	X	X	X	P	P	P	P	X	P	P	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X	X
Towing Service and Storage Establishment	X	X	X	X	X	X	X	X	X	SP	SP	X	AP	AP	X	X	X	P*	X	P*	X	X	P*	X	X	X	X	X	P*	X
Waterfront Structures, Multi-Family	X	X	X	X	X	X	AP	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	X	AP	P	X	X
Waterfront Structures (Residential)	X	AP	AP	AP	AP	AP	AP	AP	X	X	X	AP	P**	X	X	AP*	X	X	X	X	X	AP*	AP*	AP*	AP*	X	AP	AP*	X	X
Waterfront Structures (Other)	X	X	X	X	X	X	X	X	X	X	X	X	P**	X	X	X	X	X	X	X	X	P*	P*	X	X	X	X	X	X	X
Water Dependent Uses	X	X	X	X	X	X	X	X	X	X	X	X	P**	X	X	X	X	X	X	X	X	P*	P*	X	X	X	X	X	X	X

AP = Administrative Permit
SP = Special Permit
P = Permitted

~~X = Not Permitted~~
~~AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.~~
~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.~~
~~Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~
~~P** = Waterfront structures shall be allowed as described within Section 604.6 of the Code.~~
~~AP/SP = Administrative Permit or Special Permit required as specified in Section 704 or elsewhere in this Code.~~
~~LIMITATIONS~~
~~*Enclosed Flea Markets – PDC:~~
~~Location: Collector/Higher~~
~~Orientation: Towards the Thoroughfare~~
~~*Open Flea Markets – PDC:~~
~~Location: Arterial/Higher~~
~~Orientation: Internal~~
~~*Waterfront structures and water dependent uses of 603.14.~~
~~Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~
~~Note: All outdoor advertising signs shall meet the requirements of Section 724.~~
~~Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.~~
~~Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.~~
~~VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.~~
~~Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.~~

~~*OPEN USES OF LAND – LIGHT*~~

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
~~Cemetery:~~																														
~~Human~~	~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~
~~Pet~~	~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~
~~Game Preserve~~	~~AP~~	~~AP~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~
~~Land Reserves, Public or Private~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~
~~Tree Farm~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~
~~Minor Earthmoving~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~P*~~	~~X~~

~~*OPEN USES OF LAND – HEAVY*~~

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I

Junkyards	X	X	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Landfills	X	SP	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X
Mining Activity	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X
Major Earthmoving	X	SP	SP	X	X	X	X	X	X	X	X	X	AP	AP	P	X	X	X	X	X	X	X	X	X	X	X	SP	X	P*	X

AP = Administrative Permit
SP = Special Permit
P = Permitted
X = Not Permitted
AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.
P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.
Accessory towers in the PDR district are allowed a maximum height of 150 feet.
Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.
Note: All Major Earthmoving Uses shall also be processed in accordance with Section 732.
Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.
Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control
when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.
VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.
Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.

RECREATION USES

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
Low Intensity Recreational Use	X	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	P
High Intensity Recreational Use	X	SP	X	X	X	X	X	X	X	SP	SP	X	SP	SP	X	X	X	P*	X	X	P*	P*	P*	X	X	X	X	X	X	X
Medium Intensity Recreational Use	X	X	X	X	X	X	X	X	SP	AP	AP	X	X	X	X	X	X	P*	X	X	P*	P*	P*	X	X	X	X	X	X	P
Outdoor Firing Ranges	X	SP	SP	X	X	X	X	X	X	X	X	X	AP	AP	AP	X	X	X	X	P*	P*	X	X	X	X	X	X	X	X	X
Passive Recreational	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	AP	AP		P*	P

Environmental Preserve	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP	EMP		X

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P = Permitted
X = Not Permitted
AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.
P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.
Accessory towers in the PDR district are allowed a maximum height of 150 feet.
EMP = Permitted with an approved Environmental Management Plan.
Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.
Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.
Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control
when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.
VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.
Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.

RESIDENTIAL USES

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
Family Care Homes	X	P	P	P	P	P	P	P	P	P	X	X	X	X	X	P	X	X	X	X	P	X	P	P	P	X	P	P	X	X
Group Care Home, Large	X	SP	SP	SP	SP	SP	SP	AP	AP	AP	AP	X	X	X	X	P*	P*	P*	X	X	P*	X	P*	X	X	X	SP	P*	X	X
Group Care Home, Small	X	SP	AP	AP	AP	AP	P	AP	AP	AP	AP	X	X	X	X	P*	P*	P*	X	X	P*	X	P*	X	X	X	AP	P*	X	X
Group Housing	X	SP	SP	X	X	X	AP	X	AP	AP	X	X	X	X	X	X	X	X	X	X	P*	X	P*	X	X	X	SP	X	X	P
Manufactured Home Parks	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	P	X	X	X	X	X
Manufactured Home Subdivisions	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	P	X	X	X	X	X
Multiple Family Dwellings	X	X	X	X	X	X	P	P**	X	X	X	X	P****	X	X	P	X	X	X	X	P	P	P	X	X	X	X	X	X	X

~~Residential Care Facilities, Large~~	~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P~~
~~Residential Care Facilities, Small~~	~~X~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~P~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP*~~	~~X~~	~~P~~
~~Recovery Home, Large~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Recovery Home, Small~~	~~X~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~SP~~	~~P*~~	~~X~~	~~X~~
~~Single Family Attached Dwellings~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P****~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP†~~	~~X~~	~~X~~	~~P~~
~~Single Family Detached Dwellings~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P+~~	~~P+~~	~~P+~~	~~X~~	~~P****~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~
~~Single Family Semi-Detached Dwellings~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P****~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~	~~P~~
~~Duplex Dwellings~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P+~~	~~P+~~	~~P+~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP††~~	~~X~~	~~X~~	~~P~~
~~Individual Manufactured Homes~~	~~X~~	~~AP/SP~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~AP/SP**~~	~~X~~	~~X~~	~~X~~
~~Triplex and Quadraplex Dwellings (Multifamily, four (4) units maximum)~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP††~~	~~X~~	~~X~~	~~X~~

~~AP = Administrative Permit~~
~~SP = Special Permit~~
~~P = Permitted~~
~~X = Not Permitted~~
~~AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.~~
~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.~~
~~Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~

~~**Multi-Family Dwellings in PR District shall meet the standards and densities of the RMF-6 Zoning District. The underlying Future Land Use Category shall determine the maximum density on each site.~~
~~Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~
~~Note: A and A-1 zoning on property assigned to the IL (Industrial Light) future land use category requires that the only residential uses allowed are single family detached dwellings. Further, the single family dwelling must meet the following criteria:~~
~~1. 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, and~~
~~2. Be developed without generating a requirement for either subdivision review, or final site plan review, or equivalent development order review, and~~
~~3. Shall not violate the maximum gross residential density requirement of one (1) dwelling unit per acre, and~~
~~4. Shall not violate the maximum net residential density requirement of one (1) dwelling unit per acre, and~~
~~5. 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.~~
~~Note: In all zoning districts except A or A-1 on property assigned to the IL (Industrial Light) future land use category, single family detached dwellings may be allowed subject to the following criteria:~~
~~1. 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; and~~
~~2. Be developed without generating a requirement for either subdivision review, or final site plan review or equivalent development order review; and~~
~~3. 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~~
~~4. The existing recorded subdivision, approved before May 11, 1989, is not required to meet the density limitations of the Comprehensive Plan.~~
~~****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. See also the notes regarding single family uses in the IL category.~~
~~+Note: In the NC, GC and HC zoning districts, single family and duplex dwellings may be allowed subject to the following criteria:~~
~~1. 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; and~~
~~2. Be developed without generating a requirement for either subdivision review, final site plan review, or equivalent development order review, and~~
~~3. Shall not violate the maximum gross density requirement of nine (9) dwelling units per acre, and~~
~~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.~~
~~Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.~~
~~Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~
~~†Four (4) units maximum, allowed in Rubonia only.~~
~~††Allowed in Rubonia only.~~
~~†††Five (5) acres required.~~
~~Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.~~
~~VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.~~
~~Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.~~

~~*RESIDENTIAL SUPPORT USES*~~

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
Churches or Other Place of Worship	X	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP	AP	AP	AP	AP/SP	X	X	X	P*	P*	P*	X	X	X	X	P*	X	X	X	AP	P*	X	P
College/University (PDP/SP)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P*	X	P*	X	X	X	X	X	X	P

Day Care Center, Large	X	SP	SP	X	X	X	SP	AP	AP	AP	AP	X	AP	AP	X	P*	P*	P*	P*	P*	P*	X	P*	X	X	X	SP	P*	X	P
Day Care Center, Medium	X	SP	SP	X	X	X	AP/SP	AP	AP	AP	AP	X	AP	AP	X	P*	P*	P*	P*	P*	P*	X	P*	X	X	X	SP	P*	X	P
Day Care Center, Small	X	SP	SP	AP/SP	X	AP/SP	AP/SP	AP	AP	AP	AP	SP	AP	AP	X	AP*	AP	AP	X	AP	AP	X	AP	AP	AP	X	AP	P*	X	P
Day Care Center, (Accessory)	X	AP/SP	AP/SP	SP	X	AP/SP	AP/SP	AP	AP	AP	AP	X	AP	AP	X	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	X	AP	P*	P*	P
Day Care Home	X	P	P	P	P	P	P	P	X	X	X	X	X	X	X	P	X	X	X	X	P	X	P	P	P	X	P	P	X	X
Churches or Other Place of Worship	X	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP/SP	AP	AP	AP	AP	AP/SP	X	X	X	P*	P*	P*	X	X	X	X	P*	X	X	X	AP	P*	X	P
College/University (PDP/SP)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P*	X	P*	X	X	X	X	X	X	P
Day Care Center, Large	X	SP	SP	X	X	X	SP	AP	AP	AP	AP	X	AP	AP	X	P*	P*	P*	P*	P*	P*	X	P*	X	X	X	SP	P*	X	P
Day Care Center, Medium	X	SP	SP	X	X	X	AP/SP	AP	AP	AP	AP	X	AP	AP	X	P*	P*	P*	P*	P*	P*	X	P*	X	X	X	SP	P*	X	P
Day Care Center, Small	X	SP	SP	AP/SP	X	AP/SP	AP/SP	AP	AP	AP	AP	SP	AP	AP	X	AP*	AP	AP	X	AP	AP	X	AP	AP	AP	X	AP	P*	X	P
Day Care Center, (Accessory)	X	AP/SP	AP/SP	SP	X	AP/SP	AP/SP	AP	AP	AP	AP	X	AP	AP	X	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	X	AP	P*	P*	P
Day Care Home	X	P	P	P	P	P	P	P	X	X	X	X	X	X	X	P	X	X	X	X	P	X	P	P	P	X	P	P	X	X

AP = Administrative Permit
SP = Special Permit
P = Permitted
X = Not Permitted
AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.
P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.
Accessory towers in the PDR district are allowed a maximum height of 150 feet.
*All day care centers shall meet the requirements of Section 704.18
Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.
Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.
Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.
Note: Notwithstanding the development review procedure set forth in this Figure 6-1 or other provisions of this Code, the development review procedures required pursuant to Section 520 of this Code shall control when the proposed use is an educational facility proposed by the School Board of Manatee County within the meaning of Section 1013.01, Florida Statutes.
VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.
Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.

~~*TRANSPORTATION FACILITIES*~~

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDA	PDEZ	MP-I
Aircraft Landing Field	X	AP	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P*	X	P*	X	X	X	X	X	X	X
Airport, Private or Public	X	SP	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P*	P*	X	P*	X	X	X	X	X	P*	X
Airport, Commercial	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P*	X	P*	X	X	X	X	X	X	X
Bus RR Passenger Station	X	AP	AP	X	X	X	AP	AP	AP	AP	AP	AP	AP	AP	X	P*	X	P*	P*	P*	P*	X	P*	X	X	X	AP	P*	P*	X
Bus RR/Maintenance Facility	X	SP	X	X	X	X	X	X	X	X	X	X	AP	AP	X	X	X	X	X	P*	P*	X	P*	X	X	X	SP	X		X
Hazardous Waste Transfer Facility	X	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X	X	X	P*	P*	X	P*	X	X	X	X	X	X	X
Heliport	X	X	X	X	X	X	X	X	X	X	X	X	X	AP	X	X	X	P*	X	P*	P*	X	P*	X	X	X	X	X	P*	X
Helistop	X	SP	X	X	X	X	X	SP	SP	SP	SP	X	AP	AP	AP	P*	P*	P*	P*	P*	P*	AP	P*	X	X	X	SP	P*	P*	X
Intermodal Terminal	X	X	X	X	X	X	X	X	X	X	X	X	SP	AP	X	X	X	X	X	P*	P*	X	P*	X	X	X	X	X	P*	X
Motor Freight Terminals	X	X	X	X	X	X	X	X	X	X	X	X	AP	AP	X	X	X	X	X	P*	X	X	P*	X	X	X	X	X	P*	X
Motor Pool Facilities	X	X	X	X	X	X	X	X	X	X	X	X	SP	AP	X	X	X	X	X	P*	P*	X	P*	X	X	X	X	X	P*	X
Railroad Switching/Classification	X	X	X	X	X	X	X	X	X	X	X	X	X	AP	X	X	X	X	X	P*	P*	X	X	X	X	X	X	X	P*	X

~~AP = Administrative Permit~~
~~SP = Special Permit~~
~~P = Permitted~~
~~X = Not Permitted~~
~~AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.~~
~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.~~
~~Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~
~~Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~
~~Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.~~
~~Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control~~
~~when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.~~
~~VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.~~
~~Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.~~

~~*WAREHOUSING*~~

	CON	A	A-1	RSF	RSMH	RDD	RMF	PR	NC	GC	HC	CRV	LM	HM	EX	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	VIL	PDEZ	MP-I
Warehouse	X	X	X	X	X	X	X	X	X	X	AP	X	AP	AP	X	X	X	X	P*	P*	P*	X	P*	X	X	X	X	P*	X

~~Warehouse – Mini~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~	~~X~~

~~AP = Administrative Permit~~

~~SP = Special Permit~~

~~P = Permitted~~

~~X = Not Permitted~~

~~AP/SP = Administrative Permit required as specified in Section 704 or elsewhere in this Code.~~

~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code.~~

~~Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~

~~Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.~~

~~Note: Uses may be further restricted or modified by the overlay district criteria in Section 604.~~

~~Note: Notwithstanding the development review procedures set forth in this Figure 6-1 or any other provision of this Code, the development review procedures required pursuant to Section 605 and Chart 605 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.~~

~~VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.~~

~~Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.~~

401.3. ~~Section 702.~~ Bulk and Dimensional Regulations.

~~702.1.Establishment.~~

In order to carry out the purposes, intent and provisions of this Code, bulk and dimensional regulations for particular zoning districts are hereby established. Except as may be qualified by the provisions of this Code, no structure or part thereof, shall hereafter be built or moved on a lot which does not meet all of the minimum bulk and dimensional regulations for the zoning district in which the structure is located; and except as may be qualified by the provisions of this Code, no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all of the minimum bulk and dimensional regulations for the zoning district in which such structure is located.

A. ~~702.3.~~Maximum Density.

In no instance shall the maximum density specified for a given zoning district be exceeded in the approval of any application for development approved, except where bonuses are permitted pursuant to the Housing Program (Chapter 5). For residential zones, maximum density shall be expressed in number of dwelling units per gross residential acre. In the determination of the maximum number of units to be allowed on a lot, the permitted number shall be made proportional to any fraction of the acreage that is part of the lot.

~~702.3.1. ***Number of Dwelling Units Per Lot.***~~

~~-~~No more than one (1) single-family dwelling unit shall hereafter be erected on any one (1) lot, nor shall a dwelling unit be located on the same lot with any principal building, unless such dwelling unit is permitted as an accessory use to such principal building.

B. ~~702.4.~~ Lot Size Requirements.

~~*702.4.1.*~~ *Generally.*

1. Except as may be qualified by the provisions of the Code, including Section ~~1107~~107.8, Nonconforming Lots, no structure or part thereof shall hereafter be used, occupied or arranged for use on a lot which does not meet all the minimum lot size requirements presented for the zoning district in which such structure or land is located.

~~*702.4.2.*~~ *Reduction of Lot Size or Yards; Subdivision*.

2. No lot or yard existing on the effective date of this Code shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation and purchase. Lots or yards created after the effective date of this Code shall meet the minimum requirements established herein. Only a lot that exceeds the minimum provisions of this Code may be subdivided~~, in accordance with Chapter 9,~~ to create more lots, and only then where the resultant lots shall themselves meet such minimum provisions; however, this limitation shall not bar the ~~resubdivision~~ replat of lots for the alteration of dimensions or boundary locations where each lot conforms to the zoning requirements and the total number of lots is not increased.

~~*702.4.3.*~~ *Waterfront Lots and Inclusion of Wetlands*.

3. No land below a shoreline or part of a wetland shall be considered part of a lot for the purposes of determining compliance with the required minimum lot area or size under this Code, nor shall such land be part of any required yard; except that twenty (20) percent of the required minimum lot area or size in the ~~General Agriculture (~~A~~)~~ ~~L~~land ~~U~~use ~~D~~district~~,~~ that is outside of the ~~Coastal High Hazard (~~CH~~)~~ Overlay District, may include wetlands. For lots in the ~~General Agriculture (~~A~~)~~ ~~D~~district~~,~~ created before November 16, 1998, a minimum of one (1) acre of the required lot area shall be upland, if consistent with the Comprehensive Plan. Any wetland impacts on these lots shall be consistent with Section ~~719~~706.

~~*702.4.4.*~~ *Minimum Front Lot Line*.

4. Every lot shall have a front lot line which is at least eighty (80) percent of the minimum required lot width, except flag lots, existing duplexes which are split into two (2) single-family semi-detached units as referenced below~~, and I~~ Lots with curvilinear street lines or which front on a cul-de-sac or a curve in a street, where the radius of the arc of such street line, cul-de-sac, or curve is seventy (70) feet or less, may have a front lot line not less than sixty (60) percent of the minimum lot width, or forty (40) feet, whichever is less.

~~*Operation Face Lift Area.* Flag lots shall be established in conformance with Section 103.2.3.~~

5. Any existing duplex in the Operation Face Lift area, defined as 53rd Avenue East to the north, 63rd Avenue East to the south, 1st Street to the west and 15th Street East to the east, where the side of the duplex faces the street (and therefore the rear unit does not have frontage on any street), may be split into two (2) single-family semi-detached lots, without the required minimum front lot line, provided that: (1) the rear semi-detached unit is granted a non-exclusive ingress/egress, utility and drainage easement from the attached lot which fronts on the street; (2) an appropriate party wall agreement is provided; and (3) the common wall meets all ~~Building Code~~Florida Building Code requirements. If the parking for the rear lot is located on the front parcel, additionally, a parking easement shall be required to be granted to the rear lot.

C. ~~702.5.~~Maximum Building Height.

1. ~~*702.5.1.*~~ *Generally.* Maximum building height, where specified, shall apply to all structures located in the zoning district, except those structures and appurtenances excluded below or specifically provided elsewhere in this Code.

2. ~~*702.5.2.*~~ *General Height Exclusions*. The height limitations of this Code shall not apply to barns, agricultural silos, residential chimneys, spires, cupolas, gables, scenery lofts, domes, birdhouses, flues, religious symbols, monuments, water towers, water tanks, smokestacks, flag poles or other similar roof structures and mechanical appurtenances; or any similar structure approved by the ~~Planning Director~~Department Director provided, however:

   a. ~~702.5.2.1.~~ No such structure, when located on a building roof, shall occupy an area greater than ten (10) percent of the total roof area.

   b. ~~702.5.2.2.~~ No such structure shall be used for any purpose other than a use incidental to the main use of any principal building.

   c. ~~702.5.2.3.~~ No such structure over thirty-five (35) feet in height~~, excluding signs,~~ shall be located nearer to a lot line less than a distance equal to its height, except for public or private utility facilities/use. Structures which are self-collapsing within the lot lines, without impacting overhead utility lines, are exempt from this requirement. All structures shall maintain appropriate clearance from overhead electrical conductors in accordance with applicable codes and regulations.

   d. ~~702.5.2.4.~~ No such accessory freestanding structure shall be located except in strict accordance with the provisions of Chapter 5, Part II~~Section 703~~, Accessory Uses and Structures.

   e. ~~702.5.2.5.~~ A parapet wall, cornice, or similar projection may exceed the height limit established for a given zoning district by not more than four (4) feet, but such projection shall not extend more than four (4) feet above the roof level of the building of which it is a part.

3. ~~*702.5.3.*~~ *Telecommunication Height Exclusions*. The district height limitations of this Code shall not apply to telecommunications towers, antennas, or facilities which are a principal use. Telecommunication towers and antennas shall comply with Section 531.36~~704.59~~.

4. *Height Limitation in the Vicinity of Airports*. See Section 403.2, Airport Impact Overlay District.

D. ~~702.6.~~ Required Yards.

1. ~~*702.6.1.*~~ *Generally.* Minimum yard requirements shall be as specified for a given zoning district. The yard requirements shall apply to all buildings and structures as they relate to the lot lines, except as otherwise specifically provided in this Code or as exempted below.

2. ~~*702.6.2.*~~ *Exempt~~ions~~ Structures*. The following structures shall be exempt from the minimum yard requirements set forth in this Code, provided however that these exemptions shall not permit encroachment into the visibility triangle: residential air conditioning units, telephone booths and pedestals, underground and overhead utility equipment, U.S. Post Office authorized mail boxes, bus shelters and bus benches, public bicycle shelters, backflow ~~preventors~~preventers, or any similar structure or device as determined by the ~~Planning Director~~Department Director (see also Chapter 5, Part II~~703~~, Accessory Uses and Structures, and ~~Section 702.7~~subsection E, Yard Encroachments, below). ~~These exemptions shall not permit encroachment into the visibility triangle.~~

3. ~~*702.6.2.1. Shopping Centers and Industrial Parks*~~*Lots within Development Site*. Individual lots within any office, commercial or industrial project may share a common wall when approved under a unified preliminary

or ~~final site~~Site Development plan for the entire project. Side yard setbacks will not be required for contiguous units within shopping centers if a common wall agreement is included within the recorded deeds. Projects approved under this section shall be considered as one premises, regardless of ownership.

4. ~~*702.6.3.*~~ *Corner Lots—Required Yards*. Corner lots shall be provided a front yard on each street frontage. Remaining yards shall be provided as side yards ~~(See also 907.7.2)~~.

5. ~~*702.6.4.*~~ *Through Lots—Required Yards*. Front yards shall be provided on all street frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the ~~Planning Director~~Department Director may substitute a special yard requirement which shall not exceed the average of the yards provided on the two adjacent lots.

6. ~~*702.6.5.*~~ *Reverse Frontage Lots—Required Yards*. Notwithstanding any other provision of this Code, on any lot designed to have reverse frontage along a major thoroughfare, the minimum front yard requirements, as set forth for a given zoning district, shall be deemed to apply to that yard in front of the principal entrance or containing the approach to the principal building occupying the lot. The opposing yard shall be deemed to be the rear yard and shall be subject to the requirements set forth for such yards (see also Section ~~907.7.4~~800.8.D, *Double and Reverse Frontage Lots*).

7. ~~*702.6.6.*~~ *Side Yard Reductions* ~~on small individual lots of record within the urban core areas, as identified in the Comprehensive Plan~~. Notwithstanding any other provision of this Code, any lot of record within the urban core areas, as identified in the Comprehensive Plan, having lot widths of fifty-five (55) feet or less, and which do not share continuous frontage with an adjoining vacant lot in the same ownership on the ~~E~~effective ~~D~~date of this Code, (October 15, 1990) shall be permitted to reduce the minimum side yard setback to five (5) feet.

   ~~For affordable housing projects, within Urban Core Areas, meeting the requirements of Chapter 13 of this Code, as infill or redevelopment projects, such lots do not have to meet the requirement to combine lots as set forth in Sections 1107.1.3.1 through 1107.1.3.3.~~

   ~~After consultation with the Building Director, the Transportation Director may approve encroachments of Cornices and Similar Features in accordance with the provisions of Section 702.7.1 and 702.7.1.1.~~

8. ~~*702.6.7.*~~ *Yards Adjacent to Agricultural Operations*. On all lots created after the effective date of this Code, which are adjacent to active agricultural operations involving citrus groves, orchards, field crops, cattle/pasture land, or truck farming, all yards contiguous to such operations shall be at least thirty-five (35) feet greater than otherwise required by this Code, unless separated from such agricultural operations by a street or other designated open space at least thirty-five (35) feet in width.

9. ~~*702.6.8.*~~ *Waterfront Yards.* ~~The required waterfront yard in any district shall not be less than thirty (30) feet regardless of whether front, side, rear or other yard is involved. On platted lots of records and special exception status lots, the required waterfront yard shall not be less than twenty-five (25) feet.~~ This required waterfront setback shall apply to lots adjacent to Waters of the State or waterbodies owned by a community or homeowners association. Water owned entirely by one (1) person and completely contained within the parcel, is exempt from this requirement unless otherwise provided for in this Code. Commercial Fish Houses in the Cortez Fishing Village Overlay District shall be exempt from all waterfront setback requirements.

~~702.6.9.~~ *Residential Cluster Development Subdivisions*.

10. The minimum yard requirements (set-backs) for existing residential Cluster subdivisions approved as a Cluster Development under Ordinance 81-4 shall be front yard—twenty (20) feet, side yard—eight (8) feet, rear yard—fifteen (15) feet.

11. ~~*702.6.10.*~~ *Wetland Buffer.* When a wetland buffer is required or designated pursuant to this Code, a fifteen (15) foot setback shall be required between the upland edge of the buffer and adjacent structures. Yard encroachments that are otherwise allowed by this Code shall be allowed to encroach in the same manner into this setback provided. The ~~Environmental Management Department~~Department Director may approve a reduction of this setback if the applicant can demonstrate that the proposed reduction will not impact the adjacent ~~W~~wetland ~~B~~buffer.

~~**702.7.**~~ **Yard Encroachments.**

E. Every part of a required yard shall be open and unobstructed from thirty (30) inches above the finished grade of a lot upward, except as hereinafter provided or as otherwise permitted in this Code. Structures less than thirty (30)

Commented [LDI79]: Moved to Chapter 4 (Affordable Hsg. Program).

Commented [LDI80]: Addressed below (yard encroachments)

Commented [LDI81]: Addressed in Dimensional Stds. Table

inches in height above final grade are not considered yard encroachments, except in drainage swales and easements, where no encroachments are permitted, except as described in paragraph 6~~702.7.6~~ below. No structure shall be built or erected which would require railings or construction to encroach or extend upward above thirty (30) inches above the finished grade, except as provided under ~~Section 702.7.1~~ paragraph 1, below. No structure shall be built or finish grade to be constructed or altered which will cause stormwater to flow onto adjacent property. In those developments where yard requirements are determined by a specified distance between buildings, this regulation shall likewise apply and the midpoint of the shortest line that can be drawn between the two (2) buildings shall be employed as the lot line. ~~No structure shall be placed in front of and within three (3) feet of an egress window required by the Manatee County Building Code.~~

Commented [LDI82]: No need to repeat if already in the building code.

1. ~~*702.7.1.*~~ *Cornices and Similar Features*. Cornices, awnings, leaves, gutters or other similar features shall be at least eight (8) feet above finish grade and may extend three (3) feet into any required yard or yard setback, but not nearer to any lot line than a distance of five (5) feet~~, except as provided below in Section 702.7.1.1~~. Such features ~~listed above~~ may encroach a maximum of eighteen (18) inches into an easement. ~~702.7.1.1. After consultation with the Building Director, the Transportation Director~~The Department Director may approve encroachments of ~~C~~cornices and ~~S~~similar ~~F~~features closer to the property line than five (5) feet~~,~~ after making a finding that the encroachment will have no negative effect, specifically on the stormwater management plan for the property. In no case may the County Administrator approve an encroachment ~~be~~ closer than four (4) feet to the property line.

2. ~~*702.7.2.*~~ *Sills, Leaders, and Belt Courses*. Sills, leaders, belt courses and similar ornamental features may extend twelve (12) inches into any required yard.

3. ~~*702.7.3.*~~ *Fences and Hedges.* Fences~~,~~ and hedges are permitted in required yards, subject to the provisions of ~~Section 703~~Chapter 5, Part II, Accessory Uses and Structures, and the provisions of the Whitfield Residential Overlay District and the Cortez Fishing Village Overlay District.

4. ~~*702.7.4.*~~ *Balconies, Chimneys, Bay Windows, etc.* Bay windows, oriels, balconies and chimneys not more than ten (10) feet in width may extend three (3) feet into any required front or side yard; ten (10) feet into any required rear yard; but not nearer to any side lot line than a distance of five (5) feet nor to any rear lot line than a distance of fifteen (15) feet. A ~~manufactured~~ mobile home may have one (1) bay window that encroaches no more than one (1) foot into any required yard, but not nearer to any lot line than four (4) feet.

5. ~~*702.7.5.*~~ *Outside Stairways.* An outside stairway, unenclosed above and below the steps thereof, may extend four (4) feet into any required side or rear yard, but not nearer to any side lot line than a distance of ten (10) feet.

6. ~~*702.7.6.*~~ *Easement Encroachments*. Minor encroachments into side or rear yard drainage and/or utility easements for air conditioning and pool equipment may be permitted, provided that all of the following conditions are met:

   a. ~~a.~~ A determination is made by the ~~Transportation~~ Public Works Department that the drainage function of the easement will not be impeded;

   b. ~~b.~~ Property Owner must agree to remove the encroachment at ~~their~~ his/her expense should Manatee County and/or the easement holder deem that the encroachment poses a conflict to their use of the easement. Additionally, the Property Owner shall record an agreement to release and Hold Harmless the easement holder prior to Certificate of Occupancy.

   c. ~~c.~~ If the encroachment requires the relocation of an existing utility, permission from the respective utility shall be obtained prior to its relocation;

   d. ~~d.~~ The functionality of the easement shall not compromised; and

   e. ~~e.~~ No encroachment shall be permitted within a Conservation Easement.

~~**702.8.**~~ **Open Space Requirements**.

~~702.8.1. Generally.~~

The open space requirements presented for a given zoning district shall be considered as a minimum, and such open space shall be located on the same lot as the primary use or structure, except as specifically provided otherwise in this Code. Open space requirements shall be expressed as a percentage of the gross area of the lot.

~~See also Section 722, Installation and Maintenance of Required Improvements~~

~~702.8.2. Reduction Prohibited.~~

F. No part of the required open space in any development shall be subsequently reduced below the minimum requirements of this Code, nor be utilized in any manner contrary to the provisions of this Code.

~~**702.9.** **Minimum Floor Elevation**.~~

~~702.9.1. *Generally.*~~

G. ~~A.~~ The minimum finished floor elevation for structures in the floodplain shall be in accordance with the requirements of this section, in addition to Section ~~717~~801, Stormwater Management and Section ~~718703~~802, Floodplain Management.

~~702.9.2. *Swales.* Swales shall be constructed along side and rear lot lines sloped toward and discharging into a retention/detention basin or into an acceptable drainage facility, drainage outfall, or drainage system, approved by the County Engineer in accordance with Section 717, Stormwater Management and the Manatee County Highway and Drainage Standards.~~

~~702.10. Administrative Variances for Errors in Yard Measurements and Front Yard Setbacks in Established Neighborhoods. (See Section 509.6).~~

401.4. ~~602.3.~~ **Schedule of Area, Height, Bulk and Placement Regulations.**

Except as specifically provided in this Code, regulations governing the minimum lot area, width and area per dwelling unit, required front, side and rear yards, maximum permitted floor area ratio, maximum permitted height of structures, maximum permitted lot coverage, maximum permitted impervious surface and related matters for the standard districts shall be as shown in this section~~Figure 6 - Schedule of Area, Height, Bulk and Placement Regulations~~. More specific standards for certain uses are listed in Chapter 5.

Permitted variations shall result from peculiar shapes of land, the necessity of extending streets, or other unusual circumstances, but shall not be permitted simply because the existing lots, ~~manufactured~~ mobile home spaces, streets, buffers, etc., do not meet these standards. Improvement of nonconforming conditions in existing developments may be required as a precedent to expansion of such developments when such improvement is feasible.

~~602.4 Procedures for Extraction District~~

Commented [LDI83]: Subsection B moved to the Floodplain section in chapter 8.

Commented [LDI84]: Moved to PW Manual

Commented [LDI85]: No need to state this here.

Commented [LEA86]: Reconsider this paragraph in Phase 2 as it touches on variances/modifications and non-conformities, which are addressed in other chapters.

Commented [LEA87]: Sec. 602.4 moved to chap. 5

Table 4 - 3. ~~:~~ Schedule of Bulk and Dimensional Standards for ~~Agricultural and~~ Village Districts

	Village		
	Myakka	Rubonia	Parrish[16]
DENSITY/INTENSITY			
Max~~imum~~. Residential~~-~~ Density	6.0~~-DUA~~[17]	3.0~~-DUA~~	3.0~~-DUA~~
Max. FAR	0.23	0.23	0.23
Min.~~imum~~ Open Space(%), Non-residential	20~~%~~	20~~%~~	20~~%~~
LOT STANDARDS			
Min.~~imum Zoning~~ Lot Area~~Size:~~ (~~S~~sq. ~~F~~ft.)~~/DU~~			
Single~~-~~ Family Detached	10,000	6,000	10,000
Single~~-~~ Family Semi-Detached	6,000	6,000	6,000
Duplex	8,000	5,000	8,000
Single~~-~~ Family Attached [18]	2,400/3,600~~[19]~~	2,400/3,600~~[19]~~	2,400/3,600~~[19]~~
Individual Mobile~~Manufactured~~ Homes	217,800	217,800	217,800
~~Other Allowed Uses~~Non-residential	10,000	10,000	10,000
Min.~~imum Zoning~~ Lot ~~Size:~~ Width (ft.)			
Single~~-~~ Family Detached	75	60	75
Single~~-~~ Family Semi-Detached	50	50	50
Duplex	120	100	120
Single~~-~~ Family Attached[20]	24/34~~[21]~~	24/34~~[21]~~	24/34~~[21]~~
Individual Mobile~~Manufactured~~ Homes	200	200	200
~~Other Allowed Uses~~Non-residential	100	100	100
Min.~~imum~~ Unit Floor Area			
~~Single-Family Detached~~Residential	600	600	600
~~Single-Family Semi-Detached~~	~~600~~	~~600~~	~~600~~
~~Duplex~~	~~600~~	~~600~~	~~600~~
~~Single-Family Attached~~	~~600~~	~~600~~	~~600~~
~~Individual Manufactured Homes~~	~~600~~	~~600~~	~~600~~
~~Other Allowed Uses~~	~~N/A~~	~~N/A~~	~~N/A~~
MINIMUM SETBACKS (ft.)			
Front			
Single-Family Detached[22]	20~~/25[23]~~	20~~/25[23]~~	20~~/25[23]~~
~~Single-Family Semi-Detached~~All other residential	25	25	25
~~Duplex~~	~~25~~	~~25~~	~~25~~
~~Single-Family Attached~~	~~25~~	~~25~~	~~25~~
~~Individual Manufactured Homes~~	~~25~~	~~25~~	~~25~~
~~Other Allowed Uses~~Non-residential	25	25	25
Side (street & interior)			
~~Single-Family Detached~~Residential	10	8	10
~~Single-Family Semi-Detached~~	~~10~~	~~8~~	~~10~~
~~Duplex~~	~~10~~	~~8~~	~~10~~
~~Single-Family Attached~~	~~10~~	~~8~~	~~10~~

Commented [LEA88]: Not new; consolidated footnotes.

Commented [LEA89]: All residential uses have the same requirements.

Commented [LEA90]: Consolidated footnotes.

[16] For commercial properties in the Parrish Commercial Village Overlay District, also see Section ~~604.11~~403.4. PCV – Parrish Commercial Village Overlay District.

[17] Shall not exceed ~~three (~~3~~)~~ ~~du~~units/acre if located within the velocity zone of the coastal high hazard area.

[18] Minimum lot/acreage lot.

~~[19] Minimum lot/acreage lot.~~

[20] When two dimensions are given, the second dimension is for corner and end lots.

~~[21] Minimum width/corner and end lots.~~

[22] Front-loaded garages, detached or attached to a single-family dwelling, require an additional 5-foot front yard setback.

~~[23] In all cases, the minimum front yard setback for the structure, including structures with side-loaded garages, shall be twenty (20) feet; the minimum setback for a front-loaded attached or detached garage or carport shall be twenty-five (25) feet.~~

	Village		
	Myakka	Rubonia	Parrish[16]
~~Individual Manufactured Homes~~	~~10~~	~~8~~	~~10~~
~~Other Allowed Uses~~Non-residential[24]	10~~[25]~~	10~~[25]~~	10~~[25]~~
Rear			
~~Single-Family Detached~~Residential	20	20	20
~~Single-Family Semi-Detached~~	~~20~~	~~20~~	~~20~~
~~Duplex~~	~~20~~	~~20~~	~~20~~
~~Single-Family Attached~~	~~20~~	~~20~~	~~20~~
~~Individual Manufactured Homes~~	~~20~~	~~20~~	~~20~~
~~Other Allowed Uses~~Non-residential [24]	15~~[25]~~	15~~[25]~~	15~~[25]~~
Waterfront[26]	30	30	30
BUILDING HEIGHT			
Maximum (ft.)~~. Height~~	35	35	35

Notes:

~~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.~~Properties within an Overlay District must also comply with the standards of such district.

Commented [LEA91]: Moved from Section 702.6.8

Commented [LEA92]: Already stated in footnote.

[24] Twenty-five (25) feet when abutting a residential land use.

~~[25] Twenty-five (25) feet when abutting a residential land use.~~

[26] Waterfront setback may be reduced by 5 ft. for platted lots of record and special exception status waterfront lots. Mobile homes and recreational vehicles are exempt from this waterfront setback requirement.

	Village		
	Myakka	Rubonia	Parrish
DENSITY/INTENSITY			
Max. Residential Density (a)	6.0	3.0	3.0
Max. FAR	0.23	0.23	0.23
Min. Open Space (%), Non-residential	20	20	20
LOT STANDARDS			
Min. Lot Area (sq. ft.)			
Single family Detached	10,000	6,000	10,000
Single family Semi-Detached	6,000	6,000	6,000
Duplex	8,000	5,000	8,000
Single Family-Attached	2,400(c)	2,400(c)	2,400(c)
Individual Manufactured Homes	217,800	217,800	217,800
Non-residential	10,000	10,000	10,000
Min. lot width (ft.)			
Single family Detached	75	60	75
Single family Semi-Detached	50	50	50
Duplex	120	100	120
Single Family-Attached	24/34(dc)	24/34(dc)	24/34(dc)
Individual Manufactured Homes	200	200	200
Non-residential	100	100	100
Min. Unit Floor Area			
Single family DetachedResidential	600	600	600
Single family Semi-Detached	600	600	600
Duplex	600	600	600
Single Family-Attached	600	600	600
Individual Manufactured Homes	600	600	600
Other Allowed Uses			
MINIMUM SETBACKS (ft.) (d)			
Front			
Single family Detached	20(b)	20(b)	20(b)
Single family Semi-Detached	25	25	25
DuplexAll other residential	25	25	25
Single Family-Attached	25	25	25
Ind. Manufactured Homes	25	25	25
Non-residentialOther Allowed Uses	25	25	25

Commented [LDI93]: The lot size for Duplex should be larger than SF. Recommend switching figures.

	Village		
	Myakka	Rubonia	Parrish
Side (street & interior)			
Single family Detached	10	8	10
Single family Semi-Detached	10	8	10
Duplex	8	10	10
Single Family-AttachedOther Residential	10	8	10
Individual Manufactured Homes	10	8	10
Non-residentialOther Allowed Uses	10/25(e)	10/25(e)	10/25(e)
Rear			
Single family DetachedResidential	20	20	20
Single family Semi-Detached	20	20	20
Duplex	20	20	20
Single Family-Attached	20	20	20
Individual Manufactured Homes	20	20	20
Non-residentialOther Allowed Uses	15	15	15
Waterfront (e)	30	30	30
BUILDING HEIGHT (d)			
Maximum (ft)	35	35	35

Notes:

Properties within an Overlay District must also comply with the standards of such district.
See Chapter 4 for additional standards applicable to specific uses.

Footnotes:

Properties within an Overlay District must also comply with the standards of such district.

(a) Density shall not exceed 3 units/acre if located within the velocity zone of the Coastal High Hazard Area.

(b) Front-loaded garages, detached or attached to a single-family dwelling, require an additional 5-foot front yard setback.

(c) Minimum size for lot acreage is 3,600 sf.

(dc) When two dimensions given, the second dimension is for corner and end lots.

(d) See Section 302.5 for compatibility standards between residential and non-residential uses.

(e) Min. side setback shall be 25 feet when abutting a residential land use.Waterfront Ssetback: Mmay be reduced by 5 ft. for platted lots of record and special exception status waterfront lots. Manufactured homes and recreational vehicles are exempt from this waterfront setback requirement.

Commented [LDI94]: If design standards are adopted for urban/suburban/rural, this standard can be moved there

Commented [LDI95]: Not sure what this means

Table 4 - 4. Schedule of Bulk and Dimensional Standards for Agricultural and Residential Districts

	Agricultural		Single Family					Duplex			Multi-Family	
	A	A-1	RSF-1	RSF-2	RSF-3	RSF-4.5	RSF-6	RDD-3	RDD-4.5	RDD-6	RMF-6	RMF-9
DENSITY/INTENSITY												
Max~~imum~~. Residential Density	0.2~~/DUA~~	1.0~~/DUA~~	1.0~~/DUA~~	2.0~~/DUA~~	3.0~~/DUA~~	4.5~~/DUA~~	6.0~~/DUA~~	3.0~~-DUA~~	4.5~~-DUA~~	6.0 ~~DUA~~	6.0~~-DUA~~	9.0~~-DUA~~
Max. FAR	~~N/A~~0.2	~~N/A~~0.2	~~N/A~~0.23	~~N/A~~0.23	~~N/A~~0.23	~~N/A~~0.23	~~N/A~~0.23	0.15	0.15	0.15	0.15	0.15
Min. ~~imum~~ Open Space (%), Non-residential	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20~~%~~	20~~%~~	20~~%~~	20~~%~~	20~~%~~
LOT STANDARDS												
Min. ~~imum Zoning~~ Lot Area~~Size:~~ (~~S~~sq. ~~F~~ft.)~~/DU~~												
Single ~~-~~Family Detached	217,800[27]	43,560	30,000	15,000	10,000	7,000	6,000	8,000	7,000	6,000	6,000	6,000
Single ~~-~~Family Semi-Detached								4,000[28]	4,000[28]	3,500	6,000	
Duplex								8,000[28]	7,000[28]	7,000	7,000	3,000
Single ~~-~~Family Attached[29]											2,400/ 3,400	2,400/ 3,400
Multi-Family											7,000	10,000
~~Other Allowed Uses~~Non-residential uses	217,800	43,560	30,000	15,000	10,000	7,000	6,000	12,000	8,000	7,000	6,000	10,000
Min. ~~imum Zoning~~ Lot ~~Size:~~ Width (ft.)												
Single ~~-~~Family Detached	200	100	100	80	75	70	60	75	70	60	50	50
Single ~~-~~Family Semi-Detached								40[28]	40[28]	35	50	
Duplex								75[28]	70[28]	70	100	35
Single ~~-~~Family Attached [29]											24/34	24/34
Multi-Family											100	100
~~Other Allowed Uses~~Non-residential uses	200	100	100	80	75	70	60	75	80	70	50	100

[27] The minimum lot size cannot include wetlands, unless the standards of Section 702.4.3 are met.

[28] Lots of record existing prior to 1981 shall contain a minimum of ~~seven thousand (~~7,000~~)~~ square feet and a width of ~~seventy (~~70~~)~~ feet to allow a duplex, or ~~three thousand five hundred (~~3,500~~)~~ square feet and ~~thirty-five (~~35~~)~~ feet in width for a single-family semi-detached unit. Side yard setbacks may be reduced to ~~eight (~~8~~)~~ feet. Existing duplexes may be split into semi-detached units provided that these minimum requirements are met.

[29] When two dimensions are given, the second dimension is for corner and end lots.

Commented [LDI96]: All the residential districts allow some non-residential uses, even if it's just "community uses" and "residential support uses;" however, some districts include standards for these allowable non-residential uses and some don't.

Commented [LDI97]: Yellow highlighted cells indicate no standard in current code. Dimensions shown are proposed by LEA.

Commented [LEA98]: Staff: Shouldn't all districts have the footnote restricting density to 3 upa if located within velocity zone? Current code doesn't have it that way.

Commented [LEA99]: From Comp Plan

Commented [LEA100]: Current draft has changed this to Attached Dwellings but not in other tables.

	Agricultural		Single Family					Duplex			Multi-Family	
	A	A-1	RSF-1	RSF-2	RSF-3	RSF-4.5	RSF-6	RDD-3	RDD-4.5	RDD-6	RMF-6	RMF-9
Min.~~imum~~ Unit Floor Area (sq. ft.)[30]												
Single-Family Detached	850~~[31]~~	1,000 ~~[31]~~	1,200	1,200	1,200	1,000	600	1,200~~[30]~~	1,000~~[30]~~	650~~[30]~~	900	900
Mobile Homes	400	400										
Single-Family Semi-Detached								600	600	650~~[30]~~	900	
~~Duplex~~All other residential uses								600	600	650~~[30]~~	650	650
~~Single-Family Attached~~											~~650~~	~~650~~
~~Multi-Family~~											~~650~~	~~650~~
~~Other Allowed Uses~~	~~850[31]~~	~~1,000[31]~~	~~1,200~~	~~1,200[30]~~	~~1,200[30]~~	~~1,000~~	~~600~~	~~650[30]~~	~~650[30]~~	~~650[30]~~	~~650~~	~~650~~
MINIMUM SETBACKS (ft.)												
Front[30]												
Single-Family Detached	50	50	40	25~~[30]~~	25~~[30]~~	20~~/25~~[32]	20~~/25~~[32]	25~~[30]~~	25~~[30]~~	25~~[30]~~	20~~/25~~[17]	20~~/25~~[17]
Single-Family Semi-Detached								25~~[30]~~	20~~/25~~[30,32] ~~, 33~~	20~~/25~~[30,32] ~~, 33~~	25	
Duplex								25~~[30]~~	20~~/25~~[30,32] ~~,33~~	25~~[30]~~	25	25
Single-Family Attached											25	25
Multi-Family											25[34]	25[34]
Other Allowed Uses	50	50	40	25	25	20~~/25~~[32]	20~~/25~~[32]	25~~[30]~~	25~~[30]~~	25~~[30]~~	25	25
Side (street and interior):												
Single-Family Detached	10	10	10	10	10	8	8	10	8	8	10	10[34]
Single-Family Semi-Detached								10[28]/15 [35]	10[28]/15[35]	8/15[35]	10/15[34]	
Duplex								10	10	8	10	10
Single-Family Attached											10	10
Multi-Family											10	10[34]

Commented [LEA101]: Added to remove related footnotes.

[30] Areas within the Whitfield Residential Overlay District are subject to the minimum yards and floor area requirements of Section 403.13~~604.7~~.

~~[31] A minimum floor area four hundred (400) square feet for manufactured homes.~~

[32] Front-loaded garages, detached or attached to a single-family dwelling, require an additional 5-foot front yard setback.

~~[33] In all cases, the minimum front yard setback for the structure, including structures with side loaded garages, shall be twenty (20) feet; the minimum setback for a front-loaded attached or detached garage or carport shall be twenty-five (25) feet.~~

[34] Increase 10' for each story over 1 where abutting a single family residential district.

[35] Per side/where only one (1) side yard is provided.

	Agricultural		Single Family					Duplex			Multi-Family	
	A	A-1	RSF-1	RSF-2	RSF-3	RSF-4.5	RSF-6	RDD-3	RDD-4.5	RDD-6	RMF-6	RMF-9
Other Allowed Uses	10	10	10	10	10	8	8	15	15	15	15	10[34]
Rear												
Single-Family Detached	25[36]	25	25	25	20	20	20	20	20	20	20	20
Single-Family Semi-Detached								20	20	20	20	
Duplex								20	20	20	20	20
Single-Family Attached											20	20
Multi-Family											25[34]	25[34]
Other Allowed Uses	25[36]	25	25	25	20	20	20	20	20	20	25	25[34]
Waterfront	30	30	30	30	30	30	30	30	30	30	30	30
BUILDING HEIGHT												
Max. Height	35	35	35	35	35	35	35	35	35	35	35	35

Commented [LEA102]: Moved from 702.6.8

[36] 50' for manufactured homes.

	Agricultural		Single Family					Duplex			Multi-Family	
	A	A-1	RSF-1	RSF-2	RSF-3	RSF-4.5	RSF-6	RDD-3	RDD-4.5	RDD-6	RMF-6	RMF-9
DENSITY/INTENSITY												
Max. Residential Density (a)	0.2	1.0	1.0	2.0	3.0	4.5	6.0		4.5	6.0	6.0	9.0
Max. FAR	0.2	0.2	0.23	0.23	0.23	0.23	0.23	0.15	0.15	0.15	0.15	0.15
Min. Open Space (%), Non-residential	-	-	-	-	-	-	-	20	20	20	20	20
LOT STANDARDS												
Min. lot area (sq. ft.)												
Single Family Detached	217,800	43,560	30,000	15,000	10,000	7,000	6,000	8,000	7,000	6,000	6,000	6,000
Single family Semi-Detached								4,000(a)	4,000(a)	3,500	6,000	
Duplex	-	-	-	-	-	-	-	8,000(b)	7,000(b)	7,000(b)	7,000	3,000
Single Family Attached Dwellings	-	-	-	-	-	-	-	-	-	-	2,400/	2,400/
Multi-Family Dwellings	-	-	-	-	-	-	-	-	-	-	7,000	10,000
Other Allowed UsesNon-residential uses	217,800	43,560	30,000	15,000	15,000	15,000	15,000	12,000	8,000	7,000	6,000	10,000
Min. lot width (ft.) (f)												

Commented [LDI103]: FARs for Ag and SF districts pulled from comp plan. FARs for DUP and MF pulled from current code.

	Agricultural		Single Family					Duplex			Multi-Family	
	A	A-1	RSF-1	RSF-2	RSF-3	RSF-4.5	RSF-6	RDD-3	RDD-4.5	RDD-6	RMF-6	RMF-9
Single fFamily Detached	200	100	100	80	75	70	60	75	70	60	50	50
Single family Semi-Detached								40(a)	40(a)	35	50	
Duplex								75(b)	70(b)	70(b)	100	35
Single Family Attached											24/34(d)	24/34(d)
Multi-Family Dwellings											100	100
Non residential uses	200	100	100	80	75	70	60	75	80	70	50	100
Min. Unit Floor Area (sq. ft.)												
Single Family Detached	850	1,000	1,200	1,200	1,200	1,000	600	1,200	1,000	900	900	900
Single family Semi-Detached								600	600	650(9)	900	
Manufactured Mobile Homes	400	400										
All other residential uses								600	600	650	650	650
SingleFamily Attached											650	650
Multi-Family Dwellings											650	650
MINIMUM SETBACKS (ft.) (g)												
Front	50	50	40	25	25	20/25(c	20/25(c	25(c)	20/25(c)	20/25(c)	20/25(c)	20/25(c)
Single family Semi-Detached								25	20/25(a,	20/25(a,b	25	
Single Family Detached	-	-	-	-	-	-	-	25	25	25	20/25(c)	20/25(c)
Duplex								25	20/25(c)	25	25	25
SingleFamily Attached											25	25
Multi-Family Dwellings											25*	25*
Other allowed uses								25	25	25	25	25
Side (street & interior):												

Commented [LDI104]: Combined above into all other residential uses

Commented [LDI105]: Combined above into all other residential uses

Commented [LDI106]: Current 25' seems too deep.

	Agricultural		Single Family					Duplex			Multi-Family	
	A	A-1	RSF-1	RSF-2	RSF-3	RSF-4.5	RSF-6	RDD-3	RDD-4.5	RDD-6	RMF-6	RMF-9
Residential	10	10	10	10	10	8	8	10(b)	810(b)		10	10
Single family Semi-Detached								10(a)/15(b)	10(a)/15(b)	8(a)/15(b)	10(i)/15(b)	
Duplex								10*	10*	8	10	10
SingleFamily-Attached											10	10
Single-Family Detached								10	8	8	10	10*
Multi-Family Dwellings											10	10
Non-residential uses	15	15	15	15	15	15	15	15	15	15	15	10
Rear												
Rear	25(ge)	25(ge)	25	25	20	20	20	20	20	20	20	20
Single family Semi-Detached								20	20	20	20	
duplex								20	20	20	20	20
SingleFamily-Attached											20	20
Multi-Family Dwellingsand Other Uses											25*	25*
Other allowed uses								20	20	20	25	25(a)
Waterfront (h)	30	30	30	30	30	30	30	30	30	30	30	30
BUILDING HEIGHT (g)												
Maximum Building Height(ft.)	35	35	35	35	35	35	35	35	35	35	35	35

Notes:

- Properties within an Overlay District must also comply with the standards of such district.
- See Chapter 4 for additional standards applicable to specific uses.

Footnotes:

(a) Density shall not exceed 3 units/acre if located within the velocity zone of the Coastal High Hazard Area.

(ab) Minimum lot size and width for duplex units assume both units will be on the same site. Developed duplex sites may be split into two separate lots. However, the newly created lots may not be developed with any other use unless the lot meets the minimum lot and width requirements of the districtExisting duplexes may be split into semi-detached units provided that these minimum requirements are met. New duplex units may be allowed on Lots of record existing prior to 1981,shall provided the lot contains a minimum area of 7,000 square feet and a width of 70 feet to allow a duplex, or 3,500 square feet and 35 feet in width for a single-family semi-detached unit. In such cases, Sside yard setbacks may be reduced to eight feet.

(b)Per side/where only one side yard is provided.

(c) Front loaded garages, detached or attached to a single-family dwelling, require an additional 5-foot front yard setback.

(d) Minimum size for lot acreage is 3,400 sf.

(ed) When two dimensions given, the second dimension is for corner and end lots.

(e) 50 feet minimum for mobile homes.

(f) Corner lots within all residential districts shall be at least 10 feet greater in width than the minimum established for the zoning district.

(g) See Section 302.5 for compatibility standards between residential and non-residential uses.

(h) Waterfront setback mWaterfront Setback: May be reduced by 5 ft. for platted lots of record and special exception status waterfront lots. Manufactured homes and recreational vehicles are exempt from this waterfront setback requirement.

(i) *** The minimum lot size cannot include wetlands, unless the standards of Section 702.4.3 are met.
*Increase 10' for each story over 1 where abutting a single family residential district.

Commented [LDI107]: Recommend against allowing duplex sites to be split. What if the duplex unit is demolished and the lots sold as 2 separate sites, and the new owner wants to build a single family? Couldn't be allowed on that site as the site it won't meet the minimum requirements. can't build a duplex againa s now there are two different owners.

Commented [LDI108]: Deleted as this was unclear. If needed please explain.

Commented [LDI109]: Moved to compatibility section

Table 4 - 5. Schedule of Bulk and Dimensional Standards for ~~Residential Single-Family Manufactured~~Mobile Home Districts

	~~Manufactured~~ Mobile Home[37]	
	RSMH-4.5	RSMH-6
DENSITY/INTENSITY		
Max Residential Density	4.5 ~~dwelling units per acre~~	6.0 ~~dwelling units per acre~~
Max. FAR	0.15	0.15
~~Proj/Dist. Min.~~Min. Project Area (acres)	20 ~~acres~~	20 ~~acres~~
MIN. OPEN SPACE (%)		
Residential	20 ~~percent of gross area~~	20 ~~percent of gross area~~
Non-Residential	15 ~~percent of gross area~~	15 ~~percent of gross area~~
LOT STANDARDS		
Min. Lot Area (sq. ft.)~~:~~		
Single-wide M.H. Site	3,000 ~~square foot~~	3,000 ~~square foot~~
Double-wide M.H. Site	4,000 ~~square foot~~	4,000 ~~square foot~~
Triple-wide M.H. Site	4,750 ~~square foot~~	4,750 ~~square foot~~
Non-residential use	10,000 ~~square foot~~	10,000 ~~square foot~~
Min. Lot Width~~:~~ (ft.)		
Single-wide M.H. Site	40 ~~feet~~	40 ~~feet~~
Double-wide M.H. Site	50 ~~feet~~	50 ~~feet~~
Triple-wide M.H. Site	60 ~~feet~~	60 ~~feet~~
Non-residential use	75 ~~feet~~	75 ~~feet~~
~~MIN. YARDS~~MINIMUM SETBACKS (ft.)[38]		
Front	5 ~~feet~~	5 ~~feet~~
Side (street & interior)~~and Rear~~	5 ~~feet~~	5 ~~feet~~
Rear	5	5
Waterfront	30	30
MINIMUM BUFFERS ~~FOR:~~(ft.)		
Street/Residential District	50 ~~feet~~	50 ~~feet~~
Non-Residential District	15 ~~feet~~	15 ~~feet~~
BUILDING HEIGHT (Max) (ft.)		
Residential	15 ~~feet~~	15 ~~feet~~
Non-Residential	35 ~~feet~~	35 ~~feet~~

Commented [LEA110]: From Comp Plan

[37] A Recreation/Stormwater Shelter Building is ~~R~~required in conjunction with all RV and mobile home parks and subdivisions. See Section ~~716~~511.4.

[38] 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 mobile home parks without recorded lots or lot lines refer to Section ~~1111.1~~107.7.E.

	Manufactured Home	
	RSMH-4.5*	RSMH-6*
DENSITY/INTENSITY		
Max. Residential Density	4.5	6.0
Max. FAR (other allowed uses)	0.15	0.15
Min. Project/ District Area (acres)	20	20
MIN. OPEN SPACE (%)		
Residential	20	20
Non-Residential	15	15
LOT STANDARDS		
Min. lot area (sq. ft.)		
Single-wide MH site	3,000	3,000
Double-wide MH Site	4,000	4,000
Triple-wide MH Site	4,750	4,750
Non-residential Use	10,000	10,000
Min. lot width (ft.)		
Single-wide MH site	40	40
Double-wide MH Site	50	50
Triple-wide MH Site	60	60
Non-residential Use	75	75
MINIMUM SETBACKS (ft.) **		
Front	5	5
Side (street & interior)	5	5
Rear	5	5
Waterfront	30	30
MINIMUM BUFFERS (ft.)		
Street/ Residential Districts	50	50
Non-residential District	15	15
BUILDING HEIGHT (Max) (ft.)		
Residential	15	15
Non-Residential	35	35

Notes:

*A recreation/stormwater shelter building is required in conjunction with all RV and manufactured home parks and subdivisions. See Section 716431.13.
**All special exception status waterfront lots shall meet a 25-foot waterfront setback. Manufactured homes and recreational vehicles are exempt from this setback requirement.
**For MH parks without recorded lots or lot lines refer to Section 107.7.D1111.1.

Table 4 - 6: Schedule of Bulk and Dimensional Standards for Office, Commercial, Industrial and Extraction Districts

	Office		Commercial					Industrial		Extraction	Institutional
	PR-S	PR-M	NC-S	NC-M	GC	HC	~~CRV~~RVP[39]	LM[40]	HM	EX	MP-I
DENSITY/INTENSITY											
Maximum Density per FLUM							12 sites/acre				~~Based upon maximums in Future Land Use Categories~~
Max. FAR	0.23[41][43]	0.23[41] [43]	0.23[41] [43]	0.23[41] [43]	0.25/ 0.35[41,42] [43]	0.25/ 0.35[43]		0.35/ 0.75[43]	0.5	0.23	
Max Building~~.~~ Size (~~S~~sq. ~~F~~ft.) Non-residential	3,000	30,000	3,000	30,000	50,000	50,000[44]					
Min. ~~imum~~ Landscaped Open Space (%)	15~~%~~	15~~%~~	15~~%~~	15~~%~~	15~~%~~	15~~%~~	20~~%~~ (RV Parks)~~/~~ 15~~%~~ (Non-Resid)[45]	15~~%~~	15~~%~~	N/A	25%
~~MINIMUM ZONING LOT SIZE~~**LOT STANDARDS**											
Min. ~~imum Area Sq. Ft/DU~~ Lot Size (sq. ft.)	10,000[46]	10,000[46]	7,500[46]	7,500[46]	7,500	7,500	1,600/ 1,200/ 10,000[47]	10,000	10,000	5 acres	40 acres
Minimum Width (ft)	75	75	75	75	75	75	30/ 20/ 75[48]	100	100	200	
~~REQUIRED YARDS~~**MINIMUM SETBACKS (ft.)**											

Commented [LEA111]: Note moved to Ch. 5.

~~[39] 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. Project/District Minimum Size is 10 acres.~~

[40] Single-family residential uses within the LM District shall have 20 foot front yard setbacks, 8 foot side yard setbacks and 20 foot rear yard setbacks.

~~[41] To receive the maximum FAR, the Future Land Use Category must be taken into account and special approval may be required.~~

[42] For mini-warehouse uses, the maximum FAR may be used without special approval.

[43] To receive the greater FAR, Special Approval is required, as determined by Section ~~605~~345.

[44] Further restrictions affect property located in the IL (Industrial Light) future land use category. All relevant locational criteria shall be met 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 Approval.

~~[45] 20% of gross area for RV Parks, 15% of gross area for Non-residential~~

[46] For residential development see comparable residential district based on comprehensive plan category (In Res 6 see e.g., RSF-4.5 or FSMH-4.5.)

[47] ~~1,600 sq. ft. for Rec. Vehicle~~ RV without attachments~~,~~/ ~~1,200 sq. ft. for~~ Site in Designated Camping Area~~,~~/ ~~or 10,000 sq. ft. for~~ Non-residential or dwelling site

[48] ~~30 ft for~~ RV site~~,~~/ ~~20 ft for~~ Site in Designated Camping Area~~,~~/ ~~75 ft for~~ Non-residential or dwelling Site

	Office		Commercial					Industrial		Extraction	Institutional
	PR-S	PR-M	NC-S	NC-M	GC	HC	~~CRV~~RVP[39]	LM[40]	HM	EX	MP-I
Front & street side[49]	25	25	25	25	25	25	50	25[50,40]	25[50]	50	25/40[51]
Side	10~~/20~~[52]	10~~/20~~[52]	10~~/20~~[52]	10~~/20~~[52]	10~~/20~~[52,53]	10~~/20~~[52]	15	20/75/0[40, 54, 55]	20/75/0[54, 55]	10	20/30/40[56]
Rear	15~~/20~~[52]	15~~/20~~[52]	15~~/20~~[52]	15~~/20~~[52]	15~~/20~~[52]	15~~/20~~[52]	15	20/75/0[40, 54, 55]	20/75/0[54, 55]	25	
Waterfront	30	30	30	30	30	30	30	30	30	30	30
BUILDING HEIGHT											
Max. Height	35	35	35	35	35	35	35 (Non-Resid) 15 (Resid)~~[57]~~	45	55	N/A	7 stories or 84 feet[58]

Commented [LEA111]: Note moved to Ch. 5.

Commented [LEA112]: Moved from 702.6.8

[49] Areas within the Whitfield Residential Overlay District are subject to the minimum yards and floor area requirements of Section ~~604.7~~403.13.
[50] One additional foot in height may be added for each additional foot that is added to all required yards.
[51] Roadway buffer/setback from exterior roadways (structures)
[52] ~~Greater~~ 20 ft. yard required if adjacent to a residential district or future land use designation of Res or UF not meeting commercial locational criteria.
[53] Side yard setbacks in the GC district shall be increased to ~~fifteen (~~15~~)~~ feet if the non-residential structure(s) onsite exceed 50,000 square feet.
[54] One additional foot in height may be added for each additional foot that is added to all required yards.
[55] ~~Seventy-five feet~~ 75 ft. required if adjacent to a residential district or future land use designation of Res or UF not meeting commercial locational criteria. No yard required if abutting a railroad track for that portion of the building to be used for the transportation of products and material to and from the site. There is no minimum waterfront yard required for water dependent use structures.
[56] Perimeter buffer/setback from adjacent property 20 ft./30 ft. (non-residential) or 30 ft./40 ft. (residential)
~~[57] 35 ft for Non-Residential,/ 15 ft for Residential~~
[58] Building in excess of ~~thirty-five (~~35~~)~~ ~~feet~~ft. must be located a minimum of ~~one hundred (~~100~~)~~ ~~feet~~ft. from any property boundary or ~~five hundred (~~500~~)~~ ~~feet~~ft. from any waterfront property boundary. The Board of County Commissioners may allow structures in excess of ~~thirty-five (~~35~~)~~ ~~feet~~ft. within closer proximity to property boundaries under the provisions of Section ~~603.7.4.9~~402.7.

	Office		Commercial					Industrial		Extraction
	PR-S	PR-M	NC-S	NC-M	GC	HC	RVP	LM	HM	EX
DENSITY/INTENSITY										
Max. Residential Density (per FLUM)							12 sites/acre			
Max. FAR (e)	0.23	0.23	0.23	0.23	0.25/0.35 (ga,i)	0.25/0.35 (ga)	0.2	0.35/0.75 (ga)	0.5	0.23
Max. Building Size (Ssq. Fft.) Non-Residential	3,000	30,000	3,000	30,000	-30,000	-50,000	-	-50,000	-	-
Min. Open Space (%)	15	15	15	15	15	15	15	15	15	-
LOT STANDARDS										
Min. Lot Size (sq. ft.)	10,000(b)	10,000(b)	7,500(b)	7,500(b)	7,500	7,500	10,000	10,000	10,000	5 acres
Min. Lot Width (ft.)	75	75	75	75	75	75	75	100	100	200
MINIMUM SETBACKS (ft.) (f)										
Front (a)& street side	25	25	25	25	25	25	50	25(d)	25(d)	50
Side	10/20(e)	10/20(e)	10/20(e)	10/20(e)	10/20(e, h)	10/20(e)	10	20/75/0(fb, d)	20/75/0(fb,c)	10
Rear	15/20(e)	15/20(e)	15/20(e)	15/20(e)	15/20(e)	15/20(e)	25	20/75/0(fb, d)	20(/75/0 (fb,c)	25
Waterfront (d)	30	30	30	30	30	30	30	30	30	30
BUILDING HEIGHT										
Maximum (ft.)	35	35	35	35	35	35	35	45(c)(d)	55(c)	-

Notes: All special exception status waterfront lots shall meet a 25-ft waterfront setback. Manufactured homes and recreational vehicles are exempt from this requirement.

Properties within an Overlay District must also comply with the standards of such district.
See Chapter 4 for additional standards applicable to specific uses.

Footnotes: LM District Note: Single-family residential uses within the LM District shall have 20-ft minimum front yard setbacks, 8-ft side yard setbacks and 20-ft rear yard setbacks.

(a) In order to receive the greater FAR, Special Permit approval is required. For mini-warehouse uses, the maximum FAR is allowed by right.

Commented [LDI113]: Can't specify densities in LDC because the comp plan needs to be cleaned up first. OM allows 0 upa; LM 1 upa. Need to adjust comp plan. Can't be done in Ph. 1 as there are mapping issues to resolve (e.g. both PR-S and PR-M may be found in OL).

Commented [LDI114]: Currently limited to 3,000 sq. ft. (602.1.4.1 LDC); 30,000 sq. ft. per OL FLUM category or 300,000 in ROR

Commented [LDI115]: Currently limited to 50,000 sq. ft. (602.1.4.2, LDC); 30,000 sq. ft. per OL FLUM category or 300,000 in ROR

~~(b) 75 feet required if adjacent to a residential district or future land use designation of RES or UF not meeting commercial locational criteria. No yard required if abutting a railroad track for that portion of the building to be used for transportation of products and material to and from the site.~~

~~(a) Areas within the Whitfield Residential Overlay District are subject to the minimum yards and floor area requirements of Section 604.7.~~

~~(b) For residential development see comparable residential district based on comprehensive plan category. (In Res 6 see e.g., RSF-4.5, RDD-4.5 or RSMH-4.5).~~

~~(c) Per side/where only one side yard is provided.~~

~~(dc) One additional foot in height may be added for each additional foot that is added to all required yards.~~

~~(e) Greater yard required if a nonresidential use is to be located adjacent to a residential district or future land use designation of RES or UF.~~

~~(f) Seventy five feet required if adjacent to a residential district or future land use designation of RES or UF not meeting commercial locational criteria. No yard required if abutting a railroad track for that portion of the building to be used for transportation of products and material to and from the site.~~

~~(d) There is no minimum waterfront yard required for water dependent use structures.~~

~~(g) In order to receive the greater FAR, Special Approval is required.~~

~~(h) Side yard setbacks in the GC District shall be increased to fifteen (15) feet if the non-residential structure(s) onsite exceed 50,000 square feet.~~

~~(i) For mini warehouse uses, the maximum FAR may be used without special approval. (4) Further restrictions affect property located in the IL (Industrial Light) future land use category. All relevant locational criteria shall be met 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 Approval.All special exception status waterfront lots shall meet a 25-ft waterfront setback. Manufactured homes and recreational vehicles are exempt from this requirement.~~

~~(e) The FAR determines the total amount of development allowed on each site. However, the size of each building on the site may be further limited as shown in the table.~~

~~(f) See Section 302.5 for compatibility standards between residential and non-residential uses.~~

Commented [LDI116]: The fist note. above, states that all development must also meet regulations of overlays

~~FIGURE 6-2. SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS~~

		~~Minimum Zoning Lot Size~~		~~Required Yards~~						
	~~Maximum Density~~	~~Lot Size~~	~~Width~~	~~Front~~	~~Side~~	~~Rear~~	~~Max. FAR~~	~~Max. Height~~	~~Minimum Unit Floor Area~~	~~Minimum Open Space~~
~~A~~	~~.2/DUA~~	~~217,800***~~	~~200~~	~~50~~	~~10*~~	~~25*~~	~~N/A~~	~~35~~	~~850**~~	~~N/A~~
~~A-1~~	~~1.0/DUA~~	~~43,560~~	~~100~~	~~50~~	~~10~~	~~25~~	~~N/A~~	~~35~~	~~1,000**~~	~~N/A~~
~~RSF-1~~	~~1.0/DUA~~	~~30,000~~	~~100~~	~~40~~	~~10~~	~~25~~	~~N/A~~	~~35~~	~~1,200~~	~~N/A~~
~~RSF-2~~	~~2.0/DUA~~	~~15,000~~	~~80~~	~~25(9)~~	~~10~~	~~25~~	~~N/A~~	~~35~~	~~1,200(9)~~	~~N/A~~
~~RSF-3~~	~~3.0/DUA~~	~~10,000~~	~~75~~	~~25(9)~~	~~10~~	~~20~~	~~N/A~~	~~35~~	~~1,200(9)~~	~~N/A~~
~~RSF-4.5~~	~~4.5/DUA~~	~~7,000~~	~~70~~	~~20/25(11)~~	~~8~~	~~20~~	~~N/A~~	~~35~~	~~1,000~~	~~N/A~~
~~RSF-6~~	~~6.0/DUA~~	~~6,000~~	~~60~~	~~20/25(11)~~	~~8~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~

~~*50' for manufactured homes.~~

~~Note—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.~~

~~**A minimum floor area four hundred (400) square feet for manufactured homes.~~

~~***The minimum lot size cannot include wetlands, unless the standards of Section 702.4.3 are met.~~

		~~Minimum Zoning Lot Size~~		~~Required Yards~~						
	~~Maximum Density~~	~~Lot Size~~	~~Width~~	~~Front~~	~~Side~~	~~Rear~~	~~Max. FAR~~	~~Max. Height~~	~~Minimum Unit Floor Area~~	~~Minimum Open Space~~
~~RDD-3(9):~~										
~~Duplex~~	~~3 DUA~~	~~8,000*~~	~~75*~~	~~25(9)~~	~~10*~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~
~~Single-Family Semi-Detached~~	~~3 DUA~~	~~4,000*~~	~~40*~~	~~25(9)~~	~~*10/15**~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~
~~Single-Family Detached~~	~~3 DUA~~	~~8,000~~	~~75~~	~~25(9)~~	~~10~~	~~20~~	~~N/A~~	~~35~~	~~1,200(9)~~	~~N/A~~
~~Other allowed uses~~	~~3 DUA~~	~~12,000~~	~~75~~	~~25(9)~~	~~15~~	~~20~~	~~.15~~	~~35~~	~~650(9)~~	~~20%~~
~~RDD-4.5(9):~~										
~~Duplex~~	~~4.5 DUA~~	~~7,000*~~	~~70*~~	~~20/25(9)(11)~~	~~10*~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~
~~Single-Family Semi-Detached~~	~~4.5 DUA~~	~~4,000*~~	~~40*~~	~~20/25(9)(11)~~	~~*10/15**~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~
~~Single-Family Detached~~	~~4.5 DUA~~	~~7,000~~	~~70~~	~~25(9)~~	~~8~~	~~20~~	~~N/A~~	~~35~~	~~1,000(9)~~	~~N/A~~

~~Other allowed uses~~	~~4.5 DUA~~	~~8,000~~	~~80~~	~~25(9)~~	~~15~~	~~20~~	~~.15~~	~~35~~	~~650(9)~~	~~20%~~
~~RDD-6(9):~~										
~~Duplex~~	~~6.0 DUA~~	~~7,000~~	~~70~~	~~25(9)~~	~~8~~	~~20~~	~~N/A~~	~~35~~	~~650(9)~~	~~N/A~~
~~Single-Family Semi-Detached~~	~~6.0 DUA~~	~~3,500~~	~~35~~	~~20/25(9)(11)~~	~~8/15**~~	~~20~~	~~N/A~~	~~35~~	~~650(9)~~	~~N/A~~
~~Single-Family Detached~~	~~6.0 DUA~~	~~6,000~~	~~60~~	~~25(9)~~	~~8~~	~~20~~	~~N/A~~	~~35~~	~~900(9)~~	~~N/A~~
~~Other allowed uses~~	~~6.0 DUA~~	~~7,000~~	~~70~~	~~25(9)~~	~~15~~	~~20~~	~~.15~~	~~35~~	~~650(9)~~	~~20%~~

~~*Lots of record existing prior to 1981 shall contain a minimum of seven thousand (7,000) square feet and a width of seventy (70) feet to allow a duplex, or three thousand five hundred (3,500) square feet and thirty-five (35) feet in width for a single-family semi-detached unit. Side yard setbacks may be reduced to eight (8) feet. Existing duplexes may be split into semi-detached units provided that these minimum requirements are met.~~

~~**Per side/where only one (1) side yard is provided.~~

~~Note – 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.~~

		~~Minimum Zoning Lot Size~~		~~Required Yards~~						
	~~Maximum Density~~	~~Sq. Ft./DU~~	~~Width~~	~~Front(9)~~	~~Side~~	~~Rear~~	~~Max. FAR~~	~~Max. Height~~	~~Minimum Unit Floor Area(a)~~	~~Minimum Open Space~~
~~RMF-6:~~										
~~Multi-Family~~	~~6.0 DUA~~	~~7,000~~	~~100~~	~~25*~~	~~10*~~	~~25*~~	~~N/A~~	~~35~~	~~650~~	~~N/A~~
~~Duplex~~	~~6.0 DUA~~	~~7,000~~	~~100~~	~~25~~	~~10*~~	~~20~~	~~N/A~~	~~35~~	~~650~~	~~N/A~~
~~Single-Family Attached~~	~~6.0 DUA~~	~~2,400/3,400~~	~~24/34~~	~~25~~	~~10~~	~~20~~	~~N/A~~	~~35~~	~~650~~	~~N/A~~
~~Single-Family Detached~~	~~6.0 DUA~~	~~6,000~~	~~50~~	~~20/25(11)~~	~~10*~~	~~20~~	~~N/A~~	~~35~~	~~900~~	~~N/A~~
~~Single-Family Semi-Detached~~	~~6.0 DUA~~	~~6,000~~	~~50~~	~~25~~	~~10/15*~~	~~20~~	~~N/A~~	~~35~~	~~900~~	~~N/A~~
~~Other allowed uses~~	~~6.0 DUA~~	~~6,000~~	~~50~~	~~25~~	~~15~~	~~25~~	~~.15~~	~~35~~	~~650~~	~~20%~~
~~RMF-9:~~										
~~Multi-Family~~	~~9.0 DUA~~	~~10,000~~	~~100~~	~~25*~~	~~10*~~	~~25*~~	~~N/A~~	~~35~~	~~650~~	~~N/A~~
~~Single-Family Attached~~	~~9.0 DUA~~	~~2,400/3,400~~	~~24/34~~	~~25~~	~~10~~	~~20~~	~~N/A~~	~~35~~	~~650~~	~~N/A~~
~~Single-Family Detached~~	~~9.0 DUA~~	~~6,000~~	~~50~~	~~20/25(11)~~	~~10*~~	~~20~~	~~N/A~~	~~35~~	~~900~~	~~N/A~~
~~Duplex~~	~~9.0 DUA~~	~~3,000~~	~~35~~	~~25~~	~~10~~	~~20~~	~~N/A~~	~~5~~	~~650~~	~~N/A~~
~~Other allowed uses~~	~~9.0 DUA~~	~~10,000~~	~~100~~	~~25~~	~~10*~~	~~25*~~	~~.15~~	~~35~~	~~650~~	~~20%~~

~~VIL~~										
~~Individual Manufactured Homes~~	~~6 DUA/3 DUA(a., f.)~~	~~217,800~~	~~200~~	~~25~~	~~10/8(c)~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~
~~Single-Family Detached~~	~~6 DUA/3 DUA(a., f.)~~	~~10,000/6,000(c)~~	~~75/60(c)~~	~~20/25(11)~~	~~10/8(c)~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~
~~Single-Family Semi-Detached~~	~~6 DUA/3 DUA(a., f.)~~	~~6,000~~	~~50~~	~~25~~	~~10/8(c)~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~
~~Single-Family Attached(a., f.)~~	~~6 DUA/3 DUA(a., f.)~~	~~2,400/3,600(b)~~	~~24/34(d)~~	~~25~~	~~10/8(c)~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~
~~Duplex~~	~~6 DUA/3 DUA(a), (f)~~	~~8,000/5,000(c)~~	~~120/100(c)~~	~~25~~	~~10/8(c)~~	~~20~~	~~N/A~~	~~35~~	~~600~~	~~N/A~~
~~Other Allowed Uses(g)~~	~~N/A~~	~~10,000~~	~~100~~	~~25~~	~~10(e)~~	~~15(e)~~	~~0.23~~	~~35~~	~~N/A~~	~~20%~~

~~*Increase 10' for each story over 1 where abutting a single family residential district.~~

~~Note—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.~~

~~a. Myakka City/Rubonia and Parrish.~~

~~b. Minimum lot/acreage lot.~~

~~c. Myakka City and Parrish/Rubonia.~~

~~d. Minimum width/corner and end lots.~~

~~e. Twenty-five (25) feet when abutting a residential land use.~~

~~f. Shall not exceed three (3) du/acre if located within the velocity zone of the coastal high hazard area.~~

~~g. For commercial properties in the Parrish Commercial Village Overlay District, also see Section 604.11. PCV—Parrish Commercial Village Overlay District.~~

	~~Minimum Zoning Lot Size~~		~~Required Yards (Ft)~~						
	~~Minimum Area Sq. Ft./DU~~	~~Minimum Width (Ft)~~	~~Front(9)~~	~~Side~~	~~Rear~~	~~Max. FAR~~	~~Max. Height~~	~~Max. Bldg. Sq. Ft.~~	~~Minimum Landscaped Open Space~~
~~PR-S~~	~~10,000(3)~~	~~75~~	~~25~~	~~10/20 (1)~~	~~15/20 (1)~~	~~.23 (8)~~	~~35~~	~~3,000~~	~~15%~~
~~PR-M~~	~~10,000(3)~~	~~75~~	~~25~~	~~10/20 (1)~~	~~15/20 (1)~~	~~.23 (8)~~	~~35~~	~~30,000~~	~~15%~~
~~NC-S~~	~~7,500(3)~~	~~75~~	~~25~~	~~10/20 (1)~~	~~15/20 (1)~~	~~.23 (8)~~	~~35~~	~~3,000~~	~~15%~~
~~NC-M~~	~~7,500(3)~~	~~75~~	~~25~~	~~10/20 (1)~~	~~15/20 (1)~~	~~.23 (8)~~	~~35~~	~~30,000~~	~~15%~~
~~GC~~	~~7,500~~	~~75~~	~~25~~	~~10/20 (1)(7)~~	~~15/20 (1)~~	~~.25/.35 (5), (10)~~	~~35~~	~~50,000~~	~~15%~~
~~HC~~	~~7,500~~	~~75~~	~~25~~	~~10/20 (1)~~	~~15/20 (1)~~	~~.25/.35 (5)~~	~~35~~	~~50,000 (4)~~	~~15%~~
~~LM~~	~~10,000~~	~~100~~	~~25 (6)*~~	~~20/75/0*(2)(6)~~	~~20/75/0 (2)(6)*~~	~~.35/.75(5)~~	~~45*~~		~~15%~~

~~HM~~	~~10,000~~	~~100~~	~~25 (6)~~	~~20/75/0 (2)(6)~~	~~20/75/0(2)(6)~~	~~.5~~	~~55~~		~~15%~~
~~EX~~	~~5 Ac.~~	~~200~~	~~50~~	~~10~~	~~25~~	~~.23~~	~~N/A~~		~~N/A~~

~~(1)Greater yard required if adjacent to a residential district or future land use designation of Res or UF not meeting commercial locational criteria.~~
~~(2)Seventy-five feet required if adjacent to a residential district or future land use designation of Res or UF not meeting commercial locational criteria. No yard required if abutting a railroad track for that portion of the building to be used for the transportation of products and material to and from the site. There is no minimum waterfront yard required for water dependent use structures.~~
~~(3)For residential development see comparable residential district based on comprehensive plan category. (In Res 6 see e.g., RSF-4.5, RDD-4.5 or RSMH-4.5.)~~
~~(4)Further restrictions affect property located in the IL (Industrial Light) future land use category. All relevant locational criteria shall be met 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 Approval.~~
~~(5)In order to receive the greater FAR, Special Approval is required, as determined by Section 605.~~
~~(6)One additional foot in height may be added for each additional foot that is added to all required yards.~~
~~(7)Side yard setbacks in the GC District shall be increased to fifteen (15) feet if the non-residential structure(s) onsite exceed 50,000 square feet.~~
~~(8)To receive the maximum FAR, the Future Land Use Category must be taken into account and special approval may be required.~~
~~(9)Areas within the Whifield Residential Overlay District are subject to the minimum yards and floor area requirements of Section 604.7.~~
~~(10)For miniwarehouse uses, the maximum FAR may be used without special approval.~~
~~(11)In all cases, the minimum front yard setback for the structure, including structures with side loaded garages, shall be twenty (20) feet; the minimum setback for a front-loaded attached or detached garage or carport shall be twenty-five (25) feet.~~
~~Note—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.~~
~~*Single-family residential uses within the LM District shall have 20 foot front yard setbacks, 8 foot side yard setbacks and 20 foot rear yard setbacks.~~
~~(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 91-29, § 3, 11-20-91; Ord. No. 92-57, § 3, 10-12-92; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 95-19, § 2, 6-21-95; Ord. No. 98-50, § 3, 12-15-98; Ord. No. 00-22, § 2, 1-25-00; Ord. No. 02-20, § 2, 3-26-02; Ord. No. 08-67, § 5, 10-2-08; Ord. No. 09-09, §§ 3, 4, 2-3-09)~~

~~FIGURE 6-3. RESIDENTIAL SINGLE FAMILY MANUFACTURED HOME RSMH-4.5*~~

~~Regulatory Items~~		~~As Permitted by Comprehensive Plan to a Maximum of~~	~~Unit of Measure~~
~~Max Density~~		~~4.5~~	~~dwelling units per acre~~
~~Min. Area:~~			
	~~Single-wide M.H. Site~~	~~3,000~~	~~square foot~~
	~~Double-wide M.H. Site~~	~~4,000~~	~~square foot~~
	~~Triple-wide M.H. Site~~	~~4,750~~	~~square foot~~
	~~Non-residential use~~	~~10,000~~	~~square foot~~
~~Min. Width:~~			
	~~Single-wide M.H. Site~~	~~40~~	~~feet~~
	~~Double-wide M.H. Site~~	~~50~~	~~feet~~
	~~Triple-wide M.H. Site~~	~~60~~	~~feet~~
	~~Non-residential use~~	~~75~~	~~feet~~
~~Min. Yards**:~~			
	~~Front~~	~~5~~	~~feet~~
	~~Side and Rear~~	~~5~~	~~feet~~
	~~Non-Residential Max. Height~~	~~35~~	~~feet~~
	~~Residential Max. Height~~	~~15~~	~~feet~~
~~Open Space:~~			
	~~Residential~~	~~20~~	~~percent of gross area~~

	~~Non-residential~~	~~15~~	~~percent of gross area~~
~~Proj/Dist. Min.~~		~~20~~	~~acres~~
~~Minimum Buffers for:~~			
	~~Street/Residential District~~	~~50~~	~~feet~~
	~~Non-Residential District~~	~~15~~	~~feet~~

~~*Recreation/Stormwater Shelter Building Required. See Section 716.~~
~~**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 1111.1.~~
~~(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 92-60, § 3, 12-14-92)~~

~~FIGURE 6-4. RESIDENTIAL SINGLE FAMILY MANUFACTURED HOME RSMH-6.0*~~

~~Regulatory Items~~		~~As Permitted by Comprehensive Plan to a Maximum of~~	~~Unit of Measure~~
~~Max Density~~		~~6.0~~	~~dwelling units per acre~~
~~Min. Area:~~			
	~~Single-wide M.H. Site~~	~~3,000~~	~~square foot~~
	~~Double-wide M.H. Site~~	~~4,000~~	~~square foot~~
	~~Triple-wide M.H. Site~~	~~4,750~~	~~square foot~~
	~~Non-residential use~~	~~10,000~~	~~square foot~~
~~Min. Width:~~			
	~~Single-wide M.H. Site~~	~~40~~	~~feet~~
	~~Double-wide M.H. Site~~	~~50~~	~~feet~~
	~~Triple-wide M.H. Site~~	~~60~~	~~feet~~
	~~Non-residential use~~	~~75~~	~~feet~~
~~Min. Yards**:~~			
	~~Front~~	~~5~~	~~feet~~
	~~Side and Rear~~	~~5~~	~~feet~~
	~~Non-Residential Max. Height~~	~~35~~	~~feet~~
	~~Residential Max. Height~~	~~15~~	~~feet~~
~~Open Space:~~			
	~~Residential~~	~~20~~	~~percent of gross area~~
	~~Non-residential~~	~~15~~	~~percent of gross area~~
~~Proj/Dist. Min.~~		~~20~~	~~acres~~
~~Minimum Buffers for:~~			
	~~Street/Residential District~~	~~50~~	~~feet~~
	~~Non-Residential District~~	~~15~~	~~feet~~

~~*Recreation/Stormwater Shelter Building Required. See Section 716.~~
~~**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 1111.1.~~
~~(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 92-60, § 3, 12-14-92)~~

~~FIGURE 6-5. CRV—COMMERCIAL RECREATIONAL VEHICLE DISTRICT DIMENSIONAL REGULATIONS*~~

Commented [LDI117]: CRV regulations moved to chapter 4 (RV Parks/Subdivisions)

~~Maximum Density:~~		~~12 sites/acre~~
~~Minimum Site Area For:~~		
	~~Rec. Vehicle without Attachments~~	~~1,600 sq. ft.~~
	~~Site in Designated Camping Area~~	~~1,200 sq. ft.~~
	~~Non-residential or dwelling site~~	~~10,000 sq. ft.~~
~~Minimum Width for:~~		
	~~RV site~~	~~30 feet~~
	~~Site in Designated Camping Area~~	~~20 feet~~
	~~Non-residential or dwelling site~~	~~75 feet~~
~~Minimum Yards**~~		~~5 feet~~
~~Maximum Height:~~		

	~~Non-Residential~~	~~35 feet~~
	~~Residential~~	~~15 feet~~
~~Minimum Buffers for:~~		
	~~Street/Residential District~~	~~50 feet~~
	~~Other~~	~~15 feet~~
~~Minimum Open Space for:~~		
	~~RV Parks~~	~~20% of gross area~~
	~~Non-residential~~	~~15% of gross area~~
	~~Project/District Minimum Size~~	~~10 acres~~
~~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.;xil;~~		

~~*Recreation/Stormwater Shelter Building Required. See Section 716.~~
~~**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 1111.1.~~
~~(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 91-29, § 3, 11-20-91)~~

~~400.1.~~401.5. ~~704.24.~~ Expansion of Existing Large Commercial Projects.

Commented [LDI118]: Moved from specially regulated uses.

A. ~~**704.24.1.**~~ **Eligibility**. For the purposes of this code an existing large commercial project is a project which is not a planned development, is between 50,000 and 100,000 square feet in size, was an existing use prior to May 11, 1989, and is proposing expansion of less than 50,000 square feet.

B. ~~**704.24.2.**~~ **Access**. Expansion of an existing large commercial project may take place if the project and/or expansion is located upon a road designated as collector or higher.

C. ~~**704.24.3.**~~ **Configuration**. The proposed expansion must be located upon a site that contains adequate size and configuration in order to minimize impacts upon adjacent residential land uses.

D. ~~**704.24.4.**~~ **Screening**. Expansion of 0 to 24,999 square feet to an existing large project shall require a minimum ten (10) foot screening buffer meeting the requirements of ~~Section 715.5.2(A)~~Chapter 7 around that portion of the site where the expansion is located. Expansions of 25,000 to 49,999 square feet shall require the entire project to be upgraded, if necessary, to meet the screening requirements of Chapter 7~~Section 715.5.2~~.

E. ~~**704.24.5.**~~ **Landscaped Open Space**. A minimum of twenty (20) percent of the expansion area shall be provided as landscaped open space.

F. ~~**704.24.6.**~~ **Parking**. Any new required parking spaces shall be in conformance with the stall configuration of the existing spaces. For example, an existing lot with ninety (90) degree parking stalls shall provide ninety (90) degree parking stalls for the entire new parking lot. If no increase in parking is required, the existing project and addition shall meet the requirements of ~~Section 727~~Chapter 10, in reference to design standards for the existing ramps and handicap parking stalls.

G. ~~**704.24.7.**~~ **Historical, Archaeological Overlay**. If the proposed expansion is located within the HA Overlay District, then the existing project shall also be subject to review by the Historic Preservation Board.

H. ~~**704.24.8.**~~ **Other Requirements**. These expansions shall also be subject to all other Code Requirements.

I. ~~704.24.9.~~ **Waiver.** In the event that these standards cannot be met, the ~~Planning~~ Department Director may waive

these requirements where the applicant can clearly demonstrate that the intent of this section has been met.

~~**Part III. Planned Development Districts.**~~

Section 402. ~~Section 603.~~ Planned Development (PD) Districts.

402.1. Generally

A. ~~603.1.~~Purpose and Intent.

1. Planned development districts are intended to be established for: specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a planned development review process; or when the ability to attach conditions to a site plan is warranted.
2. Planned development may be used as a vehicle to permit developments when the innovative use of buffering and modern design techniques mitigate the external impacts of development and create a helpful physical environment. Through the utilization of a planned district, the Board may allow mixed dwelling types and/or housing densities; provide for the safe, efficient, convenient, harmonious groupings of structures, uses, facilities, and support uses; for appropriate relationships of space, inside and outside buildings, for intended uses; for preservation of desirable natural features; and minimum disturbance of natural topography.
3. Within Planned Development Districts, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots; to promote economical and efficient land use; improve levels of amenities for harmonious, creative design, and a better environment.
4. In view of the substantial public advantage of planned development, it is the intent of these regulations to promote and encourage development in this form, where appropriate, in location and character.

B. PD Designations. The PD category includes the following districts.

- PDA—Planned Development Agriculture.
- PDR—Planned Development Residential.
- PDRV—Planned Development Recreational Vehicle.
- PDC—Planned Development Commercial.
- PDRP—Planned Development Research Park.
- PDW—Planned Development Waterfront.
- PDMU—Planned Development Mixed Use.
- PDUI—Planned Development Urban Industrial.
- PDGC—Planned Development Golf Course.
- PDI—Planned Development Industrial.
- PDMH—Planned Development ~~Manufactured~~Mobile Home.
- PDO—Planned Development Office.
- PDPI—Planned Development Public Interest.

402.2. Consistency with the Comprehensive Plan and Other Ordinances.

A. Future Land Use Map. PD Districts are allowed within all Comprehensive Plan Future Land Use Map categories; however, the proposed PD shall be consistent with the Comprehensive Plan.

B. ~~508.6.12.~~Density/Intensity. Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. ~~Planned development district d~~Densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.

C. ~~508.6.13.~~Height. Building h~~H~~eight in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts

that would adversely affect surrounding development, existing or proposed.

D. ~~508.6.20.2.Minimum~~ **Open Space** ~~**Requirements**~~**.** Minimum open space requirements shall be established based upon a site-specific evaluation of the project and surrounding land uses

402.3. ~~603.2.~~ Planned Development, Defined.

For purposes of this Code, a planned development is:

A. ~~1.~~ Land to be planned as a whole;

B. ~~2.~~ Built in a single development operation or a definitively programmed series of development operations;

C. ~~3.~~ To include principal and accessory structures and uses substantially related to the character and purposes of the district;

D. ~~4.~~ Built according to plans, which include not only streets, utilities, lots, building locations, and the like; but also, site plans for all buildings intended to be located, constructed, used and related to each other; and plans for other uses and improvements on the land as related to the buildings; and

E. ~~5.~~ To include a program to provide for operation and maintenance of such areas, facilities, and improvements for common use by the occupants of the planned development district; but which will not be provided, operated or maintained at general public expense.

402.4. ~~603.3.~~Relation of ~~Planned Development~~PD Regulations to General Zoning, Subdivision or Other Regulations~~; Specific Approval to the Equal Satisfaction of Public Purposes~~.

The following ~~planned development~~ regulations ~~which follow~~ shall apply ~~generally~~ to the initiation of and regulation for all planned development districts.

A. ~~603.3.1.~~ Where there are conflicts between the special Planned Development regulations herein and general zoning, subdivision, other regulations or requirements; these Planned Development regulations shall apply in Planned Development districts unless the Board finds, in the particular case, that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.

B. ~~603.3.2.~~ Where actions, designs or solutions proposed by the applicant are not literally in accord with applicable Planned Development or general regulations, but the Board makes a written finding in the particular case, that the public purposes of these regulations are satisfied to an equivalent or greater degree, the Board may grant specific approval for the particular case. However, where floor area and similar building ratios, as well as maximum permitted densities have been established by these regulations, the Board shall not grant specific approval to increase such ratios, maximums, or minimums. The Board shall not grant specific approval for ~~Section 724~~Chapter 6, Sign Regulations. The method for approval of alternatives to the sign regulations shall be to apply for an adjustment in accordance with Chapter 6~~Section 724~~ of this Code.

C. ~~603.3.3.~~ Except as indicated above, and notwithstanding procedures and requirements generally in effect, the procedures and requirements set forth in this section shall apply in all Planned Development districts.

D. ~~603.3.4.~~ Agricultural property rezoned to Planned Development may continue in agricultural use. Any expansion or increase in intensity of the agricultural use shall require an Administrative Permit in compliance with ~~Section 704, Conditional Uses~~Chapter 3.

E. ~~603.3.5.~~ Any single-family residential lot that received Planned Development Zoning without site plan approval shall be exempt from the Planned Development process. The Building Permit shall serve as the development order approval.

Commented [LDI119]: 603.6 moved to Ch. 3

402.5. Schedule of Uses for PD Districts.

Except as specifically provided in this Code, regulations governing the use of land, water and structures within the PD districts shall be as shown in the following table. Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute

approval to develop.

Uses of land or structures not expressly listed in the table are prohibited and shall not be established in that district.

Uses and structures which are customarily and clearly incidental to permitted principal uses and structures, shall be also permitted.

Table 4 - 7. Schedule of Uses for PD Districts

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Adult Day Care Center	--	P	P	P	X	X	X	P	P	X	P	X	AP	X
Agricultural Research Facilities	--	X	X	P	P	X	P	X	P	X	X	X	P	P
Agricultur~~e~~al Uses	531.1	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	P	P*
Agricultural Products Processing Plants	531.1	X	X	X	X	P*	X	X	P*	X	X	X	P*	P*
Animal Products Processing Facility	531.1	X	X	X	X	SP	X	X	SP	X	X	X	P*	P*
Short Term Agricultural Uses	531.1	P	X	P	X	X	X	X	P	X	X	X	P	P
~~Small Animal Specialty Farms~~		~~See Section 726, Wild and Exotic Animals~~												
Stables or Equestrian Centers: Private	531.1	P	X	X	X	X	X	X	P	P	P	X	P	X
Stables or Equestrian Centers: Public	531.1	X	X	P*	X	X	P*	X	P*	X	X	X	P*	X
Tree Farm	531.1	X	X	X	X	X	P	X	P	X	X	X	P	X
Aircraft Landing Field	531.2	X	X	X	X	X	P*	X	P*	X	X	X	X	X
Airport, Commercial	531.3	X	X	X	X	X	P*	X	P*	X	X	X	X	X
Airport, Private or Public	531.3	X	X	X	X	P*	P*	X	P*	X	X	X	X	P*
Alcoholic Beverage Establishment	531.4	X	X	SP	X	SP	X	SP	SP	X	X	X	X	X
~~Drinking Establishment~~		~~See Section 708~~												~~X~~
Alcoholic Beverage Establishment- 2 COP License	531.4	X	X	AP	X	X	X	X	AP	X	X	X	X	X
Animal Services (Wild and Exotic)	531.5	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP
~~Animal Rehabilitation Center~~		~~See Section 726, Wild and Exotic Animals~~												
~~Animal Shelter/Boarding Facility~~		~~See Section 726, Wild and Exotic Animals~~												
~~Breeding Facility, (Wild and Exotic)~~		~~See Section 726, Wild and Exotic Animals~~												
~~Pet Stores, Wild and Exotic~~		~~See Section 726, Wild and Exotic Animals~~												
Assisted Living Facility~~Group Care Home~~, Large	531.44	P*	P*	P*	X	X	P*	X	P*	X	X	X	P*	X
~~Residential Care Facilities, Large~~		~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
Assisted Living Facility~~Group Care Home~~, Small	531.44	AP*	AP*	AP*	X	X	AP*	X	AP*	X	X	X	AP*	X
~~Residential Care Facilities, Small~~		~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~AP*~~	~~X~~
Auction Houses, Enclosed	--	X	X	P*	X	P*	X	X	P*	X	X	X	X	X

Commented [LEA120]: Deemed to be Ag use. No need to list separately

Commented [LEA121]: Current code doesn't show where allowed. Section 708.1 states where allowed. Noted above. Not shown as new.

Commented [LEA122]: The name entry is new. Section 708.3.2 states that COP establishments are allowed as AP in all standard and PD commercial districts.

Commented [LEA123]: Per sec. 726.1.1, Any facility which would contain or support wild or exotic personal pets are AP uses in each and every zoning district. Renamed Animal Rehab Center to Animal Services (W & E). Definition includes rehab, shelter, boarding and breeding.

Commented [LEA124]: Renamed Animal Rehab Center to Animal Services (W & E). See above.

Commented [LEA125]: Combined with Animal Services (W & E). See above.

Commented [LEA126]: Breeding facilities (W&E) require SP in A and HC. Thos are now classified as Rec Intensive.

Commented [LEA127]: Included in the animal services definition

Commented [LEA128]: Residential Care Facilities are defined as consisting of Group Care Homes and Emergency Shelters/Homes. Both of those categories have their own lines and do not coincide with this line.

Commented [LEA129]: See previous comment. if res care facilities are the same as group homes, why would they be allowed in different ways (SP vs. P vs. X). Consolidated and went with the most restrictive approval; except for VIL, PDI and MP-I, where they are now ...

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Auction Houses, Open	531.6	X	X	P*	X	P*	X	X	P*	X	X	X	X	X
~~Auction Houses, Auto~~		~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Lodging Places:~~ Bed and Breakfast	531.7	P*	X	P*	X	X	X	P*	P*	X	X	X	P*	X
Breeding Facility (~~n~~Non-~~w~~Wild~~,~~ & ~~non-e~~Exotic)	531.8	X	X	P	P	P	P	X	P	X	X	X	P*	X
Building Materials Sales Establishment	531.9	X	X	P	X	X	X	X	P	X	X	X	X	X
Lumberyard	531.9	X	X	X	X	P*	X	X	P*	X	X	X	X	P*
Bus and Train~~RR~~ Passenger Station	--	P*	X	P*	P*	P*	P*	X	P*	X	X	X	P*	P*
Business Services	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Printing, Medium	--	X	X	P	X	P	X	X	P	X	X	X	X	
Printing, Small	--	X	P	P	X	P	X	X	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Self-~~-~~Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Cemetery: Human and Pet	531.11	X	X	P*	X	X	P*	X	P*	X	X	X	X	X
~~Cemetery: Pet~~		~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Day~~ Child Care Center, Large[2]	~~704.18~~ 531.12	P*	P*	P*	P*	P*	P*	X	P*	X	X	X	P*	X
~~Day~~Child Care Center, Medium[2]	~~704.18~~ 531.12	P*	P*	P*	P*	P*	P*	X	P*	X	X	X	P*	X
~~Day~~Child Care Center, Small[2]	~~704.18~~ 531.12	AP*	AP	AP	X	AP	AP	X	AP	AP	AP	X	P*	X
~~Day~~ Child Care Center, (Accessory)[59]	~~704.18~~ 531.12	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	X	P*	P*
Churches ~~or Other~~ /Places of Worship	531.13	P*	P*	P*	X	X	X	X	P*	X	X	X	P*	X
Civic, Social, and Fraternal Organizations/Clubs~~Private Community Uses~~	531.14	P*/SP	P*	X	X	X	X	P*	P*	P*	P*	X	P*	X
~~Health Services:~~ Clinics	--	X	P	P	X	X	P	X	P	X	X	X	X	X
Community Residential ~~Family Care~~ Homes	531.44	P	X	X	X	X	P	X	P	P	P	X	P	X

Commented [LEA130]: Combined with auction, Auto.

Commented [LEA131]: Combined with Auction, Open. Allowed in same districts.

Commented [LEA132]: Human and pet allowed in same districts. Combined into a single category.

Commented [LEA133]: Human and pet allowed in same districts. Combined into a single category.

Commented [LEA134]: Section 704.18.5 states that ALL day care centers allowed in residential districts are APif they meet the criteria; otherwise they are SP.

~~[59] All day care centers shall meet the requirements of Section 704.18~~

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Correctional Facilities: Community	--	X	X	X	X	X	P	X	P	X	X	X	X	X
Correctional Facilities: Major	--	X	X	X	X	X	P	X	P	X	X	X	X	X
Cultural Facilities	531.15	P	P	P	P	P	P	P	P	X	X	X	P	P
Drive-~~Thru~~ Through~~Eating~~ Establishments	531.16	X	X	P	P*[60]	P*[3]	X[3]	X	P	X	X	X	X	P*
~~Major~~ Earthmoving, Major	702	X	X	X	X	X	X	X	X	X	X	X	X	P*
~~Minor~~ Earthmoving, Minor	702	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	P*
Emergency Shelters	531.44	P*	P*	P*	X	X	X	P*	P	X	P	X	AP	X
Emergency Shelter Home	531.44	P*	P*	P*	X	X	X	P*	P	X	P	X	AP	X
Environmental Land ~~R~~Preserves, Public ~~or~~and Private	531.17	P	P	P	P	P	P	P	P	P	X	X	P	X
~~Environmental Preserve~~		~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	
Equipment sales, rental and leasing, heavy~~Farm Equipment and Supply Establishments~~	531.18	X	X	P*	X	P*	X	X	P*	X	X	X	X	P
~~Lawn Care/Landscaping~~		~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
Construction equipment ~~service Estab.~~	531.18	X	X	P*	X	P*	P*	X	P*	X	X	X	X	X
Equipment Sales, rental and leasing, light	--	X	X	P	X	P	X	X	P	X	X	X	X	
Environmental Education Facilities	--	AP	X	X	X	X	AP	X	AP	X	X	X	AP	X
Family Day Care Home	--	P	X	X	X	X	P	X	P	P	P	X	P	X
Farming Service Establishments	531.18	X	X	P	X	X	X	X	P	X	X	X	P*	P*
Farm Worker Housing	531.19	X	X	X	X	X	X	X	X	X	X	X	X	X
Flea Markets: Enclosed	531.20	X	X	P*[61]	X	X	X	X	P*	X	X	X	X	X
Flea Markets: Open	531.20	X	X	P*[62]	X	X	X	X	P*	X	X	X	X	X
~~Floating Residential Units~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
Food Catering Service Establishment	531.21	X	X	P*	X	P*	X	X	P*	X	X	X	X	X

Commented [LEA135]: Footnote 3 came from commercial use limitations table; provision moved to drive-thru standards in Ch. 5.

Commented [LEA136]: addressed in chapter 3 (procedures)

Commented [LEA137]: Combined with Equipment sales, . . . Changed from not allowed to P in PDI and PDEZ.

Commented [LEA138]: Moved to Ch. 5

Commented [LEA139]: Moved to Ch. 5

[60] ~~Drive-Thru Eating Establishment Uses within the PDRP, PDI, or PDPI District shall be located on a collector or higher and oriented towards the exterior of the project.~~
[61] ~~Enclosed Flea Market Uses within the PDC District shall be located on a collector or higher and oriented towards the thoroughfare.~~
[62] ~~Open Flea Market Uses within the PDC District shall be located on an arterial or higher and oriented internally.~~

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Funeral Chapel	531.22	P*	P*	P*	X	X	X	X	P*	X	X	X	P*	X
Funeral Home	531.22	X	P*	P*	X	X	X	X	P*	X	X	X	X	X
Game Preserve	--	X	X	P*	X	X	P*	X	P*	X	X	X	X	X
Gas Pumps	531.50	X	X	P*	P*[63]	P*[1]	P*	P*	P*	P*	X	X		P*
Group Housing	531.23	X	X	X	X	X	P*	X	P*	X	X	X	X	X
Hazardous Waste Transfer Facility	--	X	X	X	X	P*	P*	X	P*	X	X	X	X	X
Heliport	--	X	X	P*	X	P*	P*	X	P*	X	X	X	X	P*
Helistop	531.24	P*	P*	P*	P*	P*	P*	AP	P*	X	X	X	P*	P*
~~Health Services:~~ Hospital~~s~~	--	X	X	X	X	X	P	X	P	X	X	X	X	X
Industrial~~Manufacturing:~~, Heavy	--	X	X	X	X	P	X	X	P	X	X	X	X	P
Firework/Sparkler Manufacture	531.25	X	X	X	X	P*	X	X	X	X	X	X	X	X
Industrial~~Manufacturing:~~, Light	--	X	X	X	P	P	P	X	P	X	X	X	X	P
Intensive Services:														
Intensive Services: Exterminating and Pest Control	531.26	X	X	X	X	X	X	X	SP	SP	X	AP	X	P*
Intensive Services: Motor Pool Facilities	531.26	X	X	X	X	P*	P*	X	P*	X	X	X	X	P*
Intensive Services: Printing, Heavy	--	X	X	X	X	P	X	X	X	X	X	X	X	
Intensive Services: Industrial Service Establishment	531.26	X	X	P*	P*	P*	X	X	P*	X	X	X	X	P*
Intensive Services: Sign Painting Service	531.26	X	X	P	X	P	P	X	P	X	X	X	X	X
Intensive Services: Taxi-Cab, Limousine Service	531.26	X	X	P	X	P	X	X	P	X	X	X	X	X
Intensive Services: Towing Service and Storage Establishment	531.26	X	X	P*	X	P*	X	X	P*	X	X	X	X	P*
Intermodal Terminal	--	X	X	X	X	P*	P*	X	P*	X	X	X	X	P*
Junkyards	531.27	X	X	X	X	X	X	X	P	X	X	X	X	X
Laboratories, ~~Health Services:~~Medical and Dental ~~Laboratories~~	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Lodging Places: Boarding House	531.28	P*	X	X	X	X	X	X	P*	X	X	X	X	X

Commented [LEA140]: Moved to Ch 5.

~~[63] Gas Pumps within the PDRP or PDI District shall be located on a collector or higher and follow the requirements of Section 704 Service Station.~~

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Lodging Places: Dormitories	531.28	P*	X	X	X	X	P*	X	P*	X	X	X	X	X
Lodging Places: Hospital Guest House	531.28	X	X	P*	X	X	P*	X	P*	X	X	X	X	X
Lodging Places: Hotel/motel	531.28	X	X	P	P	P* [64]	P	P	P	X	X	X	X	P
Mining ~~Activity~~	531.30	X	X	X	X	X	P	X	X	X	X	X	X	X
Mini Warehouses, Self-storage ~~—Mini~~	531.31	X	X	P*	X	P*	X	X	P*	X	X	X	X	X
Mobile ~~Individual Manufactured~~ Homes, Individual	531.32	X	X	X	X	X	X	X	X	X	P	X	X	X
Mobile ~~Manufactured~~ Home Parks	--	X	X	X	X	X	X	X	P	X	P	X	X	X
Mobile ~~Manufactured~~ Home Subdivisions	--	X	X	X	X	X	X	X	P	X	P	X	X	X
Motor Freight Terminal/Maintenance~~s~~	531.33	X	X	X	X	P*	X	X	P*	X	X	X	X	P*
Bus RR/Maintenance Facility	531.33	X	X	X	X	P*	P*	X	P*	X	X	X	X	X
~~Health Services:~~ Nursing Homes	531.34	X	P*	P*	X	X	P*	X	P*	X	X	X	X	X
~~Health Services:~~ Office, Medical or Professional ~~Office~~	--	X	P	P	P	P	P	P	P	P	X	X	X	X
Miscellaneous Services: Office	--	X	P	P	P	P	P	P	P	X	X	X	P*	X
Banking: Bank	--	X	P	P	P	P	X	X	P	X	X	X	X	X
Banking: Bank/Drive-through	--	X	P*	P*	P*	P*	X	X	P*	X	X	X	X	P*
Outdoor Advertising Signs	--	X	X	P	X	P	X	X	X	P	X	X	X	P
Outdoor Storage (Principal Use)	531.35	X	X	P*	X	P	X	X	X	X	X	X	X	P*
Parking, Commercial (Principal Use)	--	X	P	P	P	P	P	P	P	X	X	X	X	X
Personal Service Establishment	--	P	P	P	P	P	P	X	P	P	P	X	P	X
Dry Cleaners: General	--	X	X	P	X	P	P	X	P	X	X	X	X	X
Dry Cleaners: Neighborhood	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Dry Cleaners: Pick-up	--	X	P	P	P	P	P	X	P	X	X	X	P*	P*
Rental Service Establishment	--	X	X	P	P	P	X	X	P	X	X	X	X	
Repair Service Establishment	--	X	X	P	P	X	P	X	P	X	X	X	X	X
Personal Wireless Service Facilities	531.36	See Section 531.34												

[64] Hotels are allowed only where the underlying Future Land Use category is Industrial-Light (IL).

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
~~Camouflaged Tower, Maximum 150 Feet in Height~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~												
~~Lattice Tower 400 Feet Maximum Height, Maximum 150 Feet in PDR~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~												
~~Monopole Telecommunications Tower With 3 or More Providers, 200-Foot Maximum Height~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~												
~~Monopole Tower Greater Than 150 Feet, 200 Feet Maximum Height~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~												
~~Monopole Tower Less than 150 feet~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~												
~~Guyed Tower~~		~~See MATRIX OF SITING AND LOCATIONAL PREFERENCES in Figure 7-A, Section 704.59~~												
Pet Service (Kennel)~~s~~ Establishments	531.37	X	X	P~~*~~	P~~*~~	X	X	X	P~~*~~	X	X	X	P~~*~~	X
Public Community Uses	531.38	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP/SP	P
Public Use Facilities	531.39	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	P
Post Offices	--	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	P
Radio, TV, Communications, Microwave Facilities	--	X	X	P~~*~~	P~~*~~	P~~*~~	P~~*~~	X	P~~*~~	X	X	X	X	P
Railroad Switching/Classification Yard	--	X	X	X	X	P~~*~~	P~~*~~	X	X	X	X	X	X	P~~*~~
~~High Intensity~~ Recreation,~~al Use~~ High Intensity	531.40	X	X	P~~*~~	X	X	P~~*~~	P~~*~~	P~~*~~	X	X	X	X	X
~~Low Intensity~~ Recreation,~~al Use~~ Low Intensity	531.40	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X
~~Medium Intensity~~ Recreation,~~al Use~~ Medium Intensity	531.40	X	X	P~~*~~	X	X	P~~*~~	P~~*~~	P~~*~~	X	X	X	X	X
~~Passive~~ Recreation,~~al Uses~~ Passive	531.40	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	AP		P~~*~~
Recreation, Rural ~~Outdoor Firing Ranges~~	531.40	X	X	X	X	P~~*~~	P~~*~~	X	X	X	X	X	X	X
~~Lodging Places:~~ Recreational Vehicle Parks and subdivisions	531.41	X	X	P	X	X	X	X	X	P	X	X	X	X
~~MH/~~Recreational Vehicle/Mobile Home Sales, Rental~~,~~ & Leasing	531.42	X	X	P~~*~~	X	X	X	X	P~~*~~	X	X	X		X
Rehabilitation Center~~Outpatient Treatment Facility~~	531.43	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	P~~*~~	X	P~~*~~	X
Research and Development Activities~~y~~	--	X	X	X	P	P	P	X	P	X	X	X	X	P
Recovery Home, Large	531.44	X	P~~*~~	P~~*~~	X	X	P~~*~~	X	P~~*~~	X	X	X	X	X

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Recovery Home, Small	531.44	P*	P*	P*	X	X	P*	X	P*	P*	P*	X	P*	X
Residential Treatment Facilities	531.45	P*	X	X	X	X	P*	X	P*	X	X	X	P*	X
Residential Use: Duplexes ~~Dwellings~~	531.46	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Single Family Semi-Detached Dwellings	531.46	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Multiple Family Dwellings	531.46	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Triplex and Quadr~~a~~uplex Dwellings (Multifamily, four (4) units maximum)	531.46	P	X	X	X	X	X	P	P	X	X	X	X	X
Residential Use: Waterfront Structures, Multi-Family	531.46	P	X	X	X	X	X	P	P	X	X	X	P	X
Residential Use: Waterfront Structures (Residential)	531.46	AP[65]	X	X	X	X	X	AP[65]	AP[31]	AP[31]	AP[31]	X	AP[31]	X
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.46	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Single Family, Detached Dwellings	531.46	P[6]	X	X	X	X	P[30]	P[30]	P[30]	X	X	X	P[30]	X
Restaurant~~Eating Establishment~~	531.47	X	P*[66]	P	P*[67]	P*[13]	X[13]	P	P	X	X	X	X	P
Retail Sales, Neighborhood Convenience	531.48	X	P*[68]	P	P	P	X[69]	P*[70]	P*[71]	P*[72]	P*[24]	X	P*	X
Retail Sales, Neighborhood General[73]	531.48	X	P*	P	P*	P*	X	P*	P	P*	P*	X	P*	X

[65] Refer to the waterfront structures and water dependent uses of Section 603.14
[66] Eating Establishment UsesRestaurants within the PDO District shall be located on a collector or higher and oriented internally.
[67] Eating Establishment UsesRestaurants within the PDRP, PDI, or PDPI District shall be oriented internally.
[68] Retail Sales, Neighborhood Convenience Uses within the PDO District shall be a maximum of 10,000 SF and located on a collector or higher.
[69] Retail Sales, Neighborhood Convenience Uses within the PDPI District shall be located on a collector or higher.
[70] Retail Sales, Neighborhood Convenience Uses within the PDW District shall be a maximum of 10,000 SF and oriented towards the waterbody or collector.
[71] Retail Sales, Neighborhood Convenience Uses within the PDMU District shall be located on a collector or higher and oriented towards the project.
[72] Retail Sales, Neighborhood Convenience Uses within the PDRV or PDMV District shall be a maximum of 5,000 SF, located at the primary entrance and oriented towards the interior of the project.
[73] Retail Sales, Neighborhood General are limited to 3,000 square feet and must meet all relevant locational criteria as specified in the Manatee County Comprehensive Plan.

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Retail Sales, General ~~Retail Sales Uses~~	531.48	X	X	P	P*[74]	P*[11]	X[11]	P*[75]	P	P*[76]	P*[77]	X		X
Sawmills	531.1	X	X	X	X	P	X	X	P	X	X	X	X	P*
Schools, College/Universities~~y (PDP/SP)~~	531.49	X	X	X	X	X	P*	X	P*	X	X	X	X	X
Schools, Elementary	531.49	P*	P*	X	P*	X	P*	X	P*	X	X	X	P*	X
Schools, High and Middle ~~School~~	531.49	P*	P*	X	P*	X	P*	X	P*	X	X	X	P*	X
~~Schools, Middle~~		~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
Schools, other~~of Special Education~~	531.49	P*	P*	P*	P*	X	P*	X	P*	X	X	X	P*	X
Service Station	531.50	X	X	P*[78]	X	P*	X[79]	X	P*[26]	X	X	X		P
Sexually Oriented Businesses	531.51	See Section 531.49												
Slaughterhouses	531.1	X	X	X	X	SP	X	X	P	X	X	X	X	X
~~Resource Recovery Facilities~~Solid Waste Management Facilities	531.52	X	X	P*	X	P*	P*	X	P*	X	X	X	X	X
Landfills	531.52	X	X	X	X	X	P	X	X	X	X	X	X	X
Stockyards and Feedlots	531.1	X	X	X	X	P	P	X	P	X	X	X	X	X
Utility Use	531.53	SP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP/SP	AP	P
~~Utility Use, Heavy~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Motor~~ Vehicle Repair:~~:~~ Major	531.54	X	X	P*	X	P*	X	X	P*	X	X	X	X	P*
~~Motor~~ Vehicle Repair: Community Serving	--	X	X	P*	X	P*	X	X	P*	X	X	X	X	X
~~Motor~~ Vehicle Repair: Neighborhood Serving	--	X	X	P*	X	P*	X	X	P*	X	X	X	X	X
~~Motor~~ Vehicle Sales, Rental, Leasing	531.55	X	X	P*	X	P*[80]	X	X	P*	X	X	X		X

Commented [LEA141]: Allowed in same districts as high schools

Commented [LEA142]: Addressed in uses subject to additional standards.

~~[74] General Retail Sales Uses within the PDRP, PDI, or PDPI District shall be located on a collector or higher.~~
~~[75] General Retail Sales Uses within the PDW District shall be a maximum of 15,000 SF and located on a collector or higher.~~
~~[76] General Retail Sales Uses within the PDRV District shall be a maximum of 10,000 SF and located on a collector or higher.~~
~~[77] General Retail Sales Uses within the PDMH District shall be a maximum of 5,000 SF and located on a collector or higher.~~
~~[78] Service Station Uses within the PDC, PDPI, or PDMU District shall be located on a collector or higher and follow the requirements of Section 704.~~
~~[79] Service Station Uses within the PDC, PDPI, or PDMU District shall be located on a collector or higher and follow the requirements of Section 704.~~
~~[80] Commercial Vehicle Sales Uses within the PDI District shall be located on a collector or higher and oriented towards the exterior of the project.~~

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
~~Health Services:~~ Veterinary Clinic	531.56	X	P~~*~~	P~~*~~	P~~*~~	X	X	X	P~~*~~	X	X	X	P~~*~~	X
Veterinary Hospitals	531.56	X	X	P~~*~~	X	P~~*~~	P~~*~~	X	P~~*~~	X	X	X	X	X
Warehouses	531.57	X	X	X	P~~*~~	P~~*~~	P~~*~~	X	P~~*~~	X	X	X	P~~*~~	X
Water Dependent Uses		X	X	X	X	X	X	P~~*~~	P~~*~~	X	X	X	X	X
~~Waterfront Structures (Other)~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
Wholesale Trade Establishment		X	X	P	P	P	X	X	P	X	X	X	X	X

AP = Administrative Permit;
SP = Special Permit,
P = Permitted,
X = Not Permitted
AP/SP = Administrative Permit required as specified in ~~Section 704~~Chapter 3 or elsewhere in this Code.
~~P* = With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code. Accessory towers in the PDR district are allowed a maximum height of 150 feet.~~
~~EMP = Permitted with an approved Environmental Management Plan.~~

NOTES:

- ~~Note:~~ Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.
- ~~Note: All agricultural uses in the WP-E or WP-M Overlay Districts shall require Administrative Permit approval.~~
- ~~Note:~~ Uses may be further restricted or modified by the overlay district ~~criteria in Section 604~~regulations.
- ~~Note:~~ Notwithstanding the development review procedures set forth in this ~~Figure 6-1~~table or any other provision of this Code, the development review procedures required pursuant to ~~Section 605~~ Chapter 3 ~~and Chart 605~~ shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.
- ~~VIL District Note: All conditional uses within the VIL District shall meet the conditional use criteria for the VIL districts found in Section 704.~~
- ~~Development in the Cortez Fishing Village Historical and Archaeological overlay district may be limited by and is subject to special standards as contained in Section 604.6.8.~~
- ~~Note: All Sexually Oriented Businesses shall meet the requirements of this Code including, without limitation, Section 707.~~
- ~~Note: HC zoning on property assigned to IL (Industrial Light) future land use category requires that all relevant locational criteria shall be met 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 Approval.~~
- ~~Note: All outdoor advertising signs shall meet the requirements of Section 724.~~

Commented [LEA143]: Already in Ch. 5.

Commented [LEA144]: Ch. 5

	PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Agricultural Uses	-	-	-	-	-	-	-	-	-	-	-	-	-
Agricultural Products Processing Plants	X	X	X	X	P*	X	X	P*	X	X	X	P*	P*
Agricultural Research Facilities	X	X	P	P	X	P	X	P	X	X	X	P	P
Agriculture	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	P	P*
Animal Products Processing Facility	X	X	X	X	SP	X	X	SP	X	X	X	P	P*
Animal Rehabilitation Center	See Section 726			-	-	-	-	-	-	-	-	-	-
Animal Shelter/Boarding Facility	See Section 726			-	-	-	-	-	-	-	-	-	-
Breeding Facility (non-wild, non-exotic)	X	X	P	P	P	P	X	P	X	X	X	P*	X
Breeding Facility, Wild and Exotic	See Section 726			-	-	-	-	-	-	-	-	-	-
Farm Worker Housing	X	X	X	X	X	X	X	X	X	X	X	X	X
Farming Service Establishments	X	X	P	X	X	X	X	P	X	X	X	P*	P*
Game Preserve	X	X	P*	X	X	P*	X	P*	X	X	X	X	X
Kennels	X	X	P*	P*	X	X	X	P*	X	X	X	P*	X
Mining Activity	X	X	X	X	X	P	X	X	X	X	X	X	X
Pet Stores, Wild and Exotic	See Section 726			-	-	-	-	-	-	-	-	-	-
Sawmills	X	X	X	X	P	X	X	P	X	X	X	X	P*
Short Term Agricultural Uses	PDR	X	P	X	X	X	X	P	X	X	X	P	P
Slaughterhouses	X	X	X	X	SP	X	X	P	X	X	X	X	X
Small Animal Specialty Farms	See Section 726			-	-	-	-	-	-	-	-	-	-

~~Stables or Equestrian Centers, Private~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	-
~~Stables or Equestrian Centers, Public~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	-
~~Stockyards and Feedlots~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Veterinary Hospitals~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~**Residential Uses**~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Bed and Breakfast Homes~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Dormitories~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Duplexes (two units maximum)~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Family Care Homes~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~
~~Floating Residential Units (NOT PERMITTED ANYWHERE)~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Group Care Home, Large~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Group Care Home, Small~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Group Housing~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Individual Manufactured Homes~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~
~~Manufactured Home Parks~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~
~~Manufactured Home Subdivision~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~
~~Multiple Family Dwellings~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Multi-family Dwellings - Waterfront~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~P~~
~~Quadraplexes (four units maximum)~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Recovery Homes, Large~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Recovery Homes, Small~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~

~~Residential Care Facilities, Large~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Residential Care Facilities, Small~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~AP*~~	~~X~~
~~Residential Treatment Facilities~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Semi-Detached Dwellings (two units maximum)~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Single-Family, Attached Dwellings (three to nine units)~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~
~~Single-Family, Detached Dwellings~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Single-Family, Waterfront (is this supposed to be single-family?)~~	~~AP*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP*~~	~~AP*~~	~~AP*~~	~~AP*~~	~~X~~	~~AP~~	~~AP*~~
~~Triplexes (three units maximum)~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~**Public, Civic and Institutional Uses**~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Antenna~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Cemetery, Human and Pet~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Churches or Other Place of Worship~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Correctional Facilities- Community, Major~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Cultural Facilities~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Day Care Centers~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Large (101 or more persons)~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Medium (51-100 persons)~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Small (6-50 persons)~~	~~AP*~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~P*~~	~~X~~
~~Day Care Home~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~
~~Emergency Shelter Home~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P~~	~~X~~	~~P~~	~~X~~	~~AP~~	~~X~~

~~Emergency Shelters~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P~~	~~X~~	~~P~~	~~X~~	~~AP~~	~~X~~
~~Environmental Education Facilities~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~	~~AP~~	~~X~~	~~X~~	~~X~~	~~AP~~	~~X~~
~~Environmental Preserve~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	~~EMP~~	-
~~Land Reserves, Public and Private~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~
~~Outpatient Treatment Facility~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~
~~Private Community Uses~~	~~P*/SP~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~
~~Post Office~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~P~~
~~Public Community Uses~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP/SP~~	~~P~~
~~Public Use Facilities~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~P~~
~~Radio, TV, Communications, Microwave Facilities~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~
~~Recreation Uses~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Low Intensity Recreational Use~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~
~~High Intensity Recreational Use~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Medium Intensity Recreational Use~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Outdoor Firing Range~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Passive Recreational Uses~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~AP~~	-	~~P*~~
~~Resource Recovery Facilities~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Schools of Special Education~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Schools, Public/Private Same Curriculum as Public~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Schools, Elementary~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Schools, High School~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Schools, Middle~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~

~~Schools, Colleges/ Universities~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Personal Wireless Service Facilities~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Utility Use~~	~~SP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP/SP~~	~~AP~~	~~P~~
~~Utility Use, Heavy~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Retail, service and Business Uses~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Adult Entertainment~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Alcoholic Beverage Establishment – 2 COP License~~		~~AP~~	~~AP~~	~~AP~~	~~AP~~		~~AP~~	~~AP~~	~~AP~~	~~AP~~		~~AP~~	~~AP~~
~~Alcoholic Beverage Establishment~~		~~SP~~	~~SP~~	~~SP~~	~~SP~~		~~SP~~	~~SP~~	~~SP~~	~~SP~~		~~SP~~	~~SP~~
~~Auction Houses~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~– Auction Houses, Open~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~– Auction Houses, Enclosed~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~– Auction Houses, Auto~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Banking:~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~– Bank, Walk-in~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~– Bank, Walk-in and Drive-Through~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~
~~Building Materials Establishment~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~X~~
~~Business Services~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Car Wash:~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~– Self-Serve~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~– Incidental~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~– Full Service~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Construction Service Establishment~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Drinking Establishment~~	~~X~~	-	-	-	-	-	-	-	-	-	-	-	-
~~Drive-Thru Eating Establishment~~	~~X~~	~~X~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~
~~Dry Cleaners:~~	-	-	-	-	-	-	-	-	-	-	-	-	-

Commented [LDI145]: See Alcoholic Beverage Establishment

~~Neighborhood~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~General~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Pick-Up~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~
~~Exterminating and Pest Control~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~SP~~	~~SP~~	~~X~~	~~AP~~	~~X~~	~~P*~~
~~Farm Equipment and Supply Establishments~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	-	~~P~~
~~Flea Market:~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Enclosed~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Open~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Food Catering~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Funeral Chapel~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Funeral Home~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Gas Pumps~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	-	~~P*~~
~~General Retail Sales Uses~~	~~X~~	~~X~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~P~~	~~P*~~	~~P*~~	~~X~~	-	~~X~~
~~Health Services:~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Clinic~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Hospital~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Medical and Dental Laboratories~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Nursing Home~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	-
~~Professional Office~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Industrial Service Establishment~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~
~~Junkyards~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Landfills~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Lawn Care/Landscaping~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Lodging Places:~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Bed and Breakfast~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Boarding House~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Dormitories~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Hospital Guest House~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Hotel~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P*~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~
~~RV Park~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~

~~Lumberyard~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Manufactured Home/RV Sales, Rental, Leasing~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	-	~~X~~
~~Minor Earthmoving~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~X~~	~~AP~~	~~P*~~
~~Major Earthmoving~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~
~~Motor Vehicle Repair:~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~- Community Serving~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~- Neighborhood Serving~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~- Major~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~
~~Motor Vehicle Sales, Rental, Leasing~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	-	~~X~~
~~Office~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P*~~	-
~~Outdoor Advertisement Signs~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Outdoor Storage~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Parking, Commercial~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Personal Service Establishment~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~
~~Printing, Small~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Printing, Medium~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	-
~~Printing, Heavy~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	-
~~Rental Service Establishment~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	-
~~Repair Service Establishment~~	~~X~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Restaurant_Eating Establishment~~	~~X~~	~~P*~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~
~~Retail Sales, Neighborhood Convenience~~	~~X~~	~~P*~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~
~~Retail Sales, Neighborhood General~~	~~X~~	~~P*~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~P~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~
~~Service Station~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	-	~~P~~
~~Sign Painting~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~

~~Taxi Cab, Limousine Service~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Tree Farm~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~
~~Towing Service and Storage Establishment~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Veterinary Clinic~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~
~~Wholesale Trade Establishment~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	~~X~~	-
~~Waterfront Structures (Other)~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Water Dependent Uses~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~**Industrial Uses**~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Firework/Sparkler Manufacture~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	-	~~X~~
~~Manufacture:~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Heavy~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	-	~~P~~
~~Light~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	-	~~P~~
~~Research and Development Activity~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~P~~	~~X~~	~~X~~	~~X~~	-	~~P~~
~~Warehouses~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	-	~~P*~~
~~Warehouses, Mini~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	-	~~X~~
~~**Transportation Facilities**~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Aircraft Landing Field~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Airport , Private or Public~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~
~~Airport, Commercial~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Bus RR/Passenger Station~~	~~P*~~	~~X~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~
~~Bus RR/Maintenance Facility~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	-
~~Hazardous Waste Transfer Facility~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Heliport~~	~~X~~	~~X~~	~~P*~~	~~X~~	~~P*~~	~~P*~~	~~X~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P*~~
~~Helistop~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~P*~~	~~AP~~	~~P*~~	~~X~~	~~X~~	~~X~~	~~P*~~	~~P*~~

Intermodal Terminal	X	X	X	X	P*	P*	X	P*	X	X	X	X	P*
Motor Freight Terminal	X	X	X	X	P*	X	X	P*	X	X	X	X	P*
Motor Pool Facilities	X	X	X	X	P*	P*	X	P*	X	X	X	X	P*
Railroad Switching/Classification Yard	X	X	X	X	P*	P*	X	X	X	X	X	X	P*

AP = Administrative Permit
SP = Special Permit
P = Permitted
X = Not Permitted
AP/SP = Administrative Permit required as specified in Section 704Chapter 4 or elsewhere in this Code.
P* = With limitations, as specified in Section 704Chapter 4, Standards for Accessory and Specific Uses and Structuresconditional use Criteria, or elsewhere in this Code. Accessory towers in the PDR district are allowed a maximum height of 150 feet.
EMP = Permitted with an approved Environmental Management Plan.
Note: Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.

Commented [LDI146]: Moved up to before table.

LIMITATIONS

*Enclosed Flea Markets in PDC: must be located on a
Location: Collector/ or Higher classification roadway and must be
Orientation: oriented tTowards the Thoroughfare
*Open Flea Markets in PDC: must be located on an
Location: Arterial or/ Higher classification roadway and must be
Orientation: Internally oriented

402.6. General Design Requirements for all Planned Development Site Plans.

In addition to the specific requirements stated in the following sections for each PD district, planned developments shall meet the following standards. Compliance must be demonstrated at the Preliminary Site Plan approval stage.

Commented [LDI147]: These standards are currently listed as "criteria" for site plan approval. They are not criteria but standards. Moved from review chapter to this section. Will revisit need and applicability in phase 2.

~~J.~~A. ~~508.6.1.~~ **Physical Characteristics of the Site; Relation to Surrounding Property.** The tract shall be suitable, or it shall be possible to make the tract suitable, for development in ~~the~~ a manner proposed without hazard to persons or property, on or off the tract, without risk of erosion, subsidence~~, slipping of the soil~~, flood hazard, destruction of wetlands or other dangers. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of the proposed use.

~~K.~~B. ~~508.6.2.~~ **Relation to Public Utilities, Facilities and Services.** Planned development districts shall be located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations to ensure that services can reasonably be expected to be available at the time of request for Certificate of Level of Service.

~~L.~~C. ~~508.6.3.~~ **Relation to Major Transportation Facilities.** Planned development districts, where appropriate because of the size or intensity of proposed districts, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the district.

~~M.~~D. ~~508.6.4.~~ **Compatibility.** Planned development districts shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.

~~N.~~E. ~~508.6.5.~~ **Transitions.** Planned development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.

~~O.~~F. ~~508.6.6.~~ **Design Quality.** All site plans in Planned Development districts shall be designed in such manner to address all of the criteria as set forth in this ~~S~~section and shall generally be superior in design to conventional development site plans, and consistent with all other factors in this Section. All Planned Developments proposing specific approval of requirements for development under standard zoning district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.

~~P.~~G. ~~508.6.7.~~ **Relationship to Adjacent Property.** Projects in Planned Development districts shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.

~~Q.~~H. ~~508.6.8.~~ **Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes, or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need. The location of specific access points shall not be required at the General Development Plan stage in the PDEZ District.

Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.

Pedestrian access shall, where practical, be separated from vehicular access points in order to reduce congestion, friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movement safety.

~~R.~~I. ~~508.6.9.~~ **Streets, Drives, Parking and Service Areas.** Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and general facilities. Commercial and office uses shall be grouped in relation to parking areas so that after visitors arrive by automobile, establishments can be visited with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic. Loading zones where customers pick up goods shall be located and arranged so as to prevent interference with pedestrian movement, fire lanes, and

other vehicular travel ways.

For all rights-of-way and private streets in planned developments, the following minimum design considerations shall be adequately addressed:

1. Safe vehicular travel;
2. The manner in which pedestrians, including the physically handicapped, can traverse in the planned development;
3. Structural stability of all construction materials;
4. Utility distribution, power, sewer, cable, potable water and fire protection routing, location, and sizing;
5. Horizontal and vertical sight distances;
6. Traffic safety requirements;
7. Emergency vehicle maneuverability and access;
8. Logical future extension of inter-neighborhood ties.

Commented [LDI148]: Not new. Brought in from 603.4 (9).

~~S.~~J.~~508.6.10.~~ **Pedestrian Systems.** Development in all Planned Development districts shall provide internal or external walkways where pedestrian circulation requires them.

The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent to the district, with a minimum of conflicts with vehicular traffic.

Pedestrian systems through buildings shall be related to a network of exterior open spaces reserved for pedestrian use and enjoyment, consistent with the handicap accessibility standards. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district, and shall connect to principal access points within and outside the district.

Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Where there are crossings of pedestrian ways and vehicular routes at edges of Planned Developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, safeguards shall be required to prevent crossings, except at designated points. Bicycle or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.

~~T.~~K. ~~508.6.11.~~ **Natural and Historic Features, Conservation and Preservation Areas.** Development in Planned Development districts shall be designed to preserve the natural features of the land~~ and historic resources~~, such as existing trees~~,~~ and natural topography, and archaeological and historic ~~sites~~resources, as much as possible.

~~U.~~L. ~~508.6.12.~~ **Density/Intensity.** Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Planned development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.

~~V.~~M. ~~508.6.13.~~ **Height.** Height in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.

~~W.~~N. ~~508.6.14.~~ **Fences and Screening.** Fences or vegetative screening at periphery of Planned Development district shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences. When adjacent development is of either similar use or intensity, such screening may be reduced at the discretion of the ~~Planning~~ Department Director.

~~X.~~O. ~~508.6.15.~~ **Yards and Setbacks.** Yard and setback requirements shall be consistent in each Planned Development district to promote general health, safety, welfare, design excellence and neighborhood compatibility. Notwithstanding other required wetland and jurisdictional buffer requirements, all setbacks within a Planned Development subphase shall maintain consistency with the approved General Development Plan or preliminary site plan throughout the development. All proposed setbacks shall be shown on the General Development Plan or preliminary site plan in either graphic or tabular form.

~~Y.~~P. ~~508.6.16.~~ **Trash and Utility Plant Screens.** In the Planned Development district all central refuse, trash and

garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development district.

~~Z.~~Q. ~~508.6.17.~~ **Signs.** Signs in the Planned Development district shall be in accordance with Chapter 6~~Section 724~~.

~~AA.~~R. ~~508.6.18.~~ **Landscaping.** Landscaping shall be equal to or exceed the standards stipulated pursuant to 701~~Section 715~~, Landscaping and Screening Standards.

~~BB.~~S. ~~508.6.19.~~ **Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways.** The Comprehensive Plan establishes interstate interchange as critical gateways to Manatee County. In these areas, additional scrutiny shall be given to the potential visual impacts of the proposed projects, pursuant to Section 900~~737~~.

~~CC.~~T. ~~508.6.20.~~ **Environmental Factors.**

1. ~~*508.6.20.1.*~~ *Water Conservation.* Creative site development concepts shall be used in order to promote water conservation. Water requirements may be reduced by providing for:

   a. ~~a.~~ The preservation of existing plant communities;

   b. ~~b.~~ The reestablishment of native plant communities;

   c. ~~c.~~ Limited amount of lawn grass areas;

   d. ~~d.~~ The use of site specific plant materials;

   e. ~~e.~~ The use of shade trees to reduce transpiration rates of lower story plant materials;

   f. ~~f.~~ Site development that retains stormwater runoff on site;

   g. ~~g.~~ The use of pervious paving materials;

   h. ~~h.~~ Site development that addresses the carrying capacity of the land in its present form; and

   i. ~~i.~~ Other environmentally sensitive site development concepts.

2. ~~*508.6.20.2.*~~ *Minimum Open Space Requirements.* Minimum open space requirements shall be established based upon a site-specific evaluation of the project and surrounding land uses.

3. ~~*508.6.20.3.*~~ *Preservation of Existing Plant Communities.*

   a. ~~a.~~ Existing native plant communities on sites proposed for development should be preserved and incorporated into the required open space wherever possible. Existing native plant communities that are specified to remain shall be preserved in their entirety, with all desirable trees, understory, and ground covers left intact and undisturbed. In most cases, preservation of existing native plant communities will decrease the initial costs of site development, decrease future water and maintenance requirements and enhance the aesthetic appearance of the property.

   b. ~~b.~~ When existing native plant communities occur on a parcel of land and are located within planned open spaces, thirty-five percent (35%) of the required open space or seventy-five percent (75%) of the existing native plant communities, whichever is less, shall be in the form of preserved native plant communities.

~~DD.~~U. ~~508.6.21.~~ **Rights-of-Way and Utility Standards.** All improvements shall adhere to the requirements of the County's administrative procedures for all public and private rights-of-way construction.

~~EE.~~V. ~~508.6.22.~~ **Stormwater Management.** Stormwater management facilities shall adhere to the requirements of Section 801~~717~~, Stormwater Management, and the County's administrative procedures.

~~FF.~~W. ~~508.6.23.~~ **Consistency with Comprehensive Plan.** No Planned Development shall be approved if it is inconsistent with the Comprehensive Plan.

~~GG.~~X. ~~508.6.24.~~ **Other Factors.** Other factors shall be applied which:

1. ~~a.~~ Address views from interstates and major connectors;

2. ~~b.~~ Generally require greater open space than permitted in standard districts;

3. ~~c.~~ Prohibit visible exterior storage;

4. ~~d.~~ Prohibit parking and loading areas adjacent to interstate and connectors;
5. ~~e.~~ Provide quality construction material and superior design;
6. ~~f.~~ Maximize use of buffers and berms; and
7. ~~g.~~ Otherwise encourage the establishment of high quality projects at these critical locations.

In the case of a site plan subject to Board approval (for example, a General Development Plan or preliminary site plan considered in conjunction with a rezone to a Planned Development district), such factors shall be addressed and considered in the staff review of the site plan and the consideration of the site plan by the Planning Commission.

Commented [LDI149]: Sections 508.6.25 and 26 in chapter 3.

~~400.2.~~402.7. ~~603.7.~~ PDR—Planned Development Residential.

~~A. 603.7.1.~~ Intent.

~~B.~~A. It is the intent of these regulations to provide for development of residential areas in areas adequately served or in areas which can be served by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses in accord with the goals, objectives, and policies of the Comprehensive Plan and in compliance with the standards set forth herein.

It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience and ease of use as well as external compatibility. It is further intended that PDR districts may provide a broad range of housing types appropriate to the general need of the area served.

Uses in PDR districts shall be consistent with Comprehensive Plan requirements regarding use, type, locational criteria and other applicable Comprehensive Plan criteria.

~~C. 603.7.2.~~ Permitted Uses.

~~D.~~B. Permitted uses are identified in ~~Figure 6-1~~Table 4-7.

~~Uses and structures which are customarily and clearly incidental to permitted principal uses and structures, shall be also permitted.~~

Commented [LDI150]: Statement moved to introduction.

~~E. 603.7.3.~~ Density.

~~F.~~C. PDR districts shall be consistent with the Comprehensive Plan density requirements.

Projects sponsored by community based non-profit organizations shall be eligible to receive density in excess of the maximum established in the Comprehensive Plan. The adopted Manatee County Housing Program shall establish the maximum degree to which the plan density may be exceeded. Individual limits shall be established with each development approval.

~~G.~~D. ~~603.7.4.~~ PDR Standards~~Specific and Review Criteria~~.

1. ~~*603.7.4.1.*~~ *Site Planning.* Site planning within the district shall provide protection of the development from potentially adverse surrounding influences. The orientation of the development shall generally be toward internal streets and pedestrian systems and away from adjacent local streets and other adjacent land uses. In particular a buffer of a minimum of twenty (20) feet wide shall be provided along district boundaries which abut and run parallel to any public road in the PDR District.
2. ~~*603.7.4.2.*~~ *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, an area equal to at least twenty-five (25) percent of the land area of the district shall be reserved for landscaping and permeable open areas, for projects developed under common ownership, and shall be improved and maintained by the developer/homeowner's association. For projects within the watershed overlay districts, the percentage of open space shall increase to thirty-five (35) percent for new residential projects. Single family residential subdivision projects shall have an area equal to at least twenty-five (25) percent of the land area of the district for landscaping and open areas, and may utilize the area of water bodies contained entirely within the site, not to exceed seventy-five (75) percent of the total open space requirement, or a portion of the total open space proposed for the site, with all such open space improved and maintained by the developer/homeowner's association. (See the definition of Open Space.)

3. ~~603.7.4.3.~~ *Frontage and Accessibility.* Every dwelling unit or other use permitted in the Planned Development shall have vehicular access to a public street either directly or via an approved private street, pedestrian way, court, or other area dedicated to public use or private use, or common element guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. Adequate emergency vehicular access is required to every dwelling unit.

4. ~~603.7.4.4.~~ *Neighborhoods.* All Planned Residential Developments shall be designed in such a manner as to promote neighborhoods. This shall be done by creating a neighborhood focal point within the development such as water bodies, recreation areas or community centers. Other methods of achieving neighborhood unity include: use of natural features, unified theme, use of greenbelts and pedestrian/bikeway corridors.

5. ~~603.7.4.5.~~ *Greenbelts.* In order to promote and enhance the creation of unique neighborhood units, each distinct neighborhood shall be bordered by a continuous greenbelt buffer measuring fifteen (15) feet in width and containing one shade tree, meeting minimum planting size standards in Section 715, planted every thirty (30) feet on center. Greenbelts are to be so planned that where two (2) PDR districts abut one another, the greenbelt buffer areas are contiguous. Streets and utilities providing inter-neighborhood ties may be permitted to pass through greenbelt buffer areas.

   In PDR Districts consisting entirely of fifteen (15) or less single-family lots, greenbelt width may be reduced to ten (10) feet.

6. ~~603.7.4.6.~~ *Traffic Circulation.* Provide for inter-neighborhood ties~~,~~; however, the neighborhood focal points shall not be located, when possible, along collector/connector roads.

7. ~~603.7.4.7.~~ *Yards and Setbacks.* For each PDR District yard and setback requirements shall be established which promote general health, safety, welfare, design excellence and neighborhood compatibility. Yard and setback standards shall be consistent within each Planned Development district or "phase." Each new planned development project may propose specific setbacks for that project. Unless otherwise specified within the development approvals, the following minimum yard requirements shall apply to all previously approved projects:

   Minimum front yard of twenty (20) feet, except that all front loaded garages and carports shall have minimum setbacks of twenty-five (25) feet

   Minimum side yard of eight (8) feet

   Minimum rear yard of fifteen (15) feet

   If no minimum setbacks are established for the project at the General Development Plan stage, the minimum standards shall be:

   Minimum front yard—twenty-five (25) feet

   Minimum side yard—eight (8) feet

   Minimum rear yard—fifteen (15) feet

8. ~~603.7.4.8.~~ *Minimum Lot Width.* If no minimum lot width is established at the General Development Plan stage, then the minimum lot width shall be sixty (60) feet for single-family residences.

9. ~~603.7.4.9.~~ *Building Height.* The maximum height in the PDR~~T~~ District is thirty-five (35) feet. ~~Accessory Towers. Accessory~~Telecommunication towers ~~in the PDR district are allowed~~ shall not exceed a maximum height of 150 feet.]

   ~~However, r~~Requests to increase height above thirty-five (35) feet may be approved by the Board of County Commissioners after review of the nature of surrounding uses, and the criteria listed ~~in 603.7.4.9~~ below~~.~~. The Board shall ~~upon the making of a specific finding~~ make a determination that the proposed development is compatible with the surrounding area and will not create any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceways. An applicant requesting an increase in building height over thirty-five (35) feet, shall provide, at the time of public hearing, conceptual architectural drawings, elevations and plan views, showing the buildings and their relationship on the property.

   ~~a. 1.~~ Compatibility.

Commented [LDI151]: Moved here from table footnotes. Changed title from "Accessory towers" to "Telecommunication Towers" as requested by staff.

~~b.~~a. ~~a.~~ Whether the height of the proposed development creates any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceway areas.

~~c.~~b. ~~2.~~ Relationship to Adjacent Properties.

i. ~~a.~~ Whether the proposed building(s) has varied setbacks giving the appearance of less bulk to the street frontage and adjacent buildings. Whether the minimum setback is equal to the proposed height of the building, with variations a minimum of five (5) feet in depth.

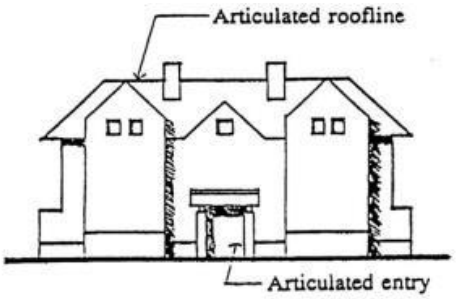
ii. ~~b.~~ Whether the heights of buildings step down or otherwise provide an appropriate transition to adjacent properties.

iii. ~~c.~~ Whether the site is designed to provide a desirable transition from the street, pedestrian areas, and parking areas to the buildings.

~~d.~~ ~~3.~~ Roofline Design.

~~e.~~c. ~~a.~~ Whether the proposed building(s) has/have an articulated roofline, including elements such as windows, balconies and other architectural features. (See Figure ~~3~~4-1.)

Figure 4 - 1: ~~*Figure 1.*~~ Articulated ~~r~~Roofline



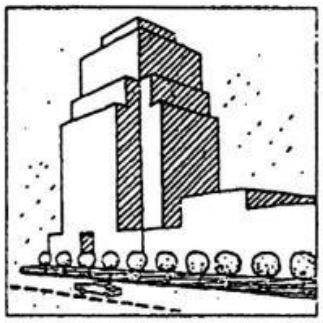
~~f.~~d. ~~4.~~ Facade Design.

i. ~~a.~~ Whether the proposed building(s) have facade modulations and varied rooflines. (See Figure ~~3~~4-2.)

Figure 4 - 2: ~~Figure 2.~~ Facade Modulations and Varied Rooflines

ii. ~~b.~~ Whether buildings greater than thirty-five (35) feet in height provide a graduated step back on higher stories. (See Figure ~~3~~4-3.)

Figure 4 - 3:~~Figure 3.~~ Facade Modulations, Graduated Stepback on Higher Stories



~~g.~~e. ~~5.~~ Building Materials.

i. ~~a.~~ Whether building materials are compatible and/or complementary with the adjacent existing construction.

ii. ~~b.~~ Whether materials have superior architectural character, selected for consistency and compatibility with adjoining buildings.

iii. ~~c.~~ Whether materials selected are suitable with the type of buildings proposed and the design in which they are to be used.

~~h.~~f. ~~6.~~ Open Space. Whether the provided open space exceeds the required minimums.

~~i.~~g. ~~7.~~ Comprehensive Plan. Whether the project as proposed is designed to implement the policies of the Comprehensive Plan.

~~603.7.4.9.1. Architectural Plans Required. An applicant requesting an increase in building height over thirty-five (35) feet, shall provide, at the time of public hearing, conceptual architectural drawings, elevations and plan views, showing the buildings and their relationship on the property.~~

Commented [LDI152]: Moved up

~~400.3.~~402.8. ~~603.8.~~ PDMH—Planned Development Mobile Home.

A. ~~603.8.1.~~ Intent.

It is the intent of these regulations to provide for development of mobile home parks as residential areas in areas adequately served or in areas which can be served by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses in accord with the goals, objectives, and policies of the Comprehensive Plan and in compliance with the standards set forth herein.

It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience and ease of use as well as external compatibility.

B. ~~603.8.2.~~ Permitted Uses and Density/Intensity.

Permitted uses are identified in ~~Figure 6-1~~Table 4-7. A PDMH district may include units designated as recreational vehicles, subject to the limitations of the Comprehensive Plan regarding commercial uses, and subject to the requirements of Section 513.014, Florida Statutes, so long as at least percent (51%) of the units within the site are designated for mobile homes.

C. ~~603.8.3.~~ Permitted Accessory Uses and Structures.

Uses and structures which are customarily and clearly incidental to permitted principal uses and structures, shall be permitted.

Such accessory uses may include but are not limited to:

1. ~~1.~~ Non-commercial low intensity recreation facilities.
2. ~~2.~~ Centralized facilities for park offices, maintenance facilities, dumping stations, toilets, showers and laundry, for the exclusive use of all park residents.
3. ~~3.~~ Park Manager or caretaker residence of either a mobile home, one-family or two family dwelling with a limit of two (2) dwelling units maximum, for the exclusive residence of the park management or caretaker.
4. ~~4.~~ Centralized enclosed storage structures and storage garage facilities, with use limited to park residents only. No such structure shall be located within any required yard setback, any required perimeter buffer of the manufactured home development, or any utility or drainage easement.
5. ~~5.~~ Accessory service uses shall be for the exclusive use of the park residents only, and shall be limited to the following:

~~Non-commercial low intensity recreation facilities;~~

	Aggregate Total Square Foot Area
Non-commercial low intensity recreation facilities	NA
Retail sales establishments	1,000
Personal service establishments	1,000
Food service establishments	3,000
Child care centers	3,000

6. All accessory uses are subject to the following restrictions:
   a. ~~1.~~ Such accessory service uses and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park, except for non-commercial outdoor recreation facilities.
   b. ~~2.~~ Such accessory service uses shall present no visible evidence of the commercial character from any street outside the park.
   c. ~~3.~~ The structures housing such accessory service facilities shall not be located closer than one hundred (100) feet to any public street; shall not be directly accessible from any public street, and shall be accessible only from a street within the park.
   d. ~~4.~~ Such uses otherwise conform to the applicable regulations of the NC-S Neighborhood Commercial Small District.
   e. ~~5.~~ Accessory service uses shall be specifically requested with the application for PDMH.

D. ~~603.8.4. Review Criteria~~PDMH Standards.

1. ~~*603.8.4.1.*~~ *Nature of Surrounding Land Uses.* The nature of surrounding land uses shall be considered in order to ensure that the intensity of the proposed mobile home park will not create external impacts that adversely affect surrounding uses.

   The nature of surrounding land uses shall be considered in order to ensure that the intensity of the proposed mobile home park provides, where appropriate, a transition between surrounding uses.
2. ~~*603.8.4.2.*~~ *Access.* Available access shall be evaluated in order to ensure that the intensity of the proposed mobile home park will not adversely impede the free flow of traffic on the streets serving the district.
3. ~~*603.8.4.3.*~~ *Site Plan Sufficiency.* The proposed site plan shall be evaluated to ensure consistency with the following criteria:
   a. ~~1.~~ *Landscaped and Pervious Area Requirements.* At least twenty-five (25) percent of the land area to the district shall be reserved for landscaping and permeable open areas, and shall be improved and maintained accordingly, such areas may include landscaped buffers, vegetated yards, parking area screening, landscaped islands, mulched or vegetated play or seating areas and areas paved with permeable paving blocks. No more than twenty-five (25) percent of the required landscaped and pervious area shall be composed of permeable paving block.

~~b. 2.~~ *Buffers.* Perimeter buffers shall be required along all streets abutting the PDMH and along all other boundaries.

~~c.~~b. There shall be a landscaped buffer strip not less than fifty (50) feet in depth along all streets abutting the PDMH, and a landscaped buffer strip not less than fifteen (15) feet in depth along the other boundaries of the mobile home park except where such boundaries abut a residentially zoned district or an area designated in the Comprehensive Plan for residential development, the buffer shall be seventy-five (75) feet. Streets shall not be permitted in the landscape buffer, except where providing direct access off-site and in such case shall run perpendicular through buffer. Screening shall be provided as appropriate.

~~d.~~c. ~~3.~~ *Dimensional Regulations.* PDMH projects shall be subject to the following dimensional requirements unless other guidelines are specifically approved by the Board:

Minimum Site Area For:	
Single Wide Park Trailer	2,000 sq. ft.
Single Wide Manufactured Home	3,000 sq. ft.
Double Wide Manufactured Home	3,000 sq. ft.
Triple Wide Manufactured Home	4,750 sq. ft.
Non-residential site	10,000 sq. ft.
Management or caretakers dwelling unit	10,000 sq. ft.
Minimum Width For:	
Single Wide Park Trailer	35 feet
Single Wide Manufactured Home	40 feet
Double Wide Manufactured Home	50 feet
Triple Wide Manufactured Home	60 feet
Non-residential site or dwelling	75 feet
Minimum Yards	**5 feet**
Minimum Floor Area:	
Single Wide Manufactured Home	600 sq. ft.
Double Wide Manufactured Home	850 sq. ft.
Single Wide Park Trailer	375 sq. ft.
Maximum Height:	
Non-Residential	35 feet
Residential	15 feet

4. ~~*603.8.4.4.*~~ *Site Conditions*.

   a. ~~603.8.4.4.1. *Flood Hazards.*~~ Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. All mobile home sites shall conform to the applicable requirements of Section ~~717~~801, Stormwater Management and Section 802~~718~~, Floodplain Management.

   b. ~~603.8.4.4.2.~~ The approval of any new mobile home site shall be prohibited within the Hurricane Vulnerability Area of the Coastal Area.

E. ~~603.8.5.~~ Required Improvements for All Areas Except Designated Camping Areas.

1. ~~*603.8.5.1.*~~ *Generally.* All standards and improvements required in Chapters ~~9~~3, 8 and 10 shall be required in PDMH projects; however, dedication of street rights-of-way to the County shall be prohibited for internal streets.

2. ~~*603.8.5.2.*~~ *Utilities.* All mobile homes and mobile home sites shall be connected to utilities in compliance with the Manatee County Building Code. Electrical meters shall not be energized for any mobile home site until a Certificate of Occupancy has been issued unless approved otherwise by the Building Official, in conjunction with a development order approval.

3. ~~603.8.5.3.~~ *Parking Pads and Tie-Downs Required.* Each mobile home site shall contain a dustless surface vehicular parking pad. Each mobile home shall be tied down in accordance with the manufacturer's instructions and Chapter 15C of the Florida Administrative Code, Manatee County Building Code or other applicable law.

4. ~~603.8.5.4.~~ *Garbage and Trash.* Park management shall be strictly responsible for internal trash and garbage collection. Central park collection points shall be sited and screened in accordance with ~~Section 728~~the requirements of this code and the Public Works Manual.

5. ~~603.8.5.5.~~ *Required Recreation/Storm Shelter Building.* Within all new PDMH projects containing twenty-five (25) or more lots, a building shall be constructed which complies with the requirements of Section 511.4~~716~~.

6. ~~603.8.5.6.~~ *Application Requirements.* Each application for a PDMH district must clearly specify the type of units which are being requested and the designation of the sites where units will be located, including a specific description and location of any sites designated for recreational vehicles.

7. ~~603.8.5.7.~~ *Review.* The review will include compliance with safety, flood protection, building and other Land Development Code requirements.

~~400.4.~~402.9. ~~603.9.~~ PDRV—Planned Development Recreational Vehicle.

~~A. 603.9.1.~~ Intent.

~~B.~~A. -PDRV districts shall hereafter be established in accordance with the general requirements, standards, and criteria set forth in ~~Section 603~~this chapter. It is the intent of this district to provide a limited opportunity for existing recreational vehicle parks to formalize their existing development pattern and establish guidelines for further operation and expansion, and to provide criteria and regulations for the development of new recreational vehicle parks. The requirements of Sections D, E, and F, below, ~~603.9.4, 603.9.5 and 603.9.6~~ shall be met when existing RV parks are expanded. Existing parks shall not be required to meet minimum lot area, lot size, and the dustless parking pad requirements.

~~C. 603.9.2.~~ Permitted Uses and Density/Intensity.

~~D.~~B. -Permitted uses are identified in Table 4-7~~Figure 6-1~~. PDRV districts do not permit new attachments to recreational vehicles other than open canvas awnings having no walls, rollup screen enclosures, pop-out units and similar attachments which are integral to the unit as originally manufactured. Portions of individual PDRV districts which permit recreational vehicles shall be considered commercial and are limited to 12 sites per acre.

A PDRV district may include sites designated for mobile home, subject to the limitations of the Comprehensive Plan regarding residential uses, and subject to the requirements of Section 513.014, Florida Statutes, so long as at least percent (51%) of the units within the site are designated for recreational vehicles.

~~E. 603.9.3.~~ Permitted Accessory Uses and Structures for the Park or Subdivision.

~~F.~~C. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures~~,~~ shall be permitted.

1. ~~603.9.3.1.~~ Such accessory uses shall only include the following:

   a. ~~1.~~ Non-commercial low intensity recreation facilities.

   b. ~~2.~~ Centralized facilities for park/subdivision offices, maintenance facilities, dumping stations, toilets, showers and laundry, for the exclusive use of all park visitors.

   c. ~~3.~~ One mobile home, one-family or two family dwelling with a limit of two (2) dwelling units maximum, for the exclusive residence of the park/subdivision management or caretaker.

   d. ~~4.~~ Centralized enclosed storage structures and storage garage facilities, with use limited to park visitors only. No such structure shall be located within any required yard setback, any required perimeter buffer of the recreational vehicle park/subdivision, visibility triangle or any utility or drainage easement.

   e. ~~5.~~ Accessory service uses for the exclusive use of the park residents only, shall be limited to the following:

	Maximum Gross Floor Area
Non-commercial low intensity recreational facilities	NA
Retail sales establishments	1,000 sq. ft.
Personal service establishments	1,000 sq. ft.
Food service establishments	3,000 sq. ft.
Child care centers	3,000 sq. ft.
Recreational vehicle, model units, sales and service	7,500 sq. ft.

~~603.9.3.2. Non-commercial low intensity recreational facilities;~~

2. ~~603.9.3.3.~~ All Accessory Uses are subject to the following restrictions:

   a. ~~1.~~ Such accessory service uses and the parking areas primarily related to their operations shall not occupy more than five percent (5%) of the gross area of the park except for non-commercial outdoor recreation facilities.

   b. ~~2.~~ Such non-retail accessory service uses shall present no visible evidence of the commercial character from any street outside the park.

   c. ~~3.~~ The structures housing such accessory service facilities shall be accessible only from a street within the park.

   d. ~~4.~~ Such uses otherwise conform to the applicable regulations of the NC Neighborhood Commercial District.

   e. ~~5.~~ Accessory service uses shall be specifically requested with the application for PDRV.

~~C.~~**D.** ~~**603.9.4.**~~ **PDRV Standards and Review Criteria**.

~~1. *603.9.4.1.*~~ *Nature of Surrounding Land Uses.* The nature of surrounding land uses shall be considered in order to ensure that the intensity of the recreational vehicle park will not create external impacts that adversely affect surrounding uses.

~~2.~~1. The nature of surrounding land uses shall be considered in order to ensure that the intensity of the recreational vehicle park provides, where appropriate, a transition between surrounding uses.

~~3. *603.9.4.2.*~~ *Access.* Available access shall be evaluated in order to ensure that the intensity of the recreational vehicle park will not adversely impede the free flow of traffic on the streets serving the district.

~~4.~~2. A PDRV shall be located so that no entrance or exit from the park shall discharge traffic onto any residential district, nor require movement of traffic from the park through a residential district.

~~5.~~3. ~~*603.9.4.3.*~~ *Site Plan Sufficiency.* The site plan shall be evaluated to ensure consistency with the following criteria:

   a. ~~1.~~ *Landscaped and Pervious Area Requirements.* At least twenty (20) percent of the land area to the district shall be reserved for landscaping and permeable open areas, and shall be improved and maintained accordingly, such areas may include landscaped buffers, vegetated yards, parking area screening, landscaped islands, mulched or vegetated play or seating areas and areas paved with permeable paving blocks. No more than twenty-five percent (25%) of the required landscaped and pervious area shall be composed of permeable paving block.

   ~~b. 2.~~ *Buffers.* Perimeter buffers shall be required along all streets abutting the PDRV and along all other boundaries.

   ~~c.~~b. There shall be a landscaped buffer strip not less than fifty (50) feet in depth along all streets abutting the PDRV, and a landscaped buffer strip not less than fifteen (15) feet in depth along the other boundaries of the recreational vehicle park except where such boundaries abut a residentially zoned district or an area designated in the Comprehensive Plan for residential development, where the buffer shall be seventy-five (75) feet. Streets shall not be permitted in the landscape buffer, except where providing direct access off-site and in such case shall run perpendicular through buffer. Screening shall be provided as appropriate.

~~d.~~c. ~~3.~~ *Dimensional Regulations.* PDRV projects shall be subject to the following dimensional requirements. Existing lots and sites in existing parks and subdivisions are exempt from the minimum site area and minimum lot width requirements.

Minimum Site Area For:	
Rec. Vehicle without attachments	1,200 sq. ft.
Site in designated camping area	1,200 sq. ft.
Non-residential site	10,000 sq. ft.
Dwelling unit	10,000 sq. ft.
Minimum Width For:	
Mobile home site	35 feet
RV site	30 feet
Site in designated camping area	20 feet
Non-residential site	75 feet
Minimum Yard - Non-Residential ~~**Dwelling Unit**~~	See Neighborhood Commercial Small Standards
Minimum Yards - Residential	5 feet
Maximum Height:	
Non-Residential	35 feet
Residential	15 feet

~~6.~~4. ~~*603.9.4.4.*~~ *Site Conditions, Flood Hazards.* Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. All recreational vehicle sites shall conform to the applicable requirements of Section ~~717~~801, Stormwater Management and Section ~~718~~802, Floodplain Management.

~~H.~~E. ~~603.9.5.~~ **Required Improvements for All Areas Except Designated Camping Areas**.

1. ~~*603.9.5.1.*~~ *Generally.* All standards and improvements required in the Manatee County Subdivision Regulations and Development Standards shall be required in PDRV projects; however, dedication of street rights-of-way to the County shall be prohibited for all internal streets.
2. ~~*603.9.5.2.*~~ *Utilities.* All recreational vehicles and recreational vehicle sites shall be connected to utilities in compliance with Manatee County Building Code, in a manner that maintains the ability of the owner of each recreational vehicle to manually disconnect and travel. Electrical meters shall not be energized for any mobile home site until a Certificate of Occupancy has been issued unless otherwise approved by the Building Official, in conjunction with a development order approval.
3. ~~*603.9.5.3.*~~ *Parking Pads and Tie-Downs Required.* Each site shall contain a stabilized vehicular parking pad composed of a dustless surface. Any recreational vehicle that the owner elects to tie down shall be tied down in accordance with the Manatee County Building Code, manufacturer's instruction, or other applicable law, in a manner that maintains the ability of the owner of the recreational vehicle to manually disconnect and travel.
4. ~~*603.9.5.4.*~~ *Garbage and Trash.* Park management shall be strictly responsible for internal trash and garbage collection. Central park collection points shall be sited and screened in accordance with the Manatee County Public Works Standards ~~Section 728~~.
5. ~~*603.9.5.5.*~~ *Required Recreation/Emergency Storm Shelter Building.* Within all new and expanded PDRV projects containing twenty-five (25) or more lots, a building shall be constructed which complies with Section 511.4~~716~~.

~~I.~~F. ~~603.9.6.~~ **Required Improvements for Designated Camping Areas**.

1. ~~603.9.6.1. *Streets.*~~ Streets in such areas shall be private and properly stabilized. Private streets shall be paved with a smooth, dustless surface, clearly marked as to internal circulation and direction of travel; and the minimum width:

a. ~~(1)~~ One-way vehicular travel—eighteen (18) feet of paving.

b. ~~(2)~~ Two-way vehicular travel—twenty-four (24) feet of paving.

c. ~~(3)~~ Cul-de-sac diameter—eighty (80) feet of paving.

2. ~~603.9.6.2. *Parking Pads.*~~ Each recreational vehicle site shall contain a dustless surface vehicular parking pad.

3. ~~603.9.6.3.~~ No mobile home sites shall be allowed in designated camping areas.

4. ~~603.9.6.4. *Sanitary Facilities.*~~ Sanitary facilities for designated camping areas shall be in accordance with requirements of the State of Florida and the County Health Unit and Section ~~718~~802, Floodplain Management.

~~J. 603.9.7.~~ **Additions and Accessory Uses**.

~~K.~~G. Additions and accessory uses are only allowed to mobile homes. The addition shall be of a similar construction and is limited to screen rooms, carports, laundry and storage rooms, and family room. The addition of bathrooms and bedrooms is prohibited.

~~L. 603.9.8.~~ **Application Requirements**.

~~M.~~ Each application for a PDRV district must clearly specify the type of units that are being requested and the designation of the sites where units will be located, including a specific description and location of any sites designated for mobile homes and sites designated for recreational vehicles.

~~N.~~H. Included in the request for additions shall be the type of materials, specifications, and dimensional guidelines for the additions.

~~O. 603.9.9.~~ **Review**.

~~P.~~I. The review will include compliance with safety, flood protection, building and other Land Development Code requirements.

~~Q. 603.9.10.~~ **Limitations**.

~~R.~~ No recreational vehicle or mobile home shall be occupied in any area of the park except on a specifically approved site with individual sanitary, potable water and electrical hookups.

~~S.~~J. There shall be no encroachment (from the finish grade up) in the required yards except for eaves, gutters, and air conditioning equipment. Eaves and gutters shall be at least eight (8) feet above grade and may extend two (2) feet into any required yard but not nearer than three (3) feet to a lot line.

~~T. 603.9.11.~~ **Time Limitations**.

~~U.~~K. In new or expanded parks or subdivisions, recreational vehicles 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.

~~400.5.~~402.10. ~~603.10.~~**PDO—Planned Development Office.**

~~A. 603.10.1.~~ **Intent**.

~~B.~~A. PDO districts shall hereafter be established in accordance with the general procedures, requirements, standards and criteria set forth in Section 603. It is the intent of these regulations to provide for development of offices at appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and in compliance with standards set forth herein.

It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience and ease of use as well as external compatibility. It is further intended that PDO districts shall provide a broad range of office facilities and services appropriate to the general need of the area served.

Uses in PDO districts shall be consistent with the Comprehensive Plan requirements regarding permissible uses, intensity, locational criteria and other applicable standards.

Additionally, PDO districts shall be located to facilitate ease and convenience of use; and where negative impacts

on the surrounding transportation systems, public services and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; where the development will not encourage the expansion of office or commercial strip development along adjacent streets; and where the intensity of the project is consistent with the use that is provides.

~~C. 603.10.2.~~ **Permitted Uses**.

~~D.~~ The uses permitted in PDO are listed in ~~Section 603. See Figure 6-1~~Table 4-7.

~~E.~~B. ~~Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted.~~

~~F. 603.10.3.~~ **Maximum Floor Area Ratio and Project Size**.

~~G.~~C. The floor area ratio and project size for a PDO district shall not exceed the maximum established in the Comprehensive Plan.

~~H.~~D. ~~603.10.4.~~ PDO **Standards and Review Criteria**.

~~1. 603.10.4.1.~~ *Intensity Review Criteria.* PDO districts shall be permitted a range of floor area ratios, heights, and square footages.

~~2.~~1. Review of the criteria contained in this Chapter and Chapter 3~~5~~, shall provide a basis for intensity determinations (floor area ratio, height and square footage).

~~3.~~2. ~~603.10.4.2.~~ *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, an area equal to at least twenty-five (25) percent the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.

~~4.~~3. ~~603.10.4.3.~~ *Yards and Setbacks.* Yard and setback requirements shall be established for each PDO district which promote general health, safety, welfare and design excellence and neighborhood compatibility. A minimum front yard of twenty-five (25) feet and side yard of fifteen (15) feet, the minimum rear yard setback of fifteen (15) feet is required.

~~400.6.~~402.11. ~~603.11.~~ PDC—Planned Development Commercial.

~~A. 603.11.1.~~ **Intent**.

~~B.~~A. PDC districts shall hereafter be established in accordance with the general procedures, requirements, standards and criteria set forth in this section and Chapter 3~~Section 603~~. It is the intent of these regulations to provide for development of commercial centers in scale with surrounding market areas, at appropriate locations, in conformance with the goals, objectives, policies and locational criteria of the Comprehensive Plan and in compliance with standards set forth herein.

It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience and ease of use and is compatible with adjacent and surrounding land uses. It is further intended that PDC districts shall provide a broad range of commercial facilities and services appropriate to the general need of the area served.

PDC districts shall be consistent with Comprehensive Plan requirements regarding permissible uses, maximum floor area ratio, maximum project size, intensity, locational requirements and other applicable standards. All RV Parks in the PDC District shall meet the standards and limitations of Section 531.39~~Figure 6-5~~, ~~C~~RV Parks and Subdivisions ~~Regulations~~.

Additionally, PDC districts shall be located where they will facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services and surrounding land uses; where the use is compatible with surrounding land uses will be minimized; where the development will not encourage the expansion of office or commercial strip development along adjacent streets; and where the intensity of the project is consistent with the use that it provides.

~~C. 603.11.2.~~ **Permitted Uses**.

~~D.~~B. The uses permitted in PDC are listed in ~~Section 603. See Figure 6-1~~Table 4-6. Outdoor Storage in PDC shall comply with the standards of Section 531.35~~704.69~~.

~~E. 603.11.3.~~ **Permitted Accessory Uses and Structures**.

~~F.~~C. Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted.

~~G.~~D. ~~603.11.4.~~ PDC **Standards** ~~and Review Criteria~~.

~~1. 603.11.4.1.~~ *Intensity.* PDC districts shall be permitted a range of floor area ratios, heights, and square footages.

~~2.~~1. Review of the criteria contained in this Chapter and Chapter 3~~5~~ shall provide a basis for intensity (floor area ratio, height and square footage) determinations.

~~3.~~2. ~~603.11.4.2.~~ *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, at least twenty (20) percent of the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.

~~4.~~3. ~~603.11.4.3.~~ *Yards and Setbacks.* Yard and setback requirements shall be established for each PDC district which promote general health, safety, welfare, design excellence and neighborhood compatibility. A minimum front yard of thirty (30) feet shall be required along all thoroughfare streets and thirty-five (35) feet along all local streets. A side setback of fifteen (15) feet is required. A rear yard setback of twenty (20) feet is required.

~~400.7.~~402.12. ~~603.12.~~**PDRP—Planned Development Research Park.**

~~A. 603.12.1.~~ **Intent**.

~~B.~~A. It is the intent of the PDRP, Research Park district, to provide for the development of research facilities, high amenity specialized prototype development and testing activities, and corporate and general office uses while protecting nearby, existing and future residential uses and activities. The district will promote the proper location of permitted uses with regard to transportation and other public facilities, compatibility between uses internal and external to the district, development according to a plan which is in compliance with the Comprehensive Plan, and harmony in physical design.

Because it is the intent of the PDRP district to have an internally and externally integrated development, the location of buildings and roadways shall be delineated on the site plan. The percentage mix of uses shall also be given on the site plan.

Within the district, it is intended that uses shall be arranged horizontally or vertically such that:

1. ~~1.~~ Major vehicular traffic flows and other disquieting influences are separated from surrounding residential areas;
2. ~~2.~~ General office and permissible commercial uses are concentrated for maximum pedestrian convenience and located for easy accessibility by workers and visitors; and
3. ~~3.~~ Certain research facilities and related uses are concentrated together where appropriate.

Where such a district adjoins residential neighborhoods, the arrangement of buildings, uses, open space and vehicular access shall provide appropriate transitions and reduce potentially adverse effects by providing a transition between the residential districts and incompatible PDRP uses.

Uses must be consistent with the Comprehensive Plan with regard to intensity, floor area ratio, project size, locational criteria and other standards.

~~C.~~ **Location**.

~~D.~~B. PDRP districts shall be located where they will facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides. PDRP districts shall be located only within the mixed use, light industrial, heavy industrial~~,~~

and urban industrial categories of the Comprehensive Plan.

~~E. 603.12.2.~~ **Permitted Uses**.

~~F.~~C. The uses permitted in PDRP are listed in ~~Section 603. See Figure 6-1~~Table 4-7.

~~G. 603.12.3.~~ **Permitted Accessory Uses and Structures**.

~~H.~~D. Uses and structures which are customarily accessory and clearly incidental, to permitted principal uses and structure, shall be permitted.

Additionally, uses which are designed to primarily serve the occupants and visitors of the PDRP district, rather than as attractors of business from outside the district, shall be permitted as follows:

1. ~~1.~~ Identified accessory uses may occupy up to fifty (50) percent of any building containing a principal use, provided the use complies with the Manatee County Building Code as adopted.
2. ~~2.~~ Identified accessory uses occupying greater than fifty (50) percent of a structure or freestanding structures shall be located internally within the project with limited visibility from adjacent streets or surrounding properties; and shall have no direct access to adjacent streets outside of the district, provided the use complies with the Manatee County Building Code as adopted.

~~I.~~E. ~~603.12.4.~~ **Standards and Review Criteria**.

1. ~~*603.12.4.1.*~~ *Intensity.* PDRP districts shall be permitted a range of floor area ratios, heights, and square footages. In evaluating proposals, the criteria in this Chapter and Chapter 5 shall provide a basis for intensity controls (floor area ratios, height, square footage, setbacks).
2. ~~*603.12.4.2.*~~ *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, at least thirty-five (35) percent of the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.
3. ~~*603.12.4.3.*~~ *Yards and Setbacks.* Yard and setback requirements shall be established for each PDRP district which promote general health, safety, welfare, design excellence, and neighborhood compatibility. A minimum front yard of forty (40) feet shall be required. The minimum side yard setback of fifteen (15) feet and the minimum rear yard setback of twenty (20) feet.
4. ~~*603.12.4.4.*~~ *Limitation on Open Air Operations.* All research, manufacturing, processing or assembly operations and related operations shall be conducted completely within structures. No materials, supplies, equipment, or merchandise shall be stored outside of any structure. Overnight parking of service vehicles shall be permitted.
5. ~~*603.12.4.5.*~~ *External Effects.* No noise, smoke, glare, vibration or odor from research, manufacturing, processing, assembly and related operations which is detectable outside the building shall be permitted within the boundary lines of a PDRP District. (See also ~~Section 723~~Chapter 5, Part V.)

~~400.8.~~402.13. ~~603.13.~~PDI—Planned Development Industrial.

~~A. 603.13.1.~~ **Intent**.

~~B.~~A. It is intended that PDI districts shall encourage concentration of complimentary uses grouped adjacent to major streets or streets serving industrial areas, providing well planned development on sites with adequate frontage and depth to permit controlled access to streets and reduce marginal traffic friction; serve as an alternative to further extensions of industrial zoning allowing disorderly strip development; protect stability and property values in surrounding neighborhoods; and to establish complimentary groupings of related manufacturing, processing, assembly, research activities, distribution activities, offices and associated uses.

Uses must be consistent with the Comprehensive Plan permitted uses, locational criteria, project size, intensity and other criteria.

~~C.~~ **Location**.

~~D.~~B. PDI districts shall be located where they will facilitate ease and convenience of use; where negative impacts

on the surrounding transportation systems, public services and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides. PDI districts with light industrial uses may be located only within the light industrial, heavy industrial, urban industrial and mixed use categories of the Comprehensive Plan and PDI districts with heavy industrial uses shall be located only within the heavy industrial and urban industrial categories of the Comprehensive Plan.

~~E. 603.13.2.~~ **Permitted Uses**.

~~F.~~C. The permitted uses in PDI are listed in ~~Section 603. See Figure 6-1~~Table 4-7.

~~603.13.3. Accessory Uses.~~

~~Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted.~~

~~G.~~D. ~~603.13.4.~~ **Standards and Review Criteria**.

1. ~~*603.13.4.1.*~~ *Intensity.* PDI districts shall be permitted a range of floor area ratios, heights, and square footages. In evaluating proposals, the criteria contained in this Chapter and Chapter 3~~5~~ shall provide a basis for intensity determinations (floor area ratio, height, square footage, and setbacks).

2. ~~*603.13.4.2.*~~ *Landscaped Open Space and Pervious Area Requirements.* For projects outside the watershed overlay districts, at least twenty-five (25) percent of the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.

3. ~~*603.13.4.3.*~~ *Yards and Setbacks.* Yards and setback requirements shall be established for each PDI district which promote general health, safety, welfare, design excellence, and neighborhood compatibility. A minimum of front yard of thirty (30) feet shall be required. The minimum side yard setback of fifteen (15) feet and rear yard setback of twenty (20) feet.

4. ~~*603.13.4.4. Operations,*~~ *Required Enclosures.* ~~Unless specifically approved otherwise:~~

   ~~1. Uses.~~ Unless specifically approved otherwise,~~:~~ ~~A~~all permitted principal and accessory uses must be conducted entirely indoors, except as provided ~~in subsection 2~~ below.

   a. ~~2.~~ Products, Materials. Finished products awaiting shipment and materials awaiting processing must be stored within the buildings of the plant or within an area which is fenced or walled in a manner which will not permit the viewing of such activity from any public way, private street~~,~~ or from any other establishment.

   ~~b. Other Required Enclosures.~~

   ~~c.~~b. ~~3.~~ Merchandise. No outside storage, sale, or display of merchandise shall be permitted.

   ~~d.~~c. ~~4.~~ Trash. All garbage, trash and waste materials must be stored indoors or in well-screened enclosures on the premises.

~~H.~~E. ~~603.13.4.5.~~ **Off-street Loading, Travelways and Parking Areas**. Off-street areas for loading or handling of materials and products, travelways, and parking areas shall be paved with a smooth, all-weather, dustless surface, and conform to Section 1005~~710~~.

~~I.~~F. ~~603.13.4.6.~~ **Disposal of Waste—Required Approval**. Disposal of industrial or other wastes, gaseous, liquid or solid, shall be approved by the HRS/Manatee County Public Health Unit and/or other appropriate regulatory agencies.

~~400.9.~~402.14. ~~603.14.~~ **PDW—Planned Development Waterfront.**

~~A. 603.14.1.~~ **Intent**.

~~B.~~A. The PDW district is established to implement the provisions of the Manatee County Comprehensive Plan by providing a specialized district for marinas, boat liveries, boat yards and ways, and other waterfront uses that are

Commented [LDI153]: Already stated above (table of uses intro)

Commented [LDI154]: Consider incorporating some of these standards into chapter 4 (waterfront structures) or Ch 8 (design guidelines).

oriented and enhanced by the water.

1. ~~603.14.1.1.~~ The district is established to ensure that development within the coastal area is compatible with its natural character through the establishment of locational criteria and review guidelines which encourage innovative and creative design to facilitate use of the most advantageous construction techniques in the development of waterfront land uses; ensure ample provision and efficient use of open space; promote high standards in the layout, design and construction of development on navigable waters of the County; promote environmentally sensitive use of waterfront property; and preserve waterfront vistas.
2. ~~603.14.1.2.~~ Uses must be consistent with the Comprehensive Plan criteria regarding uses, density, intensity, project size, maximum floor area ratio, and locational criteria, as applicable.
3. ~~603.14.1.3.~~ It is the intent of the PDW district that marina-type uses not be located in areas where manatee sightings are frequent and it can generally be assumed that they inhabit these areas on a regular or continuous basis. These areas shall include, but not be necessarily limited to, those cited in Section ~~370.12~~379.2431(2)(~~f~~g)12, Florida Statutes.
4. ~~603.14.1.4.~~ Marina-type uses preferably should be located outside any Aquatic Preserve or any approved, or conditionally approved, shellfish harvesting area.
5. ~~603.14.1.5.~~ Marina-type uses shall be encouraged to locate in areas which have been altered by man, particularly when such areas have historically been used for marine related activities.
6. ~~603.14.1.6.~~ Waterfront development shall be prioritized as to whether the proposed use is (a) water-dependent; (b) water-related; (c) water-enhanced; (d) non-water dependent; or (e) non-water dependent resulting in irretrievable commitment of coastal resources. In order of listing, uses listed first shall be given the highest priority. Uses listed under (e) shall be given the least preference as a Planned Waterfront Development.
7. ~~603.14.1.7.~~ It is also the intent of the PDW district to allow single family and multi-family dwelling units. If the proposed single family dwelling unit is located upon property zoned PDW with no General Development Plan approval, such unit shall be permitted by Building Permit. However, should multi-family dwelling units or multiple single family units be proposed, such development shall require General Development Plan approval.

~~**C. 603.14.2.**~~ **Permitted Uses.**

~~**D.**~~**B.** The uses permitted in PDW are listed in ~~Section 602. See Figure 6-1~~Table 4-7.

~~**603.14.3.** Accessory Uses.~~

~~Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted.~~

~~**E. 603.14.4.**~~ **Review Criteria**.

~~**F.**~~**C.** When evaluating an application for PDW, the following criteria shall be utilized in determining the appropriateness of the request, in addition to the criteria in Chapter 3~~5, Amendments and Section 603, Planned Developments~~.

1. ~~1.~~ Protection of Waterway Bottom and Grassbeds. For bodies of water considered to be Outstanding Florida Waters, no new dredging is allowed unless it can be shown the proposed dredging is clearly in the public interest per Section 62-312~~403.918(2)(a)~~, FAC~~Florida Statutes~~. However, restrictions of the Comprehensive Plan prevail.
2. ~~2.~~ Waterfront uses shall demonstrate sufficient upland area to accommodate all non-water dependent uses such as, but not limited to parking areas and restaurants.
3. ~~3.~~ Proposed waterfront uses shall demonstrate no significant adverse impact on established recreational and commercial fishing activities.
4. ~~4.~~ Dredging and filling of wetlands or open water in order to accommodate non-water dependent uses shall not be allowed. Exceptions may be granted in cases shown to be an overriding public interest, such as the presence of sensitive upland habitats.
5. ~~5.~~ New marina-type uses shall be located only in areas having adequate depths for ingress and egress

without dredging productive (vegetated) submerged areas. A minimum water depth of four (4) feet mean low water shall be required. Greater depth shall be required for those facilities designated for or capable of accommodating boats having more than a three (3) foot draft. These depth requirements shall apply to the area between the proposed facility and any natural or other navigational channel, inlet, or deep water. Marking of navigational channels may be required where necessary.

6. ~~6.~~ In reviewing applications for docking facilities, ways to mitigate adverse environmental impacts of proposed or past activities shall be explored. This may include shallowing dredged areas, restoring wetland or submerged vegetation, or marking navigational channels. Such mitigation or restoration may be required as a condition of approval.

7. ~~7.~~ Boat maintenance and other intense activities shall be located as far as possible from open water bodies in order to reduce contamination of water bodies by toxic substances common to boat maintenance. Runoff from boat maintenance activities must be collected and treated prior to discharge.

8. ~~8.~~ Open wet slips shall be preferred to covered wet slips in design to reduce shading of water bodies which results in reduced biological productivity.

9. ~~9.~~ Cumulative effects of several marinas/boat ramps in one area shall be considered in the review of proposed waterfront uses.

10. ~~10.~~ All new/expanded marinas shall provide adequate capacity to handle sewage, either by means of on-site pumpout and treatment facilities or connection to a treatment plant. Applicants shall document the availability and capacity of the above sewage facilities to handle the anticipated volume of waste. All marinas with fueling facilities shall provide pumpout facilities at each fuel dock. Marinas which serve liveaboards shall provide direct connections to municipal sewage collections at every liveaboard slip.

11. ~~11.~~ The applicant shall provide documentation of capability to respond as rapidly and effectively to contain any spills of petroleum or other hazardous materials. Documentation shall be in the form of a spill contingency plan, which shall include a list of clean-up equipment and where it will be stored, fuel pump operation and emergency shutdown procedures, and a description of the training which will be provided to marina personnel who will operate the pumps and deploy cleanup equipment. Also included shall be provisions for surprise drills and material/equipment testing.

12. ~~12.~~ All marina-type uses shall demonstrate compliance with State Water Quality Standards by maintaining a water quality monitoring program approved by the Florida Department of Environmental Protection (FDEP).

13. ~~13.~~ Grassbeds and other submerged habitat deemed valuable by the Florida Department of Environmental Protection (FDEP) shall be protected, regardless of their size.

14. ~~14.~~ All fuel handling associated with residential docks shall meet all Local, State and Federal standards. No sale of fuel may occur from a residential waterfront structure.

~~G.~~D. ~~603.14.5.~~ **Operational Guidelines**.

1. ~~1.~~ Approved marina-type uses shall prepare hurricane preparedness plans;

2. ~~2.~~ Approved marina-type uses shall prepare, if appropriate, a fuel management/spill contingency plan which shall describe methods to be used in dispensing fuel and all procedures, methods, and materials to be used in the event of a fuel spill;

3. ~~3.~~ All basins for marina-type uses will be designated idle speed zones and access channels shall be designated slow speed zones;

4. ~~4.~~ Approved uses shall comply with Florida Department of Environmental Protection Manatee Protection Plan when developed, if approved subsequent to the development of the DEP Plan; otherwise, uses utilizing waterfront access for boats shall:

   ~~a. 1.~~ *Construction.* If the Department of Environmental Protection has identified the waters surrounding the Planned Development Waterfront District as an area frequented by the manatee, the West Indian Manatee shall be protected during the construction period. The contractor shall instruct all personnel associated with the project of the presence of manatees and the need to avoid collisions with manatees.

   ~~b.~~ All personnel will be advised that there are civil and criminal penalties for harming, harassing or killing

manatees which are protected under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, and the Florida Manatee Sanctuary Act of 1978. The developer will be held responsible for any manatee harmed, harassed or killed as a result of construction of the project.

~~c.~~ All construction activities in open water will cease upon the sighting of manatees within one hundred (100) yards of the project area. Construction activities will not resume until the manatee have departed the project area.

~~d.~~a. A log detailing sightings, collisions, or injury to manatees which have occurred during the construction period shall be kept.

~~e.~~b. ~~2.~~ *Post Completion.* Following project completion, a report summarizing the above incidents and sightings shall be submitted to the Florida Department of Environmental Protection, Manatee Recovery Program~~,~~ (100 Eighth Ave., SE, St. Petersburg, FL 33701-5095) and to the U.S. Fish and Wildlife Service (2747 Art Museum Drive, Jacksonville, FL 32207).

~~f.~~c. ~~3.~~ *No Wake Zone.* If the Department of Environmental Protection has identified the waters surrounding the Planned Marina Development District as an area frequented by the manatee, an idle/no wake speed zone shall be clearly marked in the channel from the marina facility to a point beyond the manatee area or to the Intracoastal Waterway. Signs are to be shown on Preliminary Site Plan.

~~g.~~d. ~~4.~~ *Signs*.

i. ~~a.~~ Manatee awareness signs shall be installed and maintained at prominent locations within the construction area/facility. A marina site plan shall be sent to the Florida Department of Environmental Protection, (FDEP) (100 Eighth Ave., SE, St. Petersburg, FL 33701-5095). FDEP personnel will specify sign locations.

ii. The signs shall be 3′ X 4′, 125 gauge 61TS aluminum, covered with white, engineer-grade, reflective sheeting; black painted lettering; black screened design; and orange, engineer-grade, reflective tape border. The 3′ X 4′ "Caution Manatee Area" signs shall be fabricated to the specifications of the uniform waterway markings for design.

iii. The installation of the 3′ X 4′ signs shall be made in accordance with the specifications of the Department of Environmental Protection for such signs. Sign installation specifications will be furnished to the permittee when sign locations are designated.

iv. Placement and installation of signs will be certified as on designated stations to FDEP by the project Professional Engineer before the marina facility is in use.

v. Signs and pilings are to remain the responsibility of the owner(s) and are to be maintained for the life of the marina in a manner acceptable to the Department of Environmental Protection.

~~h.~~e. ~~5.~~ *Collision.* Any collision with a manatee shall be reported immediately on the manatee "hotline" (1-800-342-1821) and to the U.S. Fish and Wildlife Service, Jacksonville Endangered Species Field Station (904-791-2580).

~~i.~~f. ~~6.~~ *Educational Display.* A permanent educational display shall be established and maintained at a prominent location to increase the awareness of boaters using the facility of the presence of manatees and need to minimize the threat of boats to these animals. The display should include information on the location of the facility with respect to boat speed zones in the area, the threat which boats pose to manatees and the manatee "hotline" number (1-888-404-FWCC~~1-800-342-1821~~), maintained by the Florida Fish and Wildlife Conservation Commission. Other information which may aid in the conservation of the species may be obtained from the Florida Department of Environmental Protection.

~~j.~~g. ~~7.~~ *Seagrass Replacement.* A sea grass bed replacement and maintenance program shall be established by the property owner and approved by the Department of Environmental Protection when appropriate. This program shall include a baseline survey of sea grass beds which shall be submitted with the Preliminary Site Plan or next development plan and a program for replacement of sea grass beds disturbed during construction and any cumulative damage caused by increased boat traffic generated by the facility. The replacement ratio shall be two to one. A permit for the removal or transplanting of sea grass beds shall be obtained from the Department of Environmental Protection, Bureau of Aquatic Weeds, prior to approval of a final site plan.

~~k.~~h. ~~8.~~ *Boat Launch Facilities for Marinas.* A marina shall include boat launch facilities for the use of the general public unless the applicant can demonstrate the infeasibility of providing such facilities.

~~l.~~i. ~~9.~~ *Rest-rooms for Marinas.* Marinas shall have adequate rest-room facilities in compliance with Health Department Regulations and the County Plumbing Code. Regulations prohibit~~ing~~ the use of vessel toilets while moored unless these toilets are self-contained or have an approved treatment device.

~~m.~~j. ~~10.~~ *Garbage Receptacles for Marinas.* Garbage receptacles shall be provided and maintained by the marina operator at several locations convenient to users.

~~n.~~k. ~~11.~~ *Pump-out, Holding, and Treatment Facilities for Wastes from Mobile Sources.* Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be collected and disposed of in a manner acceptable to state and local authorities regulating wastes from mobile sources. ~~Regulations pertaining to handling and disposal of waste, sewage, or toxic materials [shall apply].~~

~~H.~~E. ~~603.14.6.~~ Design Standards for Allowed Uses or Special Uses.

1. ~~*603.14.6.1.*~~ *Generally.* In addition to other standards contained in this ~~S~~section, the following standards apply to those uses which are water-dependent uses. Permitted water-dependent uses shall be designed to:
   a. ~~(a)~~ Allow the free movement of aquatic life requiring shallow water;
   b. ~~(b)~~ Maintain existing flood channel capacity; and
   c. ~~(c)~~ Assure stable shoreline banks.
2. ~~*603.14.6.2.*~~ *Prohibitions.* Development that encroaches on shoreline areas shall not be located:
   a. ~~(a)~~ In areas where there is inadequate water mixing and flushing; or
   b. ~~(b)~~ In areas identified in the Technical Support Document of the Manatee County Comprehensive Plan as hazardous due to high winds and flooding.
3. ~~*603.14.6.3.*~~ *Location of Non-water-de-pendent Accessory Uses.* Access roads, parking lots, non-water dependent accessory buildings and similar structures shall be located on upland sites.
4. ~~*603.14.6.4.*~~ *Requirement for Restoration of Damaged Shoreline Areas.* Non-developed portions of shoreline areas that are altered during construction shall be restored or replaced through type for type replanting of vegetation, restocking of finfish, shellfish, and wildlife, re-establishment of drainage patterns, or other measures deemed appropriate by the ~~Planning~~ Department Director. Vegetation shall be replanted as required to ensure eighty-five (85) percent survivability.
5. ~~*603.14.6.5.*~~ *Limitation of Accessory Uses.* Accessory uses shall be limited to those that are water-dependent or necessary for operation of the development. Accessory uses will be consistent in scale and intensity with the surrounding uses. Fill shall not be placed in waters or associated wetlands to create usable land space for accessory uses.

~~I.~~F. ~~603.14.7.~~ Special Design Standards Applying Within Buffers or Setbacks Adjacent to Shorelines.

1. ~~*603.14.7.1.*~~ *Native Vegetation.* The development shall comply with Section 701~~715~~ of this Code as regards landscaping.
2. ~~*603.14.7.2.*~~ *Point Source and Non-Point Source Discharges.* Point source and non-point source discharges to DEP designated shellfish harvesting areas shall be prohibited, except for stormwater, which may be discharged only if it meets the following minimum standards:
   a. ~~(a)~~ Stormwater management systems shall afford a level of treatment equal to one-hundred fifty (150) percent of the treatment criteria specified in applicable sections of Chapter 25, Florida Administrative Code, as implemented through Chapter 40D-4.301(2), Florida Administrative Code.
   b. ~~(b)~~ Any more stringent stormwater rule developed subsequent to adoption of this Code shall apply.
3. ~~*603.14.7.3[a].*~~ *Dredging.* Dredging shall be conducted only as follows:
   a. ~~(a)~~ Any channels constructed shall be of the minimum depth and width required to achieve the intended purposes. Sides of channels shall be sloped in a manner at will prevent slumping and erosion and allow revegetation.

b. ~~(b)~~ Any dredging shall be conducted at times of minimum biological activity to avoid adverse impacts on fish migration and spawning.

c. ~~(c)~~ Any spoil that results from dredging shall be disposed of at upland sites and stabilized within thirty (30) days, unless the spoil is causing turbidity violations or other problems, in which case the developer must stabilize the spoil immediately.

d. ~~(d)~~ If dredging changes the littoral drift processes and causes adjacent shoreline to erode, the developer shall periodically replenish the adversely affected shoreline with the appropriate quantity and quality of shoreline materials.

e. ~~(e)~~ Dredging shall be prohibited where live bottom communities are present.

f. ~~(f)~~ At the discretion of the Environmental Action Director, dredging operations may be subject to surety bonding requirements.

4. ~~*603.14.7.3[b].*~~ *Septic Tanks.* Septic tanks shall not be located within shoreline areas.

5. ~~*603.14.7.4.*~~ *Native Vegetation.* If no native vegetation exists in the shoreline area, strips of native coastal vegetation shall be planted between development activities and the mean high water line or the ordinary high water line. This vegetated area shall be planted with native species of trees, shrubs, and/or grasses suitable to on-site soil and water conditions.

6. ~~*603.14.8.*~~ *Dimensional Regulations*.

a. ~~1.~~ Maximum Floor Area Ratio. Floor area ratio and densities must be in compliance with the Manatee County Comprehensive Plan.

~~b. 2.~~ Setbacks~~.~~

~~c.~~b. ~~1. Setbacks from~~From Property Lines.

Front (street side): 40 feet

Side**: 10 feet

Rear**: 15 feet

**When abutting a residential district, the minimum setback shall be twenty (20) feet plus five (5) feet for each one foot of building height which is in excess of twenty (20) feet above Flood Protection Elevation.

~~d.~~c. ~~3.~~ Waterfront Setbacks.

i. *Waterfront Setbacks for Dry Storage Facilities.* Fifty (50) feet for structures which do not exceed thirty-five (35) feet in height. An additional two and one-half (2.5) feet of setback shall be provided for each foot the building exceeds thirty-five (35) feet in height above the Flood Protection Elevation.

ii. *Waterfront Setbacks for All Buildings Other Than Dry Storage Facilities.* Waterfront structures shall be required [to have] waterfront buffers of thirty (30) or fifty (50) feet as required in Section 706~~719~~. Exceptions may be made for water dependent uses as permitted by the Comprehensive Plan and structures deemed to have no significant effect.

~~e.~~d. ~~4.~~ Maximum Height of Structures.

i. *Dry storage facilities*—Maximum height of dry storage facilities is fifty (50) feet above Flood Protection Elevation.

ii. *All other structures*—Shall not exceed thirty-five (35) feet above Flood Protection Elevation.

~~f.~~e. ~~5.~~ Open Space. Not less than twenty (20) percent of the gross area of the project site above the new high water line shall be reserved for landscaped open space.

Required open space shall be designed to support and aesthetically contribute to the project's vehicular, bicycle and pedestrian circulation system, and shall provide areas devoted to passive recreation activities. Consistent with good design, landscaping of open space areas shall incorporate existing native shoreline or tidal area vegetation and environmentally significant areas. Landscaped open space shall include twenty-five percent (25%) native tidal area vegetation.

7. ~~603.14.9.~~ *Design Standards*.

   a. ~~1.~~ *Structures and Signs.* All structures, signs and landscaping shall be of unified design and theme. Orientation and placement should enhance the sense of open space and minimize the impact on the environment and surrounding development. Design elements shall emphasis the harmony of color, texture, lines and mass.

   b. ~~2.~~ *Uncovered Show Areas.* The ground surface of all unenclosed areas used for the display and sales of boats and other nautical equipment shall be grass, ground cover, washed gravel, or turf block.

   c. ~~3.~~ *Channel Markers.* All channels shall be clearly marked and maintained. Channel markers shall be shown on the Site Plan.

8. ~~603.14.10.~~ *Waterfront Structures.* ~~(~~See Section 511.14~~734~~.~~)~~

~~9. 603.14.11.~~ *Water Dependent Uses*.

~~10.~~9. Water dependent uses shall meet all the requirements of Section ~~718~~802, Floodplain Management.

~~400.10.~~402.15. ~~603.15.~~ PDPI—Planned Development Public Interest.

~~A. 603.15.1.~~ Intent.

~~B.~~**A.** The PDPI district is established to provide for a planned review process for the establishment of public and semi-public facilities recognizing the essential purpose of the facilities and providing special protection to their continued operation, while at the same time considering for the health, safety, welfare and aesthetic impacts on adjacent properties.

The district is designed for application in the Public/Semi-Public and Major Attractor classifications of the Comprehensive Plan, as well as for public/semi-public facilities in other plan categories.

It is not the intent of the PDPI district to merely provide a mechanism for avoidance of regulations in other districts. Rather, it is the intent of the PDPI district to be required for certain sensitive public/semi-public facilities when warranted.

All land uses may be considered in the PDPI district. However, each application shall include a public/semi-public use or a planned public/semi-public use. Other uses may be included in the application if:

1. ~~1.~~ They are accessory uses, ~~or~~
2. ~~2.~~ They are complementary, principal uses, or
3. ~~3.~~ The proximity of the uses necessitates their inclusion in the application.

Public/semi-public uses shall include airports, hospitals, colleges and universities, schools, landfills, fire stations, sheriff's facilities, solid waste disposal facilities, correctional facilities, water treatment plants, wastewater treatment plants, emergency facilities, governmental office complexes, sports stadiums, parks, athletic fields and other similar uses.

All uses in a PDPI district shall be consistent with the Comprehensive Plan standards with regarding uses, density, intensity, floor area ratios, maximum project size, and locational criteria.

~~C. 603.15.2.~~ **Permitted Uses**.

~~D.~~ Permitted uses in PDPI are listed in ~~Section 603. See Figure 6-1~~Table 4-7.

~~E.~~**B.** Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted.

~~F. 603.15.3.~~ Standards and Review Criteria.

~~G.~~**C.** ~~603.15.3.1. *Dimensional/Intensity Regulations.*~~ PDPI districts shall be permitted a range of densities floor area ratios, heights and square footage. In evaluating proposals, the following factors shall be considered; in addition to the general criteria of this Chapter and the criteria in Chapter 3~~5~~.

1. ~~1.~~ The nature of surrounding land uses shall be considered in order to ensure that the intensity of the proposed public/semi-public development will not create external impacts that adversely affect surrounding

uses, and to ensure that the intensity of the proposed public/semi-public development provides, where appropriate, a transition between surrounding uses.

2. ~~2 .Long Term Expansion and Operational Requirements.~~ The long term needs and operational requirements of the public/semi-public development shall be considered to ensure long term viability of the development.

Appropriate floor area ratios, height, bulk, setback and square footage shall be established as part of the conditions of approved, based on evaluation of the above factors.

~~H.~~D. ~~603.15.4.~~ **Landscaped Open Space and Pervious Area Requirements**. For projects outside the watershed overlay districts, an appropriate proportion area of the district shall be reserved for landscaping and permeable areas. The amount of area shall be established as part of the conditions of approval after review of the specific request. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.

~~400.11.~~402.16. ~~603.16.~~ **PDMU—Planned Development Mixed Use.**

~~A. 603.16.1.~~ **Intent**.

~~B.~~A. Planned Development Mixed Use districts are defined for purposes of these regulations as planned development districts for the establishment of complimentary groupings of residential, commercial, office, industrial or other uses.

PDMU districts may hereafter be established in accordance with the general procedures, requirements, standards and criteria set forth in Section 402~~603~~. It is the intent of these regulations to provide for development of such districts at appropriate locations, in accord with the goals, objectives, policies, and locational criteria of the Comprehensive Plan, and in accord with the requirements herein.

It is further intended that PDMU development shall be in complexes with carefully located buildings, parking and service areas, open space and use mixtures which are scaled and balanced to reduce general traffic congestion, by providing interdependent uses and uses which are compatible with adjacent and surrounding land uses.

It is the intent of the PDMU district to provide developments that provide complimentary uses. It is not the intent of the district to avoid requirements and criteria which are found in the single use Planned Districts. All requirements and criteria found in the single use Planned Districts shall apply to the PDMU district.

In the determination of what a primary use in a PDMU district is, percentage of land area, percentage of building square footage and percentage of impacts such as traffic shall be considered. Exceeding fifty-one (51) percent shall be considered to be a primary use.

Application of appropriate review criteria shall be based upon the specific facts of the proposal. The ranges of intensity controls shall generally be approved according to the guidelines set forth in the other single use PD districts corresponding to the uses in the PDMU district. In no event shall uses permitted in a PDMU district exceed the maximum intensity controls in the other single use PD districts.

~~C. 603.16.2.~~ **Site Plans**.

~~D.~~B. The following site plan criteria shall be used:

1. ~~1.~~ On exterior boundaries of a PDMU district the uses shall be reviewed in accordance with the guidelines set forth for the specific use in the applicable single use PD district.

2. ~~2.~~ On exterior boundaries of a PDMU district the uses shall be of a character and so located, designed, and buffered so as to establish a transition of intensities and uses across district boundaries.

3. ~~3.~~ PDMU districts shall provide landscaped and pervious areas according to the guidelines set forth in the other single use PD districts corresponding to the uses in the PDMU district. In no event shall the landscaped and pervious area be less than twenty (20) percent of the land area of the district.

~~E. 603.16.3.~~ **Permitted Uses.**

C. The uses permitted in Table 4-7~~Figure 6-1~~ for the PDMU District shall be permitted ~~in PDMU districts,~~ subject to the criteria ~~contained in Sections 603.7 – 603.13, as well as the criteria contained in the PDMU district~~applicable

to the PDR (Planned Development Residential) District and the following.

1. PDMU districts shall not be used when other single use proposed districts can accommodate the proposed uses. However, if a proposed development cannot be ~~applied to~~ accommodated within other single use Planned Districts, then ~~a~~ the applicant may apply for PDMU ~~may be used if a General Development Plan, which meets the criteria of this Section is also approved~~.

~~1.~~2. All ~~uses~~ developments within a PDMU district must be consistent with the Comprehensive Plan permitted uses, project size, intensity, density, locational criteria and other factors.

~~400.12.~~402.17. ~~603.17.~~ **PDUI—Planned Development Urban Industrial.**

~~**A. 603.17.1.**~~ **Purpose and Intent**.

~~**B.**~~**A.** The PDUI district is established to:

- Provide for the continued viability of the existing industrial operations in urban settings;
- Provide for establishment of overall framework of development parameters for such properties; ~~and~~
- Implement the provision of IU future land use category; and
- To mitigate the negative impacts of expansion adjacent to surrounding neighborhoods.

It is intended that this district shall be the only zoning district for all properties designated IU on the Future Land Use Map.

~~**C. 603.17.2.**~~ **Permitted Uses**.

~~**D.**~~**B.** The primary and accessory uses permitted in PDUI district are those uses permitted by right, Administrative Permit and Special Permit in the LM, HM, NC-S, and PR districts.

~~**E. 603.17.3.**~~ **Permitted Accessory Uses and Structures**.

~~**F.**~~**C.** Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted.

~~**G. 603.17.4.**~~ **Review Process**.

~~**H.**~~**D.** Development permitted in the PDUI district shall be conformance with an approved General Development Plan. Setbacks for structures existing on the adoption date of this Code may be less than those shown below and such setbacks shall be those shown on an approved General Development Plan.

Those properties shall have to meet the following additional criteria:

A General Development Plan shall be submitted in accordance with the requirements in ~~Section 508~~Chapter 3, prior to the issuance of any permit. The General Development Plan shall identify the existing structures on-site and an overall plan for future site development. The plan shall identify locations of future development, established dimensional parameters for structures loading and parking, and identify a range of potential uses for future structures and site locations.

The proposed General Development Plan shall be reviewed in the public hearing process by staff, Planning Commission, and the Board as prescribed for planned developments. The criteria used by staff, Planning Commission, and the Board shall be general criteria for Planned Development contained in this Section ~~603~~ and the review criteria designated in Section ~~603.18~~402.18 (PDPM).

The General Development Plan may be approved, approved with conditions, or denied. If denied, the applicant may resubmit without a waiting period.

Once approved, the General Development Plan will establish the development parameters for the site. Future requests for site plan approval will be evaluated administratively on a Final Site Plan Application for consistency with the General Development Plan.

Amendments may be made to an approved General Development Plan in accordance with the procedures for amendments and specific approval of planned developments in ~~Section 603.6~~Chapter 3.

Dimensional and landscaping requirements shall be met when new development or substantial redevelopment occurs on site.

~~I.~~E. ~~603.17.4.1.~~ **Expiration**. The General Development Plan(s) or subsequent Board approved amendment(s) approved upon this PDUI property shall expire within ten (10) years of the date of such approval by the Board unless all Preliminary Site Plans for locations within the approved General Development Plan have been approved. Each subsequent Preliminary or Final Site Plan shall meet the concurrency requirements in place at the time of their submittal.

~~J.~~F. ~~603.17.5.~~ **Dimensional Regulations**.

The primary purpose of the dimensional regulations in the PDUI district is to minimize incompatibility with surrounding residential areas and along public roadways. Setbacks for structures existing on the adoption date of this Code may be less than those shown below and such setbacks shall be those shown on approved General Development Plan.

The dimensional regulations shall be established with the approval of the General Development Plan. The maximum F.A.R. shall not exceed 1.25.

Maximum FAR	1.25
Maximum Height	45 plus 1 additional foot for each foot of setback from a public roadway
Front Yard	25 feet
Side Yard	20 feet, generally
	75 feet, abutting residential district
	0 feet, abutting a rail line used for transport of products and materials to site.
Rear Yard	20 feet, generally
	75 feet, abutting residential district
	0 feet, abutting a rail line used for transport of products and materials to site.
Landscaped Open Space	10% of site

~~603.17.6.~~ **Review Criteria**.

G. ~~603.17.6.1. *Generally.*~~ In addition to other requirements contained in this ~~S~~section and ~~Section 508~~Chapter 3, the following review criteria shall be required to be addressed on the General Development Plan.

1. ~~*603.17.6.1.1.*~~ *Buffering.* The General Development Plan shall include buffer areas abutting all residential districts. Street buffering when across from a residential district shall include either a six (6) feet high opaque wood fence or masonry wall or a six (6) feet high 80% opaque hedge with a tree planted every thirty (30) feet. Perimeter buffering adjacent to residential districts shall include an eight (8) feet high opaque wood fence or masonry wall and a tree planted every thirty (30) feet.

2. ~~*603.17.6.1.2.*~~ *Access.* New access to the site shall be restricted to streets designated as a minor collector or higher classification on the Major Thoroughfare Plan.

3. ~~*603.17.6.1.3.*~~ *Signage/Lighting.* A signage and lighting plan shall be submitted for approval with the General Development Plan. The signage and lighting plan shall, in addition to being in compliance with ~~Section 724~~Chapter 6, provide for the renumeration of the number and size of the signs adjacent to residential districts. Lighting shall be in compliance with the provisions of Section ~~709~~806, ~~—~~Lighting, and shall not negatively affect the adjacent residential areas.

H. ~~603.17.7.~~ **Effect of Approval**. Approval of the General Development Plan authorizes the applicant to proceed with site plan approval. Preliminary site plans, as required by the other provisions of this Code, and Final Site Plans shall be reviewed in accordance with the appropriate provisions of this Code.

402.18. ~~603.18.~~**PDPM—Planned Development Port Manatee.**

~~603.18.1.~~ **Purpose and Intent**.

A. The PD-Port Manatee District is intended to provide land on which the intermodal transportation, terminal and other seaport uses may locate and operate, including waterborne commerce, business services, commercial,

industrial, manufacturing and product assembly uses customarily associated with seaports, ports of entry and foreign trade zones. The district is intended to accommodate seaport related activities in a manner which is compatible with surrounding uses, to protect land within this district from the encroachment of incompatible uses and to guide development within this district in a manner that complies with the Manatee County Comprehensive Plan and the Port Manatee Master Plan.

~~603.18.2.~~ **Area of Applicability**.

B. The Planned Development Port Manatee District shall consist of land, the owner of which is the Manatee County Port Authority, a political entity of the State of Florida, organized and existing pursuant to the provisions of the Manatee County Port Authority Act (Chapter 67-1681 of the Laws of Florida, as amended) and Chapter 315 of the Florida Statutes entitled "Port Facilities Financing ~~Law~~" or Manatee County, a political subdivision of the State of Florida, acting as the Manatee County Port Authority, constituting the seaport known as "Port Manatee" and utilized to encourage, develop and stimulate the flow of waterborne commerce and other related activities together with all other purposes and uses authorized by said Manatee County Port Authority Act and said Florida Statutes.

As the Port Manatee Master Plan has been adopted as part of ~~Chapter 4 of~~ the Comprehensive Plan, all subsequent amendments to the adopted General Development Plan shall be consistent with all applicable Code requirements.

~~603.18.3.~~ **Permitted Uses**.

C. The following uses are permitted in the district:

1. ~~1.~~ Seaport uses including:
   - Anchorage areas, berths, docks, dolphins, jetties, moles, mooring facilities, piers, public landings, quays and wharves.
   - Berthing, docking, mooring vessels; repairing vessels; and servicing vessels.
   - Breakwaters, bulkheads, dry docks, and locks
   - Bunkers and vessel fuelers.
   - Bridges, catwalks, causeways, depots, oil tanks and pipelines.
   - Cableways, conveyors, cranes, derricks, elevators, lifts and tramways.
   - Canals, channels, harbors, slips, tidal basins, turning basins and waterways.
   - Cargo handling water related.
   - Cold storage plants, icing plants, refrigeration plants and pre-cooling plants.
   - Earthmoving and dredged materials reclamation and storage areas.
   - Grain bins, silos, storage tanks, storehouses, terminal facilities, transit sheds, warehouses and open storage areas.
   - Harbor pilots.
   - Intermodal terminals.
   - Loading, unloading and storing cargo.
   - Marine terminals operators.
   - Ship chandlers.
   - Ship services.
   - Shipping agents.
   - Stevedores.
   - Tug operators.
2. ~~2.~~ Agriculture and Agricultural processing.
3. ~~3.~~ Business services.
4. ~~4.~~ Chemical processing and ethanol production, subject to approval of a Preliminary Site Plan by the Board of County Commissioners.
5. ~~5.~~ Financial institutions.
6. ~~6.~~ Industrial service establishments.
7. ~~7.~~ Manufacturing and products assembly.

8. 8. Mini-warehouses.
9. 9. Motor vehicle repair.
10. 10. Office uses.
11. 11. Outdoor storage.
12. 12. Personal services.
13. 13. Restaurants.
14. 14. Truck terminals.
15. 15. Warehouse/distribution centers.
16. 16. Wholesale trade establishments.
17. 17. Neighborhood retail sales.
18. 18. General Retail Sales Uses.
19. 19. Passive and Low Intensity Recreational Uses.
20. 20. Environmental Education Facilities.

603.18.5. The following uses may be allowed subject to the any additional standards provided in Section 704Chapter 5.

21. 1. Correctional facilities.
22. 2. Emergency facilities.
23. 3. Public utilities.
24. 4. Railroad terminals and facilities.
25. 5. Seawalls.

603.18.4. Accessory Uses.

D. Permitted accessory uses shall be those allowed in A, LM and HM districts.

603.18.6. Development Standards.

E. In addition to the standards contained in Section 508, tThe following development standards shall be required to be addressed in the General Development Planapply.

1. 603.18.6.1. A landscape buffer of not less than twenty (20) feet in width measured at right angles from the property line shall be provided on all sites abutting the easternmost CSX railroad tracks adjacent to U.S. 41 on the site. Landscaping within the buffer shall consist of an average of one (1) canopy tree for each thirty (30) linear feet, or portion thereof, and a hedge of at least three (3) feet in height but not higher than forty-two (42) inches along the entire length of such landscaped area, subject to visibility triangles.
2. 603.18.6.2. Other Requirements. Development at Port Manatee shall not be subject to the vehicular use landscape requirementsSection 715, Vehicle Use Areas, or Section 702.5, the Maximum Building Height provisions of Section 401.3.C.

603.18.7. Review Process.

F. Development permitted in the PDPM District shall be in conformance with an approved General Development Plan. All such development shall meet the requirements for processing and review found in 603.5 and 603.6Chapter 3.

G. 603.18.7.1. **Plan Expiration**. General Development Plan(s) or subsequent amendments for projects located within the PDPM District on Port Manatee property shall expire within ten (10) years of the date of such approval by the Board unless all Preliminary Site Plans required are approved. Each subsequent Preliminary or Final Site

Plan shall meet the concurrency requirements in place at the time of their submittal.

402.19. ~~603.19.~~ PDGC~~—~~Planned Development Golf Course.

~~603.19.1.~~ Intent.

A. It is the intent of these regulations to preserve (retain) golf courses and golf course facilities as recreation facilities, recognizing the essential purpose of the facilities and providing protection for their continued operation. Because it is the intent of the Planned Development Golf Course District to preserve (retain) golf courses as recreation facilities, the partial or entire redevelopment of a golf course involving a change to a use other than a golf course shall require approval of a general development plan by the Board as a part of a planned development zoning atlas amendment for the entire golf course.

Any modification of golf course boundaries reducing the size of a golf course shall constitute a redevelopment and shall require approval of a general development plan as specified above.

Expansion of the boundaries of any existing golf course and redevelopment of entirely new golf courses not included within any other planned development district shall be encouraged; provided that upon completion of such expansion or entirely new development, it shall be rezoned by Manatee County to the Planned Development Golf Course District.

B. **~~603.19.2.~~ Permitted Uses and Structures**.

1. ~~1.~~ Golf courses and country clubs.
2. ~~2.~~ Golf courses and clubhouses.

~~603.19.3.~~ Permitted Accessory Uses and Structures.

C. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures; are located on the same lot or parcel as the permitted use; or do not involve operations or structures not in keeping with the character of the district.

1. ~~1.~~ Golf driving ranges.
2. ~~2.~~ Golf putting areas.
3. ~~3.~~ Pro-shops and supply sales of goods related to the on-site activities of each specific use.
4. ~~4.~~ Food services and concessions for the patrons of the facility.
5. ~~5.~~ Maintenance and/or equipment buildings.
6. ~~6.~~ Cart barns.
7. ~~7.~~ Rain shelters.
8. ~~8.~~ Swimming pools, racquet and handball courts, shuffleboard courts, tennis courts, and similar low-intensity recreation uses.

D. **~~603.19.4.~~ Site Plan/General Development Plan Requirements**.

1. ~~1.~~ One expansion or addition to an existing structure of not more than twenty-five (25) percent of the existing gross floor area shall be permitted without requiring an approved General Development Plan. Requests for approval of such expansion shall be evaluated administratively on a Final Site Plan application for consistency with appropriate provisions of this Code. Additional expansions in excess of twenty-five (25) percent, or a new separate structure over one thousand (1,000) square feet of gross floor area shall require~~d~~ approval of a General Development Plan.
2. New structures that replace existing structures of the same gross floor area may be approved administratively through a Final Site Plan, without requiring a General Development Plan.
3. ~~2.~~ Accessory uses or their structures shall be permitted without an approved General Development Plan. Requests for approval of an accessory use or its structure shall be evaluated administratively on a Final Site Plan application for consistency with appropriate provisions of this Code.
4. ~~3.~~ Minor modification to existing golf course features such as tee adjustments, fairway improvements, cart

path additions, and relocation of pins in existing greens shall be permitted without an approved General Development Plan. Major modifications to existing golf course features such as relocation of fairways and greens, major change in drainage, reduction or increase in the number of holes, or the reconfiguration of fairways and greens shall constitute a redevelopment of the golf course and shall require approval of a General Development Plan.

E. ~~603.19.5.~~ Standards and Review Criteria.

1. ~~*603.19.5.1.*~~ *Intensity.* PDGC districts shall permit a range of floor area ratios, heights, and square footage. In evaluating proposals, the criteria in this Chapter and Chapter 5 shall provide a basis for intensity determinations (i.e. floor area, ratio, height, and square footage).

2. ~~*603.19.5.2.*~~ *Yards and Setbacks.* Yards and setback requirements shall be a minimum of fifty (50) feet from any lot line, except for rain shelters which shall have a minimum setback of twenty-five (25) feet from any lot line.

402.20. ~~603.20.~~PDA—Planned Development Agriculture.

~~603.20.1.~~ Intent.

A. It is the intent of these regulations to provide for development of existing, platted subdivisions, in agricultural areas by providing flexibility for cluster development, for preservation of agricultural lands, natural and wetland features, and requiring compliance with the standards set forth herein.

Uses in PDA districts shall be consistent with Comprehensive Plan requirements regarding use, type, locational criteria and other applicable Comprehensive Plan criteria.

~~603.20.2.~~ Limitations on Applicability.

B. Planned Development Agriculture shall be available as an option for development or redevelopment for property included within a subdivision platted prior to 1955.

C. ~~603.20.3.~~ Permitted Uses.

1. Permitted uses are identified in ~~Figure 6-1~~Table 4-7.

2. ~~603.20.3.1. *Accessory Uses.* Accessory uses are identified in Section 703.~~ Uses and structures which are customarily and clearly incidental to permitted principal uses and structures, shall be also permitted. This shall include the active use of land for agricultural purposes and the use of farm and domestic animals consistent with rural community character.

3. ~~603.20.3.2.~~ All Retail Sales, Neighborhood General and Retail Sales, General Uses located within the Rural Village must comply with the commercial locational criteria of the Comprehensive Plan.

~~603.20.4.~~ Density.

D. PDA districts shall be consistent with the Comprehensive Plan density requirements, except that no density bonus shall be provided for affordable housing, and except as provided for in this section~~Section 603.20.5.9~~. Golf course acreage may not be used to calculate overall density for a PDA project.

E. ~~603.20.5.~~ Specific Review Criteria.

1. ~~*603.20.5.1.*~~ *Site Planning.* Site planning within the district shall provide protection of the development from potentially adverse surrounding influences, such as active agricultural operations. The orientation and clustering of the residential development shall be towards internal streets and pedestrian systems and away from adjacent local or thoroughfare streets and other adjacent land uses. In particular, a buffer containing a minimum of two hundred (200) feet in width shall be provided along district boundaries. The right-of-way along a project boundary may not be counted towards the two hundred (200) foot buffer.

   Strong consideration shall be given to any surrounding agricultural operations, proposed uses within the PDA and the compatibility with any proposed or existing residential uses. Proposed accessory uses or abutting uses shall be compatible with residential uses. Means to mitigate potential impacts shall be proposed with the PDA application. These may include, but not be limited to berms, larger setbacks or additional screening.

The preservation of significant upland vegetation habitats and wetland areas shall be encouraged. The location of cluster development should be enhanced by the natural features.

Clustered development shall be required to protect and enhance prime agricultural lands, open water bodies, wetlands and sensitive upland habitats.

2. ~~603.20.5.2.~~ *Landscaped Open Space and Pervious Area Requirements.* An area equal to at least thirty-five (35) percent of the land area of the district shall be reserved for landscaping and permeable open areas, for projects developed under common ownership, and shall be improved and maintained by the developer/homeowner's association. Within the WP-M and WP-E Watershed Overlay Districts, this figure shall be increased to forty (40) percent. Alternative facilities such as horse trails or nature paths shall be encouraged, provided the surfaces are pervious. No more than twenty-five (25) percent of the required landscaped and pervious area shall be composed of permeable paving block. (See the definition of Open Space).

3. ~~603.20.5.3.~~ *Ownership and Maintenance of Open Space/Common Areas.* Approvals for Planned Development Agriculture shall specify long term maintenance, and use for open and common areas in a manner which is consistent and compatible with the community character. Land used for clustering density shall be placed in common ownership and management of a homeowner's association consistent with Section 336.4.C~~909.5.3~~ and reserved in perpetuity with an agriculture or open space easement dedicated to the county, which land shall not be developed with the exception of accessory buildings used in active agricultural operations or recreational open space facilities and shall be in a form acceptable to Manatee County. The easements shall be in a form acceptable to Manatee County.

4. ~~603.20.5.4.~~ *Frontage and Accessibility.* Every dwelling unit or other use permitted in the Planned Development shall have vehicular access to a public street ~~either~~ directly or via an approved private street, pedestrian way, court, or other area dedicated to public use or private use, or common element guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. Adequate emergency vehicular access is required to every dwelling unit.

5. ~~603.20.5.4.1.~~ *Pedestrian and Non-Vehicular Systems.* An integrated pedestrian/non-vehicular system including sidewalks, bicycle trails, horse trails and other means, shall be provided within the neighborhood clusters extending to the rural villages and other recreational amenities, schools and services.

6. ~~603.20.5.5.~~ *Layout and Design.* Significant environmental features such as sensitive upland habitats, wetlands or prime agricultural areas shall be protected through the use of clustering. Existing hydrologic features shall be taken into consideration in layout and stormwater design.

7. ~~603.20.5.5.1.~~ *Water Resources.* The impact on water resources shall be evaluated with each proposed application for Planned Development Agriculture.

8. ~~603.20.5.6.~~ *Traffic Circulation.* Provide for inter-neighborhood ties between residential clusters and non-residential rural village areas and along collector/ connector roads. Roadway design shall be in such a manner as to accomplish traffic calming.

9. ~~603.20.5.6.1.~~ *Parking and Loading for Rural Villages.* Parking for civic, commercial and recreational uses in the rural village shall generally be located at the rear of lots. No off-street parking shall be allowed in front yards. On-street parallel and/or diagonal parking may be allowable if street design and width allows for such parking. All loading zones shall be located in the rear of the structure(s). Design within the rural villages shall encourage the use of alleys to serve the rear facing parking areas and loading. All other standards of Section 1005~~710~~ shall be met.

10. ~~603.20.5.7.~~ *Yards and Setbacks.* For each PDA District yard and setback requirements shall be established which promote general health, safety, welfare, design excellence and neighborhood compatibility. Yard and setback standards shall be consistent within each Planned Development district or "phase." Unless otherwise specified within the development approvals, the following minimum yard requirements shall apply to all projects:

	Residential Uses		**Rural Village and Other Uses**
	UF-3 Future Land Use Category	**AG/R Future Land Use Category**	
Minimum Front Yard	25 feet	50 feet	25 feet

Minimum Side Yard	10 feet	25 feet	15 feet
Minimum Rear Yard	20 feet	50 feet	25 feet

~~*Residential Uses:*~~

~~*UF-3 Future Land Use Category:*~~

~~*Minimum Front Yard of 25 feet*~~

~~*Minimum Side Yard of 10 feet*~~

~~*Minimum Rear Yard of 20 feet*~~

~~*AG/R Future Land Use Category:*~~

~~*Minimum Front Yard of 50 feet*~~

~~*Minimum Side Yard of 25 feet*~~

~~*Minimum Rear Yard of 50 feet*~~

~~*Rural Village and Other Uses:*~~

~~*Minimum Front Yard of 25 feet*~~

~~*Minimum Side Yard of 15 feet*~~

~~*Minimum Rear Yard of 25 feet*~~

11. ~~*603.20.5.7.1.*~~ *Rural Village Size Limitations*.

    a. ~~1.~~ All Retail Sales Establishments are limited to three thousand (3,000) square feet, unless specific approval is granted with the General Development Plan.

    b. ~~2.~~ All commercial uses are limited as specified by the Comprehensive Plan.

    c. ~~3.~~ Building elevations or design concepts shall be submitted with submittal of a General Development Plan including a Rural Village.

12. ~~*603.20.5.8.*~~ *Minimum Lot Width.* The minimum lot width shall be established at the General Development Plan stage, however, it shall be no less than one hundred (100) feet, unless on a cul-de-sac or other curvilinear street, where a fifty (50) foot minimum could apply.

13. ~~*603.20.5.9.*~~ *Minimum Lot Size and Density.* The minimum lot size for lots in the PDA District shall be one (1) acre in the AG/R FLUC and one-third (1/3) of an acre in the UF-3 FLUC. In no instance shall the density for the project exceed .20 dwelling units per acre in the AG/R Future Land Use Category or three (3) units per acre in the UF-3 Future Land Use Category.

    If there is an existing, non-conforming underlying subdivision plat, redevelopment is permitted when the proposed development is consistent with all Comprehensive Plan provisions, except for density. Density within the proposed development shall not exceed the maximum allowed based on the provisions contained within Chapter 11 relating to non-conforming lots after adjusting for the number of lots under single ownership on May 4, 1981. No density bonus shall be given to affordable housing.

    In order to obtain the higher density, the plat must be vacated and the developer must enter into a development agreement with Manatee County.

~~**603.20.6.**~~ **Phasing**.

F. A flexible phasing schedule extending the life of the plat for up to ten (10) years after approval of the preliminary plat will be available for projects meeting the criteria of Sections 348 and 349 ~~736~~, Developments of Regional Impact and Large Projects. The flexible phasing shall be subject to the developer entering into a Development Agreement with Manatee County, meeting the requirements of Chapter ~~10~~ 3 of the Code.

Public Hearing ~~**603.20.7.**~~ **Notice**.

G. Notification for public hearings for all proposed PDA's shall meet the standards of ~~Section 502.5~~Chapter 3, include

all adjacent property owners within one thousand (1,000) feet of the boundaries of the application, and notification of all civic associations requesting such notification.

~~603.20.8.~~ **Notice to Homebuyers**.

H. All homeowner's documents, deed restrictions, and notice to buyer's shall include language that indicates that the lot being purchases is located in an agricultural community and may be subject to impacts from agricultural activity.

402.21. ~~603.21.~~ **PDEZ—Planned Development Encouragement Zone.**

~~603.21.1.~~ **Purpose and Intent**.

A. The Planned Development Encouragement Zone (PDEZ) District is intended to provide for the development of land with uses compatible with and supportive of the economic health of Port Manatee and Manatee County.

~~603.21.2.~~ **Area of Applicability**.

B. The Planned Development Encouragement Zone District shall consist of land so designated on the Official Zoning Atlas of Manatee County.

~~603.21.3.~~ **Permitted Uses**.

C. The uses permitted in the PDEZ zoning district are as allowed by Table 4-7~~Figure 6-1~~ of the Code, subject to the limitations of the Comprehensive Plan~~, and the General Development Plan(s)~~.

~~603.21.4. Accessory Uses.~~

~~Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, shall be permitted.~~

~~603.21.5. Conditional Uses.~~

~~Conditional uses may be allowed as permitted uses subject to the standards provided in Section 704.~~

~~603.21.6.~~ **Development Standards**.

D. In addition to the standards contained in ~~Chapter 7~~this Code, the following development standards shall be required to be addressed on the General Development Plan.

1. ~~*603.21.6.1.*~~ *Roadway Buffers.* Detailed roadway buffer requirements shall be shown on the General Development Plan by Area.
2. ~~*603.21.6.2.*~~ *Compatibility and Screening Buffers.* For those lands adjacent to properties with residential zoning or residential Future Land Use Categories, there shall be a seventy-five-foot landscape buffer for those adjacent sides. This buffer shall contain a solid fence or wall a minimum of eight (8) feet in height, four (4) canopy trees and forty (40) shrubs per one hund~~e~~red (100) lineal feet.
3. ~~*603.21.6.3.*~~ *Exemptions.* Exemptions for parking lot landscaping, sidewalks, building height setbacks, parking requirements, access points, and other standards shall be allowed as shown on the General Development Plan.
4. ~~*603.21.6.4.*~~ *Connectivity.* Consideration must be given to connectivity between the Port and PDEZ sites and between PDEZ site locations and the Port Connector road and other frontage roads as needed. Access to and land for transit stops, transfer points, and park and ride lots, as needed, must be addressed on a subsequent Final Site Plan.
5. ~~*603.21.6.5.*~~ *Intensity of Use.* Those uses that are the most intensive shall generally be located on lands closest to Port Manatee. Less intense uses shall be located further to the south and east.

~~603.21.7.~~ **Review Process.**

E. Development permitted in the PDEZ District shall be in conformance with an approved General Development Plan. An administratively approved Preliminary and Final Site Plan are required following approval of the General Development Plan.

F. ~~603.21.7.1.~~ **Plan Expiration.** General Development Plan(s) for projects located within the PDEZ District shall not

expire.

Section 403. ~~Section 604.~~ Overlay Districts.

403.1. Overlay Districts Established.

The following overlay districts are hereby established:

Type of Overlay District	Overlay District Description
Airport Impact	AI: Airport Impact Overlay District
Corridor and Gateway	EW: Entranceways Overlay District
	FIG: Florida International Gateway Overlay District
	PCV: Parrish Commercial Village Overlay District
Historic Preservation	HA: Historical and Archaeological Overlay District
	HV: Historic Vista Protection Area Overlay District
Duplex Access	DA: Duplex Access Overlay District
Environmental Resource Protection	CH: Coastal High Hazard Area Overlay District
	ST: Special Treatment Overlay District
	WPE: Evers Reservoir Watershed Protection Overlay District
	WPM: Lake Manatee Reservoir Watershed Protection Overlay District
	WPR: Peace River Watershed Protection Overlay District
Neighborhood Preservation	NC: North Central Overlay District
	WR: Whitfield Residential Overlay District
Restricted Vehicle	RV: Restricted Vehicle Overlay District

403.2. ~~604.5.~~ Airport Impact (AI) Overlay District.

~~604.5.1.~~ **Purpose.**

A. The ~~It is the~~ purpose of this overlay district ~~Section to promote the public health, safety and general welfare, and~~ is to facilitate proper land use planning and to prohibit the location of incompatible land uses and structures in areas surrounding ~~ensure the compatibility between~~ existing or future airports ~~and the surrounding land uses by minimizing adverse impacts to noise sensitive land uses~~. ~~This overlay district shall be applied and operate in conjunction with any other zoning district in which such lands are located, and such lands may be used as permitted by such other zoning districts except as limited or qualified by the requirements of the AI District regulations set forth below.~~

~~The approximate boundaries of the AI District are indicated on the Official Zoning Atlas Maps. The specific noise contour lines are indicated on Map 8-A, "Current FAA Adopted or Accepted Noise Exposure Map: Sarasota-Bradenton Airport," as adopted in the Manatee County Comprehensive Plan, and this map shall prevail in any discrepancy between the maps.~~

~~K. 604.5.6.~~ Applicability~~Rezoning Criteria~~.

~~L.~~B. The regulations of this section apply to all ~~Approval of rezoning applications for~~ new ~~or~~ and expanded facilities within the Airport Impact Overlay District. The approximate boundaries of the AI District are indicated on the Official Zoning Atlas Maps. The specific noise contour lines are indicated on ~~Map 8-A, "Current FAA Adopted or Accepted Noise Exposure Map: Sarasota-Bradenton Airport," as adopted in the Manatee County Comprehensive Plan, and this map shall prevail in any discrepancy between the maps.~~ Map 4-1. ~~shall be subject to Section 604.5.3. For uses requiring Special Consideration (SC) according to Section 604.5.3, approval shall be conditioned on Sections 604.5.4 and 604.5.5.~~ The overlay district regulations shall be applied in conjunction with the regulations of the underlying zoning districts. Where there is a conflict between regulations, the most restrictive shall apply.

~~604.5.7.~~ **Exemptions and Waivers.**

C. ~~604.5.7.1. Redevelopment of Existing Structures and Parcels.~~ Notwithstanding any other provisions of this Code,

Commented [LDI155]: In phase 2, we recommend modifying the boundaries of the AI overlay district to include both the noise overlay (which is a "zoning" overlay district) and the height overlay.

Commented [LDI156]: This section states "rezoning" but should instead refer to "development" applications.

the following activities shall be exempt from the noise requirements of this section:

1. nNon-substantial improvements of existing non-residential structures and parcels shall be exempt from the requirements of Sections 604.5.1 through 604.5.7.2 provided the principal use of the property has not been discontinued for a period of one hundred eighty (180) consecutive days or more since the effective date of adoption of this Code.

2. The nNon-substantial improvements of existing residential structures and parcels shall be exempt from the requirements of Sections 604.5.1 through 604.5.7.2.

1.3. Where the A use is not prohibited by Table 4-81, a property owner may be granted a waiver of exempt from the maximum allowable interior noise levels if by the PlanningDepartment Director determines that, after consultation with the Building Official and receive a Certificate of Occupancy if:

a. a. The property owner has documented that he has made a good faith effort to achieve the interior noise level standard described in 604.5.4, by complying with Section 604.5.5.1this section, if the field test required by Section 604.5.5.2 reveals non-compliance; and

b. b. The property owner can demonstrate that a substantial and unreasonable additional expense would be necessary to achieve the allowable interior noise level; and

c. c. The property is being redeveloped in a manner consistent with its prior uses.

604.5.7.2. Lot of Record. Non-residential land uses and new single family dwellings being constructed on any lot of record, which require special consideration according to Section 604.5.3, shall be exempt from Sections 604.5.2, and 604.5.6, but shall not be exempt from the remaining portions of the Airport Impact Overlay District, including but not limited to Sections 604.5.3, 604.5.4, 604.5.5.1, 604.5.5.2, and 604.5.5.3.

604.5.3. Noise Sensitive AreasRegulations.

D. In addition to the regulations of the underlying zoning, all development applications falling within the Ldn noise contours designated on Map 8-A, "Current FAA Adopted or Accepted Noise Exposure Map: Sarasota-Bradenton Airport," as adopted in the Manatee County Comprehensive Plan, shall be subject to the land use restrictions contained in Table 1 below and other applicable Code requirements:

1. *Land Use.* Table 4-8 specifies the level of review required for each proposed land use based on its location within the contours.

604.5.2. Planned Development Review Required.

2. All new development within the Airport Impact Overlay District requiring special consideration according to Table 4-8Section 604.5.3 below, shall require Planned Development, unless exempt by Section 604.5.7.2. Non-residential land uses and new single family dwellings constructed on a lot of record are exempt from this requirement.

Commented [LDI157]: Moved here from 604.5.5.4.

Commented [LDI158]: 604.5.7.2. Moved to other sections

Commented [LDI159]: Applicable portion of 604.5.7.2 moved here.

Map 4 - 1: Airport Noise Exposure

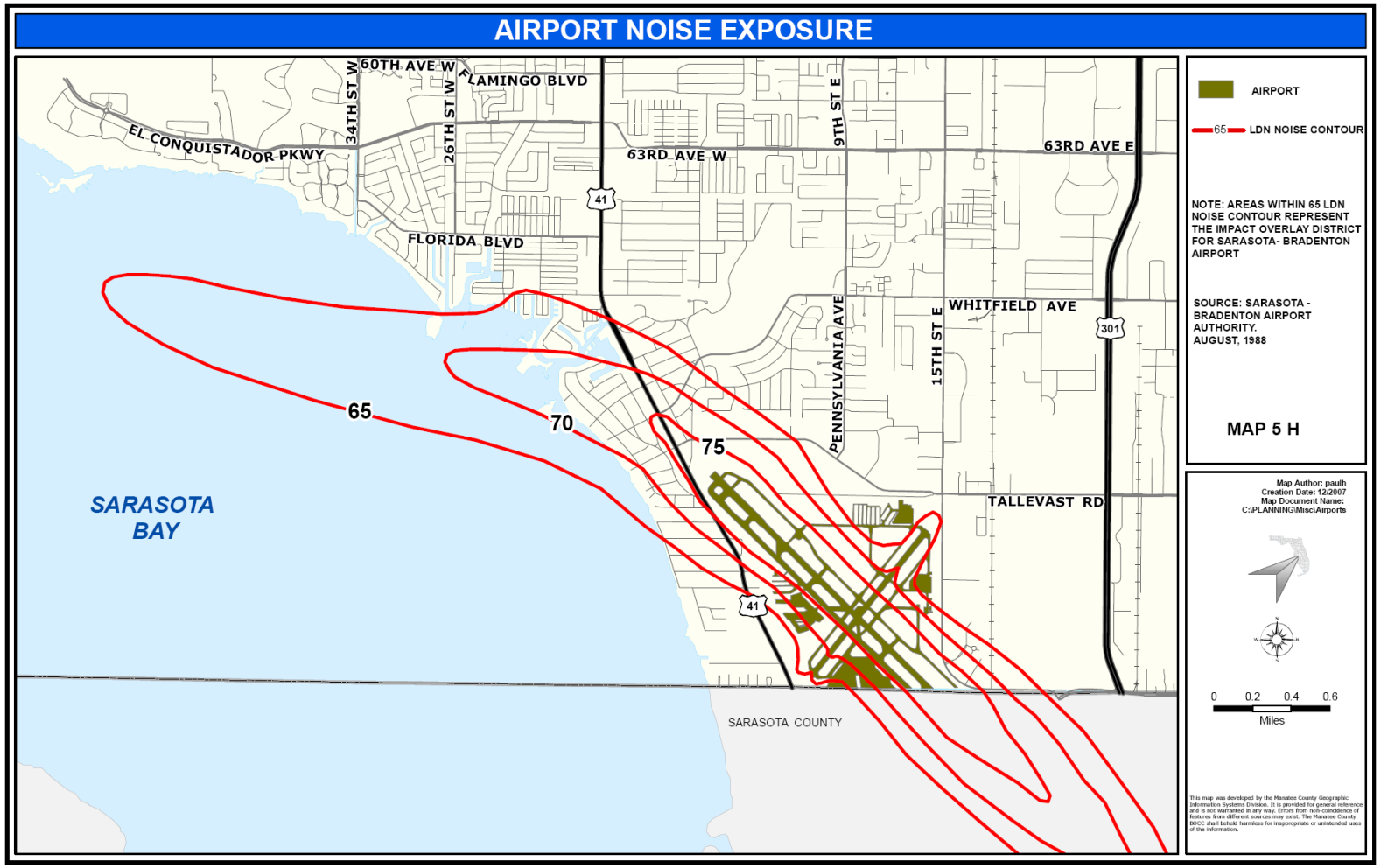


Table 4 - 8: ~~TABLE 1.~~ AI Overlay Land Use Compatibility Guidelines

Land Use	Yearly Day-Night Average Level		
	65 to 69 Ldn	70 to 74 Ldn	75+ Ldn
Residential:			
~~Household Units:~~			
Single units—Detached, Semidetached, or Attached	SC	SC	SC
~~Two~~ Duplex units~~—Side-by-side or one above the other~~	SC	SC	SC
Multi-family ~~residence or apartment~~	SC	SC	X
Group quarters or dormitories	SC	SC	X
Hotel/Motel	SC	SC	SC
~~Manufactured~~ Mobile homes, mobile home parks, ~~manufactured~~ mobile home subdivisions~~, or individual manufactured homes~~	SC	X	X
Recreational Vehicle Parks or Camping Areas for tents, trailers or pickups	X	X	X
Other residential	SC	SC	SC
Manufacturing:			
Food and kindred products	P	SC	SC
Textile mill products	P	SC	SC
Apparel and other finished products made from fabrics, leather, etc.	P	SC	SC
Lumber and wood products	P	SC	SC
Furniture and fixtures	P	SC	SC
Paper and allied products	P	SC	SC
Printing, publishing, and allied industries	P	SC	SC
Chemicals and allied products	P	SC	SC
Petroleum refining and related industries	P	SC	SC
Rubber and miscellaneous plastic products	P	SC	SC
Stone, clay and glass products	P	SC	SC
Primary metal industries	P	SC	SC
Fabricated metal products	P	SC	SC
Professional, scientific, and controlling instruments	P	SC	SC
Photographic and optical goods; watches and clocks	P	SC	SC
Other manufacturing	P	SC	SC
Transportation, Communication and Utilities:			
Railroad, rapid rail transit and street railway transportation, station	P	SC	SC
Marine craft transportation, marina	P	SC	SC
Automobile parking	P	SC	SC
Communication	P	SC	SC
Utilities	P	SC	SC
Unmanned switching station	P	P	P
Other transportation, communication and utilities	P	SC	SC
Retail Trade:			
Open Flea Markets	P	SC	SC
Enclosed Flea Markets	P	SC	SC
Building materials, hardware and farm equipment	P	SC	SC
Automotive, marine craft, aircraft and accessories	P	SC	SC
Apparel and accessories	P	SC	SC
Furniture, home furnishings and equipment	P	SC	SC
Eating and drinking establishments	P	SC	SC
General merchandise	P	SC	SC
Other Retail Trade	P	SC	SC
Wholesale Trade:			
Hospitals, Nursing Homes, Convalescent and Extended Care Recovery Homes	SC	SC	X

Land Use	Yearly Day-Night Average Level		
	65 to 69 Ldn	70 to 74 Ldn	75+ Ldn
Recovery Homes, Residential Treatment Facilities, Emergency Shelters and Homes	SC	SC	X
Classroom and Instructional Facilities of all Colleges and Universities	SC	SC	X
Schools of General, Special, Religious, or Private Education	SC	SC	X
Day Care Homes, ~~Day~~ Child Care Centers, and Preschools	SC	SC	X
Research Activities	SC	SC	SC
Other medical and emergency facilities	SC	SC	SC
Finance, insurance and real estate services	P	SC	SC
Personal services	P	SC	SC
Cemeteries	P	SC	SC
Business services	P	SC	SC
Rental and Leasing Services	P	SC	SC
Slaughter Houses	P	SC	SC
Repair services	P	SC	SC
Professional services	P	SC	SC
Dry Cleaning Plants	P	SC	SC
Veterinary Hospitals	P	SC	SC
Contract construction services	P	SC	SC
Governmental services	P	SC	SC
Cultural, Entertainment and Recreational:			
Drive-in Theatres	X	X	X
Outdoor music shells, amphitheaters	X	X	X
Outdoor sports arenas, spectator sports without Sound Reinforcement Systems	SC	SC	X
Outdoor sports arenas, spectator sports with Sound Reinforcement Systems	P	X	X
Amusement Parks	P	P	X
Nature Exhibits	P	SC	X
Golf Courses and Driving Ranges	P	SC	SC
Water Recreation	P	SC	SC
Riding Stables	P	P	X
Tennis Courts, Handball Courts, and Shuffleboard Courts	P	P	X
Parks, Playgrounds	P	SC	SC
Worship areas of Churches, Synagogues, etc.	SC	SC	X
Public Assembly	SC	SC	X
Auditoriums, concert halls	SC	SC	X
Museums and Permanent Circus Exhibitions	P	SC	X
Membership Organizations	P	SC	X
Firing Ranges, Trap and Skeet Shooting	P	P	P
Other indoor cultural, entertainment and recreational facilities	SC	SC	X
Resource Production and Extraction:			
Livestock farming and animal breeding	P	SC	SC
Agriculture and related activities	P	SC	SC
Forestry activities and related services	P	SC	SC
Mining activities and related services	P	SC	SC
Other resource production and extraction	P	SC	SC

LEGEND:

X = Use not permitted;

P = Permitted use with no special consideration

SC = Special consideration: acoustical analysis required to show that the structure's design will limit exterior noise to the prescribed allowable interior level (See Section 403.2.D.3~~604.5.4~~).

Table Note: The uses in this table are grouped for user convenience and do not necessarily correlate with the land uses as categorized earlier in this Chapter ~~6~~. Proposed land uses which do not appear on the list will be reviewed as the most similar use, subject to the discretion of the ~~Director~~Department Director.

~~*604.5.4. Allowable Interior Noise Levels.*~~

3. Interior noise levels attributable to exterior sources shall not exceed 45 Ldn in any habitable room. Habitable room shall be defined to include all living areas in residential structures, and the following portions of all non-residential structures: all areas where the public is received, office areas, classrooms, sleeping areas, medical treatment areas, areas of religious worship, and all noise-sensitive areas or areas where the normal noise level is low. Proper design may include, but shall not be limited to, the following specific noise attenuation techniques:

   a. ~~1.~~ Architectural design features such as the provision of additional building insulation; the omission of fireplaces/chimneys, or doors with mail drop slots from building design; and/or the use of double pane windows.

   b. ~~2.~~ Orientation of the habitable structure, including setbacks and shielding.

   c. ~~3.~~ Placement of habitable rooms toward the internal portions of the proposed structure(s), situating porches, garages, or storage areas between these habitable rooms and typical airport noise sources.

~~604.5.5. Evidence of Compliance with Allowable Interior Noise Levels.~~

4. ~~*604.5.5.1. Evidence of Compliance with Allowable Interior Noise Levels Prior to Issuance of Building Permits*~~*Uses Requiring Special Consideration*.

   a. *Acoustical Analysis*. Prior to the issuance of a building permit, the applicant proposing to develop ~~Any proposed~~ a habitable structure ~~within the Airport Impact Overlay District and identified on Table 1 of Section 604.5.3 as~~ requiring special consideration (SC) shall ~~require~~ submit an acoustical analysis showing that the proposed design will limit exterior noise to the prescribed allowable interior level ~~as a condition of issuance of any Building Permit related to such structure~~. ~~The test report showing compliance or non-compliance with prescribed interior allowable levels shall be submitted to the Building Division of the Planning Department.~~

   ~~Evidence of compliance shall consist of submittal of an~~ The acoustical analysis report~~,~~ shall be prepared under the supervision of a person who is a Member of the Institute of Noise Control Engineering~~,~~ and experienced in the field of acoustical engineering. The report shall show topographical relationships of noise sources and structure sites, identification of noise sources and their characteristics, predicted noise spectra and levels at the exterior of the proposed habitable structure(s) considering present and future land usage, basis for the prediction (measured or obtained from published data), noise attenuation measures to be applied, and an analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements will be met.

   If allowable interior noise levels are met by requiring that windows be ~~unopenable or~~ closed, the design for the structure must also specify a ventilation or air conditioning system to provide habitable interior environment. The ventilation system must not compromise the habitable room noise reduction.

   b. ~~*604.5.5.2. Evidence of Compliance with Allowable Interior Noise Levels Prior to Issuance of Certificate of Occupancy*~~*Field Testing*. Prior to the issuance of a ~~As a condition of the issuance of a~~ Certificate of Occupancy, the applicant shall submit ~~field testing is required to prove compliance with Section 604.5.4. The~~ a field test report showing compliance ~~or non-compliance~~ with prescribed interior allowable levels ~~shall be submitted to the Building Division of the Planning Department~~. Should the test report reveal non-compliance, the Certificate of Occupancy will be denied until compliance is demonstrated or until a waiver is obtained pursuant to ~~Section 604.5.5.3~~paragraph c, below.

   Field testing shall be done under the supervision of a person who is a Member of the Institute of Noise Control Engineering, experienced in the field of acoustical testing and engineering~~, and who shall forward test results to the Building Division of the Planning Department showing that the allowable interior noise level requirements have or have not been met~~. Documentation of field test results should generally follow the requirements outlined in relevant ASTM standards.

c. *604.5.5.3. Failure to Comply with Allowable Interior Noise Levels*Interior Noise Level Waiver. Should the required field test reveal non-compliance, the Department Director A property owner may be granted a waiver of the allowable interior noise levels by the Building Official and a Certificate of Occupancy may be issued if:

i. tThe property owner has made a documented good faith effort to achieve the interior noise level standard described in Section 604.5.4, by; and

ii. The property owner meets the requirement for a Noise Report;complying with Section 604.5.5.1, but the field test required by Section 604.5.5.2 reveals non-compliance and

iii. tThe property owner can demonstrate that a substantial and unreasonable additional expense would be involved to achieve the required interior noise level.

iv. In the case of redevelopment, the property owner/applicant will also need to demonstrate that the redevelopment is being done in a manner consistent with its prior use.

604.5.5.4. Waiver for Redevelopment of Existing Structures. Where the use is not prohibited by Table 1, a property owner may be granted a waiver of the maximum allowable interior noise levels by the Planning Director, after consultation with the Building Official and receive a Certificate of Occupancy if:

a. The property owner has documented that he has made a good faith effort to achieve the interior noise level standard described in 604.5.4, by complying with Section 604.5.5.1, if the field test required by Section 604.5.5.2 reveals non-compliance; and

b. The property owner can demonstrate that a substantial and unreasonable additional expense would be necessary to achieve the allowable interior noise level; and

c. The property is being redeveloped in a manner consistent with its prior uses.

Section 725. - Tall Structure and Object Height Limitations.

725.1. Purpose and Intent.

The purpose and intent is to prevent the creation of airport obstructions hazardous to aeronautical operations. All structures, objects or land uses established after the effective date of this Code shall conform to the maximum height, location and design criteria established herein for structures, objects or land uses in the vicinity of airports. Furthermore, any future airport proposal shall, at a minimum, be considered for compatibility with the permitted height and location of structures or land uses regulated by this Code, and "Airport Zone and Object Height Limitation Overlay Map" (Map A) shall be amended as necessary, if an airport is approved. Map A shall be considered a part of this Code and is available from the Manatee County Planning Department. 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.

E. 725.2. Airport Zones and Airspace Height Limitations.

1. *Airport Zones*. Airport zones and airspace height limitations shall apply to all of the landsites lying beneath the primary, approach, transitional, horizontal and conical zones shown on the "Airport Zone and Object Height Limitation Overlay Map" (Map A), which shall be amended any time a new airport is approved. An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones and height restrictions are as follows, and are generally depicted on the drawing designated as Figure 4-4725A—, "Civil Airport Imaginary Surface."

a. *725.2.1. P or Primary Zone (P).* An area located at each end of a runway which is longitudinally centered on each runway, extending two hundred (200) feet beyond each end of that specially prepared hard surface runway with the width specified for the most precise approach existing or planned for either end of that runway. The primary zone ends at each runway end for all runways without a specially prepared hard surface. The width of each primary zone is as follows:

i. (a) Precision Instrument Runways: 1,000 feet.

ii. (b) Non-Precision Instrument Runways: 500 feet.

Commented [LDI160]: 725.1 first part combined with previous section. Appropriate parts moved to chapter 4

Commented [LDI161]: STAFF: Where is this map?

iii. ~~(c)~~ Public Utility Visual Runways: 250 feet.

iv. ~~(d)~~ Private Utility Visual Runways: 100 feet.

~~*The height and use restrictions within a primary zone are as follows:*~~

~~*No structure or obstruction will be permitted within a primary zone that is not part of the landing and takeoff facilities, and is of a greater height than the nearest point of the runway centerline.*~~

Commented [LDI162]: All height restrictions moved down to table under K.

b. ~~*725.2.2. HZ or*~~ *Horizontal Zone (HZ).* An area around each airport with an outer boundary the perimeter of which is constructed by swinging arcs or specified radii from the center of each end of the primary zone of the airport's runways and connecting the adjacent arcs by lines tangent to those arcs. The radius of the arcs specified for each end of the runway will have the same arithmetical value and the value will be the highest composite value determined for either end of that runway. When a smaller arc is encompassed by the tangent connecting two adjacent larger arcs, the smaller arc shall be disregarded in the construction of the perimeter of the horizontal zone. The radius of each runway arc is as follows:

i. ~~(a)~~ For utility runways, a radius of five thousand (5,000) feet.

ii. ~~(b)~~ For other than utility runways, a radius of ten thousand (10,000) feet.

~~*The height restriction within a horizontal zone is as follows: No structure or obstruction will be permitted in the horizontal zone that has a height greater than one hundred fifty (150) feet above the airport height.*~~

c. ~~*725.2.3. CN or*~~ *Conical Zone (CN).* An area extending outward from the periphery of the airport's horizontal zone for a distance of four thousand (4,000) feet. ~~The height restriction within a conical zone is as follows: No structure or obstruction will be permitted in the conical zone that has a height greater than one hundred fifty (150) feet above the airport height at the inner boundary with permitted height increasing one foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary to a height three hundred fifty (350) feet above airport height at the outer boundary.~~

d. ~~*725.2.4. AP or*~~ *Approach Zone (AP).* An area longitudinally centered on the extended runway centerline and extending outward from the end of the primary surface. The approach zone area and height restrictions are designated for each runway based upon the type of approach available or planned for that runway end, as follows:

i. ~~*725.2.4.1.*~~ *Approach Zone Width.* The inner edge of the approach zone is the same width as the primary zone. The outer width of the approach zone is prescribed for the most precise approach existing or planned for that runway end expanding uniformly outward to a width of:

(a) ~~(1)~~ For a Precision Instrument Runway, a maximum width of sixteen thousand (16,000) feet.

(b) ~~(2)~~ For a Non-Precision Instrument Runway other than a Utility Runway, a maximum width of three thousand five hundred (3,500) feet.

(c) ~~(3)~~ For a Utility Visual Runway, a maximum width of one thousand two hundred fifty (1,250) feet.

(d) ~~(4)~~ For a Utility Non-Precision Instrument Runway, a maximum width of two thousand (2,000) feet.

ii. ~~*725.2.4.2.*~~ *Approach Zone Length.* The approach zone extends from the end of the runway primary surface for a horizontal distance of:

(a) ~~(1)~~ For a Non-Precision Instrument Runway other than a Utility Runway, a maximum distance of ten thousand (10,000) feet.

(b) ~~(2)~~ For a Visual or Non-Precision Instrument Utility Runway, a distance of five thousand (5,000) feet.

~~*725.2.4.3. Approach Zone Height. No structure will be permitted within approach zones having a height greater than the runway end at its inner edge. Increasing with the horizontal distance outward from the inner edge as follows:*~~

~~*(1) For a Precision Instrument Runway, a height increase of one (1) foot vertically for every fifty (50) feet horizontally for the first ten thousand (10,000) feet and one (1) foot vertically for every forty (40) feet horizontally thereafter for an additional distance of forty thousand (40,000) feet.*~~

~~*(2) For a Non-Precision Instrument Runway, a height increasing one (1) foot vertically for every thirty-four (34) feet horizontally for the length of the approach zone.*~~

~~*(3) For a Visual or Non-Precision Instrument Utility Runway, a height increasing one (1) foot vertically for every twenty (20) feet horizontally.*~~

e. ~~*725.2.5. TR or*~~ *Transitional Zone (TR)*. An area extending outward and upward from the sides of each primary zone and approach zone, connecting them to the horizontal zone, or outward five thousand (5,000) feet horizontally from the side of that portion of the approach zone of a Precision Instrument Runway extending beyond the Conical Zone. ~~The height restriction within a transitional zone is as follows:~~

~~No structure or object will be permitted to exceed a height within the transitional zone which is greater than the height of the primary approach zone at their adjoining boundary lines increasing at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone, or for a horizontal distance of five thousand (5,000) feet outward from the side of an approach zone for a Precision Instrument Runway or to the point of contact within a conical zone, if less than five thousand (5,000) feet.~~

FIGURE 725A. CIVIL AIRPORT IMAGINARY SURFACE

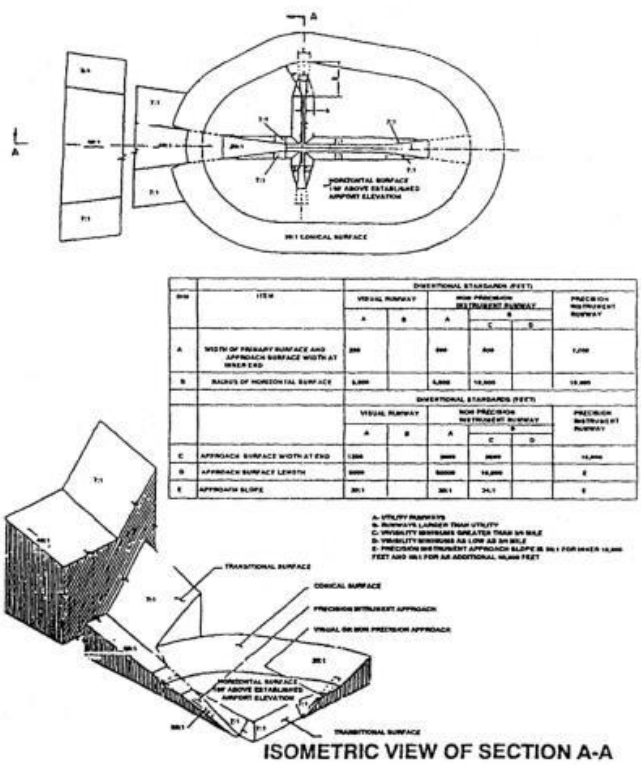
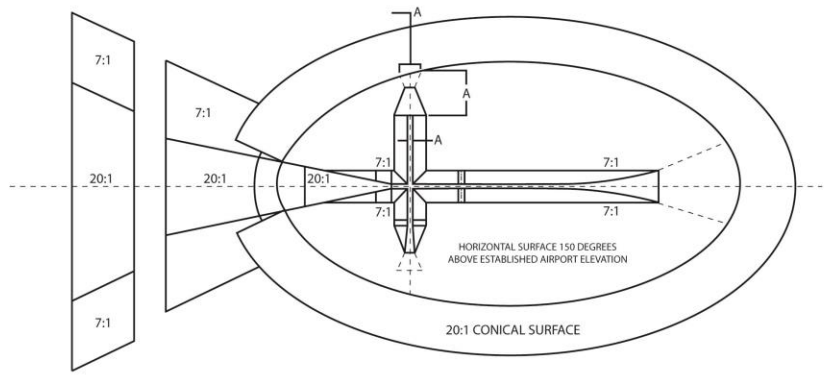
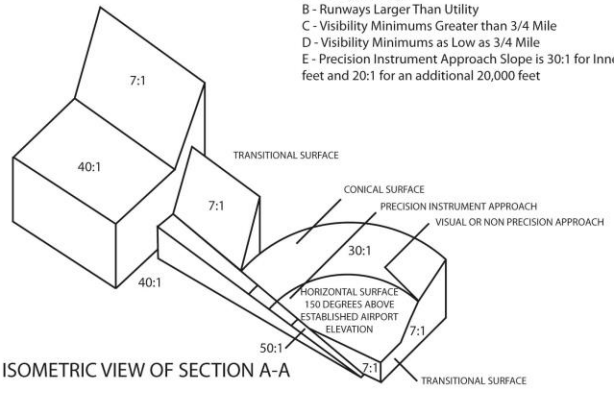


Figure 4 - 4:~~302.2-1~~ ~~FIGURE 725A.~~ Civil Airport Imaginary Surface



		DIMENTIONAL STANDARDS - FEET					
DIM	ITEM	VISUAL RUNWAY		NON PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY
		A	B	A	B		
					C	D	
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	220		800	800		1,000
B	RADIUS OF HORIZONTAL SURFACE	8,000		8,000	10,000		10,000
		DIMENTIONAL STANDARDS - FEET					
		VISUAL RUNWAY		NON PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY
		A	B	A	B		
					C	D	
C	APPROACH SURFACE WIDTH AT END	1,200		20,000	20,000		10,000
D	APPROACH SURFACE LENGTH	3,000		80,000	10,000		E
E	APPROACH SLOPE	20:1		20:1	24:1		E

A - Utility Runways
B - Runways Larger Than Utility
C - Visibility Minimums Greater than 3/4 Mile
D - Visibility Minimums as Low as 3/4 Mile
E - Precision Instrument Approach Slope is 30:1 for Inner 10,000 feet and 20:1 for an additional 20,000 feet



ISOMETRIC VIEW OF SECTION A-A

2. *Height Limitations*. No structure or obstruction, including, without being limited to, tall tower or antenna, shall be erected to a height which would cause such structure to exceed any of the following:

Zone	Maximum Height Permitted
Primary	The height of the nearest point of the runway centerline.
Horizontal	150 feet above the airport height
Conical	150 feet above the airport height at the inner boundary, with permitted height increasing 1 foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.
Approach	The height of the runway end at its inner edge, increasing with the horizontal distance outward from the inner edge as follows: (1) For a Precision Instrument Runway, a height increase of 1 foot vertically for every 50 feet horizontally for the first 10,000 feet and 1 foot vertically for every 40 feet horizontally thereafter for an additional distance of 40,000 feet. (2) For a Non-Precision Instrument Runway, a height increasing 1 foot vertically for every 34 feet horizontally for the length of the approach zone. (3) For a Visual or Non-Precision Instrument Utility Runway, a height increasing 1 foot vertically for every 20 feet horizontally.
Transitional	The height of the primary approach zone at their adjoining boundary lines, increasing at a rate of 1 foot vertically for every 7 feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone, or for a horizontal distance of 5,000 feet outward from the side of an approach zone for a Precision Instrument Runway or to the point of contact within a conical zone, if less than 5,000 feet.

Commented [LEA163]: STAFF: [IS THIS GROUND LEVEL HEIGHT?]

3. ~~*725.2.6.*~~ *Additional Structure or Object Height Limitations*. In addition to the height restrictions noted above, no ~~No~~ structure, including, without being limited to, ~~T~~tall ~~T~~tower or antenna, shall be erected to a height which would cause such structure to penetrate any of the following described surfaces overlaid on Manatee County to avoid obstructions to or conflict with aircraft in flight (all heights are based on Mean Sea Level (MSL)).

   a. ~~*(a)*~~ *V-97 Horizontal Surface (V97-HS).* A horizontal surface at a height of 1,149 feet (MSL) which extends 24,304.4 feet (4 nautical miles) each side of a line which begins at a point on the easterly County Line of Manatee County and located at Latitude 27 degrees 23′ 11.78″ North and Longitude 82 degrees 03′ 20.93″ West, and extends in a northwesterly direction to a point on the northerly County Line at Latitude 27 degrees 38′ 46.08″ North and Longitude 82 degrees 22′ 4.22″ West.

   b. ~~*(b)*~~ *V-97 Transitional Surface (V97-TS).* An inclined surface extending outward from, and parallel to, the V97-HS surface described above for a horizontal distance of 12,152.2 feet (2 nautical miles) and extending upward at the most direct angle from the V97-HS height of 1,149 feet (MSL) to a height of 1,649 feet (MSL).

   c. ~~*(c)*~~ *V-35 Horizontal Surface (V35-HS).* A horizontal surface at a height of 1,149 feet (MSL) which extends 24,304.4 feet (4 nautical miles) each side of a line beginning at a point on the southerly County Line of Manatee County and located at Latitude 27 degrees 12′ 30.01″ North and Longitude 82 degrees 14′ 53.84″ West, and extending in a northwesterly direction to a point on the northerly County Line at Latitude 27 degrees 38′ 43.64″ North and Longitude 82 degrees 31′ 12.79″ West.

   d. ~~*(d)*~~ *V-35 Transitional Surface (V35-TS).* An inclined surface extending outward from, and parallel to, the V35-HS surface described above for a horizontal distance of 12,152.2 feet (2 nautical miles) and extending upward at the most direct angle from the V35-HS height of 1,149 feet (MSL) to a height of 1,649 feet (MSL).

   e. ~~*(e)*~~ *V-579 Horizontal Surface (V579-HS).* A horizontal surface at a height of 1,049 feet (MSL) which extends 24,304.4 feet (4 nautical miles) each side of a line beginning at a point on the southerly County

Line of Manatee County and located at Latitude 27 degrees 23′ 10.31″ North and Longitude 82 degrees 33′ 7.96″ West and extending in a northwesterly direction to a point on the northwesterly County Line at Latitude 27 degrees 37′ 24.31″ North and Longitude 82 degrees 36′ 42.76″ West.

f. ~~*(f)*~~ *V-579 Transitional Surface (V579-TS).* An inclined surface extending outward from, and parallel to, the V579-HS surface described above for a horizontal distance of 12,152.2 feet (2 nautical miles) and extending upward at the most direct angle from the V579-HS height of 1,049 feet (MSL) to a height of 1,549 feet (MSL).

g. ~~*(g)*~~ *Absolute Height Limitations.* Notwithstanding any other provisions of this subsection, antennae towers of any height may be located in any portion of the unlimited surface area as identified on Map A. Antennae towers which do not exceed the height limitations described in this ~~S~~section ~~725~~ may be located within 3.5 nautical miles of any antennae tower shown on Map A, which existed on the adoption date of this Code, including areas within primary zones, horizontal zones, conical zones, approach zones, transitional zones, V-97, V-35, V-579 transitional surfaces, or V-97, V-35, V-579 horizontal surfaces.

h. ~~*(h)*~~ *Lowest Surface is Controlling.* Where more than one of the above height surfaces overlays an area the lowest surface shall control and establishes the maximum height permitted for any structure at that location.

i. ~~*(i)*~~ *Height Surface is Controlling.* A drawing shall locate and identify topographic data pertinent hereto and shall depict the boundaries and, by contour lines, the height limitations for the several surface and zone classifications established herein. Copies or prints of such drawings shall be maintained and kept on file in the offices of the ~~Planning Department~~Building and Development Services Department and shall be prima facie evidence of the boundaries of the surface and zone locations and the height limitations applicable thereto.

~~*725.3.*~~ *Zone Classification District Boundary Map ~~For~~for ~~T~~the Airport Zones and Environs Outside Airport Zones.*

4. The Airport Zone and Object Height Limitation Overlay Map (Map A) locates and identifies the State licensed airports within Manatee County and other topographic data pertinent thereto and to the purpose of this Section, and shall depict the approximate boundary of height limitations outside airport environs and the airport zones and the boundaries and by contour lines, the height limitations, for the several zone and surface classification districts therein as the same are established herein. This map shall be prima facie evidence of the boundaries of the zone and surface classification districts and the height limitations applicable thereto and therein, but in the case of conflict with the written provisions of this ~~S~~section, the written provisions shall prevail. The underlying zoning district for the Sarasota-Bradenton Airport shall prevail where that district imposes more restrictive requirements than those provided in this ~~S~~section.

~~*725.5.*~~ *Variances to Height Regulations.*

5. Any person desiring to erect or increase the height of any structure or use his or her property, not in accordance with the regulations prescribed in this ~~S~~section, may apply ~~to the Hearing Officer~~for a variance ~~from such regulations~~ in accordance with the provisions of Chapter ~~5~~32. At the time of filing, the applicant shall forward a copy of his application for variance by certified mail return receipt requested to the Florida Department of Transportation, Aviation Office~~, Tallahassee, Florida or their current address~~. The department ~~shall have~~has forty-five (45) days from receipt of the application to provide comments to the applicant and the Hearing Officer, after which time that right is waived.

Additionally, no application for a variance may be considered, unless the applicant shows evidence that the requirements for Notice of Construction or Alteration, under Title 14 Code of Federal Regulations, Part 77, have been complied with. The Hearing Officer may proceed with consideration of an application only upon receipt of Department of Transportation comments or the waiver of that right, as demonstrated by the applicant's filing a copy of a return receipt, showing the forty-five (45) days have elapsed.

~~725.4. Obstruction Marking And Lighting.~~

If a ~~permit or~~ height variance is granted ~~to the requirements of this Section 725~~, the property owner shall mark and light the structure to indicate to aircraft pilots the presence of an obstruction. Such marking and lighting shall conform to the specific standards established by Chapter 14-60, Rules of the Department of Transportation, and Federal Aviation Administration Advisory Circular 70/7460-1, as amended.

~~(Ord. No. 95-19, § 2, 6-21-95; Ord. No. 98-01, § 3, 2-10-98; Ord. No. 98-19, § 3, 12-15-98; Ord. No. 00-22, § 2, 1-25-00; Ord. No. 09-42, § 3, 6-4-09)~~

403.3. ~~604.12. NCG: North County~~ Florida International ~~[~~Gateway~~]~~ Overlay District (FIG).

A. ~~604.12.1.~~ Purpose and Intent. The purpose of ~~This Section sets forth the procedures and criteria for the review of Gateway Master Plans pursuant to~~ the ~~North County~~Florida International- Gateway Overlay (formerly known as the North County Gateway Overlay) Zoning District is to encourage growth consistent with the long term needs of Port Manatee and the economic health of the County as a whole~~text and overlay map amendment contained in the Future Land Use Element of the Comprehensive Plan~~. To achieve that purpose, the overlay district allows for a range of light industrial, mixed-use and other employment-oriented uses which would not otherwise be allowed in the underlying land use category. ~~Additionally, the alternative procedures adopted for processing of Gateway Overlay Master Plans shall be an alternative to the processing of Preliminary Site Plans within the underlying UF-3 (Urban Fringe 3 Dwellings Per Acre) Future Land Use Classification.~~ This section sets the development standards and alternative review procedures for approving those uses within the district and ensuring compatibility among uses. This ~~S~~section, however, shall not be construed to grant entitlements to any property ~~approved for a Gateway Overlay District Master Plan~~ in excess of any statutorily prescribed threshold for a developmental-regional-impact review under applicable State law.

B. ~~604.12.2.~~ Applicability. All properties within the Florida International Gateway Overlay District are eligible, but not required, to be processed as specified in this section~~Master Plans prepared and approved in accordance with the provisions of this section shall be utilized to ensure compliance with all applicable requirements of this Code and the Comprehensive Plan~~.

C. Standards.

~~2.~~1. ~~*v. Uses*~~ *Permitted in the FIG Overlay*~~Proposed~~. Properties within the Florida International Gateway Overlay District may be allowed the following uses, in addition to the ~~A Gateway Overlay Master Plan shall specifically indicate on the Gateway Overlay Master Plan all~~ uses ~~listed in the application as either~~ permitted ~~or accessory uses~~ in ~~either~~ the underlying Future Land Use Classification~~ or within the range of uses and intensities provided for in the IL (Industrial-Light) Future Land Use Category~~. The range of permitted uses may be limited or certain uses not permitted by the Board at the time of approval of the ~~Gateway Overlay~~ Master Plan as determined necessary by the Board to meet the criteria in Policy 2.2.2.9.4 of the Comprehensive Plan.

• Light Industrial • Offices • Research/Corporate • Warehouse/Distribution • Intensive Commercial • Wholesale Commercial	• Neighborhood Retail • Service Uses • Selected Residential • Short-Term Agricultural • Recreational Uses • Public or Semi-Public Uses	• Schools • Privately-Operated Airports • Water-Dependent/ Related/Enhanced Uses • Hotels/Motels

~~*b. Maximum Density/Intensity. 1 dwelling unit per acre (net and gross); 0.75 floor area ratio.*~~

2. ~~*c.*~~ *Buffering and Screening Standards*:

a. ~~i.~~ Land proposed for residential and other low intensity uses shall provide the buffers required in Chapter 6~~because they will enjoy the benefits and will assure the best maintenance of the buffers~~.

b. ~~ii.~~ Land proposed for industrial, warehousing, wholesale trade, utilities, building materials, industrial services, construction services, motor vehicle repair, fuel pumps, and transportation uses shall not have a requirement to provide buffers, except ~~where~~ along the boundary of the project ~~and~~ where adjacent to developed residential uses ~~beyond the boundaries of the project~~.

c. ~~iii.~~ If the adjacent parcel ~~remains~~ is undeveloped ~~at time of subsequent site plan submittal~~, the developer shall reserve the land for the buffer but may defer the planting of landscaping material and construction of

Commented [LDI164]: This overlay section as currently written addresses "process" rather than development criteria. Checked comp plan and it refers to allowing certain uses not typically allowed in underlying zoning districts and to address use compatibility – didn't see any reference to that in the LDC. Need to address in a future phase.

Commented [LEA165]: This provision came from Policies 2.2.2.9.4 and 2.2.1.18.3. Will consider again in Phase 2.

Commented [LDI166]: Standards came from 604.12.4(iv)(d)

any berms or walls until such time as the adjacent development commences. If the adjacent land subsequently develops with a compatible land use ~~not required to buffer~~, then the developer may use the land reserved for the buffer for other purposes.

~~v. Uses Proposed. A Gateway Overlay Master Plan shall specifically indicate on the Gateway Overlay Master Plan all uses listed in the application as either permitted or accessory uses in either the underlying Future Land Use Classification or within the range of uses and intensities provided for in the IL (Industrial-Light) Future Land Use Category. The range of permitted uses may be limited or certain uses not permitted by the Board at the time of approval of the Gateway Overlay Master Plan as determined necessary by the Board to meet the criteria in Policy 2.2.2.9.4 of the Comprehensive Plan.~~

~~vi. The applicant shall describe how they will comply with the monitoring requirements for both the development proposed to be approved by a Final Site Plan permitted in the IL (Industrial Light) Future Land Use Classification, as well as in combination with that proposed under the existing Future Land Use Classification and existing zoning to demonstrate to the County that any development approved by way of a Final Site Plan is below the threshold of intensity of uses required to undergo review as a development - regional-impact pursuant to applicable laws.~~

d. ~~vii.~~ Notwithstanding, the minimum submittal requirements for a ~~General~~ Development Concept Plan contained elsewhere in this Code, the Gateway Overlay Master Plan is not required to contain the following information:

i. ~~1.~~ Location of land uses, buildings and structures.

ii. ~~2.~~ Quantities of land uses, e.g., land area (acres) or floor area (square feet).

D. ~~604.12.3. Procedures for Application Consideration Approval~~Master Plan Review and Approval. Applicants desiring to develop under the alternative provided by the Florida International Gateway Overlay District shall submit a Master Plan to be reviewed by the Board ~~With respect to each proposed Gateway Overlay Master Plan, the Board shall consider the approval of such plans~~ in accordance with the requirements of quasi-judicial decisions pursuant to Chapter 3~~Sections 502.6, 502.7 and 502.8~~.

~~M.~~**E. ~~604.12.4.~~ Completeness of Application.** The ~~Gateway Overlay~~ Master Plan shall have sufficient details to ensure compliance with the goals, objectives and policies of the North County Gateway Overlay District contained in the Comprehensive Plan. The Overlay Master Plan may meet all requirements of the Code for a General Development Plan or comply with the information required below, at the option of the applicant. A Gateway Overlay Master Plan shall contain the following information:

1. ~~i.~~ Demonstration of how the ~~Gateway Overlay~~ Master Plan implements the goals, objectives and policies of the North County Gateway Overlay District in the Comprehensive Plan. In the event the Gateway Overlay Master Plan requests approval for the range and intensity of uses eligible under the IL (Industrial-Light) Future Land Use Category, the Gateway Overlay Master Plan shall demonstrate specifically how compatibility between residential and non-residential uses can be achieved and how provisions have been made for all required public facilities.
2. ~~ii.~~ Floor area ratios or residential densities for the various land uses or their categories.
3. ~~iii.~~ Categories organizing the list of land uses into groups considered incompatible where adjacent.
4. ~~iv.~~ Buffering and screening standards:
   a. ~~a.~~ Providing alternatives to such requirements of the LDC, Section 701~~715~~, Landscaping Standards and any applicable provisions contained in Chapter 5~~Section 704, Conditional Use Requirements~~.
   b. ~~b.~~ Applying the categories of incompatible adjacent land uses in a matrix or table indicating the appropriate buffer and screening between such land uses.
   c. ~~c.~~ Graphically and textually describing the design of the buffers and screenings between such land uses.
   d. ~~d.~~ Describing the relative location, responsibility for installation and maintenance and timing of buffers at a minimum with detail to demonstrate compliance with the buffer standards listed above~~such as follows:~~ (subsection B.2).

F. ~~604.12.5.~~ Certificate of Level of Service. ~~As specified in Section 510.2.3 of this Code, t~~The uses proposed within a Gateway Overlay District shall not be eligible to receive of Certificate of Level of Service compliance due

Commented [LDI167]: There is no guarantee that they will do it later. Should a bond be required?

Commented [LDI168]: How can compatibility be reviewed if the location of the uses is unknown?

Commented [LDI169]: Items listed under 604.1.2.4(iv)(d) moved up to previous subsection

to the general nature of the submittal requirements. ~~Provided, however, t~~This section, however, shall not be construed to prohibit an applicant from entering into a Local Development Agreement with the County or the Department of Community Affairs for purposes of qualifying for an exemption from the development-regional-impact review process in accordance with applicable law.

G. ~~604.12.6.~~ **Specific Approval ~~is~~ not Required.** The standards and designs provided for in the Gateway Overlay Master Plan are alternatives to the ~~prior~~ previous development approvals under the UF-3 Future Land Use Classification and as such, shall not require the Board to make a written finding to grant specific approval ~~under LDC Section 603.3.2~~.

H. ~~604.12.7.~~ **Effect of Approval.** Upon approval of ~~the~~ a Gateway Overlay Master Plan by the Board through adoption of a resolution, the applicant may apply directly for approval of a Final Site Plan or, at the applicant's option, Preliminary Site Plans for phases. Subsequent applications may depart from the phasing plan if each site plan provides access and other common improvements adequate to serve all cumulative developments in the event other phases fail to develop timely. Special Permits or Preliminary Site Plan approvals shall not be required. In circumstances where a property is zoned Planned Development the approved Gateway Master Plan, if elected to be implemented by a Final Site Plan approval by the applicant, as to all or a portion of such property encompassed by the Final Site Plan approval, then any previously approved plan and/or stipulation shall be superseded in the Planned Development approval.

I. ~~604.12.8.~~ **Modification.** Minor modifications may be made during the development process. ~~All such modifications shall be consistent with the Comprehensive Plan.~~ Such modifications may be approved by the ~~Planning Director~~Department Director after a finding of consistency with the Comprehensive Plan ~~consistency~~.

J. ~~604.12.9.~~ **Expiration.** Gateway Overlay Master Plans shall not contain an expiration date.

K. ~~604.12.10.~~ **Other Permits Required.** Nothing in this Section shall eliminate the obligation of the applicant to obtain any required permits from State or Federal agencies.

L. ~~604.12.11.~~ **Revocability.** In the event the ~~Planning Director~~Department Director determines in his sole discretion that the applicant has failed to suitably monitor the progress of the development under the Gateway Overlay District Master Plan so as to trigger or have a factual basis to conclude that the numerical thresholds will be exceeded such as to trigger review as a Developmental Regional Impact, the ~~Planning Director~~Department Director shall notify the applicant in writing of his/her determination. The applicant(s) receiving such notice shall have the right of appeal ~~pursuant to Section 516, LDC, of~~ the decision or interpretation of the ~~Planning Director~~Department Director pursuant to Chapter 3, Part X~~in the enforcement of this Code requirement~~. The applicant shall record a notice to buyers in the public records at such time as any parcel or portion of the property is sold or transferred to another legal entity of the requirement of a subsequent purchaser to comply with the monitoring requirements regarding numerical thresholds and development-regional-impact review.

~~Such appeal shall be heard by the Board. The Board at its option, based upon evidence in the record and exclusive of all other remedies available to the Board pursuant to Land Development Code and applicable law, may revoke the approval of any portion of the Gateway Overlay District Master Plan for which no Preliminary Site Plan or Final Site Plan or other development orders have been issued in order to prevent issuance of further development orders and prevent the exceedance of numerical thresholds for development of regional-impact review. In the event the approval of all or a portion of the North County Gateway Overlay Plan is revoked by the Board, the Board shall adopt a resolution providing for such revocation and a Notice of Revocation shall be recorded in the public records.~~

Commented [LDI170]: Appeals addressed in Ch. 2.

403.4. ~~604.11. PCV:~~ Parrish Commercial Village Overlay District (PCV).

A. ~~604.11.1.~~ **Purpose and Intent**. The purpose of the Parrish Commercial Village (PCV) Overlay District is ~~established~~ to provide an administrative approval process as an incentive for appropriately scaled and compatible commercial development along U.S. 301. The purpose of this section includes:

1. ~~A.~~ Provide a vehicle for applications meeting the standards of the underlying zoning district and this section to obtain administrative approval ~~by Administrative Permit by compliance with Final Site Plan standards~~;

2. ~~B.~~ Promote new and renovated commercial development that will be harmonious with the existing Parrish community and its evolving vision for its future;

3. ~~C.~~ Provide standards for building placement, architecture, landscaping, and signs for commercial development that enhance the community by being visually distinctive and drawing from the historic, rural

heritage of the Parrish community, while remaining flexible enough to encourage creativity and diversity;

4. ~~D.~~ Encourage the establishment of functional outdoor gathering spaces at appropriate places in the Parrish community;

5. ~~E.~~ Create pedestrian-friendly places, conveniently located pathways, and increased accessibility for a range of travel modes that contribute to the character of individual sites and the overall built environment in Parrish; and

6. ~~F.~~ Promote building-to-street interaction and greater visibility of businesses by encouraging parking to be located away from U.S. 301, ideally at the side or rear of non-residential buildings.

B. ~~**604.11.2.**~~ **Applicability**. The ~~PCV Overlay~~ requirements of this section apply to any new or improved commercial, multi-family, mini-warehouse, and mixed-use developments (if they ~~with~~ include a commercial component) located within the PCV Overlay District and ~~that~~ requiring~~e~~ ~~Final Site~~Site Development Plan approval. The provisions of this section are intended to supplement the regulations in this Code. In the event of a conflict between other provisions of the Code and this ~~S~~section, the more restrictive of the provisions shall prevail unless where specifically provided otherwise. ~~The provisions of this Section shall apply to:~~

~~A. The geographic area outlined in the Official Zoning Atlas as the PCV Overlay.~~

~~B. All new Development and Substantial Improvements, as defined in this Code.~~

~~Nothing herein shall prevent a property owner from requesting Specific Approval, in accordance with Section 603.3., to provide an alternative to the requirements of this section. It is further recognized that there may be circumstances where property configuration prohibits complete compliance with these requirements. Additionally, it is recognized that dedications to the public may place constraints upon projects in the planning process at the time of adoption of this ordinance. These factors may be found to be adequate justification for granting Specific Approval as determined by the Board of County Commissioners.~~

C. ~~**604.11.3.**~~ **Exemptions**. The following development is exempt from the standards of the PCV Overlay District:

1. ~~A.~~ Development that has obtained General Development Plan, Preliminary Site Plan or Plat approval prior to January 1, 2009.

2. ~~B.~~ Structures and uses that do not require Final Site Plan approval, as specified under Section 320.2.C~~508.4.3.1~~.

3. ~~C.~~ Projects with a valid Final Site Plan as of January 1, 2009.

4. ~~D.~~ Structures for which building permit applications have been received prior to January 1, 2009.

5. ~~E.~~ Community Service Uses, Open Uses of Land, Recreation Uses, Residential Uses except Multi-Family Uses, Residential Support Uses, and Transportation Facilities.

6. ~~F.~~ Historical sites or districts as designated by federal, state, or county governments or other structures deemed by Manatee County to be culturally or architecturally significant, including those historic structures on the Florida Master Site File identified in the Survey Report, Manatee County Historical Structures Survey, Phase I Project, prepared for Manatee County, dated August 29, 2008, a copy of which is on file at the ~~Planning Department~~Building and Development Services Department.

D. Development Standards. The following standards shall be met if the applicant wishes to take advantage of the expedited review incentive. ~~Nothing herein shall prevent a property owner from requesting Specific Approval, in accordance with Section 603.3 , to provide an alternative to the requirements of this section.~~ It is ~~further~~ recognized that there may be circumstances where property configuration prohibits complete compliance with these requirements. Additionally, it is recognized that dedications to the public may place constraints upon projects in the planning process ~~at the time of adoption of this ordinance~~. These factors may be found to be adequate justification for the Board of County Commissioners to approve~~granting Specific Approval~~ deviations from these standards~~as determined by the Board of County Commissioners~~.

1. ~~*604.11.4.*~~ *Site Design*.

   a. ~~*604.11.4.1.*~~ *Orientation.* Buildings adjacent to U.S. 301 shall have the main entrance face~~ing~~ U.S. 301.

   b. ~~*604.11.4.2.*~~ *Access.* To minimize access points onto U.S. 301, shared access shall be provided

Commented [LDI171]: Paragraph moved to Standards section, below.

Commented [LDI172]: The list doesn't make sense if the intent of the district is to offer expedited review

Commented [LDI173]: During phase ii in coordination with recommendation to include the urban core design standards in chapter 8, a lot of the language currently in this section would not be necessary. Instead it would refer to that new section

whenever appropriate as determined by the ~~Planning Director~~Department Director and permitted by FDOT. Stub-outs for driveways and a cross access easement may be required to accommodate future shared access as a condition of site plan approval. Where stub-outs for shared access have been provided by adjacent property, the owner of the subject property shall connect to the shared access unless substantial evidence can be provided that the two uses are incompatible due to health, safety, or welfare concerns or that connection to the shared access substantially limits proposed development of the site in question. Shared access may or may not be accompanied by a combined or shared off-street parking plan pursuant to Chapter 10~~Section 710.1~~ as determined by the ~~Planning Director~~Department Director.

c. ~~604.11.4.3.~~ *Dimensional Requirements.* In addition to the standards contained in Table 4-7, ~~C~~commercial, multi-family, mini-warehouse, and mixed use projects containing a commercial component in the PCV Overlay shall meet the following dimensional standards:

i. Building Footprint: 5,000 sq. ft. max. (larger buildings require Special Permit approval).

ii. Front Yard Setback along U.S. 301: The 25 ft. minimum setback may be reduced by the Department Director to 10 ft. min., provided that:

- The site is located on U.S. 301 between Moccasin Wallow Road and CR 675.
- A 10-ft deep porch or gallery is provided along 40% or more of the building frontage, or
- A 10-ft. deep outdoor gathering space is provided along U.S. 301 for no less than 40% of the building frontage. The space shall include street furniture such as benches, tables, or resting area for the general public, or a fountain, public art, or other visual focal point for the enjoyment of the general public.

iii. Front Yard Setback (build-to-line) along Other Roads: 15 ft.; 8 ft. for corner lots on roads intersecting with U.S. 301.

iv. Side Yard Setback (build-to-line): 8 ft. except for the following:

- 25 ft. if adjacent to residential uses or zoning; or
- As prescribed by the Department Director for the provision of gathering spaces.

v. Rear Yard Setback (build-to-line): 15 ft.; 25 ft. when adjacent to residential uses or zoning.

vi. Open Space: 20% minimum.

~~604.11.4.3.1. Lot Size and Width~~

Commented [LDI174]: Most standards now noted on table 3-2, bulk and dimensional standards. No longer needed here

~~*Minimum Lot Size: 10,000 square feet.*~~

~~*Minimum Lot Width: 100 feet.*~~

~~*604.11.4.3.2. Building Height.*~~

~~*Maximum Height: 35 feet.*~~

~~*604.11.4.3.3. Building Footprint:*~~

~~*Maximum Building Footprint: 5,000 square feet without Special Approval (subject to Comprehensive Plan limitations effective at time of Final Site Plan approval).*~~

~~*604.11.4.3.4 Setbacks.*~~

~~*604.11.4.3.4.1. Front Yard Setbacks along U.S. 301. The front yard setback shall be twenty-five (25) feet. For property with frontage on US 301, between Moccasin Wallow Road and CR 675, this may be reduced by the Planning Director to ten (10) feet along U.S. 301, provided:*~~

~~*a) A porch or gallery is provided that extends across forty (40) percent or more of the building frontage and is at least ten (10) feet wide or deep, or*~~

~~*b) An outdoor gathering space is provided between U.S. 301 and the building or on the side of the building that includes frontage along U.S. 301 equal to forty (40) percent of the building's frontage and is a minimum of ten (10) feet deep, and the design includes street furniture such as benches, tables, or resting area for customers or the general public or a fountain, public art, or other visual focal point for the*~~

~~*enjoyment of customers and the general public.*~~

~~*604.11.4.3.4.2. Other Setbacks.*~~

~~*Front: Eight (8) feet for corner lots on local roads intersecting with U.S. 301.*~~
~~*15 feet on local roads not intersecting with U.S. 301.*~~

~~*Side: Eight (8) feet except when adjacent to residential uses or zoning, except as may be waived by the Planning Director for joint outdoor gathering spaces.*~~
~~*25 feet when adjacent to residential uses or zoning.*~~

~~*Rear: Fifteen (15) feet except when adjacent to residential uses or zoning.*~~
~~*25 feet when adjacent to residential uses or zoning.*~~

~~*604.11.4.3.5. Open Space.*~~

~~*Minimum Open Space: Twenty (20) percent.*~~

d. ~~*604.11.4.4.*~~ *Parking.*

i. ~~604.11.4.4.1.~~ *Single Row Only.* In no case shall parking in front of the building adjacent to U.S. 301 exceed a single loaded, single row.

ii. ~~604.11.4.4.2.~~ *Parking Setback.* Except for the single row of parking allowable by ~~604.11.4.4.1~~paragraph i, above, all parking along U.S. 301 must be located behind the required ~~twenty-five (25) feet~~ front yard building setback. However, if the building setback is ten (10) feet as permitted by ~~604.11.4.3.4.1~~paragraph c, above, the parking setback may also be reduced to ten (10) feet as long as the width of the parking area along U.S. 301 does not exceed fifty (50) percent of the lot width. Any remaining parking must be setback twenty-five (25) feet from U.S. 301.

e. ~~*604.11.4.5.*~~ *Pedestrian and Non-motorized Circulation.*

i. Walkways shall be provided to link the building main entrance directly to the street.

ii. Walkways shall be functionally separated from parking lots and driveways, except where they cross driveways or parking areas.

iii. Pavers, texturing, or color changes shall be used to differentiate walkways at driveways.

iv. Buildings shall be linked to one another by a secondary walkway system.

v. Public sidewalks may be considered part of the walkway system if they provide convenient pedestrian connections between structures.

f. ~~*604.11.4.6.*~~ *Landscape Design Standards.* Landscaping shall conform to the requirements of Section ~~713~~1002, Visibility Triangle~~s~~, and Section ~~715~~701, Landscape and Screening Standards~~, including~~. However, screening buffers shall not be required between properties with adjoining outdoor gathering areas. In addition, buffers ~~may~~ shall not impede pedestrian or bike circulation along roadways or between parcels.

~~*604.11.4.6.1.*~~ *Roadway Buffers.* A 25 foot roadway buffer, shown as Option B below, is required along U.S. 301.

g. Option "A" (shown below) may be used for properties ~~with frontage on US 301~~ between Moccasin Wallow Road and CR 675 that have a ten-foot front yard setback ~~along US 301~~ per ~~Section 604.11.4.3.4.1~~paragraph c, above, and meet one of the following conditions:~~In all other instances, Option "B" shall be utilized.~~ ~~:~~

i. ~~a)~~ Provide ~~Where~~ a qualified outdoor gathering space ~~is provided~~ as determined by the ~~Planning Director~~Department Director and parking areas at the side of the building occupy less than fifty (50) percent of the U.S. 301 roadway frontage; or

Provide ~~b) Where~~ no more than a single row of parking ~~is proposed~~ between U.S. 301 and the building.

ii. ~~In all other instances, Option "B" shall be utilized.~~

Buffer Option	Width	Required Plantings per 100 LF		
		Canopy	Understory	Shrubs
"A"	10 feet	2	2	20[1, 2]
"B"	25 feet	3	4	50[1, 3]

Plant Standards	Height	Width	Caliper
Canopy Trees	12 feet	6 feet	3 inches
Understory/Accent	6 feet	36 inches	2 inches[4]
Shrubs[3]	18-24 inches	18 inches	—

Table Notes:

[1] Where parking areas are adjacent to the required buffer, a continuous hedge shall be required with shrubs planted at an appropriate spacing. The hedge may count towards the required shrubs for the selected buffer option.

[2] Once the minimum tree and shrub quantity requirements are met, the remaining space may be planted with additional shrubs or ornamental grasses but not turf grass.

[3] Once the minimum tree and shrub quantity requirements are met, the remaining space may be planted with additional shrubs or ornamental grasses. Turf grass may be used as well.

[4] No minimum caliper if multi-trunk form.

h. ~~604.11.4.6.2.~~ *Additional Landscaping Design Considerations.*

i. *Planting Arrangement.* In required landscape areas, tree plantings shall be staggered and clustered in natural arrangements rather than in long, straight, formal arrangements. View corridors to buildings or ground signs are encouraged.

ii. *Plant Selection.* Plantings in required landscape areas shall be with plant species that are native or naturalized to Florida. Landscape plant material shall be a minimum Florida No. 1 Nursery Grade, as identified in Grades and Standards, Florida Department of Agriculture. All required landscape areas shall retain existing native trees, shrubs, ground cover, and grasses to the greatest extent possible. Existing trees and shrubs meeting the minimum standards of Section ~~715~~ 701 may be counted towards fulfilling planting requirements. Native plant species typical to the vegetative communities found in non-coastal Manatee County shall be encouraged.

2. ~~604.11.5.~~ *Building Design.* Buildings shall be designed in accordance with the requirements in this section and any adopted Parrish Commercial Village Design Manual. The Board of County Commissioners may adopt by resolution a Parrish Commercial Village District Design Manual to clarify and illustrate the design alternatives of the PCV District. This PCV Design Manual may be amended from time-to-time by the Board of County Commissioners by Resolution. Amendments to the PCV Design Manual may be made to reflect the design concept of a particular project, provided that sufficient detail is provided to enable adequate review of the concept as applications are made.

a. ~~604.11.5.1.~~ *Architectural Styles.* The following architectural styles, which reflect the historic and rural characteristics of Parrish, shall be used in the Parrish Commercial Village District.

i. ~~A.~~ Cracker. Cracker is a traditional architecture typically found in the rural areas of Florida. Elements of the Cracker style include:

- Large open porches (Generally with a lower pitch than main roof)
- Simple trim - Corner boards, fascia boards, window and door surrounds
- Horizontal siding
- Large window openings
- Metal or flat shingle hip or gable roofs
- Shed dormers
- Cupolas or roof monitors (Preferably functional, rather than decorative)

ii. ~~B.~~ Folk Victorian. The Folk Victorian style combines simple building forms with the use of decorative detailing. Typical elements include:

- Porches with spindle work or jigsaw cut trim
- Horizontal or brick siding
- Architectural details along eaves and gable edges
- Steeply pitched hip or gable roofs
- Side or front gables
- Multiple cross gables
- Brackets under eaves

iii. ~~C.~~ Florida Ranch. The Florida Ranch style borrows elements from a variety of other architectural styles. In particular, it is heavily influenced by folk architectural styles such as Cracker combined with Colonial and Victorian styles but not Mediterranean or Spanish Colonial Revival. Elements reflective of this style may include:

- Low buildings
- Walls of brick, stucco, stone, or horizontal or vertical siding
- Simple trim and shutters
- Metal or flat shingled hip or gable roofs or flat roofs with parapets
- Wide overhanging eaves

b. ~~*D.*~~ *Roof Materials and Design.* Hip and gable roofs are preferred. Shed roofs are permitted. Flat roofs, with staggering heights, are permitted if the parapet wall fully screens all rooftop mechanical equipment, as viewed from adjacent properties. Mansard roofs shall not be used.

Standing seam metal or traditional shingle roofs are preferred within the Parrish Commercial Village Overlay District. Roofs may be clad with flat ceramic or cement tile with the appropriate style of architecture, but not barrel or ribbed tile.

~~*Except as may otherwise be permitted by the design manual.*~~

Commented [LDI175]: STAFF: Is there a design manual? Deleted this sentence because it didn't make sense.

c. ~~*604.11.5.2.*~~ *Massing.* Reducing the perceived mass of the building and creating interesting building design shall be achieved by application of two (2) or more of the following architectural features or treatments:

i. ~~a)~~ Canopy, awnings, or roofed promenade spanning a minimum of thirty-five (35) percent of the wall length. Minimum pedestrian clearance height within the first story walkway shall be twelve (12) feet;

ii. ~~b)~~ Horizontal shifts in walls equal to or greater than four feet with a shift or alteration in the roof design;

iii. ~~c)~~ Roofs that have a pitch of 4:12 or greater with multiple articulation.

iv. ~~d)~~ Vertical shifts of single run of ridge, cornice, or fascia that include a transition in height equal to or greater than four (4) feet; and

v. ~~e)~~ Cupolas or similar roofline features reflective of Cracker or Folk Victorian architecture.

d. ~~*604.11.5.3.*~~ *Additional Architectural Design Considerations*. Regardless of architectural style, the following principles shall be taken into consideration in reviewing building design:

i. ~~A.~~ Consideration shall be given to compatibility in style, materials, rooflines, colors, and other finishes with adjacent buildings that also meet the general site and building design criteria of these regulations.

ii. ~~B.~~ Materials on all façades (except windows) shall be limited to pre-cast concrete, decorative concrete block, stucco, quarried stone, cast stone, brick, wood, and wood-like materials.

iii. ~~C.~~ Building color shall be compatible with the neighborhood. Muted shades shall be used for the primary building façades and roof. Non-vibrant, richer or complementary, hues shall be used for architectural accents such as doors and shutters.

iv. ~~D.~~ Accessory uses shall match the principal building(s) in form, materials, color, and detailing.

v. ~~E.~~ Tenant-specific building styles or motifs that are inconsistent with the architectural style of the

Parrish Commercial Village Overlay District are prohibited.

vi. ~~F.~~ Neon or tube lighting, exposed or concealed, shall not be used for architectural accent purposes, such as outlining architectural features.

vii. ~~G.~~ Awnings shall not be backlit or otherwise illuminated from behind unless the awning fabric is completely opaque.

viii. ~~H.~~ Any window glazing shall be clear or lightly tinted glass with a visible light transmittance factor of 0.6 or higher. The use of reflective, translucent, or mirrored windows is prohibited.

3. ~~*604.11.6.*~~ *Signs.*

a. ~~*604.11.6.1.*~~ *Prohibited Signs.* In addition to signs prohibited in ~~Section 724~~Chapter 6, the following signs not representative of the character of the Parrish Commercial Village District are prohibited:

- Pole Signs
- Electronic Message Center Signs
- Neon signs, except for those designed within the overall allowable area for signage and occupying no more than four (4) square feet of sign area individually and a total of twelve (12) square feet cumulatively; neon may not be used for architectural accent purposes.
- Florescent Signs

b. ~~*604.11.6.2.*~~ *Ground Signs.* In addition to the standards provided in ~~Section 724~~Chapter 6, ground signs shall be limited to a monument sign six (6) feet in height and no more than thirty-two (32) square feet.

A ground sign may be shared by multiple businesses located separately on individual lots or parcels. The shared ground sign may be located on the lot or parcel of any of the businesses in lieu of a ground sign on the lots of the other businesses sharing the sign. Shared signage shall be limited to a monument sign six (6) feet in height and no more than sixty (60) square feet.

The design of ground signs and their support structures shall be consistent with the style of the primary building onsite and use natural elements, such as stone, wood, or similar materials.

c. ~~*604.11.6.3.*~~ *Wall, Gallery, or Awning Signs.* Wall signs shall be limited to no more than thirty-two (32) square feet per façade and be limited to wall surfaces parallel to the roadway frontage and parking areas. Where two or more non-residential buildings are located on the subject property, wall signs shall not exceed twenty (20) square feet per building and up to sixty (60) square feet total.

Signs painted on, attached to, or otherwise permanently displayed on a canopy or awning shall be allowed, provided no such sign exceeds twenty (20) percent of the area of each awning or canopy (top plus all sides). Such signs shall count towards the maximum allowable wall signage for the building.

d. ~~*604.11.6.4.*~~ *Hanging Signs.* In addition to allowable wall and ground signs, buildings containing a porch, gallery, or promenade may erect one (1) hanging sign per covered building entrance. Hanging signs must not project beyond the footprint of the gallery, canopy, or awning and must be rigidly fixed (no swinging parts) to the underside of the structure. No individual hanging sign shall exceed six (6) square feet in area. Minimum pedestrian clearance of eight (8) feet shall be provided below the sign.

403.5. ~~604.6.HA:~~ Historical and Archaeological Overlay District (HA).

Commented [LDI176]: This section has been reverted back to the adopted language as requested by staff.

A. ~~604.6.1.~~ Purpose and Intent. Within districts now existing or hereafter created, it is intended to establish. The HA District is intended to:

1. ~~1.~~ Effect and accomplish the protection, enhancement, perpetuation and use of structures, landscape features, archaeological resources, areas, neighborhoods, and scenic vistas which represent distinctive elements of the County's historical, cultural, archaeological, aesthetic and architectural heritage;

2. ~~2.~~ Safeguard the County's historical, cultural and aesthetic zones;

3. ~~3.~~ Foster civic pride in accomplishments of the past;

4. ~~4.~~ Protect and enhance the aesthetic and environmental character, diversity, and interest of neighborhoods;

5. ~~5.~~ Stabilize and improve property values in neighborhoods and in the County as a whole;

6. ~~6.~~ Protect and enhance the County's attraction to residents, tourists, and visitors and thereby serve as a support and stimulus to the economy;

7. ~~7.~~ Promote the use of historic resources for the education, pleasure and welfare of the people of Manatee County;

8. ~~8.~~ Provide a means for determining historical and archaeological significance; ~~and~~

9. ~~9.~~ Provide a means for the Historic Preservation Board to recommend appropriate changes to historic landmarks and historical and archaeological overlay districts and to encourage historical and archaeological preservation; ~~and~~

10. ~~10.~~ Provide protections for historic landmarks and historical and archaeological overlay districts to ensure that Manatee County's heritage is preserved: and

11. ~~11.~~ Provide methods for designating historic landmarks and historical and archaeological districts.

B. ~~**604.6.2.**~~ **Purposes of Regulation Relating to HA Districts.** The purposes of regulations relating to HA Districts are to:

Commented [LDI177]: Section 604.6.2 is covered by all items mentioned in previous section. Propose deleting (later phase)

1. ~~1.~~ Prevent destruction of historic features and historic landmarks within HA Districts without due consideration for values represented therein or the possibility of preservation of such features for use in an economically productive way;

2. ~~2.~~ Assure that alterations to existing features and historic landmarks within HA Districts are compatible with the historic character of the HA District;

3. ~~3.~~ Assure that new structures, uses or landscape features within HA Districts or their visual environs will be compatible with the character of the HA District;

4. ~~4.~~ Promote the preservation of historic features and historic landmarks by providing for incentives such as, but not limited to, economically productive adaptive uses, transfer of development rights, floor area bonuses, and special regulations relating to parking, yards, and other elements of zoning authority.

C. ~~**604.6.3.**~~ **Effect of HA District Designation.** Such HA Districts and their designated transitional areas may either:

1. ~~1.~~ Supplant districts or portions of districts and the regulations applying therein at the time of creation of a particular HA District, or

2. ~~2.~~ Have the effect of modifying requirements, regulations, and procedures applying in existing districts or districts hereafter created, and remaining after HA Districts and their designated transitional areas are superimposed, to the extent indicated in the particular HA amendment.

D. ~~**604.6.4.**~~ **Historic Preservation Board.** The Historic Preservation Board as established under Section 303~~306~~ of this Code shall carry out duties as assigned by this section.

E. ~~**604.6.5.**~~ **Procedures for Designation and Adoption of HA Districts.** All applications shall be reviewed individually as outlined in Section 303~~306~~, on a case by case basis.

F. ~~**604.6.5.1.**~~ **Criteria for Designation of HA Districts.** To qualify as a historic site, historic district, or archaeological zone with an HA zoning classification, individual properties or groups of properties must have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the county, state, or nation; must possess integrity of design, setting, materials, workmanship, feeling, and association; and shall meet one (1) or more of the following criteria~~:~~.

Commented [LDI178]: This list still refers to individual structures. Recommend fixing at a later phase.

1. *Historical, Cultural Significance:*

   a. ~~a.~~ Is associated in a significant way with the life or activities of a major historic person important in the past; ~~or~~

   b. ~~b.~~ Is the ~~site~~ location of a historic event with significant effect upon the community, county, state, or nation; ~~or~~

   c. ~~c.~~ Is associated in a significant way with a major historic event whether cultural, economic, military, social, or political; ~~or~~

d. ~~e.~~ Is associated in a significant way with a part or continuing institution which has contributed substantially to the life of the county, or

e. ~~d.~~ Exemplifies the historical, cultural, political, economic, or social trends of the community.~~; or~~

2. *Architectural Significance:*

a. ~~f.~~ Portrays the environment in an era of history characterized by one (1) or more distinctive architectural styles;

b. ~~g.~~ Embodies those distinguishing characteristics of an architectural style, or period, or method of construction; ~~or~~

c. ~~h.~~ Is an outstanding work of a prominent designer or builder; or

d. ~~i.~~ Contains elements of design, detail, materials, or craftsmanship of outstanding quality or which represent a significant innovation or adaptation to the Florida environment~~; or~~.

3. *Aesthetic Significance:*

a. ~~j.~~ By being part of or related to a subdivision, park, environmental feature, or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif; ~~or~~

b. ~~k.~~ Because of its prominence or spatial location, contrasts of siting, age, or scale, is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or the county; or

c. ~~l.~~ Has yielded, or may be likely to yield, information important in pre-history or history.

G. ~~604.6.6.~~ Procedures for Designation of HA Districts: Preparation of Recommendations for HA Rezoning. ~~604.6.6.1.~~ Properties which meet the criteria for historical and archaeological overlay districts set forth above shall be designated according to the following procedures:

1. ~~1.~~ Preservation proposals for designation of potential historic landmarks and historical and archaeological overlay districts shall be made to the Historic Preservation Board on forms provided by the Board. The Historic Preservation Board shall conduct a preliminary evaluation of the data provided in the proposal for conformance with criteria set forth above and may, if appropriate, direct ~~the Planning Department~~the Department Director to prepare a preliminary designation report and resolution. The Historic Preservation Board shall require the party initiating such proposal to provide any necessary documentation, and to pay any applicable fees.

2. ~~2.~~ Preparation of historic landmark designation report. For every proposed designated historic landmark and historical and archaeological overlay districts a designation report shall be presented to the Historic Preservation Board at a regularly scheduled meeting.

3. ~~3.~~ The Historic Preservation Board upon approval, shall recommend Zoning Atlas Amendments to the Board for consideration subject to the requirements of Sections ~~306~~303 and ~~504~~342.

H. ~~604.6.7.~~ Description of Historical and Archaeological Overland Districts. The location and boundaries of the Historical and Archaeological Overlay Districts shall be as shown on the Official Zoning Atlas. The following general descriptions are of areas in the Historical and Archaeological Overlay District that have specific provisions relating to them in the Manatee County Comprehensive Plan.

1. The *Whitfield Estates Historical and Archaeological Overlay District* includes lands generally located south of Bowlees Creek, in Township 35, Range 17 and specifically delineated as an Historical and Archaeological Overlay District on the Official Zoning Atlas.

2. The *Cortez Fishing Village Historical and Archaeological Overlay District* includes lands generally located east of Anna Maria Sound, and north of Sarasota Bay in Township 33, Range 16 and specifically delineated as an Historical and Archaeological Overlay District on the Official Zoning Atlas.

3. The *Terra Ceia Historical and Archaeological Overlay District* includes lands generally located southwest of U.S. 19 in Township 33, Range 17 and specifically delineated as an Historical and Archaeological Overlay District on the Official Zoning Atlas.

I. ~~604.6.8.~~ Specific District Standards. The following standards shall apply in each historic district. Only districts

for which specific standards have been developed are addressed in this section.

1. ~~604.6.8.1.~~ *Cortez Fishing Village Historical and Archaeological Overlay District.* The Cortez Fishing Village is established to preserve and protect the cultural heritage of the Cortez area, to recognize the continued use of the area by commercial fishing families, to encourage the preservation and reuse of existing contributing historic structures and low density non-historic structures and to preserve the historical physical character of the Village. All development requests shall be reviewed for consistency with the Cortez Design Guidelines, as incorporated in Chapter 94 of the Code.

   a. ~~604.6.8.1.1.~~ *New Construction.* All new and re- construction development in Cortez shall be subject to the following requirements:

      ~~604.6.8.1.1.1.~~ Pervious parking surface shall be required for all new uses that require off-street parking as ~~described in Section 710.1.3.2.4~~follows~~.~~:

      i. ~~710.1.3.2.4. *Pervious parking surface required in Cortez Fishing Village HA Overlay District.* In the Cortez Fishing Village p~~Parking lots created or reconstructed after January 1, 2005 shall include no more than fifty (50) percent of the surface as impervious material. The remainder of the parking shall be pervious paver block, #57 rock, or some other pervious material as approved by the Department Director~~Planning Director~~. In every case, however, handicap spaces and their access areas shall be paved in accordance with the requirements of this Code and the Public Works Manual~~Section 727~~.

      ii. ~~604.6.8.1.1.2.~~ Sidewalks and curb and gutter will not be required along local streets within the boundaries of the overlay~~ as described in Section 722.1.4.3~~.

      iii. ~~604.6.8.1.1.3.~~ Schools within the overlay district are not required to screen from adjacent residential properties~~ as described in Section 704.6.5~~.

      iv. ~~604.6.8.1.1.4.~~ Should a maritime museum be developed within the overlay district, access shall be allowed via residential streets and parking aisles, which may be located within five (5) feet of property lines~~ as described in Section 704.17~~.

      v. ~~604.6.8.1.1.5.~~ Docks shall be allowed as accessory uses on all waterfront properties in the LM zoning district of the Cortez Fishing Village HA Overlay District.

   b. ~~604.6.8.1.2.~~ *Special Regulations for Residential Properties.* Residentially zoned and residentially developed lots in the Cortez Fishing Village Historical and Archaeological Overlay District, hereinafter referred to as Cortez or the Cortez Fishing HA Overlay District, shall be subject to the following special regulations:

      i. ~~604.6.8.1.2.1.~~ *Exemptions.* Certain exemptions on residentially zoned and residentially used lands are made for Cortez to recognize the unique development patterns of Cortez and to allow the continuance of commercial fishing practices that have been characteristic of the area for over 110 years.

         (a) ~~604.6.8.1.2.1.1.~~ Commercial fishing vessels may be parked in front and side yards of vessel owner's residential lot in conformance with the requirements of the Manatee County Property Maintenance Code~~Section 703.2.14~~.

         (b) ~~604.6.8.1.2.1.2.~~ Storage of commercial fishing equipment in yards is allowed as provided in the Manatee County Property Maintenance Code~~Section 703.2.21~~.

         (c) ~~604.6.8.1.2.1.3.~~ For the purposes of this Code, Cortez shall be treated as part of the Urban Core as ~~described~~ identified in the Comprehensive Plan ~~in Section 702.6.6~~ and those lots meeting the standards of this section shall have reduced side yard setbacks. Homes which would be considered legally non-conforming due to side yard setbacks may be renovated and expanded at existing side yard setbacks provided that the renovation, expansion or addition meets the standards of Sections ~~1105.1. and Section 1106.1~~107.6.A and B.

      ii. ~~604.6.8.1.2.2.~~ *Restrictions.* The following design standards shall apply to residentially zoned and residentially used lands to protect the existing neighborhood character within the Cortez Fishing Village Overlay District.

Commented [LDI179]: Wrong reference.

(a) ~~604.6.8.1.2.2.1.~~ New and relocated homes constructed in Cortez are prohibited from using fill to elevate except in cases where the existing grade of the lot on which the structure is to be built is below the grade of adjacent lots. If the existing lot is below the grade of adjacent lots, the lot may be filled to the average height of adjacent lots. Concrete slabs on the ground level shall be discouraged and pervious surface encouraged for all parking and driveways.

(b) ~~604.6.8.1.2.2.2.~~ New residential construction shall be limited in height to no more than twenty-four (24) feet over Flood Protection Elevation.

c. ~~*604.6.8.1.3.*~~ *Special Regulations for Commercial Properties.* Commercial properties within the Overlay along Cortez Road shall be subject to the following limitations.

i. ~~604.6.8.1.3.1.~~ Design of new and redeveloped commercial properties in the Cortez Fishing Village HA Overlay shall be in conformance with the Cortez Design Guidelines Manual and shall include:

(a) ~~604.6.8.1.3.1.1.~~ Properties shall be developed with no more than one aisle of parking between the building and the street. Parking shall be provided in the rear yard of commercial development that abuts Cortez Road.

(b) ~~604.6.8.1.3.1.2.~~ The street facade of new commercial structures facing Cortez Road shall be broken up to look like a series of smaller structures, rather than one long unbroken facade. Added elements such as porches~~,~~ and windows shall recall proportions found in other structures in Cortez.

(c) ~~604.6.8.1.3.1.3.~~ Front entrances shall be of pedestrian friendly scale and be visible from Cortez Road.

(d) ~~604.6.8.1.3.1.4.~~ New commercial construction shall be limited in height to no more than twenty-four (24) feet over Flood Protection Elevation.

ii. ~~604.6.8.1.3.2.~~ All commercial projects in Cortez shall meet the landscaping requirements found in Section 701~~715~~.

d. ~~*604.6.8.1.4.*~~ *Special Regulations for Waterfront Properties.* For new development or redevelopment on the Cortez Waterfront each project shall consist of a mixture of uses and is subject to the following regulations:

i. ~~604.6.8.1.4.1.~~ Commercial fish houses are exempt from the twenty-five (25) feet waterfront yard setback ~~as required in Section702.6.8~~.

ii. ~~604.6.8.1.4.2.~~ Development of the South Cortez waterfront, which includes all land contiguous to Sarasota Bay between 124th Street West and the east side of 119th Street West shall be limited to water-dependent uses and the following additional uses: Commercial fish houses; boat building and repair; aeration/shellfish aquaculture; marine research and development; low intensity recreation; maritime museums; restaurants; bed and breakfasts in existing homes, and residential development. Watercraft based hotels~~,~~ shall be prohibited.

iii. ~~604.6.8.1.4.3.~~ Development of the West Cortez waterfront, which includes all land contiguous to Sarasota Bay between the Cortez Bridge and the east side of the end of 125th Street West shall be limited to water-dependent uses and the following additional uses: Commercial fish houses; boat building and repair; aeration/shellfish aquaculture; marine research and development; low intensity recreation; maritime museums; restaurants; residential development as allowed by the LM Future Land Use Category; RV Parks; small tourist cottages, compatible in size, intensity, and density to current development and set back from the water.

iv. ~~604.6.8.1.4.4.~~ Marinas and other permitted uses within the Cortez Fishing Village HA Overlay shall be subject to other requirements of this Code and to the following limitations:

(a) ~~1.~~ Marinas shall be limited in size to no more than twenty-five (25) wet slips.

(b) ~~2.~~ Enclosed dry storage and elevated storage of multiple boats and watercraft shall not be allowed.

(c) ~~3.~~ Hotels, motels and other tourist-oriented uses will not be allowed

(d) ~~4.~~ Personal watercraft rentals, airboat rentals or other rentals or amusements that increase noise levels coming from the water will not be allowed.

(e) ~~5.~~ Public address systems, unless required by law, shall not be permitted on the South Cortez waterfront.

(f) ~~6.~~ Marinas shall participate in the Clean Marina Program.

(g) ~~7.~~ No marina activity shall significantly increase traffic by more than ten (10) percent of a base line traffic county (established in 2005) on residential streets in Cortez but shall attract trips from the water, rather than from streets.

(h) ~~8.~~ Hours of operation of the marina and accessory services of the marina shall be between sunrise and sunset unless otherwise approved, and shall respect the residential character of surrounding neighborhood,

(i) ~~9.~~ Privacy fencing and landscaping that block views of the water (or that negatively impact the open space character of Cortez) shall be prohibited. All fencing shall be shown on Preliminary and Final Site Plans for approval.

(j) ~~10.~~ New construction shall be limited in height to no more than twenty-four (24) feet over Flood Protection Elevation.

403.6. ~~Section 720. -~~ Historic Vista Protection Area Overlay.

A. ~~720.1.~~ Purpose and Intent.

1. ~~720.1.1.~~ To protect and perpetuate certain vistas for designated public places within the County in the interest of County, State, and National pride and the general welfare of the people.
2. ~~720.1.2.~~ Preserving such vistas will protect and enhance the County's attraction to tourists and visitors and the overall visual quality of the County.
3. ~~720.1.3.~~ That those designated areas should be established by protecting such vistas from avoidable visual encroachment and physical obstruction.

B. ~~720.2.~~ Designated Areas.

1. 720.2.1. Those areas designated for historic vista protection area [are] as follows:
2. 1. Desoto National Memorial Park; and
3. ~~2.~~ Gamble Plantation State Historical Site.

~~3. [Reserved.]~~

~~720.2.2.~~ An area constituting a five hundred (500) foot radius and semi-radius (Desoto Memorial) from the property lines of the designated sites above and any other viewshed directly associated with the purpose of designation. These viewsheds will be graphically delineated and on file.

C. ~~720.3.~~ Review.

1. All projects, including new construction, modification of existing structures, design changes and landscaping especially involving cutting of vegetation or other similar type activities, shall be reviewed and approved by the Historic Preservation Board, by Certificate of Appropriateness per Section 347~~514 and 306.2~~ of this Code. The Board will coordinate with and consider the comments of agencies with jurisdiction over designated areas.
2. ~~720.3.1.~~ All projects located in historic viewsheds shall be reviewed for visual impacts. This review will include but will not be limited to:
   a. ~~1.~~ Height;
   b. ~~2.~~ Waterfront structures (length, location and height);
   c. ~~3.~~ Location;
   d. ~~4.~~ Design;

e. ~~5.~~ Scale;

f. ~~6.~~ Color; and

g. ~~7.~~ Historic Compatibility.

3. ~~8.~~ Changeable ~~C~~copy signs required to be reviewed by the Board pursuant to Chapter 6 ~~Section 724, LDC~~, shall be reviewed based upon the above criteria, number 1 through 7.

~~**720.4. Criteria for Designation of Historic Vista Protection Areas**.~~

D. To qualify as an Historic Vista Protection Area, the historical integrity of such historic resource under consideration must have the potential of being affected by development within the views of or by the historic resource.

~~**720.5. Procedures for Designation of Historic Vista Protection Areas**.~~

E. Properties which meet the purpose and intent for Historic Vista Protection Areas set forth above may be designated according to the following procedures:

1. ~~1.~~ Preservation proposals for designation of potential Historic Vista Protection Areas shall be made to the Historic Preservation Board on forms provided by said Board. The Historic Preservation Board shall conduct a preliminary evaluation of the data provided in the proposal for conformance with criteria set forth above and may, if appropriate, direct the ~~Planning Department~~Department Director to prepare a preliminary designation report. The Historic Preservation Board shall require the party initiating such proposal to provide necessary documentation, and to pay any applicable fees.

2. ~~2.~~ Preparation of Historic Vista Protection Area designation report. For every proposed Historic Vista Protection Area, a designation report shall be presented to the Historic Preservation Board at a regularly scheduled meeting.

3. ~~3.~~ The Historic Preservation Board, upon approval, shall recommend a Land Development Code Text Amendment with appropriate notice, to the Planning Commission and Board for consideration subject to the requirements of Sections 303~~306~~ and 341~~503~~.

~~(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 02-20, § 2, 3-26-02)~~

Figure 4 - 5:~~302.2-1~~ Desoto Memorial

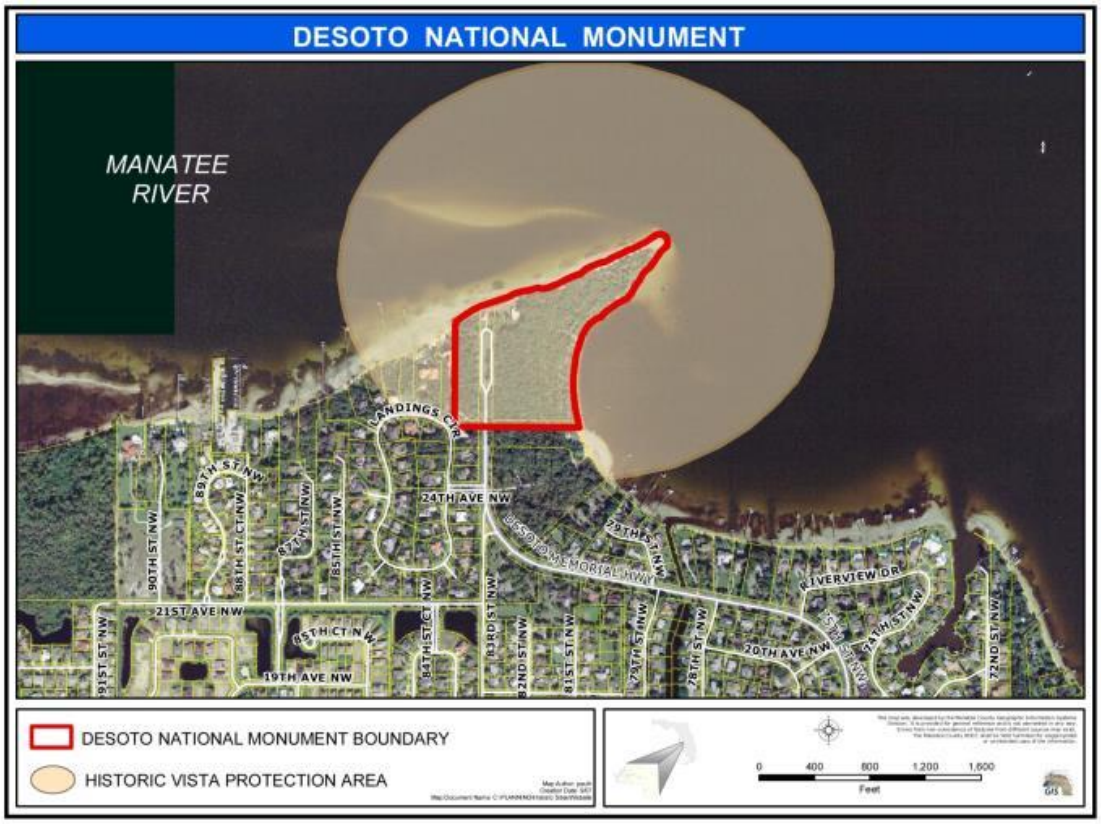
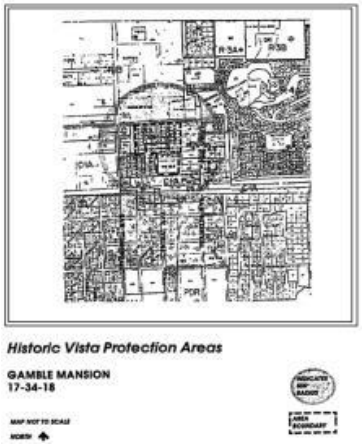
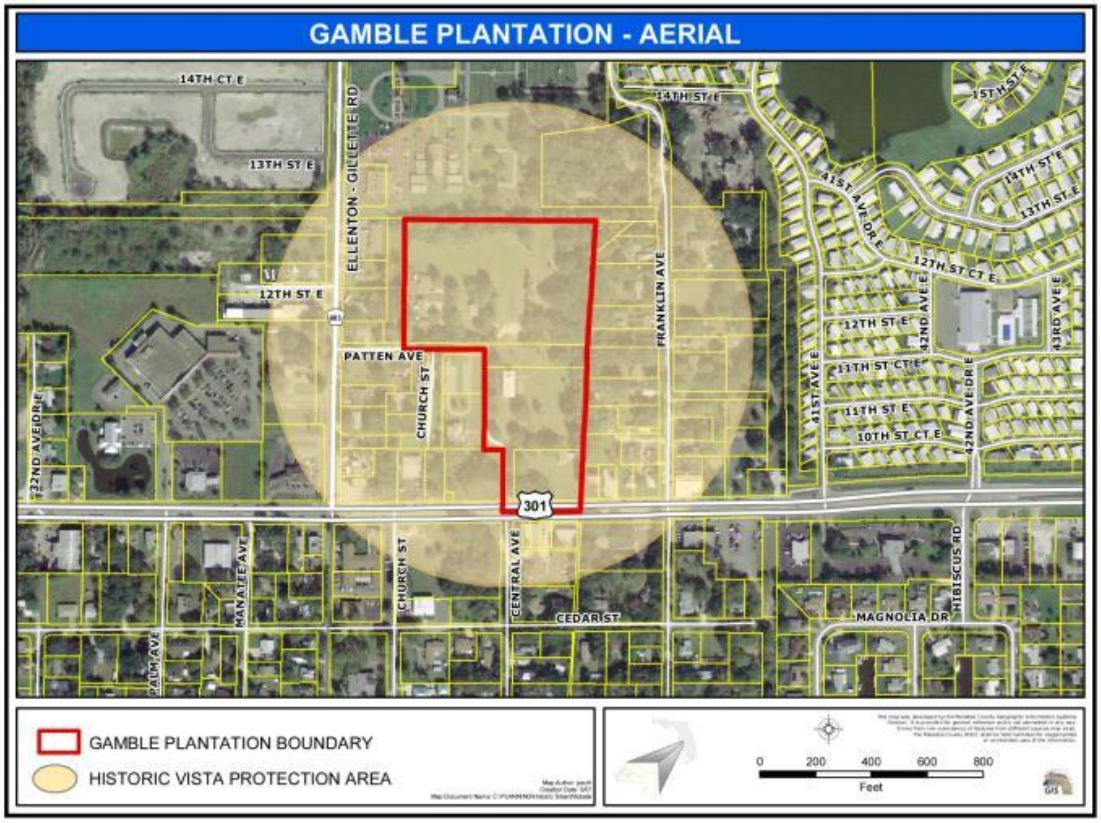

DESOTO NATIONAL MONUMENT
MANATEE RIVER
LANDINGS CIR
24TH AVE NW
DESOTO MEMORIAL HWY
RIVERVIEW DR
20TH AVE NW
21ST AVE NW
19TH AVE NW
DESOTO NATIONAL MONUMENT BOUNDARY
HISTORIC VISTA PROTECTION AREA
0 400 800 1,200 1,600
Feet

Figure 4 - 6:~~302.2-2~~ Gamble Mansion





403.7. 604.9. DA: Duplex Access Overlay District (DA).

Commented [LDI180]: Recommend eliminating district at a later time.

604.9.1. Purpose and Intent.

A. To increase opportunities for home ownership in areas which experience decline or are targeted for neighborhood improvement through the sale of duplexes to individuals as single family semi-detached units, the intent of this overlay district is to provide relaxed requirements regarding frontage and access limitations. Specifically, the purpose of this district is to allow an existing duplex, where the side of duplex faces the street, and therefore the rear unit does not have frontage on any street, to be split into two (2) single family semi-detached units, consistent with all provisions of the Code.

604.9.2. Boundaries.

B. The Duplex Access Overlay District corresponds to the area outline in the Official Zoning Atlas.

604.9.3. Frontage and Access Requirements.

Specific uses may be permitted in this district in accordance with the regulations of the underlying zoning district, with the exceptions to specific Code provisions as provided herein.

C. 604.9.3.1. The rear units of existing duplexes, where the side of the duplex faces the street (and therefore the rear unit does not have frontage on any street), which are split into two single family semi-detached lots, are excepted from the provisions of Section 401.3.B.4702.4.4, Minimum Front Lot Line, and 712.2.61001.1.C.5.a, Required Access, and 712.3, Frontage, provided that:

1. 1.) The rear, semi-detached unit is granted a non-exclusive ingress/egress, utility and drainage easement from the attached lot which fronts on the street;

2. 2.) An appropriate party wall agreement is provided; and

3. 3.) The common wall meets all Building CodeFlorida Building Code requirements.

If the parking for the rear lot is located on the front parcel, additionally, a parking easement shall be required to be granted to the rear lot.

403.8. **604.3. CH: Coastal High Hazard Area Overlay District (CH).**

A. **604.3.1. Purpose**. It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to implement the goals, objectives and policies of the Comprehensive Plan CH Overlay and Coastal Management Element.

The approximate boundaries of the CH District are indicated on the Official Zoning Atlas Map. The extent and coverage of the area designated as a Coastal High Hazard Area is subject to a more precise determination for any project based on an evaluation of a predevelopment topographic survey of the site submitted to the Manatee County Planning DepartmentDepartment Director for review. Should such an evaluation of the topographic survey indicate that the extent of the CH District is somewhat different than what is indicated on the Official Zoning Atlas Map, the predevelopment topographic information will prevail without the property owner having to pursue an amendment to the Atlas Map.

B. **604.3.2. Effect of Mapping/Approvals Required**. All properties or portions of properties within the Coastal High Hazard Overlay District are subject to the standards and procedures outlined in this section and Section 718802, Floodplain Management.

Any project requiring subdivision construction drawing approval which is at least partially within the Coastal High Hazard Overlay District shall be submitted for approval under the planned development review procedure, except for lands owned, leased or operated by the Manatee County Port Authority which is governed by the PDPM district.

For projects partially in the Coastal High Hazard Overlay District area, the standards of the district shall only apply within the confines of the district.

C. **604.3.3. Prohibited Uses/Activities**. The following uses are prohibited within the Coastal High Hazard Overlay

District, regardless of the underlying zoning district.

1. ~~1.~~ New ~~manufactured~~ mobile home developments.
2. ~~2.~~ Acute care medical facilities.
3. ~~3.~~ Uses which generate, store, or dispose in excess of 45.4 lbs. of hazardous, or 0.45 lbs. of acutely hazardous waste materials per month. As used in this section, hazardous and acutely hazardous waste materials shall be defined as substances listed in 40 CFR 261 and adopted within Chapter 17-30, Florida Administrative Code, and Chapter 403.7, Florida Statutes.
4. ~~4.~~ New wastewater treatment plants that will adversely affect coastal receiving waters.
5. ~~5.~~ Non-water dependent development activities in submerged areas containing significant seagrass habitats except where necessary to facilitate the continuing use of existing channels, to correct environmental problems caused by limited tidal circulation or other deficiencies of the environmental system or in cases of overriding public interest as determined by the Board of County Commissioners.
6. ~~6.~~ Development which requires the issuance of a point source discharge permit for discharging into receiving waters which flow into a "prohibited" Department of Environmental Protection shellfish harvesting classification area, except where the "prohibited shellfish harvesting" classification is entirely due to potential for contamination by sewage effluent in areas receiving effluent discharge.
7. ~~7.~~ The dredging and filling of submerged lands, except for uses classified and prioritized as water-dependent. Dredging and filling for other uses may be considered upon a finding of overriding public interest by the Board. All dredge and fill activities within or adjacent to the Terra Ceia Aquatic Preserve shall be submitted to the Department of Environmental Protection for comments which shall be considered by the Board during project review. For those projects which require dredging or filling activities, an operational plan shall be prepared to prevent degradation of adjacent waters, and to assure placement of soil material on suitable upland areas.
8. ~~8.~~ The alteration of coastal wetlands 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. Any alteration shall be subject to mitigation criteria.
9. ~~9.~~ The removal or manmade alteration of sand dunes within the CH District is prohibited unless it can be shown that such removal or alteration would not increase potential flood damage, damage to plant life or increase soil erosion. Under no circumstances shall any use and/or development be permitted which adversely affects the capacity of the channels of any watercourse, drainage ditch and/or other drainage facility in the Coastal High Hazard Overlay District.
10. ~~10. *Asphalt and Concrete Plants and Recovery Facilities.*~~ New asphalt processing and recovery plants and concrete processing and recovery plants shall be prohibited.

D. ~~**604.3.4.**~~ **Limitations on Permitted Uses**. The use of land shall be permitted in accordance with the provisions of the underlying district subject to the following additional restrictions on density and use:

1. ~~1.~~ All development approvals within the CH District shall be conditioned to require the removal of all nuisance exotic plant species.
2. ~~2.~~ Densities for single and multi-family boat docking facilities on lots created after the effective date of the Comprehensive Plan~~,~~ shall be limited to no more than one boat slip for every one hundred 100 feet of shoreline owned unless designated and used for "sailboat only." Property shall have a minimum of one hundred (100) feet along shoreline to receive dock approval. All sailboat only slips shall be clearly posted with a minimum of one (1), three (3) square foot weather resistant sign per slip.
3. ~~3.~~ Docking facilities in excess of twenty-five (25) slips shall have basins designated and posted as idle speed zones and access channels designated as slow speed zones.
4. ~~4.~~ The density and intensity of development in the CH district shall be governed by the policies of the Comprehensive Plan. As permitted by the Comprehensive Plan, clustering and transferring of density and intensity out of the CH district is encouraged.

E. ~~604.3.5.~~ Setback Requirements and Wetland Buffers.

1. ~~*604.3.5.1.*~~ *Minimum Setback.* Minimum setback lines within the Coastal High Hazard Area shall conform to both the Coastal Control Construction Line, where designated by the Department of Environmental Protection and the wetland buffer established in this sub~~S~~section ~~604.3.5.2~~.

2. ~~*604.3.5.2.*~~ *Wetland Buffer Adjacent to Special Waters.* Wetland Buffer zones of fifty (50) feet shall be required from the post-development jurisdictional wetlands on the development sites within the Coastal High Hazard Area Overlay District which are adjacent to any Special Water as designated in accordance with Section 17-302.700 F.A.C. All lots meeting the Special Exception requirements of Section 103.2.A~~1~~ of this Code shall not be required to meet the wetland buffers of this ~~S~~section.

   Wetland Buffer zones for other waters shall be thirty (30) feet. Projects that have Special Exemption Status under Section 103.2 of this Code are exempted from this wetland buffer.

3. ~~*604.3.5.3.*~~ *Upland Preservation.* Land developments within the Coastal High Hazard Area shall preserve representative tracts of native upland vegetative communities.

   The size and type of tract to be preserved shall be determined after review of the site, the proposed use for the property, and the viability of preservation.

F. ~~604.3.6.~~ Application Submission Requirements. In addition to the materials required to be submitted with an application for planned development and floodplain management approval, the applicant shall submit the following.

1. ~~1.~~ Evaluation of the impact of the proposed development on hurricane shelter capacity and evacuation clearance times.

2. ~~2.~~ Description of special standards for the design and construction of all infrastructure associated with the project intended to minimize risks of damage to such infrastructure, where increased risks of damage due to coastal flooding or wave action can be reasonably anticipated.

3. ~~3.~~ A preliminary wetland survey.

   a. ~~(a)~~ A signed and sealed survey or a delineation performed by a professional qualified for this purpose shall be provided with ~~preliminary site~~Development Concept plan, preliminary subdivision plan, or ~~final site~~site development plan, whichever occurs first.

   b. ~~(b)~~ Upland Community Identification. Prior to approval of ~~preliminary site~~Development Concept plan or preliminary subdivision plat the applicant shall identify native upland communities located within project boundaries.

   c. ~~(c)~~ Upland preservation. Based upon ~~preliminary site~~Development Concept plan or preliminary subdivision plat, fifty (50) percent of the required minimum open space exclusive of areas used for surface water retention/detention shall be retained in the natural vegetation of native upland communities including understory vegetation. If the native upland community areas are less than fifty (50) percent of the required minimum open space exclusive of surface water retention/detention areas, then all of the vegetation shall be retained.

4. ~~4.~~ The location of any existing seagrass habitat contained within the proposed development site or within fifty feet of the development site boundaries.

5. ~~5.~~ The location, size and type of native upland vegetative communities found on the development site.

6. ~~6.~~ The general location of all identified historical resources shown on an appropriate site map including information regarding evidence of on-site historical resources. ~~Final site~~Site Development plans must show all identified historical resources within the project boundaries and include a plan to ensure the continued protection of such resources and/or provide for the mitigation of adverse impacts upon them.

7. ~~7.~~ Other documents, as determined by the ~~Planning Director~~Department Director, that are necessary to establish that the performance standards for projects within the Coastal High Hazard Area Overlay District are met.

G. ~~604.3.7. Standards~~Review Criteria. Applications will be reviewed for compliance with the Floodplain Management Section 802~~718~~ and other applicable flood control regulations. Development orders for projects

located within the Coastal High Hazard Area Overlay District shall not be approved unless the following standards are met:

1. ~~1.~~ The project minimizes the disturbance of natural shoreline resources that provide shoreline stabilization and protect landward areas from the effects of storm events.
2. ~~2.~~ The proposed development will not adversely affect existing seagrass habitats.
3. ~~3.~~ A Hurricane Evacuation Plan has been prepared in accordance with the requirements of the Division of Emergency Management.
4. ~~4.~~ The project conforms to adopted standards for available hurricane shelter capacity and evacuation clearance times.
5. ~~5.~~ Provision has been made for the use of special assessments within the CH District to recoup expenditures for repair of storm related damage to public and private infrastructure within a reasonable time.
6. ~~6.~~ Provision has been made for notification to prospective residents and businesses that specific standard and additional costs may be associated with the development project. This notification shall be recorded to run with the land.
7. ~~7.~~ Provision has been made for the preservation of a representative area of predevelopment natural vegetative communities.
8. ~~8.~~ Developments which will discharge into receiving waters flowing into a "Conditionally Approved" or "Approved" DEP Shellfish Harvesting Area have demonstrated that water quality non-degradation for all applicable parameters will be met. Non-degradation will be assumed when compliance with State Outstanding Florida Water criteria is achieved.
9. ~~9.~~ Developments adjacent to the boundaries of the Terra Ceia Aquatic Preserve will not result in significant degradation of water quality, shoreline, or estuarine habitat that is either attributable to the development alone or in combination with other developments.
10. ~~10.~~ The cumulative effect of the proposed development and existing development will not have a significant impact on adjacent natural resource reservation areas.
11. ~~11.~~ Provision has been made for the protection of identified historic resources and/or for the mitigation of impacts upon such resources.

~~**604.3.8.**~~ **Reconstruction of Structures**.

H. ~~Natural Disaster.~~ When any habitable structure sustains substantial damage due to a natural disaster, the habitable structure shall be relocated to a new location that is outside of the Coastal High Hazard Overlay District provided that sufficient land is available on the subject parcel for such relocation.

I. ~~**604.3.9.**~~ **Warning and Disclaimer of Liability**. The degree of protection required in this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. This section does not imply that land outside the CH District will be free from flooding or flood damages. This section shall not create liability on the part of Manatee County or any officer or employee thereof from damages that result from reliance on this section or any administrative decision made thereunder.

~~**604.3.10.**~~ **Cumulative Impacts**.

J. ~~604.3.10.1. As a part of the Planned Development review procedure, a~~All applications within five hundred (500) feet of natural resource reservation areas as defined in the Comprehensive Plan shall be analyzed for the following:

1. The density/intensity of existing or planned development adjacent to the natural resource area.
2. Direct or indirect impacts from existing adjacent development upon the natural resource area.
3. Estimation of direct or indirect impacts which may result from the proposed application.
4. Compatibility of proposed application to any management plan for the affected natural resource area and to other aspects of the Manatee County Comprehensive Plan.
5. The extent to which mitigation measures may compensate for adverse impacts from the proposed application.

~~604.3.11.~~ **Development adjacent to Terra Ceia Aquatic Preserve**.

K. ~~604.3.11.1.~~ In addition to the requirements of subsection J~~Section 604.3.10~~ above, all proposed development applications within five hundred (500) feet of the Terra Ceia Aquatic Preserve boundary shall be reviewed by the Florida Department of Environmental Protection and Manatee County Pollution Control Unit for the following aspects:

1. Consistency with the objectives of the Terra Ceia Aquatic Preserve Management Plan.
2. The extent to which hydrologic and biologic functions would adversely impact the quality or utility of the preserve.
3. Existing water quality with respect to Class II and/or Outstanding Florida Waters (OFW) criteria.
4. Predicted effect from proposed development application upon Class II and/or OFW criteria for affected areas within the Terra Ceia Aquatic Preserve.
5. Applicant shall be required to conduct surface water quality monitoring program approved by Manatee County Pollution Control Unit, and submit annual reports to the Department Director~~Manatee County Planning Department~~ beginning at the time of Building Permit issuance.

403.9. ~~604.4.ST:~~ **Special Treatment Overlay District (ST).**

A. ~~604.4.1.~~ **Purpose and Intent**. The Special Treatment Overlay District is established to: (1) provide additional protection for specific areas of, or resources in, the County that are especially sensitive to or subject to damage by industrial, mining~~,~~ and major earthmoving activities; (2) provide procedures whereby Best Possible Technology designed to protect the public health, safety and welfare can be established; (3) permit all beneficial uses of such lands consistent with standards and objectives of underlying or otherwise applicable zoning; and (4) otherwise implement the stated purpose and intent of this Code. This district shall be applied and operate in conjunction with any other zoning district in which such lands are classified, and that such lands may be used as permitted by such other zoning districts except as limited or qualified by the requirements of such districts or of the Special Treatment Overlay District.

B. ~~604.4.2.~~ **Definitions**.

~~604.4.2.1.~~ *Industrial Use.* The industrial land uses identified allowed in the LM and HM zoning districts~~in 602.1.6 of this Code~~.

~~604.4.2.2.~~ *Major Earthmoving.* Major earthmoving as defined in ~~732.4 of~~ this Code.

~~604.4.2.3.~~ *Mining Activities.* All functions, work, facilities, and activities in connection with the development, extraction, drying, transporting or processing of mineral deposits and all uses reasonably incidental thereto. The definition of mining activities also includes reclamation of lands disturbed by oil, natural gas, or mineral extraction operations incidental thereto.

~~604.4.2.4.~~ *Best Possible Technology.* The most advanced technology which provides the maximum protection possible for the public health, safety, and welfare and which minimizes to the greatest degree possible any adverse impacts from industrial uses, mining activities or major earthmoving activities, in the Special Treatment Overlay District. Best Possible Technology may include, but is not limited to: innovative reclamation techniques, augmentation of public water supplies that could be adversely affected by mining activities; construction of secondary containment structures or other measures to ensure against catastrophic failure of primary containment structures; construction of below grade clay settling ponds; elimination of mine site rock dryers; and zero point discharge; provided however, such requirements shall not be applied if the applicant demonstrates that they are technologically infeasible. In ascertaining the Best Possible Technology, economic disadvantages shall only be considered relevant when analyzed in relation to other applicants conducting industrial uses, mining activities, or major earthmoving activities authorized after the effective date of this amendment in other areas designated for Special Treatment.

C. ~~604.4.3.~~ **Exemptions**. All agricultural activities and earthmoving operations accessory to these activities are expressly exempted from the requirements of this Overlay District.

D. ~~604.4.4.~~ **Considerations in the Review of Atlas Amendments**. In addition to the provisions in Section 342~~504.~~ of this Code, the following factors shall be considered as part of the review of proposed designation of lands as a

Special Treatment Overlay District:

1. ~~604.4.4.1.~~ The environmental characteristics in an area which require special treatment to protect them from adverse impacts of industrial, mining or major earthmoving activities;

2. ~~604.4.4.2.~~ Archaeological or historic characteristics in an area which require special treatment to protect them from the adverse impacts of industrial, mining or major earthmoving activities;

3. ~~604.4.4.3.~~ Important public facilities or resources and their location and proximity to proposed industrial, mining, or major earthmoving activities;

4. ~~604.4.4.4.~~ The cumulative impacts of industrial, mining and major earthmoving activities which can reasonably be expected to occur in an area; and

5. ~~604.4.4.5.~~ The impact of industrial, mining, or major earthmoving activities in a particular area on the public health, safety, or welfare.

E. ~~**604.4.5.**~~ **Use Regulations**. Specific uses may be permitted in this district as allowed by otherwise applicable zoning requirements or districts in which the particular land has also been classified, subject to the following use limitations:

1. ~~*604.4.5.1.*~~ *Restrictions on Industrial, Mining and Major Earthmoving Activities*. The designation of a Special Treatment Overlay District by the Board shall create a rebuttable presumption against industrial, mining and major earthmoving uses within such district. However, nothing in this section should be construed to bar the Board, upon the required showing, from authorizing such uses or from issuing approvals or permits in an area so designated.

2. ~~*604.4.5.2.*~~ *Conditions for Approval of Industrial, Mining and Major Earthmoving Activities*. An applicant seeking to initiate industrial, mining or major earthmoving activities in a Special Treatment Overlay District may rebut the presumption against such uses by affirmatively demonstrating that the applicant will employ Best Possible Technology and that such uses will not otherwise be contrary to the public health, safety, and welfare. Submission of information in accordance with Section ~~508.3~~322.1, ~~Site Plan~~ Application Requirements; (2) major earthmoving at the time of application in accordance with Section 702~~732~~; and/or (3) extraction at the time of application for Master Mining Plan in accordance with ~~Ordinance 81-22, as amended~~ the Manatee County Phosphate Mining Code (Chapter 220, Code of Ordinances). Whether such presumption has been rebutted shall be determined by the Board after notice and hearing in accordance with ~~Section 504, Public Hearings of~~ this Code.

3. ~~*604.4.5.3.*~~ *Determination of Best Possible Technology*.

   a. ~~604.4.5.3.1.~~ An applicant seeking to establish the Best Possible Technology for industrial, mining, or major earthmoving activities in a Special Treatment Overlay District, shall provide the Director with the following information in addition to any other information deemed relevant by the applicant, or otherwise required under this Code:

      i. A description of the technologies being used or proposed for similar industrial, mining, or major earthmoving activities;

      ii. Review of current literature relating to technologies being used or proposed for similar industrial, mining, or major earthmoving activities;

      iii. The applicant's proposed determination of the Best Possible Technology achievable for the applicant's activities in the Special Treatment Overlay District; and

      iv. The technical basis for determining the applicant's proposed Best Possible Technology, considering each of the potentially applicable technologies including the factual bases for determinations regarding technological feasibility.

   b. ~~604.4.5.3.2.~~ Following receipt of all required information, the Board shall determine the Best Possible Technology. In making the Best Possible Technology determination, the Board shall consider:

      i. The specific factors herein enumerated in this ~~S~~section ~~604.2.3.4 of this Code, above~~.;

      ii. All information submitted by the applicant~~.~~;

Commented [LDI181]: Section 604.2.3.4 does not exist.

iii. All scientific, engineering, and technical materials; standards, guidelines, and requirements of other information available to the Board~~.~~;

iv. The archaeological, environmental, and economic impact of the proposed activities on the public health, safety and welfare~~.~~; and

v. Economic disadvantages shall only be considered relevant when analyzed in relation to other activities, or major earthmoving activities authorized after the effective date of this amendment in other areas designated for Special Treatment.

F. ~~**604.4.6.**~~ **Effect on Other Laws**. The requirements of the Special Treatment Overlay District are intended to be minimums and shall not abrogate, repeal, or adversely affect the requirements of other applicable federal, state or county laws, or county zoning requirements.

403.10. ~~**604.1WPE: Evers Reservoir**~~ **Watershed Protection Overlay Districts (WP).**

Commented [LDI182]: Combined Evers and Lake Manatee into a single section but maintained differences (minor)

A. ~~**604.1.1.**~~ **Purpose and Intent**. The WP~~E~~ Overlay District is established to:

1. ~~(1)~~ Protect the quality and quantity of potential and existing potable water supplies within public surface water reservoirs and their watersheds within the unincorporated area of the County;
2. ~~(2)~~ Provide performance standards and best management practices designed to achieve such water quality and quantity protection;
3. ~~(3)~~ Permit the beneficial use of such lands consistent with such standards, practices, and objectives; ~~and~~
4. ~~(4)~~ Provide additional protection for specific areas of, or resources in, the County that are especially sensitive to or subject to damage by industrial mining, and major earthmoving activities; ~~and~~
5. ~~(5)~~ Provide procedures whereby Best Possible Technology designed to protect the public health, safety and welfare can be established; and
6. ~~(6)~~ Otherwise implement the stated purpose and intent of this Code.

It is further intended that this district shall be applied and operate in conjunction with any other zoning district in which such lands are or may hereafter be classified, and that such lands may be used as permitted by such other zoning districts except as limited or qualified by the requirements of the WP~~M~~ District regulations set forth below.

Should an evaluation of a topographical survey submitted by the applicant indicate that the extent of the watershed (WPE, WPM) district is somewhat different than what is indicated on the Official Zoning Atlas Map, the predevelopment topographic information will prevail without the property owner having to pursue an amendment to the Atlas Map.

B. Designated Watershed Overlay Districts. The following have been designated as WP Overlay Districts and are depicted on the Official Zoning Atlas:

- Evers Reservoir Watershed Protection Overlay Districts (WPE); and
- Lake Manatee Reservoir Watershed Protection Overlay District (WPM).

~~**604.1.2.**~~ **Use Limitations and Standard**. Specific uses may be permitted in this district as allowed by the underlying zoning district in which the particular land has been classified, subject to the ~~following Use Limitations and Standards.~~

C. ~~All lands within the watershed of reservoirs where the WPE District is applied as shown on the official zoning map shall be subject to the~~ following requirements; provided, however, that lands ~~whose~~ with stormwater runoff ~~does~~ not discharg~~e~~ing either directly or indirectly through surface watercourses of the surficial aquifer leading to said reservoirs, and which do~~es~~ not have the potential for such discharge during a twenty-five (25) year storm through failure of natural or artificial control structures or systems, shall be exempted.

1. *Agricultural Uses:* All agricultural uses in the WP-E or WP-M overlay districts shall require Development Review Committee review and approval regardless of the underlying zoning classification.

Commented [LDI183]: Brought in from Figure 6-1 notes.

2. ~~*604.1.2.1.*~~ *Public Sewer Required (WPE only)*. Any project within the WPE district which generates wastewater shall use the Manatee County public sanitary sewer system, unless one of the following are applicable:

a. ~~1.~~ The proposed project is located entirely within the Agricultural/Rural (AG/R) category on the Future Land Use Map~~.~~;

b. ~~2.~~ The proposed use consists of a single family dwelling unit 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~~.~~; or

c. ~~3.~~ The proposed project is to be developed without generating a requirement for either subdivision review, or ~~final site~~site development or development plan review.

~~*Septic tanks shall be prohibited except for isolated single family dwelling units meeting the above exceptions.*~~

3. ~~*604.1.2.2.*~~ *Septic Tanks and Drainfields.* The isolated single family dwellings which are permitted septic tanks shall meet the following requirements:

a. ~~1. Location.~~ All new septic tanks and drainfields shall be located a minimum distance of two hundred (200) feet from the Ordinary High Water Mark (OHWM) of all surface water bodies that directly or indirectly discharge into a reservoir or surface water tributaries thereof and a minimum of five hundred (500) feet from the OHWM or a minimum of fifty (50) feet from the tributary stream valley, whichever is greater, in areas with an average depth to water table less than three (3) feet in September~~.~~; and

b. All new septic tanks and associated drainfields shall be located no closer than two hundred (200) feet to any DEP jurisdictional wetland, including inflowing watercourses. All new septic tank drainfields shall be elevated no less than thirty-six (36) inches above the seasonal high water table.

4. ~~*604.1.2.3.*~~ *Stormwater Management.* Stormwater management shall comply with Section ~~717~~801~~and in particular sub-section 717.3.7~~.

5. ~~*604.2.2.2.*~~ *Stormwater Runoff (WPM only).* Stormwater runoff from a site shall not cause the receiving body of water to violate applicable Federal, State and local water quality standards. Developers may meet this requirement by appropriate analyses of their proposed stormwater management systems, by compliance with best management practices for stormwater runoff in the WPM District as established in the Manatee County Development Standards, or as otherwise approved by the ~~Manatee County Planning~~ Department consistent with the Manatee County Comprehensive Plan. Refer to Section ~~717~~801, Stormwater Management, for specific performance standards.

6. ~~*604.1.2.4.*~~ *Restrictions on Industrial, Mining and Major Earthmoving Activities.* The designation of a ~~Evers Reservoir~~ Watershed Protection Overlay District by the Board shall create a rebuttable presumption against industrial, mining and major earthmoving uses within such district.

However, no application for development approval shall be approved for any mining, major earthmoving, or minor earthmoving activity which would violate applicable Federal, State and local discharge standards, including Section ~~717~~801 and ~~719~~706, or cause the receiving body of water to exceed applicable water quality standards.

a. ~~1.~~ Conditions for Approval of Industrial, Mining and Major Earthmoving Activities. An applicant seeking to initiate industrial, mining or major earthmoving activities in a Special Treatment Overlay District may rebut the presumption against such uses by affirmatively demonstrating that the applicant will employ Best Possible Technology and that such uses will not otherwise be contrary to the public health, safety, and welfare. Submission of information in accordance with Section ~~508.3~~322.1, ~~Site Plan~~Application Requirements; major earthmoving at the time of application in accordance with Section ~~505~~316, and/or extraction at the time of application for Master Mining Plan in accordance with ~~Ordinance 81-22~~the Manatee County Phosphate Mining Code (Chapter 220, Code of Ordinances). Whether such presumption has been rebutted shall be determined by the Board after notice and hearing in accordance with ~~Section 502, Public Hearings, o~~f this Code.

b. ~~2.~~ Determination of Best Possible Technology. An applicant seeking to establish the Best Possible Technology for industrial, mining, or major earthmoving activities in the WP~~E~~ District, shall provide the Director with the following information in addition to any other information deemed relevant by the applicant, or otherwise required under this Code:

i. ~~1.~~ A description of the technologies being used or proposed for similar industrial, mining, or major earthmoving activities;

ii. ~~2.~~ Review of current literature relating to technologies being used or proposed for similar industrial, mining, or major earthmoving activities;

iii. ~~3.~~ The applicant's proposed determination of the Best Possible Technology achievable for the applicant's activities in the Special Treatment Overlay District; and

iv. ~~4.~~ The technical basis for determining the applicant's proposed Best Possible Technology, considering each of the potentially applicable technologies including the factual basis for determinations regarding technological feasibility.

c. ~~3.~~ Following receipt of all required information, the Board shall determine the Best Possible Technology. In making the Best Possible Technology determination, the Board shall consider:

i. ~~1.~~ The specific factors herein enumerated in Section ~~504.5~~342.3 of this Code, "Review Criteria for Zoning Map Amendments~~Considerations in the Review of Atlas Amendment~~," above~~.~~;

ii. ~~2.~~ All information submitted by the applicant~~.~~;

iii. ~~3.~~ All scientific, engineering, and technical materials; standards, guidelines, and requirements of other information available to the Board~~.~~; and

iv. ~~4.~~ The archaeological, environmental, and economic impact of the proposed activities on the public health, safety, and welfare.

7. ~~*604.1.2.5.*~~ *Industrial Waste.* Non-residential/non-agricultural development which requires a Chapter 17-4 Florida Administrative Code construction or operating permit for industrial waste treatment shall demonstrate that there will be no water quality degradation ~~n~~or adverse water quantity impact.

8. ~~*604.1.2.6.*~~ *Hazardous Waste*.

a. ~~1.~~ No agricultural or land development activities shall dispose or store hazardous materials in excess of two hundred twenty (220) pounds or acutely hazardous material in excess of 2.2 pounds per month. This does not apply to the application of herbicides or pesticides to agricultural lands in a manner consistent with applicable regulations and storage required preceding such application.

b. ~~2.~~ No storage area for hazardous or acutely hazardous material may be located within the One Hundred (100) Year Floodplain of any inflowing watercourse or within two hundred (200) feet of the Department of Environmental Protection jurisdictional line of any inflowing watercourses, whichever is greater.

c. ~~3.~~ All applications for site plan approval shall show the location and quantity of all proposed storage areas for hazardous or acutely hazardous material.

d. ~~4.~~ All storage of hazardous material by new development shall be kept in non-discharge storage facilities as may be required by Section ~~732.2~~702.2.

~~*604.1.2.7.*~~ *Nonpoint Sources.* No application for development approval shall be granted where any nonpoint sources, including stormwater runoff from lands during or after mining or reclamation, will cause the receiving waterbody to violate applicable Federal, State and local water quality standards.

9. ~~Conditions.~~ In connection with such approvals, the ~~Planning Director~~Department Director may consider and require establishment and maintenance of filter strips, field borders, and other management practices.

10. ~~*604.1.2.8.*~~ *Landfills and Wastewater Treatment.* New sanitary landfills and wastewater treatment plants require a finding of overriding public interest from the Board.

11. ~~*604.1.2.9.*~~ *Treated Effluent and Sludge.* Disposal of treated effluent from a public wastewater plant or the disposal of any sludge is prohibited; however, beneficial reuse of reclaimed water from any public wastewater treatment plant shall be allowed in the WPE District as follows:

a. ~~1.~~ Such beneficial reuse of reclaimed water shall be limited to public wastewater treatment plants that attain Advanced Wastewater Treatment (AWT) Standards as defined in Section 403.086 Florida Statutes (or successor Statute), and that provide reclaimed water pursuant to Chapter 62-610 Part III, Florida Administrative Code (or successor Rule); ~~and~~

b. ~~2.~~ Such beneficial reuse of reclaimed water shall be limited to the portion of the WPE District as generally depicted on ~~Figure 604.1.2.9(1)~~Map 4-2 entitled "BENEFICIAL REUSE AREA OF THE EVERS

RESERVOIR WATERSHED"; and

c. ~~3.~~ Such beneficial reuse of reclaimed water shall be accomplished pursuant to a surface water monitoring program approved pursuant to an interlocal agreement entered into between the County and the public entity proposing such beneficial reuse.

Map 4 - 2: Beneficial Reuse Area of the Evers Reservoir Watershed. ~~Figure 604.1.2.9(1)~~

12. ~~604.1.2.10.~~ *Impervious Surface Reduction.* All applications for plan approval shall indicate the general location, maximum density/intensity, maximum percentage of impervious surface and type of land use for each portion of the site. Maximum effort shall be made by the developer to minimize impervious surfaces within the WP~~E~~ district. Included with each application shall be specifications of the measures being used to limit the amount of impervious surface that is directly connected to any drainage facility discharging into any inflowing watercourse.

13. ~~604.1.2.11.~~ *Aviation Facilities.* General and commercial aviation facilities shall ~~only~~ be permitted only when a finding of overriding public interest has been made by the Board.

14. ~~604.1.2.12.~~ *Feedlots.* New confined feedlot operations shall be prohibited.

15. ~~604.1.2.13.~~ *Watershed Acreage/Open Space.* New residential projects shall have thirty-five (35) percent

landscaping/open space, and new non-residential projects shall have thirty (30) percent landscaping/open spaces, subject to the limitations of the planned development districts. All such open space shall be improved and maintained by the developer/homeowner's association.

16. ~~*604.1.2.14.*~~ *Asphalt and Concrete Plants and Recovery Facilities.* New asphalt processing and recovery plants and concrete processing and recovery plants shall be prohibited.

17. ~~*604.1.2.15.*~~ *Recreational Uses.* Limit recreational uses in the WP~~-E~~ Overlay District as provided for in Section ~~704~~531.40, Low, Medium and High Intensity Recreational Uses.

18. ~~*604.1.2.16.*~~ *Clay Settling Ponds.* Use of any clay settling ponds within the WP~~-E~~ watershed is prohibited.

D. ~~**604.1.3.**~~ **Effect on Other Law.** The requirements of the WP~~E~~ 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.

~~604.2.WPM: Lake Manatee Reservoir Watershed Protection Overlay District.~~

~~604.2.1. Purpose and Intent. The WPM District is established to:~~

~~(1)Protect the quality and quantity of potential and existing potable water supplies within public surface water reservoirs and their watersheds within the unincorporated area of the County;~~

~~(2) Provide performance standards and best management practices designed to achieve such water quality and quantity protection;~~

~~(3) Permit the beneficial use of such lands consistent with such standards, practices, and objectives; and~~

~~(4) Provide additional protection for specific areas of, or resources in, the County that are especially sensitive to or subject to damage by industrial mining, and major earthmoving activities; and~~

~~(5) Provide procedures whereby Best Possible Technology designed to protect the public health, safety and welfare can be established; and~~

~~(6) Otherwise implement the stated purpose and intent of this Code.~~

~~It is further intended that this district shall be applied and operate in conjunction with any other zoning district in which such lands are or may hereafter be classified, and that such lands may be used as permitted by such other zoning districts except as limited or qualified by the requirements of the WPM District regulations set forth below.~~

~~Should an evaluation of a topographical survey submitted by the applicant indicate that the extent of the watershed (WPE, WPM) district is somewhat different than what is indicated on the Official Zoning Atlas Map, the predevelopment topographic information will prevail without the property owner having to pursue an amendment to the Atlas Map.~~

~~604.2.2. Use Limitations and Standard. Specific uses may be permitted in this district as allowed by the underlying zoning district in which the particular land has been classified, subject to the following Use Limitations and Standards.~~

~~All lands within the watershed of reservoirs where the WPM District is applied as shown on the official zoning map shall be subject to the following requirements; provided, however, that lands whose stormwater runoff does not discharge either directly or indirectly through surface watercourses of the surficial aquifer leading to said reservoirs, and which does not have the potential for such discharge through failure of natural or artificial control structures or systems, shall be exempted.~~

~~604.2.2.1. Septic Tanks and Drainfields. The isolated single family dwellings which are permitted septic tanks shall meet the following requirements:~~

~~1. Location. All new septic tanks and drainfields shall be located a minimum distance of two hundred (200) feet from the Ordinary High Water Mark (OHWM) of all surface water bodies that directly or indirectly discharge into a reservoir or surface water tributaries in areas with an average depth to water table less than three (3) feet in September.~~

~~All new septic tanks and associated drainfields shall be located no closer than two hundred (200) feet to any DEP jurisdictional wetland, including inflowing watercourses.~~

~~All new septic tank drainfields shall be elevated no less than thirty-six (36) inches above the seasonal high water table.~~

~~604.2.2.3. Restrictions on Industrial, Mining and Major Earthmoving Activities. The designation of a Lake Manatee Watershed Protection Overlay District by the Board shall create a rebuttable presumption against industrial, mining and major earthmoving uses within such district.~~

~~However, no application for development approval shall be approved for any mining, major earthmoving, or minor earthmoving activity which would violate applicable Federal, State and local discharge standards or cause the receiving body of water to exceed applicable water quality standards.~~

~~1. Conditions for Approval of Industrial, Mining and Major Earthmoving Activities. An applicant seeking to initiate industrial, mining or major earthmoving activities in a Lake Manatee Watershed Overlay District may rebut the presumption against such uses by affirmatively demonstrating that the applicant will employ Best Possible Technology and that such uses will not otherwise be contrary to the public health, safety, and welfare. Submission of information in accordance with Section 508.3, Site Plan; major earthmoving at the time of application in accordance with Section 505, and/or extraction at the time of application for Master Mining Plan in accordance with Ordinance 81-22. Whether such presumption has been rebutted shall be determined by the Board after notice and hearing in accordance with Section 502, Public Hearings, of this Code.~~

~~2. Determination of Best Possible Technology. An applicant seeking to establish the Best Possible Technology for industrial, mining, or major earthmoving activities in the WPM District, shall provide the Director with the following information in addition to any other information deemed relevant by the applicant, or otherwise required under this Code:~~

~~1. A description of the technologies being used or proposed for similar industrial, mining, or major earthmoving activities;~~

~~2. Review of current literature relating to technologies being used or proposed for similar industrial, mining, or major earthmoving activities;~~

~~3. The applicant's proposed determination of the Best Possible Technology achievable for the applicant's activities in the Lake Manatee Watershed Overlay District; and~~

~~4. The technical basis for determining the applicant's proposed Best Possible Technology, considering each of the potentially applicable technologies including the factual basis for determinations regarding technological feasibility.~~

~~3. Following receipt of all required information, the Board shall determine the Best Possible Technology. In making the Best Possible Technology determination, the Board shall consider:~~

~~1. The specific factors herein enumerated in Section 504.5 of this Code, above.~~

~~2. All information submitted by the applicant.~~

~~3. All scientific, engineering, and technical materials; standards, guidelines, and requirements of other information available to the Board.~~

~~4. The archaeological, environmental, and economic impact of the proposed activities on the public health, safety, and welfare.~~

~~604.2.2.4. Industrial Waste. Non-residential/non-agricultural development which requires a Chapter 17-4 Florida Administrative Code construction or operating permit for industrial waste treatment shall demonstrate that there will be no water quality degradation nor adverse water quantity impact.~~

~~604.2.2.5. Hazardous Waste.~~

~~1. No agricultural or land development activities shall dispose or store hazardous materials in excess of two hundred twenty (220) pounds or acutely hazardous material in excess of 2.2 pounds per month. This does not apply to the application of herbicides or pesticides to agricultural lands in a manner consistent with applicable regulations and storage required preceding such application.~~

~~2. No storage area for hazardous or acutely hazardous material may be located within the One Hundred (100) Year Floodplain of any inflowing water course or within two hundred (200) feet of the Department of Environmental Protection jurisdictional line of any inflowing watercourses, whichever is greater.~~

~~3. All applications for site plan approval shall show the location and quantity of all proposed storage area for hazardous or acutely hazardous material.~~

~~4. All storage of hazardous material by new development shall be kept in non-discharge storage facilities as may be required by Section 732.2.~~

~~604.2.2.6. Nonpoint Sources. No application for development approval shall be granted where any nonpoint sources, including stormwater runoff from lands during or after mining or reclamation, will cause the receiving waterbody to violate applicable Federal, State and local water quality standards.~~

~~Conditions. In connection with such approvals, the Planning Director may consider and require establishment and maintenance of filter strips, field borders, and other management practices.~~

~~604.2.2.7. Landfills and Wastewater Treatment. New sanitary landfills and wastewater treatment plants require a finding of overriding public interest from the Board.~~

~~604.2.2.8. Treated Effluent and Sludge. Disposal of treated effluent from a public wastewater plant or the disposal of any sludge is prohibited.~~

~~604.2.2.9. Impervious Surface Reduction. All applications for General Development Plan approval shall indicate the general location, maximum density/intensity, maximum percentage of impervious surface and type of land use for each portion of the site. Maximum effort shall be made by the developer to minimize impervious surfaces within the WPM district. Included with each application shall be specifications of the measures being used to limit the amount of impervious surface that is directly connected to any drainage facility discharging into any inflowing watercourse.~~

~~604.2.2.10. Aviation Facilities. General and commercial aviation facilities shall only be permitted when a finding of overriding public interest has been made by the Board.~~

~~604.2.2.11. Feedlots. New confined feedlot operations shall be prohibited.~~

~~604.2.2.12. Watershed Acreage/Open Space. New residential projects shall have thirty-five (35) percent landscaping/open space, and new non-residential projects shall have thirty (30) percent landscaping/open spaces, subject to the limitations of the planned development districts. All such open space shall be improved and maintained by the developer/homeowner's association.~~

~~604.2.2.13. Asphalt and Concrete Plants and Recovery Facilities. New asphalt processing and recovery plants and concrete processing and recovery plants shall be prohibited.~~

~~604.2.2.14. Recreational Uses. Limit recreational uses in the WP-M Overlay District as provided for in Section 704, Low, Medium and High Intensity Recreational Uses.~~

~~604.2.2.15. Clay Settling Ponds. Use of any clay settling ponds within the WP-M watershed is prohibited.~~

~~604.2.3. Effect on Other Law. The requirements of the WPM 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.~~

403.11. Peace River Watershed Protection Overlay District (WPR).

(RESERVED)

~~**400.13.**~~

~~*400.14.*~~**403.12.** ~~**604.10.NC:**~~ **North Central Overlay District (NC).**

Commented [LDI184]: This section is extremely long and detailed. Was there a report prepared for this? A document that can be adopted by reference?

~~**A. 604.10.1.**~~ **Purpose and Intent**. It is the purpose of this section to promote development within the North Central Overlay District which will be harmonious with the existing community and in accord with the vision of the community for its future.

~~**B.**~~**A.** This purpose includes:

1. ~~1.~~ Preserving the look and feel of the North Central area which has been described by the community as "green," "open," "quiet," "natural," and "agricultural" as the community transitions in the manner anticipated by the Comprehensive Plan.
2. ~~2.~~ Striving for development that is visually attractive, compatible with the existing rural components of the community, harmonious with a small town atmosphere and the residential character of the area and respectful of the natural environment;

3. ~~3.~~ Utilizing characteristics of the existing landscape in the area such as clusters of native trees and vegetative screening to soften the appearance of new development;
4. ~~4.~~ Promoting the incremental development of a multi-use trail network connecting neighborhoods, parks, schools, shopping, and other community focal points by providing development incentives; and
5. ~~5.~~ Providing for safe and convenient pedestrian circulation and provide standards for building placement that will aid in enhancing the pedestrian qualities of development.

~~C.~~B. ~~604.10.2.~~ **Applicability**. The provisions of this ~~S~~section are intended to supplement the regulations in this Code. In the event of a conflict between other provisions of the Code and this ~~S~~section, the more restrictive of the provisions shall prevail unless where specifically provided otherwise. The provisions of this ~~S~~section shall apply to:

1. ~~1.~~ The geographic area outlined in the Official Zoning Atlas~~.~~; and
2. ~~2.~~ Development and Substantial Improvement, as defined in this Code.

~~Each of the subsections within this section shall specify what development is subject to its provisions and what development is exempt.~~

Nothing shall prevent a property owner from requesting Specific Approval, in accordance with Section 402.4~~603.3~~, to provide an alternative to the requirements of this section.

It is recognized that there may be circumstances where property configuration prohibits complete compliance with these requirements. Additionally, it is recognized that dedications to the public may place constraints upon projects in the planning process at the time of adoption of this ordinance. These may be reasons for granting Specific Approval.

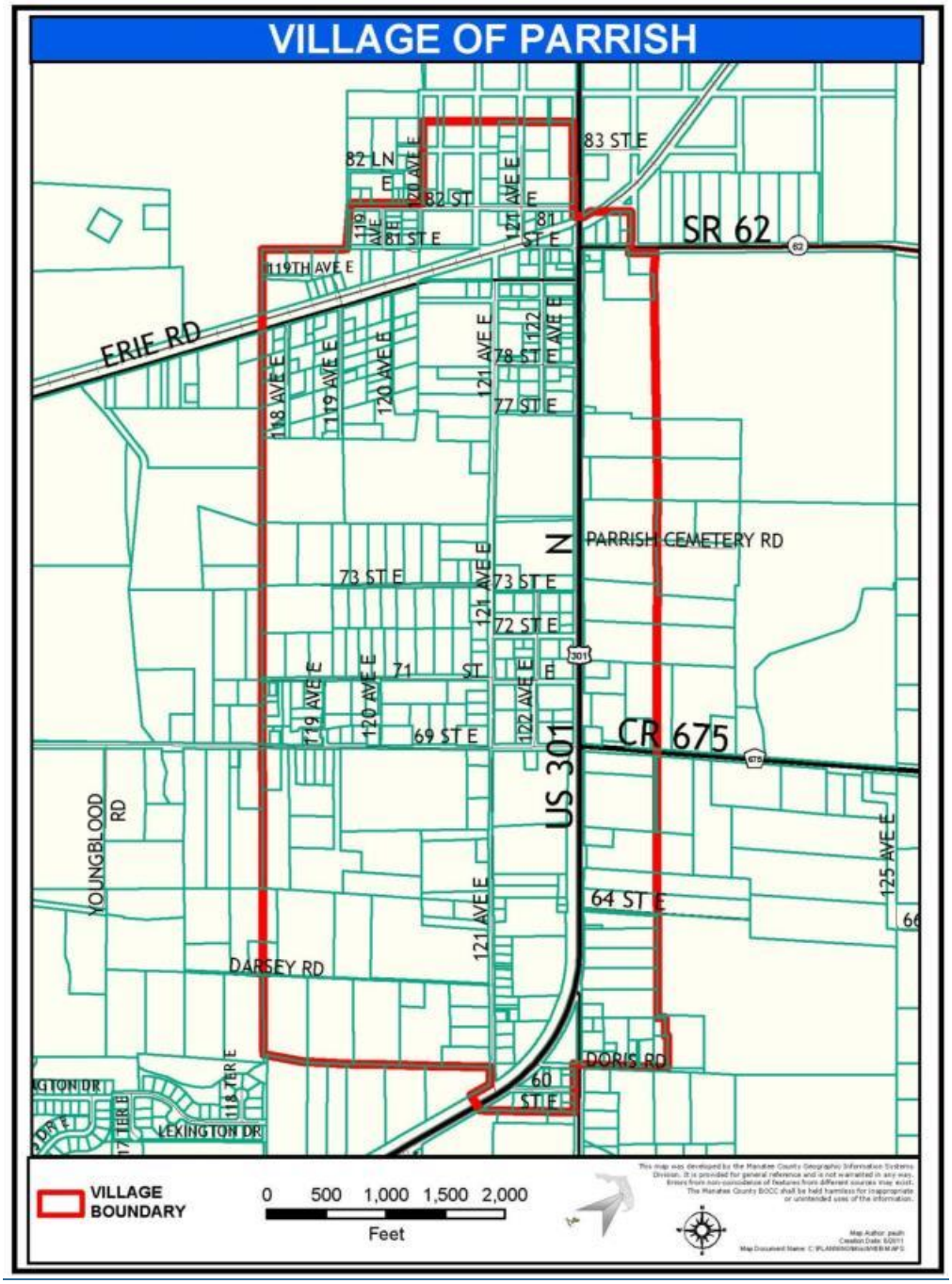
~~D.~~C. ~~604.10.2.1.~~ **Exemptions**. The following uses are exempt from the standards of the North Central Overlay District:

1. ~~1.~~ Houses of Worship.
2. ~~2.~~ Public and private schools.
3. ~~3.~~ Single family detached residences on existing lots of record.
4. ~~4.~~ Single family detached residences zoned A or A-1.
5. ~~5.~~ Agricultural uses.

~~E.~~D. ~~604.10.3.~~ **Landscape Planting Design**.

1. ~~*604.10.3.1.*~~ *Purpose.* The purpose of this ~~S~~section is to preserve the visual characteristics of the natural environment in the North Central Overlay District Area through the use of a diversity of native and naturalized (a non-native plant that is acclimated to this environment) plant species and informal plant arrangement in required landscape areas, and to provide physical and visual separation between neighboring developments and between developments and Major Thoroughfare Roads.
2. ~~*604.10.3.2.*~~ *Exemptions.* The following are exempt from the standards in this ~~S~~section:
   a. ~~1.~~ Development that does not require ~~Final Site~~Site Development Plan or Final Plat approval.
   b. ~~2.~~ Proposed development that has obtained ~~Preliminary Site~~Development Concept Plan or Plat approval prior to April 15, 2005.
   c. ~~3.~~ Historic sites or districts as designated by federal, state, or county governments~~;~~.
   d. ~~4.~~ Sites used primarily for agricultural purposes.
   e. ~~5.~~ Development within the Area shown on Map 4 - 3: Village of Parrish~~Figure 604.10.3.2~~.
   f. ~~6.~~ Landscaping in accordance with the North Central Overlay Planting Manual. The North Central Overlay Planting Manual shall be adopted by the Board of County Commissioners by Resolution and may be amended by the Board from time to time by Resolution. The purpose of the manual is to offer landscape alternatives which will achieve the desired results for the North Central Overlay and which will eliminate the uncertainty to developers of proposing an alternative through the Specific Approval process.

Map 4 - 3: Village of Parrish



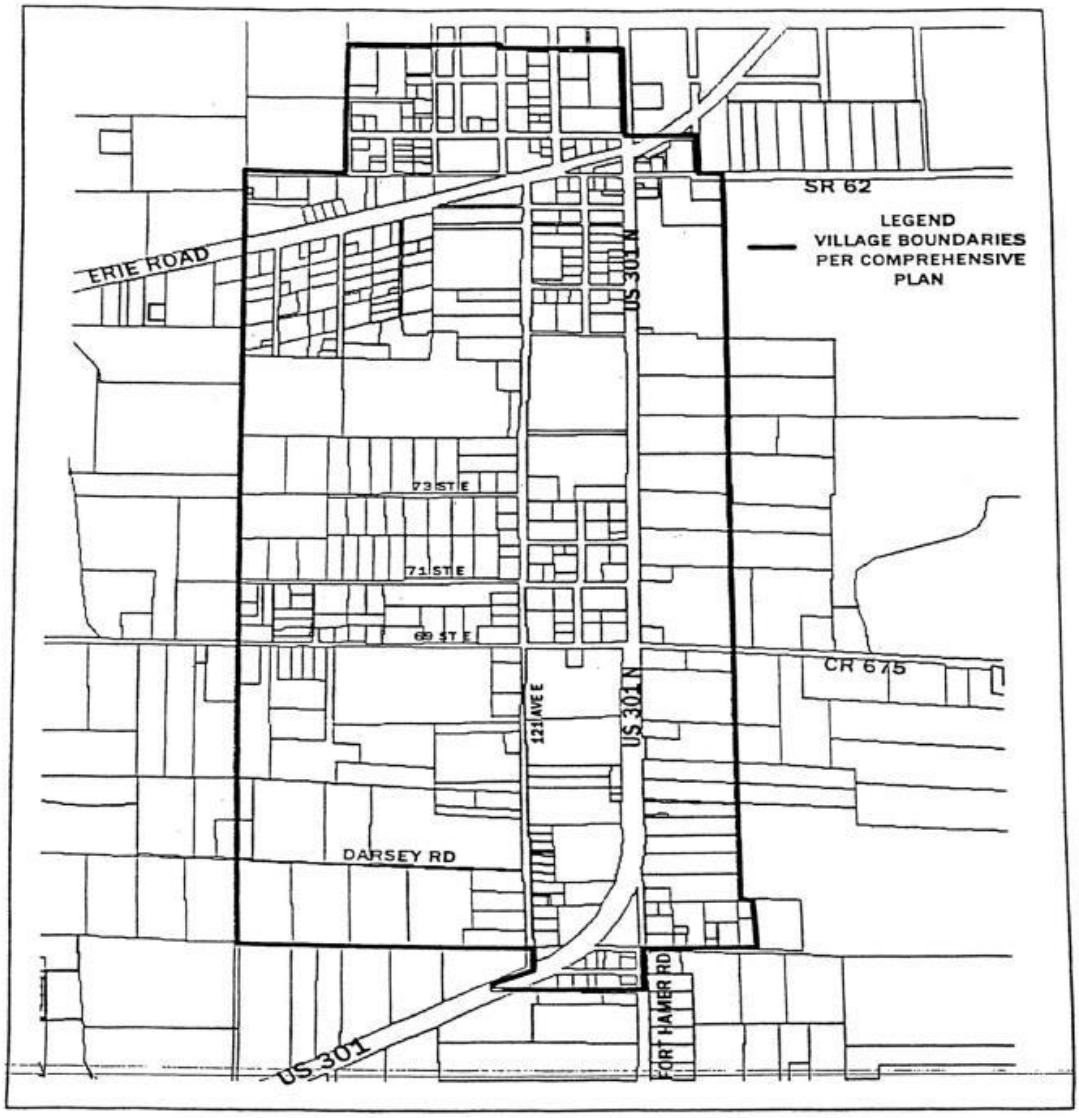


FIGURE 604.10.3.2

VILLAGE OF PARRISH

~~*Figure 604.10.3.2*~~

3. ~~*604.10.3.3.*~~ *Design Standards*. Required landscaping in the North Central Overlay District shall conform to the following standards:

   a. ~~(a)~~ Landscaping shall conform to the requirements of Section ~~715~~701, Landscape and Screening Standards, and applicable development approvals unless otherwise provided for in this ~~S~~section.

   b. ~~(b)~~ Plantings in required landscape areas shall be with plant species that are native and/or naturalized to

Florida. All required landscape areas shall retain existing native trees, shrubs, ground cover, and grasses to the greatest extent possible. Existing trees and shrubs meeting the minimum standards of Section ~~715~~ 701 may be counted towards fulfilling planting requirements.

c. ~~(c)~~ In addition to prohibited plant species listed in Section ~~715.4.D~~701.4.D, the following coastal plant species shall not be planted in required landscape areas: beach sunflower; buttonwood; seagrape; and sea oxide daisy.

d. ~~(d)~~ Native plant species typical to the vegetative communities found in non-coastal Manatee County shall be encouraged.

e. ~~(e)~~ For landscape buffers in excess of 1,000 feet total for the entire project, a minimum of three (3) different species for each plant category (e.g., canopy tree, understory tree, and shrub) shall be planted within required landscape areas. When palm trees are used as canopy trees, a minimum of two (2) palms in a grouping will serve as the equivalent of one (1) canopy tree pursuant to Section ~~715~~701. Use of palms as canopy trees shall be subject to limitations on total percentage of palms in Sec. ~~715~~701. Additionally, if palms are used as canopy trees opacity requirements still apply.

f. ~~(f)~~ Intermittent contouring of soil to achieve a natural appearance and to facilitate drainage and air flow in roadway and greenbelt buffers is permitted provided contouring is designed in accordance with (1) - (4) below. Contouring shall not be located in areas that would potentially affect the viability of protected trees or required vegetation. Opacity shall not be the primary purpose of contouring. Any opacity achieved through contouring shall be clearly incidental to the opacity from vegetation. Vegetation shall be the primary means of achieving opacity.

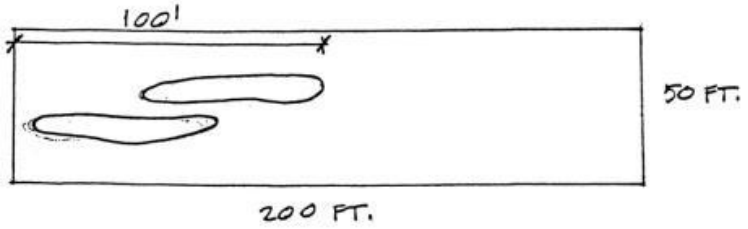
Contouring requirements:

i. ~~(1)~~ Maximum height: three (3) feet;

ii. ~~(2)~~ Maximum slope: twenty (20) percent;

iii. ~~(3)~~ Maximum length of individual contours: thirty-five (35) feet; and

iv. ~~(4)~~ No more than 50 percent of the buffer length shall be contoured. Contours that overlap shall not be double counted.



CONTOURS SCALE: 1" = 40'

~~Contours~~

Notwithstanding the provisions of this section relative to contouring in circumstances where the site is elevated or will be elevated above the adjacent roadway, the landscape buffer area shall be elevated to the flood protection elevation, except as provided below. Required landscaping shall be located above the flood protection elevation to ensure that the landscaping provides the required level of screening. In these circumstances, the elevation shall not be considered part of the permissible three-foot contour. However, such elevation is neither required nor encouraged if it would necessitate removal of existing vegetation worthy of preservation or intrusion upon significant natural features such as wetlands. In such circumstances, opacity requirements may be met by existing vegetation or new plantings below the flood protection elevation.

g. ~~(g)~~ In required landscape areas, tree plantings shall be staggered and clustered in natural arrangements rather than in long, straight formal arrangements.

h. ~~(h)~~ Required roadway buffers shall not count toward the total interior landscaping required for parking areas.

i. ~~(i) An annual report demonstrating that required buffer plantings are growing at sufficient rate to achieve the required height and opacity requirement shall be prepared by a professional qualified for this purpose and submitted to the Planning Department. If the annual report indicates that required plantings will not achieve height and opacity requirements, supplementary plantings shall be added as approved by the Planning Department.~~ The survival of required plantings shall be guaranteed through performance security which will be released upon certification by a professional qualified for this purpose and approval by the ~~Planning~~ Department Director that required height and opacity standards have been achieved. Upon such certification, annual reporting shall no longer be required.

j. ~~(j)~~ Overhead power lines or detention or retention ponds shall not be located within required landscape areas or tree stands designated for preservation. Detention and/or retention ponds may be incorporated into a landscape buffer design, provided, however, that such inclusion does not change the overall required buffer either in terms of width of buffer area or overall opacity.

k. ~~(k)~~ To avoid conflicts with buffer vegetation, lots adjacent to roadway and greenbelt buffers shall have a minimum fifteen (15) feet building setback for buildings, swimming pools, pool cages, or other structures that would potentially conflict with buffer vegetation.

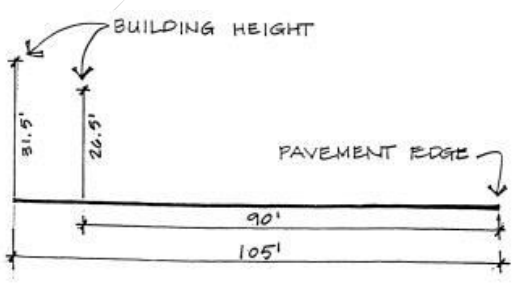
l. ~~(l)~~ To ensure that buildings and other structures on lots adjacent to roadway buffers are obscured from view from the Major Thoroughfare Road, the maximum top height of buildings or other structures shall be determined through the following equation: (Distance/3) - 3.5 feet = maximum top height where:

i. ~~(1)~~ D is the distance between the structure and the ultimate edge of pavement of the most proximate travel lane of the Major Thoroughfare Road.

ii. ~~(2)~~ The ultimate edge of pavement shall be based on the Right-of-Way required by the Comprehensive Plan. It shall be assumed that the edge of pavement is 20 feet from the edge of ROW. However, in circumstances where the 20-foot assumption is inappropriate, the ~~Planning Director~~Department Director, in consultation with the Transportation Director, may establish a different measure, based on existing conditions, planned improvements, and existing or available right-of-way.

iii. ~~(3)~~ The allowable maximum top height shall be allowed to increase as portions of the building are farther from the edge of pavement.

iv. ~~(4)~~ The top building height shall be the highest point of the building, exclusive of decorative features which are exempt from the height limitations of the Land Development Code.



BUILDING HEIGHT MAY INCREASE AS THE DISTANCE FROM PAVEMENT EDGE INCREASES.

Building Height

For example, if a building is proposed ninety (90) feet from the edge of pavement, the maximum height at the ninety-foot mark would be twenty-six and one-half (26.5) feet.

(90/3-) - 3.5 feet = 30 - 3.5 = 26.5 feet

At one hundred five (105) feet from the ultimate edge of pavement, the top of the building could be at thirty-one and one-half (31.5) feet.

v. ~~(5)~~ Nothing in this provision shall be construed to permit building height to be greater than that authorized either elsewhere in this Code or with a specific project approval.

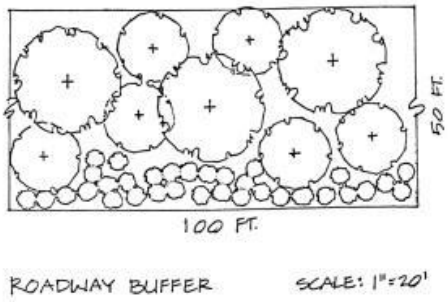
m. ~~(m)~~ Vegetation within preservation areas shall remain in its natural state. Plants in required landscape areas shall be maintained in a manner that preserves the natural shape and growth characteristics of the species. Pruning that grossly alters the characteristic form of tree canopy (e.g., lollipop pruning) is prohibited.

n. ~~(n)~~ Required stormwater and open space areas shall be located adjacent to roadway and greenbelt buffers to the greatest extent possible to enhance the buffer's capacity as visual screen and wildlife corridor. It is recognized that the placement of required stormwater facilities is dependent upon the physical characteristics of the site and the natural features such as wetlands on-site. The aesthetic contouring of stormwater retention ponds, in conjunction with other landscape features, is encouraged.

4. ~~*604.10.3.4.*~~ *Commercial and Office Uses Roadway Buffers*.

a. (a) For commercial and office uses, a minimum fifty-foot wide roadway buffer shall be provided along all property lines adjacent to designated Major Thoroughfare Roads. The required landscaping in the roadway buffer, unless a landscaping design from the North Central Overlay Planting Manual is used is as follows:

- Three (3) Canopy Trees
- Three-inch caliper as measured six (6) inches from the base of the tree, twelve-foot height, five-foot spread.
- Six (6) Evergreen Understory Trees
- Two-inch caliper as measured six (6) inches from the base of the tree, six-foot height, three-foot spread.
- Thirty-three (33) Shrubs
- Thirty (30) inches at time of planting.



Roadway Buffer

Buffers shall be planted in an informal, staggered arrangement. Buffers shall be entirely planted prior to first Final Plat approval.

The buffer shall provide eighty-five (85) percent opacity to a height of six (6) feet when viewed from the edge of pavement from the nearest outside travel lane of the adjacent major thoroughfare road within three (3) years from the date of the first Final Plat or Certificate of Occupancy, whichever occurs first.

b. ~~(b)~~ For fifty (50) feet on both sides of driveway and roadway entrances, the buffer planting may be reduced to create a view window. In this area, the plantings may be reduced to the following:

i. ~~(i)~~ Thirty (30) inches in height at time of planting;

ii. ~~(ii)~~ Thirty-inch spread; ~~and~~

~~(iii)~~ Maintained height between three (3) and four (4) feet.

iii. The landscape design shall provide for a transition from the driveway and view corridor to the more heavily planted portion of the buffer. Additional view corridors may be provided in accordance with the North Central Overlay Planting Manual~~.~~; and

iv. ~~(iv)~~ A minimum of eight (8) palm trees shall be planted in a staggered arrangement within the fifty-foot window. Such palm trees shall be planted with a minimum clear trunk height of fourteen (14) feet and shall not be included in the calculation of palm trees as required in Section ~~715.4.A~~701.4.A of the Land Development Code.

c. ~~(c)~~ Meandering sidewalks or trails within roadway buffers are permitted~~, subject to approval by the Planning Department~~.

5. ~~*604.10.3.5.*~~ *Roadway buffers for residential and other uses*.

a. ~~1.~~ For residential and other non-commercial/office uses, a minimum fifty-foot wide roadway buffer shall be provided along all property lines adjacent to designated Thoroughfare Roads. The required landscaping in the roadway buffer, as specified in the following and generally depicted below~~in Figure 604.10.3.5~~, shall provide eighty-five (85) percent opacity to a height of six (6) feet as viewed from the edge of pavement from the nearest outside travel lane of the adjacent ~~T~~thoroughfare road within three (3) years from the date of the first Final Plat or Certificate of Occupancy, whichever occurs first.

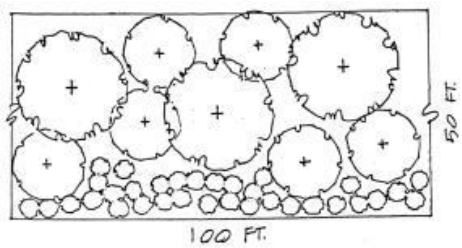
Unless a Landscaping design from the North Central Overlay Planting Manual is used, the following plantings are required in the buffer:

i. ~~(a)~~ Canopy trees. Three (3) canopy trees per one hundred (100) linear feet of buffer, or fraction thereof, whichever occurs first, which meet the following minimum standards:

(a) ~~(i)~~ Three-inch caliper as measured six (6) inches from the base of the tree;

(b) ~~(ii)~~ Twelve (12) feet in height; and

(c) ~~(iii)~~ Five (5) feet spread.



~~Canopy Trees~~

ii. ~~(b)~~ Understory evergreen trees. Six (6) understory evergreen trees per 100 linear feet of buffer, or fraction thereof, which meet the following minimum standards:

(a) ~~(i)~~ Two-inch caliper as measured six (6) inches from the base of the tree;

(b) ~~(ii)~~ Six (6) feet in height; and

(c) ~~(iii)~~ Three (3) feet spread.

~~(c)~~ Evergreen shrubs. Thirty-three (33) evergreen shrubs per one hundred (100) linear feet of buffer, or fraction thereof~~, which meet the following minimum standards:~~. The shrubs shall be

iii. ~~(i) T~~thirty (30) inches in height. Buffers shall be planted in an informal, staggered manner. Buffers shall be entirely planted prior to the first Final Plat approval.

b. ~~2.~~ Meandering sidewalks or trails within roadway buffers are permitted~~ subject to approval by the Planning Department~~.

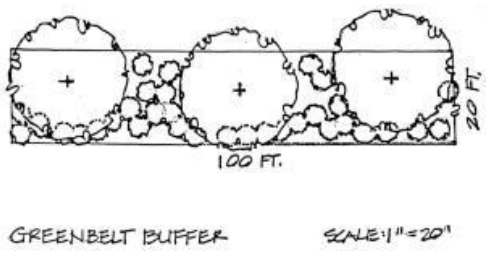
6. ~~*604.10.3.6.*~~ *Greenbelt buffers*.

a. ~~*a. Standard.*~~ A twenty-foot wide greenbelt buffer shall be provided along all project lines with exception of project lines that coincide with designated Major Thoroughfare Roads. The greenbelt shall be planted with canopy trees and evergreen shrubs in accordance with the following, unless a landscape design from the ~~North County~~Florida International Overlay Planting Manual is used:

i. Three (3) canopy trees (three-inch caliper as measured six (6) inches from the base of the tree, twelve(12) feet high, five-foot spread);

ii. Thirty-three (33) shrubs (thirty (30) inches at time of planting); and

iii. Per one hundred (100) linear feet.



~~Greenbelt Buffer~~

b. ~~b.~~ Meandering sidewalks or trails within greenbelt buffers are permitted~~, subject to approval by the Planning Department~~.

c. ~~c.~~ Exemptions.

i. ~~1.~~ For new residential subdivisions located in the A or A-1 zoning districts, no greenbelt shall be required.

ii. ~~2.~~ For lot splits resulting in the creation of one additional lot, no greenbelt shall be required.

iii. ~~3.~~ For replatting of existing lots if the total number of lots either remains the same or is reduced, no greenbelt shall be required.

E. ~~604.10.4.~~ Non-motorized Circulation.

1. ~~*604.10.4.1.*~~ *Purpose.* The purpose of this ~~S~~section is to facilitate an integrated system of sidewalks and multi-use trails (including equestrian trails) connecting neighborhoods and community focal points through regulations and incentives to encourage developer participation.

2. ~~*604.10.4.2.*~~ *Exemptions.* The following are exempt from the standards in this subsection:

a. ~~1.~~ Development that does not require Final Site Plan or Final Plat approval.

b. ~~2.~~ Proposed development that has obtained Preliminary Site Plan or Plat approval prior to the effective date of these regulations.

3. ~~*604.10.4.3.*~~ *Standards.*

a. ~~*604.10.4.3.1.*~~ *Sidewalks.*

i. ~~a.~~ Sidewalks or an approved pedestrian way shall be installed in accordance with Chapter 10~~9Section 722.1.4. Sidewalks~~.

ii. ~~b.~~ To promote a higher level of awareness of pedestrians, the use of alternate paving materials, landscaping, bollards, and other features which delineate pedestrian ways and street crossings shall be used.

iii. ~~c.~~ In areas where pedestrian activity is intended, reduced intersection turning radii may be permitted to minimize the distance of roadway crossings and to reduce speeds.

b. ~~*604.10.4.3.2.*~~ *Non-motorized multi-use trails.* See Chapter 10~~7~~.

F. ~~**604.10.5.**~~ **Signs**. All signs in the North Central Overlay District shall also comply with the provisions of ~~724.16~~Chapter 6, Signs, North Central Overlay District.

G. ~~**604.10.6.**~~ **Nonresidential Site and Building Design**.

1. ~~*604.10.6.1.*~~ *Purpose.* To provide site design standards for commercial and employment centers promoting a visual identity and a connection with the multimodal transportation network. Also, to require higher architectural design standards for those building facades that are visible from the street and parking areas, to create buildings which appeal to both pedestrians and the motoring public. The standards and guidelines will assist in reducing the overall bulk and appearance of large buildings.

2. ~~*604.10.6.2.*~~ *Applicability.* The provisions of this section shall apply to non-residential Development and Substantial Improvement, as defined in this Code, except as exempted below.

3. ~~*604.10.6.3.*~~ *Exemptions.* The following are exempt from the standards in this section:

a. ~~1.~~ Structures and uses that do not require Final Site Plan approval, as specified under Section ~~508.2.3.1~~320.2.

b. ~~2.~~ Historic structures or districts as designated by federal, state, or county governments or other structures as deemed by Manatee County to be culturally or architecturally significant to community.

c. ~~3.~~ Structures used primarily for agricultural purposes.

d. ~~4.~~ Structures incurring damage from a disaster in the area that is ultimately declared a disaster area by the Governor of the State of Florida, the President of the United States, or the Director of the Manatee County Public Safety Department.

e. ~~5.~~ Expansion of existing structures in the Parrish Village as shown on ~~Figure 604.10.3.2~~Map 4-3.

f. ~~6.~~ Structures for which Building Permit applications have been received by the Manatee County Building Department prior to April 5, 2005.

g. ~~7.~~ Accessory structures such as clubhouses which are accessory internal to residential developments.

h. ~~8.~~ Projects with a valid ~~Final Site~~Site Development Plan are exempt from the on-site pedestrian circulation and outdoor gathering space provisions of this section.

4. ~~*604.10.6.4.*~~ *On-Site Pedestrian Circulation*.

a. ~~604.10.6.4.1.~~ Purpose. To create pedestrian-friendly places and increase accessibility for a range of travel modes by providing distinct and conveniently located pedestrian ways that contribute to the overall design character of the site.

b. ~~604.10.6.4.2.~~ Buildings shall be served by walkways that directly link the building's main entrance to the street. These primary walkways must be visually distinct from parking lot and driveway surfaces and may include textured or colored materials. Paint or striping will not suffice to meet this requirement. Walkways must be functionally separate from parking lots and driveways except where they cross driveways.

c. ~~604.10.6.4.3.~~ Buildings shall be linked to each other by a secondary walkway system. Public sidewalks may be considered part of the walkway system if they provide convenient movement between structures.

5. ~~*604.10.6.5.*~~ *Outdoor gathering space*.

a. ~~604.10.6.5.1.~~ Purpose. Provide functional open space such as plazas, green spaces and focal elements for nonresidential developments that are appropriate for public gatherings, outdoor dining, open air markets, seasonal events, vendor carts and kiosks and other year round activities

Commented [LDI185]: Section 604.10.4.3.2 moved to Chapter 10

Commented [LDI186]: Recommend revisiting individual district sign regulations in phase 2 and consolidating as much as possible

~~*604.10.6.5.2. Outdoor gathering spaces are encouraged at appropriate locations within the North Central Overlay District.*~~

6. ~~*604.10.6.6.*~~ *Building Scale and Mass.*

   a. ~~604.10.6.6.1. *Limitations on size of retail uses.*~~ No retail building utilized principally by a single tenant shall exceed 75,000 square feet unless the site is located within the ROR Retail Office Residential or MU Mixed-Use Future Land Use categories of the Comprehensive Plan.

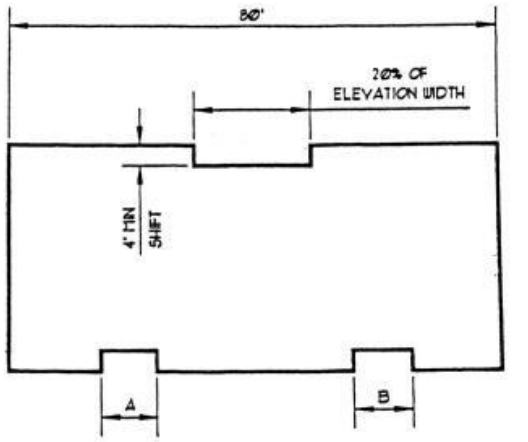
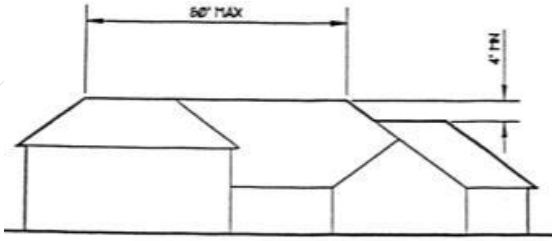
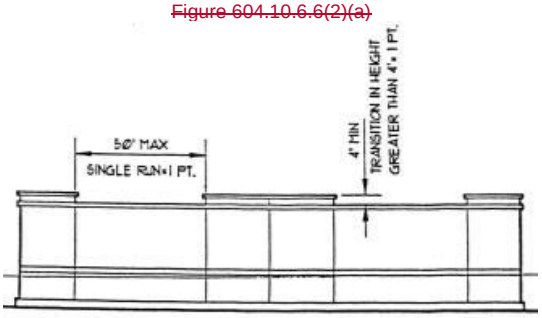
   b. ~~604.10.6.6.2.~~ Each building face shall incorporate scale and massing-related design elements based on the building's gross square footage that equal or exceed the number of points found in **Error! Reference ource not found.**~~Table 604.10.6.7.A.~~ Projects shall be required to incorporate any combination of features as provided in **Error! Reference source not found.**~~Table 604.10.6.7.B~~.

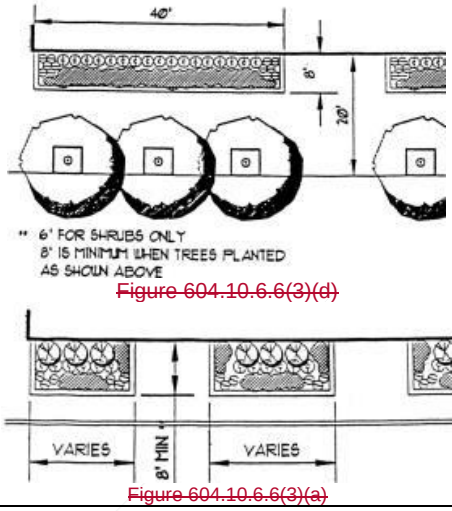
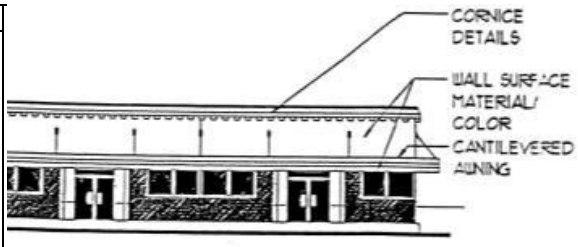
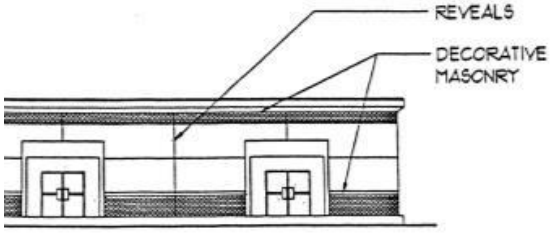
Table 4 - 9: ~~Table 604.10.6.6.A.~~ Point system for building design.

Less than 10,000 sq. ft.	4
10,000 to 40,000 sq. ft.	5
Greater than 40,000 sq. ft.	7

[1] Building faces which do not face customer parking areas, public streets, and which are used only as service areas may subtract two (2) points from those required.

Table 4 - 10: ~~Table 604.10.6.6.B.~~ Point system criteria.

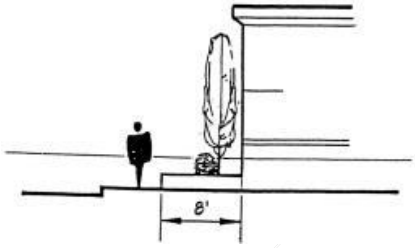
Design Feature	Points	Graphics
(1) Horizontal shifts for walls > 80′ in length[1] ~~(refer to Figure 604.10.6.6 (1))~~		
Width of shift > 20 percent of wall length	1	 A + B = SHALL BE A MIN. 20% OF WIDTH OF TOTAL BUILDING ELEVATION ~~Figure 604.10.6.6(1)~~
Width of shift > 30 percent of wall length	2	
No walls > 80′	1	
[1] The depth of the shift shall be equal to or greater than four (4) feet. To assure that footprint shifts are evenly distributed across the building facade, shifted wall planes shall have a width proportion of between 1:1 and 3:1 of the width of adjacent wall planes on the same facade. Horizontal shifts, when required, shall be reflected by a shift or alteration in the roof design.		
(2) Vertical shifts of single run of ridge, cornice, or fascia > 50′ ~~(refer to Figure 604.10.6.6(2)(a) and (b))~~		
Transition in height > 4′	1	 ~~Figure 604.10.6.6(2)(a)~~
No single runs >50′	1	 ~~Figure 604.10.6.6(2)(b)~~

(3) Single stand of trees within 20′ of building (4 points per face maximum)[2] ~~(refer to Figure 604.10.6.6(3)(a) thru (e))~~		
Planting bed for a single stand of trees must be a minimum of 320 square feet and 8′ in width	1	 ~~Figure 604.10.6.6(3)(d)~~ ~~Figure 604.10.6.6(3)(a)~~
[2] The stand may include existing or planted trees and shall be in addition to the required perimeter buffer and internal parking lot landscaping. A stand of trees shall consist of a minimum of three (3) trees, with a minimum caliper of two (2) inches, or twelve (12) feet in height. Trees may also be in separate tree wells within twenty (20) feet of the building and bed.		
(4) Individual mural (maximum 3 points)		
Square footage > 10 percent of wall area	1	
Square footage > 25 percent of wall area	2	
(5) Individual sculpture or water fountain adjacent to wall (maximum 2 points per face)[3]		
(0.25 x (perimeter + height)) > 10 percent of wall length	1	
[3] Wall area behind water plume shall count toward wall coverage percentage.		
(6) Windows and doors		
Square footage > 30 percent of wall area	1	
(7) Canopy or awning ~~(refer to Figure 604.10.6.6(4))~~		
Length > 10 percent of wall length	1	 ~~Figure 604.10.6.6(4)~~
Length > 25 percent of wall length	2	
(8) Decorative masonry, distinguishable etchings or relief, pillars, or columns[4] (refer to Figure 604.10.6.6(5))		
Area covered > 10 percent of wall area	1	 ~~Figure 604.10.6.6(5)~~
Area covered > 25 percent of wall area	2	
[4] Solitary line etchings given a one (1) inch wide band as credit.		

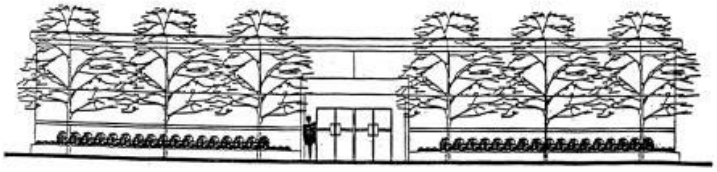
(9) Visual wall terminus or cornice required on all building sides ~~(refer to Figure 604.10.6.6(6)(a) thru (c))~~		
Pitched roof with fascia	1	~~Figure 604.10.6.6(6)(a)~~
Parapet	1	~~Figure 604.10.6.6(6)(b)~~
Projecting cornice	1	~~Figure 604.10.6.6(6)(c)~~
(10) Vertical trellis with climbing vines or plant materials adjacent of walls		
Area covered > 10 percent of wall area	1	
Area covered > 25 percent of wall area	2	

~~***302.2-3***~~

~~*302.2-4*~~



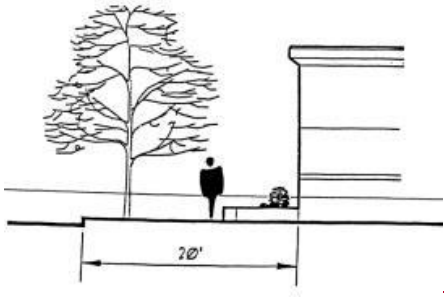
~~***302.2-5***~~



~~*Figure 604.10.6.6(3)(c)*~~

~~***302.2-6Figure 604.10.6.6(3)(d)***~~

~~302.2-7Figure 604.10.6.6(3)(e)~~



~~Figure 604.10.6.6(3)(e)~~
~~Figure 604.10.6.6(4)~~

7. ~~604.10.6.7.~~ *Architectural Style*.

   a. ~~604.10.6.7.1.~~ Non-residential buildings shall be designed in accordance with the North Central Overlay District Design Manual which shall be adopted by the Board of County Commissioners by resolution.

      Said Design Manual may be amended from time-to-time by the Board of County Commissioners by Resolution. Amendments may be made to reflect the design concept of a particular project, provided that sufficient detail is provided to enable adequate review of the concept as applications are made.

      Standardized trade or franchise styles that do not conform to the approved Design Manual are prohibited.

   b. ~~604.10.6.7.2.~~ A multi-building complex shall achieve a unity of design through the use of similar architectural elements.

   c. ~~604.10.6.7.3.~~ Accessory structures shall match the principal building(s) in form, color, and detailing.

   d. ~~604.10.6.7.4.~~ Tenant-specific building styles or motifs that are inconsistent with the architectural styles in the North Central Overlay District Design Manual are prohibited.

   e. ~~604.10.6.7.5.~~ Neon or tube lighting, exposed or concealed, shall not be used to outline architectural features.

   f. ~~604.10.6.7.6.~~ Awnings shall not be backlit or otherwise illuminated from behind unless the awning fabric is completely opaque.

   g. ~~604.10.6.7.7.~~ Awnings shall be limited to traditional locations over windows, walkways, and entrances or over other architectural features where weather protection is needed.

   h. ~~604.10.6.7.8.~~ The use of reflective or mirrored windows is prohibited.

8. ~~604.10.6.8.~~ *Color.*

   a. ~~604.10.6.8.1.~~ Natural colors that are representative of forested and agricultural landscapes in the North Central Area shall be used on buildings.

   b. ~~604.10.6.8.2.~~ Base (i.e., main color of the exterior walls) colors shall be limited to the subtle earth tones. Appropriate color palettes include whites, sands, grays, light pastels, deep foliages, and rich earth colors.

   c. ~~604.10.6.8.3.~~ Trim (i.e., fascia, cornice, window and door trim, kick panels, etc.) colors may contrast or compliment the base color but shall not be bright or bold. Using a lighter or darker shade of the base color or white are appropriate trim colors. Primary colors for trim shall be avoided.

   d. ~~604.10.6.8.4.~~ Accents (i.e., moldings, molding indentations, medallions, shadow lines of window and doorframes, doors, etc.) may be brighter in color than the base or trim.

403.13. ~~604.7.WR:~~ Whitfield Residential Overlay District (WR).

A. ~~604.7.1.~~ **Purpose and Intent.** The WR District is established to: (1) officially designate areas having special and substantial public interest in protection of existing or proposed character, or of principal view of, from, or through the WR Overlay District; (2) Provide additional land use controls to protect the established, primarily residential character of that part of Manatee County previously known as the "Whitfield Zoning District."

B. ~~604.7.2.~~ **Boundaries**. The WR District corresponds generally to the area outlined as WR in the Official Zoning Atlas. This zoning classification is not intended to be applied elsewhere in Manatee County.

C. ~~604.7.3.~~ **Use and Dimensional Regulations**. In addition to, any other requirements of this Code, the following regulations shall apply to all land in the WR District used or developed for residential dwelling units on individual lots.

1. ~~*604.7.3.1.*~~ *Front Yard Setbacks.* The front yard setback shall be thirty (30) feet except that the front yard setback shall be forty (40) feet for all property platted as part of Ballentine Manor Estates Subdivision, as shown in Plat Book 2, Page 136, of the Official Records of Manatee County, Florida.

2. ~~*604.7.3.2.*~~ *Minimum Floor Area*.

   - Single Family Detached: 1,400 sq. ft.
   - All Other Residential: 950 sq. ft./dwelling unit

3. ~~*604.7.3.3.*~~ *Accessory Uses and Structures.* This section applies to all residential uses.

   a. ~~1.~~ Accessory uses and structure(s) shall not be located in any required yard other than a rear yard except for statues, arbors, trellises, flagpoles, planters, mailboxes, outdoor lighting, or similar structures; or fences in the side yard.

   b. ~~2.~~ An accessory structure(s), when allowed, shall not occupy more than twenty-five (25) percent of a required rear yard area.

4. ~~*604.7.3.4.*~~ *Fences and Hedges.* No fence or hedge shall be erected or maintained in the front yard of a residence. Shrubbery and trees may be planted around the building foundation and may be used as accent plantings in ornamental islands and along entrance walkways or driveways. Plantings along driveways and entrance walkways shall be limited to thirty (30) inches in height. In no instance, however, shall such shrubbery or hedges be planted along front property lines or sidewalks. No fence within the WR Overlay District shall exceed six (6) feet in height.

   ~~604.7.3.4.1.~~ For the purpose of the Whitfield Residential Overlay District hedge shall mean a row of closely planted shrubs, bushes, or other vegetative screening, forming a boundary or restrictive barrier.

5. ~~*604.7.3.5.*~~ *Parking of Restricted Vehicles.* No restricted vehicle, shall be parked or stored, on the streets and lands within the WR District, including front, rear and side yards, unless the vehicle is contained entirely within an attached carport or garage on the premises.

   This restriction shall not prohibit the outdoor parking of:

   a. ~~1.~~ Commercial vehicles engaged in construction, transportation, or other temporary service at the premises where they are parked.

   b. ~~2.~~ Vehicles whose registered owner or lessee is the guest of the owner or lessee of the premises; provided however, that such parking in no case shall exceed forty-eight (48) consecutive hours nor more than seventy-two (72) accumulated hours in any one (1) thirty (30) day period.

403.14. ~~604.8.~~ Restricted Vehicle Overlay District.

Commented [LDI187]: This is another overlay district that we recommend eliminating as part of phase ii. Restricted vehicles are addressed in chapter 4 and those standards might be strenghened and make this overlay district obsolete

A. ~~604.8.1.~~ **Purpose and Intent**. To provide for more extensive review of the location of Restricted Vehicles within any residential area, the Restricted Vehicle Overlay Districts are hereby established.

B. ~~604.8.2.~~ **Boundaries**. The Restricted Vehicle Overlay District corresponds to the area outlined in the Official Zoning Atlas.

C. ~~604.8.3.~~ **Additional Boundaries**. Specific uses may be permitted in this district in accordance with the

regulations of the underlying zoning district, except as qualified herein.

1. ~~604.8.3.1.~~ No restricted vehicle may be allowed unless it is stored in a completely enclosed garage, building or is located in the rear yard of the dwelling. When located in the rear yard of the dwelling, the restricted vehicle shall be completely screened from view of any adjacent dwelling.

2. ~~604.8.3.2.~~ One commercial vehicle, one ton or less, and under nine feet in height, with no attached, visible equipment or machinery when parked in the driveway.

D. ~~**604.8.4.**~~ **Exemptions**.

1. ~~604.8.4.1.~~ Commercial vehicles which are engaged in active on-site construction, transportation, or other temporary service for the premises where they are parked.

2. ~~604.8.4.2.~~ Outdoor parking in the driveway of restricted vehicles whose registered owner or lessee is the guest of the owner or lessee of the dwelling; provided that such parking in no case shall exceed forty-eight (48) consecutive hours nor more than seventy-two (72) accumulated hours in any one (1) thirty-day period.

E. ~~**604.8.5.**~~ **Minimum District Size**. Five (5) acres.

CHAPTER 45 – STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES

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CHAPTER 5 - STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES~~CHAPTER 7 DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY~~

Part I. In General.

Section 500. ~~701.1.~~Purpose.

The purpose of this ~~C~~chapter is to provide development standards relating to specific land uses ~~and natural or manmade features, wherever these may be found~~that are allowable as accessory uses or structures, temporary uses, or as permitted subject to additional standards as noted in Tables 4-1 and 4-2. The regulations of this ~~C~~chapter~~-~~ are intended to supplement, rather than supersede the district regulations found in Chapter ~~6~~4 of this Code.

Section 501. ~~701.2.~~Applicability.

The standards and regulations of this~~e~~ ~~C~~chapter shall apply generally to all applications for development approval.

A. ~~703.1.8.The total square footage of the principal use and accessory use shall not exceed the maximum floor area ratio permitted in the district where it is located.~~ 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. ~~703.1.3.~~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. ~~Section 703.~~ Standards for Accessory Uses and Structures~~.~~

Section 510. ~~703.1~~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. ~~703.1.1.Any accessory use or structure may be approved in conjunction with the approval of the principal use or structure.~~ 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. ~~703.1.2.~~No accessory structure shall be occupied or utilized unless the principal structure, to which it is accessory, is occupied or utilized.

C. ~~703.1.4.~~All accessory uses shall be designed to serve primarily the residents or employees of the principal use with which they are associated.

D. ~~703.1.5.~~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. ~~703.1.6.~~No accessory structure or use may be located in a utility easement, right-of-way, drainage easement,

or visibility triangle. See Section 713, Required Visibility Triangles. Fences, constructed only of wood, plastic composition, or chain link 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 cause by and to the fence.

F. 703.1.7.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 Office authorized mailboxes, outdoor lighting, fences, traffic control devices, parking, or similar structures. No accessory structure shall be allowed in any required minimum yard unless specifically exempted by this Sectionchapter.

703.2. Permitted Accessory Uses. Subject to the provisions of this Chapter and other applicable provisions of this Code, the following accessory uses are permitted:

703.2.2.Barns, stables, feeders and any similar structures in an A and A-1 Districts.

703.2.3.Commercial Agricultural Buildings are considered accessory structures to an established agricultural use.

703.2.3.1.Location. Commercial agricultural buildings may be allowed wherever agriculture is a permitted or conditional use, but only as an accessory use to a previously established agricultural use.

703.2.3.2.Setbacks. The following minimum setbacks shall supersede any applicable minimum required yard setbacks.

Front – 50 feet.

Side – 20 feet.

Rear – 25 feet.

703.2.3.3. Concurrency Management. All applications for said commercial use shall submit an application for Certificate of Level of Service Compliance.

Section 511. Specific Accessory Uses and Structures Allowed.

511.1. 703.2.1.Accessory Antennas.: Accessory antennas as follows:

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

703.2.1.1.1.Amateur radio antennas (e.g., ham radio).

A. 703.2.1.1.3.Antennas for the reception of television broadcasts, which are are limited to twenty (20) feet or less in height above the roof line, unless otherwise noted below.

B. 703.2.1.1.2.Satellite dish antennas (see Section 703.2.25 for provisions). 703.2.26. Satellite Dish Antenna, used for reception of television signals. These standards are designed to protect and promote the health, safety and welfare of persons within the County and protect and promote the aesthetic environment of the County, avoiding visual blight while allowing reasonable use shall meet the following standards if they exceed three (3) feet in diameter.:

1. 703.2.26.1.A Bbuilding Ppermit shall be obtained prior to construction for all roof mounted and commercial satellite dish antennas. All satellite dish antennas shall be subject to all applicable requirements of the Manatee County Building Code.

2. 703.2.26.2.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. 703.2.26.3.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. 703.2.26.4.No satellite antenna shall be mounted closer to the front property line than the front face of the

Commented [LDI1]: Moved language regarding fences to fence section

Commented [LDI2]: Not normally located in front yards

Commented [LDI3]: Covered by agricultural uses definition

Commented [LDI4]: Addressed in use table

Commented [LDI5]: Deleted section 703.2.3.3. as it conflicts with regs in chapter 2 that state what type of developments require certificate

Commented [LDI6]: Added to address DISH network customers

building to which it is accessory~~, except as permitted in Section 703.2.26.11~~.

5. ~~703.2.26.5.~~The ground-mounted satellite antennas~~e~~ 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. ~~703.2.26.6.Planned Development Manufactured Home (PDMH), Planned Development Recreational Vehicle (PDRV), or Commercial Recreational Vehicle (CRV).~~ Satellite antennas~~e~~ are not permitted within a PDMH, PDRV or CRV 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.

~~A.~~C.~~703.2.26.7.~~All satellite antennas~~e~~ (structures) must be shown on an approved application for development approval.

D. ~~703.2.26.8.~~A satellite antenna shall not be used as a sign.

E. ~~703.2.26.9.~~Antennas on ~~Dwelling~~ Attached ~~and~~ or Detached~~-~~ Dwelling Sites:~~Regulations.~~

1. ~~703.2.26.9.1.~~No satellite antenna shall be mounted on the roof of any one or two family residential structure.

2. ~~703.2.26.9.2.~~The overall height of the satellite antenna shall not exceed twenty-five (25) feet.

3. ~~703.2.26.9.3~~The maximum diameter of the satellite antenna dish shall not exceed fifteen (15) feet.

F. ~~703.2.26.10.~~Roof Mounted Satellite Antenna.

1. ~~703.2.26.10.1.~~All roof mounted satellite antennas~~e~~ 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~~e~~ shall be allowed for all allowed uses except single family and duplex dwellings.

2. ~~703.2.26.10.2.~~Roof mounted satellite antennas~~e~~ shall be located in the rear one-third (1/3) on the building, in the least conspicuous location possible.

~~703.2.26.10.3.No Building Permit shall be issued for any roof mounted satellite antenna unless the design and supporting roof structure, including mounting, is certified by an Engineer or Architect to be capable of withstanding the winds specified by this section.~~

~~703.2.26.11. Outdoor Sales Display. The outdoor sales display of satellite antenna shall be allowed in districts where outdoor sales are permitted subject to the provision of Section 506, Administrative Permits and other applicable sections of this Code. Outdoor sales displays permitted after the date of adoption of this Code shall meet all district setbacks and the requirements of this section. All displays shall have a valid Building Permit.~~

G. ~~703.2.1.1.4.~~Private mobile service antennas~~. Towers and antennas~~ which are primarily used for private mobile services, shall ~~and~~ meet the following criteria:

1. ~~1.That~~ Must have a cross sectional area of less than 4.5 square feet at the base; and

2. ~~2.Are~~ Must be less than sixty (60) feet in height in the non-residential ~~and Planned Development Golf Course~~ districts, or less than one hundred (100) feet in height in the industrial, ~~C~~conservation, ~~V~~village, manufacturing, ~~Planned Development Waterfront,~~ and agricultural ~~and Planned Development Agricultural~~ districts, or less than two hundred (200) ~~[~~feet~~]~~ in height in the Extraction ~~d~~District and on parcels zoned ~~Agricultural (~~A~~)~~ that~~which~~ are a minimum of forty (40) acres.

~~703.2.1.1.5.Antennas which provide telemetry for lift stations and other similar uses.~~

~~**100.1. 703.2.4. Day Care Home.**~~

511.2. Accessory ~~Day~~Child Care Centers.

~~704.18.7.D~~~~Day~~Child ~~C~~care ~~C~~centers accessory to a principal use or residential development ~~(Accessory) shall be~~are allowed by Administrative Permit ~~permitted~~ in the A, A-1, RDD and RMF districts if the following ~~locational~~ criteria ~~of Section 704.18.5~~ are met; otherwise they are required to go through Special Permit review. ~~or may be allowed by~~

Commented [LDI7]: Combined with section 405.b.2, above.

Commented [LDI8]: outdated

Commented [LDI9]: This section will need to be compared to cell tower rules for consistency

~~Special Permit if these criteria cannot be met.~~

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 ~~A~~accessory ~~D~~day~~child~~ ~~C~~care ~~C~~centers within residential zoning districts is one hundred (100). ~~Accessory Day Care Centers within other zoning districts shall be allowed as indicated in Figure 6-1 and shall have no limitation on the number of children and staff.~~

C. ~~704.18.7.1.~~ Accessory ~~D~~day~~child~~ ~~C~~care ~~C~~centers~~(Accessory)~~ must meet all ~~of the requirements of Sections 704.18.1 through 704.18.4, 704.18.6 and this section, as well as any~~ other applicable local, state or federal regulations.

D. ~~704.18.7.2.Parking~~ An~~y such~~ accessory ~~day~~ child care ~~facility~~ center provided within a church facility must provide the required number of paved parking spaces for the ~~day~~ child care as a daily use per ~~Section~~ Chapter 10~~710, Table B~~.

E. Parking spaces for ~~A~~accessory ~~Dday~~ child ~~C~~care ~~C~~centers within nonresidential ~~uses such as an industrial park or office~~ buildings shall be specifically set aside and designated within the parking lot by either striping or signage.

~~704.18.8. Family Day Care Home, permitted as an accessory use to a residence.~~

~~100.2.~~511.3. ~~703.2.5.~~ Child's ~~p~~Playhouse, Play Equipment. ~~.~~

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

~~*100.3.*~~511.4. ~~Section 716.~~Emergency Storm Shelters ~~and Evacuation Program~~.

~~716.1.Purpose and Intent. The purpose and intent of this Section is to provide emergency storm shelter and evacuation, for the present and future manufactured home and recreational vehicle residents.~~

~~716.2.Administration. The Planning Director shall be responsible for the administration of this Section and coordination with other agencies.~~

~~716.3.Applicability. This section applies to all parks, and subdivisions that allow~~ The following standards apply to emergency storm shelters provided in conjunction with ~~manufactured homes,~~ mobile homes parks, ~~park trailers,~~ recreational vehicle~~s~~ parks and camping facilities, as required in this chapter.~~, but shall not apply to Farm Workers Housing although an evacuation plan is required.~~

A. ~~716.4.~~Standards. ~~All new and expanded parks and subdivisions containing twenty-five (25) or more spaces for manufactured homes, park trailers, recreational vehicles, camping sites or a combination of any, shall provide an e~~Emergency storm shelter buildings~~, meeting~~ shall meet the following standards.

1. ~~1.~~The shelter shall be built to withstand winds of one hundred and twenty (120) miles per hour.
2. ~~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. ~~3.~~No shelter shall be located in the category 1, 2, or 3 areas of the ~~Hurricane Vulnerability Zone~~Coastal Planning Area.
4. ~~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. ~~5.~~Full kitchen facilities operated by natural or L.P. gas shall be provided.
6. ~~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. ~~7.~~Potable water storage shall be provided at the rate of ten (10) gallons per lot or space.
8. ~~8.~~Toilets and showers shall be provided at the minimum rate of one (1) each for every forty (40) lots or

Commented [LDI10]: Revisit need for this provision in a later phase.

Commented [LDI11]: unnecessary filler, covered above

Commented [LEA12]: Responsible for all sections, not just this one.

Commented [LEA13]: Language was added to all those sections requiring the shelter and referencing this section for standards.

Commented [LDI14]: Changed to be consistent with the comprehensive plan

spaces.

9. ~~9.~~A secure storage room shall be provided.

10. ~~10.~~Separate rooms should be provided that can be used for the elderly, nursing, office space and recreation.

11. ~~11.~~An adjacent off-street parking area shall be provided.

12. ~~12.~~An adjacent open outdoor space shall be provided.

~~716.5.All new and existing emergency storm shelters shall meet the following additional standards:~~

13. ~~1.~~All glass surfaces shall be protected by approved hurricane storm shutters.

14. ~~2.~~First aid equipment shall be provided.

15. ~~3.~~The shelter shall be available year round.

16. ~~4.~~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. ~~5.~~The shelter team shall yearly confirm and describe their availability to the ~~Department of P~~public ~~S~~safety, ~~E~~emergency ~~M~~management and ~~C~~communication ~~D~~divisions.

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

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

20. ~~8.~~A written agreement specifying the use of a trained shelter team and the designated emergency storm shelter should be entered into with the ~~Department of P~~public ~~S~~safety, ~~E~~emergency ~~M~~management and ~~C~~communication ~~D~~divisions.~~.~~

~~716.6.All new development completely in the Category 1, 2, or 3 areas of the Hurricane Vulnerability Zone shall obtain approval of a written Hurricane Evacuation Program from the Emergency Management Division. The Hurricane Evacuation Program shall be approved before any approvals, that allow development to start, are approved. These developments shall be exempt from providing a emergency storm shelter. All existing developments which are not required to have and do not have an emergency storm shelter, shall obtain approval of a written Hurricane Evacuation Program.~~

B. ~~716.7.Compliance Date~~Development Approvals. All new and expanded developments requiring the provision of an emergency storm shelter shall obtain development approvals and ~~B~~building ~~P~~permits for the ~~emergency storm~~ shelter before the occupancy of the first unit is authorized.

Commented [LEA15]: The requirement is already stated in chapter 8 (Engineering Design and Utilities).

~~All new and expanded developments shall obtain development approvals and Building Permits for the emergency storm shelter before the occupancy of the first unit is authorized.~~

C. Certificate of Occupancy. A ~~C~~certificate of ~~O~~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 ~~C~~certificate of ~~O~~occupancy is issued for the shelter.

D. ~~716.8.~~Warning and Disclaimer of Liability. The degree of protection required by this Section is considered minimum for regulatory purposes. This ~~S~~section does not imply that these shelters are completely safe or the safest or best means of protection. This ~~S~~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 ~~S~~section or any administrative decision made thereunder.

~~716.9.*Violations.* Any development in violation of this Section shall be subject to the provisions of Chapter 12, Enforcement.~~

511.5. ~~703.2.7.~~ 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. ~~703.2.8.~~Fences and Walls

A. Generally.

1. ~~703.1.6~~No fence or wall may be located in a right-of-way or easement. ~~Fences, constructed only of w~~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. ~~703.2.8.5.~~Fences for agricultural uses on agricultural zoned property shall be required to comply with the requirements of this section~~, however~~ but do not require ~~, they shall be exempt from having to obtain~~ a ~~B~~building ~~P~~permit.

3. ~~703.2.8.2.Front Yards. Fences located within any required front yard shall not exceed forty-eight (48) inches in height above the ground, unless otherwise permitted, however, no fence shall be erected or maintained in the front yard of a dwelling in the Whitfield Residential Overlay District.~~ 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.

~~The following exceptions may have fences up to eight (8) feet in height:~~

B. ~~703.2.8.1.~~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" ~~D~~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. ~~(Also refer to Section 703.1.6.)~~

~~**703.2.8.3.Maximum Height.**~~

C. Fences, berms or combination of berms and fences and fences erected within the required yard shall be ~~a maximum of eight (8) feet in height, except~~ as follows:

Location	Height
Front yards	4'
All other yards~~Where non-residential districts abut residential districts~~	8'~~9'~~
Where non-residential districts abut residential districts	9'
Whitfield Residential Overlay District	6′
~~Front yards~~	~~(See 703.2.8.2)~~

D. Height Exceptions.

1. Fences up to eight (8) feet within the front yard may be allowed in the following areas/situations:
   a. ~~703.2.8.2.1.~~ Properties located in A, A-1, GC, HC, LM, HM and EX Districts, except within the Cortez Fishing Village Historical Overlay District.
   b. ~~703.2.8.2.2.~~ Project perimeter fencing for planned developments, subdivisions, multi-family projects, and ~~manufactured~~ mobile home parks/subdivisions.
   c. ~~703.2.8.2.3.~~ Parcels within the RSF-1, RSF-2, and RSF-3 and PDR Districts with a minimum of one

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Commented [LDI17]: combined with height allowed above in text

hundred (100) feet of street frontage, may be allowed one of the following non-chain link/non-wood slat fence options:

i. ~~1.~~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. ~~2.~~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. ~~3.~~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. ~~703.2.8.2.4.~~A fence in the 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 ~~Planning~~ 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. ~~**703.2.8.4.**~~**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.

~~703.2.9.Garages and carports; attached and detached.~~

~~703.2.10.Garage Sales are allowed as an accessory residential use, but shall be limited to one sale, not to exceed three (3) consecutive days. One garage sale may be allowed every three (3) months not to exceed a maximum of four (4) garage sales per calendar year.~~

~~703.2.11.Gardening.~~

~~703.2.12.Guest house, one allowed.~~

~~703.2.13.Parking and loading spaces, off-street, in accordance with Section 710.~~

~~703.2.14. Parking of commercial vehicles~~

~~703.2.15. Parking of Restricted Vehicles, Including Commercial Vehicles.~~

~~703.2.16.Porches, Gazebos, and Similar Structures.~~

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511.7. ~~**703.2.28.**~~**Home Occupations.**

~~703.2.28.1.Authorization.~~ Home occupations are permitted in any dwelling unit, subject to the provisions in this subsection:

~~**703.2.28.2.**~~**Permitted Home Occupations.**

A. The following home occupations are permitted uses, subject to the requirements of this section~~following limitations and Section 703.2.28.4, Use Limitations~~.

1. ~~703.2.28.2.1.~~Artists and sculptors.
2. ~~703.2.28.2.2.~~Authors and composers.
3. ~~703.2.28.2.3.~~Dressmakers, seamstresses and tailors.
4. ~~703.2.28.2.4.~~Daycare homes.
5. ~~703.2.28.2.5.~~Home crafts, such as model making, rug weaving, lapidary work, and ceramics.
6. ~~703.2.28.2.6.~~Office facility for a minister, rabbi, priest or other similar person associated with a religious organization.

7. ~~703.2.28.2.7.~~Office facility for a salesman, sales representative, or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises.

8. ~~703.2.28.2.8.~~Telephone answering services.

9. ~~703.2.28.2.9.~~The renting of not more than one room for rooming or boarding for not more than one (1) person (who is not transient).

10. ~~703.2.28.2.10.~~School of special education for groups not exceeding four (4) pupils at any given time.

11. ~~703.2.28.2.11.~~Professional architect, engineer, ~~or~~ planner, attorney or other professional's office.

12. ~~703.2.28.2.12.~~Similar uses which do not involve:

    a. ~~(1)~~ retail or wholesale sales transactions on the premises,

    b. ~~(2)~~ any assembly, processing, or fabrication operations,

    c. ~~(3)~~ any services performed for more than two (2) persons on the premises at any one time unless specified different elsewhere,

    d. ~~(4)~~ activities elsewhere prohibited in this Code, or

    e. ~~(5)~~ conditional home occupations as provided below.

~~703.2.28.3.Conditional~~ Home Occupations Requiring Special Permit.

B. The following home occupations require Special ~~P~~permit ~~A~~approval:

1. ~~703.2.28.3.1.~~Barber or beauty shops, 2 chairs maximum.

2. ~~703.2.28.3.2.~~Dance or music instruction by the occupant of the premises.

3. ~~703.2.28.3.3.~~Fortune telling, palm reading and similar uses.

4. ~~703.2.28.3.4.~~Group instruction for no more than ten (10) persons at any one time.

5. ~~703.2.28.3.5.~~Photographic studios.

6. ~~703.2.28.3.6.~~Repair service establishments.

7. ~~703.2.28.3.7.~~Riding or boarding stables, or kennels.

8. ~~703.2.28.3.8.~~Veterinary clinics.

9. ~~703.2.28.3.9.~~Small animal specialty farms.

~~703.2.28.4.~~Use Limitations.

C. 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. ~~703.2.28.4.1.~~*Location of Premises.* A home occupation shall be conducted completely within ~~a~~the dwelling ~~which~~ that is the bona fide residence of the principal practitioner or in a~~ny~~n ~~building~~ accessory building~~thereto, which is~~ normally associated with a residential use.

2. ~~703.2.28.4.2.~~*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. ~~703.2.28.4.3.~~*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. ~~703.2.28.4.4.~~*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. ~~703.2.28.4.5.~~*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. ~~703.2.28.4.6.~~*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. ~~703.2.28.4.7.~~*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 ~~Section 703.2.14~~the Code Ordinances.

8. ~~*703.2.28.4.8.*~~*Equipment~~,Processes~~*.

   a. ~~703.2.28.4.8.1.Type Equipment.~~ 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. ~~703.2.28.4.8.2.Performance Standards.~~ 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.

~~703.2.31. Conference/banquet facilities.~~

~~703.2.32.Golf Courses.~~

~~703.2.36.Public Traffic Control Devices. (See Section 733).~~

Commented [LDI21]: Addressed in transportation chapter

~~100.4.~~511.8. ~~703.2.38.Accessory~~Outdoor Display, Sale and Storage of Merchandise and Equipment.

~~703.2.38.1. Use Limitations. No o~~Outdoor display, service, sales or storage of merchandise, equipment or materials shall be subject to the following standards~~permitted~~, regardless of when such use or activities may have commenced~~, which is visible from a public street except as provided for herein. Non-residential outdoor storage shall comply with the requirements of Sections 703.2.20.1 and 715.~~:

A. Visible from a Public Street. ~~Provided that all such display, sale or storage is on the same lot and clearly accessory to the principal use, visible~~ The following outdoor display, sales or storage activities, which are visible from a public street, may be permitted in the ~~following situations~~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. a. On a parcel or lot designated GC, HC, LM, HM, PDC, PDMU or PDI;~~

~~2.~~1. ~~b. Sales or~~ 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.~~703.2.37.2.~~2 below;

Commented [LDI22]: Wrong reference. Should be 703.2.38.2.2

~~3.~~2. ~~c.~~ Sales, display, or storage of plant materials, trees, shrubs or other living materials;

~~4.~~3. ~~d.~~ Newspaper vending machines;

~~5.~~4. ~~e.~~ 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~~703.2.37.2.~~2 shall not apply.

Commented [LDI23]: Wrong cross reference. Should be 703.2.38.2.2

B. Not Visible from a Public Street:

~~6.~~1. ~~703.2.20. Screened o~~Outdoor storage ~~to~~ (including~~e~~ ~~a~~ 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. ~~703.2.20.1. Non-Residential Screened Outdoor Storage.~~ 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 ~~. All outdoor storage areas shall be~~ 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~~715~~. ~~Outdoor storage shall be prohibited in any required yard. Vehicle sales display areas shall not be deemed to be outdoor storage. (See Sec. 704, Mini-Warehouses for more information.)~~

~~B.~~C. ~~703.2.38.2.~~Requirements.

1. Outdoor storage shall be prohibited in any required yard.
2. ~~703.2.38.2.1.~~All accessory outdoor display shall be subject to review and approval by the ~~Planning~~ Department Director. Items to be reviewed include parking, circulation, fire separation, sidewalks, driveways and other such requirements.
3. ~~703.2.38.2.2.~~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 ~~include~~ 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.

~~703.2.21.Storage of Commercial Fishing Equipment.~~

~~The storage of commercial fishing equipment including crab traps, rollers, nets, coolers or similar equipment usually associated with commercial fishing shall be allowed on lots as well as in required yards in the Cortez Fishing Village Historical and Archaeological Overlay District without the necessity to screen the equipment from view.~~

~~703.2.23. Parking or Storage of Junk Vehicles or Refuse Prohibited.~~

~~No junk vehicles, junk yard, scrap heaps, refuse piles, motor vehicle frame, vehicle body, or parts shall be stored on any property, public lands, rights-of-way or easements, unless expressly permitted by this Code, except when parked or stored in a completely enclosed garage or building. On any A or A-1 zoned property three (3) vehicles commonly referred to as street rods or antiques are permitted when not visible or screened from view from the street. Agricultural vehicles are exempted from the provisions of this Section when accessory to an agricultural use.~~

~~703.2.23.1. Also prohibited is the storage of trash, solid waste, rubbish, garbage, and sludge as stipulated by County Ordinance 85-11, which provides for mandatory collection and disposal of solid waste.~~

~~703.2.17. Signs: see Section 724.~~

~~703.2.40.Any other similar accessory uses meeting the requirements of this section which are clearly accessory to the principal use, shall be allowed by approval of the Planning Director.~~

511.9. Pet Shelters

~~703.2.6.~~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 ~~and~~ do not ~~to~~ exceed one hundred (100) square feet in gross floor area.

511.10. ~~703.2.39.~~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. ~~703.2.25.~~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~~; nor located within any drainage or utility easement~~.

Commented [LDI24]: Moved to Property Maintenance Code

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Commented [LEA26]: Had previously recommended deletion. Brought it back, as part of revert phase but got placed under Outdoor Display. Added heading style after workshops.

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.

~~100.5.~~511.12. ~~703.2.34.~~Roadside sales of agricultural products.

A. ~~703.2.34.1.*Use of Stands.*~~ 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. ~~703.2.34.2.*Health Requirements.*~~ 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. ~~703.2.34.3. Parking, Loading, and Landscaping.~~ The requirements of Sections 1005~~710~~ (off-street parking) and 701~~715~~ (Landscaping and Screening Standards) shall apply to this subsection. Access must be provided in accordance with the requirements of Chapter 10~~Section 706~~.

D. ~~703.2.34.4. Signage.~~ The requirements of Chapter 6~~Section 724~~ shall apply. ~~All signage shall be prohibited from the rights-of-ways and may be removed, as allowed by Section 724.~~

511.13. ~~703.2.37.~~Security/Caretakers Residence.

~~703.2.37.1.~~Security/~~C~~caretakers ~~R~~residences may be allowed ~~as an accessory use within~~ in conjunction with a commercial, industrial or agricultural use, within the principal building or ~~building, or as~~ in a separate building~~, or in a manufactured home~~. 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. Such residences~~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.

~~B.~~A.~~703.2.37.2.Standards. The use of~~ except that a ~~manufactured~~ mobile home ~~for a security/caretaker's residence shall~~ may be allowed ~~only~~ within the CON, ~~A,~~ GC, HC, LM, HM, EX, ~~PDC, PDRP, PDI, PDPI, PDMU, PDRV~~ and PD~~MH~~ ~~D~~districts.

~~C.~~B.~~(1)~~ A ~~manufactured~~ mobile home may also be used in the A district if the lot contains a minimum of one hundred sixty (160) acres. ~~All other districts listed in 703.2.36.1 above, shall provide conventional housing types such as site-built or modular homes notwithstanding.~~

~~D.~~C. ~~703.2.37.2.1.~~ 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.

~~E.~~D.~~703.2.37.2.3.~~When a ~~manufactured~~ mobile home is used for a security/caretaker's residence in the GC, ~~and~~ HC or PD district~~s and the planned development districts listed in Section 403.16.a above~~, the ~~manufactured~~ mobile home must also meet the ~~residential~~ design standards found in Section 531.32.C~~704.46.4 of this Code~~. When the ~~manufactured~~ 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.

~~F.~~E. ~~703.2.37.2.2.~~No security/caretaker residence in a non-residential district shall be located within a structure that ~~either~~ 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.

~~703.2.18.Solar heating equipment.~~

~~703.2.19.Statues, barbecue grills, flagpoles, arbors, trellises,and similar structures. Flag poles shall comply with Section 724.4.1.2~~

511.14. ~~703.2.29. Central garbage~~ Solid Waste Collection Areas~~,~~

~~dumpsters~~Dumpsters shall be located and screened in accordance with Section 701~~715~~, Landscaping and Screening Standards, and Section 803~~728~~, Solid Waste.

~~100.6.~~511.15. ~~703.2.22.~~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 ~~smaller than~~ 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. ~~703.2.24.~~ Swimming Pools, ~~Bathhouses~~Spas, and Screen Enclosures. ~~are subject to the following requirements:~~

~~703.2.24.1.Location.~~

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 ~~subject to Section 702.7.~~

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.

~~Single-family swimming pools, pool cages, decks or patios, and screen enclosures associated with single-family homes shall not be considered a yard encroachment subject to Section 702.7.~~

C. Public ~~B~~bathhouses and ~~Public S~~swimming ~~P~~pools shall meet the ~~applicable~~ district setback requirements for principal buildings. ~~.~~

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

~~703.2.24.2.Swimming Pool and Spa Safety.~~

~~703.2.24.2.1.Construction. During all swimming pool construction, the contractor shall install and maintain a temporary or permanent enclosure in accordance with Section 703.2.24.2.6. No temporary enclosure may be removed until a permanent enclosure has been properly installed.~~

~~703.2.24.2.2.Permanent enclosures shall be properly installed prior to final swimming pool inspection;~~

~~703.2.24.2.3.Single-family Swimming Pools shall be in conformance with Chapter 515, F.S., the Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act. Compliance with this act shall be reviewed by the Building Official.~~

~~703.2.24.2.4. Portable Spas, which contain water over twenty-four (24) inches deep shall be within an completely enclosed area or enclosed with a fence in compliance with Section 703.2.23.2.6.~~

~~703.2.24.2.5. Public Swimming Pools.~~

~~703.2.24.2.5.1.Telephone. For safety reasons, a telephone for pool users, shall be readily accessible adjacent to the pool, and within the enclosed area at all pool locations.~~

Commented [LDI27]: Changed based on Code Interpretation dated 3/11/15.

Commented [LDI28]: Clarified language

Commented [LDI29]: Some provisions moved to Property Maintenance Code. Others already in Building Code.

Commented [LDI30]: Moved to property maintenance manual

~~703.2.24.2.5.2.The immediate perimeter of all public swimming pools, spas and other non-single-family swimming pools shall be fenced or enclosed in accordance with Section 703.2.23.2.6 unless the Planning Director finds that:~~

~~1.The pool is separated from adjoining on-site and off-site buildings and located in; a yard or area which is accessible only by passing through a self-closing, self-latching gate; or located within an enclosed building, or~~

~~2.A comparable measure of protection from unauthorized access to the pool is provided by:~~

~~a.The existence of practically impassible natural or manmade permanent barriers separating the pool from adjoining on-site and/or off-site structures and properties, or~~

~~b.A readily visible warning sign shall be installed.~~

~~c.A combination of these or plainly similar circumstances.~~

~~703.2.24.2.6.Enclosures: All fences or other barriers which enclose or protect the pool or yard area from unauthorized access shall be at least four (4) feet in height with the vertical protective barrier material such that a four (4) inch diameter sphere cannot pass through any opening. All entryways or gates to fenced or enclosed pools shall open outwards away from the pool and have self-closing, self-latching safety latches, the release mechanism of which must be located on the pool side of the gate or entryway. The mechanism shall be mounted at a minimum height of three (3) feet six (6) inches above grade and otherwise be designed and placed so that it cannot be reached by a child under six (6) years of age by reaching over the top, or through any opening or gap.~~

~~100.7.~~511.17. ~~734.~~Waterfront Structures.

A. ~~734.1.~~**Generally.** No waterfront, ~~or~~ erosion control structures, or seawalls shall be erected, expanded, or reconstructed except in accordance with~~:~~ ~~an Administrative Permit pursuant to this Section and Sections 506 and 704 of this Code and~~ the applicable provisions of:

1. ~~(1) the~~ General ~~P~~permit requirements ~~by~~ of the U.S. Army Corps of Engineers (COE)
2. ~~(2) the g~~General consent criteria of the Florida Department of Environmental Protection (DEP) requirements~~, (§ 403.813(2) F.S.)~~; and
3. ~~(3)s~~Separate permits issued by DEP, COE and the Southwest Florida Water Management District for certain waterfront structures, which must be obtained prior to ~~the issuance of Administrative Permits~~commencement of development.

~~734.1.1.~~**Standards.**

B. All waterfront structures shall meet the following standards and requirements. ~~Non-residential and multi-family waterfront structures shall meet these requirements in addition to the requirements of Section 603.14. Waterfront structures are permitted in the zoning districts as designated in Figure 6-1.~~

~~734.2.Standards. No such permit shall be granted unless the proposed activity is in compliance with all applicable County, State and Federal laws, is consistent with the Comprehensive Plan, and is in compliance with the following requirements as applicable.~~

1. ~~734.2.1.~~*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. ~~734.2.2.~~*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. ~~Such structures shall meet Section 734.2.1.~~ Boathouses may have a roof structure, but may not have enclosed walls. Boathouse roofs shall be tied down per the Manatee County Building Code~~s~~.
3. ~~734.2.3.~~*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. 734.2.4.*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.

734.2.5.All residential multi-family and non-residential waterfront structures shall require a Building Permit, and a final inspection.

C. 734.3.**Other Requirements.**

1. 734.3.1.All handling of fuel for residential docks shall meet all local, Sstate and Ffederal standards. No hazardous and toxic substances shall be handled or stored at or on any residential waterfront structure. Non-residential and multi-family waterfront structures shall also meet the requirements of Section 603.14.

2. 734.3.2.New boat ramps shall be located away from sites of high manatee concentrations. (Ssee Section 705.4721.4).

1.3. 734.3.3.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 603.14.1 and 705.4721.4 of this Code.

2.4. 734.3.4.No new boat ramps shall be located in areas characterized by significant seagrass flats as indicated in Section 705.4.C721.4.2 of the Code.

5. 734.3.5.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. Signage shall conform to Section 603.14.5(4), of this Code.

Commented [LDI31]: Are sign standards necessary, or would FDEP standards apply?

6. 734.3.6.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. 734.3.7.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 DEPDepartment of Environmental Protection.

8. 734.3.8.Floodways. All waterfront structures in the floodways shall comply with the standards contained in the Manatee County Public Works ManualSection 718.6.2.3.1.

9. 734.3.9.Recreational Facilities. Where such uses involve golf courses, tennis courts, swimming pools, marinas or any other conditional or accessory use, for which such use shall comply with the 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.

10. 734.3.10.The structure shall not adversely affect or disturb properties listed as eligible for inclusion in the National Register of Historic Places.

D. 734.4.**Erosion Control Structures.**

1. Erosion Control. 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.

734.5.Standards.

2. 734.5.1.No permit for an erosion control structure shall be granted unless the structure complies with all applicable Ffederal, Sstate and local laws, is consistent with the Comprehensive Plan and 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.

734.5.2.**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.

E. ~~734.5.3.~~When allowed, seawalls on lots created after the adoption of the Comprehensive Plan [May 15, 1989~~INSERT DATE~~] will be subject to the following provisions:

1. ~~734.5.3.1.~~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. ~~734.5.3.2.~~Seawalls constructed on tidal waterbodies shall not extend farther waterward than the mean high water line.
3. ~~734.5.3.3.~~All seawalls shall extend at least four (4) feet above mean sea level.
4. ~~734.5.3.4.~~Riprap ~~is~~ shall be installed at the toe of seawall pursuant to the conditions in the ~~Department of Environmental Protection (~~DEP~~)~~ ~~G~~general ~~C~~consent ~~C~~criteria.

Commented [LDI32]: STAFF: Which comp plan was this supposed to be? Do we need this sentence?

~~734.5.4. The Building Department shall review the proposed construction for Comprehensive Plan policy and other regulation compliance.~~

~~703.2.27. Visitor Information Centers.~~

~~703.2.33. Vehicle Storage in Enclosed Buildings.~~

~~704.76. Waterfront Structures. (See Section 734, Waterfront Structures.)~~

Section 512. to 519. Reserved.

Section 513. to 519. Reserved. [THESE WILL BE DELETED LATER]

Section 514. to 519. Reserved.

Section 515. to 519. Reserved.

Section 516. to 519. Reserved.

Section 517. to 519. Reserved.

Section 518. to 519. Reserved.

Section 519. to 519. Reserved.

Part III. ~~Section 705. –~~Standards for Temporary Uses ~~Criteria~~.

Section 520. General Standards.

705.1. Standards and Procedures for All Conditional Temporary Uses.

In addition to the requirements of Section 507, Temporary Uses, the following tTemporary uses are allowed subject to the following requirements and the specific standards contained in the following sections.

705.1.1. Applicability. All existing temporary uses which are nonconforming with this Code shall come into compliance upon adoption with this Code or cease the use. All new temporary uses shall conform to this Code.

705.1.3. Standards. No such use shall be permitted unless the following requirements are met:

A. 705.1.3.1. Nuisance, Hazardous Features. Adjacent uses shall be suitably protected from any nuisance or hazardous features involved in the use. See also Section 723.

B. 705.1.3.2. Traffic and Circulation. The use will shall not create hazardous vehicular or pedestrian traffic conditions, or result in traffic in excess of the capacity of streets serving the use;. and all pParking, driveway layouts temporary on-site traffic signage, handicap accessibility, and vehicular access shall be subject to approval approved by the Transportation and Planning Department Director.

C. 705.1.3.3. Public Facilities and Services. 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. Adequate potable water from Manatee County Public Water System or an in-ground private water supply system, electricity from the local utility company, refuse management, emergency services, access, and similar necessary facilities and services, with appropriate signage shall be provided for use. All necessary sanitary and potable water facilities shall be approved by the H.R.S./Manatee County Public Health Unit.

D. 705.1.3.4. Natural Environment. The proposed use will shall not have aan adverse impact on the natural environment. Adequate provisions shall be incorporated in the plans and construction to achieve compliance with Section 723, herein.

E. 705.1.3.5. Site Suitability. The site is 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. 705.1.3.6. Duration. 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. 705.1.3.7. Building Permit. A Bbuilding Ppermit is shall be obtained concurrently from the Building Division of the Planning and Development Services Department based on the proposed temporary use.

H. 705.1.3.8. Pre-Permit Site Inspection. A pre-permit site inspection has been will be conducted by the Building and Development Services Division and Growth Management Division of the Planning Department.

100.1. I. 507.4.7.Historic Environment. The proposal will proposed use shall not have adverse impacts on historic resources.

A. J. 705.1.3.9. Dust Control, Appearance. 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.

705.1.7. Additional Standards. No temporary use permit shall be issued for such uses unless the following additional requirements are met:

507.4.Specific Standards. No temporary use shall be permitted unless the following specific standards are met:

507.4.1.Nuisance, Hazardous Features. Adjacent uses shall be suitably protected from any nuisance or hazardous features involved in the use.

Commented [LDI33]: Revised to include only standards in this chapter. Review procedures moved to ch 2

Commented [LDI34]: Drafted to be more succinct

Commented [LDI35]: Addressed in the PMC

Commented [LDI36]: Same standards as old 705.1, above.

~~507.4.2.Traffic and Circulation. The use will not create hazardous vehicular or pedestrian traffic conditions, or result in traffic in excess of the capacity of streets serving the use, and all parking and driveway layouts shall be subject to the approval of the County Public Works Department.~~

~~507.4.3.Public Facilities and Services. Sufficient utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services will be available for the use, and all necessary sanitary facilities shall be subject to the approval of the County Health Department.~~

~~507.4.4.Natural Environment. The proposal will not have substantial adverse impact on the natural environment.~~

~~507.4.5.Site Suitability. The site is suitable for the proposed use, considering flood hazard, drainage, soil and other conditions which may constitute a danger to life, health or property.~~

~~507.4.6.Duration. The time the use is permitted is no longer than is reasonably necessary.~~

Section 521. ~~705.12. Other~~ 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. ~~Other~~ Temporary ~~U~~uses, other than those listed in this section, may be allowed by the ~~Planning Director~~Department Director subject to review, ~~for~~ and meeting the standards set forth in this ~~S~~section~~s 506, 705.1.3~~ and other relevant ~~S~~sections of this Code.

521.1. ~~705.8.~~ Christmas Tree Sales.

A. ~~705.8.3. Duration.~~ A ~~T~~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~~Planning Director~~. The ~~T~~temporary use permit shall be displayed in a conspicuous location on the site.

B. ~~705.8.1. Location.~~ Temporary Christmas tree sales shall be allowed ~~with a Temporary use permit~~ in the PD~~C~~, NC, GC and HC Districts.

C. ~~705.8.2. Parking.~~ 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. ~~705.2.~~ Construction Project Uses.

A. ~~705.2.1. Maximum Permit Period.~~ Construction project uses shall remain ~~V~~valid while an active ~~B~~building ~~P~~permit is in effect.

B. ~~705.2.2. Location.~~ Such uses shall be located within the lot or subdivision involved in the construction project~~,~~ or immediately adjacent thereto.

~~A.~~C. ~~705.2.3. Removal.~~ 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~~Paragraph 705.2.1~~ above.

D. ~~705.2.4. Screening *in or Adjacent to a Residential or Neighborhood Commercial District*.~~ 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. ~~705.2.5. Exemption.~~ Construction projects for the Public Works Department for rights-of-way and utility installations are exempt from these temporary use permit requirements.

F. ~~705.2.6.~~ 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 ~~B~~building ~~P~~permit for the project. The issuance of a ~~B~~building ~~P~~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. ~~705.3. Manufactured~~Mobile Home ~~s~~Use ~~Occupied~~ During House Construction.

A. ~~**705.3.2. Maximum Permit Period.**~~ A mobile home is allowed to be used for up to ~~T~~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 ~~B~~building ~~P~~permit is declared to be invalid.

B. ~~**705.3.1. Location.** Such~~ The temporary use~~s~~ of ~~manufactured~~mobile homes is~~shall be located~~ 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. ~~**705.3.3. Building Permit.**~~ No temporary use approval shall be issued for such use, unless a valid ~~B~~building ~~P~~permit has been obtained to construct a residential dwelling on the premises where the ~~manufactured~~ mobile home is to be placed.

~~705.3.4. Standards. No temporary use permit shall be issued for such uses unless the following requirements are met:~~

~~A.~~D. ~~**705.3.4.1. Removal.**~~ 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.~~Paragraph 705.3.2~~ above.

E. ~~**705.3.4.2. Screening** *in or Adjacent to a Residential District.*~~ Where deemed necessary by the Department Director~~Planning 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. ~~**705.3.4.3. Installation.**~~ A separate ~~B~~building ~~P~~permit for the ~~manufactured~~ mobile home is required. The applicant shall comply with the provisions of the Building Code and meet any applicable floodplain management requirements. All ~~manufactured~~ mobile homes shall be properly connected to the approved sanitary, potable water, and electric services.

Commented [LDI37]: There is no section 705.3.4.4.

G. ~~**705.3.4.5.**~~ The use of a recreational vehicle in lieu of a ~~manufactured~~ mobile home is prohibited.

521.4. ~~705.4.~~ Model Homes, Temporary Real Estate Sales Offices.

A. ~~**705.4.1. Maximum Permit Period.**~~ 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.

~~**705.4.2. Location.**~~

B. ~~**705.4.2.1. District.** Notwithstanding any other provision of this Code, no model home, including model single family detached, single family attached, duplex, multi-family, or manufactured home dwellings may be allowed in any district, except~~Model homes are only permitted in zoning districts where the structure may be erected and occupied for residential purposes.

C. ~~**705.4.2.2. Lot.**~~ 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. ~~**705.4.4. Number of Model Home Units.**~~ 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. ~~**705.4.3. Permit.**~~ The applicant shall comply with the provisions of the Manatee County Building Code prior to use of the model home. A separate ~~B~~building ~~P~~permit is required.

521.5. ~~705.5.~~ Promotional Activities of Retail Merchants.

A. ~~**705.5.2. Maximum Permit Period.**~~ Promotional activities are allowed for up to ~~F~~fourteen (14) days in any three (3) month period.

B. ~~705.5.1. Such~~ Temporary promotional activities, ~~involving~~ 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. ~~**705.5.3. Location.**~~ No required off-street parking space, service drive aisle, or loading area, shall be utilized for such display, without specific prior approval of the ~~Planning Director~~ Department Director.

D. ~~705.5.6.~~ 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~~713~~.

E. ~~**705.5.4. Tents.**~~ All tents shall comply with the Building Code requirements and a separate ~~B~~building ~~P~~permit shall be required.

F. ~~**705.5.5.**~~ Facilities for sanitary necessities and potable water shall be readily available for patron use, including information signage, during all hours when promotional activities occur.

521.6. ~~705.11.~~ Special Event Temporary of Rights-of-Way.

Commented [LDI38]: Consider moving out of the LDC at a later phase.

A. ~~**705.11.1.**~~ **Requests.** Applicants shall submit a request to the ~~Planning~~ Department Director for approval. The application request shall be submitted in accordance with Section 354~~705.1.2~~, Temporary Use Permits.

B. ~~**705.11.2.**~~ **Standards.** In addition to the standards stipulated under Section 520~~705.1.3~~, Subsections ~~.1~~A through ~~.E5, and .9,~~ the applicant's request shall ~~be based upon~~address the following ~~criteria~~:

1. ~~705.11.2.1.~~ The applicant shall be either a bona fide not-for-profit organization, an established community service organization or a non-formally organized group of residents. In order to make this determination, the Department ~~Planning~~ 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 ~~Planning~~ Department Director, shall be denied a special event permit.

2. ~~705.11.2.2.~~ Adequate parking accommodations for the anticipated event.

3. ~~705.11.2.3.~~ Adequate traffic and parking supervision for public safety.

4. ~~705.11.2.4.~~ Adequate pedestrian and vehicular access to the site to provide safe passage without endangering the citizens or property, in accordance with Subsection E, below~~Sec. 705.11.5~~.

5. ~~705.11.2.5.~~ Adequate safety provisions including barricades, during entire duration of rights-of-way use.

6. ~~705.11.2.6.~~ Adequate general liability insurance coverage and/or indemnification provisions satisfactory to the County.

7. ~~705.11.2.7.~~ Adequate justification of duration for rights-of-way use.

8. ~~705.11.2.8.~~ Adequate sanitary facilities, potable water, and emergency first aid shall be provided with signage.

C. ~~**705.11.3.**~~ **Submission and Review.** The applicant shall submit to the Department ~~Planning~~ 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 ~~Planning~~ 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 ~~Planning~~ 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. ~~705.11.4.~~ **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. ~~705.11.5.~~ **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. ~~705.11.6.~~ **General Requirements.**

1. ~~1.~~For parades, the parade sponsor shall pay for the required Sheriff's Office parade route escorts.
2. ~~2.~~For all other street closings, the sponsor shall pay/emit for the required police detail of the Sheriff's Office.
3. ~~*3.Temporary Construction.*~~ All temporary construction shall meet the requirements of the Manatee County Building Codes and this Code.
4. ~~4.Newspaper Notice.~~ The applicant shall submit in a format approved by the Department ~~Planning~~ 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 ~~Planning~~ Director prior to the commencement of the event.

521.7. ~~705.6.~~ Temporary Dwellings.

A. ~~**705.6.2. Purpose.** Such a use~~ A temporary dwelling unit shall only be allowed ~~only~~ 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 ~~such dwelling is to be rebuilt or repaired, and~~ a valid ~~B~~building ~~P~~permit has been issued for ~~such~~ the rebuilding or repairing of the dwelling.

B. ~~**705.6.1. Maximum Permit Period:**~~ Temporary dwellings are permitted for up to ~~O~~one (1) year, or upon repair of the destroyed or damaged dwelling.

C. ~~**705.6.3. Location.**~~ 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. ~~**705.6.4. Manufactured Home** *Allowed.*~~ No ~~manufactured~~ mobile home may be allowed as a temporary dwelling in any district unless such ~~manufactured~~ mobile home ~~could be~~is allowed as a ~~C~~conditional ~~U~~use without regard to lot size. No ~~R~~recreational ~~V~~vehicle is allowed under any circumstance as a temporary dwelling in any district, except within a Recreational Vehicle Park.

521.8. ~~705.7.~~ Temporary Recreation Facilities.

A. ~~**705.7.1. Maximum Permit Period:**~~ Temporary recreation facilities are allowed for up to twenty (20) consecutive days.

~~705.7.2. Standards. No temporary Conditional Use Permit shall be issued for such uses unless:~~

B. ~~**705.7.2.1. Health Requirements.**~~ The sponsoring organization ~~has~~ shall furnish~~ed~~ the Health Director information as to sanitary arrangements and facilities to be used by the public and employees; and the Health Director has advised the ~~Planning Director~~Department Director, in writing, that such arrangements and facilities will be adequate if properly used and maintained.

C. ~~**705.7.2.2.**~~ The sponsoring organization shall submit information, with respect to off-street parking and potable water, to the Department Director~~Public Works Director~~ for approval.

521.9. ~~705.10.~~ Temporary Farmers Markets by Non-Profit Organizations.

A. ~~**705.10.1.** *Duration.*~~ Temporary farmers markets by non-profit organizations are permitted for up to 90 days per calendar year.

B. ~~**705.10.2. Use Limitations.**~~ 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. ~~**705.10.3. Location.** Such f~~Farmer's markets may be located within parking areas provided that parking equal~~l~~ing 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. ~~**705.10.4. Sponsorship.**~~ Temporary farmer's markets shall be permitted with a ~~T~~temporary use permit when sponsored by a non-profit organization such as a church, or civic organization.

521.10. ~~705.9.~~ Tents.

A. ~~**705.9.1. Locations.**~~ Tents may only be used ~~for otherwise~~ in conjunction with permitted temporary uses.

~~**705.9.2. Applicability.**~~ A ~~temporary use permit and a~~ separate ~~B~~building ~~P~~permit shall be obtained for all ~~temporary use installations of~~ tents to be used for non-residential purposes~~for all non-residential uses.~~

B. ~~*705.9.4. Responsibility*~~. 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. ~~**705.9.3. Inspection.**~~ An inspection by the Building and Development Services ~~Division of the Planning~~ Department, Public Works Department; and applicable fire districts(s) ~~and HRS/Manatee County Public Health Unit~~ shall be required upon setting up of the tent and prior to allowing the public to enter. ~~In addition to the plan requirements of 705.1.3.7, t~~The plan shall indicate the proposed capacity and sufficient egress to accommodate the proposed capacity.

Commented [LDI39]: County's Health Department doesn't do inspections of tents.

~~705.9.5. Building Code Reference. The property owner and tent erector shall comply with the Manatee County Building Code.~~

Section 522. to 529. Reserved.

Section 523. to 529. Reserved. [THESE WILL BE DELETED LATER]

Section 524. to 529. Reserved.

Section 525. to 529. Reserved.

Section 526. to 529. Reserved.

Section 527. to 529. Reserved.

Section 528. to 529. Reserved.

Section 529. to 529. Reserved.

Part IV. ~~Section 704.Conditional Use Criteria.~~Standards for Specific Uses.

Section 530. General.

.704.1. General Conditions. The following sections establish criteria additional standards for uses that are allowed by right or through only with Conditional UseAdministrative or Special Permit approval, as specified in Chapter 4Figure 6-1 and Chapter 6 of this Code. In addition to the criteria standardsfor approval set forth listed below, in Section 505 or 506, each use special permits shall also comply with the approval criteria in this Section that apply to such useset 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.

704.19.Drinking Establishments (See Sec.708).

704.21. Dry Cleaners. (See Industrial Service Establishment).

704.22.Earthmoving Uses.Shall be regulated by Section 732 of this Code.

704.33.Game Preserves. (See Section 726, Wild and Exotic Animals.)

704.34.Gas Pumps. (See Service Station.)

704.52. Multifamily Dwellings in PR District.

Section 531. Standards for Specific Uses.

531.1. 704.2.Agriculturale Uses.

EachAll applications for Agricultural and Animal Products Processing Plants, Commercial Stockyards, Short Term Agricultural Uses, Slaughterhouses, and Sawmills shall meet the following standardsinclude an evaluation of the proposed use, indicating how the use can be made to comply with the applicable use limitations of the district.

704.2.1.Adverse Impacts.

All agricultural operations adjacent to residential land use or zoning shall meet the requirements of Section 723, Adverse Impacts, if applicable.

704.2.2.Use Limitations.

A. There shall be no pastures, raising, breeding, and use of farm animals, aquaculture or beekeeping within the RSF, RDD, RMF or RSMH Districts.

B. 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.

C. All commercial agricultural operations within the CON Districts must submit possess approved Conservation Plans consistent with the Comprehensive Plan, whichthat shall incorporate site specific Best Management Practices (BMP) which are approved by Manatee County and applied by the applicant.

D. . Note:All Agricultural uses in the WP-E or WP-M Overlay Districts shall require Administrative Permit approval.

AP*/SP* = General Agricultural (A) and Suburban Agricultural (A-1) parcels smaller than ten (10) acres in size shall obtain approval by a Special Permit.

704.3.Agricultural and Animal Products Processing Plants, Commercial Stockyards, Short Term Agricultural Uses, Slaughterhouses, and Sawmills.

Each application for Agricultural and Animal Products Processing Plants, Commercial Stockyards, Short Term

Commented [LDI40]: Changed to special permit due to a lack of CUP procedures in Code

Commented [LEA41]: All uses are required to meet code. No need to specify it here too.

Commented [LEA42]: All uses are subject to that section, not just Ag.

Commented [LDI43]: this requirement was brought in (and revised) from 602.1.1

Commented [LDI44]: Items c and d were brought in (and revised) from figure 6.1 notes

Commented [LEA45]: Important: This footnote came from the Community Uses table in ch. 6. The AP*/SP*, however, does not appear in the table. It is not clear when the 10 acre rule applies.

~~Agricultural Uses, Slaughterhouses, and Sawmills shall include an evaluation of the proposed use, indicating how the use can be made to comply with the applicable use limitations of the district.~~

~~704.3.1.Compliance with Law. No conditional use approval shall be issued for such a use until the applicant that furnished evidence that the proposed development meets all regulations specified by State Law and all other County Regulations.~~

E. ~~704.3.2.Water Pollution.~~ A program is required for controlling non-point sources of water pollution originating from any areas disturbed by ~~such~~ agricultural facilities and the runoff from which is redirected back into an approved receptor on-site.

F. ~~704.3.3.Location.~~ No outside storage of equipment or materials shall be located within the front yard setback of the principal structure.

~~704.26.Farms. (See Agriculture).~~

~~704.68.Small Animal Specialty Farms.~~

~~A.~~G. The minimum lot area for ~~such uses~~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~~.~~, ~~I~~in which case, technical evidence and documentation shall be prepared by an engineer or architect to demonstrate to the Building Official that the structure is soundproof. See also Section 531.5~~726~~, Animal Services (Wild and Exotic Animals).

~~100.1.~~531.2. ~~704.4~~Aircraft Landing Fields~~ and Private or Public Airports~~.

A. ~~704.4.1.~~Aircraft landing fields shall be:

1. ~~1.~~Associated with an on-site agricultural operation, and/or used for crop dusting and similar services~~,~~; ~~or~~

2. ~~2.~~Used for a personal plane~~,~~; or

3. ~~3.~~Associated with an "aviation-oriented" development where the aircraft landing field is for use by owners and invited guests only.

B. ~~704.4.2.~~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. ~~704.4.3.~~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. ~~704.4.4.~~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. ~~*704.70.3.2.3. Noise Abatement.*~~ 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.

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

Commented [LEA46]: All uses are required to meet code. No need to specify it here too.

Commented [LEA47]: Unnecessary provision. They all have to meet county, state and federal regulations, regardless of what this code says.

Commented [LDI48]: Moved here from 725.1 (the rest is in chapter 4)

Commented [LDI49]: Moved here from Aircraft Landing Field definition

~~100.2.~~531.3. ~~704.4.5.Private or Public~~ Airports.

~~704.4.5.1.All private or public airports shall meet the requirements of Section 735 Airport Siting Criteria.~~

~~704.5.Airport Impact Overlay District. All developments within the AI Overlay District shall meet the requirements of~~

~~**100.3.** Section 735.Airport Siting Criteria.~~

A. ~~735.1.~~General Requirements for Airport Siting. ~~In addition to the general review criteria contained in Section 603 of this Code, a~~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 ~~L~~landing ~~F~~fields~~,~~ shall not be considered airports for the purposes of this section, and shall be subject to siting criteria as specified under ~~Chapter 330, Florida Statutes, and Rule 14-60, Florida Administrative Code, as amended~~Section 531.2.

1. ~~735.1.1~~Airports and aircraft flight patterns must be compatible with the regulation for tall towers and structures included in Section 403.2~~725~~ 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. ~~735.1.2.~~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. ~~735.1.3.~~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 ~~725~~ will be reviewed on a case-by-case basis.
4. ~~735.1.4.~~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. ~~735.1.5.~~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. ~~735.1.6.~~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. ~~735.1.7.~~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. ~~735.1.8.~~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. ~~735.1.9.~~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. ~~735.1.10~~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~~723.3.1~~ of this Code.
11. ~~735.1.11.~~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. ~~735.1.12.~~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. 735.1.13.Airport development shall only be permitted in areas where the proposed facility can be adequately served by support facilities.

14. 735.1.14.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. 735.1.15.Airport sites shall be consistent with State and Regional airport plans.

16. 735.1.16.Airport sites shall be consistent with the Federal Aviation Authority (FAA) site selection criteria.

17. 735.1.17.Airports shall not be permitted in areas which would adversely impact airspace at any existing public, private or military airport.

18. 735.1.18No 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.

735.2.Airport Development Application.

704.4.5.2.Application for a private or public airport must be accompanied by an application to amend Section 725403.2, (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.

B. 735.2.1. Any application for the development of a new, or expanded, airport regulated under this Section of the Code shall require identification of the following:

1. 735.2.1.1.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. 735.2.1.2.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. 735.2.1.3.Land uses within three (3) statute miles from any land use which produces significant smoke, glare or visual hazards.

4. 735.2.1.4.Bird feeding, water or roosting areas within the airport zones described in Section 725 403.2 of this Code.

5. 735.2.1.5.Landfills within ten thousand (10,000) feet of the airport boundary.

6. 735.2.1.6.Antenna towers within three-and-one-half (3.5) nautical miles of the airport boundary.

7. 735.2.1.7.Lighting or illumination which is misleading or dangerous within three (3) statute miles of any runway.

8. 735.2.1.8.Public water supply wells on and within two hundred (200) feet of the airport development.

9. 735.2.1.9.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. 735.2.1.10.Proof of control or the ability to obtain control of all land within the airport clear zones.

11. 735.2.1.11.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. 735.2.1.12.Airport hazard areas.

704.6. [Reserved.]

100.4.531.4. Section 708. - Sale of Alcoholic Beverages Establishments.

708.1. Zoning Districts.

All establishments selling alcoholic beverages for consumption on premises or package sales must be located within

~~a zoning district which allows such uses (e.g. convenience retail sales, and restaurants). Drinking establishments may be allowed in the NC, GC, HC, PDC, PDW, PDMU, and PDI districts.~~

~~708.3. Consumption on Premises.~~

~~708.3.1. Permitted Facilities. Consumption on premises shall be permitted at the following facilities:~~

~~1.Restaurants of any size;~~

~~2.Hotels and motels meeting the requirements of F.S. § 561.20(2)(a)1., as may be amended;~~

~~3.Country clubs meeting the requirements of F.S. § 561.20(7)(b), as may be amended;~~

~~4.Private, civic and fraternal clubs located in non-residential zoning districts and meeting the requirements of F.S. §§ 561.20(7)(a) and 565.02(4), as may be amended; or~~

~~5.Performing arts centers meeting the requirements of F.S. § 561.20(2)(j), as may be amended, and theaters with live performances meeting the requirements of F.S. § 565.02(10), as may be amended.~~

~~708.3.2. Conditional Use Establishments:~~

~~a.Drinking Establishments. All other facilities with consumption on premises, including bottle clubs, shall be required to obtain a Special Permit pursuant to Section 505, except that Drinking Establishments with a 2-COP license, serving beer and wine only, shall be allowed by Administrative Permit in all standard and planned development commercial zoning districts.~~

A. ~~**b.Drinking Establishments in Mixed Use Projects.**~~ A 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.

B. ~~**c.Outdoor Sales.**~~ Except at country clubs and mixed use projects with~~in~~ a residential ~~developments~~component, ~~all~~ outdoor sales or consumption on premises of alcoholic beverages within two hundred (200) feet of residentially zoned ~~or used~~ property ~~shall be~~ require~~d to obtain a~~ Special Permit approval~~pursuant to Section 505~~.

C. ~~**d.Outdoor Sales in Mixed Use Projects.**~~ Outdoor sales or consumption on premises of alcoholic beverages ~~An Administrative Permit~~ may be allowed through Administrative Permit where such residentially used or zoned property is in a 2nd floor or above ~~residence~~ in a mixed use project with two (2) or more uses. The ~~Developer of such projects shall have provided notification to residential unit owners, through a~~ 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 ~~outdoor dining, entertainment, and activities~~alcoholic beverage establishments.

~~708.2. Package Sales.~~

~~A.~~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. ~~Section 726. –~~ Animal Services (Wild and Exotic Animals).

~~726.1.Intent and General Requirements.~~The intent of this ~~S~~section is to regulate the character, location, and magnitude of the land use aspects of various ~~wild and exotic animal~~ land uses that involve wild and exotic animals~~, as these are described hereinafter~~.

~~726.1.1. Any facility which would contain or support personal pets, which are wild or exotic animals, are Administrative Permit uses in each and every zoning district in Manatee County. Such Administrative Permits may be issued if the following criteria are met:~~

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

B. ~~2.~~All necessary state permits shall be obtained for the housing of wild or exotic animals and all the conditions of the state permits shall be met.

Commented [LEA50]: Moved to table of uses

Commented [LDI51]: Moved to definition.

Commented [LDI52]: Use table. Shown as SP or AP in appropriate districts. Changed drinking establishments to Alcoholic Beverage Establishments

Commented [LDI53]: Brought in from definitions.

~~Assisted Living Facilities (ALF)~~

~~Separation. No ALF shall be located within one thousand (1,000) feet of another facility, measured from property line to property line.~~

~~Density Limitations. All ALFs shall meet the density limitations of their zoning districts. For the purpose of calculating density, six (6) residents (including resident staff) shall equal one (1) dwelling unit.~~

~~Floor Area Requirements.~~

~~Minimum Floor Area per Person. 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.~~

~~Minimum Interior Living Space. 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.~~

~~Bathroom Facilities. 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.~~

531.6. ~~704.7~~Auction Houses, Open.

A. **~~704.7.1.Setbacks.~~** 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. **~~704.7.2.Adverse Impacts.~~** The applicant shall demonstrate compliance with Chapter 5, Part IV~~Section 723~~, Adverse Impacts, specifically noise impacts, with submittal of their ~~conditional use~~special permit application. ~~704.7.3.~~ No outdoor public address systems or speakers shall be used within five hundred (500) feet of residentially zoned or used property.

531.7. ~~704.8.~~ Bed and Breakfast.

A. **~~704.8.1.Location.~~** 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 ~~B~~bed and ~~B~~breakfast establishment with less than six (6) rental rooms~~,~~ may be located on a local residential street.

B. **~~704.8.2.Parking.~~** Bed and ~~B~~breakfast establishments shall provide one parking space per bed for rent, plus one space per employee. Parking shall, where possible, be placed in the rear yard. Drive aisles for ~~a~~ two-way travel, when not located adjacent to parking stalls, may be reduced to sixteen (16) feet in width.

C. **~~704.8.3.Character.~~** Bed and ~~B~~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 ~~B~~bed and ~~B~~breakfast establishment. New construction shall be prohibited.

~~704.8.4.Screening. Screening shall be provided in accordance with Section 715~~

D. **~~704.8.5.Signs.~~** Bed and ~~B~~breakfast establishments shall be allowed one (1) wall sign containing four (4) square feet~~,~~. ~~s~~Such signs shall be designed and colored to maintain the residential character of the neighborhood.

531.8. ~~704.9.~~Breeding Facilities.

A. **~~704.9.2.Minimum Lot Size.~~** All breeding facilities shall be located upon lots having at least ten (10) acres.

B. **~~704.9.1.Setbacks.~~** 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. **~~704.9.3.Screening.~~** All ~~sides of the~~ property lines adjacent ~~to a~~ residential zoning ~~district~~or ~~to a residential future~~ land uses ~~category~~ shall be screened pursuant to the standards of Section 701~~715.5.5.2.1~~ and said

Commented [LEA54]: Combined with all other residential care facilities as they all have similar standards.

Commented [LDI55]: Added ALFs to be consistent with state statutes. The standards below came from the Residential Care Facilities section 704.62.

Commented [LDI56]: Changed to special permit due to a lack of CUP procedures in Code

buffer shall be a minimum width of ten (10) feet.

531.9. Building Materials Sales Establishment.

A. 704.45. Lumberyards.

1. 704.45.1.Setbacks. No buildings or outdoor areas used for processing, finishing or cutting shall be closer than fifty (50) feet from all property lines. In addition,

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

704.45.2.Screening. All screening for lumberyards adjacent to residential uses/zoning shall be provided in accordance with Section 715.

100.5.531.10. 704.11.Car Washes.

A. 704.11.1.*Enclosure.* All principal car washing machinery shall be within a completely enclosed building behind opaque exterior walls, except for necessary entrances and exits.

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

B. 704.11.3.*Car Washes.* Car washes in GC and NC shall not use outdoor speakers if abutting a residential district.

C. 704.11.4.*Setbacks.* All self-serve car wash, drying/vacuum areas shall be set back fifty (50) feet from any adjacent residential use/zoning.

D. 704.11.5. All full serve and incidental car wash structures shall be set back at least thirty-five (35) feet from any adjacent residential use/zoning.

E. 704.11.6.Other standards. All car wash establishments shall meet the drive through stacking requirements of this Section 710.

100.6.531.11. 704.12.Cemeteries, Columbariums, Mausoleums (including Human and Pet).

704.12.1.Setbacks. 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.

704.12.2.Screening. Screening shall be required in accordance with Section 715, Landscaping.

100.7.531.12. 704.18.Day Child Care Centers.

704.18.4.Compliance With Law.

A. No conditional use approval shall be issued for such a DayChild care centers use until the applicant has furnished a written statement that the proposed development shall meets NFPA-101 Life Safety Code, and all regulations specified by Sstate Llaw and County Rregulations.

704.18.1.Usable Outdoor Recreation Area. Outdoor recreation areas shall be regulated and enforced by the State of Florida.

704.18.2.Indoor Floor Space. All day care centers shall comply with applicable requirements in the Florida Statutes and Florida Administrative Code regarding useable indoor floor space.

704.18.3.**Access.**

B. All such uses DayChild 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 Public Works DepartmentDepartment Director.

C. 704.18.5. All childday care centers within residential zoning districts that shall meet the following criteria may be allowed as shown in Figure 6-1 by Administrative Permit. All day care centers within nonresidential districts shall be allowed by Administrative Permit, notwithstanding the requirements of 704.18.7, below. Any

Commented [LDI57]: Address in development compatibility section (phase 2)

Commented [LDI58]: Covered by previous requirement

Commented [LDI59]: Covered by previous requirement

~~proposed day~~ Child care centers that do~~es~~ not meet these criteria ~~, and is allowed in the zoning district,~~ may still be allowed but only ~~must receive~~ through Special Permit approval~~.~~:

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

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

D. ~~All day~~ Child care centers within nonresidential districts ~~shall be allowed by Administrative Permit, notwithstanding~~ are not required to meet the requirements of ~~704.18.7. below~~C, above.

~~704.18.6.Screening. Screening for all Day Care Centers shall be provided in accordance with Section 715.~~

Commented [LEA60]: Not necessary to state this; all uses are required to meet those requirements.

~~100.8.~~531.13. ~~704.13.~~Churches/ ~~or Other~~ Places of Worship~~, Religious Institutional Residences~~.

A. ~~704.13.1.*Standards.*~~ Proposed church facilities in agricultural, residential and CRV zoning districts, shall ~~be allowed by Administrative Permit if~~ meet the following criteria~~. a. c. listed below are met, or by (C~~churches/places of worship that do not meet the criteria may still be allowed but only through Special Permit approval)~~if those criteria cannot be met. Those church facilities in non-residential districts (except the CRV district) shall be allowed by Administrative Permit notwithstanding the following criteria. The criteria are as follows:~~ :

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

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

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

B. ~~704.13.2.*Parking.*~~ If, under the provisions of ~~Section 710.1.5.5.5.1~~Section 1005, Off-Street parking~~,~~, the ~~Planning~~ Department Director approves the use of grassed parking areas, then:

1. ~~704.13.2.1.~~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. A minimum of twenty (20) percent of all required parking shall be paved~~.~~; and

2. ~~704.13.2.2.~~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.

~~704.13.3.Screening. Screening shall be provided in accordance with Section 715.~~

Commented [LDI61]: No need to state this as the previous sentence only requires those churches in Ag, resid and CRV districts to comply with the criteria. The table of uses shows churches as AP in all districts where allowed.

Commented [LDI62]: Add as footnote to use table (Phase 2)

Commented [LDI63]: Too subjective. Better to use the collector location criteria only. (Phase 2)

Commented [LDI64]: No need to state here as it is already stated in chapter 9 (parking). (Phase 2)

Commented [LDI65]: The Department Director can decide how much to approve. (Phase 2)

~~100.9.~~531.14. ~~704.56.~~Civic, Social and Fraternal Organizations/Clubs.~~Private Community Uses.~~

A. ~~704.56.1.Setback.~~ 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. ~~704.56.2.Parking and Loading.~~ 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. ~~704.56.3.Recreational Facilities.~~ 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.

~~704.56.4.Screening. Screening shall be provided in accordance with Section 715.~~

D. ~~704.56.5.Location. All Private Community Uses~~Organizations/clubs within residential zoning districts~~, must~~ shall meet the following ~~additional~~ criteria ~~to be allowed, as shown in Figure 6-1, by Administrative Permit~~.

Commented [LDI66]: Address in development compatibility (Ph 2)

Commented [LDI67]: Standards for these already in Accessory uses.

Commented [LDI68]: Added as footnote to use table

~~Any proposed~~ Organizations/clubs~~Private Community Use~~ that do~~es~~ not meet these criteria may still be allowed through ~~, and is allowed in the zoning district, must receive~~ Special Permit approval~~.~~:

1. ~~1.~~The ~~Private Community U~~use is located upon a roadway classified as a collector or higher on the Roadway Functional classification Map; and
2. ~~2.~~The ~~Private Community~~ use is at the edge of a neighborhood, at a corner location or is an integral part of a multifamily development.

~~Any proposed Private Community Use that does not meet those criteria, and is allowed in the zoning district, must receive Special Permit approval.~~

~~704.14. Construction in 25-Year Floodplain. (See Section 718).~~

~~704.15. Correctional Facilities.~~

~~Correctional Facilities shall meet the requirements of Section 505 plus all applicable State and Federal requirements.~~

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

Commented [LDI69]: Brought in from definition.

~~100.10.~~531.15. ~~704.17.~~Cultural Facilities.

A. ~~704.17.1.Location.~~ 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.

Commented [LDI70]: Added to Use Table

Commented [LDI71]: Added to Use table

B. ~~704.17.2.Setbacks.~~ 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. ~~704.17.3.Screening.~~ 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.

Commented [LDI72]: Address in development compatibility Section (Ph 2)

531.16. ~~704.20.~~Drive-Through ~~Facilities~~Establishments.

~~704.20.1.Applicability. This~~ The following standards shall apply to all drive-through facilities~~establishments with drive through facilities~~, including but not limited to~~:~~ eating establishments, banks, drug stores, car washes, and ~~pick-up~~ dry cleaners.

A. ~~704.20.2.*Setbacks.*~~ All vehicular stacking areas associated with drive through facilities shall be set back at least thirty (30) feet from adjacent residential zoning/uses.

B. ~~704.20.3.*Screening.*~~ 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.

~~**100.11.**~~C. ~~704.20.4.Stacking.~~ 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. ~~See also Section 710.~~

~~C.~~D. ~~710.1.5.5.10. Stacking Lanes for Drive-Through Facilities.~~ 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 ~~Table A~~the Manatee County Public Works Standards Manual.

~~D.~~E. ~~710.1.5.5.10.1~~ All drive-through facilities shall provide a by-pass lane, or safe means of egress around drive-through lanes, unless waived by the Department ~~Planning~~ Director due to specific mitigating site or operational conditions.

F. ~~710.1.5.5.2 Drive Through Service Lanes.~~ 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.

~~E.~~G.Drive-Through Eating Establishment Uses within the PDRP~~,~~ or PDI~~, or PDPI~~ District shall be located on a collector or higher and oriented towards the exterior of the project.

~~Section 711.Driveway Access Regulations.~~

~~Section 732.Earthmoving.~~

~~Section 737.Entranceways~~

Commented [LEA73]: Moved from commercial use limitations table. Note that the table addresses location of drive-thrus in PDPI but the table of uses lists them as X.

Commented [LDI74]: Moved to ch 9

Commented [LDI75]: Moved to ch. 7.

Commented [LDI76]: Moved to ch. 9

Commented [LDI77]: Moved here from definitions.

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
Eating Establishment (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

~~100.12.~~531.18. ~~704.16.~~Equipment Sales, Rental, Leasing, Storing and Service (Heavy)~~Construction Service Establishment, Building Materials Establishment~~.

A. ~~704.16.1.Location.~~ No outside storage of equipment or materials shall be located within the required front yard of the principal structure.

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

~~A.~~B.~~The area used for the display of equipment for sale~~ shall not exceed two thousand (2,000) square feet in size.

C. ~~704.16.2.Screening.~~ 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. ~~, i~~In addition to the fence, landscaping shall be provided ~~at the front property line and~~ along all property lines adjacent to a right-of-way~~residentially zoned lot~~. The landscaping shall achieve a minimum of ~~equaling~~ eighty (80) percent opacity~~, which~~ and shall be provided ~~at~~ along the exterior side of the fence. ~~Equipment not displayed for sale or rental shall be screened from the right-of-way and any adjacent residentially zoned property by a minimum eight (8) foot high opaque, decorative fence, as above.~~

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

E. ~~704.27.~~Farm Equipment and Supply Establishments, and Farming Service Establishments shall also meet the following~~.~~:

1. ~~704.27.1.*Location.* All such f~~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. ~~704.27.2.*Screening.*~~ 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. ~~704.27.3.*Setbacks.*~~ All lots containing structures associated with this use shall be set back at least fifty (50) feet from adjacent resident zoning or land uses.

~~C.~~F. ~~704.43.~~Lawn Care/Landscaping.

1. ~~704.43.1.*Screening.*~~ All outdoor storage of equipment shall be screened from adjacent residential property by a fence~~minimum~~ ~~of~~ at least six (6) ~~foot high~~ feet in height~~fence~~.

2. ~~704.43.2.*Storage.*~~ 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. ~~704.28.~~Farm Worker Housing.

A. ~~704.28.3.~~General Requirements. ~~*Standards.* The following standards apply to a~~All farm worker housing shall meet the following standards:

1. ~~*704.28.3.1.*~~*Minimum Net Floor Area per Unit:* Four hundred (400) square feet.

2. ~~*704.28.3.2.*~~*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. ~~*704.28.3.3.*~~*Coastal High Hazard Area.* ~~Manufactured~~ Mobile homes shall be prohibited within the Coastal High Hazard Area Overlay District.

4. ~~*704.28.3.4.*~~*Mobile Homes.* If ~~manufactured~~ mobile homes are utilized, they shall be underskirted so no support structures are visible.

~~*704.28.3.5.Approval. If a subdivision is involved, compliance with the requirements of this Section and Chapter 9 of this Code shall be sufficient to obtain approval of farm worker housing. Where no subdivision is proposed in connection with the farm worker housing, approval shall be obtained in accordance with the provisions for Administrative Permit uses in Section 506.*~~

5. ~~*704.28.3.6.*~~*Notice of Conveyance.* Wherever an interest in real property within an area covered by an approved subdivision or ~~conditional use (or~~ special permit~~)~~ for farm-worker 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 farm-worker 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 ~~Planning Director~~Department Director.

6. ~~*704.28.3.7.*~~*Water and Sewer~~age~~.* All dwellings shall be served by public water and public sewer~~age~~; or permanent in-ground water and sewer~~age~~ facilities as approved by the ~~H.R.S./Manatee County Public Health Unit and the Planning Department~~Department Director.

7. ~~*704.28.3.8.*~~*Minimum Lot Size.* All farmworker housing shall meet the following minimum lot size requirements:

Commented [LDI78]: Add to use table under equipment sales, rental and leasing, light (Ph 2)

Commented [LEA79]: Unnecessary provision.

Commented [LDI80]: Changed to department director

a. ~~1.~~Manufactured Homes—RSMH-6 standards;

b. ~~2.~~Single-Family Detached—RSF-4.5 standards;

c. ~~3.~~Duplex Dwellings—RDD-4.5 standards; and

d. ~~4.~~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.

~~1.~~9. ~~*704.28.1.7.*~~ *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.

~~2.~~11. ~~*704.28.2.9.*~~ *Time Limit.* Administrative and Special Permits for Farmworker ~~H~~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.

~~**704.28.1.Administrative Permit Requirements**~~**Farm Worker Housing Requiring AP Approval.**

B. ~~704.28.1.1.General. In addition to all other regulations contained herein, farm worker housing may be permitted by Administrative Permit following all of the criteria established in Section 506 where~~ Farm worker housing requiring Administrative Permit 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. ~~704.28.1.2.~~*Location.* ~~Farm worker housing shall be located on property designated as "A".~~ Farm-worker housing must be located on property under active agricultural use and under the same ownership.

2. ~~704.28.1.3.~~*Minimum* ~~*Acres*~~*Site Size*~~:~~. Two hundred fifty (250) acres.

3. ~~704.28.1.4.~~*Maximum Number of Dwelling Units*~~s~~*:* Fifteen (15) dwelling units.

4. ~~704.28.1.5.~~*Access.* Access to the farm-worker 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~~Section 706~~.

5. ~~704.28.1.6.~~*Setbacks.* ~~In order to maintain the character of existing or proposed development patterns in the area, farm worker housing shall be located on the property so as to minimize any impact on adjacent property. The following minimum of five hundred (500) feet from all property lines. This~~ The setback requirement may be increased at the discretion of the ~~Planning Director~~Department Director in order to minimize or eliminate any potential visual impact on surrounding existing residential development.

~~704.28.1.7.*Spacing.* Farm worker housing may not be located within one (1) mile of any other existing farm worker housing.~~

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

~~**704.28.2.**~~**Farm Worker Housing Requiring SP Approval**~~Special Permit Requirements~~.

C. ~~704.28.2.1.General. Farm worker housing projects within A or A-1 zoning districts which do not meet the criteria for Administrative Permit approval may be approved if~~Farm worker housing requiring SP approval per Chapter 4 ~~they~~ shall meet the following requirements ~~for Special Permit approval~~ and other relevant provisions of this Code~~.~~:

~~*704.28.2.2.Location. Farm worker housing shall be located on A or A-1 zoned property.*~~

1. ~~*704.28.2.3.*~~*Minimum* ~~*Acres*~~*Site Size*. One hundred sixty (160) acres.

2. ~~*704.28.2.4.*~~*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 ~~for any one (1) lot or parcel~~.

Commented [LEA81]: *Language copied from 704.28.1.6.*

Commented [LEA82]: The table of uses already specifies this.

Commented [LEA83]: Moved up to general requirements.

Commented [LDI84]: Already addressed in general requirements.

Commented [LEA85]: From 704.28.2.1

Commented [LDI86]: There is another district that allows FWH through SP.

3. ~~*704.28.2.5.*~~*Access*. All farm-worker housing shall be located within one-half (1/2) mile of a major thoroughfare. At a minimum, all farm-worker housing shall front upon a local public or approved private street.

~~704.28.2.6.Spacing. Farm worker housing shall not be located within one (1) mile of any other existing farm worker housing.~~

4. ~~*704.28.2.7.*~~*Setbacks*. ~~All farm worker housing shall maintain a minimum setback of five hundred (500) feet from all property lines.~~ The Hearing Officer may increase ~~this~~ 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. ~~*704.28.2.8.*~~*Waivers*. The minimum site size and separation requirements noted above ~~of Sections 704.28.2.3 through 704.28.2.6~~ may be waived by the Hearing Officer if he/she finds that no public purpose is served by the requirement.

~~100.13.~~531.20. ~~704.30.~~Flea Markets.

A. ~~**704.30.1.Off-Street Parking.** Required off-street parking shall be provided in accordance with Section 710, Off-Street Parking.~~ Parking lots shall be paved with a smooth, dustless surface, provided that where determined adequate by the ~~Planning Director~~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. ~~**704.30.2.Setbacks.**~~ 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 ~~lot~~ property line which abuts a residential district.

C. ~~**704.30.3.Water and Sewer***age.*~~ The flea market shall be served by public water and sewerage; or permanent in-ground water and sewer~~age~~ facilities as approved by ~~the HRS/~~Manatee County and the Florida Department of Health ~~Public Health Unit and the Planning Department~~.

D. ~~**704.30.4.Fire Lane.**~~ 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. ~~704.30.5.**Landscaping; Screening.**~~ All parking areas shall comply with Section ~~715~~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.

~~Section 718.Floodplain Management.~~

~~100.14.~~531.21. ~~704.31.~~Food Catering.

A. ~~704.31.1.*Screening.*~~ 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 701~~715.5.2.1~~.

B. ~~704.31.2~~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.

~~100.15.~~531.22. ~~704.32.~~ Funeral Chapels and Funeral Homes.

A. ~~704.32.1*Access.*~~ 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.

Commented [LEA87]: Already stated in general provisions.

Commented [LEA88]: Moved to general standards applicable to all FWH.

Commented [LEA89]: Moved from Miscellaneous Uses table.

Commented [LEA90]: Moved from Miscellaneous Uses table.

Commented [LDI91]: Moved to ch. 6

B. ~~704.32.2.*Setback.*~~ 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. ~~704.32.3.*Parking and Loading.*~~ 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.

~~704.32.4.Screening. Screening shall be provided in accordance with Section 715.~~

~~Section 738.Groundwater/Wellhead Protection.~~

~~100.16.~~531.23. ~~704.35.~~Group Housing, Dormitories and Boarding Houses.

A. ~~704.3.1.*Access.*~~ 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. ~~704.35.2.Screening.~~ Group Housing ~~within the A or A-1 districts~~ shall provide a screening ~~meet the~~ buffer ~~requirements for multi-family uses.~~ of at least ten (10) feet in width meeting the requirements of Section ~~715.5.2~~701.3.B. Boarding houses and dormitories shall meet the requirements of multifamily with regard to Section ~~715.5.2~~701.3.B and buffer width.

C. ~~704.35.3.~~ Any principal structures associated with ~~either~~ 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.

~~C.~~D. Group Housing may provide dining room service.

~~Section 721.Habitat, Wildlife and Endangered Species Protection.~~

~~Section 720.Historic Vista Protection Area.~~

531.24. ~~704.36.~~Helistops.

A. ~~704.36.1.Location.~~ Helistops shall not be located directly adjacent to any residential zoning or uses, except in A districts for private residential uses only.

~~A.~~B. ~~704.36.2.Screening.~~ Helistops located in GC and HC districts shall provide a solid fence, along the side and rear property lines.

531.25. ~~704.29.~~Industrial, Light/Heavy/Fireworks/Sparkler Manufacturing

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

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

1. ~~704.29.1.~~*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. ~~704.29.2.~~*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. ~~704.29.3.~~*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~~s~~.

4. ~~704.29.4.~~*Code of Ordinances.* The manufacture, wholesale, storage and retail sale of fireworks and sparklers shall comply with the provisions of ~~Ordinance 86-14~~sections 2-21-88 to 2-21-91, Manatee County Code of Ordinances, as amended.

Commented [LDI92]: Moved to ch 6

Commented [LDI93]: Add to use table as footnote (Ph 2)

Commented [LDI94]: Address in development compatibility Section (Ph 2)

Commented [LDI95]: Moved from definition.

Commented [LDI96]: Brought in from definitions.

Commented [LDI97]: Moved to ch 6

Commented [LDI98]: Moved to ch 3

531.26. Intensive Services

A. ~~704.39.~~Industrial Service Establishment.

~~5.~~1. ~~704.39.1.Setbacks.~~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.

~~6.~~2. ~~704.39.2.*Screening.*~~ 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.

Commented [LDI99]: Setbacks and buffering are typically set by the type of use allowed in the district. There is no need to require additional setbacks/buffers unless abutting residential. Phase 2.

B. ~~704.25.~~Exterminating and Pest Control.

1. ~~704.25.1.Setbacks.~~ 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.

~~704.25.2.Permitting. Copies of all State, federal, and local permits and notification required shall be submitted to the Planning Department prior to Certificate of Occupancy.~~

~~704.25.3.Screening. Screening shall be in accordance with Section 715, Landscaping.~~

C. ~~704.48.~~Motor Pool Facilities, Taxi Cab, Limousine Service Facilities.

~~2.~~1. ~~704.48.1.Location.~~ 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.

~~3.~~2. ~~704.48.2.Screening.~~ 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 ~~715~~701.

~~4.~~3. ~~704.48.3.*Setback.*~~ Storage of vehicles shall be fifty (50) feet from street line and seventy-five (75) feet from residential zoned property.

~~5.~~4. ~~704.48.4.Filtration of Pollutants.~~ A filtration system shall be installed as stipulated under Section ~~717.3.13~~801.3.I and located before pollutants enter the retention/detention area.

~~C.~~D. ~~704.67.~~ Sign Painting Service.

1. ~~704.67.1. Storage.~~ 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. ~~704.67.2.~~ 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~~Section 723~~, Adverse Impacts.

E. Towing Service Establishments.

~~3.~~1. ~~704.69.2. *Time Limitations.* For all Towing Service Establishments there shall be a maximum time limit for the storage of m~~Motor vehicles shall not be stored on site ~~of~~ for more than ninety (90) days (per vehicle).

~~4.~~2. ~~704.69.3. *Prohibited Activities.*~~There shall be no dismantling, demolition, junking or any type of repair conducted on vehicles ~~towed for storage~~ stored on the site.

3. ~~704.69.4. *Setbacks.*~~ 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.

~~100.17.~~531.27. ~~704.40.~~Junkyards.

~~100.18.~~A. ~~704.40.1.~~The minimum lot area~~:~~ for a junkyard shall be ~~F~~five (5) acres.

~~100.19.~~B. ~~**704.40.2.Storage, Dismantling, Display.**~~ No junk or salvage vehicle, or other junk or scrap shall be stored or dismantled within one hundred (100) feet of any ~~F~~federal, ~~S~~state or County road, or ~~R~~residential, ~~C~~commercial, ~~O~~office, or other land used for residential purposes; or stored, dismantled, or displayed outside of the fenced area.

~~100.20. **704.40.3.Screening, Fencing.**~~

~~A.~~C. ~~**704.40.3.1.Generally.**~~ 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.

~~B.~~D. ~~**704.40.3.2.Use, Location.**~~ 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.

~~**100.21.**~~E. ~~**704.40.4.Removal Upon Discontinuance.**~~ 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.

~~704.40.5.Compliance With Law. No conditional use approval shall be issued for such a use until the applicant furnishes a written statement that the proposed development meets all regulations specified by State Law and all other County Regulations.~~

~~C.~~F. ~~**704.40.6.Operating Permit.**~~ An operating permit similar to that specified under Section ~~732.5~~702.5 shall be required.

~~Section 715.Landscaping.~~

~~Section 709. - Lighting.~~

~~Section 741.Limited Access on Major Thoroughfares.~~

531.28. Lodging Places.

A. ~~**704.37.**~~**Hospital Guest Houses**.

1. ~~704.37.1.Parking.~~ 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~~715~~.
2. ~~704.37.2.Access.~~ 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. ~~**704.38.**~~**Hotels**.

1. ~~704.38.1.Location.~~ 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. ~~704.38.2.Access.~~ Such hotels shall be located on roads designated as collector or higher, unless the site is located within an entranceway.
3. ~~704.38.3.Screening.~~ All hotels within the HM district shall provide a twenty (20) foot wide buffer meeting the requirements of ~~the Landscape~~ Chapter 7 of the LDC~~715.5.2.1~~.

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 (Waterfront Structures).

~~A.~~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.

Commented [LDI100]: Moved to ch 6

Commented [LDI101]: Moved to ch 7

Commented [LDI102]: Moved to ch 9

Commented [LDI103]: B and C moved from definition of Marina.

531.30. ~~602.4. Procedures for Extraction District~~**Mining Operations.**

~~A. 602.4.1. Use Limitations.~~

A. ~~602.4.1.1.~~ All mining activities shall conform to the provisions of the Manatee County Mining and Reclamation Code.

B. An applicant proposing to initiate a mining operation shall prepare a Master Mining and Reclamation Plan consistent with the requirements of Section 350, Mining Activity Permitting, and Chapter 2-20, Mining and Reclamation, of the Code of Ordinances.

~~B.~~C. If a rezoning to EX is required, the applicant shall follow the procedures outlined in Chapter 3 for amendments to the Zoning Atlas. No site shall be rezoned to EX unless and until the Master Mining and Reclamation Plan is approved ~~per Section 349, Mining Activity Permitting~~.

~~C.~~D. ~~602.4.4. *Effect on Other Laws.*~~ 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.

~~100.22.~~531.31. ~~704.47.~~Mini-warehouses/self-storage.

A. ~~**704.47.1.**~~**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.

B. ~~**704.47.2.**~~**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 ~~i~~ensure that emergency vehicles and fire apparatus are able to effectively respond to an emergency, approved by the Department Director~~under the Comprehensive Plan, this Code, or an approved Site or Development Plan~~.

C. ~~**704.47.3.**~~**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, ~~U~~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 ~~subject to legal prosecution and shall be held responsible for any damage to the environment or human health or property resulting from such storage~~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. ~~**704.47.4.**~~**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. ~~**704.47.5.**~~**Screening.** Screening shall be provided in accordance with Section 701~~715~~ 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 ~~Planning Director~~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~~715~~ shall be located within the twenty (20) foot setback area.

F. ~~**704.47.6.**~~**Landscaping.** Foundation planting in the amount of forty (40) square feet per one thousand (1000) feet of gross floor area shall be provided.

G. ~~**704.47.7.**~~**Outdoor Storage.** Outdoor storage of motor vehicles, recreational vehicles, boats and other similar

Commented [LDI104]: This section addresses conditions and procedures to establish a mining operation, rather than standards for the district. Moved from zoning to specially regulated uses chapter.

Commented [LEA105]: Sections 602.4.1.2 to 302.4.3 moved to Ch. 3.

Commented [LDI106]: Change to be consistent with Comp Plan - FLUE rather than applying an FAR (in Ph 2)

items shall be allowed as an accessory use to mini-warehouse facilities in the GC, HC, ~~PDC,~~ LM, VIL, ~~PDMU~~ and P~~D~~I districts if the following standards are met~~,~~ and the outdoor storage is approved as part of their site plan approval.

~~H.~~1. ~~704.47.7.1.~~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.

~~I.~~2. ~~704.47.7.2.~~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 ~~in a manner consistent with those requirements for miniwarehouses as shown in Figure 6-1~~.

~~J.~~3. ~~704.47.7.3.~~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.

~~100.23.~~531.32. ~~704.46.Manufactured~~Mobile Homes.

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

A. ~~704.46.1.Setbacks.~~ Individual ~~manufactured~~ mobile homes shall be set back from the front property line at least fifty (50) feet.

~~704.46.2.Access. All individual manufactured homes shall gain access to a public or approved private street in accordance with Section 712.~~

B. ~~704.46.3.Minimum Lot Size.~~ The minimum size of new parcels and lots of record used for an individual mobile ~~manufactured~~ home shall be a minimum of five (5) acres.

~~A.~~C. ~~704.46.4. Design standards.~~ All ~~manufactured~~mobile homes shall meet ~~the~~ Federal and State construction and safety standards, in addition to the following. ~~Any proposed manufactured home which complies with the following standards may be considered an Administrative Permit use in the A and VIL zoning districts. The standards are:~~

1. ~~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 ~~Planning~~ Department Director's discretion, that the manufactured meets the intent of the twenty-four foot width;

2. ~~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 ~~facia~~fascia of the overhang shall be a minimum width of ~~the~~ six (6) inches;

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

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

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

D. ~~*704.46.6.* Manufactured~~Mobile homes shall be prohibited within the Coastal High Hazard Area.

E. ~~704.74.5.Manufactured Homes in VIL Districts. Manufactured~~Mobile homes legally permitted under previous Codes may be allowed on one (1) acre lots in VIL Districts by Administrative Permit if the design standards of this section~~704.46~~ are met.

~~704.46.5.**Special/Administrative Permit Renewals.**~~

~~B.~~F. Existing ~~manufactured~~ mobile homes that do not meet the design standards of this section and were originally approved by either a Special Permit, Administrative Permit or Special Exception may, prior to expiration, submit an application for approval of a Special or Administrative Permit 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 ~~criteria of Section 505 or 506~~review criteria, as applicable, are met. The ~~criteria~~ standards of this

Commented [LEA107]: Unnecessary provision. All uses require access.

Commented [LDI108]: 320.8285, FS: any architectural or aesthetic requirement imposed on the mobile home structure itself may pertain only to roofing and siding materials

Commented [LEA109]: This subsection is confusing and may be in conflict with old section 704.46.5 (below). Propose changing in phase 2.

Commented [LDI110]: Added per section 602.5.2.

section ~~Section 704.46~~ 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. ~~602.5.2.Manufactured Home Dwelling, Special Permit Renewals.~~ Existing ~~manufactured~~ mobile homes which do not comply with the design standards or distance separation requirements of this Section ~~704~~, 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 ~~Section 505~~Chapter 3. The ~~conditional use~~ ~~criteria of~~ standards contained in this ~~S~~section ~~704~~ shall not apply to requests made under this subsection.

531.33. ~~Section 731.~~Moored Water Craft.

A. ~~**731.1.Generally.**~~ 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. ~~**731.2.Use of Regularly Moored Watercraft.**~~ 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. ~~**731.3.Condition.**~~ Regularly moored watercraft shall be kept in a seaworthy condition when not in permitted repair

~~100.24.~~531.34. ~~704.49.~~Motor Freight Terminals.

A. ~~**704.49.1.Screening.**~~ 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~~715~~.

B. ~~**704.49.2.Setbacks.**~~ 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. ~~**704.49.3.Filtration of Pollutants.**~~ A filtration system shall be installed as outlined in Section 801 ~~717~~ and located before pollutants enter the retention/detention system. All requirements of ~~Section 723~~Part V of this Chapter shall also be met.

D. ~~**704.10.2.Maintenance Facilities.**~~ 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 ~~715.5.2~~701 plus a solid eight (8) foot high fence or wall along the side and rear property lines.

531.35. ~~704.53.~~ Nursing Homes.

A. ~~**704.53.1.Minimum Access.**~~ 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. ~~**704.53.2.Setback.**~~ 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. ~~**704.53.3.Compliance Withwith Law.** No conditional use approval shall be issued for such a use until the applicant furnishes a written statement from an architect or engineer that t~~The proposed development shall meet~~s~~ NFPA-101 Life Safety Code, and all regulations specified by ~~S~~state ~~L~~law and County ~~R~~regulations.

~~A.~~D. ~~**704.53.4. Service Vehicles.**~~ 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.

~~704.53.5.Screening. Screening shall be provided in accordance with Section 715.~~

Commented [LDI111]: Changed to special permit due to a lack of CUP procedures in Code

Commented [LDI112]: This does not belong in the LDC, Move to Code of Ordinances later.

Commented [LDI113]: This number (715.5.2) doesn't exist

~~100.25.~~531.36. ~~704.69.~~ Outdoor Storage~~, Outdoor~~ (Principal Use)~~, Towing Service Establishment.~~

Commented [LEA114]: Towing already addressed in old 704.69.2 to 4 (new 531.25)

A. ~~**704.69.1. Screening.**~~ All outdoor storage (as a principal use~~or accessory~~) 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 ~~715~~701, canopy trees shall be planted thirty (30) feet on center.

B. ~~**704.69.5. On-Site Office.**~~ An office with restroom facilities shall provide~~d~~ for any new freestanding outdoor storage facility. This shall be shown on the site plan.

~~100.26.~~531.37. ~~704.59.~~Personal Wireless Service Facilities.

Commented [LDI115]: This section should be simplified in phase 2.

~~**Purpose and Intent:**~~

A. The purpose and intent of this section is to provide development standards relating to specific types of ~~P~~personal ~~W~~wireless ~~S~~service ~~F~~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. ~~(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. ~~(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. ~~(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. ~~(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 ~~H~~historic ~~P~~protection ~~O~~overlay ~~D~~districts, ~~H~~historic ~~V~~vista ~~P~~protection ~~A~~areas and ~~S~~scenic ~~W~~water ~~V~~view ~~P~~protection ~~A~~areas.

5. ~~(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. ~~(6)~~Discourage new telecommunication towers in the non-preferred zone districts described in **Error! eference source not found.**~~Figure 7-A~~ of this ~~S~~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. ~~(7)~~Enhance the ability of the providers of ~~P~~personal ~~W~~wireless ~~S~~services to provide such services to the community quickly, effectively and efficiently.

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

B. ~~704.59.1.~~ Applicability.~~:~~

1. ~~A.~~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)~~725~~ and ~~737~~900 (Entranceways). Accessory use antennas shall comply with ~~Section 702.5.2 and~~ Section ~~703~~ 511.1 instead of this section.

2. ~~B.~~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~~703.2, LDC~~. Pursuant to ~~47 C.F.R. s. 97.15,~~ the County does not preclude the installation and/or operation of amateur

radio antennas~~e~~. In applying any relevant sections of the ~~LDC~~ Code to applications for the installation or replacement of amateur radio antennas~~e~~, as defined by the FCC, the County shall not impose any additional zoning, construction or other regulatory requirements not provided for in the ~~LDC~~Code. Such regulatory requirements of this Code as may apply to any particular application for an amateur radio antennas~~e~~ are deemed to be the minimum practicable to accomplish the County's zoning and construction policies.

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

C. ~~704.59.2.~~ Approval Types.~~:~~

~~A.~~PWSF shall be approved by the type of permit required by the Matrix of Siting Locational Preferences in Table 5-1~~Figure 7-A~~.

1. ~~B.Telecommunication Towers in all~~ Planned Development Zoning Districts:

a. ~~1.~~In the event there is an approved ~~G~~general ~~D~~development ~~P~~plan ~~or approved Preliminary Site 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 ~~F~~final ~~S~~site ~~P~~plan application for consistency with the ~~G~~general ~~D~~development ~~P~~plan and compliance with the ~~Conditional~~ standards ~~Use Criteria~~ contained in this ~~S~~section ~~704.59 of this Code~~.

b. ~~2.~~In the event the telecommunication tower is not identified on an approved ~~G~~general ~~D~~development ~~P~~plan or approved ~~P~~preliminary ~~S~~site ~~P~~plan as an allowed use, then the applicant is required to file an application to amend the applicable ~~G~~general ~~D~~development ~~P~~plan or ~~P~~preliminary ~~S~~site ~~P~~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~~Section 508.4 (Sections 508.4.1 through 508.4.2.3, LDC) and the criteria for processing a Preliminary Site Plan as set forth in Section 508.6 (508.6.1 through 508.6.25.4)~~.

c. ~~3.~~All telecommunication towers~~,~~ depicted ~~either~~ on a concept ~~General D~~development ~~P~~plan ~~or a Preliminary Site Plan,~~ shall be required to comply with this ~~S~~section ~~704.59~~. In the event the process requires approval of an amended ~~General~~ concept ~~D~~development ~~P~~plan by the Board of County Commissioners, then the ordinance approving the amended ~~G~~general ~~D~~development ~~P~~plan shall specify whether the ~~F~~final ~~S~~site ~~P~~plan for the proposed telecommunication tower demonstrating compliance with this ~~S~~section ~~704.59~~ is required to be reviewed by the Board ~~of County Commissioners~~ at a public hearing or will be reviewed administratively. In determining whether a public hearing for the ~~F~~final ~~S~~site ~~P~~plan is required, the Board ~~of County Commissioners~~ shall consider whether the amended ~~G~~general ~~D~~development ~~P~~plan is of sufficient detail to demonstrate compliance with the requirements of this ~~S~~section ~~704.59 of this Code~~, including the preservation of community aesthetics to be determined by the Board ~~of County Commissioners~~.

d. ~~4.~~In the event the process for approval requires an amended ~~P~~preliminary ~~S~~site ~~P~~plan to be approved by the Board ~~of County Commissioners~~, the ~~criteria for conditional uses~~ standards in this ~~S~~section ~~704.59 would~~ shall be reviewed simultaneously by the Board ~~of County Commissioners~~ as part of the ~~Preliminary S~~site development ~~P~~plan review process.

e. ~~5.~~The statements required to be submitted by the applicant ~~in Section 704.59.3.13.12~~ regarding siting preferences for property being used for governmental operations and for ~~P~~preferred ~~Z~~zone ~~D~~districts in **Error! Reference source not found.**~~Figure 7-A~~ shall be required at the earliest step in the process (i.e., mendment of the ~~G~~general ~~D~~development ~~P~~plan ~~or amendment of the Preliminary Site Plan, whichever occurs first~~).

2. ~~C.~~*Development of Regional Impact (DRI):* If a telecommunication tower is proposed in an approved ~~Development of Regional Impact~~DRI, then the development order for the ~~Development of Regional Impact~~DRI ~~would need to~~ shall specify the telecommunication tower as an identified allowed use. If the telecommunication tower is identified as an allowed use, then the application for ~~Final S~~site development ~~P~~plan is required to be reviewed administratively and the requirements of this ~~S~~section ~~704.59 of this Code~~ shall be applicable. In the event the telecommunication tower is not identified within the DRI development

order as an allowable use, then the applicant ~~would need to~~ shall process the required applications regarding the DRI in accordance with applicable ~~S~~state law prior to submitting an application for approval of the telecommunication tower to the ~~Planning Director~~Department Director in accordance with the requirements of this ~~S~~section ~~704.59 of this Code~~.

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

D. ~~704.59.3.~~ General Standards.

1. ~~*704.59.3.1(A).*~~ *Permitted Locations*. All telecommunication towers shall be located landward of the five (5) foot contour line, and not within the ~~H~~historic ~~P~~preservation ~~O~~overlay ~~D~~districts, ~~H~~historic ~~V~~vista ~~P~~protection ~~A~~areas, ~~S~~scenic ~~W~~water ~~V~~view ~~P~~protection ~~A~~areas, and ~~V~~velocity ~~Z~~zones. For the purposes of this section the ~~S~~scenic ~~W~~water ~~P~~protection ~~A~~area shall be the following areas, provided they are not in an ~~E~~extraction or ~~I~~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. ~~*704.59.3.1(B).*~~ *Availability of Other PWSF Providers.* The approving authority, whether it be the ~~Planning~~ 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. ~~*704.59.3.2.*~~ *Collocation of PWSFs*.

   a. ~~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 ~~B~~building ~~P~~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 ~~704.59.3.11~~.

   b. ~~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~~Department Director~~ 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 ~~704.59.3.13.6~~, 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~~the Department Director~~ and all of the other provisions of this ~~S~~section ~~704.59 shall be met~~.

   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. ~~*704.59.3.3.*~~ *Separation*.

a. ~~704.59.3.3.1.~~ Separation from Off-Site Uses. All ~~T~~telecommunication ~~T~~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.~~located in accordance with the following standards:~~

~~Adjacent Off-Site Uses or Districts~~	~~Setback from lot line of parent parcel~~
~~All Residential Uses and Residential Districts~~	~~200 feet or 200% of the height of the tower whichever is greater~~

The ~~Planning~~ 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. ~~704.59.3.3.2.~~ 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.

~~a.~~c. ~~704.59.3.3.3.~~ 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 ~~Planning~~ Department Director (for Administrative Permit), or the Hearing Officer (for Special Permits), may reduce the separation requirements ~~set forth in 704.59.3.3.3,~~ when the applicant demonstrates to either the Department Director or Hearing Officer's satisfaction that service cannot be provided without the modification. The following criteria shall be evaluated:

i. ~~1.~~The reduction is limited to a fifty (50) percent reduction of the separation requirement.

ii. ~~2.~~The proposed location would not create a greater aesthetic impact on surrounding properties.

iii. ~~3.~~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. ~~*704.59.3.3.4.*~~ *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. ~~*704.59.3.3.5.*~~ *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~~.~~. ~~I~~Lattice towers shall be setback a minimum of five hundred (500) feet from Interstate rights-of-way.

f. ~~*704.59.3.3.6.*~~ *Guy Wires Separation.* All guy wires shall be at least fifty (50) feet from all property lines.

5. ~~*704.59.3.4.*~~ *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. ~~Exemptions.~~ 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 ~~Planning~~ Department Director.

6. ~~*704.59.3.5.*~~ *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 ~~Planning~~ 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. ~~*704.59.3.6.*~~ *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. ~~*704.59.3.7.*~~ *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~~also comply with Section 723~~.

9. ~~*704.59.3.8.*~~ *Antennas*.

a. ~~704.59.3.8.1.~~ 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. ~~704.59.3.8.2.~~ Extension. An antenna may extend twenty (20) feet above the platform, telecommunication tower, roof, or alternative support structure that supports the antenna.

c. ~~704.59.3.8.3.~~ 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. ~~704.59.3.8.4.~~ Building Exterior. Antenna and antenna platforms may project beyond the building exterior walls upon approval of the ~~Planning Director and Building~~ Department Director.

e. ~~704.59.3.8.5.~~ Roof. The roof area where a PWSF is located shall be secured from the remaining roof area to prevent unauthorized access.

f. ~~704.59.3.8.6.~~ 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. ~~704.59.3.8.7.~~ 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. ~~704.59.3.8.8.~~ 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.

10. ~~*704.59.3.9.*~~ *Temporary Wireless Telecommunication Facilities*.

a. ~~A.~~ Temporary Use Permit. Temporary Wireless Telecommunication Facilities are allowed with a temporary use permit from the ~~Planning~~ Department Director in accordance with Section 354~~507, LDC~~.

b. ~~B.~~ Duration. The ~~Planning~~ 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. ~~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. ~~D.~~ Setbacks. The Temporary Wireless Communication Facility shall meet the minimum zone district requirements.

e. ~~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. ~~*704.59.3.10.*~~ *Construction Standards*.

a. ~~704.59.3.10.1.~~ All telecommunication towers shall provide a falldown radius within the parent parcel.

b. ~~704.59.3.10.2.~~ Telecommunication support facilities shall be the only structure, residentially-used building, or use allowed within the falldown radius.

c. ~~704.59.3.10.3.~~ 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. ~~704.59.3.10.4.~~ 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. ~~704.59.3.10.5.~~ Telecommunication support facilities may not exceed twenty (20) feet in height.

12. ~~*704.59.3.11.*~~ *Application Processing*.

~~1.Timing.~~

a. ~~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. ~~b.~~Completeness Determination. Solely to the extent required by ~~§~~Section 365.172, F.S., the ~~Planning~~ 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 ~~Planning~~ Department Director that the application is complete shall not be deemed as an approval of the application.

c. ~~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~~s 704.59.3.11.1(a) and 704.59.3.2 A of this Code~~, 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 ~~704.59.3.11.1(a) of this Code,~~ 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 ~~set forth in Section 704.59.3.11.1(a) of this Code~~. 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. ~~d.~~Time Frame Waiver. To be effective, a waiver of the time frames set forth in this Section ~~704.59.3 of this Code~~ 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.

13. ~~*704.59.3.12.*~~ *Security*.

a. ~~704.59.3.12.1.~~ PWSF shall be secured from access by the public and other unauthorized persons.

b. ~~704.59.3.12.2.~~ 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. ~~704.59.3.12.3.~~ Towers shall provide anti-climbing devices.

d. ~~704.59.3.12.4.~~ Alternative support structures shall be designed to prevent unauthorized access.

e. ~~704.59.3.12.5.~~ PWSF located on building roofs shall be secured from the remaining roof area to prevent unauthorized access.

f. ~~704.59.3.12.6.~~ 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.

~~2.~~14. ~~*704.59.3.13.*~~ *Application requirements*. In addition to the requirements of Section ~~508~~320, an application for a telecommunication facility shall contain:

Commented [LDI116]: Reccomend removing this section and adding to the development review manual

a. ~~704.59.3.13.1.~~ Any reports, explanations, certifications, or other documentation required by this Section ~~704.59~~.

b. ~~704.59.3.13.2.~~ 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. ~~704.59.3.13.3.~~ 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. ~~704.59.3.13.4.~~ 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. ~~704.59.3.13.5.~~ Coordinates of the facility shall be supplied in the Global Positioning System format or other format approved by the County.

f. ~~704.59.3.13.6.~~ 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. ~~704.59.3.13.7.~~ In the case of a leased site, a lease agreement or binding lease memorandum which shows:

i. ~~(1)~~on its face that it does not preclude the site owner from entering into leases on the site with other provider(s); and

ii. ~~(2)~~the legal description and amount of property leased.

h. ~~704.59.3.13.8.~~ 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. ~~704.59.3.13.9.~~ If lighting is required, a plan showing the lighting design.

j. ~~704.59.3.13.10.~~ If the PWSF is located in an easement, the owner of the easement and underlying property owner must authorize the application.

k. ~~704.59.3.13.11.~~ A certification prepared by a Professional Engineer (structural) which provides the minimum falldown radius for the telecommunication tower.

l. ~~704.59.3.13.12.~~ Siting Preferences.

i. ~~1.~~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. ~~704.59~~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. ~~2.~~A statement by the applicant indicating whether property within the search area of the PWSF within a ~~P~~preferred ~~Z~~zone ~~D~~district in Table 5- 1~~Section 7-A~~ of this section is available upon which the PWSF could be constructed in compliance with this Section ~~704.59~~. 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 ~~P~~preferred ~~Z~~zone ~~D~~district would have the ~~affect~~effect of preventing the applicant from providing wireless services to the intended coverage area.

m. ~~704.59.3.13.13.~~ Each application shall identify the zone district and location preference that the proposed PWSF is meeting. (Reference Table 5- 1~~Figure 7-A~~ of this section). If the proposed PWSF is not in a Preferred Zone identified in Table 5- 1~~Figure 7-A~~ of this section, the applicant shall provide a map of the geographical area and a written discussion of sites within ~~P~~preferred ~~Z~~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. ~~1.~~Meets the applicant's engineering requirements for the proposed PWSF;

ii. ~~2.~~Is of sufficient height to meet the applicant's engineering requirements;

iii. ~~3.~~Has sufficient strength to support the applicant's proposed antenna;

iv. ~~4.~~Has sufficient vertical space to accommodate the applicant's antenna; and

v. ~~5.~~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 ~~P~~preferred ~~Z~~zone ~~D~~districts or ~~P~~preferred ~~L~~locations in Table 5- 1~~Figure 7-A~~.

o. ~~704.59.3.13.14.~~ 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. ~~704.59.3.13.15.~~ 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. ~~1.~~Meets the applicant's engineering requirements for the proposed PWSF;

ii. ~~2.~~Is of sufficient height to meet the applicant's engineering requirements;

iii. ~~3.~~Has sufficient strength to support the applicant's proposed antenna;

iv. ~~4.~~Has sufficient vertical space to accommodate the applicant's antenna; and

v. ~~5.~~Is available for lease under a reasonable leasing agreement, as determined by industry standards for the geographic area.

q. ~~704.59.3.13.16.~~ In the event the applicant is requesting the siting of a PWSF in a residential zone district as a ~~N~~non-~~P~~preferred ~~Z~~zone ~~D~~district in Table 5- 1~~Figure 7-A~~ 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. ~~704.59.3.13.17.~~ 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. ~~704.59.3.13.18.~~ Experts.

i. ~~A.~~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. ~~B.~~The expert review may address any or all of the following:

(a) ~~1.~~The accuracy and completeness of submission;

(b) ~~2.~~Applicability of analysis techniques and methodologies;

(c) ~~3.~~The validity of conclusions reached;

(d) ~~4.~~Whether the proposed PWSF complies with the applicable standards set forth in this section; and

(e) ~~5.~~Other matters deemed by the County to be relevant to determining whether a proposed PWSF complies with the provisions of this section.

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

~~704.59.3.14 – 704.59.3.19.3. Reserved.~~

E. ~~704.59.3.19.4.~~ Annual Report.

1. ~~704.59.3.19.4.1.~~ 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 ~~Planning~~ Department a PWSF Annual Report.

2. ~~704.59.3.19.4.2.~~ 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. ~~704.59.3.19.4.3.~~ 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.

~~704.59.3.20.~~ **Abandonment.**

F. 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: ~~Figure 7-A, Section 704.59~~ Matrix of Siting and Locational Preference

~~(Districts Listed in Descending Order of Preferences)~~

Preferred Zone Districts: (Districts Listed in Descending Order of Preferences)

	Camouflaged Max. 150'	Monopole Max. 150'	Monopole Greater than 150', Max. 200'	Monopole with 3 or more providers, Max. 200'	Guyed Tower	Lattice Tower Max. 400', except PDR Max. 150'
Industrial						
EX	AP	AP	AP	AP	AP	AP
HM	AP	AP	AP	AP	AP	AP
LM	AP	AP	AP	AP	AP	AP
Commercial						
CRV	AP	AP	AP	AP	X	X
HC	AP	AP	AP	AP	SP	SP
GC	AP	AP	AP	AP/SP	X	X
NC-S	AP	SP	SP	AP/SP	X	X
NC-M	AP	SP	SP	AP/SP	X	X
Office						
PR-M	AP	SP	SP	AP/SP	X	X
PR-S	AP	SP	SP	AP/SP	X	X
Agriculture (40 acres or greater)						
A	AP*/SP	AP*/SP	AP*/SP	AP*/SP	SP	SP
A-1	AP*/SP	AP*/SP	AP*/SP	AP*/SP	AP*/SP	AP*/SP

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 Permit required as specified in this Section ~~704.59.2.D~~ or elsewhere in this Code.

~~NOTE: All Telecommunication Towers shall be required to comply with Section 704, Conditional Use Criteria.~~ Uses may be further restricted or modified by the overlay district criteria in Section ~~604~~403.

Non-Preferred Zone Districts:

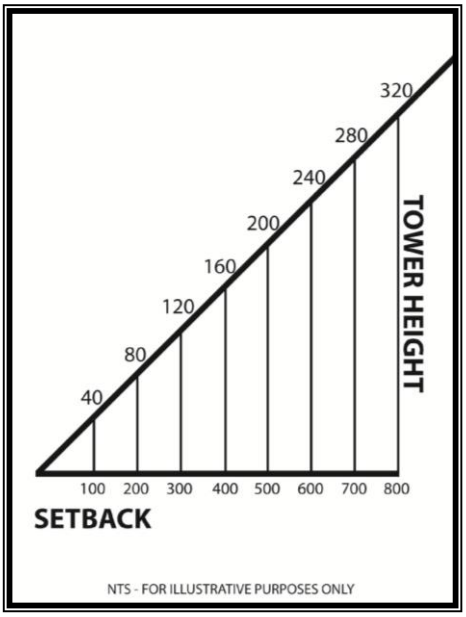
	Camouflaged Max. 150'	Monopole Max. 150'	Monopole Greater than 150', Max. 200'	Monopole with 3 or more providers, Max. 200'	Guyed Tower	Lattice Tower Max. 400', except PDR Max. 150'
All Residential Zone Districts						
RSMH-6	SP1	SP1	X	X	X	X

	Camouflaged Max. 150'	Monopole Max. 150'	Monopole Greater than 150', Max. 200'	Monopole with 3 or more providers, Max. 200'	Guyed Tower	Lattice Tower Max. 400', except PDR Max. 150'
RSMH-4.5	SP1	SP1	X	X	X	X
RMF-9	SP1	SP1	X	X	X	X
RMF-6	SP1	SP1	X	X	X	X
RSF-4.5	SP1	SP1	X	X	X	X
RDD-6	SP1	SP1	X	X	X	X
RDD-4.5	SP1	SP1	X	X	X	X
RDD-3	SP1	SP1	X	X	X	X
RSF-3	SP1	SP1	X	X	X	X
RSF-2	SP1	SP1	X	X	X	X
RSF-1	SP1	SP1	X	X	X	X
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
PDPI	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP
PDI	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP
PDMU	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP	P*/FSP
PDA	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDRP	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDC	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDO	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDGC	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDUI	P*/FSP	P*/FSP	P*/FSP	P*/FSP	AP	AP
PDRV	P*/FSP	P*/FSP	P*/FSP	P*/FSP	X	X
PDMH	P*/FSP	X	X	X	X	X
VIL	SP	X	X	X	X	SP*
PDR	P*/FSP	P*/FSP	X	X	X	AP/SP
PDW	P*/FSP	X	X	X	X	X
Agriculture (less than 40 acres)						
A	AP*/SP	AP*/SP	AP*/SP	AP*/SP	SP	SP
A-1	AP*/SP	AP*/SP	AP*/SP	AP*/SP	AP*/SP	AP*/SP
Conservation						
CON-EPMP	SP	SP	SP	SP	X	X
All other Locations						

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 ~~704~~, ~~Conditional~~ 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. ~~See Section 704.59.2.B~~.

Commented [LEA117]: Stated in use tables.

Figure 5-1: Setback depending on Tower Height



~~Illustration 704~~

~~704.55. Post Offices. (See Cultural Facilities).~~

~~Section 740. Private Streets~~

Commented [LDI118]: Moved to ch 9

531.38. ~~704.41.Kennels, Animal Shelters~~Pet Services.

A. ~~704.41.1.*Lot Size.*~~ The minimum lot size requirements shall be two (2) acres.

B. ~~704.41.2.*Location.*~~ 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. ~~704.41.3.*Confinement.*~~ All dogs ~~more than four (4) months of age~~ shall be kept in pens designed and maintained for secure confinement.~~, and s~~Such structures shall require a ~~B~~building ~~P~~permit. ~~The sanitary facilities shall be approved by the H.R.S./Manatee County Public Health Unit.~~

D. ~~704.41.4.*Conditions.*~~ 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.

Commented [LDI119]: Age of the animal is irrelevant

Commented [LDI120]: The MCHD only has jurisdiction if on septic.

~~100.27.~~531.39. ~~704.57.~~Public Community Use.

A. ~~704.57.1.Screening.~~ Screening shall be provided in accordance with Section ~~715~~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 ~~715~~701. The applicant may propose an alternate vegetated buffer, subject to staff approval.

B. ~~704.57.2.Orientation.~~ All such uses, when located in residential areas, shall orient the structures and driveway entrances away from adjacent residential uses, when possible.

Commented [LDI121]: Addressed in development compatibility

C. 704.57.3.Location. All Public Community Uses within residential zoning districts, that meet the following criteria may be allowed, as shown in Figure 6-1, within residential zoning districts by Administrative Permit. Any proposed Public Community Use that does not meet these locational criteria, and is allowed by Administrative Permit in the zoning district, must receive Special Permit approval. All pPublic community uses within nonresidential districts shall be allowed by Administrative Permit are exempt from these requirementsas shown in Figure 6-1.

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

2. 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.

Any proposed Public Community Use that does not meet those locational criteria, and is allowed by Administrative Permit in the zoning district, must receive Special Permit approval.

D. 704.57.4.Limitation. The use of any public community use as an office space must be accessory to the principal on-site use.

100.28.531.40. 704.58.Public Use Facilities.

A. 704.58.1.*Setbacks.* All public use facilities shall be set back at least thirty (30) feet from all property lines.

704.58.2.Screening and Landscaping. All public use facilities shall meet the requirements of Section 715.

B. 704.58.3.*Sheriff Substations.* 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.

100.29.531.41. 704.44. Recreational Uses, Passive, Low, Medium and High Intensity Recreation and Facilities.

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

1. 704.44.1.1. Setbacks. No building or structure used for or in connection with any such use shall be located within fifty (50) feet of any adjoining property which is in a residential district. Additional setback width may be required, based upon the intensity of the proposed use, as determined by the Planning Department Director.

2. 704.44.1.2. *Parking and Loading.* No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a residential district.

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

B. 704.44.1.4.Public Lands in WP-E and WP-M Overlay Districts.

C.B. Limit both pPublicly and privately provided recreational opportunities on public lands located within the 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 WP-E and WP-M Overlay Districts. Existing facilities that request expansion shall require special permit approval.

D. 704.44.2. Timing. High Intensity Recreation Facilities.

E.C. No Conditional Special Use Approval Permits issued for a High Intensity Recreation uses shall not exceed four (4) years. Such permit may be extended in conformance with the provisions of Section 316505, Special Permits and 506, Administrative Permits, for not to exceed 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 316505 and 506, Conditional UsesSpecial Permits.

F.D. 704.44.6. Camps.

Commented [LDI122]: Added as footnote to use table

~~704.44.6.1. Location. No structure shall be located within any floodway. Any structure built in the floodplain shall meet the provisions of Section 718, Floodplain Management.~~

1. ~~704.44.6.2. *Setback.*~~ No structures, recreational facility, or parking area shall be within fifty (50) feet of any adjacent residential use/zoning district.

~~1.~~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.

~~G.~~E. ~~704.44.7.~~ **Rural Recreational Uses.** Any rural recreational use approved within the Ag/R Future Land Use Category shall require ~~Special Permit approval. Such uses shall also provide~~ a minimum one hundred (100) foot setback of all structures, and recreational facilities from all property lines.

~~704.44.7.1. Such rural recreational uses in the Ag/R Future Land Use Category shall meet all the requirements of Section 723, Adverse Impacts, and mitigate all such adverse impacts.~~

~~**H. 704.44.3.**~~ **Golf Courses.**

F. 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. ~~Also refer to PDGC Planned Development Golf Course District.~~

G. ~~**704.44.3.1.**~~ **Maintenance.** All site plans submitted for golf courses shall include a maintenance/watering schedule ~~which~~ detailing~~s~~ the type of irrigation to be used, and the proposed schedule for watering for the first year and beyond.

~~**I. 704.44.4.**~~ **Golf Driving Ranges.**

~~J.~~H. 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.

~~K.~~I. ~~**704.44.5.**~~ **Riding and Boarding Stables or Schools (Public or Private).**

1. ~~*704.44.5.1.*~~ *Minimum Lot Size.*~~:~~ Two (2) acres.
2. ~~*704.44.5.2.*~~ *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. ~~*704.44.6.3.*~~ *Access.* All public stables shall gain access from a public road, county maintained road, or an approved private street.

~~3.~~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.

Commented [LDI123]: First sentence brought in from definition.

~~L.~~J. ~~**704.71.**~~ **Trapshooting, Skeet or Outdoor Firing Ranges.**

1. ~~*704.71.1.*~~ *Minimum Lot Size.*~~:~~ Seventy (70) acres.
2. ~~*704.71.2.*~~ *Setback.* No structure associated with such use shall be located closer than fifty (50) feet to any lot line.
3. ~~*704.71.3.*~~ *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~~Planning 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, set-backs 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. *704.71.4. Compliance with Law.* No special permitconditional use 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. *704.71.5. Conditions.* In the consideration of an application for special permitconditional use 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. 726.1.2. Zoo, Animal Exhibit, Breeding Facilities— of Wild or Exotic Animals, Animal Boarding Facilities, Circuses or Circus Exhibitions. These uses are Special Permit uses in the A and HC Districtsallowed as High Intensity Recreation Uses, provided that the following standards are met:. Zoos and animal exhibits, however, are prohibited in the GC zoning district.

Commented [LDI124]: Prohibition in VIL already stated in table of uses (Chapter 4)

M.1. 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;

N.2. 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;

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

4. 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.

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

FIGURE 6-5. CRV—COMMERCIAL RECREATIONAL VEHICLE DISTRICT DIMENSIONAL REGULATIONS*

Commented [LDI125]: Moved from Chapter 3.

Maximum Density:	12 sites/acre
Project/District Minimum Size	10 acres
Minimum Site Area For:	
Recreational- Vehicle without Attachments	1,600 sq. ft.
Site in Designated Camping Area	1,200 sq. ft.
Non-residential or dwelling site	10,000 sq. ft.
Minimum Width for:	
RV site	30 feet
Site in Designated Camping Area	20 feet
Non-residential or dwelling site	75 feet
Minimum Yards Setbacks** Setbacks (internal to the site)	5 feet
Maximum Height:	
Non-Residential	35 feet
Residential	15 feet
Minimum Buffers for:	
Street/Residential District	50 feet
Other	15 feet
Minimum Open Space for:	
RV Parks	20% of gross area
Non-residential	15% of gross area
Project/District Minimum Size	10 acres

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.

**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~~1111.1~~.

B. The ~~CRVP District does not permit or accessory uses~~ 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.

C. ~~All r~~Recreational vehicle sites shall comply with all applicable Floodplain Management regulations. ~~No park trailers shall be allowed within the CRVP District.See Figure 6-5. Liquefied Petroleum Gas (LPG) tanks/ pumps are a permitted accessory uses.~~

D. ~~Maximum Time Period~~ Recreational ~~V~~vehicles may not remain in new and expanded parks or subdivisions ~~may remain on-site for a limited period of time, not to exceed~~ for more than one hundred eighty (180) days within any three hundred sixty-five (365) day period~~.;xii~~;

~~A.~~E. ~~*Recreation/Stormwater Shelter Building Required~~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~~. See Section 716~~.:

~~704.63.Repair Service Establishments.~~

~~704.63.1. There shall be no outdoor storage associated with this use. All necessary storage shall be within either the principal or accessory structure.~~

~~100.30.~~531.43. ~~704.61.~~ Recreational Vehicle/~~Manufactured~~ Mobile Home Sales, Rental & Leasing.

~~A. 704.61.1. Location. Any RV sales shall be on a street designated collector or higher.~~

~~B.~~A. ~~704.61.2. Orientation.~~ All RV sales shall be oriented towards the exterior of the RV park ~~in the CRV zoning district~~.

~~C.~~B. ~~704.61.3. Uses.~~ Mobile Home ~~S~~sales shall not be permitted within the ~~CRV District~~RV park or subdivision. ~~However, Park Model Trailer Sales, shall be permitted by Administrative Permit, if the above criteria is met.~~

~~D.~~C. ~~704.61.4. Buffer Area.~~ 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~~715~~.

~~E.~~D. ~~704.61.5. Screening.~~ All outdoor storage areas shall be screened with a minimum six (6) foot high solid fence.

~~704.60. Recovery Homes. (See 704.62 Residential Care Facilities for standards).~~

~~100.31.~~531.44. ~~704.54.Outpatient Treatment Facilities~~Rehabilitation Center~~, Residential Treatment Facilities~~.

A. ~~704.54.1.Location.~~ Any outpatient ~~or 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. ~~704.54.2.~~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.

~~704.54.3.All such facilities shall insure that the parking lot is designed for maximum pedestrian and patient safety within that parking lot. Pedestrian crossings and drop-off points shall be clearly delineated with signage and striping.~~

531.45. ~~704.62.~~ Residential Care Facilities (including Assisted Living Facilities, Community Residential

Commented [LDI126]: Text brought in from chapter 3

Commented [LDI127]: Brought in from Chapter 3, Fig. 6-5.

Commented [LDI128]: 704.63. addressed in outdoor storage section

Commented [LDI129]: Added to table as footnote

Commented [LDI130]: Split into 2 sections so it is easier to find them.

Commented [LEA131]: All uses need to do this, not just treatment facilities.

Homes, Recovery Homes, ~~Group Care Homes, Emergency Shelter 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.

~~704.62.1. Location.~~

B. ~~The location of Small and Large Residential Care Facilities shall be as allowed as shown in Figure 6-1.~~ 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.

~~704.62.2.1. Density shall be calculated as follows: Six (6) residents (including resident staff) = One (1) dwelling unit.~~

~~704.62.2. Density Limitations.~~

All ~~Group Care Home[s]~~residential care facilities shall meet the density limitations of the~~ir~~ zoning district~~s~~ where they are located.

~~A.~~C. ~~704.62.2.1.~~ Density shall be calculated as follows: Six (6) residents (including resident staff) = One (1) dwelling unit.

~~704.62.3. Standards.~~

D. ~~704.62.3.1. Residential Character.~~ When located in a residential zoning district, ~~A~~all parts of the structure~~, if a dwelling unit,~~ 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. ~~If a non-residential structure, the structure shall be maintained in the general character of the district in which it is located. Large Residential Care Facilities containing seventeen (17) residents or more, (including resident staff) in a single family zoning district, shall be located on an existing or planned collector or arterial street.~~

E. ~~704.62.3.2.~~ Floor Area Requirements.

1. ~~704.62.3.2.1.Minimum Floor Area P~~per Person. 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. ~~704.62.3.2.2.Total Interior Living Space.~~ 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.

3. ~~704.62.3.2.3.Bathroom Facilities.~~ 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.

~~704.62.4.Lot Size.Minimum lot size requirements for non-residential uses shall not apply to family care homes or emergency shelter homes.~~

~~704.62.5.Compliance With Law. No conditional use approval shall be issued for such a use until the applicant furnishes a written statement by an architect or engineer that the proposed development meets NFPA-101 Life Safety Code, as required by the Florida Department of Health and Rehabilitative Services, and all regulations specified by State Law and County Regulations.~~

~~704.62.6.Screening. Screening shall be provided in accordance with Section 715.~~

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.

Commented [LEA132]: Section 704.60 refers to this section for standards.

Commented [LEA133]: Not new. From 704.62.5

Commented [LDI134]: Not new. Copied from old 704.54 (split into 2 sections).

~~100.32.~~531.47. Residential Uses.

~~Existing duplexes may be split into semi-detached units provided that these minimum requirements are met.~~

A. ~~704.74.3.~~ **Residential Uses in the VIL Districts.** Duplexes, ~~S~~single ~~F~~family ~~S~~semi-~~D~~detached ~~U~~units~~,~~ ~~Triplexes~~ and ~~Quadraplexes (~~multi-family~~,~~ (four (4) units maximum) may be permitted through Special Permit only in the Rubonia area ~~by Special Permit~~. ~~Duplexes, single family semi-detached uses, triplexes and quadraplexes~~ These types of dwellings shall not be permitted in the other Village Districts.

~~1. †Four (4) units maximum, allowed in Rubonia only.~~

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. The underlying Future Land Use Category shall determine the maximum density on each site.

C. **Residential Uses in ~~Figure 6.1 Note: In~~ the NC, GC and HC Zoning Districts.**~~,~~ ~~s~~Single-family and duplex dwellings may be allowed in the NC, GC and HC zoning districts subject to the following criteria:

1. ~~1.~~Shall b~~B~~e 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; ~~and~~
2. ~~2.~~Shall b~~B~~e developed without generating a requirement for either subdivision review, final site plan review, or equivalent development order review;~~,~~ ~~and~~
3. ~~3.~~Shall not violate ~~the~~ a maximum gross density requirement of nine (9) dwelling units per acre~~,~~; and
4. ~~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.

~~**D.**~~ **Single-Family Detached Dwellings in the Industrial Light (IL) Future Land Use Category.**

~~E.~~**D.** ~~Figure 6.1 Note:A and A-1 zoning on property assigned to the IL (Industrial Light) future land use category requires that the only residential uses allowed are s~~Single family detached dwellings on sites designated as IL on the Future Land Use Map are subject to~~. Further, the single family dwelling must meet~~ the following ~~criteria~~standards:

1. ~~1.~~Shall ~~B~~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~~,~~; ~~and~~
2. ~~2.~~Shall ~~B~~be developed without generating a requirement for either subdivision review, or final site plan review, or equivalent development order review~~,~~; ~~and~~
3. ~~3.~~If located within an A or A-1 zoning district, ~~S~~shall not violate the maximum gross or net residential density requirement of one (1) dwelling unit per acre~~,~~; ~~and~~

~~4. 4.Shall not violate the maximum net residential density requirement of one (1) dwelling unit per acre, and~~

4. ~~5.~~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. Figure 6.1 Note:In all zoning districts except A or A-1 on property assigned to the IL (Industrial Light) future land use category, single family detached dwellings may be allowed subject to the following criteria:~~

~~a. 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; and~~

~~b. 1.Be developed without generating a requirement for either subdivision review, or final site plan review or equivalent development order review; and~~

~~c. 2.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. ~~3.The e~~Existing recorded subdivisions~~,~~ approved before May 11, 1989, ~~is~~ are not required to meet the density limitations of the Comprehensive Plan.

Commented [LDI135]: Allowing duplex lots to split would create two independent lots which could eventually want to develop with SF. To allow split, each lot should meet the district standard. See Chapter 3. To fix in phase 2.

Commented [LDI136]: Table note

Commented [LDI137]: In phase 2 consider using the same dimensional standards for all uses in the district.

Commented [LDI138]: Brought in from a note in figure 6.1

Commented [LEA139]: Brought in from a note in figure 6.1

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.

F. 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. ~~907.3.1.~~ **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. ~~These subdivisions shall also provide a screening buffer with a landscaped berm per Section 715.5.2.1.~~ Additionally, all homeowner's documents shall carry language to inform homeowners of the presence of the adjacent kennel.

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.

~~A.~~C.~~704.23Eating Establishments~~ Restaurants in the Village Districts.

1. ~~704.23.1.*Location.*~~ All eating establishments 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. ~~704.23.2.*Screening.*~~ All proposed eating establishments 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~~715~~.5.2.1(A) of the Code.

~~2.~~3. Restaurants within the Planned Development Districts shall meet the following location and orientation standards.

Limitations	PDO	PDRP	PDI	PDPI
Location	Collector or Higher	-	-	-
Orientation	Oriented Internally	Oriented Internally	Oriented Internally	Oriented Internally

~~100.33.~~**531.49.** ~~704.74.4.~~**Retail Uses**~~**Sales, Neighborhood Convenience, Retail Sales, Neighborhood General and Retail Sales, General in the VIL Districts**~~.

A. Retail in the CRV Zoning District. Retail Sales, Neighborhood Convenience Uses within the CRV 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. ~~*704.74.4.1.*~~ *Size Limitations.*

   a. ~~1.~~All Retail Sales, Neighborhood General are limited to 3,000 square feet in size.

   b. ~~2.~~All Retail Sales, Neighborhood Convenience uses are limited as specified by the Comprehensive Plan.

   c. ~~3.~~All Retail Sales, General uses are limited to 3,000 square feet with an Administrative Permit. A Special Permit is required for any Retail Sales, General use greater than 3,000 square feet in size.

2. ~~*704.74.4.2.*~~*Location.* All Retail Sales, Neighborhood General and Retail Sales, General 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. ~~*704.74.4.3.*~~*Screening*. All Retail Sales, Neighborhood General, Retail Sales, Neighborhood

Commented [LEA140]: Moved from use tables footnotes.

Commented [LEA141]: The cross-reference to Section 715.5.2.1 is wrong.

Commented [LDI142]: Add to use table as footnote (Ph 2)

Commented [LDI143]: Address in development compatibility section (Ph 2)

Commented [LDI144]: From Chapter 6, Figure 6-1, Commercial Uses - Retail, Limitations.

Commented [LDI145]: Throughout the zoning and accessory/special uses sections there is retail locational criteria and establishment size that applies to all districts but is not all worded the same way and may have some slight differences. Some of it is in the comprehensive plan (FLUE policies 2.10.3.2, 2.10.3.3, policy: 2.10.4.2, 2.10.4.3, and 2.10.4.5 – there may be more flue policies and other policies in other comp plan elements), some in district descriptions, and some in footnotes to tables. Brought in most of it to this section.

Convenience and Retail Sales, General 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~~715~~.5.2.1(A) of the Code.

~~Retail Sales, Neighborhood General are limited to 3,000 square feet and must meet all relevant locational criteria as specified in the Manatee County Comprehensive Plan.~~

Commented [LDI146]: Dimensional table

~~B.~~C. Retail in HC zoning ~~on property assigned to~~ with IL (Industrial Light) future land use category. Development within the HC district shown as IL on the future land use map shall meet ~~requires that~~ all relevant locational criteria ~~shall be met~~ 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 Approval.

~~C.~~D. Retail in PD Districts. ~~s~~Shall meet the following criteria:

Limitations	PDO	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH
Neighborhood Convenience								
Size (max.)	10,000 s.f				10,000 sf		5,000 sf	5,000 sf
Location	Collector or Higher			Collector or Higher		Collector or Higher	Primary Entrance	Primary Entrance
Orientation					Oriented Internally	Oriented Internally	Oriented Internally	Oriented Internally
Other Retail								
Size (max.)					15,000 sf max.		10,000 sf max.	5,000 sf max.
Location		Collector or Higher	Collector or Higher	Collector or Higher	Collector or Higher		Collector or Higher	Collector or Higher

E. 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:

Commented [LEA147]: From Comp Plan

FLU	Maximum FAR	Maximum Square Footage of Retail per Type		
		Neighborhood	Community	Regional
Ag/R	0.23	Small		
ER	0.23(1) (2)	Small		
RES-1	0.23(1)	Medium		
RES-3	0.23(1) (2)	Medium		
RES-6	0.23(1) (2)	Medium		
RES-9	0.23(1) (2)	Medium		
RES-12	0.23(1) (2)	Medium		
RES-16	0.25(1) (2)	Medium		
UF-3	0.23(1)	Medium Large with Limitations (See Policy 2.2.1.11.5)		
OL	0.23 (2)	Small (office only)		
R/O/R	0.35 (2) 1.0 for Hotels	Large	Large	Large
IL	0.75 (2) 1.0 for Hotels	Small		
IH	0.5 (2)	Small		
IU	1.25	Small		
MU	1.0 2.0 inside the CRA's and UIRA	Large	Large	Large

FLU	Maximum FAR	Maximum Square Footage of Retail per Type		
		Neighborhood	Community	Regional
OM	0.30 Outside Urban Core 0.50 Inside Urban Core 1.0 Inside CRA's and UIRA	5,000 sf For Office Uses: Medium Exempt from 2.10.4.1 & 2 1,000 sf of retail per 30,000 sf of office, with a max. 5,000 sf for the entire site will be established for all projects **outside** the urban core area. 2,000 sf of retail per 30,000 sf of office, with a max. 10,000 sf for the entire site will be established for all projects **within** the urban core area.		
MU-C	---	---		
MU-C/AC-1	---	---		
MUC/AC-2	0.35	Large	Large	Large
MU-C/AC-3	0.23	Medium		
MU-C/R	0.23	Medium 150,000 sf for DRI's and Large Projects (as permitted by Policy 2.10.4.2)		

Footnotes:
(1): 0.35 for mini-warehouse uses only
(2) 1.00 inside the CRA's and UIRA

TABLE 2-2, Maximum Commercial Project Square Footages

Category of Commercial Use	Without Special Approval	With Special Approval
Small	3,000	30,000
Medium	30,000	150,000
Large	50,000	300,000

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.

~~100.34.~~531.50. ~~704.65.~~ Schools.

~~704.65.1. Orientation.~~ All accessory parking lots and playing fields shall be oriented in such a manner so as not 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.

~~100.35.~~531.51. ~~704.66.~~ Service Stations/ ~~and Other~~ Gas Pumps ~~Locations~~.

A. ~~704.66.1.~~ **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.

Commented [LDI148]: This is very vague and subjective. Propose deleting in Phase 2.

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

C. ~~704.66.3.~~ **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**.

Commented [LDI149]: Moved from definition.

E. ~~704.66.4.~~ **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 Section 540.7.J.1723.3.8, Fire and Explosive Hazards, Florida Department of Environmental Protection 17-761, and 17-762 and HRS/Manatee County Public Health Unit Regulations.

F. 704.66.5. **Interior Traffic Circulation.** When a service station is established in conjunction with a Rretail Ssales Eestablishment, 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 715701.

A.G. 704.66.6. **Neighborhood Commercial (NCS and NCM) Districts.** The following additional regulations shall apply in the Neighborhood Commercial Districts.

1. 704.66.6.2. A service station There shall be a maximum of limited to four (4) multi-dispensers gas pumps per premise.

2. 704.66.6.3. A service station shall be limited to minor vVehicle repair services accessory to the gasoline station shall be limited to , such as tuneupstune-ups, oil changes, and tire repair.

1.3. 704.66.6.1. Convenience stores and car washes, with gas pumps shall be limited to one (1) island with two (2) multi-dispenser gas pumps, as defined in Chapter 11. The location of the island and gas pumps shall not abut any residential district. 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.

704.66.7. Screening. Screening shall be provided in accordance [with] Section 715.

H. 704.66.8. Service Stations in the **Cortez Fishing Village HA Overlay District.** Service stations in the Cortez Fishing Village HA Overlay District shall meet the following standards:

1. 704.66.8.1. Service stations with or without convenience retail in the Cortez Fishing Village HA Overlay District shall be limited to There shall be a maximum of one (1) gas island with two (2) multi-dispenser gas pumps per island.

2. 704.66.8.2There shall be a maximum of. A service station shall be limited to two (2) service bays.

3. 704.66.8.3. *Lighting.* 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.

Commented [LEA150]: Moved from Commercial Use - Retail Limitations table. Modified second sentence.

Commented [LDI151]: Brought in from definition.

100.36.531.52. Section 707.Sexually Oriented BusinessesAdult Entertainment Uses.

707.1.Location.

A. No adult entertainment establishment shall be located within five hundred (500) feet of any unincorporated area in Manatee County zoned A-1, the RSF districts, RDD districts, RSMH districts, RMF districts, PDR, PDMH, 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. 707.1.1.*Entranceway Location Prohibition.* No adult entertainment establishment shall be located within or adjacent to property, designated as entranceways, Section 737 801900 of this Code.

2. 707.1.2.*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. 707.1.3.*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. 707.1.4.*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.

~~707.2.~~**Waiver.**

B. ~~707.2.1. Criteria.~~ The Board, after study and recommendation by the Department Director~~Planning Department~~, ~~the Building Division of the Planning Department,~~ 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. ~~707.2.1.1.~~ 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. ~~707.2.1.2.~~ That the proposed use will not enlarge or encourage the development or a "skid row" or blighted area; and
3. ~~707.2.1.3.~~ 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. ~~707.2.2.~~ **Procedure for Hearing Waiver Requests.** Any waiver request shall be the subject of public hearings before the Board.

D. ~~707.3.~~**Non-conforming Adult Entertainment Establishments.**

1. ~~707.3.1.~~ 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. ~~707.3.2.~~ 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. ~~707.3.2.1.~~ 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. ~~707.3.2.2.~~ 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. ~~707.3.3.~~ 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.

~~707.4.~~**License.**

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

F. ~~707.5.~~**Minimum Age Requirements.**

1. ~~707.5.1. Adult Entertainment Establishments.~~ No adult entertainment establishment shall allow minors by virtue of age in any such establishment at any time.
2. ~~707.5.2.~~ Incidental ~~M~~materials ~~V~~vendors shall not allow minors by virtue of age into areas of their establishments that contain adult materials or products.

G. ~~707.6.~~**Incidental Materials Vendors.**

1. ~~707.6.1. Determination.~~ Such business or place shall provide within three (3) days of a request by the ~~Planning~~ 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. ~~707.6.2. Location of Adult Materials.~~ 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.

707.7. **Enforcement.**

H. In addition to the enforcement procedures for violation of this Code set forth in Chapter 12, adult entertainment establishments not in conformity with the requirements of this Section are declared to be nuisances, and the Planning 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.

703.2.35. Telephone Booths. U.S. Post Office authorized Mail Boxes, Bicycle Racks, Public Benches, and Public Bus Shelters.

Telephone booths and pedestals in a residential district shall not be located in the front yard.

703.2.35.1. Locations within the rights-of-way. U.S. Post Office authorized mail boxes, public benches and public bus shelters may be located in any zoning district. Zoning district yard setback requirements shall not apply to such structures, except for the visibility triangle requirements contained in Section 713. Public benches and public bus shelters shall be subject to review by the Public Transportation Director.

703.2.35.2. Locations not within the right-of-way. Telephone booths and pedestals, U.S. Post Office authorized mail boxes, bicycle racks, public benches and public bus shelters, may be located in any zoning district. Zoning district yard setback requirements shall not apply to such structures, except for the visibility triangle requirements, contained in Section 713.

Section 742.Street and Structure Numbering Standards

531.53. 728.8. Solid Waste Management Facilities.

A. Rezone 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.

B. 728.8.1. 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 Public Works Department with respect to need and impact.

C. 728.8.2. 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. 728.9. 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 chapterSection 723, Adverse Impact Performance Standards.

E. 704.42. **Standards for Landfills**.

A. 1. *704.42.1.Lot Size.* 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.

B. 2. *704.42.2.Other Applicable Law.* Every approval for a sanitary landfill shall be deemed to incorporate as specific conditions all other provisions of law related to such use at the time of issuance, including the approval of the Planning Director.

C. 3. *704.42.3.Re-use of Land.* Upon the completion of operations, the landfill shall be closed according to the requirements of applicable State law and County regulations. The Public Works DepartmentDepartment Director shall administer, monitor and enforce the requirements of this Ssection.

D. *704.42.4.Compatibility of Location.*

Commented [LDI152]: Moved to ch 9

Commented [LDI153]: Added to minimize confusion with comp plan requirements to be in P/SP and rezone to PD.

~~1.~~4. ~~704.42.4.1.~~Landfills shall not be ~~considered an incompatible use if~~ located ~~as follows~~:

~~2.~~a. ~~1.~~Within ten thousand (10,000) feet of any runway being used or capable of being used by turbojet or turbo prop aircraft.

~~3.~~b. ~~2.~~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.

~~4.~~ ~~3.~~Landfills which meet the above parameters, but are within the lateral limits of the airport zones described in Section ~~725.2.3~~403.2, will be reviewed on a case-by-case basis.

~~E.~~F. ~~704.64.~~ Standards for Resource Recovery Facilities.

1. ~~*704.64.1. Setbacks.*~~ All ~~resource recovery~~solid waste management facilities shall be set back at least fifty (50) feet from all property lines.
2. ~~*704.64.2. Outdoor Storage.*~~ All outdoor storage shall be screened with an eight (8) foot high fence around the entire storage area.
3. ~~*704.64.3. Access.*~~ 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. ~~*704.64.4.*~~ The *Minimum Lot Size* shall be ~~: T~~two (2) acres.

~~704.70. Transportation Uses.~~

~~[704.70.1, 704.70.2. Reserved.]~~

~~[704.70.3. Application Requirements.]~~

~~704.70.3.1. Use Designations.~~

~~Conditional Transportation Uses are those transportation uses identified in Figure 6-1, which require an Administrative or Special Permit.~~

~~704.70.3.2. Submission Requirements.~~

~~In addition to the requirements of Conditional Uses, all Conditional Transportation Uses shall be subject to the following requirements:~~

~~704.70.3.2.1. Authorization for Public Uses. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution or other official act, adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location.~~

~~704.70.3.2.2. Other Applicable Law. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by such agencies as the Federal Aviation Administration and all other federal, state or local statutes, ordinances, rules or regulations applicable thereto.~~

~~704.10.Bus/RR Passenger Stations and Maintenance Facilities.~~

~~704.10.1.Passenger Stations. All bus and railroad passenger stations shall be located on streets designated as collector or higher.~~

~~100.37.~~531.54. ~~, 704.72.~~ Utility Uses.

A. ~~704.72.2.~~ Location. Utility uses shall only be allowed where ~~The proposed location of the public utility use shall be~~ necessary ~~for the~~ to render~~ing~~ ~~of~~ efficient ~~governmental~~ service~~s~~ to ~~the residents of properties within the general~~ an area ~~of the location or within the jurisdiction of the applicant agency as a whole~~. Wastewater treatment facilities should not be allowed in the CON district.

B. Heavy Utility Uses Require Rezone to MP-I~~PI~~. Utility uses which have adverse ~~aesthetic~~visual, ~~or~~ 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.

Commented [LDI154]: Not needed. The application already requires consent from property owner.

Commented [LDI155]: Not necessary at the time of application, as long a they have it prior to building permit approval.

Commented [LDI156]: Added as footnote to use table

Commented [LEA157]: Table of uses - footnote.

Commented [LDI158]: Added to minimize confusion with comp plan requirements to be in P/SP and rezone to PD.

C. ~~**704.72.1.**~~ **Application Requirements.** ~~All a~~Applications for public utilities uses within private or public property shall be submitted to the ~~Public Works Director~~Department Director for approval. ~~704.72.5. Prior to issuance of an Administrative or Special Permit for a County Utility Use Facility,~~Water and Wastewater Treatment facilities require ~~the~~ Board of County Commissioners approval ~~shall approve the location of the facility~~ after holding a Public Meeting to review the proposed location.

1. *Submittal Requirements.* The application for utility use approval shall include the following:

   a. ~~704.72.1.1. Authorization.~~ A certified copy of the law, code, resolution or other official act~~,~~ adopted by Manatee County~~,~~ authorizing the establishment of the proposed use.

   ~~704.72.1.2. Uses Within the Right-of-Way. All utility uses within the rights-of-way, public lands, and public easements shall be approved by the Environmental Management Director.~~

   b. ~~704.72.1.3. Selection Basis.~~ 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 ~~proposed~~ utility use.

   c. ~~704.72.3.1. System Description.~~ 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. ~~704.72.1.4. Generally.~~ 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. ~~704.72.1.5.~~ 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.

~~*704.72.3. Additional Submission Requirements.*~~

~~*704.72.3.2. Exemptions.*~~

3. ~~704.72.3.2.1. Submission as part of a development approval process.~~ Any public utilities or facilities~~,~~ specifically approved in accordance with the standards of this Section~~,~~ in connection with another application for development approval~~, or by an accessory use,~~ shall not be required to obtain a separate development approval.

D. ~~**704.72.4.**~~ **Standards for Utility Uses.**

1. ~~704.72.3.2.2. Dimensional Standards. All u~~Utilities and facilities, other than buildings, shall not be required to comply with the dimensional ~~D~~development ~~S~~standards of the zoning district, as specified in Chapter 4~~6~~.

2. ~~704.72.4.1. Storage; Vehicle Parking, Servicing.~~ No land or building in any district other than "HM" (Heavy Manufacturing), "LM" (Light Manufacturing), "HC" (Heavy Commercial), or "A" (General Agricultural) ~~Districts~~ 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. ~~704.72.4.2. Screening.~~ In all zoning districts except the LM, HM, HC, and A d~~D~~istricts, all equipment, machinery and facilities not located within an enclosed building shall be adequately screened in accordance with the requirements of Section 701~~715~~, Landscaping.

4. See Section ~~431.34~~531.50 for specific standards applicable to Solid Waste Management Facilities.

Commented [LDI159]: Language clarified.

Commented [LEA160]: Will address wind turbines in Phase 2.

531.55. ~~703.2.30.~~ Vending, Soliciting and Peddling.

Commented [LDI161]: Section 703.2.30 should be moved to the county code of ordinances

A. ~~703.2.30.1.~~ Findings of Fact and Purpose.

~~[703.2.30.1.1. Reserved.]~~

1. ~~703.2.30.1.2.~~ 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. ~~703.2.30.1.3.~~ 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. ~~703.2.30.1.4.~~ 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. ~~703.2.30.1.5.~~ 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. ~~703.2.30.1.6.~~ 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. ~~703.2.30.2.~~ Definitions Specific to this Section.

1. ~~703.2.30.2.1.~~ 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. ~~703.2.30.2.2.~~ 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.

C. ~~703.2.30.3.~~ Prohibited Uses of Public Rights-of-Way.

~~703.2.30.3.1.~~ 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. ~~703.2.30.4.~~ Exemptions.

This Code shall not apply to:

1. ~~703.2.30.4.1.~~ The emergency repairing or servicing of vehicles disabled while traveling on such road.
2. ~~703.2.30.4.2.~~ Newspaper racks located in such rights-of-way, provided, however, that any such rack located in a manner determined by the Transportation or ~~Planning~~ Department Director to constitute a threat to public safety, shall be relocated within fourteen (14) days after notice from the ~~Transportation or Planning~~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 ~~Transportation or Planning~~ Department Director's determination that such vending rack constitutes a threat to public safety.
3. ~~703.2.30.4.3.~~ 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. ~~703.2.30.4.4.~~ 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. ~~703.2.30.5.~~ Effect on Other Ordinances and General Law.

~~703.2.30.5.1.~~ 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.

~~703.2.30.6.1.~~ 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 ~~703.2.~~29.

Commented [LDI162]: Wrong cross-reference. .29 is Central Garbage Collection Areas

~~100.38.~~531.56. ~~704.50. Motor~~ Vehicle Repair, Major.

~~A. 704.50.1.Standards. This use shall be allowed by Special Permit in the GC 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.~~

~~B. 704.50.2.Setbacks.~~

~~C.~~A. ~~704.50.3.Noise.~~ No outdoor speakers shall be allowed adjacent to residential areas.

Commented [LDI163]: Address in development compatibility (Ph 2)

~~D.~~B. ~~704.50.4.Screening.~~ 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.

~~E.~~C. ~~704.50.5.Filtration of Pollutants.~~ A filtration system shall be installed as stipulated under 801.3.I, ~~717.3.13~~ and located before pollutants enter the retention/detention area.

~~F.~~D. ~~704.50.6.Boat Motor Repair.~~ All motor vehicle repair establishments which repair boat motors~~,~~ shall provide a screened area ~~outside of the required parking spaces,~~ for the parking and storage of all boats.

~~G.~~E. This area shall be screened with a solid minimum six (6) foot fence and landscaping per Section ~~715~~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.

~~H.~~F. There shall be no parking of boats outside of this storage area, except for those boats immediately entering or exiting the premises.

~~100.39.~~531.57. ~~704.51.Motor~~ Vehicle Sales, Rental, Leasing.

~~A. 704.51.1.Standards.~~

~~This use shall be allowed by Special Permit in the GC 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.~~

~~B.~~A. ~~**908.3.4.3. Vehicle Sales.**~~ Vehicles sales ~~including restricted vehicle sales~~ shall only be conducted on a lot approved for the specific use and within the designated zones stipulated in Chapter 3, ~~under Figure 6-1. The displaying for the purpose of sale of any vehicle, including any restricted vehicle on any lot not properly zoned within a valid development approval is prohibited.~~ except that ~~The exception of this prohibition is~~the display~~ing~~ 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.~~B. ~~**704.51.2.Noise.**~~ 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.

Commented [LDI164]: Address in development compatibility (Ph 2)

~~D.~~C. ~~704.51.3.Setbacks.~~ All outdoor sales areas shall be located at least twenty (20) feet from any adjacent to property zoned A-1, RDF, RDD, RMF, RSMH, PDR, PDMU or PDW.

D. ~~704.51.4.Screening.~~ All outdoor vehicle display areas shall be screened from adjacent side and rear property lines per the requirements of Section ~~715~~701.3.

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

~~100.40.~~531.58. ~~704.73.~~ 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. ~~See also Section 726, Wild and Exotic Animals~~

~~704.74. Village Districts.~~

~~704.74.1. All Conditional Uses within the Village Districts shall comply with this section of the Code, as well as all other applicable sections.~~

~~704.74.2. All Conditional Uses shall comply with the commercial locational criteria established in the Comprehensive Plan except for those uses which are under the headings of Agriculture Uses, Residential Uses, Recreation Uses and Residential Support Uses.~~

531.59. ~~704.75.~~ 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.

~~100.41.~~531.60. ~~718.6.2.10.~~ Water Dependent Uses.

A. Water dependent uses not meeting the requirements ~~of this section~~the floodplain management regulations shall only be allowed by a variance. Variances may be issued as allowed in Section 802.7~~718.10 and Chapter 5~~.

B. All water dependent uses 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 "~~Design Manual for~~ Flood~~ing P~~proofing Non-Residential ~~Structures~~Buildings Manual."

~~704.77. Wild and Exotic Animals. (See Section 726—Wild and Exotic Animals.)~~

Commented [LDI165]: Address in development compatibility (Ph 2)

Commented [LDI166]: Residential, Retail, Eating Est, and MH standards moved to those specific sections in this chapter.

Section 532. to 539. Reserved

Section 533. to 539. Reserved [THESE WILL BE DELETED LATER]

Section 534. to 539. Reserved

Section 535. to 539. Reserved

Section 536. to 539. Reserved

Section 537. to 539. Reserved

Section 538. to 539. Reserved

Section 539. to 539. Reserved

Part V. ~~Section 723. -~~ Adverse Impact Performance Standards.

Section 540. ~~723.1.~~ Intent.

The intent of these performance standards is to grant ~~the~~ 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. ~~723.2.~~ Laws, Codes, and Standards.

The ~~most current amendment of the~~ following laws, codes and standards shall be strictly adhered to:

A. ~~723.2.1.~~ Noise: Manatee County Noise Ordinance ~~99-20, as amended~~(Section 2-21, Article II, Code of Ordinances).

B. ~~723.2.2.~~ Odors: Manatee County Air Regulations.

C. ~~723.2.3.~~ Vibrations: Subsection 542.3~~723.3.3~~ of this Code.

D. ~~723.2.4.~~ Visual Emissions: Manatee County Air Regulations.

E. ~~723.2.5.~~ Glare: Subsection 542.5~~723.3.5~~ of this Code.

F. ~~723.2.6.~~ Humidity, Heat and Cold: Subsection 542.6~~.723.3.6~~ of this Code.

G. ~~723.2.7.~~ 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 ~~Dept.~~Department of Environmental Regulation
   7. Florida Department~~Dept.~~ of Transportation
   8. National Fire Protection Association

H. ~~723.2.8.~~ 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. ~~723.2.9.~~ Radioactive Substances:
   1. Florida Department of Health ~~and Rehabilitative Services~~
   2. Chapter 404 and 553 Florida Statutes
   3. Florida Administrative Code Chapter 64E-5 ~~10 D 91~~

~~Section 502.~~Section 542. ~~723.3.~~ General Requirements.

542.1. ~~723.3.1.~~ Noise disturbance.

No person shall make, continue, or cause to be made any noise disturbance, in accordance with the Manatee County Noise Ordinance ~~81-3~~(Section 2-21, Article II, Code of Ordinances)~~, as amended~~. The Noise Ordinance ~~81-3~~ 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. ~~723.3.2.~~ Odors.

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

542.3. ~~723.3.3.~~ 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 - 3: Maximum Permitted Steady Vibration Displacement (in inches)

~~TABLE 1~~

Frequency (cycles per second)	Commercial and Light Manufacturing Zoning Districts	Heavy Manufacturing and	All Other Zones

		Extraction Zoning Districts	
10 and below	.0020	.0039	.0008
10—20	.0010	.0022	.0005
20—30	.0006	.0011	.0003
30—40	.0004	.0007	.0002
40—50	.0003	.0005	.0001
50—60	.0002	.0004	.0001
60—70	.0001	.0004	.0001

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.

542.4. ~~723.3.4.~~ Visual Emissions.

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. ~~723.3.5.~~ 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~~709~~ (Outdoor Lighting).

542.6. ~~723.3.6.~~ Humidity, Heat and Cold.

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 2~~ Table 5- 4 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 2~~

Table 5 - 4: Adverse Impacts Point of Determination

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

~~502.2.~~542.7. ~~723.3.7.~~ Hazardous Materials and Toxic Substances.

A. ~~723.3.7.1.~~ Applicability. Any biological or chemical substance exceeding the minimum quantities listed in:

1. ~~723.3.7.1.1.~~ List of extremely hazardous substances, as published by U.S. Environmental Protection Agency, Title 40 Code of Federal Regulations (CFR), Part 355, as amended.
2. ~~723.3.7.1.2.~~ 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. ~~723.3.7.1.3.~~ Hazardous chemicals [for] which the Occupational Safety and Health Administration (OSHA) requires a Material Safety Data Sheet (MSDS) to be maintained, as amended.

4. ~~723.3.7.1.4.~~ Toxic chemicals as published by the U.S. Environmental Protection Agency, Section 313, Toxic chemical list and 40 CFR 372, as amended.

5. ~~723.3.7.1.5.~~ Hazardous chemicals as published under 49 CFR 172.101 and appendices, as amended, by the United States Department of Transportation.

B. ~~**723.3.7.2.**~~ **Notification.** ~~723.3.7.2.1.~~ All property owners and facility operators shall conform to the Environmental Protection Agency requirements of ~~Sections 302, 303, and 304 as published in the~~ 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. ~~**723.3.7.3.**~~ **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, ~~Section 723.3.7.1~~ above, as part of its operation shall submit to the Manatee County ~~Environmental Management~~ 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. ~~**723.3.7.4.**~~ **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 this Part~~Section 723~~.

E. ~~**723.3.7.5.**~~ **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~~Section 723.3.7.1~~ 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 ~~Environmental Management~~ 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 ~~Environmental Management d~~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 ~~Environmental Management~~ 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.

~~**E.**~~**F.** ~~**723.3.7.6.**~~ **Building Permit Requirement.** No ~~B~~building ~~P~~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 ~~Environmental Management~~ Department and appropriate fire district shall notify the Building and Development Services ~~Planning~~ Department of all cited violations. The Building and Development Services~~Planning~~ Department shall review all ~~B~~building ~~P~~permit applications, conduct inspections both during construction and after occupancy, including conducting Code Enforcement investigations, all with respect to the requirements of this section.

~~**F.**~~**G.** ~~**723.3.7.7.**~~ **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.

~~G.~~H. ~~723.3.7.8.~~ **Hazardous Material Emergencies.** The Manatee County Parks and Natural Resources ~~Environmental Management~~ 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 ~~B~~building ~~P~~permit shall be obtained for all related retrofit construction to achieve compliance.

~~H.~~I. ~~723.3.7.9.~~ **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.

~~I.~~J. ~~723.3.7.10.~~ **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~~Section 723.3.7.1~~, shall submit to the Manatee County Parks and Natural Resources ~~Environmental Management~~ 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 ~~Environmental Management~~ 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 ~~Environmental Management~~ 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 ~~Environmental Management~~ Department and the appropriate Fire District shall be a prerequisite for any further development order to be issued at that site.

1. ~~723.3.8.~~ *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.

   a. ~~723.3.8.1.~~ In all industrial districts, the storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

   b. ~~723.3.8.2.~~ 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.

2. ~~723.3.9.~~ *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 ~~and Rehabilitative Services~~ as set for under Chapter 404, Florida State Statutes and the Florida Administrative Code, Chapter 64E-5 ~~Section 10D91~~. All persons handling, storing, manufacturing, or transporting radioactive substances shall comply with these requirements.

Section 543. ~~to 544~~Reserved.

Section 544. ~~to 544~~Reserved. [THESE WILL BE DELETED LATER]

Part VI. Special Use Programs.

~~Section 503.~~Section 545. ~~Chapter 13~~Housing Program

~~503.1.~~545.1. ~~Section 1301~~ Purpose and Intent.

The purpose of this ~~Chapter~~ 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 ~~S~~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.

~~503.2.~~545.2. ~~Section 1302. –~~ Affordable Housing Incentives.

~~1302.1.~~ To meet the affordable housing needs of Manatee County residents ~~for Affordable Housing~~, 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. ~~1302.1.1.~~ **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 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. ~~1302.1.2.~~ **Fee Refund.** All projects with affordable housing units shall be eligible for refunds of County review fees (e.g. planning, building, engineering) 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. ~~1302.1.2.1.~~ Any applicant seeking a fee refund shall submit an application to the ~~Affordable/Workforce Housing Coordinator~~Department Director who will assist applicant in working with the proper county department.

   2. ~~1302.1.2.2.~~ 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. ~~1302.1.3.~~ **County Impact Fee Increment.** In an effort to minimize the impact on affordable households of increasing impact fees, the County, pursuant to Resolution R-~~04-67~~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. ~~1302.1.4.~~ **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~~04-67~~, 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. ~~1302.1.5.~~ **Sidewalk Location.** Projects with at least twenty-five (25) percent affordable units ~~shall~~ are required ~~obligated~~ to provide sidewalks within the development and on project perimeters ~~as would otherwise be required by this Code~~.

1. ~~1302.1.5.1.~~ Additionally, these projects shall be responsible for identification of sidewalk extensions as required ~~by Section 722.1.4.4~~in Chapter ~~7~~10.
2. ~~1302.1.5.2. In instances where sidewalk extensions would otherwise be required by Section 722.1.4.4, t~~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. ~~1302.1.5.3.~~ 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 Section 1001.6.A.2~~722.1.4.4~~. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

F. ~~1302.1.6.~~ **Housing Trust Fund.** There is hereby created~~, pursuant to Ordinance No. 90-01,~~ a Housing Trust Fund for the receipt of non-ad valorem revenues for use in the 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 ~~A~~affordable ~~H~~housing.

1. ~~1302.1.6.1.~~ The Board of County Commissioners shall establish criteria for the dispersion of such funds.
2. ~~1302.1.6.2.~~ Any applicant seeking to secure such funds shall submit an application to the ~~Department of Community Services, Housing and Community Development Section~~Department Director.
3. ~~1302.1.6.3.~~ 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. ~~1302.1.6.4.~~ 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. ~~1302.1.7.~~ **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. ~~1302.1.7.1.~~ Any applicant seeking to secure such funding shall apply by submitting a written request to the ~~Transportation Director~~Department Director.
2. ~~1302.1.7.2.~~ All applications will be reviewed ~~by both the Transportation and Community Services Departments~~pursuant to the administrative review process described in Section 315.
3. ~~1302.1.7.3.~~ 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. ~~1302.1.7.4.~~ 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.

H. ~~1302.1.8.~~ **Density Bonus.** Projects with at least twenty-five (25) percent units designated as affordable are eligible to request a density bonus from the Board ~~of County Commissioners~~. This density bonus may allow the maximum project density to increase to 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.

1. ~~1302.1.8.1.~~ Density bonuses may be used only within the development creating the bonus units.
2. ~~1302.1.8.2.~~ 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. This density may be below the next highest Future Land Use Map ~~D~~designation.

a. In determining the appropriateness of a density bonus, the Board ~~of County Commissioners~~ shall consider all factors associated with the review of a planned development project pursuant to this Code. The Board ~~of County Commissioners~~ shall also consider the impact of the proposed project on the transportation level of service.

b. Priority shall be given to projects with access to transit and neighborhood commercial nodes.

3. ~~1302.1.8.3.~~ 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 a 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 ~~of County Commissioners~~. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

I. ~~1302.1.9.~~ Transfer of Development Rights.

1. ~~1302.1.9.1.~~ 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.

2. ~~1302.1.9.2.~~ 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 ~~of County Commissioners~~ shall consider all factors associated with the review of a planned development project pursuant to this Code. The Board ~~of County Commissioners~~ shall also consider the impact of the proposed project on the transportation level of service.

4. ~~1302.1.9.3.~~ 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. ~~1302.1.9.4.~~ 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 are retained as affordable units for a period of time to be designated by the Board ~~of County Commissioners~~. 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.

~~503.3.~~545.3. ~~Section 1303. –~~ Workforce Housing Incentives.

~~1303.1.~~ To meet the needs of Manatee County residents for Workforce Housing, the following incentive is provided: ~~1303.1.1.~~ 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. 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.

~~1303.1.1.1.~~ 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.

~~503.4.~~545.4. ~~Section 1304 –~~ Affordable Housing Stock Lost to Development.

A. ~~1304.1.~~ Any development which eliminates affordable housing stock shall either:

I. ~~a.~~ Provide replacement stock;

2. ~~b.~~Provide payment to the Housing Trust Fund in an amount established by the Board;
3. ~~c.~~Provide an innovative replacement contributions meeting the requirements of Section 545.4.B~~1304.2~~.
4. ~~d.~~Donate land to be used by the County for the development of affordable housing.

B. ~~1304.2. *Innovative Replacement Methods.*~~ 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 ~~444~~545.4.A~~1304.1~~ above. These innovative replacement contributions must be approved by the Board, after recommendation by the ~~Community Services Director~~Department Director.

C. ~~1304.3. *Replacement Exemption.*~~ 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.

~~503.5.~~545.5. ~~Section 1305 –~~Infill Development.

Infill development or redevelopment activities may be approved on existing lots of record meeting the requirements of Sections 107.8.C.1~~1107~~.3.1 (Use of Nonconforming Lots for Affordable Housing) ~~and Section 702.6.6.1Side Yard Reductions Utilized 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~~1107~~.1.3.1 through 1107.1.3.3.

Commented [LDI167]: This sentence moved here from 702.6.6

~~503.6.~~545.6. ~~Section 1306 –~~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) ~~Ordinance No. 05-30~~ and other applicable law.

CHAPTER 6 – SIGNS

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CHAPTER 6 - ~~Section 724.~~ Signs.

Section 600. ~~724.1.~~ Purpose.

The purpose and intent of this Section is to provide minimum standards to protect the public health, safety and welfare, convenience and enjoyment of the general public through consistent and nondiscriminatory sign standards. Sign regulations are intended to make Manatee County safer by reducing safety hazards, to contribute to the development and maintenance of an attractive visual environment, while facilitating the communication of messages to the public. The purpose is to avoid an environment that encourages visual blight while protecting and promoting the aesthetic environment of the unincorporated area of Manatee County. The objectives and strategies of this section are as follows:

A. ~~a.~~ Improve pedestrian and traffic safety;

B. ~~b.~~ Lessen the visual clutter that may otherwise be caused by the proliferation of improper placement, illumination and animation and excessive height and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

C. ~~c.~~ To allow and encourage signs appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;

D. ~~d.~~ Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;

E. ~~e.~~ To allow for the identification of business, residential and public uses without creating safety hazards, confusion, unsightliness, or visual obscurity of adjacent businesses or other neighboring structures; and

F. ~~f.~~ Recognize the commercial communication requirements of all sectors of the business community and promote both renovation and proper maintenance.

Section 601. ~~724.2.~~ Applicability of Other Code or Regulatory Requirements.

A. ~~a.~~ Signs requiring the issuance of building permits or other advertising structures shall be permitted, constructed, and maintained in strict conformity with the Florida Building Code, Florida Statutes, and all other applicable regulations.

B. ~~b.~~ Signs requiring the issuance of a sign permit or other advertising structures shall be permitted, constructed and maintained in strict conformity with the Land Development Code and all other applicable regulations (including, but not limited to, maximum size, number of signs, minimum setbacks, maximum height, minimum ground clearance and minimum separation requirements).

C. ~~c.~~ No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Code.

D. ~~d.~~ In the event that any of the provisions of this Section are in conflict with other sections of this Code or other applicable requirements, the provisions of this Section shall apply.

Section 602. ~~724.3.~~ Administration.

The Department Director shall be responsible for the administration of this Section in coordination with other appropriate County and State Departments.

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Section 603. ~~724.4.~~ Sign Permits.

603.1. Activities Requiring a Sign Permit.

A. ~~a.~~ No person shall erect, demolish, alter, rebuild, enlarge, extend, relocate, attach to, suspend from, or support from a building or structure a permanent or temporary sign unless a permit for such sign has been issued by the Department Director or unless such signs are specifically exempted from permit requirements.

~~A.~~B. ~~a.~~ Painting, repainting, cleaning or other ordinary repairs and maintenance of any legal sign or sign structure shall not require a sign permit. Replacement of any structural elements of a sign shall require a sign permit.

C. ~~b.~~ No permit shall be required to change the advertising copy or message on signs which are specifically designed for the use of replaceable copy, or panels.

D. ~~c.~~ It shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of a sign permit without the prior written approval of the Department Director. The ~~W~~written record of such approval shall be entered upon the original permit application and maintained in the files of the County.

E. ~~d.~~ No sign permit for any on-site sign shall be issued until a building permit has been issued for the establishment to which it relates.

F. ~~e.~~ All sign permits for permanent on-site and off-site signs shall be valid for the life of the sign. All temporary sign permits shall be valid for the period specified on the permit.

G. ~~f.~~ No sign permits for on-site signs will be issued for premises when existing signage of the same type exceeds the limits of this Code. Existing signs will either have to be modified or removed to allow additional signage. This requirement shall apply separately to wall signs and freestanding signs.

H. ~~g.~~ Non-commercial messages permitted in substitution: Wherever these regulations permit erection of signs for commercial purposes or for the identification of the property on which the sign is located, the permittee may substitute any non-commercial message in lieu of the messages otherwise permitted. The right to substitute the non-commercial message does not waive any other requirement imposed by the ordinances of the County as to number, size, construction, location, lighting, obscenity, safety or any other regulated attribute. The right created by this subsection is one of substitution and not one of addition.

603.2. ~~724.14.~~ Signs Allowed Without a Sign Permit~~, Generally~~.

The following types of signs may be erected without the issuance of a sign permit. All such signs shall be placed, maintained and removed in conformance with all other requirements of this Code except government signs:

A. ~~i.~~ Construction sign

B. ~~p.~~ Farm sign

C. ~~d.~~ Flags

D. ~~o.~~ Garage sale sign

E. ~~c.~~ Government sign

F. ~~g.~~ Mural sign

G. ~~b.~~ On-site directional sign

H. ~~n.~~ Political sign

I. ~~h.~~ Real estate sign

J. ~~f.~~ Sandwich board sign

K. ~~k.~~ Signs incorporated on machinery or equipment

L. ~~r.~~ Signs related to fund-raising for schools, parks and churches

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M. ~~q.~~ Tag sign

N. ~~m.~~ Temporary institutional sign types

O. ~~a.~~ Temporary off-site sign

P. ~~e.~~ Temporary sign

Q. ~~l.~~ Warning sign

R. ~~j.~~ Window sign

603.3. ~~724.5.~~ Sign Permit Application Procedures.

~~Pursuant to Section 105, t~~The Department Director shall establish Administrative Procedures for sign permit applications which shall include, but need not be limited to, sufficiency review of sign permit applications, various issues specific to each Department of the County, and application contents.

A. ~~724.6. **Permit Authority**~~**Sign Permit Review.** The Department Director shall approve or deny the sign permit or building permit as applicable within forty-five (45) days after receipt of a complete application. If the Department Director fails to act within forty-five (45) days, the permit shall be deemed denied. If ~~the~~ a sign permit is denied, the Department Director shall prepare a written notice of his or her decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant.

B. Sign Permit Appeals. The applicant may file a written notice of appeal to the Hearing Officer containing the specific grounds for appeal within fifteen (15) days after the date of receipt of the Department Director's written notice. The Hearing Officer shall hear the appeal and render a decision within thirty (30) days after the date of receiving the written notice of appeal. If the Hearing Officer does not grant the appeal, then the applicant may seek relief in the Circuit Court for Manatee County, as provided by law. The public hearing notice requirements in Chapter ~~2~~3 ~~Section 516~~ do not apply to the appeal provided for in this section.

~~724.8. Violations. The failure of a property owner to remove a sign prohibited by this Code shall constitute a violation of this Code. In addition to other remedies, the Director is hereby authorized to cause removal of the sign with proper notice, at the expense of the owner of the sign or property.~~

~~724.9. Unless otherwise expressly permitted herein, Signs on rights-of-way, utility poles or on trees; hazardous signs, signs within the visibility triangle or any sign, except government and legal nonconforming signs, located upon, within or otherwise encroaches upon County or public rights-of-way or on public lands or within the visibility triangle, shall be subject to immediate removal, without notification to violators, and impounding by the Manatee Sheriff's Office, or other authorized County employee at the expense of the owner, agent, lessee, sign contractor, or other person having beneficial use of the sign. When impounded, the sign shall be held by Manatee County for a minimum of ten (10) days, during which the sign owner may recover the sign upon payment of removal and storage costs. After ten (10) days the sign may be sold or destroyed at the option of the county.~~

Commented [LDI1]: Moved to Violations section (at end of chapter)

Section 604. ~~724.12.~~ Prohibited Signs.

Prohibited signs, except as otherwise provided by this Section, ~~include~~shall be determined as follows:

A. ~~a.~~ All signs not expressly permitted are hereby prohibited.

B. ~~b.~~ Abandoned signs are hereby prohibited.

C. ~~c.~~ Signs which imitate or resemble official traffic or government signs and signals are hereby prohibited.

D. ~~d.~~ Signs within any public rights-of-way (County or State) or on public lands, except for government signs, are hereby prohibited.

E. ~~e.~~ Signs in visibility triangles are hereby prohibited.

F. ~~f.~~ Signs causing traffic or any other hazard are hereby prohibited.

G. ~~g.~~ Signs which bear or contain statements, words, or pictures of any obscene, pornographic, [or immoral

character~~]~~ are hereby prohibited.

H. ~~h.~~ Signs which emit audible sound, vapor, smoke, odor particles, or gaseous matter are hereby prohibited.

I. ~~i.~~ Signs that have unshielded illuminated devices that produce glare or are a hazard to motorists or occupants of adjacent properties are hereby prohibited.

J. ~~j.~~ Signs that due to any lighting or control mechanism, causes radio, television, or other communication interference are hereby prohibited.

K. ~~k.~~ Signs that are erected or maintained so as to obstruct any firefighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes, including any opening required for proper light and ventilation, are hereby prohibited.

L. ~~l.~~ Signs for any home occupations and conditional home occupations, except as otherwise permitted, are hereby prohibited.

~~724.7. Maintenance.~~

~~a. Painting, repainting, cleaning or other ordinary repairs and maintenance of any legal sign or sign structure shall not require a sign permit. Replacement of any structural elements of a sign shall require a sign permit.~~

~~b. The failure of the owner, agent, or lessee of a sign for which a sign permit has been issued to properly maintain the sign in accordance with the requirements of this Code shall constitute a violation of this Code.~~

Commented [LDI2]: a moved up to signs requiring permit; b moved to violations.

Section 605. ~~724.15. General~~ Sign Standards.

605.1. Sign Standards Matrix

All signs requiring a permit shall comply with the ~~S~~sizes~~s~~, height~~s~~, setbacks and other specifics ~~are~~ identified in Table 6-1, ~~the s~~Sign Standards ~~m~~Matrix, ~~see Appendix A. All signs requiring a permit shall comply with the additional~~ in addition to the general standards ~~below~~stated in the following subsections.

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~~SIGN MATRIX—APPENDIX A~~

Table 6 - 1~~Table 5- 1~~: Sign Dimensional Standards

Commented [LDI3]: [we recommend redoing this table. It currently mixes types of development and types of signs. Doesn't include standards for other signs (temporary, any others?)]

PROJECT TYPE	SETBACKS~~/LOCATION NOTES~~ (FROM PROPERTY LINE)				MAX HEIGHT	MAX ~~SQUARE FEET (sf)~~SIZE	LOCATION RESTRICTIONS	ILLUMINATION ALLOWED?	TIME LIMIT?	MISC.
	Front	Side	Rear	Other						
FREE STANDING SIGNS										
RESIDENTIAL & NON RESIDENTIAL PROJECT IDENTIFICATION SIGNS~~ FREE STANDING~~										
Residential Subdivision/Multi-family Identification	12' ~~from front lot line or street rights of way~~	10' ~~from side lot line~~	10' ~~from rear lot line~~		8'	32 sf	Intersection entrances only, one on each side of entrance	Yes	No	LED not permitted
Home Occupation										Not permitted See ~~724.12.n.~~604
NON-RESIDENTIAL										
DRI~~-~~/CDD/ Large Project on-site Directional Signage										See ~~724.11~~606 Master Sign Plan Option
Interstate										See ~~724.11~~606 Master Sign Plan Option
North Central Overlay District (NCO)										See ~~724.16~~609
Off-Site Directional Signs										See ~~724.17.1~~611
Outdoor Advertising Signs										See ~~724.18~~613

PROJECT TYPE	SETBACKS/~~LOCATION NOTES~~ (FROM PROPERTY LINE)				MAX HEIGHT	MAX ~~SQUARE FEET (sf)~~SIZE	LOCATION RESTRICTIONS	ILLUMINATION ALLOWED?	TIME LIMIT?	MISC.
	Front	Side	Rear	Other						
Political Signs	5' ~~from property line~~ in nonresidential districts				10'	6 sf in residential district; 32 sf all other districts			See ~~724.14.1.e., f.~~609.2	See ~~724.14.1~~609.2
Restricted Temporary Signs	12' from front lot line	10' from side lot line	10' from rear lot line		25'	16 sf	2 per event	No	Yes. 120 days per year	See ~~724.13~~609
Subdivision/ Project Identification	12' ~~from front lot line~~	10' ~~from side lot line~~	10' ~~from rear lot line~~	25' ~~from residential lot lines~~	20'	75 sf	Intersection entrances only, one on each side of entrance	Yes	No	LED not permitted
Single/Multi-Establishment Premises:										
Lot with <50' Frontage	12' ~~from front lot line~~	10' ~~from side lot line~~	10' ~~from rear lot line~~		25'	50 sf	One sign per frontage ~~(up to 50' frontage)~~	Yes	No	LED not permitted
Lot with 50'-150' frontage	12' ~~from front lot line~~	10' ~~from lot line~~	10' ~~from lot line~~		25'	75 sf	One sign per frontage ~~50' to 150' frontage~~	Yes	No	LED not permitted
Lot with 150'-1,000' frontage	12' ~~from front lot line~~	10' ~~from side lot line~~	10' ~~from rear lot line~~		25'	75 sf plus 1 sf or each 6' of frontage (max 150 sf)	One sign per frontage ~~150'-1,000' frontage~~	Yes	No	LED Permitted on collector or arterial roadways
Lot on arterial and >1,000' frontage	20' ~~from front lot line~~	~~Min. 1000' between these signs~~	~~No other permanent signs along frontage.~~		25'	150 sf each (2 signs max) or one 300 sf sign	One sign per frontage 1000' min. between signs No other permanent signs along	Yes	No	LED Permitted on collector or arterial roadways

PROJECT TYPE	SETBACKS/~~LOCATION NOTES~~ (FROM PROPERTY LINE)				MAX HEIGHT	MAX ~~SQUARE FEET (sf)~~SIZE	LOCATION RESTRICTIONS	ILLUMINATION ALLOWED?	TIME LIMIT?	MISC.
	Front	Side	Rear	Other						
							frontage.~~Arterial Road w/1,000' + frontage~~			
Wall, Mansard & Canopy	Cannot project beyond roofline or sidewalls attached to	Cannot project more than 24" away from attached wall	Cannot project onto streets. Must be 8' above pedestrian walkways	Less than 1000 f~~ee~~t. of frontage on single street		~~-~~2 sf per linear foot of building frontage (200 sf max)	One sign per establishment in single/multi occupancy premises. Multi establishment premises with less than 1,000' frontage on a single street may have one identification or combination wall sign 200 sf in lieu of all freestanding signs on the same frontage	Yes	No	~~Allowed in both residential and non-residential districts.~~ Corner locations get one sign for each frontage

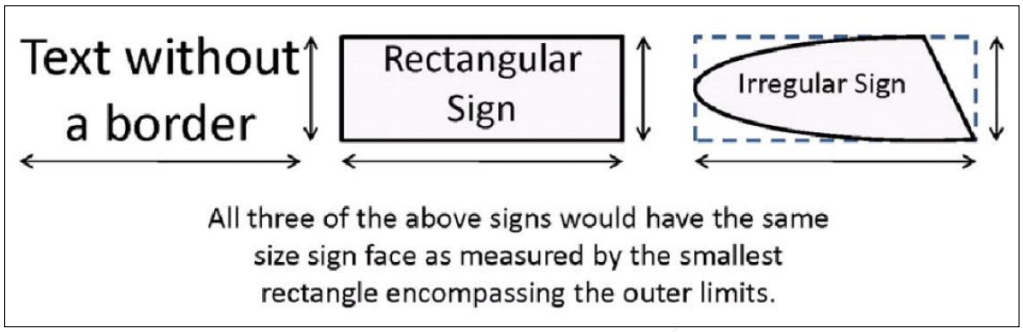
sf = square feet; ft./' = feet; min. = minimum; " = inches

605.2. Measuring Signs.

A. Sign Area. The area of a sign includes ~~*Sign Area* shall mean~~ the entire area within the outer periphery of the smallest single or combination of regular simple geometric shapes within which the message is contained. This shall enclose the extreme limits of writing, representation, emblems, and all material, color, or lighting forming an integral part of the display or used to differentiate it from the background against which it is placed. The sign area is calculated in units of square feet based on one (1) side. However, the maximum total area allowed for all sides shall not exceed twice the allowable specified in this Code.

Commented [LDI4]: Brought in from definitions.

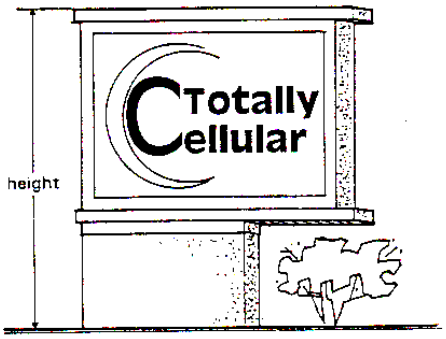
Figure 6 - 1: Sign Area



B. Sign Height. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

Commented [LDI5]: Brought in from definitions.

Figure 6 - 2: Measurement of Height



605.3. ~~a.~~ Illumination of Signs.

A. Generally. All illumination shall be so shaded, shielded or directed so that the light beam shall not adversely affect safe vision of pedestrians or vehicles moving on public or private streets, travel ways, or parking areas. Light shall not shine or reflect in an offensive manner on or into residential structures, motels or hotels.

B. Exposed Lighting—Maximum Power. Exposed reflective-type bulbs or incandescent lamps shall not exceed forty (40) watts.

C. External Lighting. Where an external source of illumination is used, such source or glare shall not be visible from any public way or adjacent property.

605.4. ~~b.~~ Changeable Copy Signs. (Manual or LED Signs).

A. ~~1)~~ Changeable Copy Signs shall be allowed along functionally classified roadways only.

B. ~~2)~~ Changeable Copy Signs shall be allowed only in the R/O/R, MU, IL, and IH Future Land-Use Categories.

C. ~~3)~~ The display shall not change more than once every five (5) seconds. No animation, scrolling, flashing or appearance of movement is permitted. All such displays shall be a minimum of eight (8) feet above the grade.

D. ~~4)~~ Changeable Copy Signs shall be limited to one (1) per premises and cover not more than sixty-five (65) percent of the erected freestanding or wall sign area.

E. ~~5)~~ Changeable Copy Signs within the Historic Vista Protection area are subject to additional review in accordance with Section ~~720~~403.6.

605.5. ~~d.~~ Canopy, Awning Signs.

Canopy, Awning Signs may be allowed in lieu of wall signs providing a building permit is obtained.

605.6. ~~e.~~ Signs for Drive-Through Restaurants.

In addition to the signs otherwise permitted by this Code, a drive-through restaurant shall be permitted identification signs placed in proximity to the drive-through lane for purposes of identifying items available on-site. The signs shall require a permit.

Section 606. ~~724.11.~~ Sign Standard Adjustments ~~and Master Sign Plans~~.

Adjustments as specified in this section may be permitted subject to the criteria set forth below. Applications for adjustments shall be reviewed and considered for approval without regard to the content of the signs.

606.1. ~~724.11.1.~~ Purpose and Applicability.

~~a.~~ The sign regulations are designed to avoid an environment that encourages visual blight while protecting and promoting the aesthetic environment of the unincorporated area of Manatee County. These regulations apply over a wide area but because of the County's diversity of development types, some sites may be difficult to develop in compliance with these regulations. The adjustment review process provides a mechanism by which the regulations of this section may be modified if the proposed signs continue to meet the intended purpose of the sign regulations with the submission of master sign plans. Adjustments provide flexibility for unusual situations and allow for alternative ways to meet the purposes of this Code while providing certainty and the efficient processing of land use applications.

~~b.~~ Each adjustment shall be considered unique and shall not set a precedent for others.

606.2. ~~724.11.2.~~ Sign Standards Eligible for Adjustments.

~~a.~~ Adjustments shall be limited solely to the size, number, height, or setback of a sign. Additionally, adjustments may be granted for locations only for on-site signs. No other adjustments to any other requirements of this Code are permitted.

~~b.~~ No adjustments shall be granted for the following items:

A. ~~1)~~ Changes in permitted types of signs.

B. ~~2)~~ Adjustments which permit building-mounted signs to extend above the roof line.

C. ~~3)~~ Adjustments which permit a sign to be located in a visibility triangle.

D. ~~4)~~ Adjustments which permit a prohibited sign.

E. ~~5)~~ Adjustments shall not allow any sign in off-site advertising sign-free areas as described in Section 611~~724.18~~.

606.3. ~~724.11.3.~~ Application Requirements.

~~a. An application for an adjustment shall be accompanied by documentation that establishes how the applicant meets the criteria of Section 724.11.~~

Commented [LDI6]: Combined with next paragraph.

~~b.~~ The application for an adjustment shall be accompanied by a master sign plan and documentation that establishes how the applicant meets the requirements of this Section. The master sign plan is intended to produce a coordinated and complimentary graphic image that achieves consistency and harmony among signs. For a master sign plan to be considered, the property must be developed and remain in unified control and must have a minimum combined street frontage of one thousand (1,000) feet or more. The master sign plan shall provide at least the following elements:

A. ~~1)~~ An elevation plan, drawn to scale, depicting all signs placed or to be placed on the buildings on the parcel.

B. ~~2)~~ A site plan, drawn to scale, indicating the location of all freestanding signs erected or to be erected on the parcel, including setbacks.

C. ~~3)~~ A scale drawing of all freestanding signs depicting the sign type, sign number, sign setback, height, dimensions and sign area, including the sign structures.

D. ~~4)~~ For directory signs or other signs providing for more than one (1) tenant, the amount of sign area allocated for each tenant shall be indicated.

E. ~~5)~~ The types of illumination to be used for each type of sign.

F. ~~6)~~ A section addressing the process for approval of changes to the master sign plan.

G. ~~7)~~ A statement that "Any proposed sign by any tenant that creates a uniform change from the approved Master Sign Plan will require the applicant to obtain a statement from the property owner or manager's designated reviewer assessing the extent to which the variation is in keeping with the intent and goals of the Master Sign Plan."

606.4. ~~724.11.4.~~ Adjustments—Administratively Approved.

The Department Director is authorized to grant adjustments administratively and the criteria by which adjustments are considered shall not be interpreted to regulate signage based upon sign content. The Department Director shall review the application for the adjustment and master sign plan and may request comments of members of the development review committee (DRC). The adjustments which may be administratively approved are as follows:

A. ~~a.~~ The request of the adjustment would not result in a reduction of a code requirement or an increase in a code limitation by more than twenty (20) percent regarding sign height, sign setback, sign size, number of signs or sign location (on-site). Provided, however, once the administratively approved adjustments for either sign area, height or number of signs cumulatively exceed twenty (20) percent of the applicable sign standard for a specific sign or signs, then approval of any further adjustments to any one (1) or more of the above standards may only be granted by the Hearing Officer.

B. ~~b.~~ Adjustment would not result in a sign otherwise prohibited by this Code.

C. ~~c.~~ Adjustment requests are limited to on-site signs when necessary to clear obstruction or interference by excessive grades, buildings, bridges, trees and the like provided that all the other requirements of this Code are met.

D. ~~d.~~ Simultaneously, with the approval of the adjustments requested the Department Director shall also consider approval of the master sign plan provided the master sign plan provides that signs of a similar type and function within the development meet the following criteria:

1. ~~1)~~ The proposed signs provide a consistent shape or theme and such review shall be performed without regard to the content of the sign;

2. ~~2)~~ The proposed signs use a consistent style and type of illumination; and

3. ~~3)~~ Any proposed building signs are mounted in a consistent location on the building.

4. ~~4)~~ The master sign plan provides for uniformity of proportions of tenant signs.

5. ~~5)~~ The ~~P~~plans ~~shall~~ depict sign foundation landscape improvements.

606.5. ~~724.11.5.~~ Amendments to Approved Master Sign Plan.

After approval of a master sign plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan or provided that the plan is amended. All changes, except as provided in this Section, to an existing master sign plan shall require a formal application with all required information as determined by the Department Director to enable the staff to properly evaluate the requested change in accordance with the above criteria.

606.6. ~~724.11.6.~~ Hearing Officer Authority—Adjustments.

The determination of the Department Director to grant, grant with modifications or deny an adjustment is appealable to the Hearing Officer in accordance with the requirements of this Code. The Hearing Officer shall conduct a de novo public hearing to hear applications for adjustments requesting a reduction of a Code requirement or an increase in a Code limitation by more than twenty (20) percent regarding sign height, sign size, number of signs or sign location (on-site). The Hearing Officer shall also have the authority to hear appeals from determinations of the Department Director regarding the granting, granting with modifications or denial of adjustments administratively. The proceedings for the Hearing Officer shall be advertised and conducted in accordance with the procedures in this Code. A sign which requires an adjustment shall be subject to individual review of its location, design, configuration, operation and the particular location proposed to assure consistency with this Code and the Comprehensive Plan. Each adjustment may require the imposition of individualized conditions to achieve such consistency.

The Hearing Officer shall review the proposed adjustment, shall consider the written staff analysis and the testimony at the public hearing, and shall grant, grant with conditions or deny the application. The request for an adjustment shall not subject the entire application for development approval to a public hearing unless otherwise required by this Code, but only that portion necessary to rule on the issue under consideration.

The Hearing Officer shall make findings that the criteria of these regulations have or have not been satisfied by the applicant.

The action by the Hearing Officer to grant an adjustment or to grant an adjustment with conditions or safeguards shall be documented in the form of a resolution containing a legal description of the property to which the adjustment applies, together with the terms of the adjustment and any additional conditions or safeguards imposed.

606.7. ~~724.11.7.~~ Conditions.

In granting any adjustment, the Department Director or the Hearing Officer shall prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the adjustment is granted, shall be deemed a violation of this Code.

606.8. ~~724.11.8.~~ Amendments.

An adjustment may be amended only by following the procedures in this Section.

~~724.17. Off-Site Signs. All off-site signs shall be in compliance with the provisions of Chapter 479, Florida Statutes, and Chapter 14-10, Florida Administrative Code, as amended.~~

Commented [LDI7]: The State Statute refers to "Outdoor Advertisement". Sentence moved to the "Outdoor Advertisement" section.

Section 607. ~~724.17.1.~~ Off-Site Directional Signs.

~~a.~~ Off-site directional signs shall be permitted only in non-residential and agricultural zoning districts, provided the following standards are met~~.~~:

A. ~~b.~~ Off-site directional signs shall not be located closer than one thousand (1,000) feet from any other off-site sign.

B. ~~c.~~ Off-site directional signs shall not exceed sixteen (16) square feet of sign area, and ~~the sign~~ shall not exceed ten (10) feet in height. Signs placed on agricultural-zoned property are allowed up to thirty-two (32) square feet in area.

C. ~~d.~~ Off-site directional signs shall be located on private property a minimum of five (5) feet from a lot line. No signs over thirty (30) inches in height~~,~~ shall be located within any required visibility triangle.

D. ~~e.~~ More than one (1) facility or activity may be listed on any one (1) off-site directional sign.

E. f. Off-site directional signs may require a State Department of Transportation sign permit when located adjacent to any State road per Chapter 479, Florida Statutes.

Section 608. 724.10. Public Schools —Signs.

Commented [LDI8]: STAFF, please review the changes to this section. One part says that if a permit is required, they have to comply with all sign standards, but later it says they are all exempt. Also, FS deems charter schools to be public schools.

724.10.1. Applicability. This Section shall apply to the signs of all public educational facilities proposed by the School Board. Educational facilities shall be defined within the meaning of Section 1013.33.01, Florida Statutes. Pursuant to Section 1002.33(16), Florida Statutes, this Section shall not apply to the development of charter schools.

a. Signs requiring the issuance of a permit or other advertising structures shall be permitted, constructed, and maintained in strict conformity with the Florida Building Code, Florida Statutes, Land Development Code and all other applicable regulations (including, but not limited to, maximum size, number of signs, minimum setbacks, maximum height, minimum ground clearance and minimum separation requirements).

b. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Code.

c. In the event that any of the provisions of this Section are in conflict with other sections of this Code or other applicable requirements, the provisions of this Section shall take priority.

A. d. Public educational facility Ssigns (main or accessory) placed on property owned or leased by the School Board of Manatee County shall be exempt from the requirements of this ordinance chapter and County permitting if the sign meets all of the following standards .: Educational facilities shall be defined within the meaning of Section 1013.01, Florida Statutes.

1. 1) The sign meets minimum setback, minimum ground clearance and maximum height requirements of this Code; and shall comply with visibility triangle restrictions of this Code.

2. 2) The on-site sign is for providing information related to the school or facility at which it is placed.

3. 3) The sign conforms to the Florida Building Code.

4. 4) The sign is inspected as required by applicable law.

B. e. Signs placed on property owned or leased by the School Board of Manatee County which do not meet the above requirements shall be required to comply with all the provisions of this Section 724Chapter.

Section 609. Restricted Temporary Signs.

609.1. 724.13. Restricted Temporary Signs.

A restricted temporary sign is for the purposes of advertising promotional sales events or merchandise at specified times, up to one hundred twenty (120) days, throughout the calendar year. The days to secure a restricted temporary sign permit are at the discretion of the property owner. A restricted temporary sign permit sticker shall be granted to a property owner identifying the valid dates of the permit. The permit sticker identifying the days that the permit is valid shall be displayed in plain view. A property owner may secure a restricted temporary sign permit by making application to the Department Director. A site plan depicting proposed sign type, size, height and location shall be included in the application.

The types of Restricted Temporary Signs are limited to those identified below. Standards are applicable as set forth in the Sign Matrix (Appendix A). All such signs shall be placed, maintained and removed within the timeframes identified in the permit.

A. a. Animated signs

B. b. Banners with text

C. c. Flashing or moving

D. d. Multi-prism signs

E. e. Portable signs

F. f. Roof signs

G. g. Snipe signs

H. h. Twirling signs

I. ~~i.~~ Other similar signs

609.2. ~~724.14.1.~~ Political Signs.

A. ~~a.~~ The maximum height of political signs is ten (10) feet;

B. ~~b.~~ The required setback for political signs from the property line in non-residential districts shall be five (5) feet;

C. ~~c.~~ The maximum sign area in residential districts for political signs is six (6) square feet; ~~[in]~~ all other districts thirty-two (32) square feet;

D. ~~d.~~ Erection and removal of all political signs shall be the joint responsibility of the owner of the property upon which the sign is placed, of the owner of such sign and the candidate for whom such sign was placed. Each such person shall be jointly and severely liable for violation of the terms and conditions of this section.

E. ~~e.~~ Political signs, as temporary signs, may be erected on private property and shall be removed within thirty (30) days after the election or a referendum issue has been decided.

Section 610. ~~724.16. Signs—~~ North Central Overlay District Signs.

610.1. ~~724.16.1.~~ Purpose.

The purpose of this section is to provide standards for the design and construction of signs in the North Central Overlay District to reflect the character of the community and to be expressive of individual businesses.

610.2. ~~724.16.2.~~ Applicability.

~~a.~~ The provisions of this Section shall apply to~~:~~

~~1)~~ new and replacement signs within ~~T~~the North Central Overlay District, as outlined in the Official Zoning Atlas.

~~2) Signs installed after April 5, 2005, including replacements for existing fixtures.~~

~~b. The provisions of this Section are intended to supplement regulations in this Code.~~ In the event of a conflict between other provisions of this Code and this Section, the more restrictive of the provisions shall prevail.

~~c.~~ Government signs are exempt from this Section.

610.3. ~~724.16.3.~~ Prohibited Sign Types.

In addition to the sign types prohibited in ~~Section 724~~this Chapter, the following sign types which are not representative of the character in the North Central Area are prohibited:

A. ~~a.~~ Pole signs.

B. ~~b.~~ Changeable copy signs, if message is changed electronically only.

C. ~~c.~~ Fluorescent signs.

D. ~~d.~~ Neon signs, except those denoting incidental information when designed within the area of a permitted sign type and occupying no more than four (4) square feet of sign area. Neon may not be used for architectural accent purposes.

610.4. ~~724.16.4.~~ Standards.

A. ~~a.~~ **Generally.** Signs in the NCOD shall conform to the following standards in addition to, and subject to, the requirements of ~~Section 724, Signs~~this Chapter, and applicable development approvals.

1. ~~1)~~ Permitted signs shall include those classified as being on-site, temporary, exempt, or subdivision.

2. ~~2)~~ The total area of all sign faces on a sign shall not exceed one hundred (100) square feet.

3. 3) Sign materials, colors, and shapes considered for approval must be architecturally consistent with the building they identify. Architectural consistency includes compatibility of forms, materials, finishes, and colors.

4. 4) Residential subdivision signs shall conform to the sign matrix of this Code.

B. b. Ground signs. Ground signs shall be designed and constructed to complement the architectural character of on-site buildings that conform to these design standards by using natural materials, direct lighting, and limiting the size and number of signs. Address information shall be provided on signs to assist drivers in finding businesses.

1. 1) Maximum sign area and height shall be as follows:

Table 6 - 2Table 5- 2: North Central Overlay District Maximum Sign Area & Height

Specification	Length of Roadway Frontage		
	0 - ≤300 Linear Feet	3001 - -600 Linear Feet	≥6001+ Linear Feet
Maximum Sign Area	60 Square Feetsf	80 Square Feetsf	100 Square Feetsf
Maximum Sign Height	8 Feetft.	12 Feetft.	16 Feetft.

2. 2) The exterior base structure shall be made or faced with natural materials such as native stone, brick, wood, or timber materials.

3. 3) Ground signs shall include a street address number or range of address numbers for the building(s) it identifies and shall be considered as a part of the sign area.

4. 4) One (1) ground sign is allowed for each road frontage per premises, regardless of the length of roadway frontage. In the case of a shopping center with freestanding buildings, each freestanding building may be permitted a separate ground sign provided the outparcel has a minimum of one hundred (100) feet of frontage on the roadway where the sign is located.

5. 5) Ground signs shall be set back a minimum of twelve (12) feet from the front lot line and ten (10) feet from side and rear lot lines.

6. 6) For properties abutting residential districts, ground signs shall be set back twenty-five (25) feet from the residential district.

7. 7) The use of roof, capital, landscape, or base design detail on signs is encouraged.

8. 8) Landscaping is encouraged in the area surrounding the sign base.

Section 611. 724.18. Outdoor Advertising Signs.

611.1. Allowed Outdoor Advertising Signs

All outdoor advertisement shall be in compliance with the provisions of Chapter 479, Florida Statutes, and Chapter 14-10, Florida Administrative Code, as amended. Outdoor Advertising Signs are permitted on undeveloped or vacant parcels in the GC, HC, CRV, LM, HM, PDC, PDI, PDRV, PDUI and PDPM districts, except as provided in Section 611.2724.18.1, subject to the restrictions elsewhere in this Section 724Chapter, the applicable state statute and the following:

A. a. Location and Dimensional Standards.:

1. 1) Maximum height: Forty (40) feet above grade;

2. 2) Maximum length: Forty (40) feet;

3. 3) Minimum spacing between: Two thousand (2,000) feet same side of road;

4. 4) Minimum sign area: Two hundred (200) square feet per face;

5. ~~5)~~ Maximum sign area: Two hundred (200) square feet per face; and

6. ~~6)~~ Maximum faces per side: One (1) face per side.

B. ~~b.~~ **Setbacks.** In addition to other restrictions, all outdoor advertising signs must meet all required district building setbacks, minimum fifteen (15) feet. All such signs shall be located no closer than twenty (20) feet to any building or structure.

C. **Separation.** ~~c.~~ No outdoor advertising sign shall be erected closer than three hundred (300) feet to any church, school, cemetery, public park, public playground, major thoroughfares, historic sites, landmarks or residential zoning districts, state or national forest.

D. ~~d.~~ **Prohibited Types of Outdoor Advertising Signs.** ~~:~~ Three-prisms, three-dimensional, scrolling, and rotating signs are not allowed.

E. **Nonconforming Outdoor Advertising Signs.** ~~e.~~ Nonconforming outdoor advertising signs shall not be moved, altered, enlarged, or reconstructed without complying with this Code.

F. **Permit.** ~~f.~~ No outdoor advertising sign shall be erected without a sign permit from Manatee County and the Florida Department of Transportation.

G. ~~g.~~ **Off-Site Advertising Sign-Free Areas.** The following thoroughfares shall be sign-free areas from which no off-site advertising sign shall be visible. Off-site directional signs are permitted in these areas.

1. U.S. 19, South from Hillsborough County line to the Palmetto City limits.
2. S.R. 64, East from the Bradenton City limits to S.R. 675.
3. 26th St. W., South from the Bradenton City limits to Sarasota Bay.
4. Manatee Ave. W. (S.R. 64), West from the Bradenton City limits (34th St. W.) to Holmes Beach City limits.
5. DeSoto Memorial Hwy. (75th St. W.), North from Manatee Ave. W. to the Manatee River.
6. Palma Sola Blvd., South from Manatee Ave. to Cortez Rd.
7. Palmetto Business 41, South from U.S. 41 to the Palmetto City limits.
8. U.S. 301 East from 24th Ave. East in Ellenton to S.R. 675 and from the Sarasota County line north to the intersection with U.S. 41.
9. Cortez Rd., East from Bradenton Beach City limits to 14th St. W.
10. U.S. 41, South from 30th Ave. to Cortez Rd., then West along Cortez Rd. to 14th St. W., then South to the Sarasota County line.
11. 53rd Ave., from new U.S. 301 West to 75th St. W.
12. S.R. 70, from old U.S. 301 East to S.R. 675.
13. Moccasin Wallow Road, East from U.S. 41 to U.S. 301.
14. University Parkway, East from U.S. 301 to western line of S31-T35-R19.
15. Entranceways, see Section ~~737~~900.
16. Interstates, I-275 from the Skyway Bridge to the intersection with I-75; I-75 from the northern County line of Manatee County to the southern County line.
17. 15th Street East, from U.S. 301 and University Parkway to the Bradenton City limits.
18. 301 Boulevard East, North from 15th Street East to Bradenton City limits.

611.2. ~~724.18.1.~~ Billboard Signs Exchange Program.

A. ~~(1)~~ **Purpose.** The purpose of this Section is to provide standards and restrictions for the exchange of signs previously approved as message center signs for electronic billboard signs to promote the visual aesthetics of the County and safety of vehicular travel.~~*~~ ~~[]~~ These standards and restrictions maintain, support and protect the aesthetic character of the County by providing for the removal of certain message center signs; as well as protect

the safety of the motoring public, by limiting the location of and specifications for electronic billboard signs and generally further the public interests of the citizens of Manatee County.

B. ~~(2)~~ **Applicability.** This Section shall be applicable to real property located within the Entranceway adjacent to I-75 which previously received Preliminary Site Plan approval for an on-site, freestanding message center sign in excess of four hundred (400) square feet on property zoned Planned Development-Mixed Use (PDMU) and located within the Mixed Use (MU) Future Land Use Classification prior to January 1, 2012.

C. ~~(3)~~ **Definitions.**

Electronic Billboard Sign. For purposes of this Section, electronic billboard sign is defined as a billboard sign that incorporates within or upon one or more of its sign faces digital or other electronic changeable message technology that allows advertising copy to be changed remotely rather than by changing the advertising copy on site with poster sheets or vinyl.

~~(a)~~ *Dwell Time* is the minimum duration of a single display on an electronic billboard sign. During the dwell time, the message display shall be static, and there shall not be any change of color; flash, fade, rotation, twinkle, twirl, scroll, show of action or motion, or illusion of action or motion.

~~(b)~~ *Message Sequencing* means dividing a single thought or message into two (2) or more successive sign displays on a single electronic billboard sign. For example, it shall be considered message sequencing if the second display answers a textual question posed in the first display, continues or completes a sentence started on the first display, or continues or completes a story line started on the prior display.

D. ~~(4)~~ **Upgrade to Electronic Billboard Sign.** An on-site sign previously approved as a freestanding message center sign may be upgraded to an electronic billboard sign upon processing an application for a Preliminary Site Plan approval to be heard by the Board of County Commissioners. A sign permit is also required in accordance with this code. A Preliminary Site Plan approval and the Sign permit is only valid for the specific location for which it has been issued. A Preliminary Site Plan approval and sign permit may not be transferred from one location to another. For each electronic billboard sign for which approval is sought, the sign owner must submit an application demonstrating that each of the following conditions of approval have been met:

E. ~~(5)~~ **Exchange Rate.**

1. ~~(a)~~ A minimum of eight (8) sign faces of static outdoor advertising signs must be permanently removed in exchange for each single sign face on an electronic billboard sign (electronic billboard sign face). In addition, the combined square footage of sign face area removed shall total at least four (4) times the square footage of electronic billboard sign face for which approval is sought.
2. ~~(b)~~ Notwithstanding, the foregoing subsection ~~(a)~~1 above, as an alternative to the exchange rate described above, a sign owner may permanently remove one (1) electronic billboard sign face in exchange for a new electronic billboard sign face and another location for which a sign permit is sought.
3. ~~(c)~~ Removal of the freestanding message center sign referred to in subparagraph D~~(4)~~ of this Section, if constructed, must occur prior to the effective date of this Section in order to count for purposes of exchange of the exchange rate in this Section.

F. ~~(6)~~ **Locational and Dimensional Standards.**~~:~~

1. ~~(a)~~ Each single sign face of the electronic billboard shall not exceed seven hundred (700) square feet.
2. ~~(b)~~ The parcel upon which the electronic billboard sign is located shall not be within a historic view protection area.
3. ~~(c)~~ The parcel upon which the electronic billboard sign is located must be adjacent to I-75 with the electronic billboard sign being orientated towards and viewable from I-75.
4. ~~(d)~~ The maximum height of the electronic billboard sign shall be sixty-five (65) feet.
5. ~~(e)~~ No electronic billboard sign shall be located within four hundred (400) feet of any residentially zoned property or within four hundred (400) feet of any property with an existing legal residential land use. The distance shall be calculated as the shortest measurable distance between the nearest point of the electronic billboard sign to the edge of the residential district or residential property.

6. ~~(f)~~ Spacing. Electronic billboard signs shall be spaced a minimum of two thousand five hundred (2,500) feet from another electronic billboard sign which is facing in the same direction on the same roadway.

G. ~~(7)~~ **Lighting Control and Mitigation.** Lighting from the electronic billboard sign shall not result in a light intensity greater than 3/10 of one (0.3) footcandle above ambient lighting, as measured at the property line of any residential property within two hundred (200) feet of the base of the sign structure. At the time of sign permit application, the sign owner applying for the sign permit for the electronic billboard sign shall submit a certification to the designated office of the County that this standard has been satisfied.

H. ~~(8)~~ **Operational Standards.**

1. ~~(a) Dwell time and duration of message.~~ The dwell time, defined as the interval of change between each individual message, shall be consistent with rules promulgated by the Florida Department of Transportation but in no event less than eight (8) seconds. Any change of message shall be completed in one (1) second. The dwell time shall not include the time required to change a message. There shall be no special effects or other content between messages.

2. ~~(b)~~ The message shall be static during the dwell time set forth in subsection H.1~~(7)(a)~~ above. There shall be no flashing or varying light intensity of movement during the message. Messages shall not scroll and shall not give any appearance of moving or in any way include active movement.

3. ~~(c)~~ Messaging sequencing on an electronic billboard sign is prohibited.

4. ~~(d)~~ Each electronic billboard sign's operating system shall contain a light sensing device to adjust brightness as ambient light conditions change in order to insure that the message meets the following brightness standards. The maximum brightness shall be 0.3 footcandles above the ambient light measured two hundred fifty (250) feet perpendicular from the face of the sign ~~or such less distance as may be required by Section 611724.18.1(e)(5)~~.

5. ~~(e)~~ No electronic billboard sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device.

6. ~~(f)~~ The electronic billboard sign shall have a default mechanism or setting that will cause the sign to turn off or freeze in one (1) position at a brightness no brighter than normal operation if a malfunction or failure (meaning any unintended interruption in message sequencing) occurs.

7. ~~(g)~~ The electronic billboard sign shall not be configured to resemble a warning or danger signal nor shall there be any configuration which may cause a driver to mistake the sign for a warning or a danger sign. The sign shall not resemble or simulate any lights or official signage used to control traffic.

8. ~~(h)~~ All electronic billboard signs shall be in compliance with the provisions of Chapter 479, Florida Statutes, as amended and Chapter 14-10, Florida Administrative Code, as amended.

Commented [LDI9]: Wrong reference. Delete per staff (12/3/14).

Section 612. ~~724.19.~~ Nonconforming Signs and Uses.

612.1. Continued Existence.

Nonconforming signs may continue to be displayed until the end of their useful life, subject to the following additional requirements:

A. ~~a.~~ Any sign not in conformance with the provisions of this Code, including legal nonconforming signs, shall be required to be brought into compliance at any time that a substantial improvement is made to the sign.

B. ~~b.~~ Nonconforming status shall not be afforded to any sign that was erected without the county, state, or federal agency required permits or on to any signs which have been illegally installed, constructed, placed, modified, or maintained.

C. ~~c.~~ Permitted alterations to nonconforming signs shall be limited to message changes on permanent on-site and off-site outdoor advertising signs and changeable copy signs, non-substantial repairs and other alterations which do not enlarge or prolong the life of the sign.

D. ~~d.~~ The prohibited alterations to a nonconforming sign unless the sign is brought into conformity with this Code

are: increases in sign area; re-erection or relocation of the sign; alterations which prolong the life of the sign; conversion to another sign type or function type.

E. ~~e.~~ Any sign rendered nonconforming as a result of eminent domain or the threat of eminent domain shall not be required to be removed or relocated unless deemed a safety hazard by the Department Director.

612.2. ~~724.20.~~ Replacement. ~~Nonconforming Uses.~~

Nonconforming uses shall be allowed to replace existing signage with signage of the same height, area, location and dimension.

Section 613. ~~724.21.~~ Violations.

613.1. ~~b.~~ Maintenance.

~~A.~~ The failure of the owner, agent, or lessee of a sign for which a sign permit has been issued to properly maintain the sign in accordance with the requirements of this Code shall constitute a violation of this Code.

613.2. ~~a.~~ Illegal Signs.

No persons shall erect or assist in the erection, construction, maintenance, alteration, relocation, repair, or do any work upon any sign to which a required permit and identification tag is not attached. Any such sign shall be illegal and may be subject to immediate removal.

613.3. ~~724.8.~~ Removal. ~~Violations.~~

~~B.~~ The failure of a property owner to remove a sign prohibited by this Code shall constitute a violation of this Code. In addition to other remedies, the Department Director is hereby authorized to cause removal of the sign with proper notice, at the expense of the owner of the sign or property.

Commented [LDI10]: Moved from Sign Permit Review Section (at beginning of chapter)

~~C.~~ ~~724.9. Unless otherwise expressly permitted herein.~~ Signs on rights-of-way, utility poles or on trees; hazardous signs, signs within the visibility triangle or any sign, except government and legal nonconforming signs, located upon, within or otherwise encroaches upon County or public rights-of-way or on public lands or within the visibility triangle, shall be subject to immediate removal, without notification to violators, and impounding by the Manatee Sheriff's Office, or other authorized County employee at the expense of the owner, agent, lessee, sign contractor, or other person having beneficial use of the sign. When impounded, the sign shall be held by Manatee County for a minimum of ten (10) days, during which the sign owner may recover the sign upon payment of removal and storage costs. After ten (10) days the sign may be sold or destroyed at the option of the county.

613.4. ~~b.~~ Revocation.

The Department Director is authorized and empowered to revoke any sign permit issued (a) upon failure of the holder to comply with the plans and documentation supporting the application for the permit, or (b) if the permit was issued in error or on the basis of misstatement of facts or fraud by the applicant.

613.5. ~~c.~~ Violation of Code.

Any sign in violation of ~~Section 724 of this Code~~this Chapter shall constitute a violation of this Code.

Section 614. ~~724.22.~~ Severability of Sign Regulations.

If any part or provision of the sign regulations contained in this Chapter~~Sections 724, 201~~ and other provisions of the Land Development Code regulating signs or application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these sign regulations of the application thereof to other persons or circumstances. The

Board of County Commissioners hereby declares that it would have enacted the remainder of these sign regulations even without any such part, provision or application. It is the specific intent of the Board of County Commissioners that each provision of the sign regulations contained in ~~Sections 724, 201~~ this Chapter and other provisions of the Land Development Code regulating signs shall stand alone and operate independently of any other provision herein. If any section, subsection, sentence, phrase or portion of the sign regulations in ~~Sections 724, 201~~ this Chapter or other provisions of the Land Development Code containing sign regulations, is declared invalid for any reason, it is specifically declared by the Board of County Commissioners that such section, subsection, sentence, phrase or portion is separate, distinct and independent of all other sections, subsections, sentences, phrases or portions of the sign regulations in the Land Development Code such that all other provisions are intended to remain valid and enforceable.

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CHAPTER 7 - ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION

Part I. Tree Protection, Landscaping, Buffers, and Irrigation.

Section 700. ~~Section 714.~~Tree Protection.

Commented [LDI1]: [PLEASE SEE SEPARATE DOCUMENT FOR PEER REVIEW OF STAFF'S DRAFT FOR THIS SECTION]

700.1. ~~714.1.~~ Purpose and Intent.

It is the intent of ~~the~~ this Section to regulate the removal, replacement, or relocation of trees within the County in order to preserve, protect and enhance valuable natural resources. By limiting the removal of existing trees, the need for open space irrigation will be reduced. Existing environmentally suitable native vegetation, plant communities shall be protected and incorporated into the site plan, wherever feasible.

700.2. ~~714.2.~~ Application.

A. ~~714.2.1.~~ **Generally**. No person may remove, relocate, or otherwise destroy any tree or cause, allow, authorize, or assist in the removal, relocation or destruction of same without first obtaining a tree removal permit from the ~~Planning~~Department Director. The application shall be reviewed by the ~~Planning~~ Department Director.

B. ~~714.2.2.~~ **Exempted Activities**.

1. *Single Family.* Trees located on any single family, ~~manufactured~~mobile home subdivision, ~~manufactured~~mobile home park, or duplex lot shall be exempt. This does not include any areas of common ownership within parks or subdivisions.
2. ~~714.2.2.1.~~ *Trees on Agricultural or Mining Property.* Any tree located on land zoned and utilized for agricultural or mining purposes, provided the removal, replacement, relocation, or destruction solely occurs in conjunction with the use of the premises for agricultural or mining purposes and does not occur in anticipation of development. All such clearing is subject to County, State and Local rules, protecting wetlands and other restricted habitat.
3. ~~714.2.2.2.~~ *Trees in Approved Developments.* Any trees which are located in a subdivision, development, or other project which has received County approval, provided that the removal, replacement, relocation or destruction of trees are specifically shown on the subdivision, development, or project plan approval, and provided that such plans have been reviewed and approved by the ~~Planning~~Department Director.
4. ~~714.2.2.3.~~ *Trees on Commercial Horticultural Premises.* All trees and plants which are grown by a licensed plant or tree nursery or tree farm, provided that such trees and plants are planted and grown on the licensee's premises for the sale or intended sale to the general public in the ordinary course of business.
5. ~~714.2.2.4.~~ *Trees Damaged by Natural Calamities.* All trees which have been destroyed or substantially damaged by hurricane or other natural calamity or Act of God. ~~714.2.2.4.1.~~ The tree must be so damaged that it would require unreasonable costs to save it, or would be a hazard to human life or property.
6. ~~714.2.2.5.~~ *Septic Fields.* Area for septic fields [which] are required by the Manatee County/HRS/Public Health Unit.
7. ~~714.2.2.6.~~ *Trees within the Rights-of-Way.* Trees within the rights-of-way for the purpose of improvements, roadway widening, sidewalks and utility installations.
8. ~~714.2.2.7.~~ *Unprotected Species.* The prohibition in paragraph 700.2.A~~714.2.1~~, above, shall not apply to the following unprotected species, and their removal from the site is encouraged. See also ~~Section 605 and~~ 701.4.E~~715.4(E)~~. However, if such species were originally installed as part of the required landscaping for a project, such trees may not be removed without a tree removal permit. The fee for this permit shall not apply to these cases.

a. ~~(a)~~ Broussonetia Papyrifera (Paper Mulberry);

b. ~~(b)~~ Casuarianaceae (Australian Pine);

c. ~~(c)~~ Enterolobiom cyclocarpum (Ear Tree);

d. ~~(d)~~ Melaleuca Leueadendra (Punk);

e. ~~(e)~~ Melia Azedarach (Chinaberry Tree);

f. ~~(f)~~ Schinus Terebinthinfolius (Brazilian Pepper);

g. ~~(g)~~ Rutaceae, Citrus (Citrus Tree);

h. ~~(h)~~ Cinnamomum camphora (Camphor Tree);

i. ~~(i)~~ Cupaniopsis anacardioides (Carrotwood);

j. ~~(j)~~ Ficus microcarpa (Laurel fig);

k. ~~(k)~~ Mimosa pigra (Catclaw Mimosa);

l. ~~(l)~~ Sapium sebiferum (Chinese Tallow Tree);

m. ~~(m)~~ Dalbergia sissoo (Indian Rosewood).

9. ~~*714.2.2.8.*~~ *Normal Maintenance of Required Trees.* Maintenance and pruning of required canopy or understory trees is allowed in order to remove diseased or dead wood, remove hazardous limbs, remove or trim limbs that would obstruct vehicular movement, utility lines, or pedestrian traffic, remove double leaders or crossing limbs, or maintain or correct the size of the tree. Trimming to provide proper clearance from overhead utility lines shall be allowed~~,~~; however, it shall not be allowed to significantly alter the natural form of the tree. Pruning that grossly alters the natural characteristic form of that species is not permitted, (e.g. topiary sculptures or "lollipop" shapes).

10. ~~*714.2.2.9.*~~ *Degenerative Disease.* Removal of trees with terminal degenerative diseases shall be exempt from Section 700~~714~~.

700.3. ~~714.3.~~ Procedure.

A. ~~714.3.1.~~ Submission of Application. A person desiring a tree removal permit shall submit a written application to the ~~Planning~~Department Director. The application shall include the following information:

1. ~~*714.3.1.1.*~~ *Site Plan.* An overall site plan including the approximate shape and dimensions of the lot or parcel of land, together with existing and proposed driveways, structures and improvements.

2. ~~*714.3.1.2.*~~ *Required Generalized Tree Inventory.* Each application for a tree removal permit shall be accompanied by a generalized tree inventory which shall consist of:

3. ~~*714.3.1.2.1.*~~ *Generalized Tree Inventory.* A generalized tree and vegetation inventory showing the approximate location and extent of vegetation and trees upon the site shall be provided no later than preliminary or final site plan (when a preliminary is not required). The inventory shall be based upon the most current available information. For non-residential and multi-family development, the inventory may be in the form of an aerial or a field survey, and shall be accompanied by photographs illustrating typical areas of trees. The generalized tree and vegetation inventory shall be prepared at the same scale as the site development plans or in some other manner which clearly illustrates the relationships between the areas of trees and the proposed site improvements. This inventory shall also include specifications regarding both the common and botanical names of all protected species.

4. ~~*714.3.1.3.*~~ *Location of Trees to be Removed.* The location of all trees which are proposed to be removed, replaced, or relocated including the limits of clearing. Subject to the ~~Planning~~Department Director's approval, the limits of clearing shall generally include:

a. ~~*714.3.1.3.1.*~~ *Streets.* Street Construction and necessary slope construction.

b. ~~*714.3.1.3.2.*~~ *Easements.* Public service or utility easements and rights-of-way. This shall include area of utility line installation with any construction easements necessary for such installation and easements for

maintenance access. These easements shall not be cleared prior to actual line installation.

c. ~~714.3.1.3.3.~~ *Building Area.* Building roof coverage and ancillary structure such as patios and porches plus twenty-five (25) feet on all sides for construction activity.

d. ~~714.3.1.3.4.~~ *Circulation, Recreation Areas.* Driveways, walkways, parking lots, and other land area necessary to the installation of the proposed development or use. Other necessary land area may include area for gardens, tennis courts, swimming pools, and lawn areas and other related structures or uses.

e. ~~714.3.1.3.5.~~ *Septic Fields.* Area for septic fields as required by the HRS/Manatee County Public Health Unit.

f. ~~714.3.1.3.6.~~ *Sediment Basins.* Only those trees within the area necessary for construction of the sediment basin, the area in which sediment will collect, and the area necessary for construction and maintenance of the basin shall be cleared of trees. Configuration of the basin shall utilize natural terrain as much as possible to minimize tree removal.

g. ~~714.3.1.3.7.~~ *Detention and Retention Basin.* Only those trees within the area necessary for construction of the detention pond and the area necessary for construction and maintenance of the pond shall utilize natural terrain as much as possible to minimize tree removal.

h. ~~714.3.1.3.8.~~ *Visibility Triangle:* See Section 1002~~713~~.

5. ~~714.3.1.4.~~ *Protective Measures.* A statement explaining how any trees proposed for relocation and replanting as part of a development will be protected during the construction of the development. A plan detail indicating the location of protective barriers around trees to be protected shall also be provided.

B. ~~**714.3.2.**~~ **Separate Tree Removal Permit Required.** When tree removal is occasioned by any proposed development that requires a site plan, preliminary subdivision plat, or final subdivision plat, the approved plan or plat shall constitute a tree removal permit. In all other cases, the application for a tree removal permit shall be on a form provided by the ~~Planning~~Department Director.

C. ~~**714.3.3.**~~ **Review of Application.** Upon receipt of the complete permit application, the ~~Planning~~Department Director shall review the application and visit the site of the proposed development. Within a reasonable period of time, the ~~Planning~~Department Director shall either approve or deny the application, and shall furnish the applicant a written statement of the reasons for any denial. Where tree removal is considered in conjunction with site plan or subdivision plat review, the ~~Planning~~Department Director shall forward a copy of the written statement to the appropriate decision-making body with the application for subdivision or conditional use approval and any other relevant materials.

D. ~~**714.3.4.**~~ **Tree Replacement Funds.** Any payments collected under Section 700.3.I~~714.8~~ shall be deposited into the Tree Protection Trust Fund and are expressly designated for the replacement of trees or those incidental materials, i.e. mulch, irrigation mechanisms, required for those items to be planted. These funds shall not however be used for the support of existing trees. The application shall be accompanied by a tree removal permit fee in an amount to be prescribed by the Board.

E. ~~**714.4.**~~ **Trust Fund.** There is hereby created a Tree Protection Trust Fund for the purpose of insuring that the funds collected pursuant to this Section are utilized as provided in Section 700.3.D~~714.3.4~~, Tree Replacement Funds.

F. ~~**714.5.**~~ **Expenditure.** Any funds not expended or encumbered for planning, acquisition or planting by the end of the calendar quarter immediately following seven (7) years from the date of payment, shall be returned to the fee payer with interest at the passbook savings rate.

G. ~~**714.6.**~~ **Extension.** The Board may by resolution, extend the date by which funds must be refunded by up to three (3) years. Such an extension shall be made upon a finding that within three (3) years, the planned replacement activities will be completed.

H. ~~**714.7.**~~ **Standards.** The ~~Planning~~Department Director shall not approve a tree removal permit application unless the plan will destroy no more existing trees than is reasonably necessary to achieve the proposed development. The ~~Planning~~Department Director shall consider in this regard:

1. ~~714.7.1.~~ *Necessity.* The extent to which the actual or intended use of the property is in accordance with the

regulations of the zoning district in which the property is located and requires the destruction of trees.

2. ~~714.7.2.~~ *Outstanding Quality of Tree or Plant Communities.* The desirability of preserving a tree or plant community by reason of its size, age, or some other outstanding quality, such as uniqueness, habitat importance, rarity or status as a landmark or species specimen.

3. ~~714.7.3.~~ *Environmental Effects.* The extent to which the area would be subject to increased water runoff and other environmental degradation due to the removal of the trees.

4. ~~714.7.4.~~ *Development Density.* The desirability of preserving tree cover and associated vegetation in densely developed areas.

5. ~~714.7.5.~~ *Grade Changes.* The effect that changes in the natural grade will have on the remaining trees and vegetation.

6. ~~714.7.6.~~ *Signage.* The visibility of an existing or proposed sign shall not serve as a reason for approval of a tree removal permit.

I. ~~714.8.~~ **Tree Replacement Alternatives.** The ~~Planning~~Department Director shall condition a tree removal permit for all projects upon the replacement of the removed trees at a one-to-one ratio. Cash payment to Manatee County may be made in lieu of replacement. The ~~Planning~~Department Director may accept a combination of either of the above methods for compliance with this Section.

1. ~~714.8.1.~~ The ~~Planning~~Department Director shall also have the option of considering replacement of the trees on adjacent sites, if there is no reasonable replacement alternative on-site and the adjacent site is of sufficient size to support the placement of such trees. If such an alternative is chosen, the applicant must provide a landscaping plan for the replacement trees as well as a written maintenance agreement for the trees. All trees planted off-site shall be at least Florida Quality No. 1 nursery stock. If the adjacent site is single-owner occupied, then it shall be the responsibility of that owner to maintain all of the replacement trees in perpetuity and replace any trees that succumb to disease or death. If the adjacent site is the property of a homeowner's association or other group ownership, the association or group shall maintain all replacement trees in perpetuity and replace any trees that succumb to disease or death.

2. ~~714.8.2.~~ In recognition of overall tree canopy, an alternative method of tree mitigation may be considered by the ~~Planning~~Department Director, if it is demonstrated that the lost canopy will be replaced within ten (10) years. This alternative shall require a greater quantity of replacement trees while allowing smaller replacement sizes.

3. ~~714.8.3.~~ The ~~Planning~~Department Director shall reserve the right to increase the size of the replacement tree under unusual circumstances, such as age of tree, type of tree, rarity and historical significance, or the removal of a tree without a permit.

4. ~~714.8.4.~~ When trees are to be replaced on individual residential or nonresidential lots within a subdivision, the ~~Planning~~Department Director may condition the approval of any preliminary plat to allow for replacement at the time of construction on each lot. The placement of trees on an individual lot shall be a prerequisite for an occupancy permit. Notice of replacement trees on each lot must be placed within the homeowner's documents or association documents approved with each final plat. Within this notice the developer shall state that the replacement trees may not be removed unless diseased or dead, in which case, they must be replaced with the same size and type of tree as originally planted on the lot.

5. ~~714.8.5.~~ Approval of replacement trees to meet the Residential Street Tree requirements of Section 701.3.D~~715.3.4~~ shall be dependent upon the site design, lot size, existing trees and building envelopes to determine whether the trees will have sufficient room to thrive. The majority of replacement trees within such projects shall be located within common areas within the project such as greenbelts, roadway buffers and screening buffers. The ~~Planning~~Department Director shall have the authority to approve an alternative replacement method.

6. ~~714.8.6.~~ When cash in lieu payments are made, the amount of cash payments will be in the manner established by the Board and shall include all material and labor costs, as well as those costs associated with the administration of this program. Payment for Tree Replacement shall be paid prior to the issuance of any Building Permits for the project. Utilization of the cash-in-lieu funds shall be determined by the Board ~~of County Commissioners~~ for amounts greater than five thousand dollars ($5,000.00) or the

~~Planning~~Department Director for amounts of less than five thousand dollars ($5,000.00). The funds shall be used for landscaping in affordable housing projects (meeting the criteria of Section 545~~Chapter 13~~), county park projects, street and entranceway beautification programs, and other public projects.

7. ~~714.8.7.~~ When trees are removed with an approved tree removal permit, such trees shall be replaced as follows:

Existing Tree Size	Required Replacement Caliper Minimum	Ratio of Replacement Trees to Removed Trees
4″ - 15″ D.B.H.	3″	1:1
16″ - 30″ D.B.H.	5″	2:1
Over 30″ D.B.H.	7″	3:1

8. ~~714.8.8. Replacement Tree Standards.~~ All replacement trees shall be at least Florida Quality No. 1 nursery stock.

9. ~~714.8.9. Incentive for Tree Preservation.~~ In order to help preserve significant trees (twenty-six (26) inches dbh or greater), an applicant may be given credit towards fulfilling the tree portion of screening, buffering and parking lot landscaping requirements. All such trees shall be in good health. Those trees between twenty-six (26) and thirty-five (35) inches dbh, shall equal three (3) required trees; over thirty-six (36) inches dbh shall equal five (5) required trees. A condition of use of this incentive is total protection of the tree during construction. Should the tree die as a result of construction practices or post-construction stress, as determined by the ~~Planning~~Department Director, the replacement trees shall be planted or assurances are made for future planting at the appropriate time, within thirty (30) days of the determination of the death of the tree.

J. ~~**714.9.**~~ **Identification of Preserved Trees.** Upon approval of a tree removal permit, the location and species or common name of individual trees to be preserved, shall be entered upon the Final Site Plan, Final Development Plan or Preliminary Subdivision Plat. The applicant shall also identify and conspicuously mark any such tree or plant groups to be preserved.

K. ~~**714.10.**~~ **Protection During Development.** During any land development activity, protective measures shall be taken throughout the entire construction stage to prevent the destruction or damage of all trees to be retained on the site. Specific protective measures shall be outlined by the applicant in writing and to accompany the permit application.

L. ~~**714.11.**~~ **Time Period of Permits.** Tree removal permits shall continue in force for the same period of time as the development order approval, and shall be subject to the same extension privileges.

M. ~~**714.12.**~~ **Building Permits.** Building Permits do not authorize the removal of trees unless specifically approved as such by the ~~Planning~~Department Director. When a tree removal permit is required, a Building Permit shall not be issued until a tree removal permit is issued, or prior tree removal approval has been granted as part of a development order.

N. ~~**714.13.**~~ **Violations.** In addition to any penalties which may be imposed by Chapter 1~~2~~, any tree removed, relocated, or damaged in violation of this Section shall be replaced with trees of comparable characteristics. Each removal of a tree shall be deemed a separate offense. The ~~Planning~~Department Director shall determine the location and number of such replacement trees which will immediately achieve a shade area comparable to that which existed prior to the violation. No Certificate of Occupancy shall be issued until complete replacement occurs. In no instance shall replacement trees be smaller than the minimum requirements set out in Section 700.3.I.7~~714.8.7~~, nor shall the replacement of such trees exempt the violator from the provisions of ~~Chapter 12~~Section 106: Enforcement, Violations and Penalties.

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Section 701. ~~Section 715.~~Landscaping and Screening Standards.

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701.1. ~~715.1.~~ Purpose and Intent.

The requirements established herein for the installation and maintenance of landscaping and screening 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 public health, safety and general welfare. More specifically, it is the purpose of this Section:

A. ~~•~~ To promote the conservation of potable and non-potable water;

B. ~~•~~ To aid in stabilizing the environment's ecological balance;

C. ~~•~~ To reduce noise, glare, heat and dust;

D. ~~•~~ To protect, conserve and improve the appearance of property;

E. ~~•~~ To promote energy conservation and personal comfort;

F. ~~•~~ To enhance community appearance, identity and unique natural beauty;

G. ~~•~~ To create visual interest, variety and harmony, and provide contrast and relief from the built-up environment.

H. ~~•~~ To reduce visual and functional conflicts between land uses and activity areas; and

I. ~~•~~ To establish the minimum landscaping and screening standards and criteria that are necessary to achieve the desired quality of life described by the purposes set forth above.

701.2. ~~715.2.~~ Exemptions.

These requirements shall apply to all new development or the expansion of existing development except for the following:

A. ~~•~~ Single-family and duplex dwellings on individual lots, except as provided in Section 701.3.D~~715.3.4~~; and

B. ~~•~~ Developments having been issued a final development order prior to the effective date of this Ordinance.

701.3. ~~715.3.~~ Minimum Required Landscaping.

A. ~~715.3.1.~~ Vehicle Use Areas.

1. ~~a.~~ A vehicle use area is any portion of a development site used for circulation, parking and/or display of motorized vehicles, except junk or automobile salvage yards.

2. ~~b.~~ All vehicle use areas containing more than one thousand (1,000) square feet shall be landscaped in accord with Figure 7-1~~715.A~~, which requires three hundred and sixty (360) square feet of planting area, including four (4) canopy trees and twenty (20) shrubs per twenty (20) parking spaces. If one (1) gallon shrubs are used within the landscape islands, forty (40) shrubs shall be requ-ired. Tree and shrub sizes shall be in accordance with Section 701.4.B~~715.4(B)~~.

3. ~~c.~~ For vehicle use areas serving large vehicles requiring additional maneuvering room, such as truck stops, and motor freight terminals, up to fifty (50) percent of required vehicle use area landscaping may be transferred and added to the perimeter buffer or roadway buffer.

4. ~~d.~~ No more than ten (10) consecutive parking spaces shall be allowed without an interior landscape island.

5. ~~e.~~ The front of a vehicle may encroach upon any interior landscaped area or walkway when said area is at least eight (8) feet in depth, not including curbing, per abutting parking space and protected by curbing. No tree or shrub of more than two (2) feet in height shall be located within two (2) feet of the edge of the landscape area.

6. ~~f.~~ If a Sign View Area is shown on the landscape plan, the developer will have the choice of either

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replacing the canopy trees with understory trees within the View Area or moving the trees to another location within the parking lot. A Sign View Area shall be defined as those areas to be left within the sight lines of either free-standing or wall signs by the travelling public on adjacent streets. No more than thirty (30) percent of required trees may be switched to understory trees as a result of this provision. Understory trees must be provided at a ratio of 1.5 to 1 if used to replace canopy trees.

7. ~~g. Perimeter Landscaping Requirements.~~ Where vehicle use areas abut the roadway, the roadway buffer may serve as the perimeter parking lot buffer. However, where the vehicle use area does not abut a roadway, the perimeter landscaping requirements shall be a minimum width of eight (8) feet containing one (1) canopy tree meeting the minimum requirements of Section 701.4.B~~715.4(B)~~ per forty (40) feet or substantial fraction thereof, and either shrubs, hedges, berming or fences or any combination thereof, to reach a height of forty-two (42) inches, two (2) years after installation, and being eighty (80) percent opaque.

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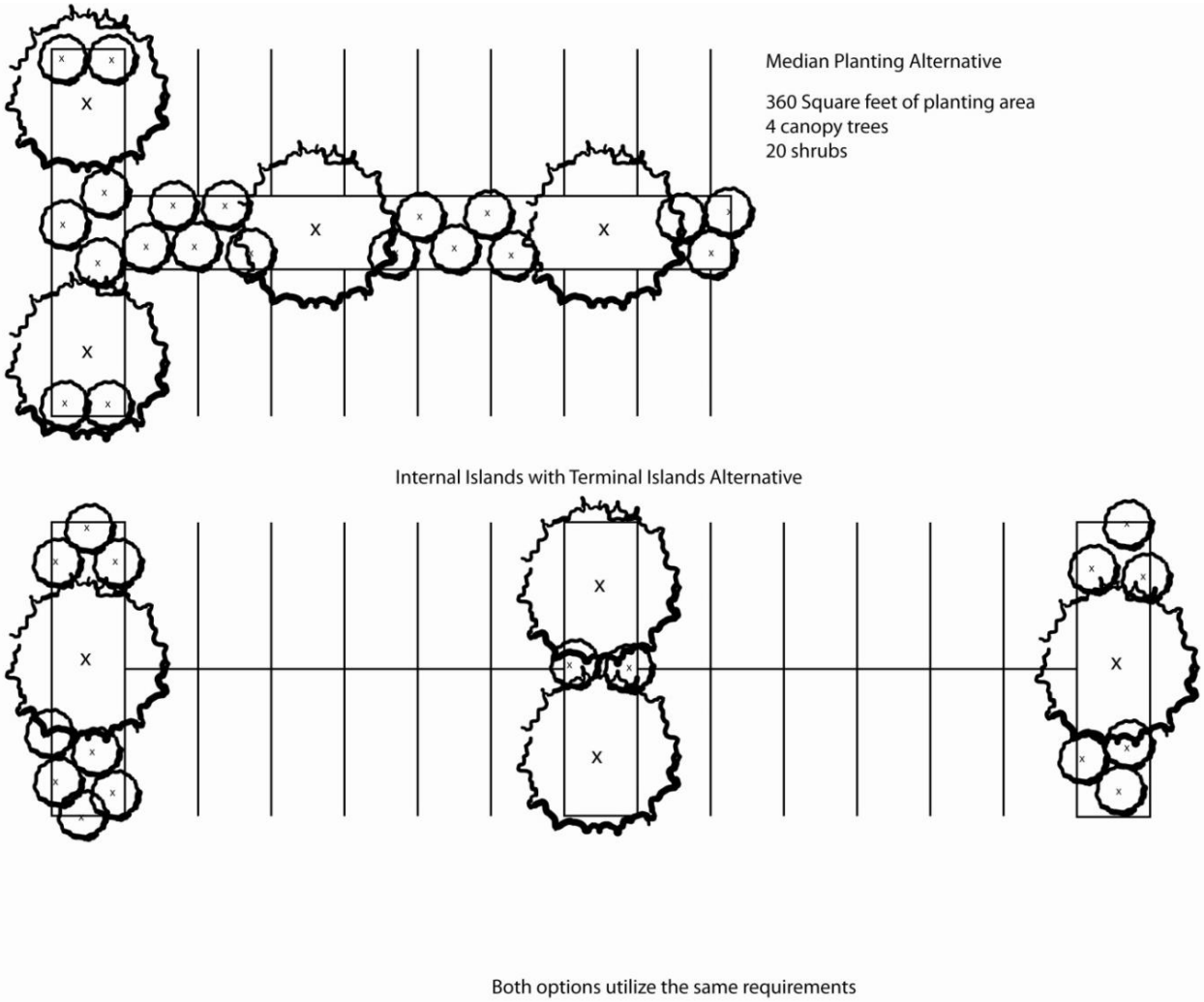
Figure 7 - 1: ~~Figure 715.A.~~ Vehicle Use Area Landscaping



B. ~~715.3.2.~~ Buffer Zones.

1. ~~a.~~Buffer Zones are landscaped strips along parcel boundaries.
2. ~~b.~~Buffer Zones serve to separate incompatible uses and/or create attractive boundaries.
   - Widths and degrees of vegetation depend on relationship between uses.
   - Standards are per one hundred (100) linear feet.
   - Plant materials are to be spread relatively evenly throughout the buffer.
   - See Figure 7-3~~715.C~~ for required amounts of landscaping.
   - See Figure 7-3~~715.C~~ for landscaping alternatives.
3. ~~c.~~ Buffer zones for proposed industrial uses adjacent to residential uses/zoning shall use buffer option E, unless otherwise approved with Planned Development Specific Approval.

   ~~1.~~Roadway Buffers.

   a. Required for multi-family and non-residential projects along all roadways. Required for single-family projects abutting thoroughfares only.

      i. ~~A.~~Reverse frontage lots shall be provided adjacent to major thoroughfares. A twenty (20) foot wide buffer shall be provided along rear property lines abutting right-of-way. Additional lot depth of twenty (20) feet shall be provided to accommodate such buffer when adjacent to collectors, arterials or other thoroughfares.

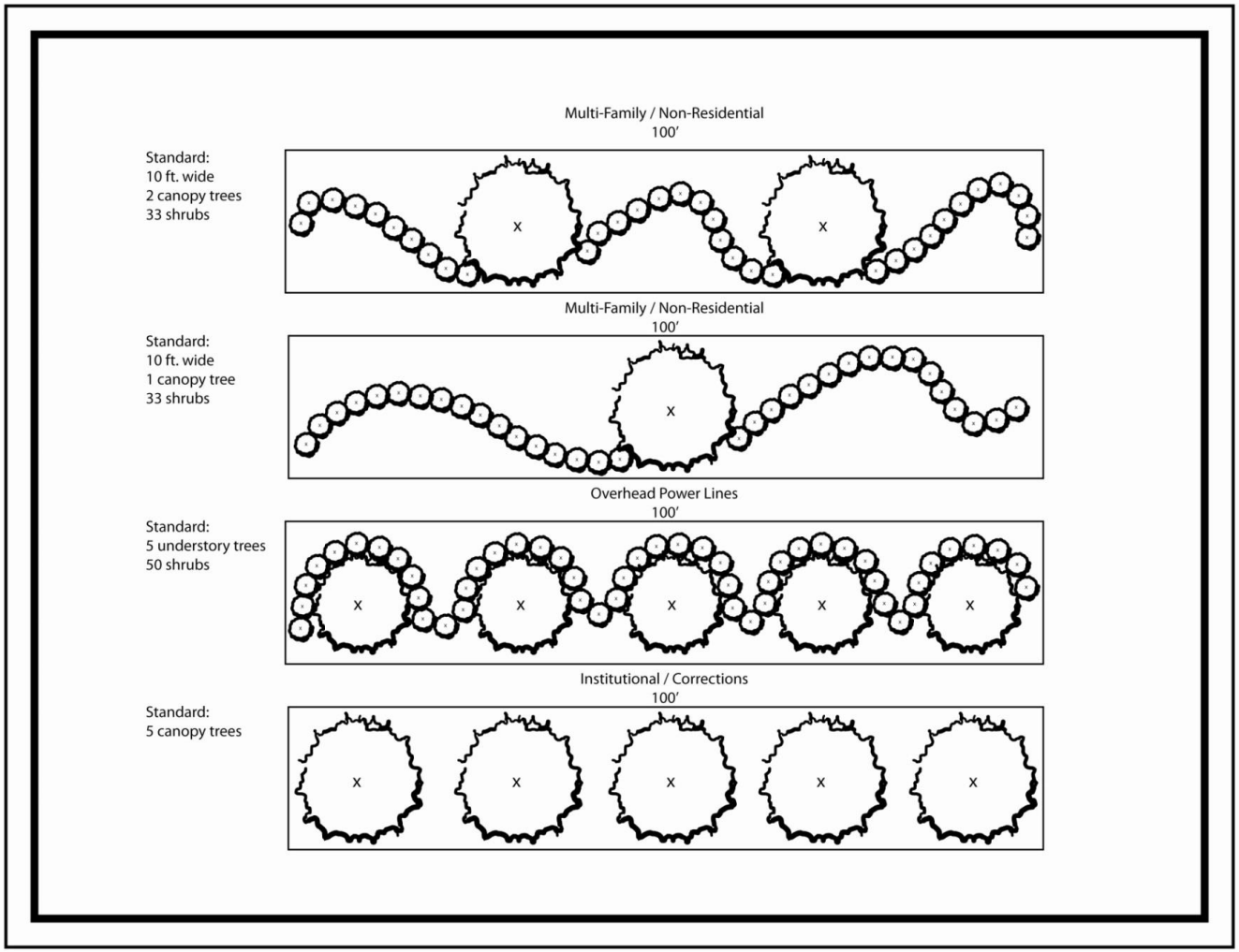
         (a) See Figure 7-2~~715.B~~ for requirements.

         (b) If fences are used, required landscaping shall be located on the exterior, facing the roadway, or adjacent property.

         (c) For hedges within roadway buffers, the shrubs shall reach a height of three (3) feet within two (2) years.

         (d) For roadway buffers that contain overhead power lines, the requirement for canopy trees may be reduced to allow understory trees as shown in Figure 7-2~~715.B~~.

Figure 7 - 2~~Figure 6~~: ~~Figure 715.B.~~ Roadway Buffer Options ~~Per~~per 100 Feet



b. ~~2.~~Screening Buffers.

i. Screening buffers are required between zoning district boundaries.

ii. The width of the buffer shall be as defined in the Buffer Matrix, Figure 7-4~~715.D~~.

iii. Decorative, opaque fences shall be considered:

- Concrete Aggregate
- Stucco
- Finish (either colored or painted)
- Brick
- Stone
- Glass Block or
- Wood

iv. No chain link shall be allowed. (The exception is chain link with slats shall be allowed for the gates of dumpster enclosures).

v. Concrete masonry shall be allowed only if split face design.

vi. Structurally safe, durable and attractive.

vii. A minimum of six (6) feet in height.

viii. For hedges used within screening buffer zones, the plant materials used shall reach a minimum height of six (6) feet within three (3) years of planting.

c. ~~3.~~Residential Greenbelts.

i. For all residential projects, a fifteen (15) foot wide perimeter greenbelt buffer shall be required. Streets and utilities providing interneighborhood ties may be permitted to pass through greenbelt buffer areas. Should such greenbelts be located adjacent to single family lots, such lots may not be platted through the greenbelt. In projects consisting entirely of fifteen (15) or less single family lots, greenbelt buffers shall be reduced in width to ten (10) feet.

Exemptions:

- For new residential subdivisions located in the A or A-1 zoning districts, no greenbelt shall be required.
- For lot splits inside or out of a subdivision, resulting in the creation of one additional lot, no greenbelt shall be required.
- For replattinq of existing lots if the total number of lots either remains the same or is reduced, no greenbelt shall be required.

ii. The greenbelt buffer shall be planted with a minimum of one canopy tree planted every thirty (30) feet on center for the length of the perimeter of the project.

iii. For new residential projects abutting non-recreational, non-residential uses, the greenbelt buffer shall also meet the screening buffer requirements that may include either a hedge, fence or wall.

iv. All landscaping shall be installed prior to final plat approval, unless performance security is posted guaranteeing the landscaping will installed prior to the first Certificate of Occupancy.

v. Irrigation shall be provided as required pursuant to this Code and installed prior to issuance of the first Certificate of Occupancy of the project.

Figure 7 - 3~~Figure 6-3~~: ~~Figure 715.C.~~ Screening ~~Perimeter~~ Buffer Options ~~Per~~per 100 Feet

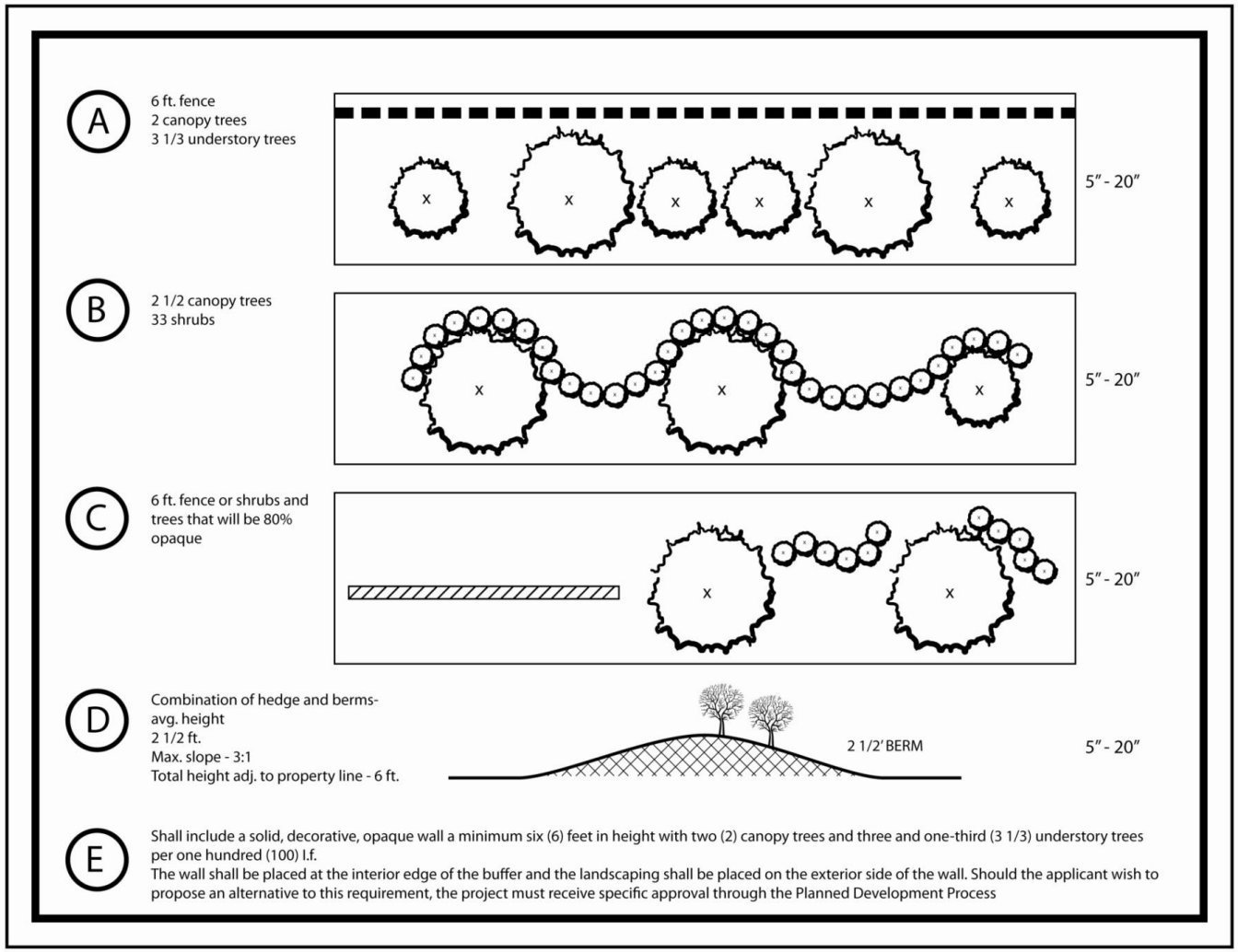


Figure 7 - 4: Buffer Screening Matrix; Width of Buffer Required (In Feet)

	Abutting Use/or Zoning Width of Buffer Required (in Feet)													
Proposed Use	Res. Excl. M.F.	Multi-Family	Res. Sup. Uses	Community Ser. Uses	Retail Commercial	Service Commercial	Misc. Service	Service	Industrial	Misc. Uses	Rec. Uses	Transp. Uses	Warehouse	Intensive Ag Uses*
Res. Excl. M.F.	0	10	10	10	15	10	15	15	20	15	10	20	20	15
Multi-Family	10	0	5	10	15	10	10	10	20	10	10	20	15	10
Res. Sup. Uses	10	5	0	5	10	5	5	5	10	10	5	15	15	10
Community Ser. Uses	10	10	5	0	5	5	5	5	10	5	5	10	10	10
Retail Commercial	15	15	10	5	0	5	5	5	10	5	5	10	5	5
Serv. Commercial	10	10	5	5	5	0	5	5	10	5	5	10	5	5
Misc. Service	15	10	5	5	5	5	0	5	10	5	5	10	5	5
Services	15	10	5	5	5	5	5	0	10	5	5	10	5	5
Industrial	20	20	10	10	5	5	5	5	0	10	10	5	5	0
Misc. Uses	15	10	10	5	5	5	5	5	10	0	5	10	10	10
Rec. Uses	10	10	5	5	5	5	5	5	10	5	0	10	10	10
Transp. Uses	20	20	15	10	10	10	10	10	5	10	10	0	5	5
Warehouse	20	15	15	10	5	5	5	5	5	10	10	5	0	5
Intensive Ag* Uses	15	10	10	10	5	5	5	5	0	10	10	5	5	0

*Intensive Ag Uses shall be defined for the purpose of this chart to include Agricultural Products Processing Plants, Animal Products Processing Facility, Animal Shelters, Farm Equipment and Supply Establishments, Kennels, Sawmills, Slaughterhouses, Stockyards/Feedlots, and Veterinary Hospitals.

C. ~~715.3.3.~~ **Foundation Landscaping.** ~~•~~ The amount of twenty (20) square feet per one thousand (1,000) square feet of proposed gross floor area, located contiguous to the building.

D. ~~715.3.4.~~ **Residential Street Trees.**

1. ~~•~~ Prior to C.O., one (1) canopy tree shall be planted within twenty-five (25) feet of the right-of-way of each local street within a residential development for every fifty (50) linear feet, or substantial fraction thereof, of right-of-way. None of these required trees shall be planted within a public or private utilities easement. Palm trees may not be utilized to meet this requirement, unless they are grouped with a minimum of two (2) used for each canopy tree. A maximum of twenty-five (25) per cent of all proposed residential street trees may be palm trees.
2. ~~•~~ The trees shall be spaced no closer together than twenty-five (25) feet, unless a decorative grouping or alternative method is chosen by the developer. Existing native trees should be used to fulfill these requirements wherever they meet the spacing and size requirements.
3. ~~•~~ Responsibility for installation and initial maintenance is the developer's on all common areas within the project. Responsibility for the property owner's installation and maintenance of the trees shall be placed within the Homeowner's Documents and/or Deed Restrictions governing the development. Such trees shall be installed prior to Certificate of Occupancy for each individual unit.

E. ~~715.3.5.~~ **Redevelopment Standards**.

1. ~~A.~~ These redevelopment landscape standards apply to approval requests with existing building when:
   a. ~~•~~ A "change of use" that requires a plan approval per Chapter 3~~Section 508.2.3~~; ~~or~~
   b. ~~•~~ Establishing a new ~~Administrative Permit U~~use~~,~~ that requires ~~a plan~~administrative approval ~~per Section 506~~; or
   c. ~~•~~ Increasing the Gross Floor Area or the Vehicle Use Area that requires a plan approval per Chapter 3~~Section 508.2.3.~~ or 1005.8~~710.1.2.1~~.
2. ~~B.~~ Exceptions:
   a. ~~•~~ Vehicle Use Areas (parking space) increases due solely to the restriping of existing surfaces are not included within the percentage increase calculation.
   b. ~~• Special Permit~~ All Special Permit Uses shall be required to meet all of the requirements for landscaping and screening for new development contained in Section 701~~715~~ without modifications.
3. ~~C.~~ Any project which results in more than a fifty (50) percent increase in gross floor area or the number of parking spaces shall be required to meet all of the requirements for landscaping and screening for new development contained in Section 701~~715~~.
4. ~~D.~~ Any project that proposes an increase in Gross Floor Area (GFA) and/or Vehicle Use Area (parking spaces) exceeding twenty-five (25) percent but less than fifty (50) percent is required to provide landscaping per Section 701~~715~~ for the area of the increase (new work), and shall upgrade the following existing landscape components to the current Code requirements:
   a. ~~•~~ Roadway buffer,
   b. ~~•~~ Terminal islands,
   c. ~~•~~ Internal islands,
   d. ~~•~~ Foundation landscaping,
   e. ~~•~~ Irrigation,
   f. ~~•~~ Perimeter landscaping, and
   g. ~~•~~ Screening.
5. ~~*E. Modifications.*~~ The above landscaping components shall be installed to meet this code. The following modifications are allowed:

a. ~~*Roadway Buffers:*~~ The clustering of required plant materials~~,~~ is allowed to reduce the removal of existing site improvements if the required plant count is maintained.

b. ~~*-*~~ When necessary to maintain Code dimensions for parking space depth and drive aisle width, the roadway buffer width may be reduced to a minimum of five (5) feet.

c. ~~*Foundation Landscaping:*~~ Flexibility in the location of new foundation landscaping is allowed to minimize the removal of existing site improvements and maintain the required parking space and drive aisle dimensions. Foundation landscaping may be located around the existing building and is encouraged to be located around building entrances.

d. ~~*Internal Islands:*~~ The number of internal islands may be reduced by one-half (½) in the existing parking area.

6. ~~F.~~ Any project that proposes an increase in Gross Floor Area (GFA), and/or Vehicle Use Area, of between zero (0) and twenty-five (25) percent of the existing (includes new Administrative Permits with no GFA increase), is required to provide landscaping per Section 701~~715~~ for the area of the increase (new work).

7. ~~G. Previously Planted Landscaping.~~ All projects shall be required to replace, previously planted, required landscaping that has died or is not fulfilling its intended purpose (screening, height after two (2) years, hedges with gaps, etc.) to meet the standards in effect at the time of the original approvals, unless such landscaping is no longer required by this code.

8. ~~H.Time Period.~~ Incremental increases in either gross floor area or vehicle use area spaces that cumulatively exceed the fifty (50) percent threshold over a three (3) year period shall require the project to meet the standards for new development as shown in Section 701~~715~~.

701.4. ~~715.4.~~ Specifications.

A. ~~A.~~ General.

1. ~~•~~ Drought tolerant species
2. ~~•~~ Minimum Florida Number One Grade
3. ~~•~~ Appropriate to soil and climate
4. ~~•~~ Minimum thirty (30) percent native species
5. ~~•~~ Low maintenance
6. ~~•~~ Irrigation shall be zonally designed
7. ~~•~~ Xeriscape-type landscaping is required whenever feasible
8. ~~•~~ Must meet the standards of Section 1002~~713~~, Visibility Triangles
9. ~~•~~ No synthetic/artificial lawns or plants
10. ~~•~~ All landscaped areas shall be protected by wheel stops or curbing
11. ~~•~~ Areas with planted trees shall be a minimum 8 feet wide (inside curb measurement)
12. ~~•~~ Existing plant communities designated to remain must be intact and undisturbed; noxious and exotic plants must be removed.
13. ~~•~~ Preserving native plant communities is encouraged and may be required, as appropriate.
14. ~~•~~ Native plant communities shall be counted at 1.5 ratio for meeting open space requirements (minimum ⅛ acre in size)
15. ~~•~~ No parking, loading areas, or buildings shall be placed within any landscape buffers
16. ~~•~~ Trees and shrubs shall not be placed within the middle two-thirds (2/3) of any drainage swale or within three (3) feet measured horizontally from the centerline of the drainage swale; whichever is greater. Swales must allow the positive flow of water without any obstruction.
17. ~~•~~ A maximum of forty (40) percent of all required trees may be palm trees. When palm trees are utilized as

Commented [LDI3]: STAFF: What are these specifications for? all planting materials?

canopy trees, a minimum of two (2) palms must be grouped to serve as a canopy tree. Each palm tree group will count as one (1) canopy tree.

B. ~~B.~~ **Trees.** Trees required under Section 701~~715~~ shall be in accordance with the following:

MINIMUM SIZE AT PLANTING	CANOPY	UNDER-STORY	PALM
Height	10 Feet	6 Feet	15 Feet
Caliper	2½ Inches	1½ Inches	
Spread	4 Feet		

C. ~~C.~~ **Shrubs.** Shrubs required under Section 701~~715~~ shall be in accordance with the following:

MINIMUM SIZE AT PLANTING	HEDGE	VEHICLE USE AREA ISLANDS
Height	24 Inches	8 Inches
Gallons	3 Gallons	1 Gallon

D. ~~D.~~ **Prohibited Species. Prohibited Plant Species.** The following plant species shall not be planted in Manatee County:

1. Melaleuca quinquenervia (commonly known as Punk tree, Cajeput, paper bark, malaleuca);
2. Schinus terebinthefolius (commonly known as Brazilian Pepper or Florida Holly);
3. Casuarina species (commonly known as Australian Pine);
4. Rhodomyrtus tomentosa (commonly known as Downy Rose Myrtle); and
5. Mimosa pigra (commonly known as the Catclaw Mimosa).
6. Dalbergia sissoo (commonly known as the Indian Rosewood)
7. Cupaniopsis anacardioides (commonly known as the Carrotwood)

E. ~~E.~~ **Nuisance, Exotic Plant Species Management.** All nuisance, exotic plant species shall be removed from upland portions of land development sites during construction unless Special Approval is granted. An Exotic Plant Species Management Plan shall be approved by the Department Director of Environmental Management prior to or concurrent with Final Site Plan or Construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project.

Special Approval. Nuisance, exotic plant species removal may be modified by the ~~Planning~~Department Director ~~upon a favorable recommendation by the Director of Environmental Management~~, provided that an Exotic Species Management Plan is approved to minimize the expansion and establishment of exotic plant species outside of the approved post-development configuration.

F. Special approval may be approved as follows:

1. ~~• specific~~Specific locations of redevelopment projects, where existing nuisance, exotic vegetation is acting as a screen to assure compatibility or protection of the existing land use.
2. ~~• development~~Development sites where removal of nuisance, exotic vegetation cannot be phased, or will result in costly and extreme soil stabilization measures.

701.5. ~~715.5.~~ Modifications.

~~• Planning~~Department Director may approve alternative screening/landscaping upon determining the plan meets the intent of the standards and meets or exceeds a plan in strict compliance.

701.6. ~~715.6.~~ Landscape plan required.

A landscape plan shall be submitted, reviewed and approved by the ~~Planning~~Department Director at the Preliminary and final site plan stages, or prior to the issuance of a building or access and drainage permits. These plans should be integrated into the site plans/plats submitted, and shall be prepared by a landscape architect or other persons as authorized under Chapter 481, Part II, Florida Statutes.

~~715.6.1.~~ The landscape plan shall consist of:

A. ~~715.6.1.1.~~ Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan;

B. ~~715.6.1.2.~~ Location of existing boundary lines and dimensions of the site, the zoning classification of the site, and the zoning classification of adjacent properties, A vicinity map should also be attached to or made a part of the plan;

C. ~~715.6.1.3.~~ Approximate centerlines of existing water courses and the location of the twenty-five (25) year and one hundred (100) year floodplain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed buildings, streets, utility easements, driveways, parking, sidewalks, and similar features;

D. ~~715.6.1.4.~~ Project name, street address, and legal description;

E. ~~715.6.1.5.~~ Location, height, and material of proposed screening and fencing (with berms to be delineated by one (1) foot contours);

F. ~~715.6.1.6.~~ Locations and dimensions of proposed landscape buffers, areas, and cross section;

G. ~~715.6.1.7.~~ Complete description of plant materials shown on the plan, including names (common and botanical name), locations, quantities, container or diameter breast height sizes at installation, heights, spread, method of irrigation (as shown in Section 701.7~~715.7~~) and spacing. The location and type of all existing trees on the lot over four (4) inches in caliper or greater must be specifically indicated;

H. ~~715.6.1.8.~~ Calculations as to the amount (in square feet) of vehicle use and foundation landscape areas required and provided;

I. ~~715.6.1.9.~~ An indication of how existing healthy trees proposed to be retained will be protected from damage during construction;

J. ~~715.6.1.10.~~ Size, height, location and material of proposed seating, lighting, planters, sculptures, and water features;

K. ~~715.6.1.11.~~ A plan drawn to scale showing in addition to the above items the location of roads, sidewalks, buildings, landscape areas and buffers, planters, drainage facilities, easements, property lines and fences.

L. ~~715.6.1.12.~~ Location of visibility triangles on the site (if applicable), including visibility triangle within parking areas~~.~~;

M. ~~715.6.1.13.~~ Other information as may be required by the ~~Planning~~Department Director~~ and Public Works Director~~ to determine whether the landscape plan meets the requirements of this Code~~.~~; and

N. ~~715.6.1.14.~~ Preliminary Site Plan Requirements. Items to be included within a landscape plan submitted in conjunction with a preliminary site plan are: proposed general types of plant materials, general location of landscaping in vehicle use areas, foundation landscaping areas, screening buffers and roadways buffers. One hundred (100) percent automatic irrigation shall be noted.

701.7. ~~715.7.~~ Irrigation.

A. ~~•~~ **Irrigation Design Standards.** One hundred (100) percent automatic irrigation systems shall be required for all projects. The following standards shall apply to the design, installation and maintenance of the irrigation systems. Single-family and duplex dwellings, if an automatic irrigation is installed, shall provide rain or moisture sensing shut-off devices.

1. Existing plant communities and ecosystems maintained in a natural state do not generally require supplemental irrigation.
2. Rain or moisture sensing shut-off devices shall be installed with any irrigation system. Drip or microjet irrigation shall be used where possible. Low trajectory spray nozzles are encouraged.
3. All irrigation systems shall use the lowest quality water available which adequately and safely meets the water needs of the system. Stormwater reuse, reclaimed water use and grey water irrigation systems shall be used where feasible. Shallow wells and wet retention/detention ponds shall also be in used as an alternative to potable water.
4. The applicant shall provide an irrigation plan that shall show the location of the water source and size of well (if applicable), backflow preventer (if applicable), the location of irrigation heads, drip lines, water lines or other items that will show that one hundred (100) percent automatic irrigation is serving all required landscape areas on the plan.

B. Irrigation Within the Right-of-Way. Property owners wishing to maintain landscaped areas in the rights-of-way contiguous with their property and adjacent to the paved road or sidewalk may, with the following stipulations, install underground irrigation lines and sprinkler heads within these areas:

1. When the County or any other utility with legal easements, needs to cut or remove parts of said irrigation system, or damages same as a result of work within the rights-of-way, it shall be the property owner's responsibility to repair and/or replace those damaged areas of the system, and all costs shall be borne by the property owner.
2. No portion of any irrigation system shall be installed within the right-of-way without a Right-of-Way Use Permit. Any spray heads or nozzles located adjacent to the rights-of-way shall be directed away from all travel lanes and sidewalks. All such systems shall be designed so that water being applied to impervious surfaces is reduced or eliminated.
3. The irrigation system shall be properly maintained and operated consistent with County-wide watering schedules.
4. For public health, safety and welfare reasons, the County may rescind any approval and cause removal of any irrigation line within the rights-of-way, without notice, cause or reimbursement, to the property owner.

701.8. ~~715.8.~~ Installation and Maintenance of Landscape and Irrigation.

A. Installation shall be complete at the time of final inspection, except as provided otherwise.

B. Property owner shall maintain landscaping and screening for the life of project.

C. Required plant materials which are removed or die shall be replaced within thirty (30) days.

D. Understory growth and the natural function of the area shall be maintained.

E. Installation shall be in a sound, professional manner.

F. Required landscaping shall be maintained and pruned in a manner that preserves the natural shape and growth characteristics of the species. Pruning that "hatracks" or "lollipops" canopy trees is prohibited without prior approval of the ~~Planning~~Department Director or Board~~ of County Commissioners~~.

~~715.9. Certification~~

701.9. ~~715.9.1.~~Certification Required.

Prior to issuance of a Certificate of Occupancy or approval of a final plat, (as applicable), the landscape professional responsible for the project shall provide written, sealed or notarized, certification to the Engineer of Record that the installation of irrigation and landscaping has been completed in accordance with the approved plan or plat. The Engineer of Record shall provide a copy of the landscape professional's certification with submittal of his/her certification.

Section 702. ~~Section 732.~~ Earthmoving.

Commented [LDI4]: As part of phase II, chapters 2-20 and 2-25 of the code of ordinances need to be reviewed to identify and address conflicts with this section, and make a decision as to what goes in the LDC other than references to these other chapters. A lot of the information is the same, some not exactly the same.

702.1. ~~732.1.~~ Purpose

The purpose and intent of this Section is to ensure safe and environmentally adequate design and reclamation of all disturbed lands; and to protect all property during excavating, filling, and off-site transporting of material in the process of earthmoving.

702.2. ~~732.2.~~ Exemptions.

A. The ~~following~~ earthmoving operations listed under subsection B ~~,732.2.1 through 732.2.10~~ shall not require a separate earthmoving site plan or operating permit provided:

1. ~~(1).~~No off-site drainage is affected~~,~~;
2. ~~(2)~~No rise in the base flood elevation of an identified floodway~~,~~;
3. ~~(3)~~ No change in grade at the property line (except for swales)~~,~~; and
4. ~~(4)~~All other state and local requirements have been fulfilled. Although an earthmoving permit may not be required, a tree removal permit under Section 700~~714~~ may be required. If the site is located within the floodplain, the provisions of Section 802~~718~~, Floodplain Management shall apply.

B. The activities eligible for exemptions are:

1. ~~732.2.1.~~ Earthmoving which is accessory to agricultural operations where no earth is transported off-site.
2. ~~732.2.2.~~ Site preparation and finish grading for or accessory to Permitted Uses or other Conditional Uses, which are specifically identified and approved during another developmental permit approval.
3. ~~732.2.3.~~ Earthmoving which is a part of a ~~County~~ county approved construction project, such as a subdivision, or a dredge and fill project.
4. ~~732.2.4.~~ Earthmoving for the preparation of a site, foundation, and landscaping of a single family detached, attached dwelling unit, or duplex located on a lot of record.
5. ~~732.2.5.~~ Two hundred (200) cubic yards or less of material classified under earthmoving within any one (1) year period.
6. ~~732.2.6.~~ A grading operation of two (2) acres or less.
7. ~~732.2.7.~~ Excavation of a retention/detention pond associated with another valid development permit.
8. ~~732.2.8.~~ Excavation, and filling confined to a single family detached or attached dwelling unit residentially zoned lot including excavation for a pond not to exceed two hundred (200) cubic yards located totally within the same lot.
9. ~~732.2.9.~~ Earthmoving which is specifically associated with and part of another valid development permit on a lot for a structure, drainage facility, or sanitary sewer system, subject to compliance with the Manatee County Development Standards.
10. ~~732.2.10.~~ All phosphate mining activities shall comply with requirements set forth in Chapter 2-20, Mining and Reclamation, of the Code of Ordinances~~Ordinance 81-22~~, ~~as amended~~ in lieu of obtaining an earthmoving permit under this Section.

702.3. Earthmoving Site Plan Review and Requirements.

A. Site Plan Requirements. The earthmoving site plan depicts the proposed earthmoving activities and procedures as forecasted for the entire life of the earthmoving project.

B. ~~732.3.~~ Minor Earthmoving Site Plan~~Requirements~~.

1. ~~*732.3.1.*~~ *Applicability.* Minor earthmoving site plans shall be required for all earthmoving operations as described herein, which:

a. ~~732.3.1.1.~~ Are not exempted by Section 702.2~~732.2.~~, Exemptions;

b. ~~732.3.1.2.~~ Are not subject to Section ~~732.4~~702.4, Major Earthmoving Requirements;

c. ~~732.3.1.3.~~ Involve~~s~~ grade changes at any property line, except for swales and driveway access~~.~~;

d. ~~732.3.1.4.~~ Involve~~s~~ any earthmoving operation in excess of two hundred (200) cubic yards but less than one thousand (1,000) cubic yards of material classified under earthmoving, when not specifically associated with and approved under any other development permit~~.~~; or

e. ~~732.3.1.5.~~ Involve~~s~~ a grading operation over two (2) acres but not less than ten (10) acres, when not specifically associated with and approved under any other development permit.

2. ~~*732.3.2.*~~*Pre-Application Conference.* A pre-application conference is optional for minor earthmoving site plan applications.

3. *Department Director Review.* Applications for minor earthmoving shall be submitted to the ~~Planning, Permitting and Inspection Department~~Department Director on forms as provided. The Department Director~~Planning Director~~, after necessary coordination with other applicable ~~County~~ county departments and agencies, may approve such application.

~~732.3.3.~~The Department Director~~Public Works Department~~ shall conduct a site inspection and issue a report on each application. In the approval of any application for minor earthmoving under this Section, the Department Director~~Public Works or Planning Director~~ may include conditions designed to protect adjacent property or public property; or to ensure safe and environmentally adequate design, construction and reclamation that are stipulated under Sections ~~732.4~~702.4 and ~~732.5~~702.5.

4. ~~*732.3.4.*~~*Site Inspection.* Upon completion of the earthmoving, the property owner shall notify the Department Director~~Public Works Director~~, who shall cause a site inspection of the completed operation~~ to be conducted by the Planning Department,~~ to ensure any and all necessary reclamation is completed and that no adverse surface water drainage ~~problems~~ conditions exist.

5. ~~*732.3.5.*~~ *Floodplain Management Permit.* If an earthmoving operation lies within any floodplain, a ~~F~~floodplain ~~M~~management p~~P~~ermit is also required.

6. ~~*732.3.6.*~~ *Phosphate Mining.* All phosphate mining operations shall comply with Chapter 2-20, Mining and Reclamation, of the Code of Ordinances~~Ordinance 81-22~~, as amended in lieu of obtaining an earthmoving permit under this Section.

C. ~~732.4.~~ **Major Earthmoving Site Plan~~Requirements~~.**

1. ~~*732.4.1.*~~ *Site Plan and Permit Required.* Major earthmoving site plans and operating permits shall be required for all earthmoving operations which involve~~s~~ excavation and/or filling of:

a. ~~1.~~Over one thousand (1,000) cubic yards of material, whether by single or multiple operations in any one (1) year period of time; or

b. ~~2.~~More than a ten (10) acre excavation/filling operation.

2. ~~*732.4.2.*~~ *Requirements.* All major earthmoving shall meet the following requirements:

a. The applicant shall be the owner of the property, if the earthmoving operation is being conducted by him. If the earthmoving operation is done by others (e.g. a contractor), the owner and contractor shall be co-applicants as principals jointly and severally liable as co-principals on the surety bonds~~.~~;

b. If the zoning district in which the proposed activity is located permits earthmoving activities, an applicant shall submit to the Department Director~~Planning Director~~, an ~~E~~earthmoving ~~S~~site ~~P~~plan of its proposed activities to accompany the application. In zoning districts when earthmoving requires an ~~A~~administrative or Special ~~P~~permit~~ or Special Permit~~, the applicant shall submit those applications~~any required Special Permit or Administrative Permit application~~ in addition to ~~an~~ the ~~E~~earthmoving ~~S~~site ~~P~~plan~~ of its proposed activities.~~; and

c. For loam, sand, gravel, and roadway aggregate material excavations, the Department Director~~Planning Director~~ may lessen the ~~following~~ requirements herein required based on the scope of the work proposed by the applicant.

~~A. 732.4.3.~~ Application Information and Site Plan Requirements.

Commented [LDI5]: Consider moving this section to a Dev. Review Manual.

~~B.~~D. A pre-application conference is required for all major earthmoving site plan applications. The purpose of the pre- application conference is to provide the County with sufficient information at an early stage in order to understand the scope of work, advise the applicant of the Code requirements, and inform the applicant what may be required prior to the applicant preparing site plans. The Earthmoving Site Plan is a description of the proposed earthmoving activities and procedures as forecasted for the entire life of the earthmoving project. The materials to be excavated or filled, the sequence or phasing of excavation or filling and the estimated periods of time involved shall be indicated. The Earthmoving Site Plan shall in addition to meeting the requirements of Section 322~~508.3.3~~, Preliminary Site Plans, shall also include:

1. ~~732.4.3.1.~~ Scaled maps, supporting documents, and calculations.
2. ~~732.4.3.2.~~ The name, address, and telephone number of the applicant. If the applicant and/or property owner are not individual natural persons or individual business entities, the application shall fully identify each person or entity having any interest in the earthmoving activities or ownership of the land, and shall specifically identify the nature of such interest. The name, address, and telephone number of the applicant's business office in Manatee County upon whom service of legal papers may be made and who may be contacted in case of need. A certified legal description and a statement of the nature of the applicant's legal interest in any and all lands upon which any operations are proposed;
3. ~~732.4.3.3.~~ The location of the one hundred (100) year floodplain and the twenty-five (25) year floodplain shall be shown on the site plan.
4. ~~732.4.3.4.~~ The locations and dimensions of proposed pit dewatering retention/detention ponds, together with a description of all proposed temporary and permanent silt, erosion, and turbidity controls;
5. ~~732.4.3.5.~~ The location, use, and description of any pipelines, building, or any other non-mobile structures or devices to be constructed for the extraction, pit dewatering, weight scales or other material handling facilities;
6. ~~732.4.3.6.~~ Maps or aerial photographs, on a scale of one (1) inch equals two hundred (200) feet, with overlaps of two hundred (200) feet, depicting the name, location and limits of all wetlands, lakes, rivers, reservoirs, streams, creeks, and other water bodies within the Earthmoving Site Plan area, including all waters of the State as defined by Chapter 403, Florida Statutes, and all navigable waters as defined by Chapter 253, Florida Statutes;
7. ~~732.4.3.7.~~ Engineering estimates of rated flow capacity for all equipment proposed for pit dewatering purposes and discharges to ground and surface waters, showing location of points of discharge from the applicant's property and estimates of discharge rates to any receiving streams;
8. ~~732.4.3.8.~~ The drainage features to be provided during and following all earthmoving activities, including topographic maps sufficient to show all drainage characteristics of the earthmoving site and immediate vicinity thereto; criteria used for design and an assessment of the effect that the proposed earthmoving, pit dewatering and discharge will have on the drainage regime of surface waters and the surficial aquifer system;
9. ~~732.4.3.9.~~ A program for controlling non-point sources of water pollution originating from any areas disturbed by earthmoving activities, the runoff from which is not redirected back into the pit.
10. ~~732.4.3.10.~~ A program for controlling fugitive dust originating from any areas disturbed by earthmoving activities or used as a principal haul route by the applicant, as deemed necessary by the Public Works Director.
11. ~~732.4.3.11.~~ A description of the maintenance program for the water retention/detention ponds and other pollution control facilities, addressing such issues as inspection, maintenance, repair or replacement and restoration as part of the total site reclamation effort;
12. ~~732.4.3.12.~~ An inventory of all existing wells on the property, to include locations, diameters and estimated depths;
13. ~~732.4.3.13.~~ Descriptions and locations for monitoring systems or devices to measure the effects of the proposed earthmoving activities on air and water quality, to include for each station: (1) the type of device or procedure to be installed or followed; (2) the schedule to be followed; (3) provisions for the County to witness the monitoring activities; (4) a proposal for the compilation of data; and (5) the scheduling for the submission

of reports;

14. ~~732.4.3.14.~~ A soil testing report by a Soil Testing Laboratory of the results of exploratory drilling showing the elevation of the top and base of the borrow zone, the soil composition of both underlying and overlying materials, and the pre-operational water levels encountered in the drilling of auger holes;

15. ~~732.4.3.15.~~ A transportation analysis, prepared by an engineer, to identify the haul routes for trucks or any other modes of transportation used for removing borrow materials off of the applicant's property, with emphasis given to any disruption of normal vehicular traffic movements caused by the proposed activities; and in so far as possible, the estimated maximum number of haul trips for any twenty-four (24) hour period.

16. ~~732.4.3.16.~~ A reclamation plan for all disturbed areas in accordance with ~~the following~~section 702.4, below, and a time schedule therefor that meets all provisions of this Code:

17. ~~732.4.3.16.3. Rights-of-Way.~~ The applicant shall submit a map indicating the proposed haul route and include turning radii, width of pavement, method of periodic maintenance and dust control.

18. ~~732.4.3.17.~~ For all projects located in a floodplain, in addition to obtaining a floodplain management permit under Section 802~~718~~, a hydrologic study detailing the effects of the earthmoving operation on the characteristics of the 100-year regulatory floodway and 100-year floodplain shall be submitted. The technical information shall include, but not be limited to, the following:

    a. ~~732.4.3.17.1.~~ Existing and final topography, surveyed and mapped by a professional land surveyor to one (1) foot contour intervals with elevations referenced to mean sea level datum, shown on a fifty (50) foot grid meeting the minimum requirements as set forth in Chapter 21-HH-6, of the Florida Administrative Code;

    b. ~~732.4.3.17.2.~~ Hydrologic data addressing anticipated effects on any water bodies and hydrologic conditions;

    c. ~~732.4.3.17.3.~~ A complete plan of the project with cross sections and dimensions, together with a detailed map of the affected area which indicates changes in the 100-year floodplain caused by the activity.

    d. ~~732.4.3.17.4.~~ Certification by an engineer that the Standards of Section 801~~717~~, Stormwater Management, have been met.

    e. ~~732.4.3.17.5.~~ The signature and seal of an engineer responsible for the preparation of the Earthmoving Site Plan and an express certification by said engineer that he/she is personally familiar with the proposed earthmoving activities, that he/she has personally reviewed all elements of the Earthmoving Site Plan and that all engineering estimates or computations comply with generally accepted engineering practices.

19. ~~732.4.3.18.~~ ~~*Completeness.*~~ Applications shall be determined complete in accordance with Section 312~~502~~ of this Code.

E. ~~732.4.4.~~ Effect of Approval of Major Earthmoving Use.

1. ~~732.4.4.1.~~ The purpose or the ~~E~~earthmoving ~~S~~site ~~P~~plan is to describe the earthmoving activities of the applicant over the life of the earthmoving project, so as to allow the overall plans to be reviewed prior to the issuance of any operating permits for particular earthmoving activities, thus enabling the ~~County~~ county to ascertain whether the impacts of the activities are consistent with the public health, safety, and welfare, the ~~C~~comprehensive ~~P~~plan, and the overall development of the ~~County~~county.

2. ~~732.4.4.2.~~ Upon approval of an ~~E~~earthmoving ~~S~~site ~~P~~plan by the Department Director~~Planning Director, or the Hearing Officerfor Special Permit uses~~, the applicant may apply for an ~~O~~operating ~~P~~permit pursuant to this Section. Approval of the ~~E~~earthmoving ~~S~~site ~~P~~plan shall not vest the applicant with any rights to issuance of said ~~O~~operating ~~P~~permit, nor shall it entitle the applicant to initiate earthmoving activities; the applicant shall be required to meet all requirements for ~~O~~operating ~~P~~permits as they exist at the time of application ~~therefor~~therefore, and the ~~E~~earthmoving ~~S~~site ~~P~~plan approvals shall so expressly provide.

3. ~~732.4.4.3.~~ The applicant shall have a period of one (1) year from the date of the approval of the ~~E~~earthmoving ~~S~~site ~~P~~plan to submit an application for an ~~O~~operating ~~P~~permit. The Department Director ~~Planning Director~~ may, extend the time limit for one (1) additional year. If an ~~O~~operating ~~P~~permit has not been

Commented [LDI6]: Reclamation standards moved below.

Commented [LDI7]: Sections 732.4.3.17.1 to 5 moved to the Development Review Manual.

applied for at the end of the one (1) year period or within any authorized extension that has been granted, the ~~E~~earthmoving ~~S~~site ~~P~~plan approval shall automatically terminate.

F. ~~732.4.5.~~ Amendments or Variances to Earthmoving Site Plan.

1. ~~732.4.5.1.~~ Amendments to the ~~E~~earthmoving ~~S~~site ~~P~~plan may at any time be requested by the applicant who has obtained said approval. Any significant changes as to any component of an approved ~~E~~earthmoving ~~S~~site ~~P~~plan shall be reviewed in the same manner as the original application. Significant changes shall include, but are not limited to, any change in the location or manner of excavation for the pit, any primary haul routes exiting the property, or discharge points; a change in the manner or location of dredging or filling waters of the State; or any other change that might result in increased environmental impacts. Any change made at the order or direction of any State or Federal agency shall require prompt notice to the Department Director~~Planning Director~~. Failure of the holder of an approved ~~E~~earthmoving ~~S~~site ~~P~~plan to so inform the Department Director~~Planning Director~~ of any significant changes in the previously approved ~~E~~earthmoving ~~S~~site ~~P~~plan or changes ordered or required by Federal or State agencies, shall constitute a violation of this Section. Approval of any change shall be a pre-requisite to commencing any actual change at the site.

2. ~~732.4.5.2.~~ Any requested amendment of an ~~E~~earthmoving ~~S~~site ~~P~~plan shall comply with the procedures outlined for an original ~~E~~earthmoving ~~S~~site ~~P~~plan application and, in addition, shall include a list of the specific item(s) to be amended, and a detailed explanation of the reasons for amendment.

G. ~~732.4.6.~~ Transfer of any Major Earthmoving Site Plan Approval.

1. ~~732.4.6.1.~~ Before the transfer of any ~~M~~major e~~E~~arthmoving ~~S~~site ~~P~~plan ~~A~~approval, the applicant and the prospective transferee must apply to the Department Director~~Planning Director~~ for an amendment to the original application and permit, stating in detail any changes desired in the ~~E~~earthmoving ~~S~~site ~~P~~plan.

2. ~~732.4.6.2.~~ If the transfer is approved by the Department Director~~Planning Director~~, it shall be accomplished by the issuance of a "transfer excavation plan" to the transferee.

3. ~~732.4.6.3.~~ Upon acceptance of the transfer excavation plan, the transferee becomes the applicant under this Section and assumes the responsibility of compliance with all the terms of this Section effective on the date of transfer, regulations adopted hereunder, and the ~~E~~earthmoving ~~S~~site ~~P~~plan.

H. ~~732.4.7.~~ Fees.

A schedule of fees for ~~E~~earthmoving ~~S~~site ~~P~~plan processing shall be established and revised periodically by the Board by Resolution. These fees shall be those reasonably necessary to off-set the additional cost to the ~~County~~ county incurred in the adequate review of all aspects of the excavation activities, and to insure the health, safety and welfare of the citizens of Manatee County.

702.4. Reclamation Standards

A. ~~732.4.3.16.1.~~ Agricultural Lands. Land reclaimed for agricultural use shall meet the following standards:

1. ~~(1)~~*Topography:* The land shall be sufficiently level and free of holes, gullies, and washouts to permit safe operation of conventional farm and agricultural equipment; including stormwater management measures.

2. ~~(2)~~*Stability:* The land shall have settled and firmed to the extent that will support conventional farm and agricultural equipment and such that livestock will be able to walk on the surface of the land.

3. ~~(3)~~*Revegetation:* All disturbed areas shall be promptly seeded and mulched with grass mixtures of perennial and annuals, with application rates which are capable of cover establishment during the growing season for which it is applied. Revegetation shall be considered complete upon demonstrating ninety (90) percent perennial vegetation cover establishment one (1) year after reclamation~~.~~;

B. ~~732.4.3.16.2.~~ Lakes and Other Water Bodies. Lands reclaimed as lakes and other water bodies shall meet the following standards:

1. ~~(1)~~*Shoreline Conformation:* In order to encourage healthy circulation within created lakes, such lakes shall be designed to have regular (non-meandering) shorelines~~.~~;

2. ~~(2)~~*Soil Stability:* All banks and slopes shall be stabilized with self-sustaining vegetation. No evidence of excessive erosion shall exist. No evidence of unplanned channel development shall exist~~.~~;

3. ~~(3)~~*Area; Slopes:* For the purposes of establishing an area that will sustain fish and wildlife, and to provide a measure of non- structural water quality maintenance, the applicant shall establish a littoral zone below the mean water level either along the shoreline or within a central area of the lake or a combination of the two, meeting the following requirements: (a) the total area of the littoral zone(s) shall be a minimum of ten (10) percent of the total surface area of the lake at the mean water level; (b) if created along the shoreline, the littoral zone shall be clustered over areas not exceeding eighty (80) percent of the shoreline perimeter to ensure adequate access for maintenance and other permitted water-dependent uses. The littoral zone(s) shall be sloped or terraced at slope equal to or no greater than 5:1~~ or greater~~, below the water line to a depth of three (3) feet; (c) if created in a central area of the lake not connected with the shoreline, the littoral zone(s) shall be constructed at depths below the mean low water line to exceed three (3) feet with side slopes at the perimeter of the littoral zone of 4:1; and (d) all other portions of the lake shoreline not sloped at 5:1 or ~~greater~~ flatter to meet littoral zone requirements shall be contoured no steeper than 2:1 from a mean depth of six (6) feet~~.~~;

4. ~~(4)~~*Perimeter Berm and Swales:* For the purposes of ensuring water quality control and to provide for a measure of long-term quality maintenance, the applicant shall construct a perimeter berm and swale system designed to intercept and filter overland runoff before allowing it to discharge into the lake, meeting the following requirements: (a) the perimeter swale shall have a maximum slope of 3%; (b) side slopes on the swale shall be no less than 4:1,; (c) spreader spillways to the lake from the berm and swale system shall be spaced and provided at regular intervals not to exceed two hundred (200) feet and shall be protected against erosion; except that (d) perimeter berm and swale systems need not be required where such lake systems interface with wetland areas and where the unrestricted water movement from one water body to another is necessary to promote proper ~~hydroperiods~~hydro periods and biological integrity~~.~~; and

5. ~~(5)~~*Lake Depth:* Reclamation shall be completed so that the deepest parts of created lakes of the reclaimed lands shall not exceed thirty~~-~~-five (35) feet in depth from the mean water level, and ninety (90) percent of the surface of the lake shall not exceed an average depth of twenty-five (25) feet from the mean high water level~~;~~. ~~further~~Further, the design shall avoid a bottom configuration that would serve as a detriment to proper circulation.

702.5. ~~718.6.2.7.~~ Earthmoving and Mining Activities within the Floodplain.

A. ~~718.6.2.7.1.~~ All earthmoving involving more than two hundred (200) cubic yards or disturbing more than two (2) acres and mining activities located in the ~~O~~one ~~H~~hundred (100) ~~Y~~year ~~F~~floodplain shall require approval of an earthmoving site plan~~ approval. The Planning Director shall coordinate the review and approval of earthmoving site plans with Development Management, Public Works and other appropriate departments. This~~ The applicant shall provide ~~require~~ documentation of any changes in the characteristics of the ~~O~~one ~~H~~hundred (100) ~~[Y~~year~~]~~ ~~F~~floodplain as a result of the activity. In cases where earthmoving site plan approval is not required~~ by Section 732, Earthmoving~~, the ~~Building Official~~ Department Director may still require Floodplain Management information.

B. ~~718.6.2.7.2.~~ All proposals shall demonstrate conformance with the standards of the Manatee County ~~F~~floodplain ~~M~~management ~~Code~~regulations. A hydrologic study detailing the effects of the operation on the characteristics of the Floodway and ~~O~~one ~~H~~hundred (100) ~~Y~~year ~~F~~floodplain shall be submitted. The technical information shall include, but not be limited to, the following:

1. ~~718.6.2.7.2.1.~~ Existing and final topography, mapped to one foot contour intervals with elevations referenced to mean sea level datum, shown on a 25 foot grid;

2. ~~718.6.2.7.2.2.~~ Hydrologic data addressing anticipated effects on any water bodies and hydrologic conditions;

3. ~~718.6.2.7.2.3.~~ A complete plan of the project with cross sections and dimensions, together with a detailed map of the affected area which indicates changes in the ~~O~~one ~~H~~hundred (100) ~~Y~~year ~~F~~floodplain caused by the activity; and

4. ~~718.6.2.7.2.4.~~ Certification by an engineer that the standards of this Code ~~and the Manatee County Floodplain Management Code~~ have been met.

702.6. ~~732.5.~~ Operating Permit Requirements.

A. ~~732.5.1.~~ **Application for an Operating Permit.** Any persons contemplating major earthmoving activities in

Manatee County shall, upon securing approval of an ~~E~~earthmoving ~~S~~site ~~P~~plan, ~~shall~~ apply for and obtain an ~~O~~operating ~~P~~permit before commencing any earthmoving or other lot clearing activities within an approved area. An ~~O~~operating ~~P~~permit constitutes authorization to commence specified earthmoving activities for a specified period of time, and after an affirmative showing by the applicant of compliance with the criteria and objectives of this Section. An ~~O~~operating ~~P~~permit may contain such terms and conditions as the ~~County~~ county determines necessary to protect against the adverse impacts of the proposed earthmoving activities. The application for an ~~O~~operating ~~P~~permit, on a form provided by the ~~County~~county, shall be submitted to the ~~Public Works~~ Department Director.

B. ~~**732.5.2.**~~ **Necessary Information.** The application for an ~~O~~operating ~~P~~permit shall be accompanied by:

~~732.5.2.1. Documentation of necessary zoning approval.~~

1. ~~732.5.2.2.~~ Documentation of ~~E~~earthmoving ~~S~~site ~~P~~plan approval.
2. ~~732.5.2.3.~~ Copies of necessary applications to, and any applicable approvals from federal, state, regional and local agencies.
3. ~~732.5.2.4.~~ The fee required for review of an ~~O~~operating ~~P~~permit application under the terms of this Section.
4. ~~732.5.2.5.~~ Such other information or studies needed to affirmatively show compliance with the ~~O~~operating ~~P~~permit criteria established by this Section.
5. ~~732.5.2.6.~~ Draft of surety bonds.

C. ~~**732.5.3.**~~ **Completeness of Application.** The Department ~~Public Works~~ Director shall determine the completeness of the application within a reasonable period of time following receipt thereof, and shall notify the applicant of its determination within that period. If the application is deemed incomplete, the Department ~~Public Works~~ Director shall apprise the applicant of the deficient part(s) of the application. Thereafter, the applicant shall have thirty (30) days within which to supply all necessary information. Based on the scope and extent of deficiencies, the applicant may be granted an extension of up to sixty (60) days. If such information is not supplied, the application shall be returned to the applicant as unacceptable and may reapply sixty (60) days thereafter.

D. ~~**732.5.4.**~~ **Permit Approval or Denial.**

1. ~~732.5.4.1.~~ After receipt of a complete ~~O~~operating ~~P~~permit application, the Department Director~~Public Works Director~~ shall review the application in accordance with the standards and criteria as contained herein and all applicable provisions of this Code. The applicant for a permit shall have the burden of providing with the application accurate and sufficient information to clearly substantiate that the application is in compliance with all of the criteria and the requirements of this Section. The Department Director ~~Public Works Director~~ shall issue, require modification of, or deny the permit, within a reasonable period of time.
2. ~~732.5.4.2.~~ No permit shall be issued by the Department Director~~Planning Director~~ if there is found:
   a. ~~732.5.4.2.1.~~ Information set forth in the application, by inspection, that the applicant cannot comply with this Section; or
   b. ~~732.5.4.2.2.~~ That the applicant has had any other permit issued hereunder revoked, or any bond posted to comply with this Section forfeited, and the conditions causing the permit to be revoked or the bond to be forfeited have not been corrected to the satisfaction of the ~~County~~county.
3. ~~732.5.4.3.~~ An applicant shall have one (1) year from the date the ~~O~~operating ~~P~~permit is issued to commence and actively conduct earthmoving activities; if earthmoving activities are not commenced and actively conducted within said time~~,~~ the ~~O~~operating ~~P~~permit shall be void and be of no effect.

E. ~~**732.5.5.**~~ **Term of Operating Permit.** All ~~O~~operating ~~P~~permits issued pursuant to the requirements of this Section shall be valid for a term not to exceed five (5) years, unless suspended, canceled, or revoked prior to that time.

F. ~~**732.5.6.**~~ **Criteria for Operating Permit Issuance.**

1. ~~*732.5.6.1.*~~ *Compliance with Other Laws.* All applicable statutes or regulatory requirements of federal, state, regional and local agencies are made a part of this Section, and a violation thereof shall constitute a violation of this Section.

2. ~~732.5.6.2.~~ *Minimum Protection.* The applicant shall conduct earthmoving activities in a manner that will avoid and minimize undesirable effects of earthmoving activities and that will protect the land, water resources, natural resources, wetlands, historical sites, road systems, property rights, and the public health, safety, and welfare of the County.

3. ~~732.5.6.3.~~ *Reclamation.* The applicant shall provide reasonable assurance that reclamation will proceed in accordance with the approved ~~E~~earthmoving ~~S~~site ~~P~~plan and Section ~~732.5.12~~702.6.L.

4. ~~732.5.6.4.~~ *Radiation.* The applicant shall conduct earthmoving activities in such a manner as to ensure that upon reclamation of earthmoving activities, the lands within the ~~O~~operating ~~P~~permit area have radiation levels that do not exceed the limit of total mean soil Radium 226 concentration. Representative test samples shall be taken from one six (6) foot core per each five (5) acres of disturbed lands which will not be reclaimed as lakes and shall not exceed 5.0 picocuries per gram.

5. ~~732.5.6.5.~~ *Roadway Impacts and Improvements.* The applicant shall not begin any shipment on ~~County~~ county maintained roads without an approved ~~O~~operating ~~P~~permit. The transporting of all earthmoving activities shall take into consideration the impact on traffic circulation, safety, and roadway stability resulting from such shipments. Any required improvements shall be completed or satisfactorily guaranteed before such use is made of ~~County~~ county maintained rights-of-way. Such improvements shall include repairs or maintenance from damage to such rights-of-way based upon roadway conditions prior to construction expressly identified in writing by the Department Director~~Transportation Director~~ before the use of the road. If the applicant does not accomplish expeditious repair to damaged rights-of-way, the ~~County~~ county shall make such repairs at the applicant's expense. The applicant shall agree to abide by all future regulations as may be developed by the ~~County~~ county with regard to safety, loads, and frequency.

G. ~~603.5.7.732.5.7.~~ Setback Requirements.

1. ~~732.5.7.1.~~ No earthmoving activities shall be performed within two hundred (200) feet of a naturally occurring stream bed or other water body, regardless of whether the stream bed or other water body is located on or off the subject earthmoving site, or within fifty (50) feet of the applicant's property line, whichever provides the ~~is~~ greater setback from the property line.

2. ~~732.5.7.2.~~ No excavated material, stock pile or construction equipment shall be stored on the applicant's property longer than fourteen (14) days within fifty (50) feet from an applicant's property line, natural water body, or ~~County~~ county easement.

3. ~~732.5.7.3.~~ If the applicant affirmatively demonstrates that the above requirements are unreasonable under the circumstances and creates undue hardships, and that a lesser requirement would not adversely affect the public health, safety and welfare, the Department Director~~Public Works Director~~ may allow a lesser setback requirement.

H. ~~603.5.8.732.5.8.~~ Safety Requirements. The owner shall provide fencing at a minimum height of five (5) feet with a vertical protective barrier material such that a four (4) inch diameter sphere cannot pass through any opening, where the property is (1) open to public access or (2) within one hundred (100) feet of a arterial or (3) within five hundred (500) feet of any residentially zoned property, or (4) shall provide other suitable means of restraining public access onto the site during the period of earthmoving and reclamation activities.

I. ~~603.5.9.732.5.9.~~ Monitoring.

1. ~~732.5.9.1.~~ The purpose of the environmental monitoring program for earthmoving activities in Manatee County is to establish baseline conditions over a one (1) year period prior to earthmoving, as deemed necessary by the Department Director~~Public Works Director~~ and subsequently to continuously evaluate compliance with applicable standards established by local, regional, state and federal agencies over the life of the permit. The one (1) year period may be reduced by the Department Director~~Public Works Director~~ based on the type of earthmoving material being mined and the type of mining operation. Operations which are currently mining and have baseline data for an area may request that this data be considered by the Department Director~~Director of the Environmental Management Department and the Public Works Director~~ to satisfy baseline monitoring requirements for expansion areas. The program shall consist of monitoring the following areas:

   a. ~~732.5.9.1.1.~~ Surface water quality;

Commented [LEA8]: This was added to clarify the regulation. No new regulation is proposed.

b. ~~732.5.9.1.2.~~ Surface water quantity;

c. ~~732.5.9.1.3.~~ Radiation in soils; and

d. ~~732.5.9.1.4.~~ Reclamation of the site. Specific requirements of the above-mentioned components of the monitoring program will be developed on a site- specific basis according to the features of the site and the projected environmental impacts of earthmoving activities.

2. ~~732.5.9.2.~~ Each component of the environmental monitoring program will consist of the following descriptive elements:

a. ~~732.5.9.2.1.~~ Sampling locations;

b. ~~732.5.9.2.2.~~ Parameters and standards;

c. ~~732.5.9.2.3.~~ Frequency and duration;

d. ~~732.5.9.2.4.~~ Methods;

e. ~~732.5.9.2.5.~~ Quality assurances; and

f. ~~732.5.9.2.6.~~ Reporting.

3. ~~732.5.9.3.~~ The applicant shall submit to the Department Director~~Public Works Director~~ copies of all environmental monitoring data/reporting required by outside agencies for the subject activity (including data on contiguous portions of any earthmoving outside of Manatee County). The data reports shall be submitted to the Department Director~~Public Works Director~~ concurrently with the submission to the requiring agency (e.g., DEP permit monitoring reports).

4. ~~732.5.9.4.~~ Modification of monitoring requirements may be made during the annual progress report process. The purpose of such modification is to add or delete sampling to reflect new developments in earthmoving and sampling technology which may improve both sampling and environmental quality. Upon mutual agreement (express written approval) by the applicant and the Department Director~~Public Works Director~~, changes in the monitoring program can be made at any time. Additions or changes in monitoring as required by new permits or newly-enacted legislation will be implemented according to schedules prescribed by law or by the conditions of said permit.

J. ~~**732.5.10.**~~ **Maintenance Plans.** The applicant shall submit to the Department Director~~Public Works Director~~ for review and express written approval, a maintenance plan for the retention ponds, expressing such issues as inspections, maintenance, repair or replacements, and restoration, as part of the total site reclamation effort.

K. ~~**732.5.11.**~~ **Inspection.** The ~~County~~ county is authorized to enter the premises of any earthmoving activity conducted hereunder for the purpose of inspection, to ensure compliance with the terms and conditions of the ~~O~~operating ~~P~~permit and the ~~E~~earthmoving ~~S~~site ~~P~~plan approval.

L. ~~**732.5.12.**~~ **Financial Responsibility.** Prior to the issuance of an ~~O~~operating ~~P~~permit, an applicant shall furnish the Department Director~~Public Works Director~~, evidence of financial responsibility in an amount based upon the total number of acres to be disturbed and haul road length during the term of the ~~O~~operating ~~P~~permit and subsequent reclamation. Such evidence of financial responsibility shall consist of the following:

1. ~~*732.5.12.1.*~~ *Reclamation Surety Bonds.* After an ~~O~~operating permit application has been approved by the Department Director~~Public Works Director~~ and prior to its effective date, the applicant shall file with the Department Director~~Public Works Director~~, surety bonds, on forms provided by the ~~County~~county, payable to Manatee County, and conditioned upon the following:

a. ~~732.5.12.1.1.~~ Faithful performance of all the requirements of this Section, the ~~O~~operating ~~P~~permit, and satisfaction of all claims and demands incurred for the same;

b. ~~732.5.12.1.2.~~ Full indemnification of the ~~County~~ county from all costs and damages that the ~~County~~ county might suffer by failure to do so; ~~and~~

c. ~~732.5.12.1.3.~~ Full reimbursement and repayment to the ~~County~~ county for outlays and expenses the ~~County~~ county may incur in making good any noncompliance or nonperformance~~.~~;

d. ~~732.5.12.1.4.~~ The bond shall further be conditioned upon the applicant protecting, defending,

indemnifying, and holding harmless the ~~County~~ county from any suits, actions, claims, losses, or damage of any character (and from all expenses incidental thereto) based upon or arising out of any damage to person or property caused by or arising from any act, omission, performance, nonperformance of the applicant, its office agents, servants, employees, or others under the applicant's direction and control, but not including the sole negligence of the ~~County~~county~~.~~;

e. ~~732.5.12.1.5.~~ The bond may be secured by a corporate surety licensed to do business in the ~~State~~ Florida and approved by the ~~County~~county, or by deposit in a state banking institution, or by real property, pursuant to rule. The bond shall be conditioned so that the surety cannot cancel the bond within less time than ninety (90) days of certified written notice to the Department Director~~Public Works Director~~. Any cancellation of the bond shall result in automatic suspension of the ~~O~~operating ~~P~~permit and immediate cessation of all activities~~.~~;

f. ~~732.5.12.1.6.~~ If for whatever reason, the surety contemplating a change to the bond status, termination thereof, or the property owner intends to change the status of the bond or surety companies, the property owner or surety shall notify the Department Director~~Public Works Director~~ in writing, at least ninety (90) days prior to such action. Said notification shall include all particulars for the proposed change or termination. It shall be the obligation of the property owner to insure continued compliance with this Code at all times. The Department Director~~Public Works Director~~ shall coordinate with the County Attorney's office to take any necessary and appropriate action in accordance with the provisions of this Section~~.~~;

g. ~~732.5.12.1.7.~~ The surety bonds shall cover that area of land within the permit area upon which the applicant will initiate and conduct activities within the terms of the permit. As succeeding increments of earthmoving and reclamation activities are projected to be initiated and conducted within the ~~E~~earthmoving ~~S~~site ~~P~~plan area, and subsequent to the issuance of additional operating permits, the applicant shall, if necessary, file with the Department Director ~~Public Works Director~~ an additional surety bond or bonds to cover such increments in accordance with this Section. Separate bonds shall also be secured for the principal haul routes to be used by the applicant, subject to the approval of the Department Director~~Public Works Director~~. The amount of the bonds shall be one hundred thirty (130) percent of the reclamation cost per acre and roadway section to be bonded, as certified by the applicant's engineer of record, subject to the review and express written approval of the Department Director~~Public Works Director~~ and the County Attorney~~.~~; and

h. ~~732.5.12.1.8.~~ Unless prohibited by law, an action on this bond may be brought by the ~~County~~ county or any other persons entitled to the benefits of the bond at any time within one (1) year of the ~~County's~~ county's final written acknowledgement of reclamation compliance. The applicant and surety shall be jointly and severally liable under the provisions of the bond, and actions against either or both may proceed without prior action against the other, and both may be jointed in one action. The amount of the bond may be reduced upon final written acknowledgement of reclamation compliance to a minimum of ten (10) percent of the reclamation cost stipulated above.

2. ~~*732.5.12.2.*~~ *Forfeiture.* If at any time the ~~County~~ county finds that earthmoving activities are not proceeding in accordance with the ~~O~~operating ~~P~~permit and that the applicant has failed, within thirty (30) days after written notice, to satisfactorily undertake corrective action, the ~~County~~ county shall initiate proceedings against the bond. Such proceedings shall not be commenced with respect to a surety bond insuring performance until the surety has been given sixty (60) days to commence and a reasonable opportunity to begin and complete corrective action. The ~~County~~ county shall initiate such proceedings in any court of competent jurisdiction. In such proceedings, the damages shall include ~~County's~~ county's costs for engineering, survey, emergency repairs, and a reasonable attorney's fee; provided however, that the damages shall not be limited to the reasonable value of the land prior to the earthmoving activities.

M. ~~732.5.13.~~ Fees~~.~~. A schedule of fees for review of an ~~operating~~ operating ~~P~~permit shall be established and revised periodically by the Board by resolution. These fees shall be those reasonably necessary to offset the additional, extraordinary cost to the ~~County~~ county incurred in the adequate review of all aspects of earthmoving activities, and to ensure the health, safety and welfare of the citizens of Manatee County.

N. ~~732.5.14.~~ Operating Permit Amendment, Transfer and Renewal.

1. ~~*732.5.14.1.*~~ *Amendment of Operating Permit.* Amendment of an issued ~~O~~operating ~~P~~permit shall follow the same procedures prescribed for the initial submission of the operating permit outline under Section

~~732.5~~702.6.

2. ~~*732.5.14.2.*~~ *Transfer of Permit.*

a. ~~732.5.14.2.1.~~ Before the transfer of any ~~O~~operating ~~P~~permit, the applicant and the prospective transferee must apply to the Department Director~~Public Works Director~~ for an amendment to the original application and permit, stating in detail any changes desired in the ~~O~~operating ~~P~~permit.

b. ~~732.5.14.2.2.~~ At the same time as the application for transfer, the prospective transferee must also furnish proof of financial responsibility as is required by Section ~~732.5.12~~702.6.L Financial Responsibility.

c. ~~732.5.14.2.3.~~ If the transfer is approved by the Department Director~~Public Works Director~~, it shall be accomplished by the Department Director~~Public Works Director~~ issuing a "transfer operating permit" to the transferee.

d. ~~732.5.14.2.4.~~ Upon acceptance of the transfer permit, the transferee becomes the applicant under this Section and assumes the responsibility of compliance with all terms of this Section effective on the date of transfer, regulations adopted hereunder, and of the ~~O~~operating ~~P~~permit.

~~**732.5.15.**~~ **Subsequent Permit Procedures.**

O. At least six (6) months prior to the expiration of the o~~O~~perating ~~P~~permit, the applicant shall submit to the Department Director~~Public Works Director~~ an application for a new ~~O~~operating ~~P~~permit. Under the provisions of the application, the Department Director~~Public Works Director~~ shall examine the application as to its completeness, advising the applicant in writing of its completeness or of any inadequacies, deficiencies, or omissions in the application within sixty (60) days of receipt thereof. If the Department Director~~Public Works Director~~ requests additional information, the applicant shall have thirty (30) days to correct such deficiencies or provide the requested information, or to notify the Department Director~~Public Works Director~~ in writing that such extension is necessary to prepare the requested information. Upon receipt of the necessary information, in compliance with Department Director~~Public Works Department~~ requests, the application shall be deemed complete. Within a reasonable period of time following the filing of the complete application, the permit application shall be reviewed by the Department Director~~Public Works Director~~. The then current ~~O~~operating ~~P~~permit shall continue in existence until the final decision on the new permit is rendered by the Department Director~~Public Works Director~~.

~~**732.5.16.**~~ **Fees.**

P. A schedule of fees for permit amendment, transfer, and renewal shall be established and revised periodically by the Board by resolution. These fees shall be those reasonably necessary to offset the additional, extraordinary cost to the ~~County~~ county incurred in the adequate review of all aspects of the permit amendment, and to insure the health, safety and welfare of the citizens of Manatee County. Such costs are more justly borne by the applicant, who will receive direct, financial benefit from earthmoving activities in Manatee County.

Q. ~~**732.5.17.**~~ **Annual Progress Reports and Acknowledgements of Compliance.**

1. ~~*732.5.17.1.*~~ *Progress Reports.* Operators holding valid ~~O~~operating ~~P~~permits shall file with the Department Director ~~Public Works Director~~ within forty-five (45) days after the anniversary date of permit approval, a written report, in ten (10) copies, reviewing the reclamation progress for the year preceding the anniversary date, identifying lands reclaimed to date and identifying lands planned for reclamation during the current year. The annual report shall provide all detailed plans for the coming year that were not previously provided in the ~~O~~operating ~~P~~permit application. Financial responsibility shall be reviewed and updated to reflect earthmoving and reclamation progress.

2. ~~*732.5.17.2.*~~ *Engineer.* ~~An~~ A licensed engineer, commissioned by the applicant and familiar with the applicant's earthmoving activities and site, shall certify in a written annual report to the Department Director~~Public Works Department~~ that the project is being developed and operated according to the conditions set forth in the approved ~~O~~operating ~~P~~permit and in accordance with generally accepted engineering practices. These reports shall be submitted to the Department Director~~Public Works Director~~ and reviewed by the appropriate ~~County~~ county departments. The operator (applicant) shall also furnish the Department Director~~Public Works Director~~ with copies of all inspection reports required by and furnished to other regulatory agencies.

3. ~~732.5.17.3.~~ *Failure to File.* Failure to file the required annual progress report shall be grounds for suspension of the ~~O~~operating ~~P~~permit. An extension of time for filing may be granted by the Department Director~~Public Works Director~~ upon request for good cause shown.

4. ~~732.5.17.4.~~ *Fees.* A schedule of fees for the annual progress report shall be established and revised periodically by the Board by resolution. These fees shall be those reasonably necessary to offset the additional extraordinary cost to the ~~County~~ county incurred in the adequate review of all aspects of the progress report, and to insure the health, safety and welfare of the citizens of Manatee County. Such costs are more justly borne by the applicant, who will receive direct financial benefit from earthmoving activities in Manatee County. A fee for processing of the annual progress report shall be paid by the applicant at the initiation of such review.

R. ~~732.5.18.~~ **Acknowledgement of Compliance.** Acceptance of reclaimed areas by the Department Director~~Public Works Director~~ shall be obtained by written application of the applicant to the Department Director~~Public Works Director~~, identifying the lands and requesting acceptance within the requirements of this Section. Within a reasonable period of time thereafter, the Department Director~~Public Works Department~~ shall either give a written acknowledgement of reclamation compliance or advise the applicant in writing why the subject site and haul road fails to meet the reclamation requirements. Approval of completion of reclamation requirements for a given ~~O~~operating ~~P~~permit shall be issued by the Department Director~~Public Works Director~~ when the required subject site and haul road has been accepted. The bond required by this Section may be revised.

702.7. ~~732.6.~~ **Administration of this Section.**

A. ~~732.6.1.~~ **Prohibitions.** It shall be a violation of this Section and it shall be prohibited:

1. ~~732.6.1.1.~~ To cause pollution, except as otherwise allowed in this Section, so as to injure human health or welfare, animal, plant, or aquatic life, or property;

2. ~~732.6.1.2.~~ To fail to obtain any permit or approval required by this Section or by rule or regulation, or to violate or to fail to comply with any rule, regulation, order, permit conditions, or approval adopted or issued by the ~~County~~ county pursuant to its lawful authority;

3. ~~732.6.1.3.~~ To knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this Section, or to falsify, tamper with, or knowingly render inaccurate any monitoring device required to be maintained under this Section or by any permit or approval issued under this Section; ~~and~~ or

4. ~~732.6.1.4.~~ To fail to timely inform the ~~County~~ county of any significant changes in the approved ~~E~~earthmoving ~~S~~site ~~P~~plan or the terms and conditions of the ~~O~~operating ~~P~~permit. Any change in the location or construction of slime ponds, discharge points or changes reasonably expected to create increases in any air or water pollution shall be deemed significant and a violation of this Section.

B. ~~732.6.2.~~ **Notice of Violation.**

1. ~~732.6.2.1.~~ The applicant shall provide the Department Director~~Public Works Director~~ with copies of any notice of violation, noncompliance order, stop-work order, or other written notification by any state or federal agency of any alleged violation of or failure to comply with any law, Code, regulation, or order, within twenty-four (24) working hours of receipt of such notification by the applicant. Failure to provide such copy to the Department Director~~Public Works Director~~ shall constitute a violation of this Section, subject to all penalties provided hereunder.

2. ~~732.6.2.2.~~ If at any time during the term of the permit the applicant fails to comply with this Section, with appropriate rules and regulations of other departments of the ~~County~~county, the State of Florida, or the Federal government, or with the terms of the ~~O~~operating ~~P~~permit, the Department Director~~Public Works Director~~ shall immediately issue an order notifying the applicant in writing of necessary corrective measures to be instituted within a specific period of time. Upon receipt of a Notification of Violation, the applicant shall cease all earthmoving activities until compliance with the ~~County~~ county order is confirmed in writing by the Department Director~~Public Works Director~~.

C. ~~732.6.3.~~ **Pollution.** No earthmoving activity shall pollute land or water, or damage aquatic or marine life, wildlife,

birds, public or private property, or allow any extraneous matter to enter or damage any mineral or fresh water-bearing formation.

D. ~~732.6.4.~~ **Liability.** If pollution or damage occurs, other than such pollution or damage specifically authorized by the applicable ~~E~~earthmoving ~~S~~site ~~P~~plan approval, or ~~O~~operating ~~P~~permit within any earthmoving site; from the operations of any person subject to Paragraph 732.6.3. Pollution, and thereby damages or threatens to damage human, animal or plant life, public or private property, or any mineral or water-bearing formation; said person shall be liable for all costs of clean up or other damages incurred by Manatee County and for damages resulting from injury to others.

E. ~~732.6.5.~~ **Proof.** In any suit to enforce claims of Manatee County or others under this Section, it shall not be necessary for the claimant to plead or prove negligence in any form or manner. The claimant need only plead and prove the fact of the prohibited damage or polluting condition and that it occurred in violation of this Section at the facilities of the person conducting earthmoving operations pursuant to this Section.

F. ~~603.6.6.732.6.6.~~ **Asphalt Processing or Manufacturing in Conjunction with Earthmoving of Sand and Shell.** Asphalt processing or manufacturing in conjunction with major earthmoving of sand and shell, shall be allowed as an accessory use to major earthmoving of sand provided that such manufacturing facilities are located at least one-half (½) mile from any residence or platted residential subdivision when installed; provided that sand and shell processing facilities are present on the site; and further provided that no noise, dust, or fumes from such operation are discernible at or beyond the lot line and that the operation meets the air pollution standards of the ~~HRS/Manatee County Public Health Unit~~Manatee County Health Department, Environmental Health Services. The process required to establish the accessory asphalt plant shall be the same process required to establish the major earthmoving use, pursuant to figure 6-1 of this Code. For the purpose of this section, the term "site" may include contiguous parcel(s) in another jurisdiction provided that the total site is under common ownership. Should the major earthmoving activity in both jurisdictions cease operation, the asphalt processing or manufacturing operation shall also cease. In the event that the major earthmoving activities are located in an adjacent jurisdiction, the developer shall submit copies of any reports required by the adjacent jurisdiction to the Manatee Department Director~~Public Works Director of Manatee County~~. Upon installation of such plant, the developer shall submit to the Department Director~~Public Works Director~~ a Certificate of Compliance, signed and sealed by ~~an~~ a licensed Engineer, certifying that the installation meets all the above-stated performance standards. Similar Certificates shall thereafter be submitted at yearly intervals, while the plant is in operation.

G. ~~732.6.7.~~ **Modification of Requirements.** In zoning districts where earthmoving is permitted the Department ~~Public Works~~ Director may modify any of the requirements of this Section if the Department Director~~Public Works Director~~ finds that the strict enforcement of such requirements would impose an unreasonable restriction on the use of the property, and that such modification will not adversely affect the health, safety and welfare of the public. In order to obtain such a modification, the person requesting the same shall apply in writing to the Department Director~~Planning Director~~, stating in the application the requirement sought to be modified, any proposed alternative procedure, and facts sufficient to show that such modification shall not adversely affect the interest of the general public. After receiving recommendations from appropriate County departments, the Department Director~~Planning Director~~ may either grant, or deny the application for modification.

Section 703. Reserved.

Part II. Natural Resources Protection.

Section 704. ~~738~~Groundwater/Wellhead Protection.

704.1. ~~738.1.~~ Purpose.

The purpose of groundwater protection standards is to safeguard the health, safety, and welfare of the citizens of the ~~County~~county. This is accomplished through ensuring the protection of the principal source of water for domestic,

agricultural, irrigation and industrial use. The availability of adequate and dependable supplies of good water is of primary importance to the future of Manatee County. Therefore, standards are described in this section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this section to control development adjacent to major wellheads to protect water supplies from potential contamination.

704.2. ~~738.2.~~ Standards.

A. ~~738.2.1.~~ All applications for development approval must specify whether major groundwater wells with permitted capacity of 100,000 GPD or greater, or a well casing of six (6) inches or larger diameter, will be required to service the development. When major wells are to be required, the project applicant shall demonstrate that:

1. ~~738.2.1.1.~~ There will be no significant adverse impact on minimum groundwater levels~~,~~; ~~and~~

2. ~~738.2.1.2.~~ There will be no significant adverse impact from saltwater intrusion~~,~~; and

3. ~~738.2.1.3.~~ Requirements of this Code will have no adverse impact on existing land uses in the vicinity.

B. ~~738.2.2.~~ Wherever adverse groundwater withdrawal impacts have been identified through water quality and quantity monitoring activities, all development approvals for activities that require the use of groundwater wells shall be coordinated with and approved by the Southwest Florida Water Management District and ~~HRS/~~Manatee County Health Department, Environmental Health Services~~Public Health Unit~~.

C. ~~738.2.3.~~ All site plans that accompany applications for development approval shall depict the location of all active and inactive wells. Where abandonment of wells is reasonably necessary to protect the groundwater resources, the development approvals shall be conditioned upon the submission of a management plan which provides for the proper abandonment or rehabilitation of existing unused wells, in conformance with requirements of ~~HRS/Manatee County Public Health Unit~~Manatee County Health Department, Environmental Health Services and the Southwest Florida Water Management District, pursuant to Chapter 373, Florida Statutes, Chapters 40D-3, 17-524, 17-531, 17-532, and 17-555, Florida Administrative Code, and all provisions in the interlocal agreement between Manatee County and the Southwest Florida Water Management District.

D. ~~738.2.4.~~ In addition to the requirements set forth in subsection C~~Section 738.2.3~~, above, two exclusionary areas shall be established around any major wellhead:

1. ~~738.2.4.1.~~ The area within two hundred (200) feet of an existing or designated major wellhead shall be a zone of exclusion, where no new commercial or industrial development nor septic tanks, leaching fields and facilities delineated under subsection 2, ~~738.2.4.2~~ below shall be permitted.

2. ~~738.2.4.2.~~ Within a designated zone of secondary exclusion, extending one thousand (1,000) feet from a designated major wellhead, the following uses shall be prohibited:

a. Landfills;

b. Facilities for the bulk storage, handling, or processing of materials on the Florida Substance List (Chapter 442, Florida Statutes); wellhead emergency generator requirements are exempted, but require the highest level of engineering standards covering petroleum product storage and delivery;

c. Commercial or industrial uses of materials covered under Chapter 442, Florida Statutes (Florida Substance List), and Chapter 38F-41, Florida Administrative Code, unless served by approved wastewater treatment facilities;

d. Junkyard or salvage operations;

e. Mines;

f. Wastewater treatment plants and similar facilities;~~.~~

g. Pesticide Storage Facilities; and

h. Animal Feed Lots.

E. 738.2.5. Any proposed development within the exclusionary zones that requires an Aadministrative or Sspecial Ppermit, Ppreliminary or Ffinal Ssite Pplan, or Ppreliminary or Ffinal Pplat approval shall include with the application a groundwater/wellhead impact report. The purpose of this report is to provide evidence of the probable impact of the proposed development on the groundwater supply and recharge potential of the area. The report shall also identify all existing land uses within the exclusionary zones for the subject major wellhead.

A.F. 738.2.6. Well Construction. All wells constructed in Manatee County shall conform to the laws and regulations set forth in Section 704.2.C738.2.3 above.

Section 705. Section 721.Habitat, Wildlife and Endangered Species Protection.

705.1. 721.1. Purpose and Intent.

It is the purpose of this Ssection to provide standards necessary to protect critical habitat and the habitats for both flora and fauna of species of endangered, threatened, or special concern status in the Ccounty, and to ensure that an appropriate amount of land shall be set aside and/or protective management plan instituted to protect habitat of endangered, threatened or special concern plant and animal species.

705.2. 721.2. Standards for Development.

A. a. 721.2.1. The "Hotspot of Biodiversity Map" in the Conservation Element of the Manatee County Comprehensive Plan identifies critical habitat and habitats for endangered species, threatened species, or species of special concern.

B. b.721.2.2. Development proposed in areas which have been identified pursuant to Ssubsection A721.2.1, above, shall be required to provide a study consistent with Objective 3.3.2Policy 3.3.2.3 of the Comprehensive Plan, prepared by a professional, approved by the Department Director Environmental Management Department as being qualified for this purpose, to document the presence of affected species, the habitat needs of the species which may be observed on the development site, and to propose appropriate habitat management plans.

C. c.721.2.3. The preservation of native upland habitat shall be required in areas of the project where the study prepared pursuant to Ssubsection B721.2.2, above, confirms that critical habitat or habitat for endangered, threatened or special concern species exists within the project boundaries. Such land shall be adjacent to existing habitat, a significant wetland system, floodplain, or wildlife corridor. If such existing lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality as to provide viable habitat, as documented in the study required in Ssubsection B721.2.2, above. When a significant number of a Sspecies of Sspecial Cconcern are on-site, and the habitat is deemed viable, the applicant shall provide the Ccounty with a Sspecies Mmanagement Pplan that has been approved by the Florida Game and Freshwater Fish CommissionFlorida Fish and Wildlife Conservation Commission (FFWCC).

705.3. 721.3. Review Procedures.

A. 721.3.1. **Department Director Review.** The Department Director Planning Director and the Environmental Management Directorshall review studies prepared in accordance with subsection B, 721.2.2 above, for the location of endangered, or threatened species, or species of special concern as required by Objective 3.3.2policies 3.3.2.3 1 and 3.3.2.4 of the Manatee County Comprehensive Plan. Where such review of studies accompanying application for development approval or other available data concerning endangered, threatened, orsuch species of special concern indicates the suspected occurrence of endangered, threatened, or such species of special concern on a proposed development site, the applicant for the development approval shall be notified of a minimum requirement to:

1. 721.3.1.1. Elect to take no further action regarding determination of suspected habitat of threatened, or endangered species or species of special concern on site, at the risk of subsequent review and comment by reviewing agencies, which may result in the conditioning of final development order approval by Manatee County,

Commented [LDI9]: Policy 3.3.2.3 is reserved in the comp plan.

2. 721.3.1.2. Elect to conduct, at the applicant's own expense, an evaluation of the proposed development site for habitat of endangered, or threatened species, and species of special concern. Such evaluation shall contain, at a minimum:

a. 721.3.1.2.1. Date(s) of field review;

b. 721.3.1.2.2. Name of individual and organization conducting the field review;

c. 721.3.1.2.3. Qualification of individual or individuals conducting the field review;

d. 721.3.1.2.4. A brief statement of the methodology used to conduct the investigation of the site;

e. 721.3.1.2.5. A map of land use and land cover classifications on the site using a classification system described in one of the following publications:

i. 721.3.1.2.5.1. Land Use, Cover and Forms Classification System: A Technical Manual. State of Florida, Department of Transportation, May 1981 (Preferred); or

ii. 721.3.1.2.5.2. The Florida Land Use and Cover Classification System; A Technical Report. State of Florida, Department of Administration, April 1976;

f. 721.3.1.2.6. A list of species observed on the site;

g. 721.3.1.2.7. A map showing the exact location and an assessment of any habitat of threatened, or endangered species, or species of special concern encountered on the site, and any evidence of habitation of areas on the site by such species discovered during the field review; and

h. 721.3.1.2.8. A habitat management plan describing any measures which are proposed by the applicant for non-disturbance, or species relocation or other mitigationmitigative measures regarding the protection of any threatened or endangered species found on the site.

B. 721.3.2. **Agency Comments.** The Department Director Planning Director shall submit a copy of the field evaluation to the appropriate agency or agencies with jurisdiction over the discovered species. The Department Director Planning Director shall request comment from such agency or agencies within thirty days of transmittal of the applicant's report. The agency may also be requested to provide, comment on any management strategies that may have been proposed by the applicant in their report, and provide recommendations on a preferred species management strategy for consideration.

C. 721.3.3. **Threatened or Endangered Species.** Development approvals for projects that contain or are proximate to locations of habitat occupied by threatened or endangered species may limit [or] preclude development or redevelopment (but not removal) of habitable structures, impervious surfaces, and other uses as determined by the Department DirectorPlanning Director, within an appropriate distance of locations or defined areas classified as habitat for any threatened or endangered species, if such measures are deemed appropriate for the continued viability of such habitat.

D. 721.3.4. **Species Management Plan.** Whenever a significant number of species of special concern, listed by the Florida Game and Freshwater Fish Commission (FGFWFC)FFWCC, are found through an evaluation of a proposed development site, and the species habitat on the project site is determined to be viable, a Sspecies Mmanagement Pplan approved by the FGFWFC FFWCC may be developed and utilized as the basis for development approval conditions or changes to site design to achieve compliance with policies contained in the Manatee County Comprehensive Plan.

705.4. 721.4. Specific Protection Measures.

A. 721.4.4. **Compliance.** All development shall be required to comply with regulations contained in Section 701715, Landscaping, of this Code and with Objective 3.3.2Section 3.3.7.1 of the Manatee County Comprehensive Plan regarding native habitat protection.

Commented [LDI10]: There is no policy 3.3.7.1 in the comp plan.

B. 721.4.1. **West Indian mManatee.** All development found to be wholly or partially within the range of the West Indian manatee Manatee shall adhere to the Florida Department of Environmental Protection (FDEP) guidelines for protection of the species. The following use restrictions shall apply:

~~721.4.1.1. No wake zones shall be established for all basins at existing and new marina-type uses and multi-family docking facilities.~~

Commented [LDI11]: Sections 721.4.1.1 and 2 deleted as directed by the CAO.

~~721.4.1.2. Slow speed zones shall be established for all access channels to marina-type uses and multi-family docking facilities. All development within or adjacent to slow speed zones shall be required to post appropriate signage. Such signage may be shared by one or more projects.~~

1. ~~721.4.1.3.~~ 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.
2. ~~721.4.1.4.~~ New boat ramps and waterfront structures shall be located away from sites of high manatee concentrations.
3. ~~721.4.1.5. Fadeproof~~Fade resistant, ~~eyecatching~~eye-catching educational displays at every boat ramp and marina shall be posted to alert boaters to possible presence of manatees and apprise them of boating regulations in the area. Any sign that is damaged or removed shall be replaced within thirty (30) days.
4. ~~721.4.1.6.~~ The density of multi-family docking facilities and single-family docks shall not exceed one power boat slip for every one hundred (100) feet of shoreline owned. Additional slips over the 1:100 foot ratio shall be designated as sail boat only, provided that construction of additional slips shall not result in destruction of manatee habitat, and appropriate enforcement mechanisms shall be developed to ensure compliance.

C. ~~721.4.2.~~ **Special Habitat Delineation.** All applications for development approval shall be required to show the location of certain existing habitats ~~of the following types~~ that may be contained within the proposed development site or within ~~fifty (~~50~~)~~ feet of the development's boundary. The ~~Planning Department~~Building and Development Services Department~~, based upon recommendations from the Environmental Management Department,~~ shall determine if the proposed development activities will adversely affect the ~~above listed~~following habitats. If the project is found to have potentially significant adverse impacts, appropriate mitigation conditions shall be attached to the development approval, as required by the US Fish and Wildlife Service or the FFWCC~~Florida Game and Freshwater Fish Commission~~. The following types of existing habitats shall be shown:

1. ~~(1)~~Mangrove swamps;
2. ~~(2)~~Tidal marshes;
3. ~~(3)Seagrass~~Sea grass beds;
4. ~~(4)~~Oyster beds;
5. ~~(5)~~Coastal streams;
6. ~~(6)~~Freshwater wetlands (swamps, marshes, sloughs, wet prairies, and heads);
7. ~~(7)~~Hammocks (mesic or xeric);
8. ~~(8)~~Pine prairies (pine flatwoods or dry prairies); and
9. ~~(9)~~Scrubs (sand pine scrubs, scrubby flatwoods, turkey oak ridges).

D. ~~721.4.3.~~ **Critical Habitat/Upland Preservation Identification and Protection.** All critical habitat and upland preservation areas required by this Code or other applicable ~~S~~state or ~~F~~federal agencies shall be clearly staked or otherwise physically identified in the field prior to and during construction. Erosion and sediment control devices or other protective barriers shall be installed landward of the edge of the critical habitat, upland preservation and conservation areas prior to commencement of construction, and shall be inspected and maintained on a regular basis until construction has been completed.

Section 706. ~~719.~~Wetland Protection.

Commented [LDI12]: Per Ordinance 13-04

706.1. ~~719 .1.~~ Purpose and Intent. ~~The purpose and intent of this Section are as follows.~~

A. ~~719.1.1.~~ **Purpose.** It is the purpose of this Section to implement Goal 3.3 of the Manatee County Comprehensive Plan, which provides policies that:

1. ~~(a)~~ Prohibit wetlands impacts except in cases where no other practical alternative exists that will permit a reasonable use of land or where there is an overriding public benefit;

2. ~~(b)~~ Require delineation of all wetlands on any proposed development or redevelopment site;
3. ~~(c)~~ Require mitigation of all wetland impacts; and
4. ~~(d)~~ Require protection of preserved wetlands from development impacts through wetland buffers and other measures.
5. The non-existence of wetland vegetation alone shall not exempt a project from complying with Wetland Protection Policies of the Comprehensive Plan and Land Development Code.

Commented [LDI13]: moved from definition of "wetland"

B. ~~**719.1.2.**~~ **Intent.** The intent of this Section is to preserve and protect the wetland functions of water quality enhancement, climatic moderation and flood and erosion control; to protect the renewable resources of water, timber, energy and food; and to protect the beneficial uses of wetlands by humanity and animals. Specifically, this Section is intended to:

1. ~~(a)~~ Provide long-term wetland protection by directing growth away from sensitive areas through land use regulations;
2. ~~(b)~~ Provide additional protection to those wetlands not within the jurisdiction of other reviewing agencies that require mitigation for wetland impacts;
3. ~~(c)~~ Prevent the piecemeal or cumulative losses over time that may destroy remaining wetlands;
4. ~~(d)~~ Prevent damaging or destroying wetlands that would threaten the public safety and general welfare or cause nuisances by destroying flood storage areas, causing water pollution, disposing of storm water runoff at inappropriate sites, increasing ~~eroswn~~erosion, or increasing runoff of sediment and storm water;
5. ~~(e)~~ Minimize the disruption of wetland functions by ~~reqmnng~~ requiring a Wetland Impact Study for development activities proposed within wetlands and their wetland buffers;
6. ~~(f)~~ Consider the impact of development activities on wetlands functions through the County land development regulation process;
7. ~~(g)~~ Regulate development activities according to wetland significance, with the degree of protection afforded a wetland being in direct relationship to the significance of a wetland;
8. ~~(h)~~ Use performance standards as the basis for minimizing the impact of development activities on wetland functions;
9. ~~(i)~~ Provide for the use of wetlands for compatible activities that do not disrupt wetland functions; and
10. ~~(j)~~ Provide for flexibility through the availability of mitigation/restoration measures where more beneficial environmental results can be achieved.

706.2. ~~**719.2.**~~ **Wetland Identification and Verification.**

A. The landward extent of wetlands shall be determined in accordance with Chapter 62-340 of the Florida Administrative Code.

B. ~~719.2.1 Wetland Verification.~~ All applicable State or Federal permits shall be obtained before commencement of the development. Projects that would not otherwise require an ERP shall provide an approved formal Jurisdictional Determination from the State prior to commencement of development, except for applications for ~~a~~ individual single family homes, provided a wetland determination has been performed by a professional qualified for this purpose. Manatee County may suspend any development orders, issue stop work orders and otherwise take enforcement actions pursuant to Chapter 1~~2~~, LDC, where the difference between an estimate of wetland areas and functions shown on preliminary plans and the approved ERP are determined to be significant enough to warrant substantial project.

706.3. ~~**719.3**~~ **General Prohibition; Exemptions.**

A. Prohibition. No development, as defined in this Code, shall occur in a wetland or wetland buffer unless approved in accordance with this Section ~~719~~.

B. ~~**719.3 .1.**~~ **Exemptions.** The requirements of this Section ~~719~~ shall not apply to the following activities, which the

Board hereby finds to comply with the requirements of Objective 3.3.1 of the Comprehensive Plan by nature and purpose:

1. ~~(a)~~ Manual clearing of nuisance exotic plant species or noxious endemic vegetation such as poison ivy or cattails;
2. ~~(b)~~ Minor maintenance or minor emergency repair to existing structures or improved areas;
3. ~~(c)~~ Overhead utility crossings, provided that associated access roads shall be subject to the requirements of this Section;
4. ~~(d)~~ Maintenance, together with incidental dredge and fill activities in ditches, public roads and other rights-of-way, and other related drainage systems;
5. ~~(e)~~ Mosquito or aquatic weed control activities permitted by federal, state, regional or local agencies;
6. ~~(f)~~ Alterations of wetlands affected by phosphate mining activities, which shall be governed by Chapter 2-20 of the Manatee County Code of Ordinances;
7. ~~(g)~~ Those activities exempted by the Florida Department of Environmental Protection pursuant to the provisions of Chapter 62- 312, Florida Administrative Code, to the extent that such activities are not prohibited by other provisions of this Code or policies of the Comprehensive Plan;
8. ~~(h)~~ Clearing and/or construction of walking trails in compliance with the specifications of this Section ~~719~~; and
9. ~~(i)~~ Construction of timber boardwalks/catwalks for direct access to waterbodies, wildlife management shelters, footbridges, observation decks and similar water-related structures not requiring dredging and/or filling for their placement in compliance with the specifications of this Section ~~719~~ of this Code. All such structures shall be elevated on pilings to permit the unobstructed flow of water and movement of wildlife, to minimize shading of the area beneath the structure, and to preserve the natural contour of the wetland. Excavation and filling of irrigation or drainage ditches in uplands on non-hydric soils that are not treated as wetlands by the State.

706.4. ~~719.4~~ Application for Wetland Impacts.

A. Wetland Impact Study. ~~In order to receive approval for a wetlands impact, an~~The applicant shall submit a Wetland Impact Study to the County for approval prior to commencement of any development activity within wetlands not expressly exempted in this Chapter~~Section 719~~. The ~~approval of development~~ request to develop within a wetland or wetland buffer shall be made in conjunction with, or as a component of, the related development approval for the entire site, such that~~:~~ it can be reviewed and approved by the approving authority (Department Director, Hearing Officer or Board) reviewing the proposed development.

~~(a) Development in a wetland or wetland buffer associated with a proposed development that is the subject of administrative approval pursuant to Chapter 5 hereof shall be subject to the approval of the Director;~~

~~(b) Development in a wetland or wetland buffer associated with a proposed development that is the subject of approval by a Hearing Officer pursuant to Chapter 5 hereof shall be subject to the approval of the Hearing Officer; and~~

~~(c) Development in a wetland or wetland buffer associated with a proposed development that is the subject of approval by the Board pursuant to Chapter 5 hereof shall be subject to the approval of the Board.~~

B. ~~719.4.1~~ Information Required. The Wetland Impact Study shall include an impact avoidance and minimization analysis that demonstrates the necessity of the impact. Specific information required to be included in the Wetland Impact Study is detailed in the Administrative Procedures, but at minimum the Study shall include the following information:

1. ~~(a)~~ Onsite wetlands shall be evaluated based on size and wetland function and scored in accordance with UMAM including UMAM score sheets for each wetland within the project boundaries;~~.~~
2. ~~(b)~~ A statement describing the necessity of the proposed impact;
3. ~~(c)~~ Examples of designs considered that would not require the impact or that demonstrate how the impacts have been minimized;
4. ~~(d)~~ A statement of how any proposed impacts satisfy the requirements of Section 706.5~~719.5~~, including:

a. ~~i.~~ A statement of how the impacted wetland meets the definition of Non-Viable Wetland set forth in this Code, pursuant to Section 706.5.A~~719.5.1~~;

b. ~~ii.~~ A statement of how avoiding the impact would prevent a reasonable development of the land, including consideration of whether the wetland to be impacted is within the boundaries of a Development of Regional Impact (DRI) and a consideration of the uses permitted within the boundaries of the DRI as a whole, pursuant to Section 706.5.B~~719.5.2~~; or

c. ~~iii.~~ A statement of how the impact is a result of an overriding public benefit. The applicant shall submit documentation to support the conclusion that the overriding public benefit would provide a direct public benefit in excess of the detriments suffered by the public resulting from the loss of the wetland functions and values, pursuant to Section 706.5.C~~719.5.3~~;

5. ~~(e)~~ Proximity of the land to adjacent urban land uses; and

6. ~~(f)~~ Degree of disturbance or invasion by exotic plant species within the wetland.

706.5. ~~719.5.~~ Criteria for Approval of Wetlands Impacts.

Development in a wetland or wetland buffer may be approved if and only if it meets the criteria set forth in this subsection, as determined by the Board, hearing officer or Director, as the case may be.

A. ~~719.5.1~~ Impacts to Non-~~-~~Viable Wetlands. In accordance with ~~Policy~~ Objective 3.3.1 of the Comprehensive Plan, an applicant seeking to impact a non-viable wetland, as defined in ~~Section 201~~Chapter 2, which is completely contained within the project boundaries shall not be required to demonstrate avoidance and minimization. Impacts shall require authorization by the appropriate State and Federal regulatory authorities and wetland mitigation shall be provided in accordance with this Section ~~719~~.

B. ~~719.5.2.~~ Impacts to Wetlands.~~,~~ No Practical Alternative. In order to receive approval for development in a wetland (other than a non-viable wetland exempted pursuant to subsection A~~Section 719.5 .1~~, above) or wetland buffer thereto on the basis that no practical alternative exists, a Wetlands Impact Study shall demonstrate that:

1. ~~(a)~~ The applicant will be unable to make reasonable use of the property unless the proposed impact is approved; and

~~(b)~~ The applicant could not have reasonably foreseen, through the exercise of due diligence, that the development potential of the property in question is limited as a result of the requirement to avoid impacts to wetlands or wetland buffers in accordance with this ~~S~~section ~~719~~.

2. In making such determination, the reasonable use of the property in question shall be considered in light of:

a. ~~(a)~~ The history and surrounding area of the property;

b. ~~(b)~~ Any development orders applicable to the property, including but not limited to development orders for Developments of Regional Impact (DRI); and

c. ~~(c)~~ The development potential of the property if all wetland impacts were avoided. Reasonable use does not necessarily equate to the highest and best potential use under the Comprehensive Plan or this Code, nor does it equate to the highest density or intensity, as long as an applicant may achieve some reasonable level of development potential while avoiding wetlands impacts. Connections between uplands otherwise developable or developed for utilities and/or access, or impacts consistent with an alternative site analysis, shall be considered as a reasonable use of the property satisfying the no practical alternative test even though the need to impact the wetland may have been foreseeable.

C. ~~719.5.3.~~ Impacts to Wetlands, Overriding Public Benefit. An applicant may receive approval for impact of a wetland or development in a wetland buffer thereto, on the basis that the applicant will provide an overriding public benefit if the Applicant in addition to providing the wetland mitigation required pursuant to this Section ~~719~~, demonstrates one or more of the following:

1. ~~(a)~~ The conditions of the development approval will provide for the donation of significant lands that are otherwise unencumbered that will result in a net environmental gain (or a commensurate monetary contribution earmarked for such purpose);

2. ~~(b)~~ The impact to the wetland is included as part of an Ecosystems Management Plan and the conditions of

the development approval will provide for significant additional preservation, enhancement or restoration of native habitats that will result in a net environmental gain (or a commensurate monetary contribution earmarked for such purpose);

3. ~~(c)~~ If not impacted, the wetland will not survive as a functioning wetland, or will deteriorate to a Non-Viable Wetland, as a result of its proximity to development; and/or

4. ~~(d)~~ Any overriding public purpose of the project to provide significant local, state or federal public infrastructure.

706.6. ~~719.6~~ Mitigation for Altered Wetlands.

Mitigation shall be provided for all non-exempt wetland impacts as follows:

A. ~~719.6.1~~ UMAM Mitigation. For development in wetlands that the State has determined are subject to UMAM, the type and quantity of mitigation shall be as required by the ERP.

B. ~~719.6.2~~ Non UMAM Mitigation. In those instances where wetland mitigation is not required by the State, wetland mitigation shall be provided in accordance with subparagraphs (~~a~~1) through (~~d~~4) below. The type of wetland mitigation or combination thereof as described in subparagraphs (~~a~~1) through (~~d~~4) below shall be determined by the County based on site conditions and the ability of the mitigation to replace the wetland functions that were impacted. The order of preference considered by the County shall be as follows:

1. ~~(a)~~ *Wetland Enhancement/Restoration:* Five acres of enhanced or restored wetlands shall be provided for every one acre of wetland to be impacted.

2. ~~(b)~~ *Upland Preservation:* In the event there is an inability to provide viable wetland enhancement/restoration on the site, five acres of native upland habitat shall be preserved for every one acre of wetland to be impacted. Preserved uplands utilized for wetland mitigation shall have an ecological or hydrological relationship to existing or created wetlands and shall be in excess of any other requirements of the Comprehensive Plan and Land Development Code.

3. ~~(c)~~ *Payment in Lieu of Mitigation:* In lieu of the mitigation requirements in subparagraphs (a) and (b) above, the County may collect a mitigation fee or the developer may purchase credits from a County approved mitigation bank. The mitigation fee charged shall be based on the acreage of impact and shall be an amount sufficient to achieve full and complete compensation for the impact. The mitigation fee shall be established by Board resolution.

4. ~~(d)~~ *Wetland Creation:* Two acres of herbaceous wetlands shall be created for every acre of herbaceous wetlands altered. Four acres of forested or mangrove wetlands shall be created for every acre of forested or mangrove wetlands altered.

C. ~~719.6.3~~ Mitigation Plan Required. Where mitigation is accepted by the County pursuant to subsection ~~719 .6.2~~B, above, the applicant shall prepare a mitigation plan as follows:

1. ~~(a)~~ *At the General Development Plan Stage:* The wetland mitigation plan shall contain general details on the options available to provide wetland mitigation in accordance with the Comprehensive Plan. Specific information required to be submitted at this stage is detailed in the Administrative Procedures.

2. ~~(b)~~ *At the Preliminary Site Plan or Preliminary Subdivision Plat Stage:* The wetland mitigation plan shall contain information that details the applicant's preliminary intent to provide wetland mitigation in accordance with the Comprehensive Plan. The plan shall demonstrate that the proposed overall site design will adequately accommodate the proposed wetland mitigation. Specific information required to be submitted at this stage is detailed in the Administrative Procedures.

3. ~~(c)~~ *At the Final Site Plan and Construction Plan Stage:* The wetland mitigation plan shall provide construction related details such as grading, planting, transect locations, monitoring, maintenance and seasonal high water elevations. Payments for fee in lieu of mitigation made pursuant to subsection 706.6.B.3~~719.6.2(c)~~ must be paid concurrent with FSP/Construction Plan approval. For projects providing mitigation in accordance with Sections ~~719.6.2(a) and (d)607~~706.6.B.1 and 4, a detailed cost estimate shall be prepared by a registered professional engineer or landscape architect, and shall include all projected costs of the mitigation project such as design, earthwork, planting and maintenance costs over the prescribed monitoring period. Specific

information required to be submitted at this stage is detailed in the Administrative Procedures.

D. ~~719.6.4.~~ **Certification Required.** Upon completion of Wetland Mitigation, provided in accordance with Section ~~719 .6.2~~706.6.B, the environmental professional responsible for the project shall provide written, sealed or notarized certification to the Engineer of Record that wetland mitigation has been constructed in accordance with the approved Final Site Plan and/or Construction Plans. The Engineer of Record shall provide a copy of the environmental professional's certification with submittal of his/her certification. In instances where wetland mitigation is being provided in accordance with Section ~~719.6.1~~ 706.6.A, Manatee County shall be copied on any notices or certifications for construction of the mitigation areas required to be submitted to the State.

E. ~~719.6.5.~~ **Success of Mitigation.** Success of mitigation provided in accordance with Section ~~719.6.1~~ 706.6.A shall be determined by the State. Mitigation provided in accordance with Section 706.6.B~~719.6.2~~ will be considered successful when the mitigation area provides an equal or greater habitat function when compared with the original (reference) wetland. Mitigation shall be deemed successful when the following parameters are met:

1. ~~(a)~~ The land area designated as re-created wetlands can maintain the design soil moisture regime (frequency and duration) as correlated to water year, rainfall event and antecedent conditions without the manipulation of available water quantities by humanity;
2. ~~(b)~~ All banks and slopes are stabilized with self-sustaining vegetation;
3. ~~(c)~~ No evidence of excessive erosion exists;
4. ~~(d)~~ Complete ground cover of vegetation has been established that is healthy and self-sustaining;
5. ~~(e)~~ Percent survival of planted forested wetland species is eighty-five (85) percent or greater and/or coverage by desirable herbaceous wetland species is eighty-five (85) percent or greater with no more than seven and one-half (7.5) percent coverage by nuisance, exotic plant species, for a period of at least two (2) years for herbaceous wetland communities, and for at least five (5) years for forested wetlands and mangrove communities. Replanting and maintenance of the mitigation area, including the periodic non-motorized removal of nuisance, exotic plant species, shall be required as necessary to ensure final cover;
6. ~~(f)~~ Water quality in the created wetland meets or exceeds State water quality standards;
7. ~~(g)~~ Habitat value in the created wetland approximates conditions in the reference wetland or conditions specified in the Wetland Impact Study, if different; and
8. ~~(h)~~ Hydroperiod in the created wetland is sufficient to support wetland vegetation and functions.

F. ~~719.6.6.~~ **Mitigation Monitoring.** To evaluate the progress of wetland mitigation the developer shall submit Wetland Mitigation Monitoring Reports to the County. For those projects providing wetland mitigation in accordance with ~~719.6.1~~Section 706.6.A, the developer shall copy the County on all Wetland Mitigation Monitoring Reports required by the State. For those projects providing wetland mitigation in accordance with Section 706.6.B~~719 .6.2~~, the developer shall submit Wetland Mitigation Monitoring Reports as follows:

1. ~~(a)~~ Monitoring shall commence upon wetland mitigation certification, required by Section 706.6.D~~719.6.4~~, being accepted by the County. Monitoring shall continue for a period of at least two (2) years for herbaceous wetland communities, and for at least five (5) years for forested wetlands and mangrove wetland communities or until success criteria have been met.
2. ~~(b)~~ Wetland mitigation monitoring shall be conducted by the developer on a semi-annual basis for the first two (2) years after being deemed complete, and annually thereafter. Reports shall be submitted annually within thirty (30) days of the completion date.
3. ~~(c)~~ Minimum information required for Wetland Mitigation Monitoring Reports is detailed in the Administrative Procedures.

G. ~~719.6.7.~~ **Mitigation Security.** For mitigation accepted by the County pursuant to subsection ~~715.6.2.(a) and (d)~~706.6.B.1 and 4, as a condition for approving wetland(s) alteration and accepting a Wetlands Mitigation Plan, the Board of County Commissioners shall require the posting of a security, bond, escrow or other means of guarantee to:

1. ~~(a)~~ Ensure that the applicant has carried out the approved mitigation project in accordance with the Wetlands Mitigation Plan, and that the project has met the success criteria specified in Section ~~719.6.5~~706.6.E;

2. ~~(b)~~ Ensure that the applicant will correct any deleterious effects on wetlands or adjacent areas that may result from his/her noncompliance with the conditions of the approved Wetlands Mitigation Plan;

3. ~~(c)~~ Enable the County to take steps to restore the site in the event that the developer/applicant/landowner defaults on the conditions of the Wetlands Mitigation Plan; and

4. ~~(d)~~ Such mitigation security shall comply with Section 337.10~~910.10~~ and shall comply with any additional requirements imposed pursuant to the Administrative Procedures. The amount of Security shall be equal to thirty (30) percent of the estimated or actual costs and expenses of wetland mitigation construction, planting, maintenance and monitoring the County may incur in making good on non-compliance or non-performance of any requirements of the Wetland Mitigation Plan. The mitigation security shall be extended to cover the required monitoring period, after wetland mitigation has been deemed complete by the County.

706.7. ~~719.7.~~ Wetland Buffers.

Generally, a wetland buffer of at least fifty (50) feet shall be observed from the most landward extent of any post-development jurisdictional wetland contiguous with the Terra Ceia Aquatic Preserve, the Sarasota Bay Outstanding Florida Water, or the Little Manatee Outstanding Florida Water, and the inflowing watercourses within the Watershed Protection Overlay Districts. A wetland buffer of at least thirty (30) feet shall be observed from the most landward extent of all post-development wetlands that are not contiguous with the above-named water bodies or within the Watershed Protection Overlay Districts. The County may require increased wetland buffers adjacent to Outstanding Florida Waters, riverine systems or larger isolated wetlands, to enhance watershed protection, to maintain aesthetic view sheds, to preserve native upland habitat, to provide wildlife corridors, or to minimize adverse impacts to the ecological value of uplands for aquatic or wetland dependent listed animal species.

A. ~~719.7.2~~ Prohibited Activities. Prohibited activities in wetland buffers shall at a minimum include:

Commented [LDI14]: There was no 719.7.1 in the ordinance

1. ~~(a)~~ Development, except as set forth in Section ~~719.7.3~~706.7.B, below; and

2. ~~(b)~~ The removal or other disturbance of any earth, trees, shrubbery and other plants except as set forth in Section ~~719.7.3~~706.7.B, below.

B. ~~719.7.3~~ Permitted Activities. Allowable activities in wetland buffers shall include:

1. ~~(a)~~ Limited clearing of vegetation in a wetland buffer may be permitted as part of a required stormwater management system outfall, where allowed under other Sections of this Code;

2. ~~(b)~~ Limited clearing of vegetation in a wetland buffer may be permitted in order to allow public or riparian access to the water, provided that:

   a. ~~1.~~ The path cuts through the wetland buffer to the water, so as to provide an access way generally perpendicular to the shoreline; and

   b. ~~2.~~ The access way shall not exceed ten (1~~-~~0) feet in width;

3. ~~(c)~~ The construction of elevated boardwalks, catwalks or docks in wetland buffers, provided that such structures are no more than four (4) feet in width (unless greater width is approved by the Department Director); and are elevated at least three (3) feet above land or water to prevent continuous shading of vegetation. Additionally, the construction of wildlife management shelters, footbridges, observation decks and similar water-related structures in wetland buffers, provided that all such structures must be elevated on pilings to permit the unobstructed flow of water and movement of wildlife, prevent continual shading of the area beneath the structure, and preserve the natural contour of the land. At grade trails shall be allowed in wetland buffers, provided that no impervious surfaces are constructed;

4. ~~(d)~~ The clearing of boat launch areas through wetland buffers, provided that such areas shall be no more than ten (1~~-~~0) feet in width, unless greater width is approved by the Department Director;

5. ~~(e)~~ The removal of nuisance or exotic plant species, such as Brazilian pepper, Australian pine, or melaleuca, or noxious endemic vegetation such as poison ivy or cattails from wetland buffer;

6. ~~(f)~~ The conduct of mosquito or aquatic weed control activities in wetland buffers, provided such activities are conducted pursuant to a program approved by the Department of Agriculture and Consumer Services in the case of insect control, and the Department of Environmental Protection in the case of aquatic weed or algae

control;

7. ~~(g)~~ The placement of protective barriers to limit access to the wetland or its wetland buffers, if such structures are approved by the Department Director;

8. ~~(h)~~ Activities authorized by the Department Director, as provided ~~m~~ in this Chapter~~Section 719.5.4~~;

9. ~~(i)~~ Activities associated with wetland impacts approved pursuant to subsection ~~719.5~~706.5~~-~~; and

10. ~~(j)~~ Activities authorized by the Department Director~~,~~ that are part of a wetland buffer maintenance plan designed to allow plantings within the wetland buffer and to provide for maintenance of the wetland buffer in a functionally viable manner. The wetland buffer management plan may be approved by the Department Director in conjunction with a Preliminary Development Plan, Preliminary Plat or Site Plan.

Commented [LDI15]: STAFF: wrong cross-section, what should this be?

C. ~~**719.7.4.**~~ **Variable Width Buffers.** Under limited circumstances, where site specific conditions and physical constraints do not allow the application of a uniform-width wetland buffer, a variable width wetland buffer may be approved. Site specific conditions and physical constraints which may be considered include situations where:

1. ~~(a)~~ Application of a uniform-width buffer would restrict vehicular access to an upland portion of the development site;

2. ~~(b)~~ Locations of driveways, rights-of-way or private streets are mandated by FDOT or County requirements, and re-alignments cannot be negotiated; or

3. ~~(c)~~ Minor encroachments into previously disturbed portions of a wetland buffer for short linear distances cannot be avoided.

In no event shall the proposed variable width buffer be narrower than DEP or SWFWMD standards for Environmental Resource Permitting.

The configuration of the variable width buffer shall be determined by detailed onsite investigation, and shall at a minimum equal the area that would otherwise have been encompassed by a uniform-width buffer configured parallel to the wetland. Wetland buffer encroachments authorized under this Section shall be compensated for on the same wetland or wetland system, and such compensation shall be of equal or better quality.

D. ~~**719.7.5.**~~ **Wetland Buffer Restoration.** As additional protection for wetlands and their wetland buffers, and to increase the upland habitat function of the wetland buffer, nuisance exotic vegetation shall be removed and native plantings shall be installed.

1. ~~*719.7.5.1.*~~ *Removal of Nuisance Exotic Vegetation.* A strip equivalent in width to the required wetland buffer shall be cleared of nuisance exotic species prior to final plat approval, or prior to Certificate of Occupancy issuance for projects not requiring final plat approval. Continued removal of nuisance, exotic plant species that become reestablished within wetland buffers shall be addressed in the Exotic Plant Species Removal Plan required pursuant to Section ~~715.4(E)~~701.4.E of this Code.

2. ~~*719.7.5.2.*~~ *Enhancement of Wetland Buffers.* As additional protection for wetlands and replacement of upland habitat loss from historical land uses, wetland buffers shall be enhanced with desirable native plantings.

3. ~~*719.7.5.2.1.*~~ *Wetland Buffer Enhancement Plan.* A Wetland Buffer Enhancement Plan shall be submitted with the Final Site Plan or Construction Drawings and shall be approved by the Department Director. Specific information required to be included in the Wetland Buffer Enhancement Plan is detailed in the Administrative Procedures. Wetland buffer enhancement shall be completed prior to final plat approval, or prior to Certificate of Occupancy issuance for projects not requiring final plat approval. Required plant materials which are removed or die shall be replaced within thirty (30) days.

4. ~~*719.7.5.3.*~~ *Certification Required.* Prior to final plat approval or prior to Certificate of Occupancy issuance for projects not requiring final plat approval, the environmental professional responsible for the project shall provide written, sealed or notarized certification to the engineer of record that wetland buffer enhancement has been completed as approved in the Final Site Plan or Construction Plans. The engineer of record shall provide a copy of the environmental professional's certification with submittal of his/her certification.

E. ~~**719.7.6.**~~ **Wetland Buffer and Upland Preservation/Conservation Area Identification and Protection.** All wetland buffer and/or upland preservation required as compensation and conservation areas shall be clearly staked or otherwise physically identified in the field prior to and during construction. Erosion and sediment control

devices or other protective devices shall be installed landward of the edge of the wetland buffer, upland preservation and conservation areas prior to commencement of construction, and shall be inspected and maintained on a regular basis until construction has been completed.

706.8. ~~719.8.~~ Easements.

Easements for developments that contain wetlands and wetland buffers shall be provided to the County in accordance with this subsection.

A. ~~719.8.1.~~ **Mitigation Areas.** Easements over newly created, enhanced or restored wetlands and associated wetland buffers and upland preservation areas provided as compensation in accordance with this Section ~~719~~ shall be granted to the County as follows:

1. ~~(a)~~ During construction of mitigation a temporary construction easement shall be granted to the County to allow the County access to wetland mitigation areas to complete the required mitigation should the developer default. The temporary construction easement shall be dedicated concurrent with Final Site Plan or Construction Plan approval; and

2. ~~(b)~~ Upon completion and acceptance of mitigation, a conservation easement shall be granted to the County pursuant to this Section ~~719~~ over any newly created, enhanced or restored wetland(~~-s-~~), upland preservation areas and associated wetland buffers.

B. ~~719.8.2.~~ **Post Construction Conservation Easements.** A Conservation Easement shall be granted to the County over all wetlands and associated wetland buffers, within the project limits (separately from and in addition to any conservation easement granted to a State or Federal agency in connection with development). Said easement shall be dedicated to and enforceable by Manatee County for the benefit of the County and the property owners of the project in which the wetland is located. The easement shall accomplish the following:

1. ~~(a)~~ Preserve and protect the conservation values of the property;

2. ~~(b)~~ Allow County access to the property at reasonable times in order to monitor compliance with, and otherwise enforce, the terms of the easement; provided that such entry shall be upon prior reasonable notice to the property owner and will not interfere with the owner's use and quiet enjoyment of the property; and

3. ~~(c)~~ Prevent any activity or use of the property that is inconsistent with the purpose of the easement and to require the restoration of such areas or features of the property that may be damaged by any inconsistent activity or use.

The Conservation Easement shall be subject to the approval of the Department Director, and coordinated with the County Attorney and Property Management Department. Conservation Easements shall be dedicated concurrent with Final Plat approval or Certificate of Occupancy issuance for projects not requiring Final Plat.

C. ~~719.8.3~~ **Witness Monuments.** Witness monuments shall be set where the boundaries of any conservation easement under this Section ~~719~~ intersect with lot lines or property boundaries.

Commented [LEA16]: Repeats Section 907.10.1.4.3, which was moved to the Development Review manual

D. ~~719.8.4.~~ **Signage.** The boundaries of all Conservation Easements required by this Code shall be physically identified with signage as approved by the Department Director. The location and number of signs shall be approved with the final site plan or construction drawing approval, and shall be based upon the configuration of the Conservation Easement. All required signage shall be installed prior to final plat approval or prior to Certificate of Occupancy issuance for projects not requiring final plat approval.

E. ~~719.8.5~~ **Certification Required.** Upon completion of witness monument and sign placement, and prior to final plat approval or prior to Certificate of Occupancy issuance for projects not requiring final plat approval, the Engineer of Record or Surveyor shall provide written, sealed or notarized certification to the County that witness monuments and signage have been installed as approved in the Final Site Plan or Construction Plans.

706.9. ~~719.9.~~ Development Transfer Allowed for Wetlands and their Wetland Buffers.

A. **Transfer Allowed.** The acreage within a wetland and wetland buffer may be used to determine the total allowable units or square footage of development that will be allowed on a site containing all or part of a zone, in conformity with the requirements of the Comprehensive Plan. The allowable development potential may be transferred to upland portions of the site outside the Wetlands and Wetland Buffer. Examples of Wetland and Wetland Buffer

Density/Intensity Credit are provided in the Administrative Procedures.

B. ~~719.9.1~~ **Limitation on ~~Density/Intensity~~ Credit.** The alteration or relocation of any jurisdictional wetland shall be minimized by limiting the density or intensity credit which may be transferred from any acreage of altered or relocated jurisdictional wetlands to 50% of the maximum density or intensity associated with the Comprehensive Plan Land Use Classification on any such wetland. Any such reduction in density or intensity credit shall be in addition to any reduction caused by wetland acreage being in excess of 20% gross project acreage.

706.10. ~~719.10.~~ Enforcement.

~~**1206.5.Wetlands Protection.**~~ Any person who dredges, fills, drains, or otherwise alters any wetland without appropriate permission from Manatee County, or in violation of the conditions of such approval shall be subject to the following penalties and remedies when found in violation, in addition to any fines that may be levied through the Land Development Code or other adopted regulations.

A. ~~1.~~ They shall be required to restore the wetland(s) to its/their original (prealteration) condition, as determined by reference to historic photographs, notes from site visits, or other reference documentation, or to such other condition as prescribed by Manatee County.

B. ~~2.~~ Where the owner has not restored the property to its original condition~~,~~ or to such other condition as prescribed by Manatee County, no permits for new construction or land clearing in preparation for construction shall be issued on the property where such violation occurred within five (5) years of the violation. This time frame may be reduced by the Board after considering whether the violation was an intentional violation of this Code, the extent to which restoration has occurred, and who caused the violation. The time frame restrictions shall be recorded in the County Clerk's property records (under property owner's name and legal description) to run with the land. Notice of this recording shall be sent certified mail return receipt request to the property owner.

The provisions of this Section ~~719~~ shall also be enforced pursuant to ~~Chapter 12~~Section 106, Enforcement, of this Code. Bonding requirements set forth in this Section ~~719~~ shall not preclude the County from pursuing other means of enforcement.

Section 707. to 709. Reserved

Part III. Historic, Cultural and Archaeological Resources.

Commented [LDI17]: The references to the County having authority to list in the Nal Register need to be fixed. Also, it is not clear which resources get reviewed (if just those designated as local landmarks, those shown as "significant" on the FMSF, National Register resources, etc.?) The standards for listing should be separated into two sections, one for individual resources and the other for districts. These issues should be fixed ASAP.

Section 710. ~~Section 522.~~ Historic Landmark Designation.

710.1. ~~522.1.~~ Authority.

The Historic Preservation Board shall have the authority to recommend to the Board that sites, structures, objects or districts be granted historic landmark designation, and be listed in the National Register of Historic Places. The Board shall have final authority for such designation and listing. The members of the Historic Preservation Board are encouraged to participate in survey and planning activities of the County in the manner and to the extent permitted under applicable law.

710.2. ~~522.2.~~ **Purpose.**

The purpose of historic landmark designation and listing in the National Register of Historic Places is to maintain a list of sites, structures, objects and districts that are significant to the history of the County. Landmark designation also provides recognition to property owners for their efforts in preserving the heritage of the County.

710.3. ~~522.3.~~ Criteria.

A site, structure, object or district may be considered for historic landmark designation and listing in the National Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the County. A site, structure, object, or district must also have integrity in at least two (2) of the following attributes: location, design, setting, materials, workmanship, feeling and association. In addition to attributes of integrity, a site, structure, object or district must meet one (1) or more of the following criteria to be considered for historic landmark designation and listing in the National Register of Historic Places:

A. ~~1.~~ The site, structure, object or district is listed in the National Register of Historic Places.

B. ~~2.~~ The site, structure, object or district is associated with events that have made a significant contribution to broad patterns of local, regional, state or national history.

C. ~~3.~~ The site, structure, object or district is associated with the lives of persons significant in local, regional, state, or national history.

D. ~~4.~~ The site, structure, object or district embodies the distinctive architectural characteristics of a type, period or method of construction, or represents the work of a master builder, architect or designer, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

E. ~~5.~~ The site, structure, object or district has yielded or is likely to yield important archeological information related to history or prehistory.

F. ~~6.~~ The site, structure, object or building has been removed from its original location but is significant primarily for its architectural value or is the only surviving site, structure, object or building significantly associated with a historic person or event.

G. ~~7.~~ The site is a cemetery which derives its primary significance from age, distinctive design features, or association with historic events or cultural patterns.

710.4. ~~522.4.~~ Procedures.

Historic landmark designation and listing in the National Register of Historic Places shall comply with the requirements and procedures set forth in this subsection.

A. ~~522.4.1.~~ Applicant. An application for historic landmark designation and listing in the National Register of Historic Places shall be filed by the property owner.

B. ~~522.4.2.~~ Application. The applicant shall complete an application form ~~provided by the Building and Development Services Department~~ and submit the ~~application~~ form and documentation to the ~~Building and Development Services~~ Department Director. The applicant shall pay a fee in an amount established by the Board at the time the application for historic landmark designation and listing in the National Register of Historic Places is submitted. The ~~Building and Development Services~~ Department Director shall determine when an application is complete and may request additional information if the application is determined to be incomplete.

1. ~~522.4.2.1.~~ Each application shall contain the following information:

   a. ~~1.~~ A written description of the architectural, historical or archaeological significance of the proposed site, structure, object or district referring to the criteria set forth in subsection ~~522.3~~ 710.3, above. The written report shall state the qualifications of the site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places;

   b. ~~2.~~ The date of construction of the site, structure, object or district;

   c. ~~3.~~ The notarized signatures of the property owners requesting the historic landmark designation ~~and~~ or listing in the National Register of Historic Places;

   d. ~~4.~~ Photographs of the site, structure, object or district; and

   e. ~~5.~~ The legal description and a map of the property encompassing the site, structure, object or district.

2. ~~522.4.2.2.~~ An application for a historic district shall include the following additional information:

a. ~~1.~~ Evidence of approval of the historic district designation from the owners of two-thirds of the properties within the proposed district boundaries or from the owner or owners of two-thirds of the land area within the proposed district boundaries;

b. ~~2.~~ A written description of the boundaries of the proposed historic district; and

c. ~~3.~~ A list of contributing and non-contributing sites, structures and objects within the proposed district boundaries.

C. ~~**522.4.3.**~~ **Notices.** All notices relating to applications for historic landmark designation and listing in the National Register of Historic Places shall be published, mailed and posted not less than thirty (30) calendar days and not more than seventy-five (75) calendar days prior to any public hearing by the Historic Preservation Board or the Board. Notice of public hearing shall be published in compliance with the requirements of ~~subs~~Section ~~502.7~~312.7 ~~and paragraph 502.7.2~~ of this Code. Notice shall be mailed by the applicant to all owners of the proposed site, structure or object or all property owners within the proposed district boundaries, any persons representing the owners of the proposed site, structure or object or any persons representing any property owners within the proposed district boundaries, and all property owners located within one thousand (1,000) feet of the proposed site, structure, object or district in compliance with the requirements of ~~subs~~Section ~~502.7.3~~312.7.B of this Code. Notice shall also be posted by the applicant on the property where the proposed site, structure or object is located and on the right-of-way of all roads and streets which enter the boundaries of the proposed district in compliance with the requirements of Section 312.7.D ~~paragraph 502.7.4~~ of this Code. The applicant shall pay all costs for publishing, mailing and posting the notices required by this paragraph.

D. ~~**522.4.4.**~~ **Recommendation.** The Historic Preservation Board shall hold a public hearing on an application for historic landmark designation and listing in the National Register of Historic Places within ninety (90) days after the ~~Building and Development Services~~ Department Director determines that such application is complete, provided that notices have been published, mailed and posted as required by Section 710.4.C~~paragraph 522.4.3~~ above. The ~~Building and Development Services~~ Department Director shall prepare a written analysis and report for the public hearing. The public hearing by the Historic Preservation Board shall be conducted in accordance with section 303.3 ~~subsection 306.3~~ of this Code. In addition, the requirements of Section 342.4.C~~paragraph 504.7.~~ of this Code shall also apply to any public hearing conducted by the Historic Preservation Board. The applicant, local officials, property owners and the public shall have an opportunity to present testimony and evidence supporting or objecting to the proposed historic landmark designation and listing in the National Register of Historic Places. Any property owner who objects to the proposed historic landmark designation and listing in the National Register of Historic Places must submit a written statement containing his or her notarized signature. At the conclusion of the public hearing, the Historic Preservation Board shall vote whether to recommend the proposed site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places.

710.5. ~~522.5.~~ Decision.

Following a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in the National Register of Historic Places, the Board shall hold a public hearing on the application. The requirements of section 342.4.C~~paragraph 504.7.2~~ of this Code shall apply to any public hearing conducted by the Board. At the conclusion of the public hearing, the Board may approve or deny the recommendation of the Historic Preservation Board or may continue the public hearing and defer a decision if adequate information is not available. In the event of continuation and deferral, the Board shall reopen the public hearing and consider the recommendation of the Historic Preservation Board at the earliest opportunity after adequate information is made available. The ~~Building and Development Services~~ Department Director shall notify each applicant, property owner, person representing any property owner and person who received notice as required by ~~paragraph 522.4.3~~Section 710.4.C above of the Board's decision relating to the property in writing no later than thirty (30) days after the Board meeting.

710.6. ~~522.6.~~ Permits.

The ~~Building and Development Services~~ Department Director may issue a development order or permit for any property without a Certificate of Appropriateness if the Board denies a recommendation by the Historic Preservation Board on an application or if an applicant withdraws an application for historic landmark designation and listing in the National Register of Historic Places before a decision is made by the Board. Following approval by the Board of a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in

the National Register of Historic Places, the ~~Building and Development Services~~ Department Director shall not issue a development order or permit for any exterior alteration, new construction, demolition, or relocation on the property or within the district which is the subject of the application until a Certificate of Appropriateness is approved in compliance with Section ~~514~~ 347 of this Code.

710.7. ~~522.7.~~ Implementation.~~-~~.

If the Board approves the recommendation of the Historic Preservation Board relating to the site, structure, object or district, the ~~Building and Development Services~~ Department Director shall take appropriate action to implement the historic landmark designation and listing in the National Register of Historic Places.

A. ~~522.7.1.~~ The ~~Building and Development Services~~ Department Director shall be authorized to issue a permit for a sign or plaque identifying any site, structure, object or district approved with a historic landmark designation, provided that the owner of the site, structure or object or any property owner within the district submits an application and pays a fee established by the Board for a sign permit and provided that the sign or plaque is constructed or installed in compliance with this Code and the Florida Building Code.

B. ~~522.7.2.~~ The ~~Building and Development Services~~ Department Director shall be authorized to process applications and prepare staff reports for land development incentives to preserve any site, structure, object or district approved with a historic landmark designation, including, but not limited to, variances, transfer of development rights, and ~~conditional use~~Special ~~p~~Permits, provided that the owner of the site, structure or object or any property owner within the district submits an application, pays a fee established by the Board, and complies with all requirements and procedures for such actions set forth in this Code.

C. ~~522.7.3.~~ The ~~Building and Development Services~~ Department Director shall not issue a permit for demolition, alteration, relocation or construction activities on any site, structure or object or within any district approved with a historic landmark designation except in compliance with a Certificate of Appropriateness issued pursuant to Section ~~514~~ 347 of this Code.

D. ~~522.7.4.~~ The ~~Building and Development Services~~ Department Director shall list any site, structure, object or district approved with a historic landmark designation in the National Register of Historic Places.

E. ~~522.7.5.~~ The ~~Building and Development Services~~ Department Director shall update the complete listing of the National Register of Historic Places for the Manatee County Comprehensive Plan, as amended.

~~(Ord. No. 13-26, § 4(Exh. B), 10-3-13)~~

CHAPTER 8 – ENGINEERING DESIGN AND UTILITIES

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CHAPTER 8 - ~~CHAPTER 7 –~~ ENGINEERING DESIGN AND UTILITIES

Section 800. ~~Section 907. - General Standards~~Subdivision Requirements.

800.1. ~~907.1.~~Conformity with Other Regulations.

~~all~~All land subdivided shall conform to the other applicable requirements of:

A. ~~907.1.1.~~ This Code, ~~T~~The Manatee County Comprehensive Plan, ~~Manatee County Development Standards~~ Manatee County Public Works Standards, and any other applicable ordinance, as officially adopted by Manatee County.

B. ~~907.1.2.~~ The applicable requirements of the ~~HRS/Manatee County Public Health Unit~~Manatee County Health Department, Environmental Health Services.

C. ~~907.1.3.~~The environmental and other applicable regulations of the State of Florida.

D. ~~907.1.4.~~The rules of the Florida Department of Transportation, if the subdivision abuts a state highway.

E. ~~907.1.5.~~All other federal, state, and County laws and regulations applicable to the subdivision~~,~~ of land.

F. ~~907.1.6.~~All ~~model~~ forms as provided by the County shall be used as required by this Code, except as may be otherwise required by state law.

Commented [LDI1]: Change Reflects new Department name

800.2. ~~907.2.~~Self-Imposed Restrictions.

If the owner of a parcel of property being subdivided places restrictions on any part of the land contained in the subdivision that are greater than those required by this Code, such restrictions or reference thereto by book and page where recorded, ~~and~~ shall be required to be indicated on the final plat or in other appropriate form. These restrictions and covenants shall be recorded with the Clerk of the Circuit Court.

800.3. ~~907.3.~~Site Suitability.

No subdivision shall be approved for a site unsuitable for development due to flood hazard, poor drainage, unstable soil, utility easements, slopes, rock formation and such other condition which may constitute a danger to life, health, or property or aggravate erosion or flood hazards, unless adequate measures acceptable to the ~~applicable department~~DRC, to mitigate any risks related to such conditions, are included in the subdivision proposal.

800.4. ~~907.4.~~Adequate Public Facilities.

The adequacy of the necessary public or private facilities services, such as: vehicular traffic and pedestrian circulation; sanitation; potable water; drainage and stormwater management facilities; evacuation facilities, police, fire services, and emergency medical services; education; recreation; and similar facilities and services, potential adverse impacts on adjacent lands uses and facilities, shall be thoroughly considered in the review of subdivisions ~~plats~~ under this Code, and adequately provided for.

800.5. Hurricane Evacuation Plan.

All new development ~~For subdivision plats~~ located within the Category 1, 2, or 3 areas of the ~~Hurricane Vulnerability Area~~ Coastal Planning Area as identified on ~~Map 4-B~~the Coastal Planning Area Map in ~~of~~ the comprehensive plan, shall obtain County approval of a hurricane evacuation plan. The plan shall be prepared in coordination with the Manatee County Public Safety Department and submitted by the developer within one (1) year of ~~F~~final ~~P~~plat approval, or before any development approvals are issued for all other development.

Commented [LDI2]: STAFF: is this consistent with CP definition?

Commented [LDI3]: Changed to be consistent with new terminology

Commented [LDI4]: Combined sections 716.6 and 907.4. Staff to verify applicability.

800.6. ~~907.5.~~Protection of Significant Features.

In all subdivisions, to the maximum extent practicable, efforts shall be made to preserve and enhance historic and archaeological sites, scenic vistas, large trees and other desirable natural or cultural amenities worthy of preservation, either as portions of recreation and open spaces, or in other such forms, as to provide amenities to the community.

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~~Ponds and watercourses of natural origin within the subdivision shall be protected from damage caused by the subdivision construction work. Siltation measures and construction details to prevent damage to the environment and natural resource management shall be indicated on the subdivision plan.~~

Commented [LDI5]: Covered under construction practices

Historical sites and similar community assets known or suspected to be within the subdivision identified through the efforts of the County shall be located, identified or described on subdivision plans in the vicinity of said items. When located, adequate measures shall be taken by the developer to protect the finding until determination of the find and property disposition is made.

800.7. ~~907.6.~~Subdivision Name.

Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same, phonetically, or visually similar to any name appearing on any recorded plat in the County so as to confuse the records or to mislead the public as to the identity of the subdivision. The exception is when the subdivision is subdivided as an additional unit or section by the same developer or his successors in title. The name of the subdivision shall be ~~determined, and~~ subject to review by the County Departments and appropriate reviewing agencies.

If at any time, the developer intends to change the name of the subdivision, the developer shall request the name change in writing. All correspondence regarding a name change shall be sent to the County Administrator or designee for approval. After review and approval by the County Administrator or designee, it shall be the responsibility of the developer to make the appropriate changes to all applicable documents and reference the previous subdivision name on all correspondence for three (3) months following the name change.

800.8. ~~907.7.~~Lot Requirements.

A. ~~907.7.1.~~**Arrangement**. Lot area, width, depth, shape, orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and type of development contemplated, as provided by this Code, public safety, and health regulations. Where existing utility or other easements are involved, lot lines shall be so arranged with respect to such easements and access thereto, as to permit efficient installation of the utilities and maintenance, without unnecessary irregularities in alignment; and as necessary to permit securing building permits to build in compliance with this Code and applicable health regulations.

B. ~~907.7.2.~~**Dimensions.** ~~The~~ All lots shall meet ~~all~~ the dimensional requirements of the applicable zoning district. The minimum lot width permitted for ~~C~~corner lots shall be platted not less than fifteen (15) percent wider on both front yards than the minimum width required in the district for which the property is zoned, except where both front yards equal or exceed one hundred fifty (150) feet each in width. The minimum front lot line shall also meet the requirements of Section ~~702.4.4~~401.3.B.4.

C. ~~907.7.3.~~**Shape.** Generally, side lot lines shall be as close as practical to right angles with the street line. ~~and i~~In no case shall the side lot line deviate more than twenty two and one-half (22.5) degrees from the side lot line drawn perpendicular to the street line or radial to curving street lines for a minimum distance of hundred (100) feet from the right-of-way line.

D. ~~907.7.4.~~**Double and Reverse Frontage Lots**. Reverse frontage lots shall be provided adjacent to thoroughfare streets. Double frontage and reverse frontage lots shall be avoided when not adjacent to major thoroughfares. When reverse frontage lots are not practical due to the proposal of a minor subdivision with no new streets to be constructed, the applicant shall provide joint access driveways onto the thoroughfare to reduce the number of additional driveways onto the thoroughfare. Joint access easements shall be shown on the preliminary and final plats and recorded.

A buffer shall be provided along rear property lines abutting right-of-way, across which there shall be noted "non-vehicular, ingress or egress" on the plat. Additional lot depth of twenty (20) feet shall be provided to accommodate such buffer when adjacent to major thoroughfares, and ten (10) feet when adjacent to a local street~~, the minimum buffer width shall be ten (10) feet~~. The landscaping requirements along such buffer shall conform to the type and quantity standards specified in Section ~~715.3.2~~701. Adequate provisions for maintenance of such buffer shall also be shown~~, including compliance with Section 722 of this Code~~, where applicable.

800.9. ~~907.8.~~Blocks.

A. ~~907.8.1.~~**Arrangement.** Block width, depth, shape, and orientation shall be appropriate for the location of the

subdivision and type of development contemplated, considering, among other things, the need for convenient access, horizontal and vertical sight distance, circulation, control and safety of vehicular and pedestrian traffic; and turning radii.

B. ~~907.8.2.~~**Width**. Block width shall be sufficient to provide for two (2) tiers of lots with minimum depths as required in the district for which the property is zoned. Exceptions to the two (2) tiered block width shall be permitted in blocks abutting major streets, railroads, waterways, golf course boundary, or exterior property lines of the development.

C. ~~907.8.3.~~**Length.** Block lengths in residential areas shall not exceed two thousand (2,000) feet, or be less than four hundred (400) feet in length, except where necessary to intersect with an existing street. Wherever practicable, blocks along thoroughfares and arterials, shall not be less than eight hundred (800) feet in length.

D. ~~907.8.4.~~**Lot and Block Numbers.** All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions. However, in no instance shall there be a lot and block designation repeating itself on the same plat.

800.10. ~~907.13.~~Nonresidential Subdivisions.

A. ~~907.13.2.~~**Standards.** A non-residential subdivision plat shall conform to all applicable design requirements set forth herein for subdivisions generally and, in addition, shall satisfy the following requirements:

1. ~~907.13.2.1.~~The subdivision layout shall ~~be such as to~~ ensure compatibility of the proposed improvements and intended uses with the adjacent existing and proposed land improvements and uses.
2. ~~907.13.2.2.~~All proposed lots shall be of sufficient size and configuration to adequately accommodate the intended use in full compliance with applicable zoning requirements and other regulations of the County.
3. ~~907.13.2.3.~~The proposed street system shall ~~be such as to~~ provide for a smooth flow of internal traffic circulation; adequate provision for loading and unloading of goods and equipment; and proper connections with the external road and highway system, including turning radii and deceleration lanes.
4. ~~907.13.2.4.~~Adequate provision, as required by the Manatee County Public Works Standards, shall be made for all necessary public utilities, services, and easements where applicable.
5. ~~907.13.2.5.~~Unless specifically requested by the County, no streets except utilities shall be extended to the boundaries of said subdivisions so as to connect with others to provide future connections with adjacent streets within existing or future residential areas. However, easements for utilities and storm water lines shall be provided to the boundaries of adjacent property to provide connection or extension of utilities.

~~907.13.2.6.Where any said subdivision will adjoin an existing or future residential area, additional depth shall be provided within all applicable lots or parcels so as to accommodate permanent landscaped buffer area and other applicable screening devices required by Section 715 of this Code.~~

6. ~~907.13.2.7.~~The subdivision shall be designed so as to satisfy all other requirements deemed necessary by the County to ensure proper development and to satisfy the intent and purpose of these regulations.

B. ~~907.13.1.~~**General.** If a proposed subdivision includes land that is zoned for non-residential purposes, the design of the subdivision shall incorporate any provisions the County may reasonably require to accommodate such purposes. Conditional use approval and nonresidential subdivision plat approval may, at the option of the developer, proceed simultaneously; provided that no conditional use shall be approved prior to the associated final subdivision plat.

~~[Section 706. Access and Drainage Regulations~~

~~706.1. Purpose and Intent.~~

~~The Transportation Department administers and regulates requirements for rights-of-way and construction elements including lot access – Section 712, driveways – Section 711, sidewalks – Section 722.1.4, handicap ramps – Section 727, within rights-of-way; visibility triangles – Section 713, on-site drainage – Section 717, rights-of-way drainage – Section 717, and stormwater management structures – Section 717, and all construction within the rights-of-way.~~

Commented [LDI6]: This provision is unnecessary and provides no enumeration as to the actual depth required. The code already requires sufficient buffers between residential and non-residential uses.

Commented [LDI7]: Purpose and intent of 706 already in chapter 10; permit requirements moved to later in this section. Driveway standards moved to chapter 10

~~706.2. Administration.~~

~~The Transportation Department shall be responsible for the administration of these regulations.~~

~~706.3. Permit Required.~~

~~The Transportation Department shall receive, review and issue a comprehensive permit entitles "Access and Drainage Permit" which shall encompass where applicable, any or all elements mentioned in Section 706.1, above.~~

~~706.4. Final Approval.~~

~~Final approval by the Transportation Department for construction work required by this section and complete repairing of any damage to the rights-of-way shall be a prerequisite for an occupancy permit or final approval issued by the Building Department.~~

~~706.5. Required Zoning.~~

~~The construction elements delineated in Section 706.3, must be considered as accessory uses for which they serve.~~

~~706.6. Procedure.~~

~~706.6.1. Required Submissions. Applicants for an Access and Drainage Permit shall submit a written application in a form as deemed necessary by the Transportation Department and a site plan. The application may be included as part of any site plan required by this Code. In addition to the specifics required to clearly describe the entire scope of work to be constructed, the general requirements to include as part of the application submission are:~~

~~706.6.1.1. Property address, parcel identification number, and zoning classification.~~

~~706.6.1.2. Boundary survey including lot area, easements, and date of survey.~~

~~706.6.1.3. Location of all existing and proposed buildings, structures, and driveways on the property.~~

~~706.6.1.4. Design for all work required by Section 706.1.~~

~~706.6.1.5. The location of the proposed driveway(s), referenced to readily identifiable physical landmarks or survey markers, with dimensions that accurately indicate driveway width, material, and thickness.~~

~~706.6.1.6. Elevation of the first floor slab (reference Section 702.9 and Section 718).~~

~~706.6.1.7. For all property except single family and duplex residential lots, indicate the location of all stormwater management facilities required under Section 717. For single family and duplex residential lots, indicate the direction of surface water flow; and location of swales and all drainage structures.~~

~~706.6.1.8. Site plan, sections, details and elevations; and existing and finish grades as per approved construction plans and in accordance with Manatee County lot drainage standards.~~

~~706.6.1.9. Location of above ground utilities (if information is readily available).~~

~~706.6.2. Approval. The Transportation Department shall review the application and shall approve, or deny the application, stating in writing, the reasons for any denial.~~

Commented [LDI8]: 706.6.3 moved to Ch 10

Section 801. ~~. Section 717.~~ Stormwater Management.

801.1. ~~717.1.~~ Purpose and Intent.

~~-~~It is the intent of this Section to impose reasonable ~~guidelines~~ standards to control stormwater runoff, to conserve ~~the~~ water resources ~~of Manatee County~~, to pursue a non-structural approach to stormwater management and to minimize the construction of drainage facilities designed to increase conveyance. It is the further intent ~~to [of]~~of this Section to:

A. ~~717.1.1. To p~~Protect the quantity and quality of ground and surface waters;
B. ~~717.1.2. To p~~Promote recharge into the groundwater system;
C. ~~717.1.3. To p~~Prevent and reduce salt water intrusion;
D. ~~717.1.4. To m~~Minimize the production of disease carrying mosquitoes;
E. ~~717.1.5. To p~~Prevent erosion and loss of valuable topsoils and subsequent sedimentation of surface water bodies;

F. 717.1.6. To pPrevent adverse impact on adjacent property caused by diverting or blocking the surface water flow; and

G. 717.1.7. To pPrevent flood hazards, prevent loss of life and property damage, and reduce the capital expenditures associated with floodproofing and the installation and maintenance of storm drainage systems.

717.2. Applicability. This Section shall apply to all development and shall be administered by the Planning Department.

801.2. 717.4. Stormwater Management Plan RequiredProcedures.

A. 717.4.1. **Generally.** A stormwater management plan shall be prepared and submitted for all new construction, redevelopment, filling, excavating, earthmoving or where other topographic changes occur as part of a development. All developments The plan, which shall be submitted in conjunction with construction drawings for subdivision plats or site plans, as applicable, shall be reviewed for compliance with this Section in conjunction with construction drawings for all subdivision plats, site plans, or development plans, as applicable. The regulations of this Section shall be administered by the Planning Department. The regulations of this Section shall be administered by the Public Works Department. Any improvement specified in an adopted master drainage plan for the proposed development shall be installed by the developer.

B. 717.4.2. **Submittalssions.** The application for stormwater management plan approval shall be prepared and submitted for all developmental applications involving land being developed, redeveloped, filling, excavating, earthmoving or where other topographic changes occur. Stormwater Management Plans, which All such plans shall be prepared by an professional engineer unless exempted by Chapter 471, Florida Statutes. The shall include requirements found in the Manatee County Public Works Standards.following information shall be provided:

717.4.2.1. Existing Hydrologic Conditions. The pre-development rate of discharge from the site, shall be identified by field review and computation. The location, elevations, seasonal fluctuation regimes, and nature of all existing watercourses, water bodies, and wetlands on or adjacent to the site of the proposed development shall be shown. Seasonal high water table elevations shall be provided specifically for the site and for all proposed pond locations. The tailwater elevation for the Twenty-Five Year Design Storm shall be calculated or used directly from existing Twenty-Five-Year Floodplain Maps, flood profiles or from another best existing source of information available, and shall be used in the design of the stormwater management facilities. Twenty-five-year tailwater information is available from the Stormwater Division of the Transportation Department. The down stream conditions including culvert, ditch and channels sizes must be identified which may restrict capacity of the outfall

717.4.2.2. Topography. Final site topography surveyed by a land surveyor at one (1) foot contours based on U.S.C.G.S. 1929 Datum, as amended, shall be provided for a minimum distance of fifty (50) feet beyond the lot lines, excluding the rights-of-way. Contours may be mapped by an architect, engineer or land surveyor.

717.4.2.3. Facilities. The design shall include the location, elevation, slope, cross sections, materials and capacity of all prospective stormwater retention or detention facilities, control structures, culverts, lakes, canals, ditches, swales, vegetative buffers, and any other necessary facilities. Typical profiles are required at property lines which will indicate that stormwater is not being diverted onto adjacent property.

717.4.2.4. Drainage Characteristics. The location, area, permeability, and land cover (existing and proposed), of all proposed drainage basins within the site and the general location, including the area and drainage contribution or surface conditions of all drainage basins related to the project both on and off site, shall be shown. Flow paths, volumes and rates, including those for potential failures or retention/detention facilities shall be indicated throughout the proposed system. In addition, the storage volumes, surface areas, depths, duration, and identification of the final outfall locations and rates shall be indicated.

717.4.2.5. Computations. The applicant shall provide all necessary computations, hydrographs, and hydraulic analysis prepared by an engineer, which shall include the total project size in acres, acreage by general type of land use, tabulations of the area and percent of impermeable surface by projected type of land use and identification of the frequency and duration of the design storm, including predevelopment and post development runoff rates using an acceptable pond routing procedure or program.

717.4.2.6. Water Quality Parameters. The design shall provide calculations showing compliance with Sections 717.3.7 or 717.3.9, if appropriate, with identification of the discharge points from the project, the receiving bodies of water, the conveyance routes thereto and presentation of the method of derivation. The design and construction shall

Commented [LDI9]: Consolidated sections A and B and reworded to read easier

Commented [LDI10]: Added language as part of revisions requested by public works

Commented [LDI11]: Added language from section 722.1.8.6

Commented [LDI12]: Stormwater Management Plan requirements moved to PW manual

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be subject to the regulations under Chapters 62-3, 62-4, 62-25, 40D-4, 40D-45, 40D-400, and other applicable chapters of the Florida Administrative Code.

717.4.2.7. Construction Practices. The design shall include the description of the construction and maintenance practices to be used during and after construction which will minimize erosion, siltation of wetlands and watercourses, water pollution, and off-site flooding. All swales shall be either sodded or have an equivalent stand of grass prior to approval.

717.4.2.8. Other Information. Such other information as may be required to demonstrate compliance with the requirements of this Code.

801.3. 717.3.Stormwater Management Standards.

The following requirements and the requirements of Chapter 373, Florida Statutes, and the Manatee County Development Public Works Standards Manual shall apply to all development.:

A. 717.3.1. **Preservation of Watercourses.** In accordance with Title 44, Code of Federal Regulations (C.F.R.), and the Comprehensive Plan, the alteration of watercourses and floodways shall be prohibited unless part of an overall drainage basin plan.

This prohibition may be waived if a finding of overriding public interest is made by the Board. The prohibition shall not apply to irrigation and drainage ditches constructed in the uplands which are not more than thirty-five (35) square feet in total cross section area and which normally has have a water depth of no more than three (3) feet, provided they are not in and do not directly connect to Outstanding Florida Waters, Class I Waters or Class II Waters.

Any alteration shall be in accordance with this Section; Section 802718, Floodplain Management; Section 706719, Wetland Protection; other applicable sections of this Code; and Chapter 373, Florida Statutes. The flood carrying capacity within the altered or relocated portion of the watercourses shall be maintained or improved.

717.3.2. Requirements Within the 25 or 100-Year Floodplain. Activities within the 25 or 100-year floodplain shall meet the provisions of Section 718, Floodplain Management, and the Manatee County Floodplain Management Code.

Commented [LDI13]: Covered in floodplain management section

B. 717.3.3. **Stormwater Management Permits Wwithin the Watershed Protection Overlay WPE and, WPM Districts.** All proposed stormwater management permits required under Chapters 62-4, 62-25, 40D-4, 40D-40 or 40D-400 of the Florida Administrative Code for development within the WPE and WPM shall be required to comply with all requirements contained in Sections 604.1403.10 and 604.2. of this Code.

C. 717.3.7. **Development within the WPE, and WPM Watersheds.** All developments located within the WPE and WPM watersheds shall meet Florida Department of Environmental Protection Stormwater System Design Standards for discharge into Outstanding Florida Waters, (OFW) as provided by Chapter 403, Florida Statutes, and Chapters 62-4, 62-25, 62-40 and 62-302, and other applicable chapters of the Florida Administrative Code. At minimum, development within the WPE, or WPM Overlay Districts shall provide 150% water quality treatment and shall be designed and constructed to detain, and permit the filtration of, the runoff from the first one and one-half (1.5) inches of rainfall. The Board may allow system designs different from the FDEP Stormwater System Standards if the applicant demonstrates that the development will utilize a stormwater management system which provides for equivalent, or greater, levels of stormwater treatment, providing that overall existing ground water hydrology characteristics are not altered, impacted or changed from the existing predevelopment condition. Equivalent stormwater treatment shall utilize a combination of treatment practices so as to ensure that the construction, alteration, or operation of the system will not discharge, emit, or cause pollution in contravention of applicable state Outstanding Florida Water quality standards of the Florida Administrative Code. To demonstrate compliance with the OFW Standards, the water quality in the receiving water body will be monitored in the receiving water body in an area adjacent to the point of discharge. Acceptable treatment practices may include but are not limited to:

Commented [LDI14]: Added based on previous discussions with Public Works staff.

1. 717.3.7.1. Retreatment/pretreatment detention systems shall be designed to provide detention times that exceed detention times normally required, and providing repetitive water quality treatment. These systems include those providing pretreatment/retreatment using natural or artificial wetland systems, without adverse impact on the biocharacter of the wetlands. Use of the natural wetland systems for retreatment can be considered when no adverse impacts to the wetlands, fish, and wildlife and other resources can be demonstrated.

2. ~~717.3.7.2.~~ Off-line treatment systems using retention/percolation shall be designed to retain at least the first three-quarter (¾) inch of stormwater runoff, without release of pollutants out of the retention area.

3. ~~717.3.7.3.~~ Stormwater system designs that significantly increase the time of concentration (i.e., time taken for stormwater runoff to reach the detention/retention areas), or increase the percentage of post-treatment discharge to greenspace suited for additional water quality treatment (i.e., swales or buffer areas). Increased times of concentration may, for example, be achieved through the use of swales in major drainage ways to convey stormwater to detention/retention areas. Times of concentration shall be determined to be the point of ultimate outfall to a receiving watercourse

4. ~~717.3.7.4.~~ Mechanical treatment systems shall be designed to reduce the amount of directly connected impervious surface (e.g., limits on downspout locations, trench drains). Mechanical systems that irrigate, function as exfiltration systems or provide groundwater recharge or stormwater reuse.

5. ~~717.3.7.5.~~ Other systems which can be demonstrated to provide additional stormwater treatment equivalent, in effect, to treatment criteria associated with discharge into Outstanding Florida Waters.

D. ~~717.3.9.~~ **Development Outside the WPE and WPM Watersheds.** All development ~~not within~~outside the WPE or WPM Overlay Districts shall be designed and constructed to detain~~,~~ and permit the filtration of~~,~~ the runoff from the first one (1) inch of rainfall, unless required to detain additional volume pursuant to State regulations. When the watershed drainage areas are less than one hundred (100) acres, the alternative design criteria allowed by Chapter 62-25, 40D-4, or 40D-40, Florida Administrative Code, is allowed. This alternative allows the treatment of the first one-half (½) inch of runoff. Biological filtration and sand filtration shall be in accordance with SWFWMD design criteria and ~~Manatee County Stormwater Design Manual~~Manatee County Public Works Standards.

E. ~~717.3.4.~~ **Stormwater Discharge from New Development.** The rate of stormwater discharge from new development ~~to~~ shall be equal to, or less than, the rate of discharge that existed prior to development, based on a twenty-five (25) year frequency twenty-four (24) hour duration storm event, or as prescribed in the ~~Manatee County Stormwater Design Manual~~Manatee County Public Works Standards. The post-development point(s) of discharge shall be the same as the pre-development point(s) of discharge for the project site. ~~.~~ An analysis using accepted computer modeling software shall be performed to determine pre and post development flows. In certain watersheds in Manatee County which are known to flood, the rate of runoff shall be reduced by 50%, or as determined by Public Works staff.

F. ~~717.3.5.~~ **Storm Sewers and Drainage Channels.** Trunk storm sewers and major drainage channels shall accommodate the stormwater runoff resulting from a design storm of twenty-five (25) year frequency twenty-four (24) hour duration, consistent with the requirements of Chapter 62-4, 62-25, and 62-40, Florida Administrative Code.

G. ~~717.3.6.~~ **Internal and On-site Drainage Facilities.** All internal~~,~~ and on-site~~,~~ drainage facilities on any project shall accommodate the stormwater runoff resulting from a design storm of ten (10) year frequency twenty-four (~~critical~~ 24) hour duration based on the project site's time of concentration, consistent with the requirements of Chapter 62-4, 62-25, and 62-40, Florida Administrative Code and this Code, unless located within the 100-year floodplain or floodway.

H. ~~717.3.12.~~ **Diverting Stormwater to Adjacent Property.** A stormwater management system shall be designed for all areas to be developed or redeveloped such that any filling or other topography changes within a site will not divert stormwater to any adjacent property or lot. Existing and new swales along property lines shall be maintained by each property owner, Homeowners Association or other maintenance entity to insure positive flow to a detention basin, retention basin or to a primary drainage facility.

I. ~~717.3.13.~~ **Increasing the Impact of Stormwater Discharge.** All development that increases the impact of stormwater discharge from the site, either in terms of volume of water or any pollutant, shall provide for on-site detention and filtration of stormwater runoff to remove oils, floatables, silt, sediment, nutrients, and heavy metals at levels required by applicable federal, state, and regional regulations. Design criteria for developing a Stormwater Management Plan are contained in the Manatee County Public Works Standards Manual.

~~717.3.13.1. Stormwater Management Plans shall be prepared under the direction of a Florida registered professional engineer and all drawings shall be so certified.~~

~~717.3.13.2 Project Area Design Criteria: The criteria below shall be used as minimum design elements of a Stormwater Plan. For projects using the criteria below, a copy of the approved Environmental Resource Permit~~

Commented [LDI15]: Added based on previous discussions with Public Works staff. Will look into further during phase 2.

Commented [LDI16]: Added language to clarify

Commented [LDI17]: clarified ownership responsibilities

Commented [LDI18]: Moved to PW Manual

Commented [LEA19]: Modified per Ord. 09-055 (provided by staff on 1/20/15). Moved to PW Manual (SW).

including the site plans and technical supporting data from applicable State Water Management agencies shall be provided prior to approval by the Manatee County Stormwater Management Division of the Public Works Department. The criteria below shall only be used for approval of a single submittal to Manatee County on a particular piece of land. The criteria below shall not be used on land or lots located within a master drainage system or a subdivision in which each lot is required to provide dedicated stormwater facilities. The criteria below shall not be used for more than one administrative approval on a single piece of property unless otherwise approved by Manatee Stormwater Management or Public Works staff. Regardless of the criteria below, stormwater runoff shall discharge to the historical point(s) of discharge. Drainage runoff which flows from offsite areas shall be conveyed through or bypassed around the development. The criteria below are based upon General Permit for Minor Activities, Section 40D-400.475, 1d. F.A.C., and subject to conformity with any amendments made on this section. The criteria are applicable to all existing platted lots or platted lots of record prior to 1985 with existing improvements and structures that can be claimed as impervious area:

A. For any project, no additional stormwater facilities will be required for - proposed impervious areas less than or equal to 1,000 square feet. However, floodplain and floodway requirements of Sections 717 and 718 continue to apply if the project lies within the FEMA 1-00-year floodplain or floodway or the 25-year floodplain.

B. For projects with less than 4,000 square feet of impervious vehicular use areas (roadways, driveways, drive aisles, loading areas, etc.) and less than 9,000 square feet of total impervious area: i. Attenuation is not required. ii. Water quality treatment is required.

C. For projects with less than 4,000 square feet of impervious vehicular use areas (roadways, driveways, drive aisles, loading areas, etc.) and less than 9,000 square feet of total impervious area located within a Watershed Overlay Protection District or discharge into an Outstanding Florida Waters:

i. Attenuation is not required.

ii. 150% Water quality treatment is required.

D. For projects with less than 4,000 square feet of impervious vehicular use areas (roadways, driveways, drive aisles, loading areas, etc.) and less than 9,000 square feet of total impervious area located within the 1-00-year floodplain or floodway or the 25-year floodplain:

i. Attenuation is required and not subject to flow reduction where necessary.

ii. Water quality treatment is required.

iii. Floodplain Compensation is required.

iv. No-rise permit is required where necessary.

E. For projects with over 4,000 square feet of impervious vehicular use areas (roadways, driveways, drive aisles, loading areas, etc.) and/or greater than 9,000 square feet of total impervious area:

i. Attenuation is required and subject to flow reduction where necessary.

ii. Water quality treatment is required and subject to 150 % requirement where necessary.

iii. Floodplain Compensation is required where necessary.

iv. No-rise permit is required where necessary.

J. 717.3.14. **Design Storm.** Design storm requirements for drainages systems are contained in the Manatee County Public Works Standards

717.3.14.1. Hydraulic Requirements. The discharge rate for a given site shall not exceed the predevelopment discharge rate based on not less than a twenty-five (25) year frequency storm. This requirement may be waived when discharge occurs directly into coastal or tidal waters of the State and where State permits have been obtained; provided that it can be demonstrated that there are no adverse effects.

717.3.14.2. Internal Drainage. Internal drainage systems within any site shall be designed for the ten (10) year frequency storm, unless the retention areas are provided according to the specifications of Section 717.3.14.4, below.

717.3.14.3. Major Drainage Ways. New major drainage ways receiving stormwater runoff from any site shall be designed to maintain positive outfall from the site for the twenty-five (25) year frequency storm, with one (1) foot of free board mandatory. Specific conditions may require more restrictive discharges. This will be determined by the

Commented [LDI20]: Moved 717.3.14.1 thru 717.3.14.5 to PW Manual

~~County Stormwater Engineer in accordance with the Manatee County Stormwater Design Manual. New major drainage ways shall not appreciably drawdown the surficial aquifer; or impact wetlands in contravention of Chapter 40D-4, or 62-312, Florida Administrative Code.~~

~~717.3.14.4. Retention Areas. Retention areas with outlets shall be designed for a twenty-five (25) year frequency storm or as required by the Public Works Stormwater Design Manual. Retention areas with no outlets shall be designed for a one hundred (100) year frequency storm. A retention/detention basin shall not be excavated to a depth which causes the direct exposure of the Floridian aquifer to stormwater retained/detained in any such basin. A retention/detention excavation shall not breach an aquiclude; or adversely affect the adjacent wetlands.~~

~~717.3.14.5 Streets. New streets shall be designed with traffic lanes a minimum of six (6) inches freeboard above the design storm base flood elevation measured to the crown of the road. New bridges and culverts shall be designed to convey the design storm without any adverse impacts such as increased flooding, flow, velocity or erosion. The design storm for new streets shall have a twenty-four (24) hour duration and return frequencies as follows:~~

~~1.For all streets, bridges and culverts within the published FEMA 100 Year Floodplain, the design storm shall be one hundred (100) year return frequency.~~

~~2.For streets, bridges and culverts of arterial and collector facilities not in the published 100 Year Floodplain, the design storm shall be fifty (50) year return frequency.~~

~~3.For local streets, bridges and culverts not in the published one hundred (100) Year Floodplain, the design storm shall be twenty-five (25) year frequency.~~

~~4.The design storm for internal street drainage systems shall be as required by Section 717.3.14.2; however, internal roadway lane elevations shall be designed for the twenty-five (25) year return frequency design storm.~~

K. ~~717.3.8.~~ **Detention/Retention Basins Slopes.** All detention or retention basins shall be designed utilizing ~~side slopes not greater than 4:1, from the top of the bank to three (3) feet below the normal water level. Side slopes may be as steep as 2:1 for that area of the drainage basin which will have a normal water level depth greater than six (6) feet.~~ the Manatee County Public Works Standards.

L. ~~*717.3.10.*~~ **Floodplain Requirements within 25- and 100- year Floodplain.** All fill within the twenty-five (25) year or one hundred (100) year floodplains shall be compensated by creation of storage ~~or~~ of an equal or greater volume, credited above the seasonal high water table, with such compensatory storage also located within the 25 year and 100 year floodplains. Stormwater retention/detention ~~areas~~ volumes below the seasonal high water table shall not be used to compensate for the placement of fill within the one hundred (100) year floodplain. ~~Areas within the one hundred (100) year floodplain adjacent to a tidal influenced water body shall not be subject to this level of service performance standard.~~

M. **Floodplain Compensation.** Developments within a project area greater than one hundred (100) acres shall provide sole use floodplain compensation. This shall include projects that may be less than one hundred (100) acres but are part of a larger project area (i.e. DRIs, multi-phased projects, etc.).

N. **Excavation.** Within any twenty-five (25) year floodplain, it shall be a condition of any permit to provide equal excavation on the same lot to compensate for any filling. ~~This~~The prohibition of habitable structure applies only to areas where the mapping of the twenty-five (25) year floodplain has been completed, or where existing water surface profiles can permit the identification of the twenty-five (25) year floodplain.

O. **Substantiate Engineering Data.** It shall be the responsibility of the applicant to provide engineering data to substantiate compliance with this Section. The Department Director ~~Planning Department~~ shall administer and approve development plans only after verifying compliance with this Section for each development. Areas within the one hundred (100) year floodplain along or adjacent to a tidal influenced water body shall not be subject to this level of service performance standard.

P. ~~*717.3.11.*~~ **Limitation of Habitable Structures within Twenty-Five (25) Year Floodplain.** For parcels within the twenty-five (25) year floodplain, new habitable structures shall be located outside of the twenty-five (25) year floodplain, if reasonably possible, ~~.~~ and all residential lots shall be located outside of the post development twenty-five (25) year floodplain. If the property owner cannot locate the structure outside of the twenty-five (25) year floodplain, then the property owner shall obtain an ~~A~~administrative ~~P~~permit. An ~~A~~administrative ~~P~~permit for such uses shall be granted upon a finding that the proposed structure is located and designed to minimize possible

Commented [LDI21]: Moved standards to PW manual

Commented [LDI22]: Added 25-year floodplain based on previous discussions with public works.

Commented [LDI23]: Covered in Section O below

Commented [LDI24]: Added based on previous discussions with public works staff.

Commented [LDI25]: Added 25-year floodplain based on previous discussions with public works.

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property damage in the event of a twenty-five (25) year storm event.

This limitation shall not preclude the development of water dependent uses, stormwater management facilities, or non-habitable structure, where appropriate. This limitation of habitable structures applies only to areas where the mapping of the twenty-five (25) year floodplain has been completed and adopted as part of the Code. It shall be the responsibility of the applicant to provide engineering data to substantiate compliance with this Section. The Department Director ~~County Building Official~~ shall administer and approve development plans only after verifying compliance with this Section for each development.

O. ~~717.3.15.~~ **Wetlands Protection.** Stormwater management systems shall be designed to protect against harmful siltation and adverse impacts of wetlands that are to be left undisturbed and that could result in the reduction of their natural flood control and water quality control capacity, based upon the twenty-five (25) year frequency storm for flood control and the one (1) year storm for water quality control. Development shall not impede or divert the naturally occurring flow in wetlands. The new drainage facilities shall maintain groundwater levels sufficient to protect and maintain pre-existing wetland vegetation, habitat and hydroperiod~~, that is~~ proposed to be preserved, through the use of weirs, filtration berms, or other means. Wetlands may be incorporated into a stormwater management system subject to the requirements of the State, SWFWMD and the ~~Manatee County Stormwater Design Manual~~ Manatee County Public Works Standards and this Code. The developer shall show that the requirements set out in this Section can be met without significantly altering the existing natural wetlands. See also Section 706~~719~~, Wetland Protection.

R. ~~717.3.16.~~ **Swale** ~~**Lake and Pond**~~ **Design.** ~~Lakes, ponds and similar waterbodies shall be of sufficient permanent depth (minimum six (6) feet), unless in conflict with Section 717.3.14.4 above, and design to maintain beneficial flora and fauna for mosquito control and to preclude extensive growth of cattails or similar bottom rooted emergent vegetation over a central area of the lake. Swales~~ Swales shall allow the positive flow of water without any obstruction. Refer to Section 701 for landscaping specifications. Swales, and similar open drainage facilities shall be designed in accordance with the ~~Environmental Management Development Standards~~ Manatee County Public Works Standards to minimize the creation of mosquito breeding habitat.

Commented [LDI26]: Lakes and pond requirements moved to PW Manual

S. ~~717.3.18.~~ **Design Principles and Practices.** The design of stormwater management systems shall be based upon current and reliable ~~engineering principles and~~best management practices. All analyses shall be performed using the best available data and such other information (i.e. the adopted watershed studies. See the Manatee County Public Works Standards) as may be required to assure compliance with the requirements of this Section and ~~Manatee County Development Standards~~ Manatee County Public Works Standards. Except for single family detached, single family attached dwellings, and duplex dwellings the driveway entrances shall not be utilized to discharge stormwater from on-site to off-site. Swales shall not be constructed across roadways to convey stormwater.

Any stormwater management system shall address the existing total hydrology and water budget for the proposed development. Continuance of existing overall hydrology in the proposed development is required in order to prevent or minimize impacts to the natural components of surface and groundwater hydrology. Stormwater reuse, groundwater recharge, pollutant removal rates, volume and discharge attenuation are some of the required elements that shall be considered in review and approval of any stormwater management plan as appropriate based on the size and nature of the project and included in the proposed stormwater management plan. The extent to which the hydrology design specifically outlined in this paragraph is considered for any development shall be determined by the County Engineer; provided the design is in compliance with the Southwest Florida Water Management District (SWFWMD), the ~~Public Works Stormwater Design Manual~~ Manatee County Public Works Standards and the other provisions of this Section ~~717~~.

T. Finished Floor Elevations. The finished floor elevation for each habitable structure shall comply with this section and section 802 (Floodplain Management).

U. Roadway Drainage. Where a developer constructs or widens a public roadway immediately adjacent to the development the drainages shall comply with the Manatee County Public Works Standards.

Commented [LDI27]: Added to Code as per discussions with PW. Not currently referenced in this chapter.

V. Drainage Easements. When a public drainage easement is required, the easement shall be dedicated to Manatee County and shown on the final subdivision plans and the final plat for the project. In addition, all public drainage easements shall be accessible from public right-of-way or dedicated ingress/egress easement. All drainage easements and ingress/egress easements shall be on clear and level ground, free of obstructions, including landscaping. Manatee County is responsible for maintaining only the free flow of drainage through

these easements.

Commented [LDI28]: Added to Code as per discussions with PW. This is current practice, but not officially in the Code.

W. ~~717.3.17.~~ **Erosion Control.** The development shall include sedimentation facilities and other erosion control measures to protect against erosion and sediment discharges during clearing and construction and to protect against erosion and sedimentation of drainage facilities during the life of the development. No grading, or clearing, except brush removal for surveying, or filling shall be commenced until an inspection is conducted by the Department Director ~~Planning Department~~ to insure that all erosion and sedimentation measures have been applied to all the disturbed areas and specifically around any water bodies, watercourses, or wetlands.

Sediment and erosion control measures will be required to control and minimize damage to downstream and adjacent property, the conveyance system, and to preserve water quality. The method for sediment and erosion control shall be indicated and shown on all plans being submitted to the Building and Development Services ~~Planning~~ Department for approval, and the control measures installed prior to any construction. All swales shall be either sodded or have an equivalent stand of grass prior to approval.

~~717.3.17.1. Building Division of the Planning Department Review.~~ The Building and Development Services ~~Division of the Planning~~ Department shall~~, in addition to other duties,~~ be responsible for the following:

1. ~~A.~~The review of topographic data submitted for construction approval for sinkhole activity and limiting, where necessary, development to achieve compliance with Comprehensive Plan policies and other regulation[s];
2. ~~B.~~The review, at time of construction drawing submittal on any project, that the proposed use or alteration of any slope that is equal to or greater than twenty-six and one-half (26.5) degrees, complies with the Comprehensive Plan policies and other regulations; and
3. ~~C.~~Conditioning all ~~B~~building ~~P~~permits that compliance with soil stabilization, soil erosion and transport policies and regulations is required.

801.4. ~~**717.5.**~~ **Ownership and Maintenance.**

Commented [LDI29]: Ownership and Maintenance requirements moved to PW Manual

The ownership and maintenance of stormwater management systems shall be clearly indicated on subdivision plans and comply with the Manatee County Public Works Standards.

~~717.5.1. Lakes and Ponds. When lakes and ponds are incorporated within a subdivision as part of the stormwater management system, the maintenance responsibility shall be provided in either individual or common ownership; or easement stipulating same. Further a drainage easement for such lakes or ponds shall be granted to the County along with access easements as provided in Section 717.5.6, below, [and] the owner shall be held legally responsible for the continued maintenance and operation of the stormwater management system. Such owner shall have an address of record, and shall represent the interest of all property owners for which the stormwater system has been designed.~~

~~717.5.2. Streets and Other Common Areas. Stormwater management facilities shall be incorporated into rights-of-way, easements, open space areas, retention/detention areas and similar common facilities.~~

~~717.5.3. Private Ownership. Swales and other drainage facilities not in common areas, shall be maintained in private ownership, with appropriate public drainage easements granted to the County.~~

~~717.5.4. Common Ownership. Stormwater management systems in private streets and other common areas shall be provided for in common ownership with all lot owners within the development.~~

~~717.5.5. Major Drainage Facilities. All major drainage facilities servicing any site shall be dedicated to the County together with necessary access easements to said drainage ways.~~

~~717.5.6. Easement Specifications. All easements provided for above shall be required as specified in the Manatee County Development Standards. All access easements shall be on level ground at the top of the bank and shall be designed and maintained sufficiently free and clear of vegetation or other obstruction for vehicular access to permit inspection and maintenance operations, except that clearing shall not be required for access easements to existing major drainage facilities.~~

~~717.5.7. Off-Site Stormwater Management Facilities. An off-site stormwater management facility may be considered if a developer can demonstrate that specific off-site stormwater management facilities, including facilities shared by more than one development, is designed to accommodate the discharge from the development at a twenty-five (25) year frequency storm and that the requirements of paragraph 717.3 above, can be fully achieved for such discharge~~

~~prior to the discharge entering waters of the State. When the off-site stormwater management facility is requested in lieu of on-site facilities; the applicant shall submit for approval a plan indicating the entire contributory area for the off-site facility and written engineering data substantiating the conveyance to the off-site location. Such off-site facilities shall be subject to the approval of the County Engineer. Such facilities may only be utilized, however, where adequate ownership and maintenance methods can be shown to provide for their continued functioning. If the developer selects the use of an off-site stormwater management facility, the developer shall be required to pay a pro-rata cost of the design and construction of said facility based on the quantity of stormwater discharging into any retention/detention facilities that the County develops. All costs associated with upgrading, improving the conveyance system and drainage channels and/or constructing new conveyance systems from the subject development to the off-site retention/detention system shall be borne by the developer.~~

~~717.6. Construction Inspections and Approvals. All work required under this Section, in accordance with the approved construction plans, shall be subject to the approval of the Planning Department and shall serve as a prerequisite for any subsequent permit required at the site or for occupancy thereof.~~

~~717.7. Violations. Any development or activity that proceeds in violation of this Section shall be subject to the provisions of Chapter 12, of this Code. Restoration of land to pre-existing drainage conditions or other corrective actions shall be required where a violation is determined to have occurred.~~

Section 802. ~~. 718~~Floodplain Management.

802.1. ~~718.1.~~ Purpose and Intent.

The objectives of the~~se~~ floodplain management regulations are to: (1) protect human life and health; (2) minimize the potential for property damage and personal injury from flooding; (3) minimize expenditure of public money for costly flood control projects; (4) minimize the need for rescue and relief efforts associated with flooding, which are generally undertaken at the expense of the general public; (5) minimize damage to public facilities and utilities located in the one hundred (100) year floodplain; (6) maintain a stable tax base by providing for the sound use of flood prone areas in such a manner as to minimize future flood blight areas; (7) restrict adverse interference with the normal movement of surface waters; (8) maintain the natural hydrological and ecological functions of wetlands and other flood prone lands; and (9) enable Manatee County to qualify for participation in the National Flood Insurance Program.

802.2. ~~718.2.~~ Applicability.

All new construction, development, or substantial improvements proposed within the limits of the one hundred (100) year floodplain as identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study with the accompanied maps, shall comply with the requirements of this Section, ~~the Manatee County Floodplain Management Code, Ordinance 89-10, as amended, and this Section~~in addition to the applicable standards identified elsewhere in this code and the Manatee County Public Works Standards Manual. Areas seaward of the five (5) foot mean sea level ~~T~~topographic contour, shall also meet additional requirements of Section ~~604.3~~403.8, ~~CH~~ Coastal High Hazard Area Overlay District (CH). ~~The provisions of this Section apply to all zoning districts.~~

Commented [LDI30]: Last sentence not needed. First sentence already says ALL development.

802.3. ~~718.5.~~ Administration.

~~The Building Official shall be responsible for the administration and coordination of the provisions of this Section, with other appropriate County departments.~~ The Department Director ~~Building Official~~ shall perform the following specific duties:

A. ~~718.5.1.~~ Determine any additional information that must be submitted for review before the approval of a development within the one hundred (100) year floodplain.

B. ~~718.5.2.~~ Where interpretation is needed as to the exact location of the boundaries of the area of the one hundred (100) year floodplain (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), or required floor elevations, the Department Director ~~Building Official~~ shall make the necessary interpretation. The person contesting the location of a boundary may request an interpretation as provided in Section ~~515~~311 ~~—~~Interpretations of this Code.

C. ~~718.5.3.~~ Obtain and utilize Base Flood Elevations by obtaining available data from a Federal, State or other source (USGS, SWFWMD, Army Corps, DEP) to determine the Flood Protection Elevation for undetermined zones.

D. ~~718.5.4.~~ Maintain a record of all variances, including justifications for their issuance, and submit a copy annually to the Federal Insurance Administrator.

E. ~~718.5.5.~~ Upon the submission of any construction or development proposal, review the location of the subject property on the Flood Insurance Rate Maps (FIRM)~~,~~and the Flood Boundary and Floodway Map ~~(floodway)~~, and determine the applicable zone, minimum floor elevations and development standards.

F. ~~718.5.6.~~ Assign a designee to ~~R~~review all Floodplain Management Permits and Building Permits and other applicable development orders and approvals to assure that the permit requirements of this Section have been satisfied.

G. ~~718.5.7.~~ Advise permittee that additional federal or state permits may be required, if specific federal or state permit requirements are known, and require copies to be submitted before issuance of a permit.

H. ~~718.5.8.~~ Notify the adjacent communities, the Federal Emergency Management Agency, and the State of Florida Department of Community Affairs prior to any alteration or relocation of a watercourse; and submit evidence of such notification to the Federal Emergency Management Agency and the State of Florida, Department of Community Affairs.

I. ~~718.5.9.~~ Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) for new and substantially improved structures~~.~~

802.4. ~~718.3.~~ Floodplain Management Permit Required.

A ~~F~~floodplain ~~M~~management ~~P~~permit shall be required from the County ~~Building Division of the Planning Department~~ prior to the application for a ~~B~~building ~~P~~permit related to any development activity within the ~~O~~one ~~H~~hundred (100) ~~Y~~year ~~F~~floodplain. ~~No structure or land shall be located, extended, converted or structurally altered within the one hundred (100) [year] floodplain without full compliance with the terms of this Section and any other applicable regulations.~~ Floodplain ~~M~~management permits shall ~~not be~~ neither be transferrable, nor shall run with the land.

Commented [LDI31]: Redundant language

A ~~F~~floodplain ~~M~~management ~~P~~permit shall remain valid unless:

A. ~~1.~~ The Floodplain Management standards ~~Section is~~ are adversely amended;~~,~~ or

~~2. The Floodplain Management Code, Ordinance 89-10 is adversely amended, or~~

B. ~~3.~~ The development deviates from that authorized by the permit.

802.5. ~~718.4.~~ Floodplain Management Permit Procedures.

Application for a ~~F~~floodplain ~~M~~management ~~P~~permit shall be made to the Department Director~~Building Official~~ on forms furnished, prior to the application for any ~~B~~building ~~P~~permit. The application may require, among other things, pertinent plans prepared by an engineer, drawn to scale, showing the nature, location dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; delineation of the flood insurance zones and floodways with their respective boundaries and elevations; elevations of the lowest floor; and type of building materials. In case of a conflict between a ~~F~~floodplain ~~M~~management ~~P~~permit requirement and a requirement from another development ~~approval~~standard, the ~~F~~floodplain ~~M~~management ~~P~~permit shall govern in regards to ~~F~~floodplain ~~M~~management requirements.

802.6. ~~718.6.~~ Floodplain Management Standards.

A. ~~718.6.1.~~ General Standards. All proposed development and construction activities in the one hundred (100) year floodplain shall meet the following requirements, in addition to the applicable standards identified elsewhere in this code ~~and the Manatee County Floodplain Management Code 89-10 as amended~~.

1. ~~718.6.1.1.~~ All new construction including above ground and buried storage tanks, shall be anchored as necessary to prevent flotation, collapse or lateral movement of the structure.

2. ~~718.6.1.2.~~ All new construction shall use materials and utility equipment resistant to flood damage.

3. ~~718.6.1.3.~~ All new development shall use methods and practices that minimize flood damage, collapse or infiltration.

4. ~~718.6.1.4.~~ All new and replacement water supply, sewerage, and waste disposal systems shall be located

and designed to:

a. ~~(a)~~ avoid impairment to them~~,~~;

b. ~~(b)~~ minimize contamination from or to them~~,~~;

c. ~~(c)~~ eliminate infiltration of flood waters into the systems~~,~~; and

d. ~~(d)~~ have a backflow prevention device required for all systems connected to the Manatee County Public Water Supply, or any private or public water well.

5. ~~718.6.1.5.~~ Adequate assurance shall be provided that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

6. ~~718.6.1.6.~~ Improvements to or construction on a given property shall not increase the rate of runoff so as to adversely impact adjacent property owners.

7. ~~718.6.1.7.~~ All development, substantial improvements and new construction shall meet the lowest floor elevation and other requirements of this Code ~~and the Manatee County Floodplain Management Code, Ordinance 89-10~~. The lowest floor elevation for floodplain management purposes shall be one of the following:

a. ~~A.~~ All existing structures and additions to them that meet or exceed the Base Flood Elevation shall be considered conforming for floodplain management elevation provisions.

b. ~~B.~~ All Pre-Firm Structures that are substantially damaged or substantially improved structures must meet or exceed the Base Flood Elevation.

c. ~~C.~~ All new construction must meet or exceed the Flood Protection Elevation.

Commented [LDI32]: Subsection D moved to floodplain variances.

8. ~~718.6.1.7.1.~~ Small, detached, accessory structures, such as sheds, garages, which are resistant to flood damage, containing no habitable space, and ~~have~~ having a maximum fair market value of ten thousand (10,000) dollars may be granted an exemption for the elevation requirements by the ~~Building Official~~ Department Director in accordance with the Federal Emergency Management Agency (FEMA) rules, policy, and interpretations. These exempted structures shall be firmly anchored and constructed and placed on the lot so as to offer the minimum resistance to the flow of flood waters and not cause damage to other structures. This exemption does not apply to services such as electrical, plumbing and mechanical~~, however they may be designed per Manatee County Building Codes and Floodplain Management Code, Ordinance 89-10 as amended~~.

Commented [LDI33]: This provision doesn't make sense.

9. ~~718.6.1.8.~~ All fill within the ~~O~~one ~~H~~hundred (100) ~~Y~~year ~~F~~floodplain shall be compensated by creation of stormwater storage of an equal or greater volume, credited above the seasonal high water table, with such compensatory storage also located within the one hundred (100) year floodplain. Stormwater retention and detention volumes below the seasonal high water table shall not be used to compensate for the placement of fill within the one hundred (100) year floodplain. Stormwater retention and detention facilities within the one hundred (100) year floodplain adjacent to a tidally influenced water body shall not be subject to this performance standard. All fill and earthmoving shall comply with all provisions of this Code and Section ~~732~~702, Earthmoving.

10. ~~718.6.1.9. Limitation of Habitable Structures Within the Twenty-five (25) Year Floodplain.~~ For parcels within the ~~T~~twenty-five (25) ~~Y~~year ~~F~~floodplain, new habitable structures shall be located outside of the twenty-five (25) year floodplain, if reasonably possible. If the property owner cannot locate the structure outside of the twenty-five (25) year floodplain, then the property owner shall make application for an Administrative Permit. An Administrative Permit for such uses shall be granted upon finding that the proposed structure is located and designed to minimize and mitigate possible property damage in the event of a Twenty-five (25) Year Storm Event.

This limitation shall not preclude the development of water dependent uses, stormwater management facilities, or non-habitable structures, where appropriate, and applies only to areas where the mapping of the twenty-five (25) year floodplain has been completed and adopted as part of this Code or where existing water surface profiles can be used to identify the twenty-five (25) year floodplain. In any case, the best available source of information for the twenty-five (25) year floodplain shall be used. It shall be the responsibility of the applicant to provide engineering data to substantiate compliance with this Section. The ~~Planning~~ Department

Director shall administer and approve development plans only after verifying compliance with this Section for each development.

~~718.6.1.10. Hazardous Material and Hazard Waste Material.~~

~~718.6.1.10.1. Watershed Protection Overlay Districts. No storage areas for hazardous or acutely hazardous waste material may be located with any one hundred (100) year Floodplain or Floodway that is contained within the Watershed Protection Overlay Districts (Section 604.1.2.6 and 604.2.2.5).~~

~~718.6.1.10.2. Coastal High Hazard Area Overlay District. Uses which generate, store or dispose of hazardous or acutely hazardous waste material shall comply with Section 604.3.3 of this Code.~~

11. ~~718.6.1.10.3. Floodway.~~ No storage area for hazardous or acutely hazardous waste material and no other hazardous substance material including fuel storage tanks may be located within a Floodway.

12. ~~718.6.1.11.~~ Non-residential buildings may be floodproofed as allowed by ~~Ordinance 89-10, Manatee County Floodplain Management Code as amended,~~ this Code and FEMA's "~~Design Manual for~~ Flood ~~P~~proofing Non-~~r~~Residential ~~Structures~~Buildings~~.~~" guide

B. ~~718.6.2.~~ Specific Standards. ~~In addition to the standards of the Manatee County Floodplain Management Code, Ordinance 89-10 as amended and this Code, t~~The following additional standards shall apply to new and expanded development and new and substantially improved structures:

1. ~~*718.6.2.1.*~~ *Standards for Waters without Established Base Flood Elevations and/or Floodways.* Structures located within the one hundred (100) year floodplain where no basic flood data has been provided, or where no floodways have been provided, are subject to the following provisions ~~shall apply~~:

   a. ~~718.6.2.1.1.~~ No encroachments, including fill material or structures shall be located within thirty (30) feet horizontally from each side at the top of the shoreline unless more restrictive setbacks are required elsewhere. Projects which have ~~exemption~~ Special Exception status under Section 103.2 are exempt~~ed~~ from this thirty (30) foot setback as it applies to wetlands~~.~~; and

   b. ~~718.6.2.1.2.~~ New construction or substantial improvements of structures shall be constructed to the elevation and other floodplain management standards of ~~Section 718.5.3, Section 718.6.2.4 and the Manatee County Floodplain Management Code 89-10 as amended~~this Code.

2. ~~*718.6.2.2.*~~ *Coastal High Hazard Areas* ~~*(VE, VI-30, V-zones and the first sub-area of the CH district)*~~. The following provisions shall apply in the Coastal High Hazard Area; unless more restrictive standards are found elsewhere in this Code.

   a. ~~718.6.2.2.1. Unless specified greater elsewhere, a~~All buildings or structures shall be located a minimum of twenty five (25) feet landward of the reach of the shoreline ~~(See also Section 702)~~. Swimming pools and screened pool cages located at grade level may be located within five (5) feet of a vertical seawall of adequate design to support the surcharge load. Swimming pools located above existing grade level are considered impermissible obstructions unless they meet the performance standards of the Federal Emergency Management Agency's Technical Bulletin No. ~~88-3~~ 5-93 (Free-of-Obstruction Requirements for Buildings Located in Coastal High Hazard Areas) or when located landward of the principal structure and meets the following requirements:

      i. Engineering and certification shall be provided for all structures including swimming pools and pool cages to prevent the flotation, collapse or lateral movement of the structure. The design shall be adequate to withstand flow surge and backflow;~~.~~ and

      ii. Water dependent uses, ~~manufactured~~ mobile homes and recreational vehicles, are exempt~~ed~~ from the twenty-five (25) foot setback above, however they are subject to other setback provisions of this Code or any other applicable local, state or federal regulation.

   b. ~~718.6.2.2.2.~~ There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (therefore rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The ~~Building Official~~Department Director shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, or soil scientist which demonstrates that the following factors have been fully considered;

Commented [LDI34]: Already stated in Chapter 4

Commented [LDI35]: Deleted as it repeats Section 604.1.2.6.(2)

Commented [LDI36]: Already addressed in 604.3.3(3).

Commented [LDI37]: already defined in Chapter 2.

i. ~~718.6.2.2.2.1.~~ Particle composition of fill material does not have a tendency for excessive natural compaction;

ii. ~~718.6.2.2.2.2.~~ Volume and distribution of fill will not cause wave deflection to adjacent properties;

iii. ~~718.6.2.2.2.3.~~ Slope of fill will not cause wave run-up or ramping~~.~~;

iv. ~~718.6.2.2.2.4.~~ The ultimate impact of landscaping and ground cover at maturity; ~~and~~

v. ~~718.6.2.2.2.5.~~ There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage~~.~~;

vi. ~~718.6.2.2.2.6.~~ The impact on saline wetlands and coastal marshes;

vii. ~~718.6.2.2.2.7.~~ All fill shall meet the requirements of this Section ~~718.6~~ and other applicable regulations~~.~~;

viii. ~~718.6.2.2.2.8.~~ Substantially damaged habitable structures shall be relocated to a new location that is outside of the Coastal High Hazard Area Overlay ~~when~~ if sufficient land is available on the parcel~~.~~; and

ix. ~~718.6.2.2.2.9.~~ All development within the Coastal High Hazard Overlay District shall comply with the provisions of Section ~~604.3~~403.8, Coastal High Hazard Area Overlay.

3. ~~*718.6.2.3.*~~ *Floodways.* The following provisions shall apply: to all floodways unless more restrictive elsewhere.

a. ~~718.6.2.3.1.~~ Prohibit encroachments, including fill, new construction, substantial improvements, lateral additions, waterfront structures and other developments within the floodway unless a "no-rise certification" (with supporting technical data) prepared by an engineer is provided demonstrating that the encroachments ~~shall~~ will not cause any of the following:

i. ~~1.~~ Any increase in flood levels during occurrence of the base flood discharge; or

ii. ~~2.~~ An adverse impact on adjacent properties caused by increase of flow, velocity of flood waters, or increased erosion.

b. ~~718.6.2.3.2.~~ Prohibit the placement of ~~manufactured~~ mobile homes and park trailers except in pre-FIRM and existing ~~Manufactured~~ mobile ~~H~~home or R~~.~~V~~.~~ park or subdivision.

4. ~~*718.6.2.4. Standards for a*~~*Areas of shallow flooding (AO and AH Zones).* These areas have base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

a. ~~718.6.2.4.1.~~ All new construction and substantial improvements of structures shall have the lowest floor, including basement, elevated to three (3) feet above existing grade where no base flood elevation is specified~~.~~;

b. ~~718.6.2.4.2.~~ Nonresidential buildings may be floodproofed ~~as allowed by Ordinance 89-10, The Manatee County Floodplain Management Code.~~;

c. ~~718.6.2.4.3.~~ All new subdivision proposals and other proposed non-agriculture developments, (including proposals for ~~manufactured~~ mobile home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data. This data shall include Base Flood Elevations (BFE) and Flood Protection Elevations (FPE) for each lot~~.~~; and

d. All developments subject to this Section ~~718.6.2.4~~c shall also obtain Federal Emergency Management Agency (FEMA) approval.

5. ~~*718.6.2.5.*~~ *Multi-Zone Lots.*

a. ~~718.6.2.5.1.~~ If part of the structure is located in the A Zone and the remaining portion is located in the B, C or X Zone, then the entire structure must be elevated to the A Zone required lowest floor elevation and must conform ~~with~~ to the standards of this Code and the Manatee County Floodplain Management Code.

b. ~~718.6.2.5.2.~~ If part of a parcel is located in the Floodway, then any structure on the parcel, if within fifty (50) feet of the floodway, must be elevated to the required lowest floor elevation for the floodway and

conform ~~with~~ to the construction standards for floodways in the Manatee County Floodplain Management Code 89-10. An applicant may seek relief from this requirement by submitting detailed, engineering data describing any natural features and existing structures which may have a mitigating effect on the hazards of swift flowing waters normally associated with the floodway. All submitted data shall be signed and bear a raised seal affixed by an engineer. This shall be reviewed and the appropriate elevation and construction standards shall be determined by the ~~Building Official~~Department Director. This study shall be done in accordance with procedures and guidelines established by the Federal Emergency Management Agency (F.E.M.A.).

c. ~~718.6.2.5.3.~~ If part of a parcel is located in the Velocity Zone then any structure on the parcel within fifty (50) feet of the velocity zone, must be elevated to the V Zone required lowest floor elevation and conform ~~with~~ to the standards for velocity zones in the Manatee County Floodplain Management Code. An applicant may seek relief from this requirement by submitting detailed engineering data describing any natural features and existing structures which may have a mitigating effect on the wave action normally associated with the V Zone. This shall be reviewed and the appropriate elevation and construction standards shall be determined by the ~~Building Official~~Department Director. This study shall be done in accord with procedures and guidelines established by Federal Emergency Management Agency (F.E.M.A.).

6. ~~*718.6.2.6.*~~ *Development*.

a. ~~718.6.2.6.1.~~ In a new or expanded development, each lot located in the one hundred (100) year floodplain must include a site suitable for constructing the building in conformity with the ~~applicable standards of this Code and the~~ Manatee County ~~F~~floodplain ~~Management Code~~regulations.

b. ~~718.6.2.6.2.~~ All development proposals shall be consistent with the need to minimize flood damage and shall not increase rate of runoff so as to adversely impact adjacent properties.

c. ~~718.6.2.6.3.~~ Flood Protection Elevation data shall be provided for subdivision proposals, lots and other proposed development (including mobile home parks and subdivisions).

7. ~~*718.6.2.8. Manufactured*~~ *Mobile Home, Park Trailer, and Recreational Vehicle*.

a. ~~718.6.2.8.1.~~ No ~~manufactured~~ mobile home or park trailers shall be placed in a ~~F~~floodway, ~~Hurricane Vulnerability Zone~~ Coastal Planning Area (see Coastal Planning Area map ~~4.B of~~ in the Comprehensive Plan), or Coastal High Hazard Area except in an existing and pre-FIRM ~~manufactured~~ mobile home and recreational vehicle park~~s~~ ~~and~~ or subdivisions.

b. ~~718.6.2.8.2.~~ All ~~manufactured~~ mobile homes and park trailers located within the one hundred (100) year floodplain shall be anchored to resist flotation, collapse or lateral movement as required by this Code~~the Manatee County Floodplain Management Code, Ordinance 89-10, as amended~~.

c. ~~718.6.2.8.3. Any of the following: (1) all n~~New ~~Manufactured~~ mobile ~~H~~home ~~P~~parks or ~~S~~subdivisions, ~~(2) all~~ new Planned Development Recreational Vehicle (PDRV) ~~P~~parks or ~~S~~subdivisions, ~~(3) all~~ expansion~~s~~ or substantial improvements to existing parks or subdivisions~~any of the above~~, ~~(4) any repair, reconstruction or improvement of the streets, utilities and pads which equals or exceed fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement, commences~~, and ~~(5)~~ all new~~,~~ individual ~~manufactured~~ mobile homes allowed elsewhere, shall meet the following additional requirements.

i. ~~718.6.2.8.3.1.~~ Shall not be located in the Coastal High Hazard Area, ~~Hurricane Vulnerability Zone (map 4B of the Comprehensive Plan)~~Coastal Planning Area, Coastal High Hazard Area Overlay district or ~~F~~floodway~~.~~;

ii. ~~718.6.2.8.3.2. Manufactured~~ Mobile home and park trailer spaces (pad) in new and expanded parks and subdivisions~~,~~ shall be no more than twenty-four (24) inches below the Flood Protection Elevation (F.P.E.). ~~Manufactured~~ Mobile home units shall be elevated so that the lowest floor of the unit will be at or above the Flood Protection Elevation (F.P.E.)~~.~~;

iii. ~~718.6.2.8.3.3.~~ Adequate surface drainage and access for a ~~manufactured~~ mobile home hauler shall be provided~~.~~; and

iv. ~~718.6.2.8.3.4.~~ These restrictions shall not apply to sites, lots, spaces or pads which are designed for

Commented [LDI38]: 718.6.2.7 moved to environmental chapter, earthmoving section.

Commented [LDI39]: Changed the name from Hurricane Vulnerability to Coastal Planning Area & updated Map reference as requested by Sandy Tudor in 3rd Round Comments.

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and allow only ready for highway use recreational vehicles.

d. ~~718.6.2.8.4.~~ Pre-FIRM ~~manufactured~~ mobile home and pre-FIRM recreational vehicle parks and subdivisions.

i. ~~1.Manufactured~~ Mobile homes and park trailers when placed on a site in a pre-FIRM ~~manufactured~~ mobile home, pre-FIRM recreational vehicle park or subdivision shall be elevated so that their lowest floor is at or above the Base Flood Elevation (B.F.E.), when the existing ~~manufactured~~ mobile home or park trailer has incurred substantial damage as a result of a flood.

ii. ~~2.Manufactured~~ Mobile homes and park trailers that are placed or substantially improved on sites in pre-FIRM ~~manufactured~~ mobile home or pre-FIRM recreational vehicle parks or subdivision in the one hundred (100) year floodplain shall be elevated and supported by reinforced piers (or other equivalent strength foundation) that are a minimum of thirty-six (36) inches in height above the existing grade. The piers may be less than thirty-six (36) inches and a regular set-up used, provided that the lowest floor is at or above the required Base Flood Elevation (B.F.E.).

All footings shall be adequate to support the weight of the ~~manufactured~~ mobile home or park trailer under saturated soil conditions.

iii. ~~3.~~All recreational vehicles in recreational vehicle parks or subdivisions are exempted from the Floodplain Management Section of this Code provided that the vehicles ~~is~~ are in the park or subdivision less than one hundred eighty (180) days, ~~is~~ are fully licensed, ready for highway use and ~~has~~ have no additions.

iv. ~~4.~~Recreational vehicles which are currently on sites, in recreational parks or subdivisions, on the effective date of this Code and which are not fully licensed or not ready for highway use or have additions, are exempted from the Floodplain Management Section of this Code, until they are substantially improved, substantially damaged, enlarged or replaced.

v. ~~5.~~Recreational vehicles installed or erected after the effective date of this Code in new or expanded parks and subdivisions may remain on site for no more than one hundred eighty (180) consecutive days.

vi. ~~6.~~No additions shall be allowed to any new or existing recreational vehicle in the one hundred (100) year floodplain.

8. ~~*718.6.2.9.*~~ *Standards for Subdivision Proposals*. In addition to the requirements for development listed above, subdivision proposals shall meet the following:

a. ~~718.6.2.9.1.~~ All subdivision proposals shall be consistent with the need to minimize flood damage, and shall not increase runoff so as to adversely impact adjacent properties.

b. ~~718.6.2.9.2.~~ Each lot of the subdivision located in the floodplain, must include a site suitable for constructing the building in conformity with the applicable standards of this Code ~~and the Manatee County Floodplain Management Code~~.

c. ~~718.6.2.9.3.~~ All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

d. ~~718.6.2.9.4.~~ All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

e. ~~718.6.2.9.5.~~ No net loss of stormwater storage within the one hundred (100) year floodplain will be permitted.

~~718.6.2.9.6. See Section 718.6.2.6 – Development.~~

9. ~~*B.*~~ *Minimum Floor Elevation.* In all situations, the finished floor elevation shall be a minimum of eight (8) inches above the immediate surrounding grade on all sides of the building and the required finished floor elevation shall be determined as follows:

a. ~~1.~~ Single-family detached dwellings, duplexes and multi-family dwellings shall be a minimum of twenty-one (21) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured along the entire frontage of the lot on which the building is located and in accordance with

Commented [LDI40]: 718.6.2.10 moved to chapter 5 (Water Dependent Uses)

Commented [LDI41]: Moved here from 702.9.

adopted Transportation Highway and Drainage Standards.

b. ~~2.~~ In special conditions and for non-residential sites, a professional engineer may submit a storm drainage plan to be approved by the ~~County Transportation~~Department Director~~ or his designee~~. The storm drainage plan shall provide:

i. ~~(a)~~ Sufficient relative or actual spot elevations to include: all necessary elevations at property lines or within two hundred (200) feet of the structure, whichever is less; street crown; right-of-way lines; inverts at culverts; existing and proposed finished floor elevations at all buildings;

ii. ~~(b)~~ Positive drainage away from buildings to a swale located in an easement or storm drainage system with minimum slopes per Transportation Highway and Drainage Standards;

iii. ~~(c)~~ No flow onto adjacent property without a recorded drainage flowage easement;

iv. ~~(d)~~ Finished floor elevation of at least eighteen (18) inches above the average grade of the top of bank of either the swale or drainage facility;

v. ~~(e)~~ Drainage flow arrows specifically indicating the direction of flow to all drainage outfalls; and

vi. ~~(f)~~ Construction details and cross sections in accordance with the Stormwater Management Design Manual and Highway and Drainage Standards for lot drainage.

In addition to the permit fee, any costs associated with the County Engineering staff verifying the accuracy of the plan and the drainage conditions shall be borne by the applicant.

c. ~~3.~~ In all new subdivisions, the Engineer of Record shall show the finished floor elevation for each lot on the construction drawing for the subdivision, prior to approval.

d. ~~4.~~ Applicability of Finished Floor Elevation Requirements:

i. *Approved Plans:* Structures in developments for which either construction plans or final site plans containing minimum finished floor elevations were approved prior to April 1, 2006, shall be exempt from the drainage regulations ~~enacted by Ordinance 06-16~~ and shall comply with the minimum finished floor elevation requirement of eighteen (18) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured on the entire frontage of the lot on which the building is located.

ii. *Pending Plans:* Structures in developments for which either construction plans or final site plans containing minimum finished floor elevations was submitted but not yet approved prior to April 1, 2006, shall be exempt from the drainage regulations ~~enacted by Ordinance No. 06-16~~ and shall comply with the minimum finished floor elevation of eighteen (18) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured on the entire frontage of the lot on which the building is located. In the event such an application for construction plan or final site plan approval has been withdrawn after April 1, 2006, any resubmitted construction plan or final site plan shall not be exempt from ~~Ordinance No. 06-16~~the elevation requirements contained in this code.

e. ~~702.9.3. *Exclusions.*~~ The minimum floor elevations of this Section shall not apply to:

i. ~~1.~~ Non-habitable residential attached or detached accessory structures;

ii. ~~2.~~ Signs;

iii. ~~3.~~ Less than one thousand (1,000) square feet of nonresidential floor area as either a whole building or an addition;

iv. ~~4.~~ Additions to existing residential structures; and

v. ~~5.~~ Agricultural uses.

However, no such freestanding structure shall be located on a site except in accordance with the applicable provisions of Section ~~717~~801, Stormwater Management, and Section ~~718~~802, Floodplain Management.

802.7. ~~718.7.~~ Designation of Maps and Procedures for Amendment.

A. 718.7.1. **Floodplain Management Maps.** The Oone Hhundred (100) Yyear Ffloodplain and Ffloodways shall be those identified in the Flood Insurance Study for Manatee County with its accompanying Flood Insurance Rate Maps (FIRM), Flood Boundary and Floodway Maps (Floodway), and their respective map indexes, which are prepared by the Federal Emergency Management Agency (FEMA), and bear the common Community Number 120153.

This study and maps are prepared by the Federal Emergency Management Agency (FEMA). These documents bear the Community Number 120153. The study is dated September 15, 1983, while the maps are dated March 15, 1984.

The current and latest editions of the FEMA studies,y maps and indexes are hereby adopted and shall be updated as necessary by an ordinance of the Board. The maps and study studies shall be maintained and available for public inspection at the Planning Building and Development Services Department.

B. 718.7.2. **Procedure for Map Amendment.** If an applicant has reason to believe that the boundary lines of the Oone Hhundred (100) Yyear Ffloodplain or the designated limits of the Ffloodway or Coastal High Hazard Areas (V-Zones) are incorrect, then a request for a "Letter of Map Amendment" must be submitted to the Federal Emergency Management Agency in accordance with the requirements established by that Agency. To be approved, the request along with accompanying engineering, computer program, etc. must be approved by the Federal Emergency Management Agency and the appropriate State and County departments. Site specific map amendments when approved shall not require the approval of the Board.

718.9. Violations.

802.8. 718.10. Floodplain Variances.

A. **718.10.1.3. Purpose.** Variances from the Floodplain elevation standards may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less lot area that is contiguous to and surrounded by lots with existing structures constructed below the base flood level. The granting of floodplain variances is usually limited to a lot sites with a lot area of less than one-half (½) acre,; however, deviations from that limitation may occur. When the lot area increases beyond one-half (½) acre, the technical justification required for issuing a variance increases.

718.10.2.14. Variances shall not be issued within any designated floodway if any increases would result in flood levels during the base flood discharge would result. and

718.10.2.15. Variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights.

B. **509.5.1. Sufficiency ReviewReview of Variances From Floodplain Management Standards.**

As part of the required sufficiency review, aAny Vvariance from floodplain management standards requested pursuant to this Ssection 718, shall be reviewed by the Department DirectorBuilding Official, who shall determine whether the application is consistent with this Ssection 718. The Building DirectorDepartment Director shall issue a determination of consistency prior to the scheduling of the Vvariance for public hearing,. and shall submit the report Such report shall be included in the report submitted to the Hearing Officer or Historic Preservation Board, as applicableappropriate official or board by the Planning Director.

The Manatee County Construction Code Board of Appeals shall consider and rule upon appeals of a determination of consistency by the Building Director regarding floodplain management Variance applications. Decisions of the Construction Code Board of Appeals may be appealed within thirty (30) days of the date of action taken.

C. D. **Administrative Waivers.** Administrative waivers of the Flood Protection Elevation may be approved by the Building Official upon demonstration of just cause, by the Building Official. These waivers shall not result in a lowering of the required Flood Protection Elevation of more than two (2.0) inches.

D. 718.10.1. **Hearing Officer Review.** The Hearing Officer shall hear and decide appeals on administrative determinations and requests for a variance from the floodplain elevation standards of this section, except as indicated below, according to the procedure and standards of review as established in Section 509 – Variances and the following additional criteria listed below.

E. **718.10.5. Historic Preservation Board ReviewElevation Consistent with Historical Integrity of Historic**

Commented [LDI42]: moved from below

Commented [LDI43]: Violations section moved to chapter 1

Commented [LDI44]: STAFF: How much can the lot size deviate? Is the size limitation needed if it can be modified? Is it true that the technical justification increases? Are the additional requirements stated anywhere in the code to that effect?

Commented [LDI45]: Brought in from Chapter 5.

Commented [LDI46]: Inconsistent with 718.10.1, which states that the HO reviews appeals on administrative determinations.

Commented [LDI47]: Moved here from Section .

Commented [LDI48]: STAFF: Are there any floodplain variances that the Director can approve? Not sure why this section says that the HO would hear appeals.

Structures and Neighborhoods. Appropriate additions to existing historic structures within the Cortez Fishing Village HA Overlay, excluding signs, which require a floodplain variance pursuant to this section of the Code shall be reviewed and approved by the Manatee County Historic Preservation Board in lieu of the Hearing Officer.

1. 718.10.5.1. The proposed work must first be granted a Certificate of Appropriateness by the Manatee County Historic Preservation Board in accordance with the requirements of Section 514 347 of this Code; and.
2. 718.10.5.2. The proposed lowest habitable floor of the renovation/addition must be equal to or higher than the elevation of the existing historical structure without the use of fill.

718.10.5.3. The Historic Preservation Board shall be authorized to review and approve any variance regarding proposed floodplain elevation of structures within the Cortez Fishing Village Historical and Archaeological Overlay District using the criteria found in 718.10.1 and 718.10.2.

F. 718.10.2. **Review Criteria.** When reviewing floodplain variance requests, Tthe Hearing Officer and the Historic Preservation Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinancechapter and the Public Works Standards Manual, and the following criteria:

1. 718.10.1.1. Variances shall only be issued upon a determination that a unique and unnecessary hardship would result and the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design or designation of the building.
2. 718.10.2.1. The ability to evacuate a person in time of an impending flood and safety of access to the property in times of flood for ordinary and emergency vehicles;
3. 718.10.2.2. The necessity of a water dependent use facility to a waterfront location provided that: the structure or other development is protected by methods that minimize flood development is protected by methods that minimize flood damage during the base flood; no additional threats to public safety are created and the other factors of this section are considered.;
4. 718.10.2.3. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
5. 718.10.2.4. The compatibility of the proposed use with existing and anticipated development;
6. 718.10.2.5. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

718.10.2.6. The safety of access to the property in times of flood for ordinary and emergency vehicles.

7. 718.10.2.7. The danger that materials may be swept onto other lands that may cause injury to others;
8. 718.10.2.8. The danger of life and property due to flooding or to erosion damage;
9. 718.10.2.9. The susceptibility of the proposed facility and its contents to flood and erosion damage and the effect of such damage on the individual owner's life and property;
10. 718.10.2.10. The importance of the services provided by the proposed facility to the community;
11. 718.10.2.11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
12. 718.10.2.12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

G. 718.10.2.13. **Conditions.** Upon consideration of the factors listed above, and the purposes of this Section, tThe Hearing Officer approving authority may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Code.

H. **718.10.1.2.** **Notice of Disclaimer.** Any applicant to whom a floodplain variance from Section 718 or the Floodplain Management Code, Ordinance 89-10 is granted shall be given a written Notice of Disclaimer signed by the Building Official. This Notice of Disclaimer shall be recorded by the applicant in the Clerk of the Circuit Court's office so that the Notice of Disclaimer runs with the land. This notice shall state the following: The variance does not run with the land and applies only to the current structure and use. Any change in the structure (substantial

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damage, etc.) or use may invalidate this variance. The issuance of a variance to construct a structure below the required elevation will result in increased insurance premium rates for flood insurance ~~up to or exceeding twenty-five dollars ($25.00) for every one hundred dollars ($100.00) of coverage~~ and such construction below the required elevation increases the risks to life and property.

~~718.10.3. The variance shall not run with the land.~~

I. ~~718.10.4.~~ **Submittal to FEMA.** All variances issued for floodplain purposes shall be submitted to the Federal Insurance Administrator.

802.9. ~~718.8.~~ Warning and Disclaimer of Liability.

~~718.8.1.~~ The degree of flood protection required by ~~this Section~~Manatee County is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasions. Flood heights can be increased by man-made or natural causes. This ~~S~~section does not imply that land outside the areas of the floodplain or uses permitted within such areas will be free from flooding or flood damages. This ~~S~~section shall not create liability on the part of Manatee County or by an officer or employee thereof for any flood damages that result from reliance on this ~~S~~section or any administrative decision lawfully made thereunder.

802.10. ~~718.11.~~ Appeals.

See Chapter 2, Part X~~Section 516~~ Appeals.

Section 803. ~~722.1.8.~~ Utility~~ies~~ Service Requirements.

803.1. ~~722.1.8.1.~~ Sanitary Sewerage.

Every development shall have a sanitary sewerage system adequate for the type of development proposed and related to existing or potential surrounding development. The sanitary sewerage system shall form a logical part of a coordinated system minimizing potential sanitary sewerage problems for the general area, as designated by service areas under the respective Sanitary Sewerage Service Area Master Plan. All sanitary sewerage systems shall conform to the requirements of the ~~Manatee County Public Works Standards~~ Manatee County Public Works Standards and the Manatee County Health Department, Environmental Health Services~~HRS/Manatee County Public Health Unit~~. Each lot shall be connected to the sewer main by a single individual sewer service connection.

A. ~~722.1.8.1.1.~~ **Mandatory Connection.** ~~All costs associated with the installation and connection to a public sanitary sewer system shall be borne by the developer.~~ Connection to a public sanitary sewer system is mandatory for the wastewater collection areas shown on the Water/Wastewater Service Areas Map ~~9-A~~ of the Comprehensive Plan, unless specifically exempted by Chapter 2-31~~Ordinance 89-02, Mandatory Sewer Connections~~ of the Code of Ordinances, or through Special Approval as provided for in subsection B, below.

~~722.1.8.1.3. Connection to the Manatee County public wastewater system is mandatory for any development within the wastewater collection areas shown on Map 9-A of the Comprehensive Plan, unless Special is granted Approval.~~

B. **Exemption through Special Approval.**

1. *Administrative Approval.* Special Approval to not connect to the public sanitary sewer system may be granted administratively in conjunction with a Final Site Plan, subdivision plat, Administrative Permit or other approval process if the following criteria are met:

   a. ~~•~~ The project contains five (5) lots or less;

   b. ~~•~~ The applicant provides a cost estimate acceptable to Manatee County demonstrating the cost to connect to public sewer is sixty thousand dollars ($60,000.00) more than the cost to provide a septic tank;

   c. ~~•~~ The proposed level of treatment for the septic system meets or exceeds minimum Health Department standards;

   d. ~~•~~ The proposed septic tank is setback a minimum of four hundred (400) feet from an Outstanding Florida Water body;

   e. ~~•~~ The septic tank is located a minimum of two hundred (200) feet from any jurisdictional wetland (in WPE/WPM Overlays); and

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f. The proposed project is not within an area of known flooding.

2. *Board Approval.* If the Planning Department Director determines that either the above described criteria or those in Section 605.5345.5 of this Code cannot be met, or the Planning Department Director determines that approving the request administratively would not be in conformance with the Comprehensive Plan, then the Special Approval request shall be heard by the Board of County Commissioners after consideration of the following factors at an advertised public hearing:

a. Proposed wastewater impacts,

b. Accessibility of the central system,

c. Proposed infrastructure improvements,

d. Environmental sensitivity,

e. Development trends and timing,

f. Compatibility of development,

g. Proposed mitigation measures,

h. Telecommunication facilities, and

i. Location in areas subject to flooding.

C. 722.1.8.1.2. Interim Wastewater Treatment Plants. The use of any interim wastewater treatment plant to provide for sanitary sewer service for any development located within the wastewater treatment collection areas shown on the Water/Wastewater Service Areas Map 9-A of the Comprehensive Plan, is prohibited unless approval by the Board is granted to not connect to the public sanitary sewer system and analysis of the following factors has been completed:

The following factors shall be included in any analysis submitted for approval of an interim wastewater treatment plant:

1. Analysis from individual on-site systems, versus an interim treatment plant.

2. Level of treatment proposed.

3. Possible connection to other municipal wastewater treatment systems.

4. Location within or adjacent to environmentally sensitive areas.

5. Location within areas subject to flooding, and

6. Consideration of the appropriate timing and type of proposed development.

722.1.8.1.3.1 **Dry Lines.** Septic tanks or an interim wastewater treatment plants approved pursuant to this Section, and shall be constructed with dry-lines consistent with Policy 9.2.4.5 of the Comprehensive Plan, so as to readily permit connection to the public sanitary sewer system. Dry-lines are required to be installed on all residential developments equal to or greater than one (1) dwelling unit per acre and all non-residential development within the wastewater treatment collection area. Dry-lines for sewerage shall be extended to the appropriate project boundary or boundaries. Within two (2) years of the availability of a sanitary sewer line with adequate capacity to accommodate wastewater flows from the developed portions of the project, all dry-lines for the project shall be connected to the available sanitary sewer line(s).

D. 722.1.8.1.4. Projects outside the EPA 201 Facilities Service Area shall generally be exempted from this policy, unless a requirement for installation of dry-lines in any such project is adopted as a condition of development order approval.

E. 722.1.8.1.5. Costs. All costs associated with the installation and connection to a public sanitary sewer system shall be borne by the developer. Any connection or extension to a public sewerage system in advance of the availability of the public sewerage system contiguous to the development shall be at the developer's expense.

722.1.8.1.6. General and individual sewerage systems including septic systems where allowed outside the defined EPA 201 service area or exempted by Ordinance 89-02 and Resolution 89-70 shall be approved by the HRS/Manatee County Public Health Unit and the Public Works Department. On-site sewerage systems shall be constructed in

~~accordance with the HRS/Manatee County Public Health Unit regulations in such a manner as to facilitate later connection to a public collection facility including design and installation of septic systems so as to provide for eventual connection of this system to a public sewage collection system.~~

~~722.1.8.1.7. The coordination and sharing of any portion of the sewerage system between developments shall be preferred, including installation of over size facilities to serve a natural tributary area, with such oversizing paid for where appropriate, by the Manatee County Public Works Department when designed to serve property other than that owned by the developer. All major sewer collection lines provided by a developer, shall be dedicated to Manatee County, together with necessary easements for access and maintenance.~~

~~722.1.8.1.8. In the Twenty-five (25) year and One Hundred (100) Year Floodplain, in addition to the requirements of Section 718, all new and replacement sewerage and waste disposal systems shall be located and designed to:~~

~~Avoid impairment to the floodplain;~~

~~Minimize contamination to the floodplain;~~

~~Eliminate infiltration of flood waters; and prevent contamination of the aquifers.~~

~~722.1.8.1.9. In the 25 year and 100-year floodplain, in addition to the requirements of Section 717 and 718, all new construction, including buried storage tanks, must be anchored as necessary to prevent flotation, collapse, or lateral movement of the structure.~~

~~722.1.8.1.10. All industrial or commercial land uses which generate a wastewater load of a character not permitted for disposal in the County's system, pursuant to Ordinance 88-01, the property owner and facility operator shall pretreat wastewater to achieve compliance with standards required by that Ordinance. This pretreatment shall occur prior to discharge of wastewater into any public or on-site sewage system.~~

~~722.1.8.1.11. All satellite lift stations shall be landscaped in accordance with the Landscaping Tree and Shrub requirements for Satellite Lift Stations of the Manatee County Public Works Standards.~~

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F. ~~722.1.8.1.12.~~ Evers Reservoir. ~~Require c~~Connection to the County sanitary sewer system is required for all new commercial and residential structures located in the Evers Reservoir portion of the Watershed Overlay District, when located within one (1) mile of a sanitary sewer system. The exception shall be for structures located on single-family lots of record for which it has been determined by Manatee County that such a connection is not economically feasible.

803.2. ~~722.1.8.2.~~ Water.

Every development shall have a potable water supply system adequate for the type of development proposed and related to existing or potential surrounding development so as to form a logical part of a coordinated system minimizing potential water supply problems for the general area. Potable water may not be required for Antenna Structures at the ~~Planning Director~~Department Director's discretion. No water service shall be furnished to any person by a public or private utility or water well unless such person agrees to accept all the provisions of the Water Shortage Plan and the Water Shortage Emergency, as defined in the Code of Ordinances. The acceptance of water service shall be in itself the acceptance of the above provisions. ~~722.1.8.2.4.~~ All water supply systems shall be planned and constructed by the developer in accordance with the Manatee County Public Works Standards.

A. Mandatory Connection. New development shall connect to the County potable water system when water supply and service to the site are reasonably available, except for single-family homes on lots of record. If a public water supply is not available, an individual private well water supply system may be allowed, if approved by the ~~HRS/Manatee County Public Health Unit~~Manatee County Natural Resources Division.

B. ~~722.1.8.2.1.~~ Cost. The applicant for every development shall pay the full cost of installation of all water distribution system components which are needed on and off the development site to effectuate potable water service to the site regardless of distance. ~~New development shall connect to the County potable water system when water supply and service to the site are reasonably available, except for single-family homes on lots of record. If a public water supply is not available, an individual private well water supply system may be allowed, if approved by the HRS/Manatee County Public Health Unit.~~

~~722.1.8.2.2. Individual Private water distribution systems supplied by individual wells shall be constructed to facilitate~~

~~independent connections to a public water distribution facility. All water wells constructed in Manatee County shall conform to Chapter 373 F.S., the requirements of the Southwest Florida Water Management District and the HRS/Manatee County Public Health Unit, including all provisions in the interlocal agreement between Manatee County and the Southwest Florida Water Management District.~~

~~722.1.8.2.3. The coordination and sharing of any water distribution system excluding individual private well water supply systems, between development shall be preferred, including installation of oversize facilities to serve a logical area, with such oversizing paid for, where appropriate, by the Public Works Department when designed to serve property other than that owned by the developers.~~

~~722.1.8.2.4. All water supply systems shall be planned and constructed by the developer in accordance with the Manatee County Public Works Standards.~~

~~722.1.8.2.5. In the Twenty-five (25) Year and One Hundred (100) Year Floodplain, in addition to the requirements of Section 717 and 718, all new and replacement water supply systems shall be located and designed to:~~

~~Avoid impairment to the floodplain;~~

~~Minimize contamination to the floodplain;~~

~~Eliminate infiltration of flood waters; and~~

~~Prevent contamination of the aquifers.~~

~~722.1.8.2.6. In addition to the requirements of Section 717 and 718, all new construction, additions, including buried storage tanks which are in the Twenty-Five (25) Year or the One Hundred (100) Year Floodplain, must be anchored as necessary to prevent flotation, collapse, or lateral movement of the structure.~~

803.3. ~~Section 728~~Solid Waste ~~Regulations~~.

See Chapter 2-16 of the Manatee County Code of Ordinances for solid waste collection and disposal requirements, and the Manatee County Public Works Standards for waste storage facility standards.

803.4. ~~722.1.8.3.~~ Irrigation.

A. Requirements. The irrigation system shall comply with Section ~~715~~701, The Manatee County Comprehensive Plan, and the Manatee County Cross Connection and Back Flow Prevention Code, Manatee County Plumbing Code and the Manatee County Irrigation Code. All required landscaping shall meet the irrigation requirements of Section ~~715~~701 and the Manatee County Public Works Standards.

~~. When a suitable water supply other than public potable water is available, irrigation shall be from the non-public water source. A suitable water supply, may be, but is not limited to, lakes, ponds, stormwater retention areas, and approved reuse systems. Design and use of wet stormwater facilities as sources of water for irrigation shall be required, as long as the use for irrigation does not adversely impact normal water levels in such a way that it impairs the viability of the biological treatment system. Suction lines from individual lots shall not be connected to or extend to sewer, stormwater drains, or catch basins to provide irrigation or non-potable water for any lot.~~

B. ~~The Planning Directormay require the use of drought resistant species and may specify operational schedules and practices for irrigation for water conservation. No water service shall be furnished to any person by a public or private utility or water well unless such person agrees to accept all the provisions of the Water Shortage Plan and the Water Shortage Emergency. The acceptance of water service shall be in itself the acceptance of the above provisions.~~ **Alternative Water Source.** The use of reclaimed water or other alternative sources shall be required for sites located outside of the Watershed Overlay Districts and located in an area that either has the distribution system for reclaimed water or is programmed to have such system installed.

~~Potable water shall not be used for landscape irrigation unless the cost to extend reclaimed water lines is prohibitive and there is no access to alternative sources, such as shallow wells and wet retention/detention ponds.~~

~~722.1.8.3.1. Dual distribution systems for irrigation purposes may be required on all sites within a EPA 201 service area which are identified by the Public Works Director as being economically feasible for the Public Works Department to provide a connection to a public re-use water system at the periphery of the development. Such~~

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~~systems shall be connected to the approved reuse system when available. The determination of when the dual distribution system will be required will be made at the time the applicant submits the initial development application.~~

~~722.1.8.3.2. Dual distribution systems with supplemental source or irrigation water is required, whenever a development covenant running with the land requires all lots to install irrigation systems.~~

~~722.1.8.3.3. Dual distribution systems serving residential developments shall be installed in accordance with the Manatee County Public Works Department standards.~~

~~722.1.8.3.4. No private irrigation sprinkler line or sprinkler head shall be installed within the rights-of-way without the written approval of the Public Works Department. Sprinkler heads shall be installed so as not to distribute water onto the sidewalks and travel lanes or effect the safety of pedestrian and motorists safety. (Also refer to Section 715.11.2.)~~

~~722.1.8.3.5. All piping and outlets conveying re-use water shall be adequately and durably identified by a distinctive color coding so that it is readily distinguished from piping carrying potable water. The color coding shall comply with the American National Standards Institute ANSI Z53.1 and identified in accordance with ANSI A13.1.~~

803.5. ~~722.1.8.4.~~ Fire Protection.

A. ~~722.1.8.4.1.~~ **Fire District Approval.** In all developments, the adequacy of the protection services, water supply pressure, hydrant locations, fire lanes and maneuvering areas shall be subject to the approval of the appropriate Fire District, and the ~~Planning Department~~ Department Director.

B. ~~722.1.8.4.2.~~ **Hydrants.** All fire hydrants shall be installed in accordance with the Manatee County Public Works Standards~~Manatee County Public Works Department Development standards~~, and dedicated to Manatee County when they are connected to a water distribution system operated by the Manatee County Public Works Department.

C. ~~722.1.8.4.3.~~ **Additional Requirements.** In addition, fire hydrants shall be provided in all new developments which meet the following criteria:

1. All developments which require an extension of the water distribution system.
2. All developments which require the submission of a preliminary site plan~~development concept plan~~ as set forth in Section ~~510~~360, Certificate of Level of Service Compliance.
3. All non-residential developments which consist of a single building or group of buildings under one roof having greater than 10,000 square feet of floor area or a group of buildings under separate roofs separated less than ten (10) feet and having a sum total square footage greater than 10,000 square feet.

D. ~~722.1.8.4.4.~~ **Location.** Fire hydrants shall be located (1) no more than eight hundred (800) feet apart and (2) within four hundred (400) feet of the main entrance of all non-residential buildings in the development as measured along normal access routes, (3) at the end of any water line unless another hydrant is located within five hundred (500) feet.

E. ~~722.1.8.4.5.~~ **Sprinkler System.** All hydrants shall be in addition to any internal sprinkler or standpipe system serving the development and shall not be located on the "fire line" water main service.

F. ~~722.1.8.4.6.~~ **Right-of-Way.** Except for hydrants located within the rights-of-way, or within one story single family residential areas, all hydrants shall be located at least forty (40) feet from any building.

803.6. ~~722.1.8.5.~~ Electric and Communication Lines.

A. ~~722.1.8.5.1.~~ **Generally.** Except in agricultural, heavy commercial districts, non-planned industrial developments, or as expressly provided below, all utility lines to be installed for the development, including, but not limited to those required for electrical services, telephone, ~~telegraph,~~ street lighting, and CATV, shall be installed underground. Appurtenances such as; transformer boxes, pedestal-mounted terminal boxes less than four (4) feet high, temporary electrical supply outlets, and meter cabinets, may be placed above ground, subject to the provisions of this Code and in particular:

1. Chapter 5, Part II~~Section 703510~~—Standards for Accessory Uses and Structures;

2. Section ~~709~~806—Outdoor Lighting;

3. Section ~~713~~1002—Visibility Triangles;

4. Section ~~715~~701—Landscaping; and

5. Section ~~718~~802—Floodplain Management;

6. ~~Manatee County Public Works Standards~~Manatee County Public Works Standards; and

7. Manatee County Electrical Code.

B. ~~722.1.8.5.2.~~ **Waiver.** The requirement for underground utility lines may be waived by the ~~Planning Director~~Department Director, if it can be shown by the developer, that due to available technology or unique site conditions, it would not be necessary to install underground utilities. In such cases, utility lines shall be located on back lot lines.

C. ~~722.1.8.5.3.~~ **Easements.** For developments located on thoroughfares where utility lines currently are above ground and front the development, rear yard easements of ten (10) feet shall be provided for the installation of underground utility lines or relocating existing utility lines at a future date; provided, that such easements can be properly aligned.

~~722.1.8.6. Drainage. Every development shall have a drainage system that conforms to the requirements and standards of Section 717, Stormwater Management and the Manatee County Public Works Standards. No system or development shall take a form that creates potential or actual impoundment of water on, or discharges water onto, adjacent property in such a manner as to affect existing development, or increase problems of future development on adjacent property, except with recorded easements on the adjoining property affected. Plans and other documentation shall be submitted to and approved by the Planning Department, which will indicate how and where the runoff will be properly disposed. Any improvement specified in an adopted Master Drainage Plan for the proposed development shall be installed by the developer. Off-site improvements required to accommodate the increase of stormwater to a public drainage system shall be borne by the developer. Any damage to the existing public drainage system caused by the developer including siltation shall be corrected and restored as required by the Public Works Department.~~

~~722.1.8.7. Landscaping Requirements.~~

~~Landscaping, screening and buffering shall be provided in accordance with Section 715, Landscaping as applicable.~~

~~Section 738, Groundwater/Wellhead Protection~~

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Section 804. ~~Section 739.Recreational~~ Open Space Requirements.

804.1. Open Space

A. Open Space Includes. Open space may include, but shall not be limited to:

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1. ~~1~~Lawns and other sodded areas, decorative plantings, and naturally vegetated areas, overflow grass or paver block parking areas;

2. ~~2~~Walkways, recreation areas, playgrounds, swimming pools, and ornamental features such as fountains, statutes, or similar natural or artificial objects;

3. ~~3~~Natural or artificial water bodies below the shoreline such as lakes which are designed to adequately serve as open space; provided that all such areas comply with the Manatee County Development Standards and do not exceed seventy-five (75) percent of the open space calculation.

4. ~~4~~Landscaped islands, medians and other landscaped areas of a minimum size of ninety (90) square feet, within parking lots.

5. ~~5~~No more than twenty-five (25) percent of the required landscaped and pervious area shall be composed of permeable paving block.

B. Open Space does not Include. Open Space shall not be deemed to include:

1. ~~1~~Driveways, parking lots made of an impervious surface, streets, sanitary systems, loading areas, or other motor vehicular use areas;

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2. ~~2~~Any area occupied by a building, except as provided below, for recreational open space;

3. ~~3~~Any area within an individual residentially zoned or used lot in any subdivision; ~~or~~

4. ~~4~~Areas so located or so small, or so circumscribed by or interspersed with buildings, driveways, parking lots (with landscaped islands, medians, etc., under ninety (90) square feet in size), public streets or rights-of-way, or private access easements or streets, drainage areas, or similar facilities or structures, as to have no substantial value for the purpose stated in this definition as determined by the Department Director~~Planning Director.~~; or

5. ~~5~~Natural or artificial water bodies, and wetlands, which may include wet detention/retention facilities which exceed seventy-five (75) percent of the total open space calculation.

C. Types of Open Space. Open space shall include and be qualified as Common Open Space, Landscaped Open Space, Dedicated Open Space, or Recreational Open Space.

804.2. Recreational Open Space

A. ~~739.1.~~ **Intent.** It is the purpose of this ~~S~~section to promote the development of a well-integrated open space system of bikeways, pedestrian ways and other public recreation~~al~~ facilities; to assure adequate maintenance of recreation~~al~~ open space facilities; protect and enhance the natural resources and environment; and to implement the Recreation Element and the other applicable elements of the Comprehensive Plan.

B. ~~739.2.~~ **Applicability.** The standards of this ~~S~~section shall apply to all applications for proposed residential subdivisions or ~~P~~planned ~~R~~residential ~~D~~developments which choose to provide recreational open space as part of their open space requirements. This ~~S~~section shall not apply to applications for individual residential ~~B~~ building ~~P~~permits, individual ~~manufactured~~ mobile homes or any residential care facility.

~~**739.3. Credit.**~~

~~If an applicant for development approval provides usable recreational open space in meeting their open space requirements, they may receive credit towards any parks and recreation impact fees levied upon the project, subject to the provisions of Chapter 8.~~

C. ~~739.4.~~ **Location.**

1. *Open Space.* Recreational open space, when provided, shall be located within the development or on an adjoining or nearby land which can adequately serve the development, and to the extent feasible shall be closely integrated with any adjoining or nearby existing or planned public park land recreational open space.

2. ~~.~~*Horse Trails.* Provisions for linkage of horse trails to, through~~,~~ and contiguous to adjacent property is encouraged to form a series of horse trails to be integrated with other existing, plan-ned or future open space possibilities. Land used for horse trails shall be kept clean and free of obstructions to assure safe passage of horse and rider. Fencing across horse trails shall not be allowed. The minimum width of horse trails shall be ten (10) feet.

D. ~~739.5.~~ **Quality**. Lands designated for recreational open space shall be suitable for their intended purpose, taking into consideration such factors as topography, vegetation, drainage, size, access and relationship to surrounding uses and other factors as determined by the Parks and Recreation Department.

E. ~~739.6.~~ **Dedication.** Recreation~~al~~ open space may be dedicated to Manatee County for public park and recreation purposes, if the ~~Director of Parks and Recreation~~Department Director determines that the land and/or water body to be dedicated is of sufficient size and meets a public park need for the County. When land and/or the water body is dedicated in accordance with this ~~S~~section ~~739~~, the developer shall be eligible for Parks and Recreation impact fee credits in accordance with Chapter ~~8~~11.

F. ~~739.7.~~ **Dedication Not Required.** Where the residential development and recreation open space will be held under single ownership and management, such as for rental apartments; or the recreation~~al~~ open space will be held in common by residents through a homeowner's association, condominium association, cooperative or other legal entity, dedication will not be required with the exception of necessary lands to implement any County bikeway, ~~horse~~ equestrian trail or pedestrian-~~-~~way system. When ~~horse~~ equestrian trails are not dedicated to the ~~c~~County, provisions for public use shall be so stated in the deed document under common open space.

Section 805. ~~907.10.~~ Easements.

805.1. ~~907.10.1.~~ Utility Easements.

All new development shall provide a ~~U~~utility easement~~s~~, at least ~~a minimum of~~ five (5) feet in width, along all front, rear and side lot lines, and ten (10) feet along either the front or rear lot lines, for the express purpose of accommodating surface and underground drainage and overhead and underground utilities ~~shall be required~~. ~~If all utilities are to be installed underground, then it shall be stated as such on the plat.~~ The ~~above mentioned~~ ten (10) foot rear lot line easement may be reduced to five (5) feet if the contiguous adjoining lot has a minimum of five (5) foot existing public utility easement. All such easements shall be reserved for public use except where otherwise determined by this Code. The exact location and width of said easements relative to the lot lines may vary in certain pre-approved conditions so long as the intent and purpose of these regulations are satisfied. Grading of all utility easements shall be in accordance with the Manatee County Public Works Standards. If all utilities are to be installed underground, then it shall be stated as such on the site plan or subdivision plat.

Commented [LDI74]: Moved from above.

All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

A. ~~907.10.1.1.~~ **Utility Easements.** Easements for utilities across lots shall be provided where necessary and shall be at least ten (10) feet wide for electricity, telephone, drainage, sewerage, and water. Dimensions shall be provided on preliminary and final plats to adequately locate every easement. Utility and drainage easements, with the exception of easements for drainage outfalls, shall not be located within conservation easements for wetland buffers. ~~, see~~ (Section ~~719.5~~706.5.)

B. ~~907.10.1.2.~~ **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel, or stream there shall be provided public stormwater easements or drainage rights-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel, or stream and to provide for the possibility of flood, protection of banks, future maintenance or construction or other necessary purpose. Further, provided that the boundaries of any such easements or rights-of-way shall not be greater than twenty-five (25) feet nor closer than ten (10) feet horizontally from the shoreline, or greater than twenty-five (25) feet nor closer than ten (10) feet, measured horizontally from the top of the bank on each side; whichever is greater. Existing and proposed grades to all easements shall be shown on the construction plans.

C. ~~907.10.1.3.~~ **Slope Easements.** Slope easements shall be provided where necessary to ensure lateral support, protection of streets, adjoining property and other construction features.

805.2. ~~907.10.1.4.~~ Conservation Easements.

Subdivisions that contain wetlands and/or wetland buffers shall provide a Conservation Easement in accordance with Section 706.8~~719.11.1.3~~ of this Code and the Manatee County Public Works Standards.

Commented [LDI75]: Conservation easement requirements should be moved to a development review manual at a later phase

A. ~~907.10.1.4.1.~~ Conservation Easements inclusive of the areas defined as wetlands and wetland buffers shall be depicted on the plan/plat. The Conservation Easement shall be delineated with a single line representing the most landward extent of the Conservation Easement. Where practicable, the Conservation Easement shall be given a separate tract designation, exclusive of other required easements. Legal descriptions of the Conservation Easement shall be included.

B. ~~907.10.1.4.2.~~ A separate Conservation Easement document shall be required for each required Conservation Easement. The Conservation Easement document shall be reviewed and approved by the Environmental Management Department and the County Attorney's Office, and shall be submitted to the Land Acquisition Division for execution.

C. ~~907.10.1.4.3.~~ Witness monuments~~, in accordance with Section 719.11.1.3.2 of this Code,~~ shall be set at the intersection of any Conservation Easement and lot lines or property boundaries.

Commented [LDI76]: Deleted cross-reference because that section says exactly the same thing.

D. 907.10.1.4.4. Signage. The boundaries of all Conservation Easements, required by this Code, shall be physically identified with signage as approved by the Department Director of Environmental Management, as required pursuant to Section 719.11.1.3.3 of this Code.

907.10.2. Easements for utilities across lots shall be provided where necessary and shall be at least ten (10) feet wide for electricity, telephone, drainage, sewerage, and water. Dimensions shall be provided on preliminary and final plats to adequately locate every easement. Utility and drainage easements, with the exception of easements for drainage outfalls, shall not be located within conservation easements for wetland buffers, see Section 719.5.

907.10.3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream there shall be provided public stormwater easements or drainage rights-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel, or stream and to provide for the possibility of flood, protection of banks, future maintenance or construction or other necessary purpose. Further, provided that the boundaries of any such easements or rights-of-way shall not be greater than twenty-five (25) feet nor closer than ten (10) feet horizontally from the shoreline, or greater than twenty-five (25) feet nor closer than ten (10) feet, measured horizontally from the top of the bank on each side; whichever is greater. Existing and proposed grades to all easements shall be shown on the construction plans.

907.10.4. Slope easements shall be provided where necessary to ensure lateral support, protection of streets, adjoining property and other construction features.

Commented [LDI77]: 907.10.2. Repeats old section 907.10.1.1, see above

Commented [LDI78]: 907.10.4. Repeats old section 907.10.1.3, see above

Section 806. Section 709. Outdoor Lighting.

806.1. 709.1. Intent.

These outdoor lighting regulations intend to protect people and property values from the nuisance and harm of excessive outdoor lighting that:

A. Hinders or decreases visibility.

B. Glares into the eyes of drivers looking for safe nighttime visibility.

C. Creates a blinding brightness that leaves high-contrast, unsafely dark, shadowed areas.

D. Creates an artificial atmospheric glow that prevents residents from enjoying the night sky around their homes.

E. Spills into the yards, homes and streets of neighborhoods trying to maintain a visually calm residential character.

806.2. 709.2. Applicability.

Unless exempted in Section 806.3 709.3, a lighting plan is required to meet these lighting regulations and shall apply to and require a Lighting Plan for:

A. 709.2.1. Development and redevelopment of nonresidential projects, multi-family dwelling residential projects, and common improvements in other residential projects, e.g., recreational facilities.

B. 709.2.2. Outdoor lighting fixtures added to or intensified in nonresidential projects, multifamily projects, and common improvements in single-family residential projects, e.g., vehicle use areas and recreational facilities. Routine maintenance, e.g., cleaning and changing bulbs, ballast, starter, housing, lenses and other similar components, shall not constitute intensification provided such changes do not result in a higher lumen output compared to the fixture when new, i.e., a light brighter than the intensity of the original installation as determined by the lumen rating printed on the bulb, the shipping package, or the specification sheet.

806.3. 709.3. Exemptions.

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The following types of lights are exempt from the provisions of this Section:

A. ~~709.3.1.~~ **Low Intensity.** Lighting to safely illuminate street address numbers, residential building entries, residential driveways, and residential yards with light sources rated less than eight hundred (800) lumens or with fixtures shielded to block direct illumination beyond these areas.

B. ~~709.3.2.~~ **Streets.** Lighting to safely illuminate streets, including but not limited to their driving lanes, sidewalks, roadside recovery shoulders, and emergency lanes. Such fixtures shall have *full horizontal shielding* to prevent direct illumination above the fixture and to minimize direct illumination of residences nearby (see Figure 8-1).

C. ~~709.3.3.~~ **Emergency.** Lighting for emergency safety repairs or natural disaster recovery.

D. ~~709.3.4.~~ **Construction.** Lighting for building or site construction not exceeding ten (10) days during any consecutive twelve (12) months.

E. ~~709.3.5.~~ **Road and Utility Repairs.** Lighting for construction, renovation, or repair of roads and utilities.

F. ~~709.3.6.~~ **Signs.** Lighting for signs permitted by this ~~Land Development~~ Code, under the following conditions:

1. ~~a.~~ Externally illuminated signs shall have *full oblique shielding* aiming the light down onto the sign (see Figure 8-2). The interior surface of the shield below the lens has a dull and dark finish to prevent reflection of light.

~~1.~~ 2. ~~b.~~ Internally illuminated signs shall comply with the Driver Vision Impairment requirements of this Section unless the signs serve only to provide driver directions without interfering with safe driver vision or traffic controls. Interpretation of sign lighting standards is intended to be a function of sign-types and should not be interpreted to regulate the content of signs.

3. ~~c.~~ The light from a sign shall not exceed the Measurable Spill Illumination Limits of this Section or violate the Driver Vision Impairment requirements of this Section.

~~d. The extensive illuminated area of the background shall count toward the maximum sign area permitted by sign regulations.~~

G. ~~709.3.7.~~ **Religious or National Symbols and Flags.** Lighting for religious or national symbols and flags permitted by this ~~Land Development~~ Code, under the following conditions:

1. ~~a.~~ Symbols and flags that need illumination should have *full oblique shielding* but may have spot lights aimed up only to illuminate the symbol or flag.

2. ~~b.~~ Internally illuminated symbols shall comply with the Driver Vision Impairment requirements of this Section.

3. ~~c.~~ The light for a symbol or flag shall not exceed the Measurable Spill Illumination Limits of this Section or violate the Driver Vision Impairment requirements of this Section.

H. ~~709.3.8.~~ **Underwater Lamps.** Underwater lamps in swimming pools and other water bodies for safety.

I. ~~709.3.9.~~ **Safety.** Lighting required by government law for safety as follows:

1. ~~a.~~ Lamps for exit signs, traffic control, waterway navigation, and aviation navigation shall have no restriction.

2. ~~b.~~ Lamps for ramps, stairs, handicap access, boat dock decks, and other safety purposes shall have fully shielded fixtures aiming the light down onto the area requiring illumination by law.

Figure 8 - 1: Vertical cross section of fixture with full horizontal shielding

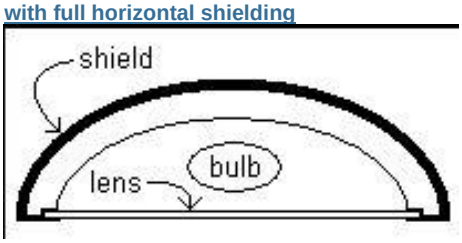
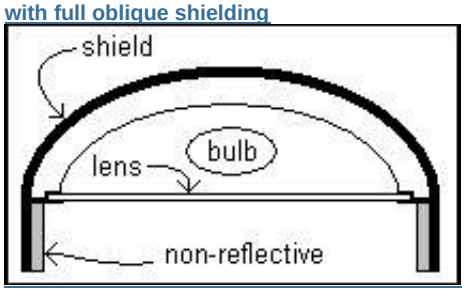


Figure 8 - 2: Vertical cross section of fixture with full oblique shielding



Commented [LDI79]: Added intro sentence.

Commented [LDI80]: Moved to sign chapter - 5.

806.4. ~~709.4.~~ Illumination Limits.

A. ~~709.4.1.~~ **Direct Illumination.** Unless otherwise exempted in Section 806.3 ~~709.3~~, all outdoor lighting fixtures shall have full oblique shielding (see Figure 8-2) so that a property's light sources do not directly illuminate another property that has an outdoor lighting protected area.

B. ~~709.4.2.~~ **Driver Vision Impairment.** Lights shall not impair the vision of drivers and interfere with safe driving. A light source shall have shields to prevent it from glaring into the eyes of drivers where drivers need to see structures, signs, other vehicles, and overhead clearances to a height of sixteen (16) feet. Affected driving areas include streets, driveways, parking lots, and other vehicle use areas on-site or off-site.

C. ~~709.4.3.~~ **Measurable Spill Illumination Limits.** The total illumination caused by all of a property's outdoor lighting, including light sources, diffraction, and reflections from on-site objects, shall not illuminate another property in excess of the following limits:

1. ~~a.~~ 0.2 foot-candles on property with outdoor lighting protected areas but not including the street rights-of-way.
2. ~~b.~~ 1.5 foot-candles on street rights-of-way because such limited coincidental illumination of a street will not constitute a nuisance to people using the street.

806.5. ~~709.5.~~ Fixture Height.

~~709.5.1.~~ Fixture height, measured from finished grade at ground level to the bottom of the light source, determines the vertical point from which the light projects downward. Regardless of the following height limits ~~below~~, prevention of spill illumination may require lower heights according to calculations and plots in the ~~L~~lighting ~~P~~plan.

~~709.5.2. Limits.~~

A. ~~709.5.2.1.~~ All light fixtures located within fifty (50) feet of any another property that has an outdoor lighting protected area shall not exceed sixteen (16) feet in height.

B. ~~709.5.2.2.~~ All light fixtures located within one hundred (100) feet of any another property that has an outdoor lighting protected area shall not exceed twenty (20) feet in height.

C. ~~709.5.2.3.~~ All other light fixtures elsewhere shall not exceed 30 feet in height.

806.6. ~~709.6.~~ Controllers, Timers and Sensors.

A. ~~709.6.1.~~ Lights shall not illuminate when not needed. Unnecessary light constitutes a nuisance and a harm that timers, light sensors, switches, motion detectors, and occupancy sensors may prevent.

B. ~~709.6.2.~~ All electrical circuits for outdoor lighting shall have manually controlled switches conveniently located for manual operation.

C. ~~709.6.3.~~ Light sensors shall automatically turn off lights when they sense adequate daylight.

D. ~~709.6.4.~~ Timers shall automatically turn off and turn on lights when their clocks arrive at pre-set times corresponding to the times needing the lights. Alternatively, the controller may dim lights or allow fewer lights to remain on for security and safety. Motion detectors and occupancy sensors may interrupt to turn on lights for timed durations.

806.7. ~~709.7.~~ Special Lights.

A. ~~709.7.1.~~ **Aerial Lights.** No fixture shall aim light upward to search, sweep, or move through the sky.

B. ~~709.7.2.~~ **Accent Lights**. Light used to accent architectural features, fascia, landscaping, art, or similar objects shall not directly illuminate outdoor lighting protected areas. All such light shall terminate on opaque surfaces within the property.

C. ~~709.7.3.~~ **Boat Dock and Marina Lights.**

1. ~~709.7.3.1.~~ All lighting for boat docks and marinas, public or private, shall provide shields to prevent spill illumination beyond the property and beyond the permitted boat docking and turning areas.
2. ~~709.7.3.2.~~ If required by government law for safe navigation, then ~~red and green~~ navigation lights may mark channels and navigational hazards in the waterways.

3. ~~709.7.3.3.~~ If required by government law for safety, then lamps for boat dock decks shall have fully shielded fixtures aiming the light down onto the area requiring illumination by law.

D. ~~709.7.4.~~ **Canopy Lights.** An opaque canopy, soffit, or overhang may serve as the required horizontal cut off and fixture shielding for lights fully recessed into the underside of the canopy. Such shielding shall appear as part of the ~~F~~fixture ~~D~~detail required on a ~~L~~lighting ~~P~~plan.

E. ~~709.7.5.~~ **Fascia Lights.** Fascia on a canopy shall not include fixtures for outdoor lighting of the site or buildings. A sign on the fascia may include lights to illuminate the sign, but the illuminated area of the fascia shall count toward the maximum sign area permitted by sign regulations.

F. ~~709.7.6.~~ **Gas Pump, Convenience Business, Automatic Teller Machine, and other Required Security Lights.** Whenever state or federal law requires certain intense illumination levels for security, then the location, intensity, quantity, height, shielding, and aim of such lights shall satisfy such requirement while still complying with these regulations, e.g., preventing direct illumination off-site, to the maximum extent possible.

G. ~~709.7.7.~~ **Outline Lights.** Illuminated tubing, strings of lights, back-lighted objects, or similar fixtures that outline structures, sales areas, roofs, doors, windows, plants, or similar areas shall not light upward.

H. ~~709.7.8.~~ **Projection Lights.** All projected light, laser or otherwise, shall terminate on an opaque surface.

I. ~~709.7.9.~~ **Required Lights.** Whenever state or federal law requires certain illumination, e.g., safe access, then the location, intensity, quantity, height, shielding, and aim of such lights shall satisfy such requirements while still complying with these regulations, e.g., preventing direct illumination off-site, to the maximum extent possible.

J. ~~709.7.10.~~ **Stadium and Recreation Lights.**

1. ~~709.7.10.1.~~ Whenever players in sporting events and recreational activities require certain intense illumination levels for safety, then the location, intensity, quantity, height, shielding, and aim of such lights shall satisfy such requirement while still complying with these regulations, e.g., preventing direct illumination off-site, to the maximum extent possible.

2. ~~709.7.10.2.~~ The illumination of outdoor recreational activities shall stop at 11:00 p.m. for the remainder of the night. An activity should not begin earlier if it will normally exceed this time limit. Regardless, an activity already in progress from an earlier starting time may continue with illumination until no later than 11:30 p.m. Other lower level illumination may remain for safe spectator departure and security.

806.8. ~~709.8.~~ Lighting Plan.

A. ~~709.8.1.~~ **Purpose.** A lighting plan shall serve to prevent excessive lighting prior to installation of the fixtures and to avoid costly compliance remedies later.

B. ~~709.8.2.~~ **Submittal.** A ~~L~~lighting ~~P~~plan shall accompany all applications for ~~Final Site Plan~~site development plan approval of development and redevelopment of nonresidential projects, multi-family dwelling residential projects, and common improvements in other residential projects, e.g., recreational facilities. When these regulations require a ~~L~~lighting ~~P~~plan but the project does not require a ~~Final Site Plan~~site development plan, then the plan shall accompany the application for a ~~B~~building ~~P~~permit for electrical fixtures. Lighting ~~P~~plans shall provide enough information to determine the potential for direct illumination of outdoor lighting protected areas, spill illumination, and compliance with ~~this Section~~ the Manatee County Public Works Standards for all lighting not exempted in Section 806.3.~~709.3.~~

C. **Contents of Lighting Plan**

1. ~~*709.8.3.*~~ *Fixture Locations.* A lighting plan shall show the horizontal position of the fixtures on the site.

2. ~~*709.8.4.*~~ *Fixture Detail.* An inset drawing of a typical fixture shall show the directional controls, e.g., shields, reflectors, refractors, and lenses~~,~~ that will aim and limit the angle of illumination. The detail shall show the vertical angle of illumination that will determine the shielding angle.

3. ~~*709.8.5.*~~ *Fixture Height and Mounts.* The plan shall show the height of the fixtures and describe the mounts, e.g., wall, pole, or canopy.

4. ~~*709.8.6.*~~ *Direct Illumination Plots.* For each and every fixture, the lighting plan shall include a cross-section showing the following measurements (see Figure 8-3)~~use the fixture shielding angle and fixture height in~~

Commented [LDI81]: This section should be moved to a development review manual at a later phase.

~~calculations to plot the edge of the projection of the expected direct illumination onto the areas, both on-site and off-site, shown on the plan. The calculations and horizontal plots for each and every fixture shall appear on the plan. The horizontal plotting shall result from the following calculations (Figure 7-2) based on the following illustration~~:

a = shielding angle of fixture

H = vertical distance from the ground to the bottom of the light source

E = vertical elevation difference between the bottom of the light source and ground level at P

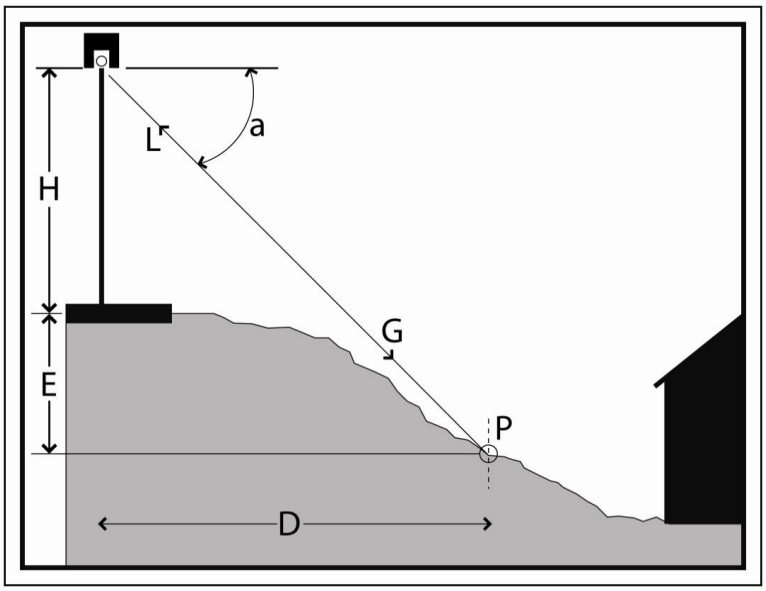
LG = line along the oblique boundary between the illumination cone and the shielded area above it, i.e., the sight line between the light source and ground level at the edge of direct illumination

P = projection of the line LG onto the ground level, i.e., also the edge of direct illumination

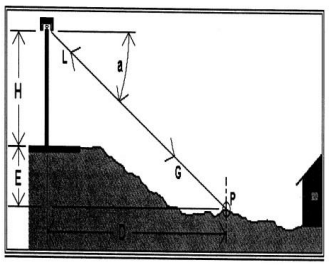
D = horizontal distance from light source to P, calculated as follows:

D = (H + E) / tan a (tan = trigonometric tangent function)

Figure 8 - 3. Cross section in the vertical plane through a light fixture, pole, and grade



~~Cross section in the vertical plane through a light fixture, pole, and grade~~



~~Calculation of the distance to the edge of direct illumination:~~

~~D = (H + E) / tan a~~

~~Legend for symbols in illustration and calculation:~~

~~a~~	~~shielding angle of fixture~~
~~LG~~	~~**B.** line along the oblique boundary between the illumination cone and the shielded area above it, i.e., also the sight line between the light source and ground level at the edge of direct illumination~~
~~P~~	~~**C.** projection of the line LG onto the ground level, i.e., also the edge of direct illumination~~
~~D~~	~~**D.** distance horizontally from light source to P~~
~~H~~	~~**E.** height vertically from ground to bottom of light source~~
~~E~~	~~**F.** elevation difference vertically between ground level below light source and ground level at P~~
~~/~~	~~**G.** divided by~~
~~tan~~	~~**H.** trigonometric tangent function~~

5. ~~*709.8.7.*~~ *Photometric Diagram.*

a. ~~709.8.7.1.~~ Any of the following conditions require that the Lighting Plan shall also include a Photometric Diagram prepared by a lighting engineer:

i. ~~a.~~A projection of direct illumination within ten (10) horizontal feet of the property line of outdoor lighting protected areas or a street.

ii. ~~b.~~A fixture within eighty (80) horizontal feet of the property line of outdoor lighting protected areas or a street.

iii. ~~c.~~A fixture higher than twenty (20) feet above ground level within six hundred (600) horizontal feet of the property line of outdoor lighting protected areas.

~~709.8.7.2. A lighting engineer shall prepare the diagram.~~

b. ~~709.8.7.3.~~ The diagram shall plot foot-candles of illumination calculated:

i. ~~a.~~For the direction of the most illumination from the light sources;

ii. ~~b.~~For a height of five (5) feet above ground level;

iii. ~~c.~~To the nearest tenth (0.1) foot-candle; and

iv. ~~d.~~At horizontal grid intervals of ten (10) feet.

c. ~~709.8.7.4.~~ The diagram shall cover a certain part of the affected street or property having the outdoor lighting protected area. Such part shall include the area within the circle formed with the light fixture at the center and the radius extending one hundred (100) feet into the affected street right-of-way or property of the protected area.

d. ~~709.8.7.5.~~ The plotted levels of calculated illumination shall determine if the lighting will comply with the Measurable Spill Illumination Limits of this Section.

~~**709.9.** **Review.**~~

D. ~~709.9.1.~~ The ~~Planning~~ Department Director ~~of Manatee County~~ shall review the Lighting Plan and determine compliance with this Section.

~~**709.10.** **Inspection.**~~

E. ~~709.10.1.~~ The ~~Planning~~ Department ~~of Manatee County~~ Director shall inspect the installed lighting fixtures and determine compliance with this Section and the approved Lighting Plan.

~~(Ord. No. 91-29, § 3, 11-20-91; Ord. No. 95-19, § 2, 6-21-95; Ord. No. 05-37, § 6, 9-20-05)~~

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Chapter ~~4~~9 – DESIGN GUIDELINES

Section 900. ~~Section 737.~~ Entranceways.

900.1. ~~737.1.~~ Purpose and Intent.

It is the purpose and intent of this part:

A. ~~737.1.1.~~ To convey to the traveling public a strong image that Manatee County is a high quality place to live, work and visit;

B. ~~737.1.2.~~ To provide standards and criteria by which proposed development in these entranceway areas will be reviewed; and

C. ~~737.1.3.~~ To protect and enhance existing native vegetative communities and promote the use of zonal landscaping and other low water landscaping materials and techniques.

900.2. ~~737.2.~~ Administration.

The Department Director ~~The Planning Director~~ shall be responsible for the administration of this section and coordination with other agencies.

900.3. ~~737.3.~~ Designated Entranceways.

~~737.3.1.~~ In order to meet the intent of this Section, entranceways shall be defined as follows~~,~~ and as depicted ~~generally based~~ on Maps 8-1 through 8-~~9 as attached~~.

A. ~~1.~~ One-quarter (¼) mile on either side of Interstate 75 (I-75), throughout the County.

B. ~~2.~~ One-quarter (¼) mile on either side of Interstate 275 (I-275), throughout the County.

C. ~~3.~~ One (1) mile long intersecting arterials from the intersection with the interstate(s), on both sides of the street at a width of one-half (½) mile on either side of the street and shall be measured from the ~~closet~~ ~~[~~closest~~]~~ point of the right-of-way relating to the interchange.

D. ~~4.~~ One-half (½) mile west of and one (1) mile east of U.S. Highway 301 at University Parkway for a distance of one-half (½) mile.

E. ~~5.~~ One-quarter (¼) mile on either side of U.S. 41 for a distance of one (1) mile from both the north and south county borders.

~~These entranceways shall meet all standards set forth in Section 737.5.~~

900.4. ~~737.4.~~ Land Uses Permitted within Entranceways.

~~737.4.1.~~ Land uses within entranceways shall be limited to those uses permitted in the PDMU, PDPI, PDC, PDR, PDI, PDW, PDRP and PDO districts.

~~737.4.2.~~ No adult entertainment uses, as defined by this Code, shall be allowed in or adjacent to any entranceway.

900.5. PD Application Required.

~~737.4.1.1.~~ All development proposals, excluding accessory structures, within ~~these areas~~ designated entranceways shall be processed as planned developments. ~~applications, except~~ Development proposals meeting the following criteria may be approved administratively: ~~as limited in Section 737.4.1.2 below.~~

A. ~~737.4.1.2. Allowable exceptions to Section 737.4.1.1 may be processed administratively if n~~No other ~~requirements~~ section of the Land Development Code or the Comprehensive Plan require the development to obtain planned development or a special permit approval~~,~~; ~~and~~

B. ~~t~~The application meets all of the entranceway ~~criteria~~standards contained in this chapter~~,~~; and

C. The proposal meets the following criteria (residential projects are required to meet only ~~including all of those listed below for non-residential projects and~~ items ~~c~~3~~.~~ through 5~~e.~~, 7~~g.~~, 8~~h.~~ and 9~~j~~ ~~below for residential projects~~):

1. ~~a.~~ Buildings adjacent to I-75 and/or I-275 shall be finished so that building fronts or front facades face said highway(s). The Department Director ~~Planning Director~~ shall have the authority to approve an alternative which is aesthetically equal to, or superior to this requirement.

2. ~~b.~~ Buildings adjacent to I-75 and/or I-275 shall be designed so as to position in their parking areas in a manner which generally avoids visibility from said highway(s). The Department Director ~~Planning Director~~ shall have the authority to approve an alternative which is aesthetically equal to, or superior to this requirement.

3. ~~c.~~ Any chain link fence utilized ~~in perimeter areas, around retention ponds or used anywhere else~~ on the site shall be a dark color such as a black, dark brown or dark green.

4. ~~d.~~ Seventy-five (75) percent of all trees exceeding twenty-four (24) inch ~~d.b.h.~~DBH shall be preserved.

5. ~~e.~~ All wetland impacts must meet a 2:1 mitigation requirement for herbaceous wetlands and a 4:1 mitigation ratio for forested wetlands.

6. ~~f.~~ All dumpsters, compactors and other utility equipment shall be located in the rear of all buildings, and these units shall meet all minimum setback requirements. These units shall not be visible from any collector or arterial facility. Exceptions may be granted by the Department Director ~~Planning Director~~ for corner lots where no reasonable alternative location is available. Screening must be constructed with building materials matching the principal building on site.

7. ~~g.~~ Foundation landscaping shall be required in the amount of forty (40) square feet per one thousand (1,000) square feet of gross floor area, with at least sixty (60) percent of the required foundation landscaping located along foundations visible from entranceway roadways.

8. ~~h.~~ At least seventy-five (75) percent of all new required trees, shrubs and groundcover shall consist of native species.

9. ~~j.~~ Any other requirement deemed necessary by the ~~County Administrator or designee~~ Department Director to protect the health, safety, welfare and aesthetic quality of the entranceway. Any such requirement, applicable to the regulation of signs, shall not be based on sign content.

Commented [LEA1]: Orientation of parking areas will be reviewed in further detail during phase 2.

Commented [LDI2]: [updated per adopted sign ordinance]

900.6. ~~737.5.~~ Standards for Development.

A. Landscaping and Buffers.

1. ~~*737.5.1.*~~ *Landscaping.* All required landscape areas and buffers shall retain existing native vegetation to the greatest extent possible. Existing trees and shrubs meeting the minimum standards set forth in Section 701~~715~~ may be counted towards fulfilling the landscaping requirements. All required landscape buffers shall be shown on any site plan or plat as a landscape easement, and duly recorded as such after ~~F~~final ~~S~~site ~~P~~plan approval.

2. ~~*737.5.1.1.*~~ *Required Buffer.* A minimum twenty (20) foot wide landscaped buffer strip shall be required along all arterial, ~~and~~ collector, ~~street~~ highway and interstate frontages adjacent to the project~~, including along all highways and interstates~~. Those projects which receive access from frontage roads adjacent to the arterial/collector road shall provide this buffer. However, site locations internal to the development and not adjacent to the arterial/collector shall not be required to provide this buffer.

3. ~~*Minimum Requirements*~~*Buffer Landscaping.* Landscaped buffers shall consist of at least one (1) decorative or canopy tree, meeting the requirements of Section 701~~715~~, [to] be planted every twenty-five (25) feet on center. In addition, hedges, shrubs and berms shall be used to achieve sixty (60) percent opacity at a height of five (5) feet.

4. ~~*737.5.1.2.*~~ *Landscaping Easements.* These landscape buffers shall be maintained per Section 701~~715~~ of this Code.

B. ~~737.5.2.~~ Access.

~~All projects located within a designated entranceway shall gain access by means of indirect access, such as cross-access agreements and consolidated driveways.~~ Unless inconsistent with state law, no project shall gain direct access to any road designated as a minor arterial or higher, but such project shall make use of frontage roads, ~~or~~ cross-access easements, or consolidated driveways to access through local roads or lower classified thoroughfare facilities.

1. ~~*737.5.2.1.*~~ *Frontage Road Requirements.* Frontage roads shall require a minimum twenty-four (24) foot pavement width and fifty (50) to eighty-four (84) feet of right-of-way. The Department Director ~~Manatee County Building and Development Services Department~~ will determine the right-of-way requirements for each entranceway as developed.

2. ~~*737.5.2.2.*~~ *Cross Access Easements.* All projects within an entranceway shall provide for internal cross access with adjacent projects. This shall be accomplished ~~by~~ through the use of cross access easements, internal drive aisles and/or frontage roads.

C. ~~737.5.3.~~ Signs. The standards of Chapter 6~~Section 724~~, Signs, shall apply to signs ~~in the~~ within designated entranceways. ~~The regulations of signs in the Entranceways shall not be based upon the content of~~ sign.

Commented [LEA3]: updated per adopted sign ordinance. propose deleting last sentence. already stated in chapter 5

1. ~~*737.5.3.1.*~~ *Types of Signs.* On-site, temporary, exempt, and subdivision signs shall be allowed within ~~the~~ entranceways. All other sign types are prohibited. ~~Subdivision s~~Signs shall be governed by Chapter 6~~Section 724~~ and applicable development approvals, except as noted below.

2. ~~*737.5.3.2.*~~ *Number of Signs.* One project identification freestanding sign is allowed per road frontage per premise, regardless of length. In the case of a shopping center with outparcel(s), each outparcel may be permitted a separate ground sign provided that the outparcel has a minimum of one hundred (100) feet of frontage on the roadway where the sign is located.

3. ~~*737.5.3.3.*~~ *Size of Signs.* The maximum sign area and height of free-standing on-site signs shall be as follows:

	Length of Road Frontage			
Type of Sign	**~~0—~~<300 L.F.**	**3001~~—~~-600 L.F.**	**>6001~~+~~**	**Height**
Ground Sign	60 sq. ft.	80 sq. ft.	100 sq. ft.	8 ft.
Pole Sign	45 sq. ft.	60 sq. ft.	75 sq. ft.	20 ft.

4. ~~*737.5.3.4.5.*~~ *Combination Signs.* Any one combination sign within a project in an entranceway shall be limited to a maximum of five (5) separate sign/tenant items.

5. ~~*737.5.3.4.*~~ *Sign Approvals*.

   a. ~~*737.5.3.4.1.*~~ *Sign Plan.* All entranceway projects shall provide a sign plan with submittal of a final plan/plat which includes the following:

      i. Total number of signs;

      ii. Size—individually and total square footage;

      iii. Design;

      iv. Height;

      v. Building materials;

      vi. Color, style; and

      vii. Elevations (~~both~~ pole, ground and wall mounted signs).

   ~~*737.5.3.4.2.*~~ *Sign Permit.* A separate sign permit issued by the Building Official is required before construction or placement of any sign.

   b. ~~*737.5.3.4.3.*~~ No sign permit shall be issued for a permanent freestanding sign in the entranceways unless

such sign is specified in the development approval.

~~a.~~c. ~~737.5.3.4.4.~~ All permanent freestanding signs in the entranceways shall also require the approval of the ~~Planning~~ Department Director.

D. ~~737.5.4.~~ **Open Space.** Properties developing within the entranceways shall provide an additional five (5) percent landscaped open space over the required minimum standards of the zoning district.

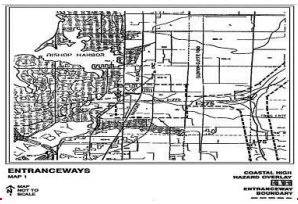
900.7. ~~737.6.~~ Port Manatee.

Port Manatee shall not be required to meet the buffer requirements of Section 900.6~~737.5.1~~ as the PDPM District has created other buffer requirements suitable for this facility.

900.8. ~~737.7.~~ Waivers.

The Board may waive certain required improvements in order to facilitate the implementation of other entranceway criteria.

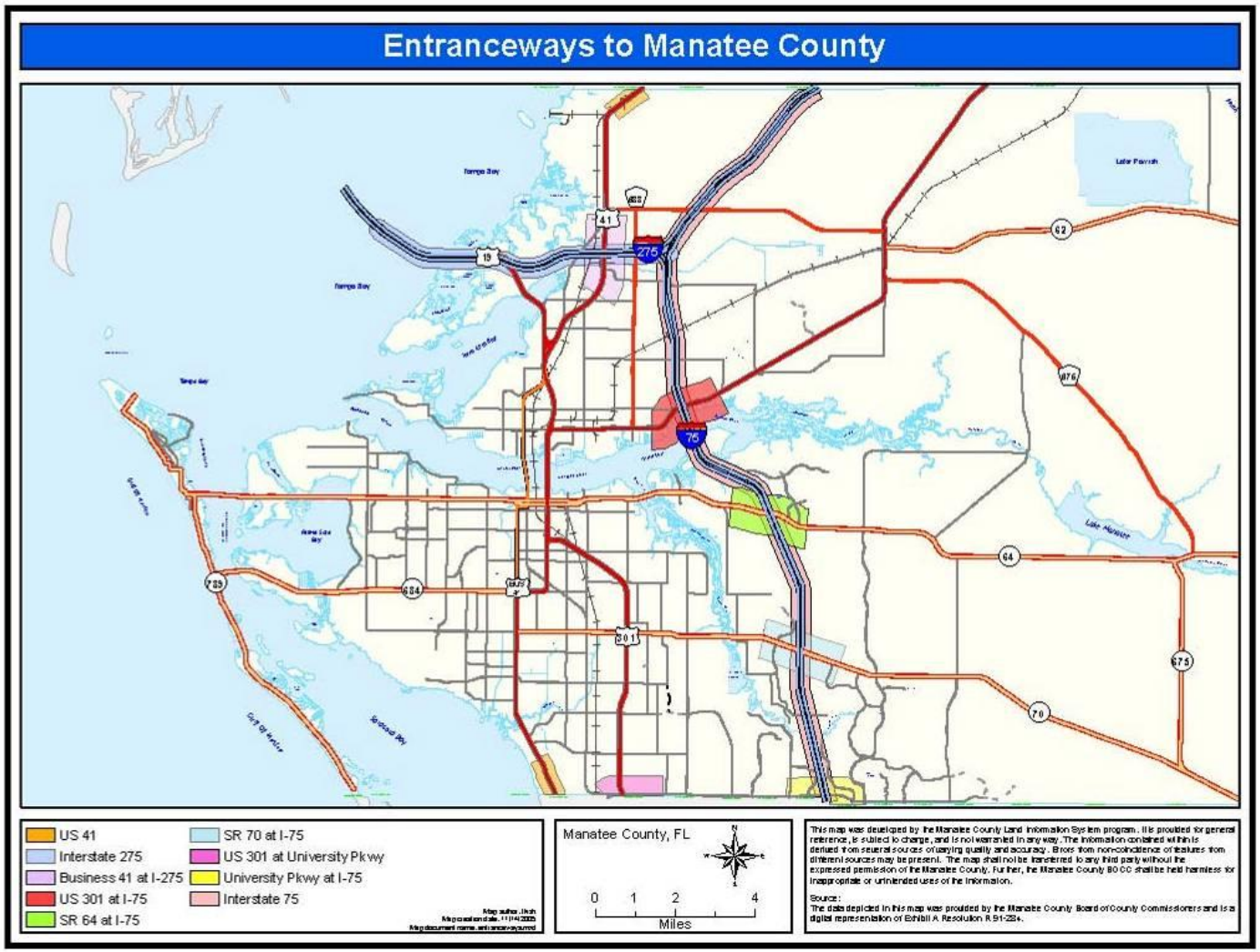
~~(Ord. No. 91-23, § 3, 2-19-91; Ord. No. 91-29, § 3, 11-20-91; Ord. No. 92-60, § 3, 12-14-92; Ord. No. 93-27, § 2, 9-1-93; Ord. No. 94-09, § 3(I), 6-16-94; Ord. No. 00-22, § 2, 1-25-00; Ord. No. 02-20, § 2, 3-26-02; Ord. No. 08-35, § 2, 4-3-08)~~

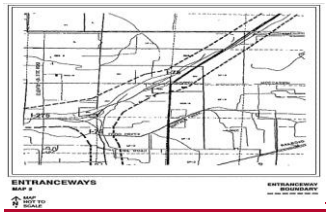


DRAFT

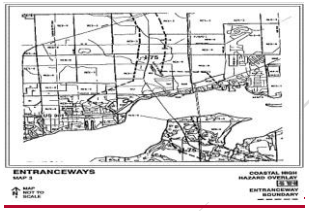
Map 9 - 1: Entranceways to Manatee County~~Entranceways, Map 1~~

Commented [LDI4]: [Staff: note that all maps are missing the coastal high hazard area and historic overlays that were on the original; however, they are not needed. The county may want to consider putting all entranceways on one map]



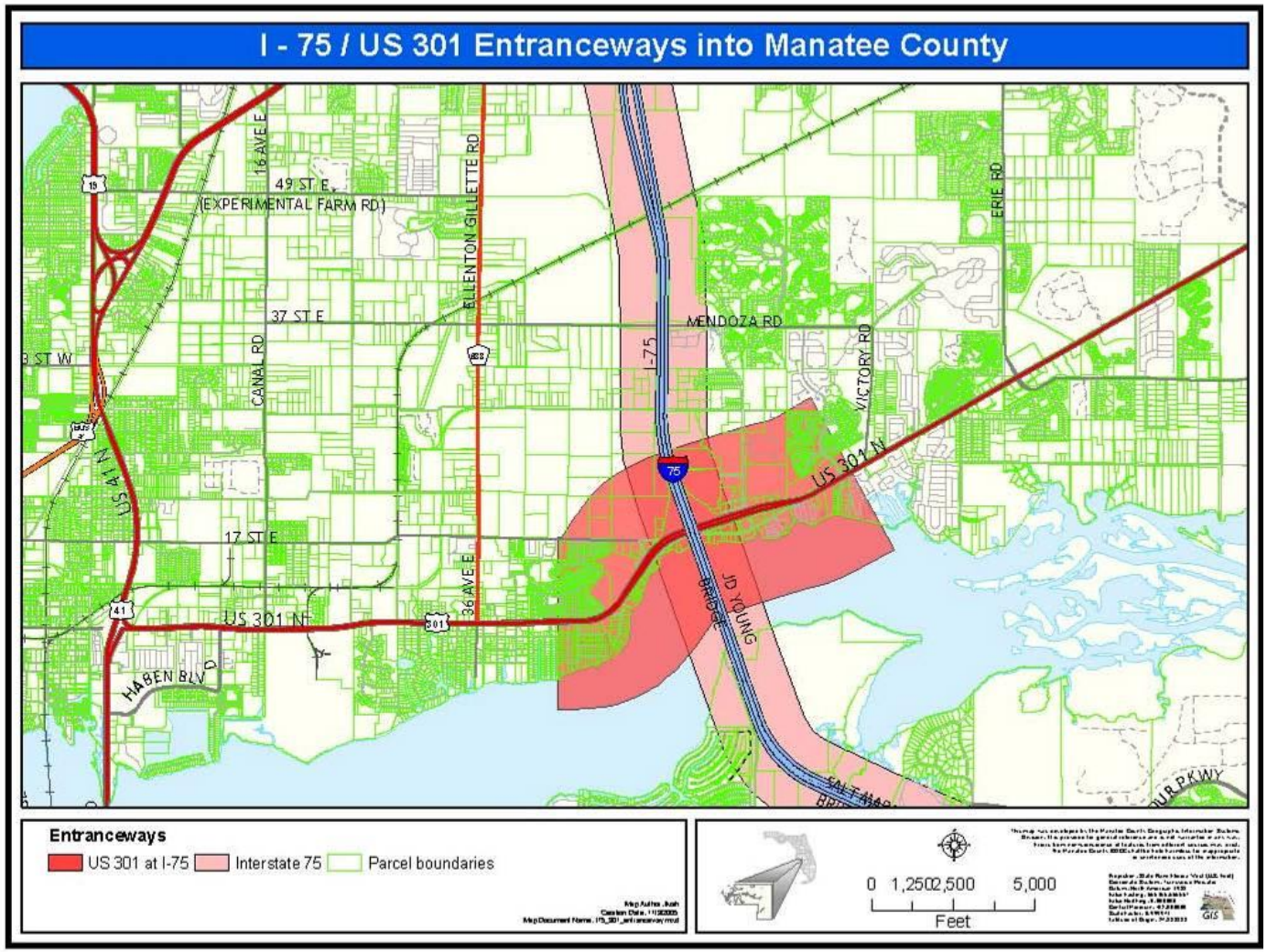


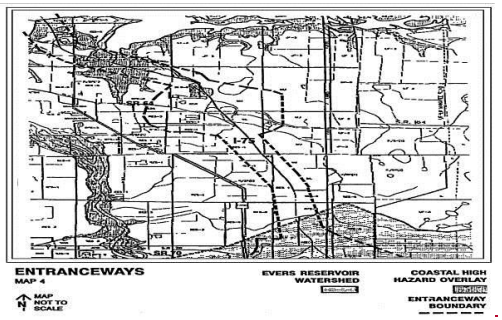
~~*Entranceways, Map 2*~~



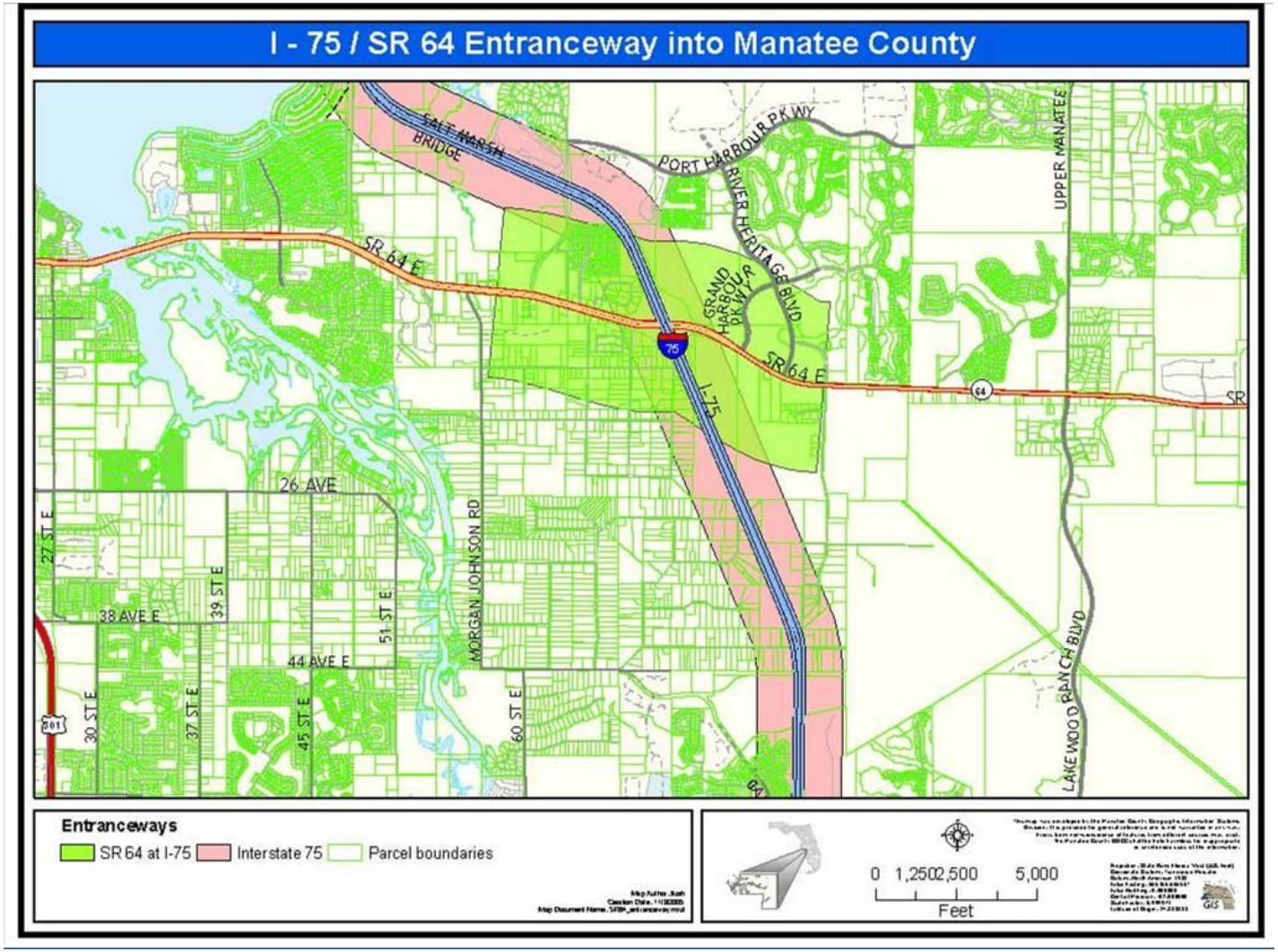
Commented [LDI5]: [Entranceways map 2 has been deleted as it showed the same thing as map 1]

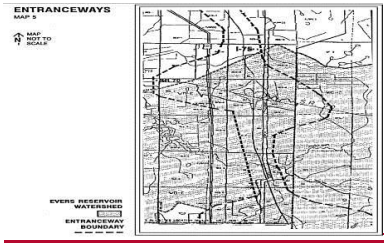
Map 9 - 2: I-75/ US 301 Entranceways into Manatee County ~~Entranceways, Map 3~~




ENTRANCEWAYS
MAP 4
MAP NOT TO SCALE
EVERS RESERVOIR WATERSHED
COASTAL HIGH HAZARD OVERLAY
ENTRANCEWAY BOUNDARY

Map 9 - 3: I-75/SR 64 Entranceway into Manatee County~~Entranceways, Map 4~~

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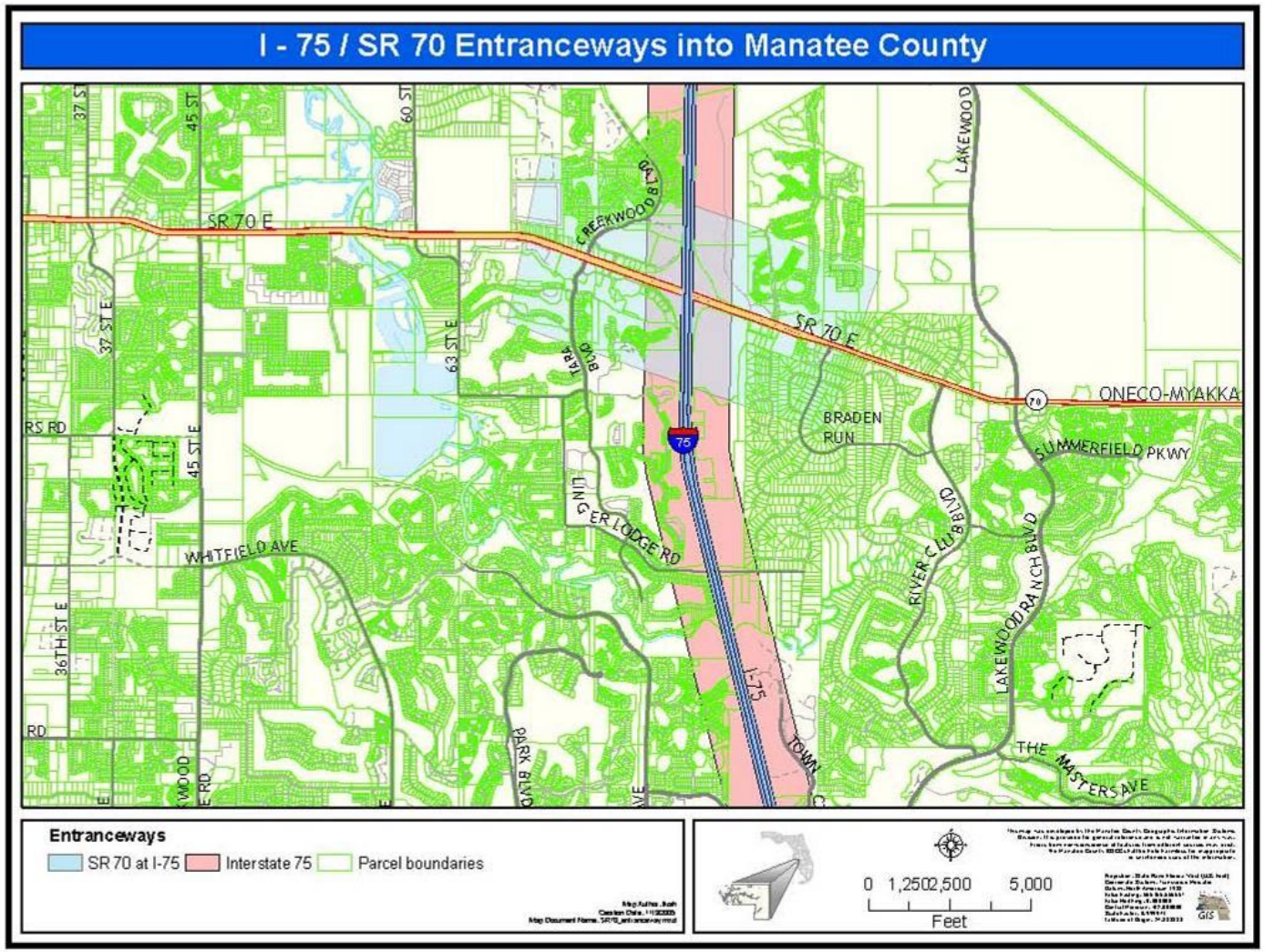
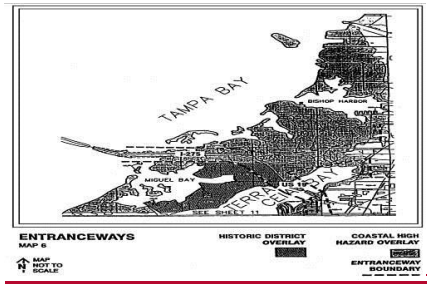
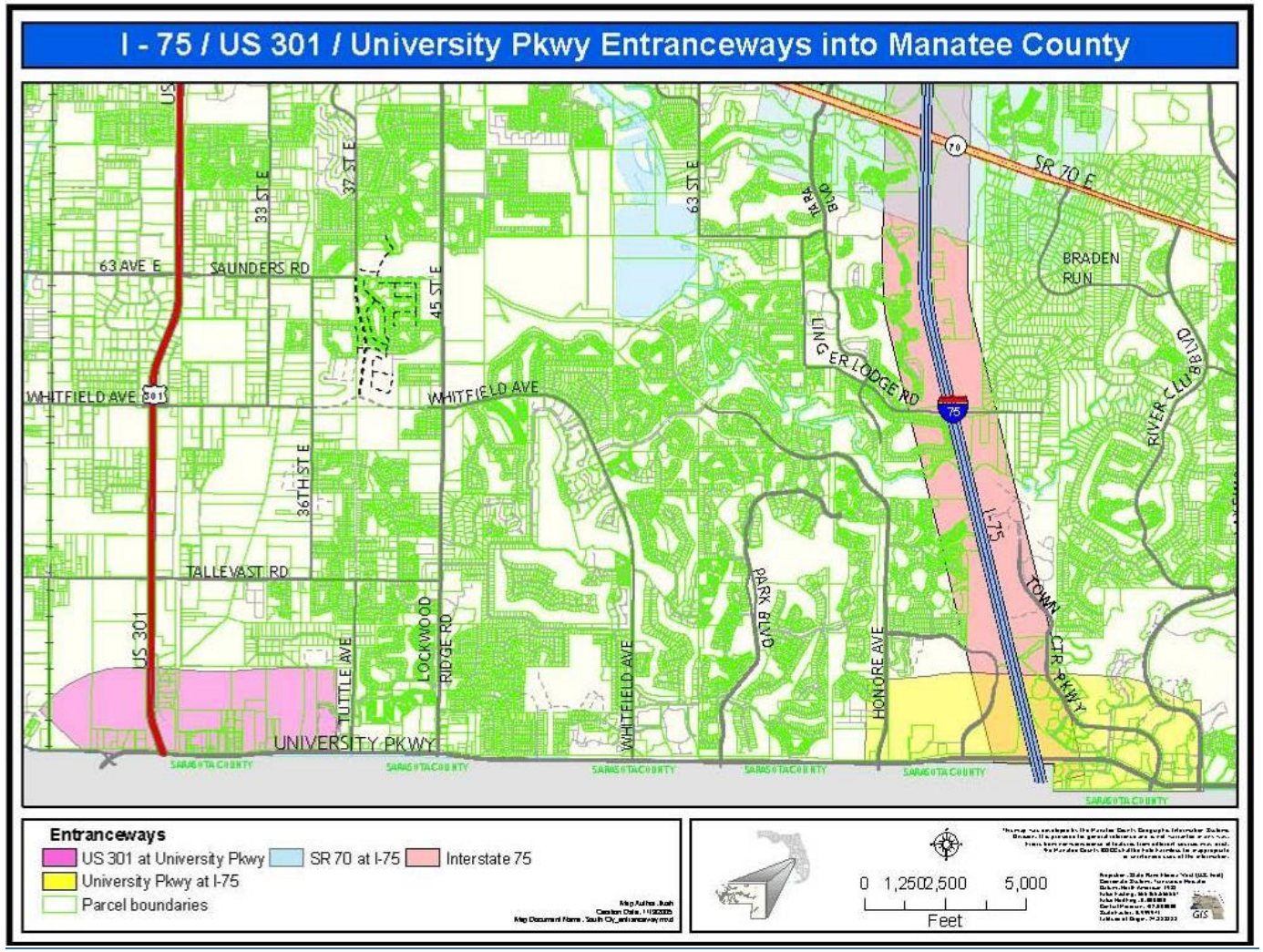
Map 9 - 4: I-75/SR 70 Entranceways into Manatee County~~Entranceways, Map 5~~

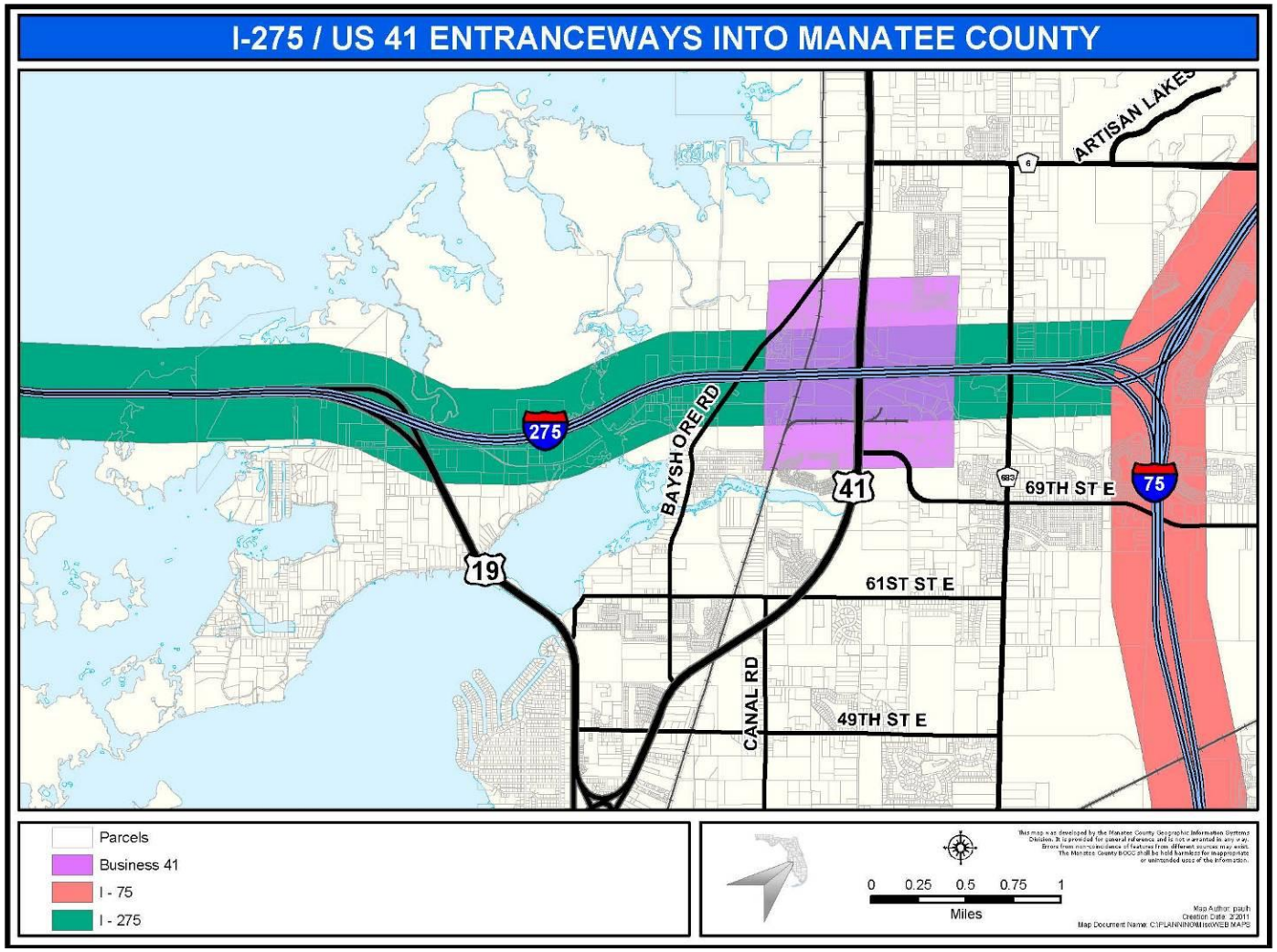


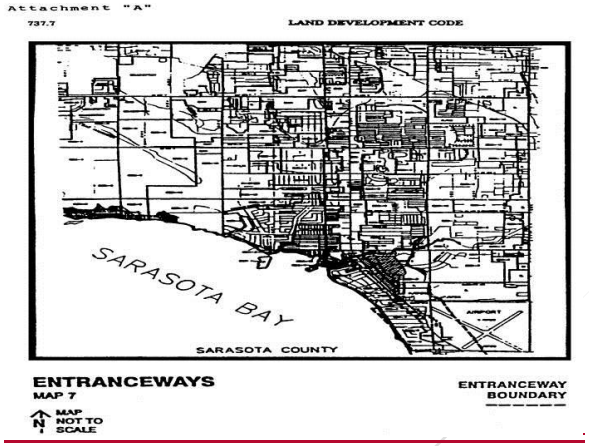

TAMPA BAY
BISHOP HARBOR
MIGUEL BAY
US 19
SEE SHEET 11
ENTRANCEWAYS
MAP 6
MAP NOT TO SCALE
HISTORIC DISTRICT OVERLAY
COASTAL HIGH HAZARD OVERLAY
ENTRANCEWAY BOUNDARY

Map 9 - 5: I-75/US 301/University Pkwy Entranceways into Manatee County

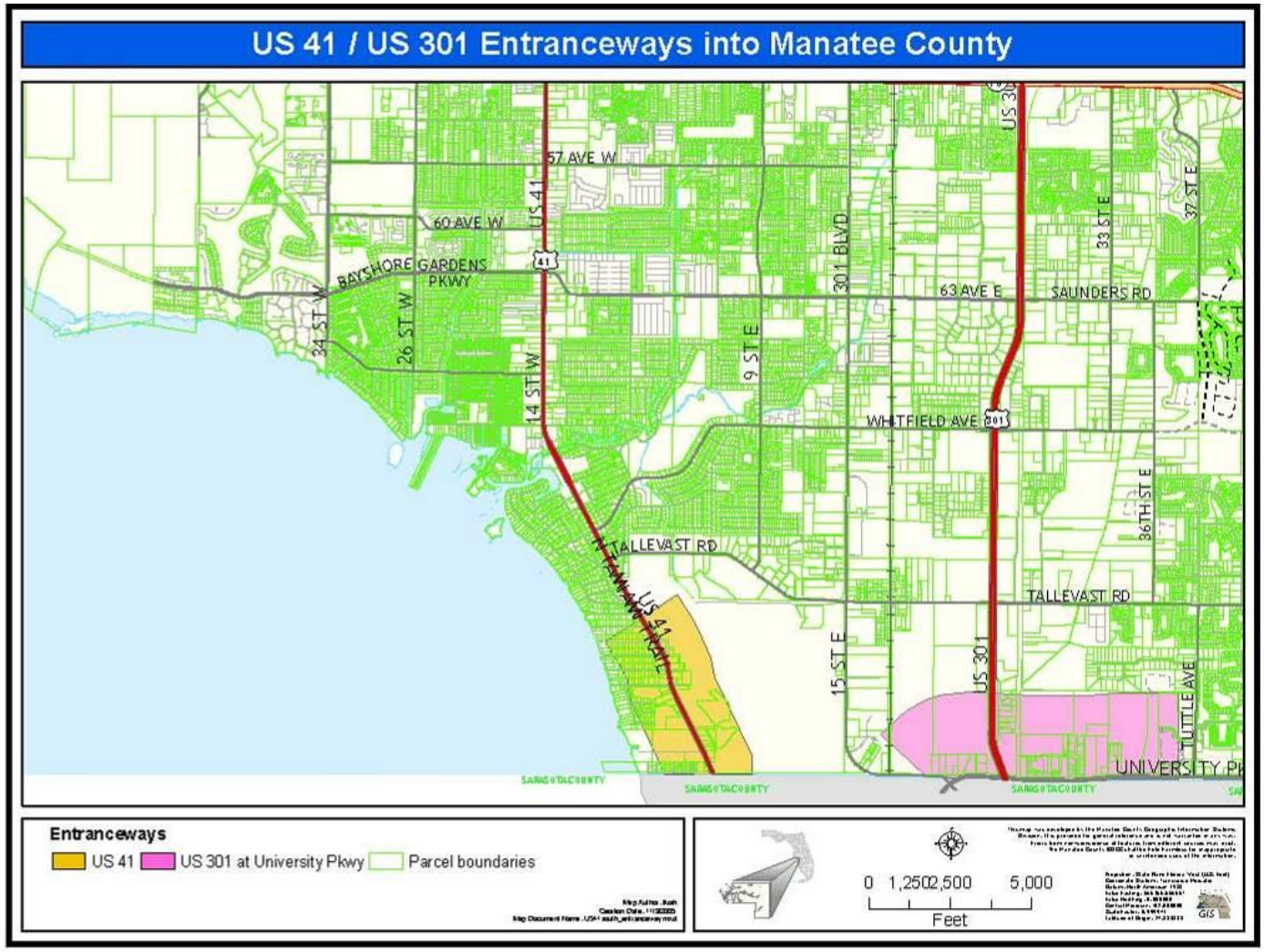


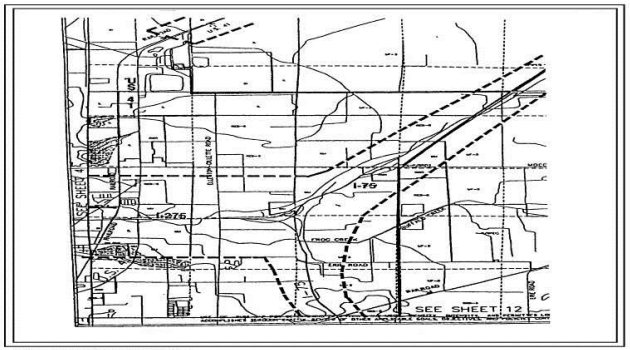
Map 9 - 6: I-275/US 41 Entranceways into Manatee County~~Entranceways, Map 6~~




Attachment "A"
737.7
LAND DEVELOPMENT CODE
SARASOTA BAY
SARASOTA COUNTY
ENTRANCEWAYS
MAP 7
MAP NOT TO SCALE
ENTRANCEWAY BOUNDARY

Map 9 - 7: US 41/US 301 Entranceways in Manatee County~~Entranceways, Map 7~~


US 41 / US 301 Entranceways into Manatee County
57 AVE W
60 AVE W
US 41
BAYSHORE GARDENS PKWY
34 ST W
26 ST W
14 ST W
9 ST E
301 BLVD
63 AVE E
SAUNDERS RD
33 ST E
37 ST E
WHITFIELD AVE
TALLEVAST RD
36TH ST E
15 ST E
US 301
TUTTLE AVE
UNIVERSITY PK
SARASOTA COUNTY
Entranceways
US 41
US 301 at University Pkwy
Parcel boundaries
0 1,250 2,500 5,000
Feet

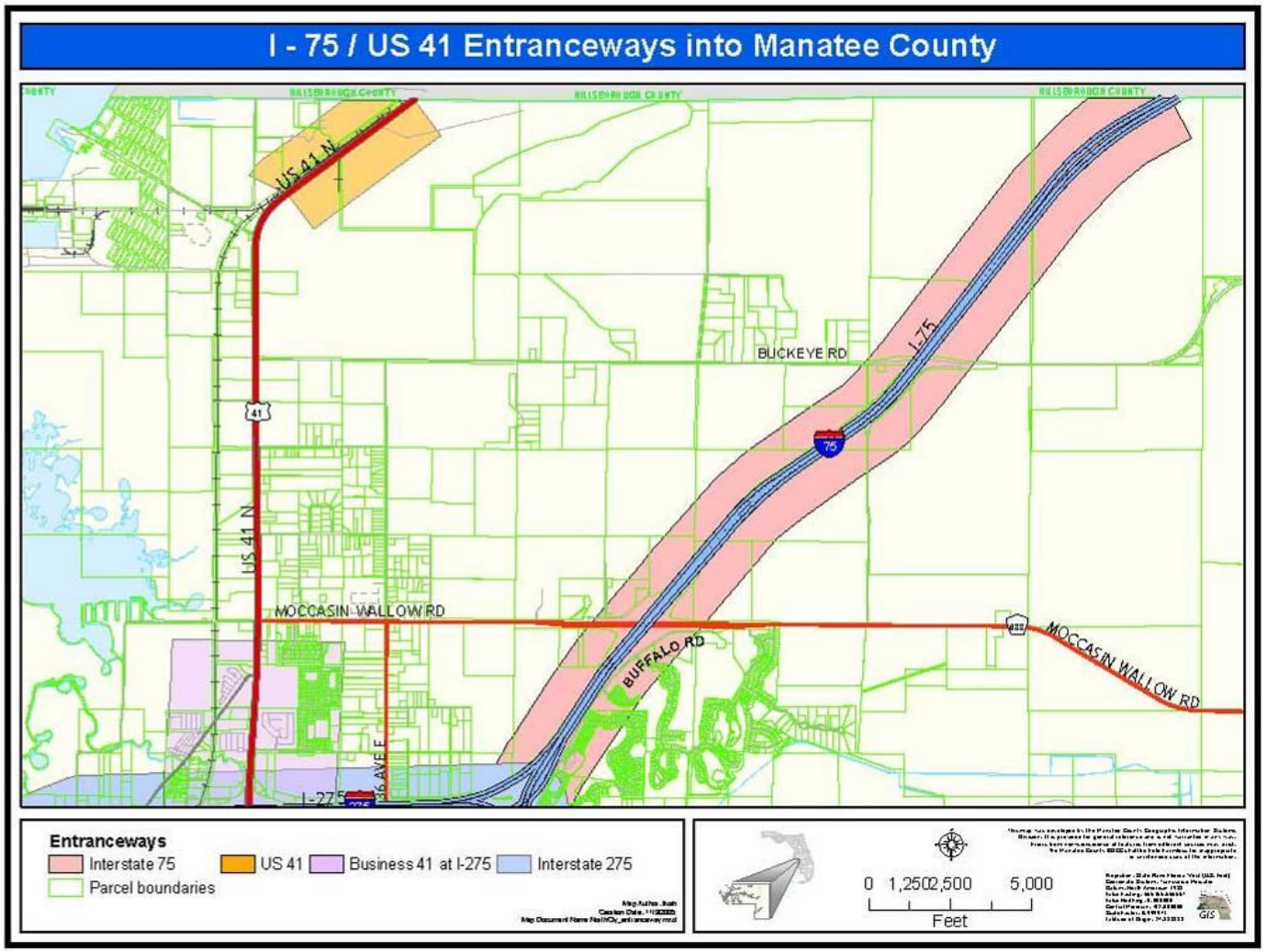


ENTRANCEWAYS
MAP 8

MAP NOT TO SCALE

COASTAL HIGH HAZARD OVERLAY
SEC. 15
ENTRANCEWAY BOUNDARY

Map 9 - 8: I-75/US 41 Entranceways into Manatee County~~Entranceways, Map 8~~



~~Map 8-0: Entranceways Map 9~~

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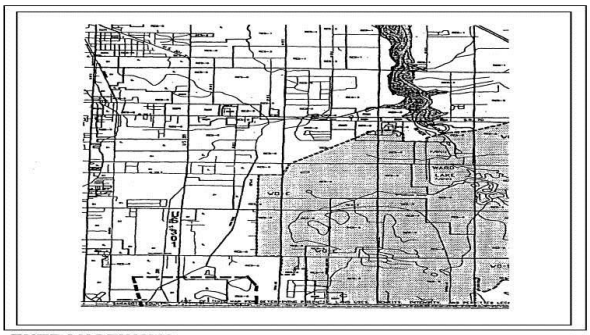


Section 901. ~~Section 401.~~Cortez Fishing Village Design Guidelines.

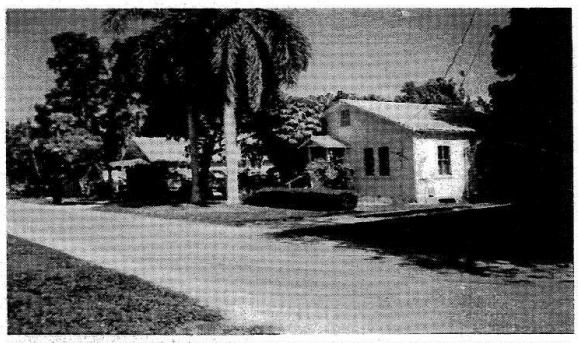
Commented [LDI7]: [This section not part of scope however it was updated to match other chapters]

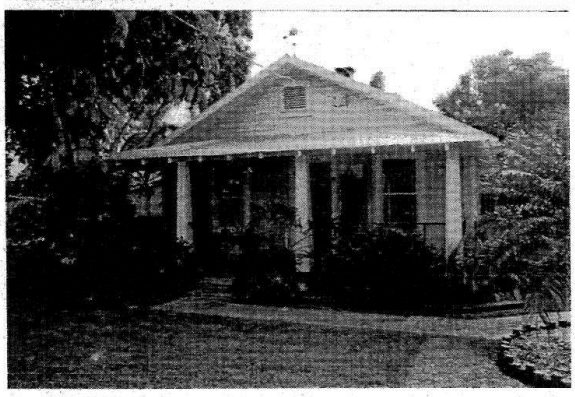
~~Figure 4-1 sets forth the Design Guidelines for the Cortez National Register Historic District.~~

~~(Ord. No. 07-57, § 3, 9-6-07)~~

~~FIGURE 4-1~~

~~Design Guidelines For The Cortez National Register Historic District~~





STEVENSON ARCHITECTS INC.
June 2001

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~~This project has been financed in part with historic preservation grant assistance provided by the Bureau of Historic Preservation, Division of Historical Resources, Florida Department of State, assisted by the Historic Preservation Advisory Council. However, the contents and opinion do not necessarily reflect the views and opinions of the Florida Department of State, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the~~

~~Florida Department of State.~~

~~Valuable guidance and assistance was provided by the work of Robert Jeffrey, Manager of Urban Design and Historic Preservation with the City of St. Petersburg.~~

~~Many thanks go to Linda Stevenson who provided over half of her services as in-kind to make this project possible.~~

~~Thanks to Dan Pennington and Alex Magee of 1000 Friends of Florida.~~

~~Special thanks go to the Cortez Waterfronts Florida Committee who voted to maintain their neighborhood character by pursuing design standards and to the Florida Institute of Saltwater Heritage (FISH) who applied for and worked on this grant.~~

~~Thanks to the Manatee County Board of County Commissioners for funding the Cortez Waterfronts Florida Program whose manager, Janet Hoffman, provided grant administration and technical assistance for this document.~~

~~The Historic Preservation Board of Manatee County provided guidance and comments helpful to the creation of the document.~~

~~**Figure 1a**~~

~~**Figure 1b**~~

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901.1. Definitions/Glossary of Terms

Alignment	The relationship of three-dimensional features in space where the element matches a line established by an adjacent element to its position in space. Alignments can be horizontal, vertical or diagonal.
Compatibility	Sensitivity and responsiveness of a building's design to the existing character of a neighborhood or historic or special area. Elements of assessing compatibility include the following features: ~~-~~ Relationship of the building to the street (height, facade details, landscaping,

	transition from public to private spaces) ~~-~~ Spacing between buildings ~~-~~ Consistency of the building's design features ~~-~~ Scale
Context	Characteristics or quality of the natural or physical attributes of an area, topography, landscape and water features and the man-made components (built environment) consisting of buildings and streetscape features.
Contributing structure	A contributing structure of a historic district is a structure that was built during the area's period of significance, and reinforces the character and style of the district.
Drop siding	A siding in which the upper portion of each board has a concave curve. Also know as novelty, rustic and German Siding.
FEMA	Federal Emergency Management Agency, agency responsible for setting requirements for federal flood insurance program.
Fenestration	The arrangement of the various windows, doors and other exterior openings in a building.
FIRM	Flood Insurance Rate Map
Massing	The arrangement of geometric forms of building into a whole.
Non-contributing structure	A non-contributing structure is one that was either: a) built after the area's period of significance, b) a structure that dates from the area's period of significance but has had substantial alterations to its character-defining features.
Rehabilitation	The process of returning a building to a state of usefulness through repair or alteration which preserves those features that are historically or architecturally significant.
Relocation	Any change in the location of a building from its present setting to another setting.
Rhythm	The regular or harmonious recurrence of building lines, shapes, forms or color. Rhythm can be established by rooflines, porches and entrances, columns, window shapes and patterns and other horizontal or vertical elements on the facades.
Scale	~~Is t~~The proportional size of a building related to its surroundings, particularly other buildings in the surrounding context.
Setting	The relationship of a historic building to adjacent buildings and the surrounding site and environment. The setting of a historic building includes such important features as yards, gardens, signs, streets and building set-backs. The landscape features around a building are often important aspects of its character and the district in which it is located.
Spacing	The regular interval of repetition of elements in a group.

901.2. ~~I.~~ Introduction.

Cortez is the same quintessential commercial fishing village today as it was 100 years ago. In fact, it has remained a viable fishing location for over 200 years, utilized by itinerant fishermen before it was permanently settled by five fishermen~~,~~. ~~three~~ Three of them were brothers, from Carteret County, North Carolina. The present village of Cortez faces pressures never imagined when it was settled as an isolated village, accessible only by water, in the late 1880s.

Even though modern development pressures have dramatically altered the shoreline of much of Florida, the Cortez waterfront remains true to its marine heritage as a working commercial fishing village - so far. Cortez is feeling the pressure of dwindling waterfront property, post WWII, car oriented development regulations, and the commercial fishing net ban. The village is struggling to keep its historic integrity both culturally and architecturally.

Concern for Cortez is not new. In 1975 Manatee County completed a road study for Cortez Road. Recommendations were made to create special regulations to preserve the community's character. In 1989 the Manatee County Comprehensive Plan was adopted, which recognized Cortez with a Historical and Archaeological Overlay District. In 1990, the County adopted its new Land Development Code (LDC) also designating Cortez as an historical district. Since then, the Village has been listed on the National Register of Historic Places (1995) and was designated a Waterfronts Florida community in 1999.

The 1990 LDC established the first Manatee County Historic Preservation Board (HPB). The HPB reviews proposed projects in Cortez, both renovations and new construction, and issues a Certificate of Appropriateness for appropriate construction as part of the permitting process. Design criteria provided by the Secretary of Interior Standards for Rehabilitation, adopted in the LDC, guide the County's review process. While the Standards provide some guidance

for historic properties, it has become apparent that more site - specific design guidelines are needed for infill construction, and alterations and additions to existing structures.

The Cortez Vision Plan is one of the Cortez Waterfronts Florida Committee's first projects, developed with input of a community-wide survey in January 2000 and through a series of public meetings held between February and April 2000. The survey was returned by 78% of the community. The Visioning process identified the preservation of community character as the number one concern of Cortez residents. The Vision Plan reflects this concern for community. The first strategy in the Vision Plan under goal #1: Maintain Community Character, calls for the development of design guidelines for new construction. This document was specifically created to implement the community preservation goals of the Cortez Vision Plan.

901.3. ~~Project~~ Goals.~~:~~

The goals of these Design Guidelines are to:

A. ~~1.~~Provide a framework for the preservation of a historical/cultural and ethnographical community as the working fishing community grows and transitions over time.

B. ~~2.~~Clearly define the important features of the Cortez community and provide uniform expectations for those involved in new or re-construction including:

1. ~~a)~~Property Owners who are renovating historic properties and who need guidance in retaining historic integrity~~.~~;

2. ~~b)~~Property Owners who are building new structures in the community whose construction can reinforce character defining community features;~~.~~

3. ~~c)~~Architects who are designing new homes and renovations to existing homes who require compatibility guidance and the County Staff who are reviewing the plans~~.~~;

4. ~~d)~~Historic Preservation Board members who review projects for their appropriateness for the community, and who must make recommendations on development projects and approve or deny Certificates of Appropriateness for these plans; and

5. ~~e)~~County Planning an review staff who may be involved in future County projects in Cortez.

C. ~~3.~~Preserve those physical characteristics that are character defining features in Cortez, including:

1. ~~-~~Preservation of the scale in the community;

2. ~~-~~Preservation of open space and vistas;

3. ~~-~~Preservation of traditional street and drainage patterns (no curbs/gutters); and

4. ~~-~~Preservation of traditional architectural character and forms.

D. ~~4.~~Create a "holistic" approach to the planning process~~,~~ that encompasses the physical, economic and visual characteristics of the community.

E. ~~5.~~Preserve the relationship of the community to the working waterfront.

F. ~~6.~~Preserve a traditional mix of uses; residential, commercial and marine/industrial.

G. ~~7.~~Carefully integrate new marine uses.

901.4. Project Approach~~:~~.

The following elements were incorporated into these Design Guidelines:

A. ~~1.~~Study of the historical development patterns that have created the Village.

B. ~~2.~~Identification of the modern development patterns and regulatory forces acting on the Village today.

C. ~~3.~~Analysis of the features on the existing streetscape, landscape and site characteristics that contribute to the

character of Cortez.

D. ~~4.~~ Analysis of the existing character defining features and architectural styles that make up the historic building stock.

901.5. ~~II.~~ Character Defining Features of the Village of Cortez.

A. Historical Development Patterns.

Cortez is located on a peninsula historically known as "Hunter's Point". Early in the 19th century, Spanish fishermen plied the waters of the area and established plantations or "ranchos" on the peninsula. No remnants of these structures remain. The Village was settled by fishing families, from Cateret County, North Carolina. Many of the descendants of those families still live in the community today.

Established in the late 1880's, Cortez was accessible only from the water. Boats were the main mode of transportation along with walking. Before the hurricane of 1921 destroyed all but one structure on the waterfront, many homes were located there. Residents rebuilt at a distance from the shoreline and anchored their new homes to withstand high winds. All community activity centered on the waterfront and the development of the Village reflects that orientation. Streets in Cortez began as footpaths and their narrow width today is a result of that pedestrian beginning. Most streets are oriented in a north-south direction, allowing access directly to the water.

A study of the development of the Village through a series of aerial photographs reveals that the Village layout was largely unchanged from plats in the 1920s and platted street patterns in the 1940s. (Figure 9-1~~2~~). A few streets have been extended to meet Cortez Road, the major east-west road from Bradenton to the islands. The one east-west street, 45th Avenue, which parallels Cortez Road, was also extended through Cortez when the village was paved. (Figures 9-2 and 9-3~~3, 4 and 5~~).

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B. Modern Development Patterns and Forces.

"Modern" development patterns (generally dating from post-World War II) were based on providing places for cars. This car-based development model, with its wide streets, accents on driveways and garages and large setback requirements, runs counter to traditional development patterns in Cortez. Three areas of conflict include:

~~1)~~ *Development Regulations.*

1. The rules for new development as described in the County's current Land Development Code (LDC) are typical for suburban developments that are related to automobile travel, and uniformity of requirements. These rules do not address the needs of historical communities like Cortez, with its tradition of an individualistic approach to single lot development and its traditional pedestrian scale.

   These Design Guidelines address those issues specific to this historic small scale community. As part of the planning process, specific amendments to the LDC pertaining to Cortez will be proposed through existing overlays or other special zoning districts, (with the exception of commercial design criteria for the north side of Cortez Road, which will be adopted as recommendations for consideration by developers only).

~~2)~~ *Flood Insurance and FEMA.*

2. Federal Emergency Management Agency (FEMA) created the National Flood Insurance Program (NFIP) to minimize damage to properties that are located in flood prone areas of the nation. The program is enforced in flood prone Cortez at the county level. FEMA's requirement that new construction in the village be elevated, with the first floors often 10 feet above grade, has encouraged the creation of large scale homes that dwarf their historic neighbors. These huge homes negate the pedestrian scale and orientation of the village by constructing front entrances that are often no longer tied to the street. These homes also block light and breezes for their small neighbors, casting some adjacent properties in permanent shadow.

   The "50%" rule, which requires elevation of substantial work on non-conforming (non-historic) homes in the district also has the potential to create hardships for young families who need to expand their homes as their families grow.

~~3)~~ *Economic pressures.*

3. Demand for waterfront property is at an ~~all-time~~all-time high as the supply of this property has been substantially diminished in Florida over the last decade. As the land costs increase, the trend is towards large

luxurious homes, and larger regional commercial developments. As affluent non-natives move in, they sometimes complain about their neighbors involved in traditional commercial fishing activities such as storing nets, crab traps, fish coolers, boats in yards and working on fishing boats.

On the waterfront, commercial fishing concerns have the potential to be purchased by non-working development. Should this happen, the unique character of Cortez will be lost forever.

Figure 9 - 1: ~~Figure 2~~ 1~~0~~940s ~~a~~Aerial of Cortez

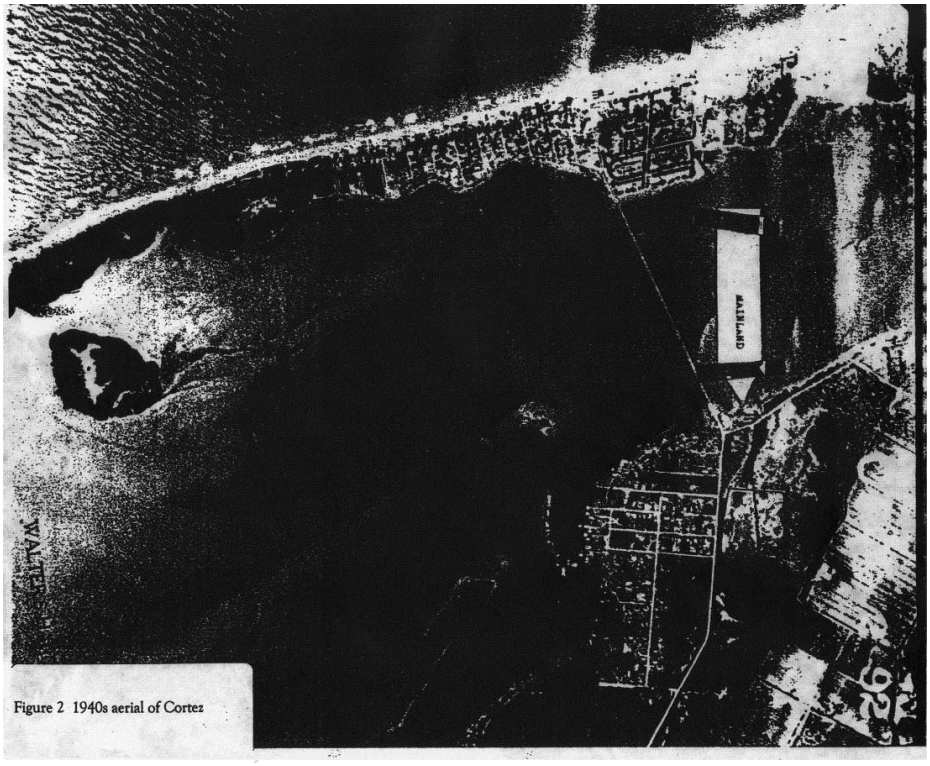


Figure 9 - 2: 1966 Aerial of Cortez

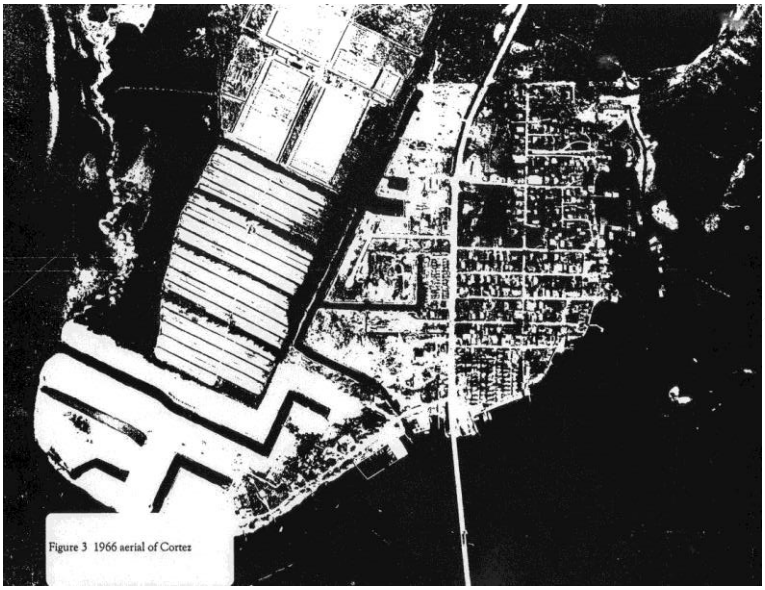


Figure 9 - 3: 1999 Aerial of Cortez

C. Characteristics of the Cortez Setting.

1. The Village was traditionally approached from the water. Because Cortezians work on the waterfront, with their daily movements taking them from home to work and back, most of the streets in the Village run north-south to the water.
2. The Village is laid out in a simple grid of streets that terminates in open vistas at the waterfront.
3. The historic residential and commercial buildings are set close to the streets, to allow easy pedestrian access, including those on Cortez Road.
4. Historical buildings in Cortez create the pedestrian scale of the street through the placement of building facade, porch or stoop, steps to grade and a small walkway to front door, opening directly to and facing the street. (Figure 9-4~~6~~ b).
5. The streets are narrow when compared to contemporary, auto-oriented standards.

D. Typical Streetscapes.

1. The streets do not contain curbs and gutters.
2. No sidewalks exist in the Village, except along the south side of Cortez Road.
3. Few fences or garden walls are to be found in Cortez, creating the effect of open space flowing around the buildings. Fence construction has accelerated in recent years.
4. Before the 1921 hurricane, Royal Palms lined the streets, a few palms remain in some areas, especially along 45th Avenue West and the west side of 121st Street West.
5. Typically the lot sizes are small, with the short side of rectangle oriented to the street.
6. Relatively large areas of open space punctuate the density on the east side of the Village.
7. Lot coverage is often no more than 30%.

Figure 9 - 4a & b—Typical streetscapes

~~Figure 6 a & b—Typical streetscapes~~

E. Individual Character Defining Features of Buildings in Cortez

1. Residential Buildings

a. Buildings typically elevated a few feet above grade on piers.

b. Stoops, or porches, roofed over, enclosed or screened are common features.

c. Height: Most are 1 story, some structures are 2 to 2.5 stories

d. Type: Residential: Small single family cottages, often less than 1,000 square feet, a few larger homes

e. Home styles are predominately Frame Vernacular, some Bungalows, Masonry Vernacular and

Industrial vernacular structures. (See next section for examples).

f. Wood is the most common material used for siding, trim, porches and railings. Other materials include stucco on masonry or frame, and an example of stone.

g. Roofs are generally gabled with some pyramidal and cross-gabled forms. Hip roofs are also common.

h. Roof pitch: Varies from 4:12 to 8:12.

i. Homes are predominately composed of a rectangular mass with a horizontal orientation, with some complex forms resulting from multiple additions over time.

2. *Commercial and Waterfront*

a. Buildings typically at grade (ca. 1940s), or elevated on piers (earlier structures).

b. Buildings are generally located close to the road.

c. Most buildings are 1 story in height, some structures are 2 stories. Commercial buildings are 1 story masonry or 1 and 2 story frame buildings often converted from residences.

d. Waterfront structures are generally single story frame (1920s to 1940s) or masonry structures primarily related to the fishing industry.

e. Construction materials typically include stucco on masonry or frame construction. Some of the older structures have wood siding, either beveled or novelty. Later materials include vinyl siding and asphalt shingle coverings.

f. Predominate styles are Frame Vernacular, Masonry Vernacular and Industrial vernacular structures.

g. Roofs are typically flat behind parapets, usually built - up tar and gravel. Gable or hip roofs often were covered with crimpled metal, later replaced by asphalt shingles. Roof pitch is either flat (shallow) or sloped.

h. Building massing is predominately rectangular.

F. Characteristic Architectural Styles in Cortez

The existing stock of buildings contains a limited number of architectural styles. Cortez is not a designed or planned high-style community of similar types of structures dating from a precise period, as was Whitfield Estates or Palma Sola Park. Rather, it is a more humble, organic place that developed over time.

The Village is characterized by "folk" architecture, constructed from a variety of materials, over an extended period of time. Many homes were moved to Cortez from other areas, such as Bradenton. Some structures were built from materials salvaged from boats and other construction. Some were once "net camps" located on pilings in the Bay, and used to dry cotton fishing nets. After the introduction of monofilament nets, these camps were no longer needed and were moved to shore to be used as residences.

The community achieves its cohesive character through the similarity of forms, materials and massing of its structures, as well as a consistent relationship of building to street and to surrounding space.

Frame Vernacular.

1. One of the most common styles of architecture in Florida is Frame Vernacular. Vernacular architecture refers to "folk" architecture that is built with local materials and local labor, without plans and at the most economical price at the time. It does not adhere to any academic style, and relies heavily on the builder's experience. The vernacular, while termed a style, is defined by not belonging to any particular formal architectural style. Folk architecture was heavily influenced by regional building traditions.

   The footprint of a Vernacular building is usually rectangular and regular, with simple facades that lack decorative details or stylistic features. Roof finishes were typically wood shingles or 2V or 5V crimp metal, with many roofs replaced with composition and fiberglass shingles. Exposed rafter ends are a typical feature.

Figure 9 - 5~~4~~: Frame Vernacular Style

The original porches were often enclosed to add additional area for growing families. In Cortez, there are very few remaining open porches, especially on the smallest houses. Porch columns are simple and small. Undisturbed foundation systems are constructed of either brick or concrete block piers.

The front facing gable or a hip roof are typical roof designs for this style. The horizontal siding, clapboard pine, is also typical. A number of alterations have occurred to these buildings over the years: window openings and sash have been altered, porch columns have been changed, or added, and sheathing materials for wall and roof surfaces have been replaced.

Stylistic Features include:

- Simple rectangular shape
- Roof pitch 6 in 12 or steeper on older structures, shallower roof pitches on later houses
- Gable or hip roofs
- Bevel or Novelty wood siding
- Exposed rafter ends
- Wood double-hung windows
- Little ornamentation

Figure 9 - 6~~5~~: Frame Vernacular Style - pyramidal roof

Figure 9 - 7~~6~~: Frame Vernacular Style - 2 story

Bungalow.

2. The Bungalow style developed in the late nineteenth and early twentieth centuries as a single family housing type that became widespread through extensive distribution of mail order plans. The Bungalow residential style is found in almost all Florida towns, as it was inexpensive, attractive and provided all the amenities of a suburban dwelling. The materials are similar to those found in the Frame Vernacular. There is some attempt at decoration on these buildings that is not found on Frame Vernacular. The ornament may be found on window surrounds, column bases and capitals, gable end trim and decorative cutting on rafter ends. Windows are often grouped in pairs with separation to allow for window sash weights. Chimneys are typically brick with simple decorative caps. Columns are usually larger than those found on Frame Vernacular, and often tapered.

Figure 9 - 8 7: Bungalow Style

The typical Bungalow in the Village of Cortez is modest in scale, with one or one and one half stories in height, and a large porch across the front facade. Floor plans are simple and straightforward, with enough variation in solid masses and void spaces to create an interesting facade. Chimneys are typically brick, while foundation systems are usually masonry piers set on the ground.

Stylistic Features include:

- Simple rectangular shape
- Emphasis on horizontal lines
- Gabled or hipped roof with wide eaves
- Exposed rafter ends
- Wood double-hung windows
- Porches with short columns
- Wall materials: wood
- Pier foundations

Masonry Vernacular.

3. The buildings' shapes were typically symmetrical and one or two stories in height. Roofs were often flat or with shallow slopes, clad in roll roofing or asphalted built-up materials. Wood double hung sash or casement windows, along with articulated and exposed lintels were the most common fenestration seen. Decoration was sparse, usually limited to stucco columns, piers and rafter eave brackets, or decorative parapet caps.

Stylistic Features include:

- Simple parapet roof detail
- Decorative parapet cap
- Horizontal emphasis
- Canopies or awnings
- Stucco or painted finish
- Storefront windows and doors
- Piers expressed on the exterior

Figure 9 - 9~~8~~: Masonry Vernacular Style, commercial

Masonry and Frame Vernacular Styles.

4. The term "masonry and frame vernacular" style is used to signify a structure that, largely through alterations, is a hybrid of these two predominant vernacular styles. Usually, remnants of the original character defining features remain after the transformation. These structures are most often seen with masonry lower floors and frame second floors.

Stylistic Features include:

- Mix of architectural styles
- Masonry Vernacular and Frame Vernacular
- Mix of materials or construction systems
- Structures that have been altered over time.

Figure 9 - 10 9: Masonry and Frame Styles

Industrial Architecture.

5. Industrial buildings reflect the function for which they are used. There are several interesting examples in the area that were created for the commercial waterfront activities. Depending on the period of construction, these buildings will either be constructed of wood frame with wood or metal cladding, or masonry construction. While these structures contain the elements of the previously identified vernacular styles, it is important to note how the functional concerns of an industrial facility find expression in the architectural features.

Metal roofs, metal or masonry cladding and large structural frames with large interior volumes are typical features. Many of the buildings feature open covered porches, or canopy areas adjacent to the waterfront.

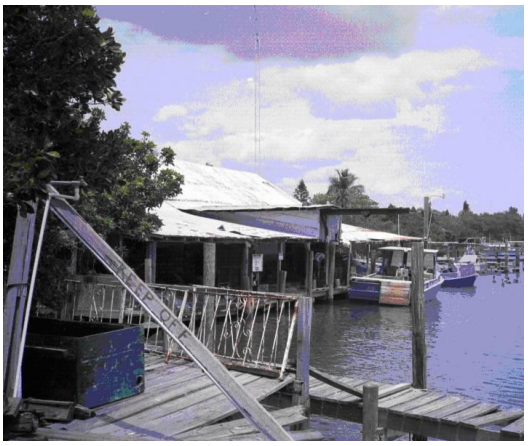
Stylistic Features include:

- Earlier structures are wood frame vernacular, later examples—Post 1940s are often masonry vernacular construction
- Metal roofs
- Simple pattern of openings
- Industrial materials commonly used
- Related to marine/fishing industry

Figure 9 - 11 10: Industrial Vernacular—Frame construction

Figure 9 - 12: — Industrial—-Masonry Vernacular

Figure 9 - 13: Industrial—Marine/Fishing Frame Vernacular



Note how the frame fish houses retain the large covered areas by the waterfront, and the building form is expressed with simple volumes clad in wood and metal. The masonry vernacular forms of the A. P. Bell fish house provide large unbroken wall surfaces facing the street and the mechanical equipment is expressed on the exterior of the building.

901.6. ~~III~~ Guidelines for New Construction, Relocation and Demolition.

A. Design Guidelines for Residential Buildings

Housing Types.

1. There are three types of residential housing stock in the community. Each type of housing has been addressed in sections of these guidelines.

Historic Structures:

- For those structures over 50 years old and considered to be contributing to the historic district, please see section VI on the Rehabilitation and Maintenance of Historic Properties for specific guidelines on materials restoration of these structures.
- For guidance on additions and alterations to historic structures, see section VI.

Non-contributing and those becoming eligible for listing in the near future.

- Please refer to this section of the guidelines.
- Encourage the continued updating of the architectural and historical survey of the community to identify and list those structures as they become eligible.

Recent structures and proposed structures

- These structures were built post FIRM and are elevated above the base flood elevation.
- Please refer to this section of the guidelines. Please see figures 9-17~~18~~ through 9-18~~19~~ for examples of appropriate and inappropriate design approaches.

2. *Site Design*

Do:

- Maintain the traditional drainage patterns of the community.
- Driveways: Use materials that are more pervious (allow~~s~~ water to penetrate into the ground) than concrete slabs, such as shell or paver blocks (with grass).
- When structures are elevated on columns or piers, keep the grade level close to the adjacent area to avoid run off onto neighbors' properties. Avoid impervious foundation areas under elevated buildings as much as possible. (Figure ~~16a~~9-14 a).
- Maintain the front setback line of adjacent structures.
- Maintain the traditional relationship of street, walk, steps, entrance porch or stoop and structure behind. (Figure ~~16~~9-14 b).
- Maintain the rhythm of typical lot size, approximately 50' wide, even if lots are combined.

Avoid:

- Avoid creating curbs at the street.
- Avoid large amounts of fill areas.
- Avoid impervious foundation areas, large areas of concrete slabs under elevated structures.
- Avoid fences in the front yard whenever possible. If a fence is desired in the side or rear yards, open fencing materials, such as chain link is acceptable.

Figure 9 - 14~~16~~ a: 2 Story Construction with Open Area

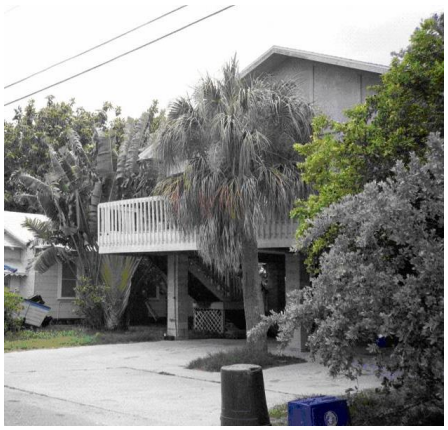


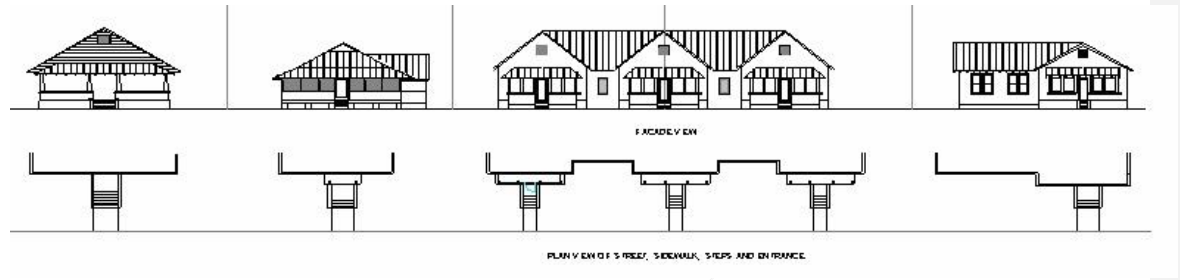
Figure 9 - 14~~16~~ b: Traditional Relationship of Front Entrance to Street

3. Residential Building Massing

Do:

- Break up building mass and volume into articulated sections and forms, instead of creating massive blocks. See figure 9-15~~17~~.
- Use design elements that help achieve proper mass such as:
  - A rhythm of similar forms that echo the existing street rhythm of the individual small gable or hip roofed boxes. The spacing of these forms should also repeat the existing rhythm.
  - Aligning the facades so that the common alignment of other structures on the street is maintained.

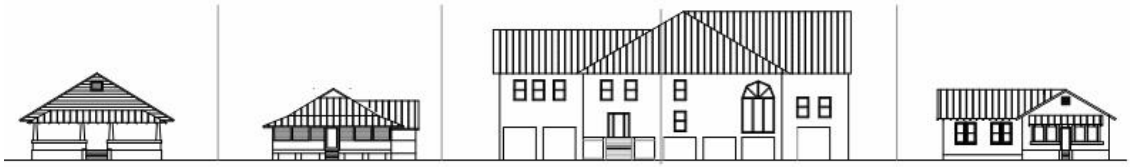
Figure 9 - 15: ~~Figure 17—~~Rhythm, Alignment and Spacing



Avoid:

- Massive structures with walls extending up vertically more than two stories on the front and/or sides of the building.
- Placement of the facades that don't line up with the other structures on the street.

Figure 9 - 16: ~~Figure 18—~~Incompatible New Construction



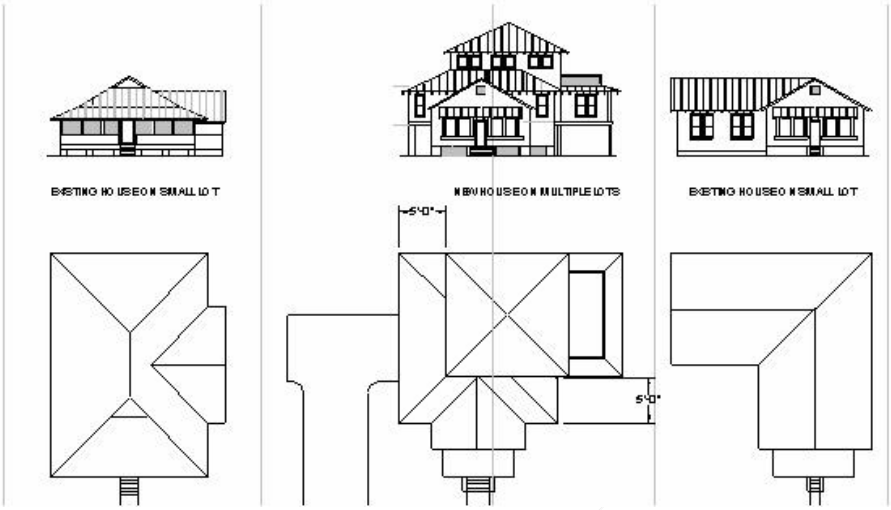
In the example above, the massiveness of the new house dwarfs the surrounding structures. When the building envelope is pushed out the edges of the lot's buildable area, the towering mass also blocks light and air flow to its neighbors.

Do:

- Step back the upper stories from the face of the story below (at least 5 feet), particularly on the front and side facades.
- Use the correct shape and proportions of new windows to recall the historic window shapes, proportions and rhythms. See figure 9-18~~20~~.
- Incorporate the traditional roof forms, porches and balconies.

~~Facade View~~

Figure 9 - 17: ~~Figure 19—~~Compatible New Construction



~~Plan View~~

4. *Appropriate Materials for Residential Buildings*

Do:

- Use appropriate materials including:
- Siding
  - Wood clapboard
  - Wood shingles
  - Hardi-plank (cementitious) siding
  - Stone (see existing stone houses).
  - Some metals
- Roofing
  - Wood shingles
  - Asphalt shingles
  - Metal sheet roofing - preferred
- Windows
  - Wood
  - Clad wood
  - Some metal (white finish)
  - Vertical proportions
  - Height is at least 2.25 times width
  - Spacing between windows
  - At least 1.5 width of window
  - Double-hung
  - Casement
- Building Features
  - Porches
  - Balconies
  - Decks
  - Cupola

- Monitors
- Chimneys

Avoid:

- Materials that are incompatible in scale, texture and sheen, such as
- Siding
  - Aluminum
  - Vinyl siding **(Vinyl deteriorates under UV and may not be cost effective long-term)
- Roofing
  - Bright colors on metal or asphalt shingles
- Windows that are:
  - Mill finish or dark aluminum
  - Horizontally oriented windows

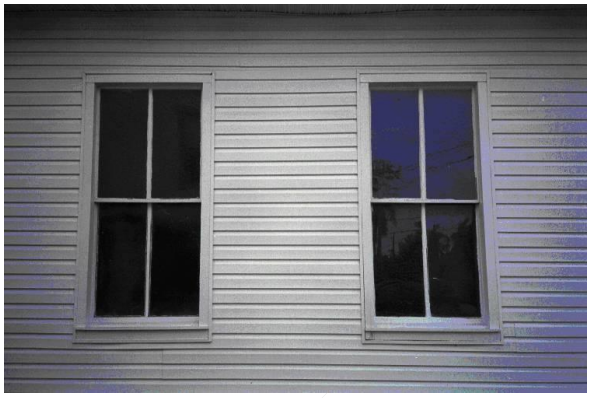


Figure 9 - 18 20: Window Proportion and Spacing

** Vinyl deteriorates under UV and may not be cost effective long-term.

Figure 20—Window Proportion and Spacing

Additions and alterations to Residential Buildings.

5. Additions and alterations also fall into the category for new construction. If the addition or alteration is for a historic property, please also see Section VI for additional guidelines.

Do:

- Utilize the same scale, materials and fenestration patterns as the original structures.

Figure 9 - 19: Figure 21—Compatible Addition to Existing Structure

Existing Addition at side and rear Existing

Design Guidelines for Commercial Buildings.

B. The commercial area of the Village of Cortez borders the north and south sides of Cortez Road. There are three

distinct zones along this linear strip.

Beginning at the traffic light at 119th Street on the north side, the eastern end of the road is characterized by sparse development on the road and low density. Cortez Road narrows to two lanes at this point. As the road curves slightly to the west, the middle section of this zone contains a mixture of 1 and 2 story non-historic commercial and some converted residential structures. At the western end of the road, the development reflects the recreational and marine character of the area. The road continues out of the Village over the Cortez Bridge and terminates on Anna Maria Island.

While Cortez Road serves as a major connector to the Gulf beach communities, it also performs the function of a local commercial street within the Village. Particularly during the tourist season, there is significant pedestrian and bicycle traffic that uses the roadway. There is an existing concrete sidewalk along the south side of the road right of way.

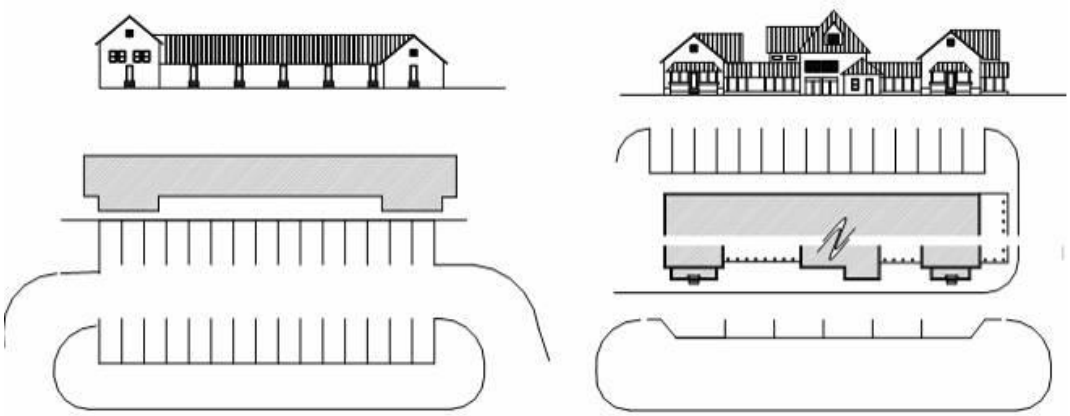
1. *Commercial Site Design*

Do:

- ~~-~~Place commercial structures as close as possible to the street to reinforce the Village character.
- ~~-~~Place front facades facing the street.
- ~~-~~Provide minimal parking up front (no more than one aisle) and additional parking at the sides and rear of the structure. See Figure 9-19~~21~~.
- ~~-~~Provide a landscaping palette that is compatible with the existing palette in the Village.

Commercial Buildings on Cortez Road

Figure 9 - 20: ~~Figure 19~~22 ~~—~~New Commercial Construction



Incompatible commercial structure

- ~~-~~Parking lot in front and building setback far from street
- ~~-~~Creates the effect of a "sea" of parking
- ~~-~~Large and long building mass with little articulation

Compatible commercial structure

- Small parking area in front and building set closer to road for Handicap Accessible spaces~~.~~
- Additional parking is placed behind the building
- Large building mass is broken up into smaller forms
- Porches, entrances and human scale elements make structure more inviting to pedestrians and more compatible with the surrounding scale and character of the Village~~.~~

2. *Significant Exterior Features for Commercial Buildings*

Do:

- Create building forms that are compatible with the nearby structures.
- Create a compatible appearance for long facades that are created in response to the lot frontage by breaking up the forms.
- Employ skillful use of elements such as porches, balconies and windows that recall the proportions found in the Village.
- Use gable or hip roof forms whenever possible.

Commercial Signage.

3. Signs are an important component of commercial architecture. Typical types of signs include:

- Fascia signs
- Hanging or projecting signs
- Letters painted or applied to storefronts
- Awnings or canopies with signs painted onto or attached to their faces
- Neon signs

Design signs so that the scale of the sign is compatible with the scale of the building. There are two different scales along Cortez Road, one is vehicular and the other is pedestrian.

Figure 9 - 21: Signage

Signage creates visual clutter at the entrance to Cortez Village

Sign scale and design works well with context

Design of this sign works well with the surrounding character of the area,
at both the pedestrian and vehicular scales.

This sign works well at both pedestrian and vehicular scale

Upper sign band too large for facade, lower band is better

Scale and design of this sign work in context.

Do:

- Locate new signs on the flat, unadorned parts of a facade, such as show windows, horizontal canopies, fascia and frieze band.
- Use simple designs and lettering such as a block -style or serif style, painted in high contrast to the sign panel color.
- Size the signage to the scale of the building.
- Utilize smaller sign panels that suit pedestrian scale on the buildings.
- Canvas awnings with signs.

Avoid:

- Ornate signs or signs based on architectural styles inappropriate to the commercial architecture of the Village.
- Signs that obscure architectural details.
- Curved shaped awnings or "bull-nose" with backlit signs.

C. Design Guidelines for the Waterfront Industrial/Marine Area

1. Waterfront Site Development Features

- New structures should be placed close to the property lines and to the waterfront to reinforce the marine character of the waterfront, similar to the character of the existing structures. The waterfront setback requirements in the Manatee County LDC should be modified to suit the community character.
- Front facades should face the water.
- Retain a maximum height of two stories.
- Provide parking on the street side of the structure.

2. Significant Exterior Features

- Building forms should be compatible with the nearby structures.
- If a long facade is created in response the lot frontage, articulation of the forms, (breaking them up) will provide a more visually compatible appearance.
- Use of exterior decks, docks and platforms overlooking the waterfront is recommended.
- Materials: In addition to the list of materials provided in the residential guidelines section, other industrial types of materials are encouraged, such as metal siding/roofing.

901.7. ~~IV.~~ Relocation of Buildings.

There are several criteria to be considered when reviewing a proposal to move a building to a new site, similar to those for compatible new construction and infill. The built environment for the new site should be similar to the old one in terms of the age of the surrounding buildings, their height, materials, set-back and architectural details.

Relocation of historic vernacular homes to the Cortez area is encouraged on vacant lots.

Do:

- Retain the historic relationship between buildings and streetscape and landscape features.
- Choose a site for a building that is compatible to the original setting.
- Place the structures on the street so that it reflects the traditional locations of houses relative to the street.
- Place the building so that the orientation of its principal facade and front and side setbacks are compatible with surrounding buildings.
- Make every effort to preserve the historic character of the homes. This will provide some relief in issues related to FEMA concerns and historic character.
- Provide a new foundation whose height, design and facing materials reflect the surrounding examples. Salvage original foundation materials where possible for re-use as a veneer on the new foundation. (See note above regarding FEMA requirements for elevated structures and historic preservation issues).
- If demolition of a structure in the Village is considered, make every attempt to relocate the structure instead.

Avoid:

- Relocating a building to the Village where the surrounding buildings date from a different period or are

architecturally incompatible due to their height, materials, setback and detailing.

- ~~-~~Destruction or alteration of significant features, structures or archaeological sites at the new location.
- ~~-~~Improperly locating a building on its new site so that its orientation and front and side setbacks are incompatible with surrounding buildings.
- ~~-~~Placing the building on a new foundation whose design and materials are incompatible with the original. Examples include slab foundations or unfinished concrete blocks.

901.8. ~~V.~~ Demolition.

Demolition exerts a significant negative impact on a historic district. Often a conspicuous void is created or the replacement is usually less well-~~-~~designed and constructed that the original. Demolition of contributing pre-~~-~~FIRM structures is strongly discouraged. The Manatee County Historic Preservation Board has a review process for demolition requests in the Historic District of the Village.

In some instances, demolition may be appropriate. Non-~~-~~historic buildings whose designs are not in character with its surroundings can be removed without negative impact. Demolition of non-significant additions may also be appropriate. Demolition may be undertaken if the addition is less than fifty years old; or does not possess characteristics compatible with the neighborhood; or is so deteriorated that it would require reconstruction; or obscures earlier significant features.

Do:

- ~~-~~Identify, retain and preserve buildings, which are important in defining the overall historic character of the historic district.
- ~~-~~Retain the historic relationship between buildings and landscape and streetscape features that were identified in the description of setting in the Village.
- ~~-~~Remove non-significant buildings, additions or site features which detract from the historic character of a site or the surrounding district or neighborhood.

Don't:

- ~~-~~Removing buildings that are important in defining the overall character of the Village.
- ~~-~~Removing a historic building in a complex, a building feature or significant later addition, which is important in defining the historic character of a site or the surrounding neighborhood.

901.9. ~~VI.~~ Rehabilitation and Maintenance of Historic Properties.

Rehabilitation includes structural repairs, repairing roofs and exterior finishes, painting, and upgrading mechanical systems. It frequently involves changes in use. These changes may result in physical alterations, such as additions, expanded parking, and measures to comply with contemporary health and safety code requirements. Sensitive rehabilitation results in changes that do not negatively affect the historic character of a building and its setting.

All work done on buildings that contribute to the historic character of the Village shall comply with these guidelines.

A. General ~~Principals~~ Principles for Rehabilitation of Historic Properties:

1. ~~-~~Remove non-historic facades, materials and components. Numerous historic facades were covered at some time in the building's history. These coverings usually consisted of vinyl siding, stucco, or metal facades that can be removed, uncovering the important historic characteristics of the building.
2. ~~-~~Identify and stabilize historic components and their materials. Historic components can be identified by their importance to the original building. Generally, if it is part of the original building and it is reasonably intact, it should be retained. Repair is always preferable to replacement. Attempt to stabilize with the following priorities~~-~~:
   - Structural Components.
   - Moisture and weather protection components.
   - Decorative elements.
3. ~~-~~Re-establish fenestration if altered. In simpler terms, fenestration is the buildings openings. These include windows, storefronts and doors.

4. Identify, evaluate and rehabilitate decorative elements. Decorative elements should first be evaluated to determine their condition. If they are deteriorated they should be repaired if possible. If the detail is too deteriorated to repair, it should be replicated using identical materials.

5. Identify missing historical components. If a historic component is missing and can be documented that it existed on the original building, it should be replicated. If it cannot be documented, then it is appropriate to design a new feature that is compatible with the existing building and the missing feature. It must be easily recognizable as a new feature, designed so that it will not give the impression that it was an original component of the building.

B. Building Maintenance

1. Clean and repair facade. Repairs should be addressed in the following priorities~~,~~:

   - Structural Components.
   - Moisture and weather components.
   - Decorative elements.

2. Remove materials that are not compatible with the nature of the building or the neighborhood.

3. Maintain the proportion and scale of the buildings on the street. This includes the buildings height, width, distance from the street, window/door openings and spacings. Align the heights of horizontal features such as window heights, canopies, parapets, signs and roofs.

901.10. Definitions.~~:~~

Repair.

Repairs are warranted when the physical condition of character defining materials and features require it. Repair of historic material begins with the least degree of intervention possible, such as patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading the material according to recognized preservation methods. Repair also includes the limited replacement in kind or with a compatible substitute material of extensively deteriorated or missing parts of features when there are surviving prototypes. Although using the same kind of material is always the preferred option, substitute materials can be acceptable. The form, design and materials can enhance the visual appearance of the remaining historical feature and finish if designed thoughtfully.

Replace.

Replacement is appropriate when an entire character defining feature is not repairable. If the essential form and detailing are still evident so that the physical evidence can be used to reestablish the feature as an integral part of the rehabilitation project, then its replacement is appropriate. Like the guidance for repair, the preferred option is always replacement of the entire feature with the same material. Because this approach may not always be technically or economically feasible, provisions are made to consider the use of a compatible substitute material.

901.11. Design for Missing Historic Features

A new feature is appropriate when an entire interior or exterior feature is missing. Under these circumstances the original feature no longer plays a role in physically defining the historic character of a building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historical appearance. Where an important architectural feature is missing, its recovery is always recommended in the guidelines as the preferred course of action.

However, a second acceptable option for the replacement feature is a new design that is compatible with the remaining character defining features of the historic building. The new design should always take into account the size, scale, and material of the historic building itself and a false historical appearance is not created.

901.12. Additions and Alterations

Some exterior and interior alterations to a historic building are generally needed to assure its continued use. It is, however, generally important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include the provision for additional parking spaces on an existing historic building site; cutting new entrances or windows on secondary elevations; and installing an entirely

new mechanical system.

The construction of an exterior addition to a historic building may seem essential for a new use. The guidelines emphasize, however, that such new additions should be avoided, if possible, and considered only after it is determined that those needs cannot be met by altering secondary, non-character-defining interior spaces. If an exterior addition is needed, it should clearly be distinguished from the historic building and constructed so that character-defining features are not radically changed, obscured, damaged, or destroyed.

Every effort should be made to "hide" the addition at the rear of the structure and to ensure that its scale, height and materials are compatible with the character defining features of the historic structure.

Within the context of the Village of Cortez, the modest scale of the houses ensures that exterior additions will be necessary to improve the comfort and practicality of these structures. In addition to the recommendations on massing already contained in section III Guidelines for New Construction, the following sections of additional ~~areas of~~ concerns should be addressed.

Additions should utilize the same scale, materials and fenestration patterns as the original structures.

~~**Appendix A**~~

901.13. Specific Materials Recommendations for Rehabilitation of Historic Properties.

The following guidelines are intended to assist the home-owner in determining the best methods of preserving the character defining features for historic and contributing properties in the Village.

This section is divided into the areas of character-defining features of historic buildings. The appropriate standard of the Secretary of the Interior Standard's for Rehabilitation are cited along with recommendations on preservation and repair techniques.

~~The Secretary of Interior Standards are contained in Appendix B of this report.~~

Detailed recommendations on the proper treatment and preservation techniques for historic materials can be found in the series of Preservation Briefs, published by the National Park Service. Please see the bibliography for contact information.

Foundations and Infill.

A. Applicable Secretary of the Interior's Standards: 2, 3, 6, 9

#2. Retention of Distinguishing Architectural Character

#3. Recognition of Historic Period

#6. Repair/Replacement of Deteriorated or Missing Architectural Features Based on Historic Evidence

#9. Compatible Contemporary Design for New Alterations/Additions

Introduction.

1. Most residential historic buildings in Florida rest on raised masonry foundations, either continuous or piers, while most commercial buildings' foundations are slab on grade. Although brick is the most common material, there are many examples of other foundation types, including beveled and rock-faced concrete block. Some buildings, particularly Bungalows, feature foundation elements as an important part of the overall design of the facade. Historically, lattice, pierced brick, and continuous brick or other masonry generally was used as infill between foundation piers. Infill materials protected the underside of building, allowed ventilation, and sometimes provided additional decoration.

   Retain and repair original historic materials.

   If replacement is required, replace with a similar material. Do not replace with non-historic materials, such as unpainted concrete block, plywood or stucco.

   Enclosures should be limited to historically appropriate materials under Standard 3 or a compatible new design under Standard 9. Pierced brick and lattice are examples of compatible contemporary infill. Pierced continuous brick infill, a pattern of bricks laid with air space between the end surfaces, can easily be added to a foundation, providing ventilation, continuous support to the sill plates, and a historic appearance. Lattice

infill can be purchased in prefabricated panels and installed between masonry piers. Square criss cross lattice infill is also an appropriate infill material.

2. *Recommendations.*

- Retain, repair as needed or replace historic foundations with matching materials.
- Maintain open spaces between piers.
- If foundation enclosures are missing, enclose with an appropriate material such as lattice or pierced brick.

Avoid:

- Removing historic foundation enclosures unless they are deteriorated and irreparable.
- Enclosing a pier foundation with continuous infill that prevents ventilation and destroys the openness of the feature.
- Using a replacement infill material that is inappropriate the style of the building.
- Using historically inappropriate material such as concrete block, stucco, or plywood as infill.

Wood Exterior Fabric.

B. Applicable Secretary of the Interior's Standards: 2, 3, 9, and 10

#2. Retention of Distinguishing Architectural Character

#3. Recognition of Historic Period

#7. Cleaning with Gentlest Method Possible

#9. Compatible Contemporary Design for New Alterations/Additions

Introduction.

1. Horizontal wood siding is the predominant exterior finish of residential buildings in Cortez. Wood siding is a character defining feature of frame vernacular buildings. Important characteristics of wood siding which should be considered in its repair or replacement is board size, width of exposure, length, and trim detail.

Probably the greatest threat to wood siding and wooden features is the application of non-historic surface coverings such as aluminum and vinyl siding. Application of these materials violates Standards 2 and 3.

Standard 2 states that the removal or alteration of any historic material or distinctive architectural feature should be avoided when possible. Application of non-historic exterior finishes results in either the removal or covering of historic materials and details. Decorative trim around doors, windows, and under roof lines is frequently removed. Wood detailing, such as beveling or beading, is lost. Board width, length, and exposure are generally changed, thus altering the scale and appearance of the building.

Standard 3 states that historic buildings shall be recognized as products of their time and that alterations that have no historical basis shall be discouraged. Aluminum and vinyl are clearly non-historic materials and violate this standard. Artificial siding also frequently damages the fabric underneath because it traps moisture, encouraging decay and insect infestation. Furthermore, despite manufacturers' claims, artificial siding requires maintenance. All materials have a limited life span and vinyl and aluminum are no exceptions. Within twenty years the finish of these materials will begin to deteriorate from weather, requiring painting, repair, or replacement.

Abrasive cleaning and paint removal pose significant threats to historic wooden siding and violate Standard 7. The proper method for paint removal is cleaning, light scraping, and sanding down to the next sound layer. If more intensive paint removal is required, the gentlest means possible should be used. Appropriate methods include the following:

- a heat plate for flat surfaces such as siding, window sills and doors
- an electric heat gun for solid decorative elements
- or chemical dip stripping for detachable wooden elements such as shutters, balusters, columns, and doors when other methods are too laborious. (Note: test any chemical strippers in an inconspicuous area first, to ensure that the products do not produce an irreversible adverse effects on the wood).

Harsh abrasive methods such as rotary sanding discs, rotary wire strippers, and sandblasting should never be used to remove paint from exterior wood. Such methods leave visible circular depressions in the wood, shred the wood, or erode the soft, porous fibers of the wood, leaving a permanently pitted surface. Harsh thermal methods such as hand-held propane or butane torches should never be used because they can scorch or ignite wood.

Caution:

2. Many historic paint coatings contain lead. Please use caution in the treatment of these surfaces. For guidance on this subject, refer to the Preservation Brief #37 available from the National Park Service. Please see Bibliography for information.

3. *Recommendations*:

- Retain wooden materials and features such as siding, cornices, brackets, soffits, fascia, window architrave, and doorway pediments, wherever possible. These are essential components of a building's appearance and architectural style.
- Protect and maintain wood features by providing proper drainage so that water is not allowed to stand on flat horizontal surfaces or accumulate in decorative features.
- Apply chemical preservatives to wood features such as beam ends or outriggers exposed to decay hazards and are traditionally unpainted.
- Retain coatings such as paint that protects the wood from moisture and ultraviolet light.
- Paint removal should be considered only where there is paint surface deterioration, and as part of an overall maintenance program that involves repainting or applying other appropriate protective coatings.
- Clean wood using the gentlest means possible. Repair trim and siding before applying paint. Seal holes, caulk cracks, and treat for wood fungus. Remove loose paint using commercial strippers, electric heat guns or plates, wire brushes and scrapers. Hand sand to reduce paint layering.
- Repair or replace, where necessary, deteriorated material that duplicates in size, shape, and texture of the original as closely as possible. Consider original characteristics such as board width, length, exposure and trim detailing when selecting a replacement.
- Repair may also include the limited replacement in kind or with compatible substitute material of those extensively deteriorated or missing parts of features where there are surviving prototypes such as brackets molding, or sections of siding.
- Replace in kind an entire wood feature that is too deteriorated to repair if the overall form and detailing are still evident using the physical evidence as a model to reproduce the feature. Examples of wood features include a cornice, entablature or balustrade.
- Design and install a new wood feature such as a cornice when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation, or a new design that is compatible with the size, scale, material, and color of the historic building.
- Use chemical strippers primarily to supplement other methods such as hand scraping, hand sanding and the above recommended thermal devices. Detachable wooden elements such as shutters, doors, and columns may with the proper safeguards-be chemically stripped.
- Evaluating the overall condition of the wood to decide whether repairs to wood features will be necessary.

4. *Avoid*:

- Removing or radically changing wood features that are important in defining the overall historic character of the building so that, as a result, the character is diminished.
- Removing a major portion of the historic wood from a facade instead of repairing or replacing only the deteriorated wood.
- Reconstructing the facade with a new material to achieve a uniform or "improved" appearance.
- Stripping historically painted surfaces to bare wood, then applying clear finishes or stains to create a "natural" look.
- Failing to identify, evaluate, and treat the causes of wood deterioration, including faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungus infestation.
- Using chemical preservatives such as creosote that can change the appearance of wood features

unless they were used historically.

- Removing paint that is firmly sticking to and thus protecting wood surfaces.
- Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed such as artificial stone, brick veneer, asbestos or asphalt shingles, rustic shakes, and vinyl or aluminum siding.
- Abrasive cleaning methods, rotary sanding or rotary wire brushing, sand blasting or extreme high pressure washing (PSI of more than 100) or harsh thermal methods such as propane or butane torches. These methods irreversibly damage historic wood work.

Masonry Exterior Fabric (Stucco).

C. Applicable Secretary of the Interior's Standards: 2 and 3

#2. Retention of Distinguishing Architectural Character

#3. Recognition of Historic Period

1. *Recommendations*:

- Repairing stucco by removing the damaged material and patching with new stucco that duplicated the old in strength, composition, color, arid texture.
- Retain stucco that is an important decorative or stylistic feature of the building.

2. *Avoid*:

- Removing sound stucco or repairing it with new stucco that is stronger than the original material or does not convey the same visual finishes.
- Removing or improperly treating decorative stucco.

Roofs and Roof Surfaces.

D. Applicable Secretary of the Interior's Standards: 2, 4, 5, 6, 9.

2. Retention of Distinguishing Architectural Character
4. Retention of Significant Later Alterations/Additions
5. Sensitive Treatment of Distinctive Features and Craftsmanship
6. Repair/Replacement of Deteriorated or Missing Architectural Features Based on Historic Evidence
9. Compatible Contemporary Design for New Alterations/Additions

Introduction-.

1. Roofs are highly visibly components on historic buildings in Cortez. They are an integral part of a building's overall design and often help define its architectural style. The forms of a roof also comprise an important part of the streetscape and can reinforce a unified rhythm with neighboring buildings. The most common residential roof types are gable, hip, or a combination. Other examples are pyramidal or clipped gable (gerkinhead). Flat roofs with parapets predominate in commercial districts.

In planning roof repairs, identifying significant features and materials is important. They must be treated with sensitivity under standards 2 and 5. Under standard 6, significant features and materials should be repaired rather than replaced. If replacement of a deteriorated feature is necessary, the new materials should closely match the original.

Roofs perform an essential function in keeping a building weather tight. As a result, they are particularly subject to change. In Cortez, the most common original roofing materials were embossed or crimped sheet metal and sawn wood shingles on sloped roofs. Flat and low slope roofs were typically finished with built-up roofs and sheet metal. The original wood shingle coverings have been removed and were often replaced with ornamental sheet metal. In some cases, the metal has been replaced with asphalt-based shingle products. Such historic changes to roofs have gained significance in their own right and should be respected under Standard 4.

Where existing roofing material is not original and significant, there is greater flexibility. The existing roof may be retained, replaced accurately based on documentation or physical evidence, or treated in a contemporary

style according to Standards 6 and 9. In reviewing replacement of non-historic roof surfacing, standard 9 is the guiding principle. Even if the existing surfacing is inappropriate, the replacement material must be compatible with the overall design of the building.

2. *Recommendations*:

- Identify, retain and preserve roofs, their functional and decorative features—that are important in defining the overall historic character of the building. This includes the roofs' shape; decorative features such as cupolas, cresting, chimneys, and weathervanes; and the roofing materials, as well as the materials' size, color, and patterning.
- Provide adequate roof drainage and insure that the roofing material provides a watertight covering for the structure.
- Protect a leaking roof with plywood and building paper until it can be properly repaired.
- Replace deteriorated roof surfacing with matching materials or new materials, such as composition shingles or tabbed asphalt shingles, in shades that match the original in composition, size, shape, color, and texture.
- Retain or replace where necessary dormer windows, cupolas, cornices, brackets, chimneys and other distinctive architectural or stylistic features that give a roof its essential character.
- Replace in kind an entire feature of the roof that is too deteriorated to repair—if the overall form and detailing are still evident-using the physical evidence as a model to reproduce the feature.
- Design and construct a new feature when the historic feature is completely missing, such as a chimney or cupola. It may be an accurate restoration using historical, pictorial, and physical documentation. It can also be a new design that is compatible with the size, scale, material, and color of the historic building.
- Install mechanical and service equipment inconspicuously on the roof such as air conditioning, transformers, or solar collectors when required for the new use. They should not be visible from the public right-of-way. Place the equipment and related part so that they do not damage or obscure character-defining features.
- Design rooftop additions, when required for a new use, that are set back from a wall plane and are as inconspicuous as possible when viewed from the street.

3. *Avoid*:

- Radically changing, damaging, or destroying roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
- Removing a major portion of the roof or roofing material that is repairable, then reconstructing it with new material to create a uniform, or "improved" appearance.
- Changing the essential character of a roof by adding inappropriate features such as dormers, vents, skylights, air-conditioners, and solar collectors which are visible from public right-of-ways.
- Failing to clean and maintain gutters and downpours properly so that water and debris collect, causing damage to roof fasteners, sheathing, and the underlying structure.
- Permitting a leaking roof to remain unprotected so that accelerated deterioration of historic building materials occurs.
- Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the roof or that is physically or chemically incompatible.
- Constructing additional stories so that the historic appearance of the building is radically changed.

Painting.

E. Applicable Secretary of the Interior's Standards: 2 and 5

#2. Retention of Distinguishing Architectural Character

#5. Sensitive Treatment of Distinctive Features and Craftsmanship

Introduction.

1. The following advisory guidelines are offered to property owners who are interested in painting their building historically appropriate colors. Because of frequent painting, few buildings in Florida exhibit original colors. The best way to verify original color is through paint analysis.

Paint colors, finishes, and decorative painting are important factors in defining the character of a historic building. Under Standard 2 painting a building that has never been painted, or removing paint from a building that has traditionally been painted is never a recommended rehabilitation treatment. Either of these treatments can change a building's appearance to one that is at odds with its historic character. Likewise, when repainting a historic building that is already painted, the new color should generally be close to the original, and historically appropriate to the building, and the historic district where it is located.

2. *Recommendations*:

- Preserve painted and unpainted surfaces as they traditionally existed on a building.
- Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) before repainting.
- Applying compatible paint coating systems following proper surface preparation.
- Choose appropriate color for the period and style of the building and district.

Please see lead paint caution under Wood guidelines.

3. *Avoid*:

- Removing paint that is firmly sticking to, and thus protecting, surfaces.
- Using methods of removing paint that are destructive, such as sandblasting, application of caustic solutions, or high pressure water blasting.
- Painting a traditionally unpainted surface and removing paint from a traditionally painted surface.
- Failing to follow manufacturers' product and application instructions when repainting.
- Stripping historically painted surfaces to bare wood, then applying clear finishes or stains to create a "natural" look.'
- Bright gaudy colors or colors without historic basis.

Handicap Accessibility/ADA Requirements.

F. Applicable Secretary of the Interior's Standards: 2, 9, and 10

#2. Retention of Distinguishing Architectural Character

#9. Compatible Contemporary Design for New Alterations/Additions

#10. Reversibility of New Alterations/Additions

Introduction.

1. The Americans with Disabilities Act (ADA) extends comprehensive civil rights to individuals with disabilities. Historic properties, including buildings, sites, and landscapes, are not exempt from the ADA and must comply with its regulations. However, as with other alterations, historic properties can generally be made accessible while preserving their architectural character through careful planning and sensitive design.

Standard 2 addresses the need to preserve the historic character of a property while making it handicap accessible. As in any aspect of rehabilitation, the character defining features, materials, and spaces of a property should be thoroughly inspected and evaluated before upgrading it for handicap accessibility. The items that should be preserved include significant materials, the form and style of the property, the principal elevations, major architectural and landscape features, and the principal public spaces. When inspecting a property, features, materials, and spaces of less significance to the historic character of a property should also be identified. Under Standard 2 non-significant spaces, secondary pathways, later, non historic additions, previously altered areas, utilitarian spaces, and service areas can usually be modified without threatening or destroying a property's historical significance.

Modifications for handicap accessibility should be compatible with the property under Standard 9 and reversible under Standard 10. They should be in scale with the property, visually compatible with their design and materials, but be differentiated from the original. They should be reversible so that if removed in the future, the essential form and integrity of the property would be unimpaired.

When it enacted the Americans with Disabilities Act, Congress recognized the national interest in preserving significant historic properties. It established alternative minimum requirements for qualified historic properties that cannot be made physically accessible without threatening or destroying their significance.

Qualified historic properties include properties listed in or eligible for listing in the National Register of Historic Places, and those designated under state or local law. Owners of qualified properties must first consult with the State Historic Preservation Officer (SHPO) before using the alternative minimum requirements. If it is determined by the SHPO that compliance with the accessibility requirements would threaten or destroy the significance of a building or facility, the following alternative minimum requirements maybe used:

- One accessible route must be provided from a site access point to an accessible entrance. Using a ramp with a 1:6 slope is permissible for a run of up to 2 feet.
- One accessible entrance must be provided. If it is not possible to make the public entrance accessible, then an alternative, unlocked entrance is acceptable. Directional signage at the primary entrance and a notification system at the accessible entrance must be provided.
- **If toilets are provided, only one must be accessible, and it may be unisex.**

2. *Recommendations*:

- Review the historical significance of a property and identify character-defining features.
- **Assess the property's existing and required level of accessibility.**
- **Evaluate accessibility options within a preservation context.**
- Comply with barrier-free access requirements in such a manner that character defining spaces, features, and finishes are preserved.
- Work with local disability groups, access specialists, and historic preservation specialists to decide the most appropriate solution to access problems.
- Provide barrier-free access that promotes independence for the disabled person to the highest practicable degree, while preserving significant historic features.
- Public spaces on the level of the accessible must be accessible, and other public levels should be accessible whenever practical.
- Displays and written information should be placed where they can be seen by a seated person. Horizontal signage should be no higher than 44 inches above the floor.
- In limited circumstances, if it is determined in consultation with the SHPO that compliance with the alternative minimum requirements would also threaten or destroy the significance of a historic building, alternative methods of access may be used. The alternative methods of accessibility that may be used to make a building's program and activities accessible include the following:
- Using audio-visual materials and devices to show inaccessible areas of a historic property.
- Assigning persons to guide individuals with disabilities into or through inaccessible areas of a historic property.
- Provide barrier-free access through removable or portable ramps, rather than permanent ones.
- **Adopting other innovative methods.**
- Design new or additional means of access that are compatible with the historic property and its setting.
- If providing barrier free access threatens the integrity of a historic property, consult the SHPO about using the alternative minimum requirements.

3. *Avoid*:

- Undertaking code-required alterations before identifying those spaces, features or finishes which are character-defining and must therefore be preserved.
- Altering, damaging, or destroying character-defining spaces, features, and finishes while making modifications to a building or site to comply with barrier free access.
- Making changes to buildings without first seeking expert advice from access specialists and historic preservationists to determine solutions.
- **Installing permanent ramps that damage or diminish character defining spaces.**
- Providing access modifications that do not provide a reasonable balance between independent safe access and preservation of historic features.
- Providing barriers free access which destroys significant features of a historic property without first consulting the SHPO.
- Designing new or additional means of access without considering the impact on the historic property and its setting.

- Providing barriers free access which destroys significant features of a historic property without first consulting the SHPO.

~~**Appendix B**~~
~~**The Secretary of The Interior's Standards For Rehabilitation**~~

~~For properties that are considered historic or as contributing structures within a historic district, The Secretary of the Interior has adopted a set of standards for rehabilitation of historic buildings under federal programs, including the tax incentive program. The following standards are general principles that the Department of the Interior recommends for consideration in the planning stage of rehabilitation.~~

~~**The Secretary of the Interior's Standards**~~

~~**1.** A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.~~

~~**2.** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.~~

~~**3.** Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.~~

~~**4.** Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.~~

~~**5.** Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.~~

~~**6.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature the new feature shall match the old in design, color, texture and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.~~

~~**7.** Chemical or physical treatments such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.~~

~~**8.** Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.~~

~~**9.** New additions, exterior alterations or related new construction stall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.~~

~~**10.** New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future the essential form and integrity of the historic property and its environment would be unimpaired.~~

~~**Appendix C**~~

901.14. Certificate of Appropriateness for Historic Properties

In order to preserve, protect and enhance the valuable historic and archeological resources, Manatee County has created a review process for all properties in the historic overlay area by the County's Historic Preservation Board.

The Village of Cortez is regulated by the Historic Preservation Board as part of the Cortez Fishing Village Historical and Archaeological Overlay District.[1] The Board reviews proposed projects for their impact on historic resources in the surrounding area as part of the building permitting process. If the project complies with the guidelines and with the general criteria defined in the Land Development Code[2], the owner is issued a Certificate of Appropriateness.

New construction is reviewed for compatibility of height, window shapes, solids to voids ratio, entrances and porches, materials, textures, roof shapes and massing. It is the intent of these new guidelines to further define the criteria for compatibility of these elements.

Demolition requests must also obtain a Certificate of Appropriateness from the Historic Preservation Board. Criteria for permitting a demolition approval include:

If the property can-not be used for any reasonable purpose

If the property is condemned or structurally unsound.

~~**Bibliography**~~

[1] Section 347.2.C~~514.2.3.~~, Land Development Code (LDC), County of Manatee
[2] Section 347.2.B.1~~514.3.2.1~~, LDC.

~~Historic Property Associates, Pappas Associates and Paul L. Weaver, III and the Division of Historical Resources. Model Guidelines for Design Review, A guide for developing standards for historic rehabilitation in Florida communities.~~

~~Green. Fog's Comin' In.~~

~~Land Development Code, County of Manatee, 2000.~~

~~McAlester, Virginia and Lee. A Field Guide to American Houses. New York: Alfred A. Knopf, 1984.~~

~~Preservation Briefs, published by the National Park Service. The briefs are available on line at http://www2.cr.nps.gov/tps/briefs/presbhom.htm. The briefs are also available from the Bureau of Historic Preservation at the Florida Department of State. (800) 847-7278~~

~~*(Ord. No. 07-57, § 4, 9-6-07)*~~

~~**North Central Overlay District.**~~

~~[CONSIDERING MOVING THE NORTH CENTRAL OVERLAY DISTRICT SIGNS STANDARDS TO THIS SECTION AS PART OF PHASE II]~~

CHAPTER 10 – TRANSPORTATION MANAGEMENT

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CHAPTER 10 - TRANSPORTATION MANAGEMENT

Section 1000 ~~907.9.3.~~ Right~~s~~-of-Way Standards

~~722.1.3. Rights-of-Way.~~

~~722.1.3.1. *Circulation.*~~ Road rights-of-way shall be ~~built~~ set aside and dedicated as necessary to widen or extend streets; establish or enhance traffic circulation; provide safe ingress/egress, and conform to the requirements of the Comprehensive Plan.

~~907.9.3.1. Minimum s~~Street right~~s~~-of-way ~~widths~~ standards shall be as indicated ~~on the Major Thoroughfare Plan~~in the Public Works Standards~~,~~ and ~~as~~ the following~~s~~:

A. ~~722.1.3.2. *Rights-of-Way Dedication*; Major Thoroughfare Map.~~ **Right-of-way.** The right-of-way ~~land lying~~ within ~~or abutting the~~a proposed development, which is intended to become a public street~~included in the Major Thoroughfare Ordinance and on the Major Thoroughfare Map~~, shall be dedicated to Manatee County ~~to the extent indicated by that Ordinance,~~ in accordance with this Code~~ and the Rights-of-Way Protection Ordinance~~.

~~722.1.3.3. Future Traffic Circulation Map and *Rights-of-Way Protection* Ordinance:~~

~~722.1.3.3.1. The Future Traffic Circulation Map and Rights-of-Way Protection Ordinance, prepared by the Planning Department after consultation with the Environmental Management Director, and adopted by the Board may from time to time be amended, in accordance with the criteria set forth in the Comprehensive Plan.~~

B. ~~722.1.3.3.2.~~ **Future Traffic Circulation Map.** When a site scheduled for improvements or development encompasses or abuts any roadway included on the Future Traffic Circulation Map: ~~, and either such segment of roadway is operating at a level of service below the current year level of service standard as set forth in the Table 5-1 of the Current Plan, or such segment is scheduled for improvement within the next five (5) fiscal years as shown on Table 12-1 of the Current Plan, or the improvement or development will generate traffic which constitutes more than one (1) percent of the traffic on the segment of roadway, the developer shall dedicate land to accommodate the full width of the right-of-way needed for such roadway as shown on the Future Traffic Circulation Map. If the development abuts such roadway, one-half the width of the roadway shall be dedicated to Manatee County. All dedications shall be to the extent of the legal interest of the property owner. Such dedication shall not relieve the developer from obtaining a Certificate of Level of Service.~~

1. Subject to the County making an individualized determination of rough proportionality of the needed right-of-way to the transportation impacts generated by the applicant's project based upon a traffic impact analysis, in accordance with applicable case law and based upon competent and substantial evidence, the County shall require the applicant to dedicate land to accommodate (a) in the event the development encompasses the roadway, the full width of the right-of-way needed for such roadway, or (b) if the development abuts such roadway, one-half (½) the width of the roadway. All dedications shall be to the extent of the legal interest of the property owner. Such dedication shall not relieve the developer from obtaining a Certificate of Level of Service;
2. An applicant may voluntarily dedicate, and the County may, in its discretion. accept the road right-of-way needed for all or a portion of such roadway pursuant to a development agreement or other contract that is supported by mutual consideration and is legally binding upon the applicant and its successors in interest; or
3. An applicant shall be required to reserve, and maintain an appropriate future right-of-way setback (in addition to all other setbacks and buffers required under this Code) sufficient to accommodate (a) in the event the development encompasses the roadway, the full width of the right-of-way needed for such roadway, or (b) if the development abuts such roadway, one-half (½) the width of the roadway. In either case the applicant will not be required to dedicate such rights-of-way.

~~"Increase in the intensity of the use" of a site, as used herein, shall mean any development or any change in the use of property that will result in an increase in vehicle trip generation, other than a de minimis increase, or in a change from automobile trips to heavy truck trips.~~

~~In making the determination described above, the Planning Director and Environmental Management Director shall consider (1) the provisions of the Comprehensive Plan, (2) the standards appearing in the most current edition of "An~~

Commented [LDI1]: Contained in Comp Plan

Commented [LDI2]: Subsections 1 thru 3 were added by Ord. No. 14-13, § 3(Exh. A)

Commented [LDI3]: terrm not found anywhere in the chapter

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~~Institute of Transportation Engineers Informational Report—Trip Generation" or other such commonly used source of trip-generation information acceptable to the Environmental Management Department, (3) the trip-generation characteristics of any existing use, if known, (4) the extent to which the facility or use proposed will experience an increase in capacity to provide accommodations, goods, services, or the like, and (5) other relevant matters; but shall not consider characteristics of the proposed development or use or other matters that are not properly subject to control or enforcement by the County.~~

Commented [LDI4]: Removed by Ord. No. 14-13, § 3(Exh. A)

C. ~~722.1.3.3.3.~~ **Divided Sites.** In the case of property ~~devoted to several different uses, if~~proposed to be divided into two or more discrete sites ~~for purposes of an application for development approval~~, and the impacts of development approval would be associated with only one of such discrete sites, the applicant shall be required to reserve or dedicate, as the case may be, rights-of-way only along or encompassing the portion of the road way shown on the Future Traffic Circulation Map that crosses or abuts such discrete site.

D. ~~722.1.3.3.4.~~ **Dedication** For the purposes of the reservation or dedication, the center line of the future rights-of-way shall be the center line of any roadway that presently exists at that location, unless determined otherwise by the Department Director~~County Engineer~~.

~~722.1.3.3.5. The owner of any property abutting a roadway included on the Future Traffic Circulation Map, or any other interested party with written concurrence of the owner, who certifies in writing that he has a bona fide present intention to seek rezoning, or other type of development approval for such property, may request in writing from the Planning Director, upon forms or in a manner prescribed a determination regarding any matter which under Section 901.2.C.1.722.1.3.3.2 is discretionary.~~

Commented [LDI5]: Provision not necessary

E. ~~722.1.3.3.6.~~ **Land for Roadways.** The dedication of land for roadway purposes, ~~unless otherwise required by this Section,~~ will not be required under Section 1000.B.1 where the ~~Environmental Management Director, after consultation with the Planning Director~~Department Director~~,~~ determines that because of ~~that~~ the location, configuration, or other characteristics of the property, or other circumstances peculiar to the particular site, such dedication:

1. Would be disproportionate to the relative impacts of the proposed development upon the road system~~,~~; or
2. Would deprive the owner thereof of any opportunity to continue an established use or to make some reasonable use of the property, provided that, if feasible, a lesser dedication consistent with the impacts of the subject development upon the road system may be required.

F. ~~722.1.3.3.8. *On-Site Thoroughfare Construction.*~~ **Missing Segments.** Where there are missing segments in the thoroughfare system or new thoroughfares are to be constructed which are designated on the ~~Major Thoroughfare~~Future Traffic Circulation Map, such portions of the segments or new thoroughfares lying within the proposed development shall be improved by the developer along with other required improvements in accordance with the requirements of this Code.

G. ~~722.1.3.3.9.~~ **Facilities.** ~~Upon adoption of the Right-of-Way Reservation Ordinance, n~~No structures or parking, landscaping, or retention required facilities by this Code shall be located within the land needed to accommodate the full width of the right-of-way needed for such roadway as shown on the Future Traffic Circulation Map, including without limitation land reserved or dedicated pursuant to Section 1000.B. The ~~Environmental Management Director, after consultation with the Planning Director~~Department Director~~,~~ may allow certain facilities in such areas where it is determined that because of location, configuration, or other characteristics unique to that property, such prohibition of such facilities from said land would deprive the owner thereof any opportunity to continue an established use or to make some reasonable use of the property.

~~722.1.3.4. *Circulation and Traffic Control.* To facilitate on and off-site traffic circulation, a developer shall construct or install street signs at each intersection of the development, any traffic controlling techniques (signalization, turn lanes, service roads, deceleration lanes, etc.) and provide for adequate horizontal and vertical sight distances, as provided in the Manatee County Public Works Standards or deemed necessary by the County Engineer in accordance with professional engineering and roadway standards, when the need for improvement is directly attributable to the development.~~

Commented [LDI6]: Section 722.1.3.4 redundant - deleted

~~722.1.3.5. *Street Designations.* All streets, whether public or private, shall be designated and approved by the Planning Department in conformance with Section 742, Street and Structure Numbering Standards. Street signs will be required in accordance with the Street Addressing Standards for all public and private streets. On Terra Ceia Island the provisions of Chapter 65-695, Laws of Florida, Special Acts (1975), shall apply.~~

Commented [LDI7]: Section 722.1.3.5 redundant - deleted

H. ~~722.1.3.6. *Exemptions.*~~ **Interstates.** The provisions of this Section shall not apply to Interstates and other similar limited access highways.

I. ~~722.1.3.7.~~ **Deferred Improvement.** Where the ~~Environmental Management Director~~Department Director deems such improvements currently infeasible for the County, or to minimize traffic or safety problems, the developer shall provide funds or proper security for his current share of the cost to pay for such improvements at a later date.

~~722.1.3.8. Nothing in this Section shall be construed to limit in any way the discretion, authority and prerogative of the County to require rights-of-way dedication and/or improvements, as authorized by this Code or otherwise, in connection with any development approvals.~~

Commented [LDI8]: Removed by Ord. No. 14-13, § 3(Exh. A)

Section 1001 ~~907.9.~~ Street~~s~~ Standards.

~~722.1.2.1. *General.*~~ All improvements required for both proposed public and private rights-of-way ~~within~~in or around a proposed development shall be built in accordance with this section and ~~this Code, to~~ the Manatee County Public Works Standards and shall be installed at the expense of the developer~~Manatee County Development Standards and as required by the Planning Department in accordance with professional engineering standards~~. If any discrepancy is discovered between this section and the Public Works Standards or any other County policy, the most stringent and restrictive specification, condition, and/or directive shall apply. ~~All improvements shall be installed at the expense of the developer.~~

1001.1. ~~712~~ Required Access to Lots.

A. ~~712.1.~~ **Intent**. It is the intent of this ~~S~~section to provide for adequate access to lots for egress and ingress, emergency vehicle access, proper maintenance of streets, inspection, related governmental functions, and for the protection of public safety, health and welfare.

B. ~~712.2.~~ **General Requirements.** All ~~streets proposed to be~~ public and private streets shall be built to ~~C~~County ~~S~~standards, as delineated in the Manatee County Public Works Standards~~Manatee County Transportation Standards~~ and this Code~~. All streets proposed to be private streets shall be built in accordance with Section 740~~.

C. Primary Access Requirements. No ~~B~~building ~~P~~permit for a substantial improvement or for the establishment of a new single-family or multi-family use shall be issued by the ~~County~~ Building Official unless the lot has adequate access to ~~a street or easement which is open for use and which is identified and complies with one of the following~~:

~~712.2.1. Public Streets in New Subdivisions.~~

1. ~~712.2.2. Public Streets other than Public Streets in New Subdivision~~A street which has been constructed in conformance with~~to~~ the Manatee County Public Works Standards ~~Manatee County Transportation standards~~ or is listed in the official and approved inventory of ~~C~~County-maintained~~, public~~ streets, and which:

   a. ~~712.2.2.1.~~ Has been dedicated or conveyed by plat, deed, or other legal process and accepted as a public street by the State of Florida or ~~the~~ Manatee County ~~of Manatee~~; or

   b. ~~712.2.2.2.~~ Has become a public street by act of Florida law.

2. ~~712.2.3. *Streets Not Accepted for Maintenance (Emergency Maintained)*. For~~ A~~a~~ street not constructed to Manatee County Public Works Standards ~~Manatee County Transportation Standards or not~~nor listed in the official and approved inventory of County-maintained streets, ~~Building Permits shall only be issued when the owner has complied with~~ may be allowed as long as the following conditions are met:

   a. ~~712.2.3.1.~~ The applicant ~~has~~ shall submit~~ted~~ verifiable proof of ownership of the lot or property to the Department Director~~County Building Official, and~~; and

   b. ~~712.2.3.2. The lot owner has executed and delivered to the Transportation Director~~ The applicant shall submit an executed affidavit and agreement between the lot owner and the County ~~which complies with Section 712.2.3.3 below, and the affidavit and agreement have been approved~~ for approval by the Department Director~~Transportation Director~~. ~~After acceptance by the Transportation Director, t~~The affidavit and agreement shall be recorded with the Clerk of the Circuit Court. A copy of the recorded affidavit and agreement shall be on file with the Department Director~~Transportation Director~~.

Commented [LDI9]: Moved sections 712.2.3.3 thru 712.2.3.3.5 to PW Manual

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712.2.3.3. The affidavit and agreement shall contain, as a minimum, the following information:

712.2.3.3.1. An Acknowledgement by the applicant, which shall bind himself, his heirs, assignees, grantees, purchasers for value and successors in interest, that the County shall not be responsible for the maintenance of the street until the street has been improved or constructed to County standards and accepted by theTransportation Director.

712.2.3.3.2. An acknowledgement by the applicant, which shall bind himself, his heirs, assignees, grantees, purchasers for value and successors in interest, to participate in any project pursuant to a County initiated participation project for the construction of the roadway.

712.2.3.3.3. An acknowledgement by the applicant, which shall bind himself, his heirs, assignees, grantees, purchasers for value and successors in interest, that the County assumes no liability or responsibility for any construction, improvements or work performed on the street by private individuals.

712.2.3.3.4. That the applicant shall cause the filing and recording of the affidavit and agreement with the Clerk of the Circuit Court and shall mail notice of the filing and recording of the affidavit and agreement to any heir, assignees, grantee, purchaser for value or successor in interest upon the transfer of the real property or structure associated herewith within a reasonable time after such filing.

712.2.3.3.5. The owner/applicant has provided construction drawings which indicate the construction of a stabilized base meeting minimum county standards.

3. 712.2.4. *Private Streets.* A pPrivate streets that which hasve been approved and constructed in compliance with the Manatee County Public Works Standards and in accordance with Section 740 and recorded with the Clerk of the Circuit Court. Refer to Section 740 for other private street construction requirements.

   a. 740.4. *Private Street Requirements.* Prior to approval of a street by the Department DirectorPlanning Director, the applicant shall provide documents and other assurances satisfactory to the Planning Department Public Works Department to establish a means of properly providing the necessary maintenance and improvements of said private street. An organization shall be created or designated by covenants running with the land and shall outline the responsibilities for perpetual maintenance and improvements to said private street. The documents shall be filed for public record with the Clerk of the Circuit Court and consistent with the requirements of Section 909.5.

   b. 740.6. *Amendment to Approved Private Street.* Any amendment to an approved private street that either increases or decreases the number of lots being served by the private street without increasing or decreasing the length of the street, shall be approved by submittal of:

      i. 1.aA revised private street application indicating the lot splits or combinations;

      ii. 2. aA revised survey showing the new lots receiving access; and

      iii. 3. rRevised affidavits and agreements between the property owners guaranteeing access for all intended parties meeting the requirements of 902.740.2.4.2.

   c. gAny amendment to a private street that results in an increase or decrease in the length of the street shall be required to go through the entire private street approval process.

4. 712.2.5. *Private Internal Roadway(s)*A private internal roadway Uutilizing Ccross-Aaccess Eeasements with an adjacent parcel or parcels, which does specifically meets the commercial node frontage requirements stipulated in the Manatee County Comprehensive Plan. The private internal roadway shall be specifically identified and designated on a plan as an easement for vehicular travel of the public and the easement(s) shall be duly recorded with the Clerk of the Circuit Court.

   a. The joint use of the private internal roadway(s) shall be strictly limited to small and medium commercial subdivisions or individual commercial or industrial lots of record that can utilize the private internal roadway provision.

   b. Approved access is shall be restricted to a site where the proposed use, though located on a parcel that is within the distance criteria of a small or medium commercial node, as defined in the Manatee County Comprehensive Plan, does not have frontage on a roadway classified as a collector or arterial shown on Map 5B of the Manatee County Comprehensive Plan. Each private internal roadway shall be specifically identified and designated on a plan as an easement for vehicular travel of the public, and the easement(s)

Commented [LDI10]: simplified private streets requirements

shall be duly recorded with the Clerk of the Circuit Court.

5. ~~712.2.7.~~ An ~~I~~ingress and ~~E~~egress ~~E~~easement, subject to the following:

a. ~~712.2.6.~~ A recorded, non-exclusive ingress/egress, utility and drainage easement may provide the required access to a single-family semi-detached lot which has been created by the split of an existing duplex, where only one (1) unit of the duplex faces the street, and therefore the rear unit did not have frontage on the street.

b. ~~An I~~ngress/ ~~E~~egress ~~E~~easement with a minimum width of twenty (20) feet may be used for access in the A, A-1, RSF, RDD, RMF and VIL zoning districts for access to one single family dwelling unit, or one existing, permitted, ~~manufactured~~ mobile home unit in the A District, in lieu of public or approved private streets, see the Manatee County Public Works Standards Manual for additional requirements ~~under the following conditions:~~.

~~712.2.7.1. The easement shall serve one (1) lot only, which meets the minimum district size;~~

~~712.2.7.2. An affidavit for maintenance shall be recorded with the easement. The affidavit shall state that it is the sole responsibility of the applicant to both construct and maintain the easement in a condition suitable for daily travel by residents and access for emergency vehicles. The affidavit shall also eliminate any County responsibility for the easement and acknowledge that if there is a time in the future when the resident wishes the County to take over maintenance of the easement, it is the responsibility of the resident to create a public street and build it to County standards prior to takeover by the County. This affidavit shall contain language stating that the owners of the two lots shall split any assessment fees for roads, water or sewer assessed to the frontage of the property. The lot with frontage shall not bear the entire cost of the assessment.~~

~~712.2.7.3. The easement provides for an adequate turnaround area for emergency vehicles which meets Manatee County Transportation Standards.~~

~~712.2.7.4. The easement shall be constructed with a stabilized base and subbase to be approved by the Transportation Director.~~

~~712.2.7.5. All Ingress and Egress Easements shall be recorded with the Clerk of the Court in a manner to run with the land before issuance of building or access and drainage permits. The required Affidavit shall also be recorded with the easement at this time. All such easements shall grant Manatee County exclusive vehicular access rights. The easement shall be reviewed by the Transportation Department and the County Attorney's Office prior to issuance of the Access and Drainage Permit.~~

~~712.2.7.6. Such ingress/egress easements shall not be allowed in established subdivisions or for use as a resubdivision. Such easement shall not be allowed in the creation of a new subdivision.~~

~~712.2.7.7. A subdivision shall not be required for the creation of access to one lot by easement, unless the creation of this lot is the third lot from the parent parcel.~~

~~712.2.7.8. An affidavit shall be filed that grants access to the easement to the lot being split and accessed by easement. These documents shall be provided prior to approval of the easement for access.~~

~~712.2.7.9. No new lot shall be created by utilizing access by easement across any existing flag lot.~~

~~712.2.7.10. Minimum Lot Frontage. The minimum required lot width shall be met for any lot proposing to grant an access easement. If the lot does not contain this minimum frontage, then access by easement shall not be allowed.~~

~~712.2.7.11. The access easement may cross only one (1) lot to provide access to another parcel. Those easements that cross more than one (1) lot shall not be permitted for this type of approval.~~

~~740.5. Easement Conversion. All ingress/egress easements recorded with the Clerk of the Circuit Court prior to May 4, 1981 may be converted into a private street by the process described in 740.2. The standards to which this street will be reviewed is dependent upon the type of street proposed, as described in .740.3.~~

Commented [LDI11]: Moved sections 712.2.7.1 thru 712.2.7.11 to traffic manual.

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~~712.2.9. Access to Unmanned Utility Uses.~~

c. ~~Access by easement shall be allowed for access to any u~~Unmanned utility facilit~~y~~ies shall be allowed access by easement in all zoning districts for occasional maintenance~~, in all zoning districts~~. The easement shall cross only one (1) lot, and shall be recorded in conjunction with any required ~~A~~administrative ~~P~~permit approval for the utility use. This shall not include communications towers covered in Section ~~704.59~~531.36.

D. ~~712.2.8.~~ **Second Means of Access Required.** All residential developments or parts of phases thereof, containing more than one hundred (100) residential dwelling units; and all professional, commercial, and manufacturing development, or parts of phases thereof, containing more than fifty (50) lots~~,~~ shall have a second separate means of access (street)~~, which shall afford an alternate means of safe entry to and egress from the development (see second means of access, Diagram A)~~. Secondary access roads must meet the following standards:

1. The second means of access (street) shall have ~~the~~ access to a through street, either public or private, constructed to ~~c~~County standards, and other than that street on which the primary access is located~~, (see Diagram A, Number 1 preferred)~~.

2. If a second means of access is not available to another street, another direct access street to the same primary access street is acceptable if the primary access street is a public bi-directional thoroughfare ~~available for travel in either direction~~, and separated from the other access by a minimum of three hundred (300) feet ~~(see Diagram A, Number 2)~~. ~~If a separate secondary access street other than from another street or a separate secondary access street from the same primary street separated by at least three hundred (300) feet is not available; then t~~The ~~separation of~~ three hundred (300) ~~feet~~ foot separation may be reduced ~~between streets~~ subject to other design considerations addressing fire protection, public safety, traffic, storm water management and other Manatee County Public Works Standards~~Manatee County Development Standards (see Diagram A, Number 3)~~.

3. ~~Upon request of the property owner submitting an application for a Planned Development Residential, where~~ Where a specific design incorporates site security elements for ~~the~~ a residential planned development ~~residential~~; the Board~~,~~ and the Department Director ~~Planning Director and Design Review Committee~~ may consider an alternative design for the construction of the secondary means of access ~~within or at the property line~~, subject to the following~~.~~:

   a. The alternative design shall incorporate specific security provisions to allow satisfactory ingress by emergency vehicles.

   b. The right-of-way design standards for width and radii shall be adhered to. ~~In addition,~~

   c. ~~the~~ The design shall retain the construction of appropriate utilities and drainage requirements.

   d. The security components shall include the construction of and maintenance criteria for security gates and signage, in addition to the road base and surface stability for emergency vehicles.

   e. The area above the ground surface shall remain free and unobstructed to allow ready access by emergency vehicles to the planned development.

E. Cross Access Exception.

1. *Purpose*. Required by the Comprehensive Plan for greater transportation mobility between adjacent properties impacting thoroughfares.

2. *Standard for Exception*. Findings must be made addressing the following:

   a. No logical connection(s) can be established which would improve system mobility; or

   b. Compatibility concerns are created due to creation of undesirable travel routes.

~~Diagram A~~

Commented [LDI12]: Changed this requirement to a more tangible measurement as 50 commercial lots are unusual.

Commented [LDI13]: Clarified this section.

Commented [LEA14]: From the Comprehensive Plan, Traffic Element Policy: 5.2.2.12

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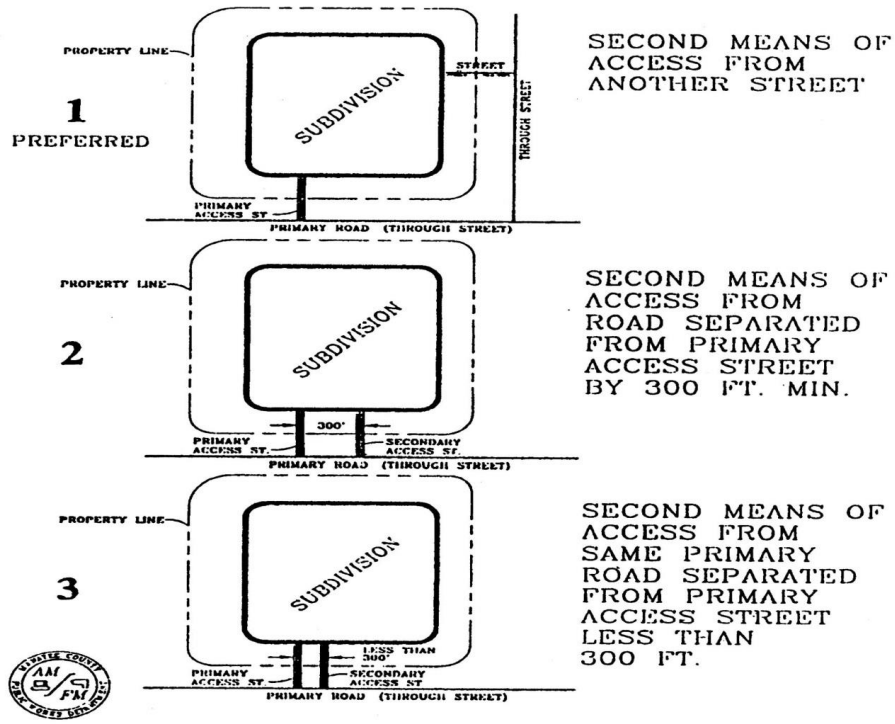
DIAGRAM A. SECOND MEANS OF ACCESS



~~712.3. Frontage.~~

~~All lots and parcels of land shall have frontage along an approved public or private street, pursuant to the requirements set forth in Section 702.4.4; except an existing duplex in the **Operation Face Lift area** as defined in section 702.4.4, which has been split into two (2) single-family semi-detached units where the rear unit obtains access to the street via a recorded, non-exclusive ingress/egress, utility and drainage easement.~~

Commented [LDI15]: This section repeats old section 702.4.4 (new #304.2.4). No need to repeat.

~~Section 1001~~1001.2. ~~907.9.1.~~ Arrangement.

A. ~~907.9.1.1.~~ **Alignment.** All streets shall be properly integrated and aligned with the existing and proposed system of thoroughfares and local streets.

B. ~~907.9.1.2.~~ **Through Traffic.** Local streets shall be arranged in a manner that discourages their use by through traffic as major thoroughfares.

C. ~~907.9.1.3.~~ **Street Extension.** Local streets shall be extended to the property limits of the subdivision to allow for the logical future extension of the streets into adjacent developed or undeveloped land~~ and to new and existing adjacent developments adjacent~~ to complete the inter-neighborhood road system ties. Non-egress easements prohibiting access to streets or adjoining property shall not be permitted unless the easement is designated in accordance with the Manatee County Public Works Standards and is dedicated to Manatee County.

D. ~~907.9.1.4~~ **Emergency Vehicles.** All streets shall be arranged in a manner which minimizes difficulty of access by emergency vehicles.

~~907.9.1.5. All streets shall be arranged to ensure free circulation of traffic with a minimum number of intersections.~~

E. ~~907.9.1.6.~~ **Comprehensive Plan.** The integrating of the road system shall be determined in accordance with the ~~c~~Comprehensive ~~p~~Plan~~ by the Planning Department~~.

F. ~~907.9.1.7.~~ **Access.** Each lot created in a ~~S~~subdivision shall have access to a public street. No subdivision shall be approved unless its street system is connected to a paved public or private street. In ~~S~~subdivisions consisting of six (6) or more lots, all lots shall have direct access to a paved public street or private street approved pursuant to Section 1001~~740~~.

1001.3. ~~Section . 741~~Limited Access on Major Thoroughfares.

~~741.2. Purpose and Intent~~

To maximize the operational efficiency and safety of high-volume through traffic thoroughfares, the County, MPO or State has determined that certain roadways shall be designated as controlled access facilities. ~~, r~~Refer to the Public Works Standards for more information. ~~implement the Interlocal Agreement for University Parkway, between Manatee County and Sarasota County, which designates University Parkway as a controlled access facility, and to implement Comprehensive Plan Policy 5.2.2.3.~~

~~741.1 Applicability:~~

Commented [LDI16]: Moved to PW Manual

~~These regulations apply to all property fronting on or taking access from any of the following listed major thoroughfares:~~

- ~~University Parkway, between U.S. 301 and SR 70 (including future construction);~~
- ~~State Road 70 between Interstate I-75 and Verna Bethany Road;~~
- ~~State Road 64 between Interstate I-75 and County Road 675 (Waterbury Road); and~~
- ~~U.S. Highway 41 between 49th Street East (Experimental Farm Road) and the north Manatee County Line~~
- ~~U.S. 301 between I-75 and Fort Hamer Road~~

~~741.3. University Parkway~~

~~741.3.1. Definitions: The following terms are defined for the purposes of Section 741.3.~~

- ~~*Median Opening Intersection* shall mean any opening within the University Parkway median that allows any intersection crossing and turning movements for vehicles to any street or driveway connecting to University Parkway.~~
- ~~*Right Turn Intersection* shall mean any access connection (Street or driveway) to University Parkway not creating a Median Opening Intersection and allowing only right run in/right turn out ingress to or egress from University Parkway.~~
- ~~*Temporary Right Turn Intersection* shall mean, any access approved prior to January 1, 1994, that provides vehicular ingress to and/or egress from University Parkway; or any new right turn intersection not meeting the Right Turn Intersection location criteria.~~

~~741.3.2. Provisions: *Cross Access Easement*: When vehicular traffic is projected to exceed seventy-five (75) vehicle trips per day on the subject property, a thirty (30) foot wide vehicular cross access easement(s) to adjacent parcels shall be granted to adjoining property owners and the public in a location acceptable to the Manatee County Planning Department.~~

~~Median Opening Intersection:~~

~~Median Opening Intersections shall be allowed only at the following University Parkway intersections:~~

~~Kentucky/28th Street Court East~~	~~DeSoto Road/Park Boulevard (extension through Longwood Run Development, former McIntosh Road);~~
~~Shade Avenue~~	~~Saunders Road (extension);~~
~~Tuttle Avenue~~	~~Honore Avenue;~~
~~Lockwood Ridge Road~~	~~Cooper Creek Road/Brown Road; or~~
~~Conservatory Drive~~	~~As otherwise approved by the Board.~~
~~Whitfield Avenue~~	

~~Median Opening Intersections, are limited to a minimum average of one-half (½) mile spacing. Right TurnIntersections :Right Turn Intersections Prohibited: Between Interstate 75 and State Road 70,~~

~~Right Turn Intersections shall not be permitted; and Projects shall provide a thirty-foot wide vehicular cross-~~

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~~access easement or frontage road to adjoining parcels, generally to run parallel to University Parkway.~~

Commented [LDI17]: Deleted wording conflicts with 903.3.2

- ~~Right Turn Intersections shall include adequate deceleration and acceleration traffic lanes upon University Parkway.~~
- ~~Right Turn Intersections shall be a minimum of six hundred and sixty (660) feet from a Median Opening Intersection or another Right Turn Intersection.~~
- ~~A Right Turn Intersection shall be permitted within each area as indicated below,~~
  - ~~1. Between US 301 and Shade Avenue. None~~
    - ~~2. Between Shade Avenue and Tuttle Avenue, located on a centerline six hundred sixty (660) feet west of the centerline of Tuttle Avenue.~~
    - ~~3. Between Shade Avenue and Tuttle Avenue, on a centerline one thousand and six hundred sixty (1,660) feet west of the centerline of Tuttle Avenue and equally positioned on a property line common to the parcels known as the "Whitcomb" and "County Line Groves" parcels or within two hundred (200) feet east or west of the common property line, provided that if not located on the common property line, then a mutually agreed upon unified development plan and access plan for the two (2) parcels shall be required.~~
    - ~~4. Between Tuttle Avenue and Lockwood Ridge Road beginning at seven hundred (700) feet west of the west right-of-way line of Lockwood Ridge Road and extending an additional two hundred twenty-eight (228) feet westward.~~
    - ~~5. Between Tuttle Avenue and Lockwood Ridge Road beginning at eight hundred (800) feet east of the centerline of Tuttle Avenue and extending an additional two hundred (200) feet.~~
  - ~~6. Between Lockwood Ridge Road and Conservatory Drive beginning at eight hundred sixty-five (865) feet west of the east right-of-way line of Lockwood Ridge Road and extending an additional four hundred thirty (430) feet eastward.~~
  - ~~7. Between Conservatory Drive and Honore Avenue beginning at one thousand one hundred forty (1,140) feet west of the centerline of Honore Avenue and extending an additional one hundred (100) feet westward.~~
  - ~~8. Between Honore Avenue and I-75 beginning at eight hundred fifty (850) feet east of the centerline of Honore Avenue and extending an additional two hundred (200) feet eastward.~~
- ~~Temporary Right Turn Intersections:A new single Right Turn Intersection, approved after January 1, 1994, for any parcel shall be permitted until the traffic generated by the development exceeds seventy-five (75) vehicles per day based on latest edition of the Institute of Transportation Engineers' Trip Generation Manual.~~
- ~~Discontinuation of use: Temporary Right Turn Intersections shall be eliminated when access becomes available to a Median Opening Intersection, Right Turn Intersection, or by a vehicular cross access easement to the above.~~

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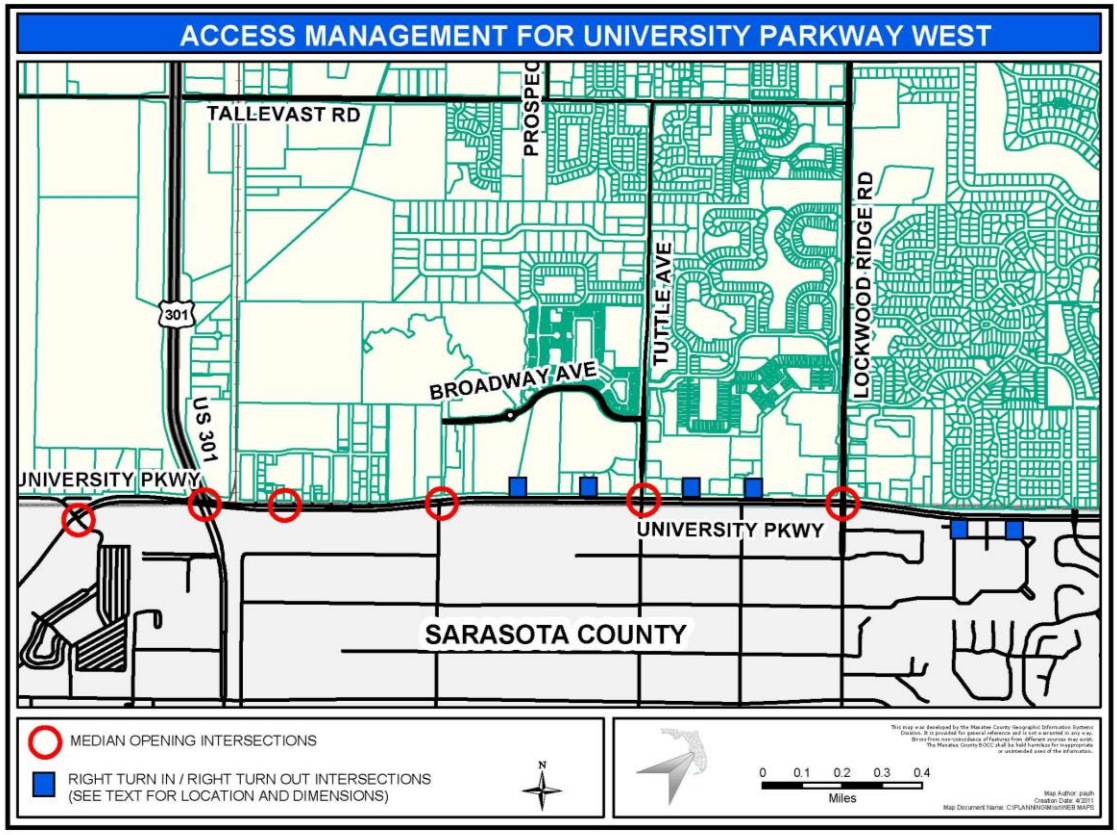
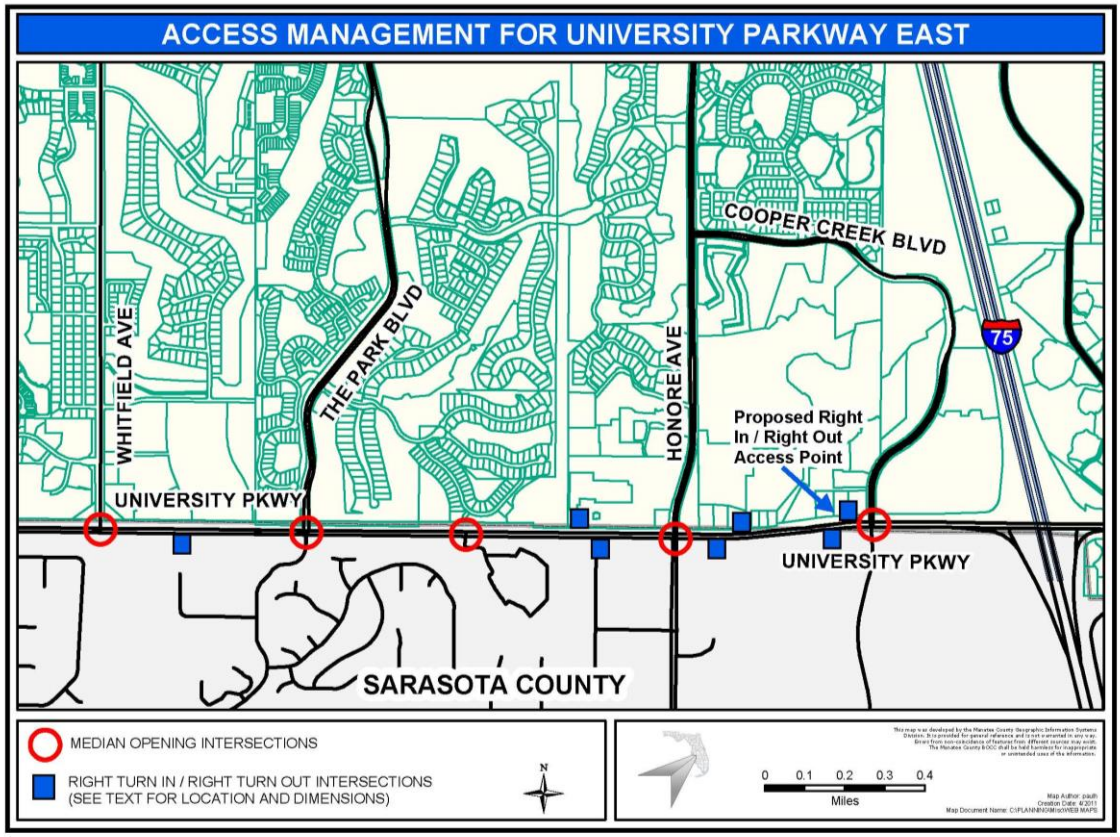
~~Figure 1 - Access Management for University Parkway West~~

Commented [LDI18]: Moved Figure 1 to pw manual



~~Figure 2 - Access Management for University Parkway East~~



~~741.4 Other Listed Thoroughfares.~~

~~741.4.1. All new direct and indirect access points shall be coordinated with the Planning Department, Transportation Department and the FDOT.~~

~~741.4.2. Approval of such access points shall include provision of sufficient right-of-way for parallel frontage roads or other means of facilitating cross-access between parcels.~~

Commented [LDI19]: Moved to PW Manual

1001.4. ~~907.9.2.~~Street Design Standards.

~~722.1.3.3.7. *Off-site Thoroughfare Improvements.*~~ It is the intent of this section to provide general standards for streets, alleys, dead end streets, half streets, gated streets and cul-de-sacs, and to ensure that adequate ingress and egress is provided to the general public. Construction and/or improvements to off-site thoroughfares designated on the ~~Major Thoroughfare~~Future Traffic Circulation Map shall be required in accordance with the provisions of the Comprehensive Plan. All other streets shall be designed according to the Manatee County Public Works Standards Manual and the following.

Commented [LDI20]: Street Design Standards moved to PW Manual

~~907.9.2.1. Streets shall be designed so as to intersect as nearly as possible at right angles. The approach to an intersection should be approximately at right angles for a minimum of one hundred fifty (150) feet on thoroughfares and arterials, and fifty (50) feet for minor residential streets. Maximum deviation from ninety (90)~~

degree angle (a line perpendicular to the right-of-way line) at the intersection shall be fifteen (15) degrees.

907.9.2.2. Within residential subdivisions, "T" intersections are preferable to four-way intersections, and no intersection shall have more than four street approaches.

907.9.2.3. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections of the opposite side of the street. Street jogs with center line offsets of less than one hundred twenty-five (125) feet crossing local streets and four hundred (400) feet crossing thoroughfares and arterials are prohibited. Intersections with thoroughfares and arterials, shall be at least eight hundred (800) feet apart, unless turn lanes on the thoroughfare are provided.

907.9.2.4. All public streets shall be constructed in accordance with the Manatee County Public Works Standards, and shall have a minimum pavement width of twenty-four (24) feet. No curbing shall be used in calculating the required pavement width. Reductions of street pavement and right-of-way widths shall be considered by the Planning Director or Board, as applicable, for projects within the overlay districts on a case by case basis.

907.9.2.5. Curve radii on all streets shall be adequate for the design speed of the street in accordance with the Manatee County Public Works Standards and established engineering standards.

907.9.2.6. Property lines and the back of curb lines at intersections shall be rounded with a minimum radius as follows:

Intersection Type	Minimum Radius*
Local Street with a Local Street	i. 25 feet
Local Street and a Thoroughfare	ii. 35 feet
Thoroughfare with a Thoroughfare	iii. 50 feet

***In some instances a larger radius may be required by the Transportation Director in accordance with the Florida Department of Transportation standards.**

907.9.2.7. All street and intersection grades shall be as specified in the Manatee County Public Works Standards. Where any street intersection will involve a feature that would create a traffic hazard by terminating visibility, the developer shall remove the feature to the extent necessary to provide an adequate vertical and horizontal sight distances as stipulated in established engineering standards.

907.9.2.8. All public streets shall be constructed to Manatee County Public Works Standards, Urban Street Standards, except that Manatee County's Rural Street Standards may be used for local streets which serve lots of one (1) acre or more.

907.9.2.9. The street designation shall be in accordance with Section 742.

907.9.2.10. Temporary street designation signs shall be erected at the time when building permits are issued in that portion of a development at all points where permanent signs will be required. Complete visibility of street designation signs shall be maintained by the developer until the temporary signs are replaced by permanent signs.

740Private Streets

Commented [LEA21]: Section 740 moved to PW manual

740.1. Intent.

It is the intent of this section to provide requirements and general standards for all private streets and to ensure that adequate ingress, egress, emergency vehicle access, proper maintenance of streets, inspection, and the protection of public safety, health and welfare is provided to the general public.

740.2. General Requirements.

The following requirements and conditions shall be strictly adhered to for all private streets. The establishment of any new private street shall require that a subdivision plat be approved. The conversion of an access or ingress/egress easement to a private street shall not require subdivision plat approval. Requests for modification of any requirements listed in Section 740 may only be granted in conjunction with a subdivision or planned development.

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740.2.1. Private streets are allowed in any planned development zoning district if approved as part of the planned development approval process. Private streets are allowed in any other zoning district upon approval by the Planning Director.

740.2.2. The land upon which an existing private street was constructed prior to the adoption of this Code shall clearly be identified either as a separate parcel or as an easement for highway purposes and duly recorded with the Clerk of the Circuit Court. The land upon which a new private street in all new subdivisions is to be constructed shall clearly be identified as a separate parcel of land to be owned under common ownership with all other parcels which are under common ownership and maintained by a property owners association (refer to 902.740.4), and duly recorded as same with the Clerk of the Circuit Court.

740.2.3. Under no circumstances shall a private street become public and listed in the official and approved inventory of County streets unless said private street is specifically approved by the Board for acceptance subject to public hearing process set forth in this Code; and that the subject private street shall meet all the current standards for public streets as set forth in the Manatee County Public Works Standards and this Code, prior to acceptance by the Board.

740.2.4. The applicant for all private streets shall furnish the following documents in their entirety, as a condition of approval:

740.2.4.1. The applicant has submitted verifiable proof of the ownership of the lot or property to the Planning Director;

740.2.4.2. The owner has executed and delivered to the Planning Director, an affidavit and agreement between the owner and the County which complies with Section 902.740.2.4.3 below, and the affidavit and agreement have been approved by the Planning Director. After acceptance byPlanning Director, the affidavit and agreement shall be recorded with the Clerk of the Circuit Court. A copy of the recorded affidavit and agreement shall be on file with both the Environmental Management Director and the Planning Director. All costs associated herewith shall be borne by the applicant.

740.2.4.3. The affidavit and agreement shall contain, as a minimum, the following information:

740.2.4.3.1. An Acknowledgement by the applicant, which shall bind himself, his heirs, assignees, grantees, purchasers for value and successors in interest, that the County shall not be responsible for the maintenance of the street until the street has been improved or constructed to County standards and accepted by the Board;

740.2.4.3.2. An acknowledgement by the applicant, which shall bind himself, his heirs, assignees, grantees, purchasers for value and successors in interest, to participate in any project pursuant to a County initiated participation project for the construction of the roadway;

740.2.4.3.3. An acknowledgement by the applicant, which shall bind himself, his heirs, assignees, grantees, purchasers for value and successors in interest, that the County assumes no liability or responsibility for any construction, improvements or work performed on the street by private individuals; and

740.2.4.3.4. That the applicant shall cause the filing and recording of the affidavit and agreement with the Clerk of the Circuit Court and shall mail notice of the filing and recording of the affidavit and agreement to any heir, assignees, grantee, purchaser for value or successor in interest upon the transfer of the real property or structure associated herewith within a reasonable time after such filing.

740.2.4.4. *Agreement for Reciprocal Access.* The applicant shall provide an easement or other appropriate documentation signed by all property owners adjoining the property under the private street, granting access to each other, with the application for private street approval. Each property owner shall grant each other the right of ingress, egress and access across the private street. Upon approval, this agreement shall be recorded in the Public Records of Manatee County, Florida, by the applicant.

740.2.5. The structural requirements for construction of all private streets including utilities, highway and stormwater components and systems shall adhere to the Manatee County Public Works Standards, and be approved by the Planning Director. The applicant shall be required to have a Pre-application conference with the Planning and Growth Management Divisions.

740.2.6. The minimum design considerations which shall be adequately addressed by the applicant's engineer for all private street applications not built to County Standards, and which shall be approved by the Planning Director include:

740.2.6.1. Safe vehicular travel;

740.2.6.2. Structural stability of all construction;

740.2.6.3. Traffic standards as set forth in Section 733;

740.2.6.4. Utility distribution, power, sewer, cable, potable water, stormwater and fire protection routing, location, sizing and inter-neighborhood ties;

740.2.6.5. Horizontal and vertical sight distances;

740.2.6.6. Emergency vehicle maneuverability and access;

740.2.6.7. Logical future extension of inter-neighborhood ties for streets and utilities. Private streets shall not be used for inter-neighborhood ties;

740.2.6.8. The entrance to the private street from the public street shall adhere to Sections 907.9.2.1, 907.9.2.3, 907.9.2.5, 907.9.2.6 and 907.9.2.7 for continuity of satisfactory highway design;

740.2.6.9. The visibility triangle requirements as set forth in Section 713;

740.2.6.10. A stormwater roadway system shall be provided to ensure that the street stormwater runoff does not flow onto adjoining property except into water courses or acceptable drainage structures with appropriate drainage flowage rights thereto; and

740.2.6.11. The minimum travel lane width for each lane shall be twelve (12) feet and a minimum of two lanes.

740.2.6.12. The private street shall not interfere with the completion of officially proposed County utilities, drainage, roads and other public facilities.

740.2.6.13. The private street shall be located, designed and buffered or screened, as necessary to protect adjacent properties of different ownership.

740.2.6.14. All private street applications shall be reviewed by the Planning Director and Public Safety Director prior to approval.

740.2.6.15. A copy of the deed or other legal instrument which grants or provides the legal right to use the private street by the abuttors shall be recorded with the Clerk of the Circuit Court. A title opinion shall be furnished to the County indicating that the instrument provides legal access to all of the parcels which the proposed private street is to serve.

740.2.6.16. Street designation signage as required by Section 742 shall be provided by the applicant.

740.2.6.17. All lots, after approval of the private street application shall front on either a public or private street.

740.2.6.18. The minimum street width shall be fifty (50) feet.

740.2.6.19. Where interneighborhood ties are needed by Manatee County, private streets shall not be approved.

740.2.7. The following design considerations shall also be satisfactorily addressed by an engineer, architect, or landscape architect:

740.2.7.1. The private street shall be located and buffered or screened as necessary to protect other adjacent properties.

740.2.8. Lots accessing onto private streets shall also adhere to the requirements as set forth in Section 712.

740.3. The following sections include standards for the three types of private streets that do not have to meet County Standards: Private streets in planned developments, in A or A-1 Districts and private streets serving five (5) lots or less. All other private streets must be constructed to Manatee County Public Works Standards.

740.3.1. Specific Design Requirements For Private Streets In Planned Developments. The design and construction shall adhere to the criteria set forth in Section 603.4, 740.2.5 through 740.2.7, 740.2.6.12 through 740.2.6.17, and 740.2.6.19. In addition, when the applicant proposes that the width of the private street or any element thereof, to be less than the required standards for public streets; the design must clearly reflect adequate, appropriate, and safe accommodations and space for all utilities, slopes, setbacks, drainage and highway design elements.

740.3.2. Specific Design Requirements for Private Streets serving five (5) lots or less. For private streets to serve a maximum of five (5) lots which are not located in planned developments, the following criteria shall be adhered to in addition to the criteria set forth in 740.2.6.1, 740.2.6.3 through 740.2.6.10 and 740.2.6.12 through 740.2.6.17 and 740.2.6.19:

Commented [LEA22]: Moved down to private street buffering

Commented [LEA23]: Deleted. Already stated at the beginning of the section.

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~~1. The land shall remain zoned as it presently exists.~~

~~2. The street width identified as a separate parcel shall be at least fifty (50) feet, but in no case shall the pavement width be less than twenty (20) feet, based upon Public Works Standards.~~

~~3. The road surface and structural stability shall be reviewed on a case by case basis based upon potential traffic and usage of the road, length of the proposed road and proposed road design. The Planning Director may modify the paving requirement based upon the recommendation of the staff engineer using the Public Works Standards.~~

A. Alleys. The purpose of an alley is to provide access for service vehicles and a means of access to lots and off-street parking at the rear of lots, but not intended to serve as the second means of access required in Section 1001.1.D. Alleys may be provided in all land uses.

~~907.9.4. Dead End Streets.~~

~~907.9.4.2. Where a road is not intended to extend beyond the limits of a subdivision in accordance with this Section, a cul-de-sac or turn-around shall be constructed. For greater convenience to traffic, and more efficient police and fire protection, a cul-de-sac or turn-around street shall not exceed eight hundred (800) feet in length. Culs-de-sac and turn-arounds shall be constructed to the Manatee County Public Works Standards and paved with a minimum unobstructed, diameter of ninety (90) feet, unless specifically approved by the Fire District.~~

~~907.9.4.3. Where a turn-around or cul-de-sac abuts adjacent property, a minimum right-of-way width as stipulated in 907.9.3.1 above shall be provided to the property line. Non-egress easements are prohibited.~~

B. ~~907.9.5.~~ **Half-streets.** Half-streets are prohibited.

~~907.9.6. *Dedication.* Except where otherwise provided by this Code, the County shall require the dedication of all rights-of-way. Where the right-of-way is not dedicated to the County, all rights-of-way shall be provided for by the developer and constructed in accordance with the requirements of Chapters 7 and 9 of this Code.~~

C. Cul-de-Sacs, Dead End Streets and Stub Streets

1. Cul-de-sacs and dead end streets ~~shall be permitted only where environmental concerns or existing development makes a street connection impracticable. Cul-de-sacs and dead end streets~~ shall be limited to a maximum length of 800 feet in any new development and shall be constructed to the Manatee County Public Works Standards.
2. ~~907.9.4.1.~~ A temporary dead end street will be allowed when such street will ultimately provide for the continuation of streets between adjacent properties as stipulated in this Section ~~907.9~~. A temporary dead end street shall not exceed eight hundred (800) feet. A temporary turn-around or cul-de-sac shall be constructed to the Manatee County Public Works Standards~~Manatee County Public Works Standards, with a minimum diameter of ninety (90) feet of paved surface~~. The Department Director~~Planning Director~~ may waive the requirement for the temporary turnaround pavement within multiphase projects. The area outside the right-of-way needed to accommodate the temporary cul-de-sac can be provided as a temporary easement that will be vacated once the street is continued.
3. ~~710.1.5.5.4. Culs-de-Sac.~~ Culs-de-sac shall have a diameter of ninety (90) feet to edge of pavement.
4. Connection of new development to existing stub streets is required, unless waived by the Board of County Commissioners in conjunction with the approval of the plat, General Development Plan or Final Site Plan. Findings shall address the following:
   a. Public safety (e.g., fire, EMS, etc.) issues;
   b. Pedestrian connectivity;
   c. Public or private street; and
   d. General traffic circulation and impacts of connecting or not connecting.

~~CHAPTER 10 -~~ ~~740.2.7.1.~~ **Private Streets Buffering.** The private street shall be located and buffered or screened as necessary to protect other adjacent properties. This requirement

~~CHAPTER 10 -~~ **D.** ~~740.2.7. The following design considerations~~ shall ~~also~~ be satisfactorily addressed

Commented [LDI24]: Alley specifications now in the PW Standards

Commented [LDI25]: Section 907.9.4.2 is redundant -deleted

Commented [LDI26]: Deleted section 907.9.4.3.- redundant language

Commented [LDI27]: Definition added to ch 11

Commented [LDI28]: Consolidated provisions from 907.9.4.2 and 907.9.4.1

Commented [LEA29]: Added 6/9/14 as requested by Chris Mowbray.

Commented [LDI30]: these provisions are generally included in the comprehensive plan

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by an engineer, architect, or landscape architect:

~~Gated Streets.~~

Commented [LEA31]: During phase 2 of LDC update process following the designation of urban, suburban and rural areas, we reccommend prohitibing all gated streets in the urban area due to connectivity and safety issues.

1001.5. ~~710.1.5.5.3.~~ Distance ~~From~~from Buildings.

~~710.1.5.5.3.1. No parking space or drive aisle shall be constructed closer than five (5) feet to any building unless it is completely under the building, an attached carport, an enclosed garage, or at a drive-thru service lane.~~

Commented [LDI32]: Moved to parking

A. ~~710.1.5.5.3.2.~~ **Residential Buildings.** No drive aisles or ~~private~~ street shall be located closer than fifteen (15) feet to any residential building~~.~~

B. ~~710.1.5.5.3.3.~~ **Gatehouses, Restricted Entry Gates.** ~~Private s~~Streets or drive aisles abutting gatehouses or restricted entry gates~~such entry features~~ shall have a minimum distance of two (2) feet between the structure and the drive aisle if there is no outward swinging door on the structure. ~~If there is an outward swinging door, a minimum distance of five (5) feet between the structure and the drive aisle shall be required~~. For projects exceeding two hundred fifty (250) units, a minimum of four (4) stacking spaces shall be required for each lane entering at a restricted entry gate or guard house entry. For projects under two hundred fifty (250) units, a minimum of two (2) stacking spaces shall be required for each lane.

Commented [LDI33]: Not necessary should be covered by building code

1001.6. ~~722.1.2.~~ Sidewalks, Pedestrian Ways and Bicycle Facilities Standards ~~and Design Criteria~~.

Sidewalks, pedestrian ways and bicycle facilities shall be provided to allow for safe and convenient access to pedestrians and bicyclists.

A. ~~722.1.4.~~ **Sidewalks.**

1. *Sidewalks Required.* New development requiring Administrative or Special Permits, Preliminary or Final Site Plans, or Preliminary or Final Plat approval shall provide five (5) foot sidewalks, constructed to the specifications of the Manatee County Public Works Standards, as follows:

   a. ~~722.1.4.1. *Major Thoroughfare Streets.* For all developments requiring Administrative or Special Permits, Preliminary or Final Site Plans, or Preliminary or Final Plat approval, a minimum of five-foot wide sidewalks constructed to the specifications of the Manatee County Public Works Standards, shall be installed on~~ Along ~~both~~ both sides of all new or existing Major Thoroughfares, unless the ~~. All~~ development~~,~~ is adjacent only to one (1) side of ~~a Major~~ the ~~T~~thoroughfare~~,~~. In such case, the development shall be required to construct a sidewalk only on the side of such street lying adjacent to the development.

   b. ~~722.1.4.2. *Other Public Streets.* A minimum of five (5) foot wide sidewalks, built in accordance with the Manatee County Public Works Standards, shall be installed a~~Along the north and west sides of all new or existing public streets ~~within the rights-of-way, which are~~ contiguous to the ~~subject~~ development, and/or also within the proposed development. The ~~Planning~~ Department Director has the ability to require placement of sidewalks in other locations (i.e. on the south or east sides of streets) to provide a more efficient pedestrian system.

   c. ~~722.1.4.3. A five-foot sidewalk shall be installed along all property lines~~ Along all new or existing streets abutting a ~~street for all~~ development ~~requiring an Administrative or Special Permit, Preliminary or Final Site Plan, or Preliminary or Final Plat approval~~ located:

      i. ~~•~~ Within two (2) walking miles of any Public Elementary or Middle School ~~or~~;

      ii. ~~•~~ In PR, NC, GC, HC, LM and HM Zoning Districts~~, or~~;

      iii. ~~•~~ Nonresidential planned development districts; or

      iv. ~~•~~ Within a fifteen hundred (1,500) foot radius of a transit stop.

2. ~~722.1.4.4.~~ *Sidewalk Extension.* The Department Director ~~Planning Department~~ may require construction of sidewalks to extend a maximum distance of one thousand (1,000) feet beyond the outer limits of the proposed development~~, where necessary to connect with or extend to other existing sidewalks,~~ in the interest of safety~~,~~

for handicap accessibility, and to extend sidewalks to existing or proposed attractors ~~after considering the impacts of the proposed development~~.

3. ~~722.1.4.5.~~ *Exemptions.* The following shall not be required to provide sidewalks:

   a. ~~722.1.4.5.1.~~ Where sidewalks do not exist within one thousand (1,000) feet to property zoned A, A-1, LM, HM, or EX, sidewalks shall not be required except as stipulated in this Section ~~722.1.4.1 above~~.

   b. ~~722.1.4.5.2.~~ Sidewalks shall not be required along interstates and limited access highways.

   c. ~~722.1.4.5.3.~~ Individual ~~Manufactured~~ Mobile Homes.

   d. ~~722.1.4.5.4.~~ Home Occupations.

   e. ~~722.1.4.5.5.~~ Telecommunication towers, where sidewalks do not exist within one hundred (100) feet of the parent parcel.

~~722.1.4.5.6. Sidewalks shall not be required along interstate highways. Sidewalks shall not be required along local streets in the Cortez Fishing Village HA Overlay~~ District~~.~~

4. ~~722.1.4.6.~~ *Private Development.* Within a private development, sidewalks shall be required along dedicated and non-dedicated streets. However, all private development may provide pedestrian walks with a minimum of five (5) feet which interconnect principal structures, parking areas, recreational facilities and adjoining sidewalks in lieu of the required sidewalk along non-dedicated streets. Such walks shall be paved. All walkways shall be constructed in accordance with the Manatee County Public Works Standards for sidewalks and ~~Section 727 of this Code~~ADA design requirements. In addition, where the private development is contiguous to any street, a five (5) foot sidewalk shall be installed along the streets contiguous to the development.

5. ~~722.1.4.7.~~ *Agreement to Defer Completion of the Required Sidewalk.* The ~~Planning Director~~Department Director may approve a deferral of construction, when, the owner executes an "Agreement to Defer Completion of the Required Sidewalk" according to the Manatee County Public Works Standards ~~and if one (1) or more of the following situations apply:~~

   ~~1. When strict application of the requirement for constructing sidewalks would be technically impractical in terms of engineering, design, or construction practices, or~~

   ~~2. When the strict application of the requirement for constructing sidewalks would be technically impractical due to the unusual size, shape, topography or existing conditions of the land (including the location of agency jurisdictional areas); or~~

   ~~3. Where a pedestrian easement would not provide for a satisfactory alternate location, or~~

   ~~4. When pending public improvements within the right-of-way would make provision of the sidewalks redundant.~~

   ~~5. When the sidewalk is required for a minor subdivision plat application, not located within two (2) walking miles of an existing public, elementary or middle school.~~

   ~~This agreement shall be recorded on the Public Records of Manatee County, Florida in a manner to run with the land prior to issuance of any temporary or permanent Certificate of Occupancy. This agreement shall be binding upon the property owner and all subsequent owners.~~

B. ~~722.1.5.~~ **Pedestrian Ways.** Pedestrian ways shall be required where essential to provide circulation or access to schools, parks, employment centers, shopping centers, transportation and other community facilities consistent with the need to ensure privacy for the development. The development of pedestrian ways shall be required, concurrent with development, within fifteen hundred (1,500) feet of a transit route to encourage pedestrian and transit intermodal travel. Pedestrian ways shall have a minimum width of ten (10) feet, including a paved walkway of six (6) feet. The remainder of the pedestrian way shall be landscaped in a manner that provides a neat and attractive appearance. Planting materials shall conform to Section ~~715~~701, Landscaping. Lighting, screening, and other improvements shall be included in such a manner as to provide security, tranquility, and privacy for occupants of adjoining property and safety for users of the ways.

C. ~~722.1.6.~~ **Bike~~ways~~ Lanes.** Bike paths and bike lanes shall be constructed and dedicated to Manatee County in accordance with the Manatee County Public Works Standards and any Master Bike Route Plan adopted by the

Commented [LDI34]: Added limited access to clarify this requirement

Commented [LDI35]: 722.1.4.5.6. Moved to overlay district standards in ch 3

Commented [LDI36]: Section 901.5.c 1 thru 5 were to the PW manual

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~~722.1.6.1. *Horseback Riding Trails.* Horseback riding trails shall be allowed where open space is planned within a development. All proposed horseback riding trails and linkage between trails to other tracts of land shall be provided. Horseback riding trails shall provide for safe and unobstructed passage for horse and rider, and shall be located so as to minimize conflict with pedestrians and motorists.~~

~~722.1.7. *Off-street Parking and Loading.* A developer shall provide off-street parking and loading as specified in Section 710, Off-Street Parking and Loading, of this Code.~~

D. Non-motorized Multi-Use Greenway Trails.

1. ~~a.~~ *Spine Trails*.

   a. ~~(1)~~ When development abuts a public right-of-way where a trail corridor is proposed in the adopted Manatee County Greenways Master Plan, a trail shall be installed in lieu of required sidewalks, subject to County approval. Trails shall be constructed to meet or exceed the specifications of the Manatee County Greenways Master Plan and Manatee County Public Works standards.

   b. ~~(2)~~ Developments located within ½ mile of a proposed trail corridor (spine trail) identified in the adopted Manatee County Greenways Master Plan shall be evaluated to determine if the trail corridor may be located on the development site. If determined appropriate for trail development, the developer shall dedicate land for trail development.

   c. ~~(3)~~ If land within a development is dedicated for a spine trail identified in the Manatee County Greenways Master Plan or for a trail providing connectivity to the spine trail (i.e., connector trail), the applicant may receive credit towards the countywide parks and open space impact fees levied upon the project, subject to the provisions of Chapter 8. Additionally, land dedicated for trails may be used to meet open space requirements of the project.

2. ~~b.~~ *Connectivity*.

   a. ~~(1)~~ Use of greenbelt buffers for connector trails is required. Up to fifty (50) percent of the width of a greenbelt buffer may be used for trails, subject to County approval. The planting requirements in Section 701.3~~715.3.6.4.~~ shall apply to the remaining portion of the greenbelt buffer.

   b. ~~(2)~~ On-site trail links providing connectivity with the County trail system, as well as provisions for trail links to, through~~,~~ and contiguous to adjacent property, shall be provided to form an integrated network of trails connecting neighborhoods recreational amenities, schools, libraries, and business centers offering goods and services.

   c. ~~(3)~~ The ~~Planning Department~~ County may require construction of trails to extend a maximum distance of one thousand (1,000) feet beyond the outer limits of the proposed development where necessary to connect with or extend to other existing trails in the interest of safety, for handicap accessibility, and to extend trails to existing or proposed attractors. If necessary, the County shall participate in acquiring right-of-way for these connections. The applicant may receive credit towards the county wide parks and open space impact fee levied upon the project, subject to the provisions of Chapter 8.

1001.7. ~~Section 733~~Traffic Control Standards

~~733.1. Purpose and Intent~~

~~These regulations are established to implement the regulations of the Comprehensive Plan which, in part, requires the development of a safe transportation and highway system.~~

~~733.2.~~ **Administration.**

A. The ~~Transportation~~ Public Works Department is responsible for the administration and coordination of this Section.

~~733.3.~~ **Permit Requirements.**

B. No application for a development permit approval for Administrative or Special Permits, Preliminary or Final Site Plans, or Preliminary or Final Plat shall be approved until the traffic control requirements set forth herein have been reviewed and approved by the Transportation Department.

Commented [LDI37]: Already addressed in old section 739.4 (new 804.2.C.2)

Commented [LDI38]: Deleted section 722.1.7. - redundant language

Commented [LDI39]: Moved over from 604.10.4.3.2 (North Central Overlay)

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733.4. **Traffic Standards.**

C. All development, public and private, shall conform to the requirements set forth herein. All traffic control components installed within the public rights-of-way of any roadway under the jurisdiction of Manatee County and or within private areas where the general public is invited, shall conform to the uniform system adopted by the FDOT pursuant to Chapter 316, Florida Statutes. The standards set forth apply to all public and private rights-of-way. The standards have been published in the latest edition to the following documents:

1. 733.4.1. Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Green Book)—FDOT,;
2. 733.4.2. Standard Specifications for Road and Bridge Construction—FDOT,;
3. 733.4.3. Supplemental Specifications to the Standard Specifications for Road and Bridge Construction—Traffic Signals—FDOT,;
4. 733.4.4. Roadway and Traffic Design Standards for Design, Construction, Maintenance, and Utility Operations for Streets and Highways on State Maintained Systems—FDOT,;
5. 733.4.5. Manual of Uniform Traffic Control Devices for Streets and Highways—U.S. Department of Transportation, Federal Highway Administration.; and
6. Manatee County Public Works Standards.

733.5. General Requirements.

All traffic control devices to be installed on any roadway in Manatee County shall:

733.5.1. Conform to the uniform system for traffic control adopted by the FDOT.

733.5.2. Be installed on the basis of an engineering study prepared by an engineer.

733.5.3. Temporary street name signs shall be erected at the time Building Permits are issued in that portion of a development, at all points where permanent signs will be required. Complete visibility of street name signs shall be maintained by the developer until the temporary signs are replaced by permanent signs.

733.5.4. All traffic control devices to be installed by non-governmental entities on any roadway, public or private, shall be reviewed and approved by the County Traffic Engineer prior to installation.

D. 733.6. Standards for **Street Designation Signs.**

733.6.1. All street designation signs on any street shall conform to Manatee County Public Works StandardsSection 742 herein, and the uniform system of traffic control devices adopted by the FDOT.

733.7. Non-Conforming Traffic Devices and Street Designation Signs.

733.7.1. All non-conforming devices and street designation signs on existing private streets shall be removed and/or upgraded to conform with the FDOT standards and Section 742 herein, within one (1) year after adoption of this Code, by the underlying property owner's expense.

1001.8. Section 742. Street and Structure Numbering Standards

A. **742.1. General.** The Grid System and Address Maps for the unincorporated Manatee County are part of this Code. The Planning Department Director shall coordinate the preparation of address conversion charts consistent with said maps for the purpose of implementing the numbering of structures in this area.

B. **742.2. Reassignment.** The Manatee County Planning Department Director may, from time to time, re-assign street and structure numbers throughout Manatee County in order to facilitate a uniform and logical addressing system.

C. **742.3. Adoption of U.S.P.S. Abbreviations for Street suffixes.**

1. 742.3.1. The abbreviations for street suffixes as set forth and published by the U.S. Postal Service are hereby adopted by Manatee County.
2. 742.3.2. All functions undertaken by the County which incorporate street suffixes including, but not limited to, address lists for billing or inventory purposes and street signage shall utilize the street suffix abbreviations as

Commented [LDI40]: Moved to PW Standards Manual

Commented [LDI41]: Outdated deleted

Commented [LEA42]: As part of Phase 2, this entire section needs to be moved out of the LDC. Probably move to the Code of Ordinances.

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adopted by the U.S. Postal Service.

D. ~~742.4.~~ Street Designation Assignments.

1. ~~742.4.1.~~ All streets, whether public or private shall be designated or approved by the ~~Planning~~ Department Director in conformance with the County Grid System and addressing standards, at the preliminary plat/plan stage. An Ingress/Egress Easement used for access in lieu of a public or approved private street, serving one (1) lot shall be assigned a street number based on the County's grid system. The owner(s) of said easement will bear the responsibility and cost of fabricating and erecting the proper street markers and any additional signage as required by the Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways and the Manatee County Public Works Standards Manual.~~.~~

2. ~~742.4.2.~~ Street designations shall be assigned pursuant to ~~this Section~~the following chart.

Table 10 - 1. Manatee County Street Designation Chart

Commented [LEA43]: STAFF: This chart is confusing. Does it say that if an Avenue is in the north part of the County it typically flows N-S, but in the south side, it flows E-W?

Name	Section of County	Direction	Length (ft)	Road Classification	Comment
Avenue	N S	N-S E-W	Over 1000′	Normal or Grid	—
Boulevard	N S	E-W N-S	Over 1000′	Minor	Route Divided Limited Use
Circle	N, S	Undefined	Any Length	—	—
Court	N S	E-W N-S	500′—1000′ 0′	Between Grids	—
Cove	N S	E-W N-S	500′—1000′ 0′	Minor	Cul-de-Sac
Crossing	N S	N-S E-W	0′—500′	Minor	—
Drive	N S	N-S E-W	500′—1000′ 0′	Normal between Grids	—
Glen	N S	E-W N-S	0′—500′	Minor	Cul-de-Sac
Lane	N S	E-W N-S	0′—500′	Minor	—
Parkway	N S	N-S E-W	Over 1000′	Major	Route Divided Limited Use
Place	N S	N-S E-W	0′—500′	Minor	Cul-de-Sac
Pike	N S	N-S E-W	0′—500′	Minor	—
Road	N, S	N-S/E-W	Over 499′	Rural	Cul-de-Sac
Run	N S	E-W N-S	0′—500′	Minor	Cul-de-Sac
Street	N S	E-W N-S	Over 1000′	Normal or Grid	—
Terrace	N S	N-S E-W	500′—1000′ 0′	Minor	Cul-de-Sac
Trail	N, S	Undefined	Any Length	—	—
Way	N, S	Undefined	0′—500′	—	Cul-de-Sac

N=North S=South E=East W=West

3. ~~742.4.3.~~ The terms "Way" or "Trail" shall be reserved for streets without a predominant East-West or North-South direction, and for streets that meander without a clear direction.

4. ~~742.4.4.~~ The term "Road" shall be reserved for rural road-ways in either and East-West or North-South

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direction.

5. ~~742.4.5.~~ Circle streets, e.g., streets which have more than one access off the same street shall be designated as "Circle" and shall be applied as follows:

North County:

A "Circle" which begins and ends on a North-South road shall be designated "Street Circle."

A "Circle" which begins and ends on an East-West road shall be designated "Avenue Circle."

South County:

A "Circle" which begins and ends on an East-West road shall be designated "Street Circle."

A "Circle" which begins and ends on a North-South road shall be designated "Avenue Circle."

6. ~~742.4.6.~~ A street which changes direction shall be handled as follows:

a. A dead end street which may change direction shall be numbered or named in accordance with the predominant direction it travels and the cross street it intersects.

b. A connecting street which has a predominant direction of travel shall be numbered or named in accordance with that direction even though portions of the street vary in direction.

E. ~~**742.5 .**~~ **Assigning Street Numbers.** Streets shall be assigned numbers in accordance with the approved County Grid System. ~~No names shall be assigned or approved which duplicate existing street names either actually or phonetically.~~

F. Assigning Street Names. Streets may be assigned names where the street is designated in such a curvilinear fashion that it would be difficult to number due to its various directional changes or within subdivisions or planned developments upon the recommendation of the local Fire District, Public Safety, Environmental Management, and Planning Departments and approval by the Board of County Commissioners. ~~Dual designations shall be prohibited.~~ No names shall be assigned or approved which duplicate existing street names either actually or phonetically.

G. ~~**742.5.1.**~~ **Commemorative Naming of Street.** Streets under the jurisdiction and control of the Board of County Commissioners of Manatee County may be named in honor of distinguished individuals or organizations in accordance with the following procedures:

1. ~~1.~~ The naming of public streets in honor of individuals or organizations shall be by resolution adopted at a public hearing after publication of notice in the manner required by law for the adoption of county ordinances under Section 125.66(2)(a) F.S.

2. ~~2.~~ Eligibility requirements for individuals and organizations will be based upon demonstrated integrity, contribution to the community, patriotism and such other criteria as may from time to time be established by the Board.

3. ~~3.~~ Prior to the public hearing, the shall develop a fiscal impact statement and the County Attorney shall review any legal considerations.

4. ~~4.~~ With respect to the naming of the streets, all applicable requirements of law and the following requirements shall be met:

a. ~~a.~~ A petition containing the names of at least two-thirds (2/3) of the property owners directly affected by the proposed action must be submitted to the Board;

b. ~~b.~~ The public hearing shall be continued for at least a period of six (6) days prior to adoption of the resolution to ensure an opportunity for full participation by all segments of the community; and

c. ~~c.~~ Streets already named in honor of an individual or organization shall not be considered for renaming.

~~**742.6.** Street markers shall be required for all private and public streets. Street signage shall be posted in a uniform manner throughout the County. When a dual designation does occur, the street number shall be the most prominent designation with the name being secondary. The signs shall read in the sequence of "48th St. W." as opposed to "W. 48th St." or any other variation. Proper and uniform signage will alleviate difficulties in locating an address. "Uniform manner" shall mean the following:~~

Commented [LEA44]: STAFF, Previous drafts included modifications requested by staff addressing waivers. Did not include in this draft as it would be a change.

Commented [LDI45]: Moved to traffic manual

~~742.6.1. The signs shall be posted at a standard height of between 8′ 6″ and 9′ 6″. The street designation sign shall be a minimum of six (6) inches high by eighteen (18) inches long.~~

~~742.6.2. The characters on such signs shall be of a standard size with a minimum 1′ [1″] size for block numbers, 4″ size for characters on local streets, and a 6″ size for characters on thoroughfares.~~

~~742.6.3. The characters and backing shall be of a reflective material which meets the minimum standards for uniform control devices for reflectivity.~~

~~742.6.4. The signage on the street corners shall be consistently placed.~~

~~742.6.5. Where names are used, the block numbers shall be included under the name.~~

~~742.6.6. Uniform manner shall not mean that all street signage must be identical in appearance or materials. Nothing contained herein shall be construed to limit the materials used for the sign post or the bracket and fixtures upon which the reflective characters and backing will be placed.~~

H. ~~742.7.~~ Structure Number Assignments.

Commented [LDI46]: Section 742.76 Moved to the community standards manual

1. ~~742.7.1.~~ Structure number assignments shall be based on an odd/even system for opposite sides of the street. When a single assignment is being made in a developed area, the existing and most prominent system shall be used for the assignments even though it may conflict with the following systems:
   a. North County (North of the Manatee River):
   b. Even Numbers: North and East sides
   c. Odd Numbers: South and West sides
   d. South County (South of the Manatee River):
   e. Even Numbers: South and West sides
   f. Odd Numbers: North and East sides
2. ~~742.7.2.~~ General Assignments.

Commented [LDI47]: Section 742.7.2 Moved to the community standards manual

   a. ~~742.7.2.1.~~ Where multiple separate principal structures exist on a single frontage, they shall have the same number, with the rear structures designated in letter form beginning with "A."
   b. ~~742.7.2.2.~~ Where land is not subdivided, the numbers shall be assigned from 1 to 99 (6919, 6950, 6990), depending where the structure is approximately located within the grid.
   c. ~~742.7.2.3.~~ Structures shall be assigned a number based on the grid on which the predominant portion of its street frontage is located.
   d. ~~742.7.2.4.~~ Structures located on a corner lot shall be assigned a number based on the frontage orientation of the structures, as determined by the Planning Director.
   e. ~~742.7.2.5.~~ Prior to the issuance of a Certificate of Occupancy or Completion, the structure for the principal use shall have its assigned structure address number clearly posted on the structure or in the case of a structure which is not visible from the road or is set back from the road more than 100 feet, the numbers shall be placed on a sign or mailbox near the driveway entrance and shall be clearly visible from the road. In addition to the number being posted at the driveway entrance, it shall also be placed on the structure. Numbers 3″ in height (minimum) for residences and 6″ in height (minimum) for businesses shall be used.
   f. ~~742.7.2.6.~~ Street circles and Avenue Circles shall be numbered consecutively with the numbers beginning at the lowest number cross street end and proceeding upwards.
3. ~~742.7.3.~~ Platted Subdivision and Manufactured Home Park Assignment.
   a. ~~742.7.3.1.~~ Lots within a platted subdivision or manufactured home park shall be assigned numbers by the County at the time of submittal and prior to final plat approval by the Board and its recording.
   b. ~~742.7.3.2.~~ The numbers shall be assigned in the sequence of 2 or 4 digits (1010, 1014, 1018, 1022) depending on the lot size. At the grid line the numbers shall jump accordingly to the next grid sequence. Where a Drive, Terrace, Plaza or Court, Boulevard, [or] Way exist in close proximity to each other, the

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number sequence shall be assigned so that each street does not begin with the same structure number (6401, 6403, 6405).

4. ~~742.7.4.~~ Multi-Family Residential and Commercial Assignments.

a. ~~742.7.4.1.~~ Multi-family residential and commercial units (rental or ownership) which have all individual ground floor unit entrances shall have individual addresses (numbers).

b. ~~742.7.4.2.~~ All other multi-family residential and commercial units shall have building numbers and individual apartment or unit designations (A, B, or 101, 201, etc.). Examples of this type include:

i. ~~742.7.4.2.1.~~ High-rise buildings with multiple units, common entrance and corridors.

ii. ~~742.7.4.2.2.~~ One or two-story buildings where units are entered from common entryways or corridors.

c. ~~742.7.4.3.~~ Whenever possible, the same system of building/unit addressing shall be applied within a definable project even if the type of unit design might dictate a change of addressing methods. .

5. ~~742.7.5.~~ Recreational Vehicle Parks. Recreational Vehicle Parks shall be assigned one address for the park as a whole. This address is generally either the number of the main entrance or the clubhouse/recreation center. Individual lots/parcels will have their own designations as determined by the developer/property owner and as approved by the Planning Department.

~~742.8.~~ Street Designation Waiver.

I. A street name waiver may be granted by the Board at the preliminary plat/plan stage. Such street waiver shall be based on the curvilinear nature of street(s) where the assignment of street numbers will result in difficulty in the delivery of postal and emergency services. The local fire district having jurisdiction, Public Safety, Environmental Management, and the Planning Department shall review all street waiver request and forward to the Board of County Commissioners a recommendation to approve or deny the waiver request. No street waiver request shall be approved by the Board unless finding of fact that emergency service response will not be compromised by the granting of said waiver is made by the Board.

J. System Implementation.

1. ~~742.9.~~ A fee will be assessed for each new address assigned. Addresses assigned as part of an area wide readdressing program are not subject to said fee unless so authorized by the Board.

2. ~~742.10.~~ The cost of furnishing and installing all required signage shall be borne by the applicant requiring development approval.

3. ~~742.11.~~ All assigned structure numbers shall remain affixed to the respective structure and maintained by the property owner.

4. ~~742.12.~~ Temporary street designation signs shall be erected at the time when Building Permits are issued, in that portion of a development, at all points where permanent signs will be required. Complete visibility of street signs shall be maintained by the developer until the temporary signs are replaced by permanent signs.

5. ~~742.13.~~ All existing principal structure(s) shall post structure numbers meeting the requirements of this Code~~within six (6) months of the effective date of this Code meeting the requirements of Section 742.7.2.5~~.

Commented [LEA48]: Deleted as the 6 months passed already.

Section 1002 ~~Section 713~~Visibility Triangle~~s~~

1002.1. ~~713.1.~~ Applicability.

In order to provide a clear view of intersecting streets and travel lanes to the motorist, there shall be a triangular area of clear visibility. On every corner lot, at every driveway intersection with streets, and in parking areas, there shall be a visibility triangle clear of any structure, fence, obstruction planting, or parking, unless exempted by Section 1002.2~~713.3~~,- below. The Manatee County Public Works Standards Manual (Part 3 - Highway and Traffic Standards) contains the detailed specifications for the provision of visibility triangles.

~~The area formed by the visibility triangle constitutes an important horizontal and vertical sight distance for vehicular traffic.~~

~~713.5. Illustration.~~

~~713.5.1. The visibility triangle is identified as illustration number 713.~~

A. Obstructions. Within that portion of a lot or parcel that lies within the clear visibility triangle, as defined in this Chapter and the Manatee County's Public Works Standards Manual, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially obstruct vision between a height of two and one-half (2 ½) feet to eight (8) feet above the average grade at the centerline of the right-of-way, provided, however, that in case of a conflict, Subsection A, above, shall prevail over this requirement.

B. Retaining Walls. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

C. Trees. Trees may be permitted in the triangle area if the foliage is pruned within the heights noted in Subsection A.

D. Signs. Streetlights and street name signposts may be permitted if illuminating fixtures or nameplates are not located within the prescribed clear space.

~~713.2. Location.~~

~~713.2.1. For a Corner Lot.~~

~~The visibility triangle shall be formed by extending the rights-of-way lines of any corner lot to a point where the lines intersect each other designated as point (A); and from that intersecting point (A), measuring to a point thirty (30) feet along both rights-of-way lines points (B and C); and then, connecting those same two points (B and C), forming a line which measures 42.43 feet.~~

~~At an intersection and where two adjacent corner lots exist or are planned, the visibility triangle requirements shall include the segment of the rights-of-way thirty (30) feet from the rights-of-way line of the intersecting rights-of-way line. See , visibility triangle illustration 713.~~

~~If a future rights-of-way line has been established by the Transportation Department, the thirty (30) foot line of the triangle shall be measured along the future rights-of-way line, as indicated in the, visibility triangle illustration 713.~~

~~713.2.2. For a Driveway. The driveway visibility triangle is the triangle formed by extending the edge of driveway and extending the adjacent rights-of-way line to a point where the lines intersect each other, designated as point (D); and from that intersecting point (D), measuring to a point fifteen (15) feet along the rights-of-way line to a point designated as (E); and measuring from point (D) fifteen (15) feet along the edge of the driveway to a point designated as (F); and then, connecting points (E) and (F) to form a line which measures 21.21 feet. The visibility triangle requirements shall include the segment of the driveway fifteen (15) feet from the intersecting street line, as indicated in the visibility triangle illustration 713.~~

~~713.2.3. In Parking Areas. Within any parking area, the placement of trees, shrubs, or other obstruction within any landscaped medium, island or peninsula shall observe the requirements as a visibility triangle for all conditions, at each location, where one drive aisle intersects another drive aisle. The dimensions are shown on the, visibility triangle illustration 713.~~

1002.2. ~~713.3.~~ Exemptions.

The following items are exempt from the visibility triangle requirement.

~~713.3.1. All structures and plantings not within a vision clearance area between thirty (30) inches and eight (8) feet above the average elevation of the existing pavement surface of both streets measured along the high point of the street pavement surface, adjacent to the rights-of-way line.~~

A. ~~713.3.2. The visibility triangle requirement shall not apply at existing visibility triangle locations to t~~**Existing Trees.** The trunk of an existing, established tree. However, the branches or foliage shall meet the vision clearance area required ~~of~~ in ~~paragraph~~ Subsection 1002.1.0~~713.3.1~~.

B. ~~713.3.3.~~ **Posts.** A single post or column or similar structure other than signs or sign structures, which is no greater than twelve (12) inches in cross section or diameter.

C. ~~713.3.4.~~ **Fences.** Non-opaque fences such as chain link ~~are exempt from these requirements~~.

D. ~~713.3.5.~~ **Government Signs and Devices.** Fire hydrants, public utility poles, street markers, governmental signs,

Commented [LDI49]: moved illustration to Manatee County PW Manual

Commented [LDI50]: B thru E added per discussions with PW staff.

Commented [LDI51]: Moved to PW Manual

Commented [LDI52]: Deleted section 713.3.1 b/c covered above

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traffic control devices, ~~and~~ public bus benches and U.S Postal Service~~Office~~ authorized mailboxes are exempt from these requirements. The exemption of governmental signs from the visibility triangle requirement is based upon the function served by governmental signs. However, an engineering study must demonstrate that the signs will meet visibility requirements.

Commented [LDI53]: Language added to ensure signs do not impact visibility.

~~713.3.6. Directional signs, as permitted by Section 724 – Signs.~~

E. ~~713.3.7.~~ **Lots.** In RSMH, ~~CRV and PDRV~~ zones, driveway visibility triangles to individual lots are not required.

F. ~~713.4.~~ **Other.** Telephone booths, parking areas, bicycle racks, signs and like structures are **not** exempted from the visibility triangle requirements.

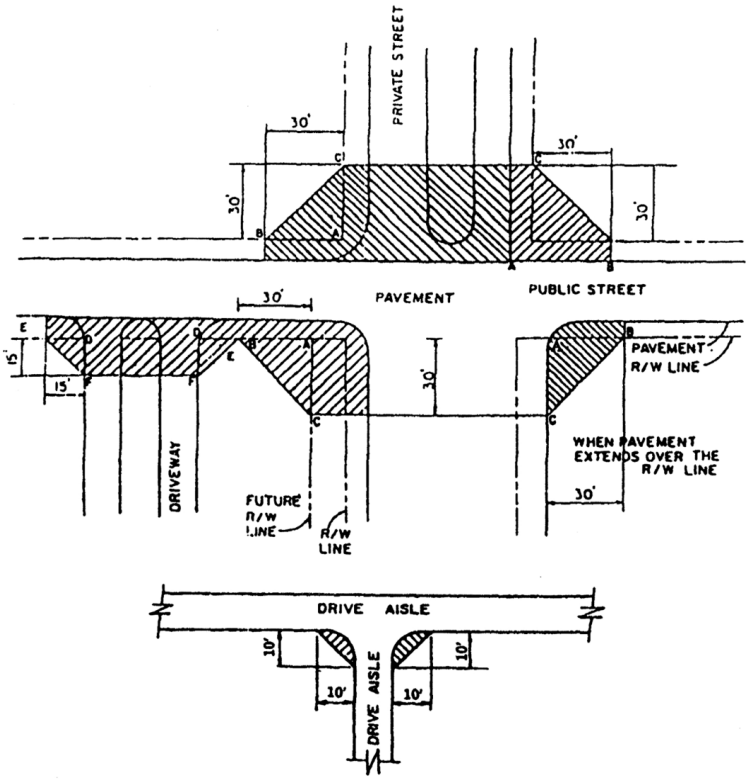
1002.3. ~~713.6.~~ Responsibility.

~~713.6.1.~~ It shall be the responsibility of the property owner to maintain the visibility triangle horizontal and vertical clearances at all times.

1002.4. ~~713.7.~~ Safety Hazards ~~Within~~within the Visibility Triangle.

~~713.7.1.~~ Any safety hazard violation of the ~~V~~visibility ~~T~~triangle shall be subject to immediate removal, without prior notification to violator, by the Department Director~~Transportation Department~~, at the expense of the property owner.

ILLUSTRATION 713. VISIBILITY TRIANGLE



Section 1003 ~~Section 729.~~ Transit ~~Regulations.~~Standards

1003.1. ~~729.1.~~ Purpose and Intent.

~~729.1.1.~~ These regulations are established to implement ~~the requirements of~~ the Comprehensive Plan which, in part, requires the development of a cost effective and efficient transit system.

~~729.2. Administration.~~

~~729.2.1. The Public Works Department is responsible for the administration and coordination of these regulations.~~

1003.2. ~~729.3. Permit Requirements~~Applicability.

~~729.3.1.~~ No application for a development permit requiring ~~A~~administrative or ~~S~~special ~~P~~permits, ~~P~~preliminary ~~or~~ Final Site ~~P~~plans, or ~~P~~preliminary or ~~F~~final ~~P~~plat approval shall be approved until ~~the transit conditions have been reviewed and approved by the Transportation Department~~the requirements of this section are met.

~~729.4. Procedure.~~

~~729.4.1.~~ The applicant shall indicate on a site plan accompanying the submission to appropriate agencies, the existing bus routes as they relate to the project site. The applicant shall coordinate with the Department Director ~~Community Services Department~~ regarding the advisability of incorporating ~~bus stops, bus shelters, bus turn lanes and maneuvering areas~~transit facilities within or adjacent to the project site.

1003.3. ~~729.5.~~ Standards.

A. ~~729.5.1.~~ **Transit Requirements.** The applicant shall, where applicable, conform to all transit requirements of the Manatee County Public Works Standards, the applicable transit provider~~Manatee County Development Standards~~ and the ~~Urban Mass Transportation Authority (UMTA)~~Federal Transit Administration (FTA) ~~regulations~~.

~~729.6. Internal Transit Facilities.~~

B. ~~729.6.1.~~ **Access and Stops.** Internal transit access and transit stops shall be provided within non-residential projects of one hundred thousand (100,000) square feet of gross floor area or more, and for residential projects of one hundred (100) dwelling units or more.

C. ~~Development on individual non-residential or residential lots within a project shall be cumulative in calculation for the provision of transit access and stops, regardless of phasing, with transit~~ **Stop Locations.** Transit access and stops shall be conveniently located and designed to serve the proposed project.

D. **Site Plan.** The transit access and stops locations shall be shown on the site development plan~~final site plan/preliminary plat~~.

E. **Internal Stops.** All internal transit stops shall provide sheltered protection from the weather. Such stops shall be installed in conjunction with the Certificate of Occupancy for the qualifying non-residential projects ~~one hundred thousand (100,000) square feet of gross floor area or greater~~ and ~~or the~~ before issuance of a Certificate of Occupancy for the one hundred and first (101st) unit of a residential project.

F. **Design of Stops.** Internal transit stops and shelters shall be constructed in accordance with the transit provider and Manatee County Public Works Standards~~Manatee County Department of Transportation standards~~.

G. **Exemption.** The Department Director ~~Planning Director, in coordination with the Transit Division~~ may waive this requirement if there are existing transit stops in close proximity to the proposed project, or where transit service is not proposed to be extended in the future.

~~(Ord. No. 92-60, § 3, 12-14-92; Ord. No. 98-19, § 3, 12-15-98; Ord. No. 04-29, § 2A, 1-27-04)~~

Section 1004 ~~Section 711~~Driveway ~~Access~~ Regulations.

1004.1. ~~711.1.~~Purpose and Intent.

These regulations are established to provide for safe and efficient access to and from driveways intersecting any

Commented [LDI54]: Changed to reflect the new name of the fedral transit regulatory agency

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street, as well as for the safety and efficiency of pedestrian and vehicular movement, within any such rights-of-way.

1004.2. ~~711.2.~~Access and Drainage Permit Required.

A. Access and Drainage Permit. No ~~section~~ portion of a driveway which extends from the property ~~right-of-way~~ line outwards toward the ~~travelway/~~edge of the abutting roadway pavement shall be constructed, improved, or enlarged without an access and drainage permit issued by the Department Director ~~Transportation Department~~ in accordance with this Section ~~706, Access and Drainage Regulations~~. For the purpose of this Section, a driveway shall include, in addition to the actual driveway, a sidewalk, culvert, drainage or stormwater structure, swale, driveway apron, roadway shoulder or handicap ramp within the rights-of-way, and any construction within the visibility triangle and right-of-way. A permit is not required for regular driveway maintenance.

B. Pre-requisite for Building Permit. Where an access and drainage permit is required, no building permit shall be issued for a structure on a lot until an access and drainage permit has been issued. ~~Final approval by the Department Director for construction work required by this section and complete repairing of any damage to the rights-of-way shall be a prerequisite for a certificate of completion or a certificate of occupancy, whichever is applicable~~.

~~711.3.Procedure~~**Application Submittal.**

C. Applicants for an access and drainage permit shall submit a written application in a form as deemed necessary by the Public Works Department and a site development plan. ~~In addition to the requirements of Section 706, Access and Drainage Regulations, t~~The plan which accompanies the application shall include:

1. ~~711.3.1.~~The location, size, and alignment of the proposed driveway, the curb and/or gutter line, sidewalks, any official rights-of-way line of the intersected street, approximate distances and location of all existing driveways of all adjoining lots along the same street line within one hundred (100) feet. In the case of a corner lot, the plan shall show the location of the driveway for the adjoining lots of both streets.
2. ~~711.3.2.~~The location and dimensions of all existing and proposed parking areas on the lot within fifty (50) feet of the proposed curb cut. The location of trees adjacent to the proposed curb cut, structures including free standing signs, storm drains, and any fencing near the curb cut.
3. ~~711.3.3.~~The location of each visibility triangle ~~as required by Section 713~~ shall be shown on the plan.

D. Approval. The Department Director shall review the application and shall approve, approve with stated conditions, or deny the application, stating in writing the reasons for any denial.

E. ~~711.5.~~ Appeal Process. All appeals of the ~~Transportation~~ driveway access standards ~~as herein stated~~ in this section shall be in accordance with Chapter 35.

~~706.6.3. Access onto Emergency Maintained Roads. The design and construction requirements stipulated in the Transportation Standards may be modified by the Transportation Director to suit the existing unimproved public rights-of-way conditions. The integrity of each construction element required by Section 706.1 shall be consistent with the proposed public construction of the rights-of-way.~~

~~706.3.1. No driveway, sidewalk, culvert, drainage or stormwater structure, swale, driveway apron, roadway shoulder or handicap ramp within the rights-of-way, and construction within the visibility triangle and rights-of-way shall be constructed, improved, or enlarged without a permit issued by the Transportation Department in accordance with this Section. Where such a permit is required, no Building Permit shall be issued for a structure on a lot until an Access and Drainage Permit has been issued. No drainage system or any development shall take a form that creates potential or actual impoundment of water on, or discharge water onto, adjacent property in such a manner as to affect existing development, or increase problems of future development on adjacent property, except with recorded easements of the adjoining property affected. The driveway access shall not be used to divert stormwater from on-site to the roadway.~~

F. ~~711.4.~~Driveway Standards. No permit shall be issued except in conformance with the following requirements; provided, however, the Department Director ~~Transportation Director~~ may increase the distance between driveways to the extent necessary to assure safe and efficient ingress and egress to a lot, based on existing roadway widths and Florida Department of Transportation (FDOT) standards. Driveway standards are contained in the Manatee County Public Works Standards Manual.

~~711.4.1.*Minimum Distance From Intersections.* Where a site occupies a corner of two (2) intersecting streets, the~~

Commented [LDI56]: moved up from old 706.3.1

Commented [LEA57]: moved up from old 706.3.1

Commented [LDI58]: Section 706.6.3 moved to the PW Manual

Commented [LDI59]: Last sentence moved down to standards.

Commented [LDI60]: Driveway Standards moved to the PW Manual

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~~driveway entrance or exit shall be as remote from the intersection as possible. Driveways shall not intersect a street corner radius, nor be closer to the intersection of extended street lines than provided below.~~

~~Principal Use of Lot Serviced~~	~~Highest Classification of Intersecting Streets~~	~~Minimum Required Distance (feet)~~
~~Residential~~	~~i. Arterial~~	~~60~~
	~~ii. Major Collector~~	~~40~~
	~~iii. Minor Collector~~	~~30~~
	~~iv. Local~~	~~30~~
~~All other Uses~~	~~v. Arterial~~	~~75~~
	~~vi. Major Collector~~	~~60~~
	~~vii. Minor Collector~~	~~50~~
	~~viii. Local~~	~~50~~

~~711.4.2. *Minimum and Maximum Driveway Width.* Driveways for residential zone lots shall not exceed twenty-four (24) feet in width at their intersection with the lot line, unless approved by the Transportation Director. Driveways for non-residential zone lots shall not exceed thirty-six (36) feet in width at their intersection with the lot line. The minimum driveway width in any zone shall be twelve (12) feet.~~

~~711.4.3. *Maximum Number of Driveways.* Except for agricultural-zoned property, and lots in excess of five (5) acres, there shall be no more than two (2) driveways from any project, fronting on a single street. In the case of a corner lot fronting on two (2) streets, no more than a maximum of three (3) driveways shall be allowed for the project. In the case of a project abutting three (3) roadways, a maximum of four (4) driveways shall be permitted for the project. Each project shall have a separate access to a street, except as stipulated under Section 711.4.4 below. The Transportation Director shall have the authority to approve an increase or decrease in the number of driveways for individual projects where a superior design, based upon safety considerations, is available.~~

~~711.4.4. *Minimum Distance Between Driveways.* No driveway shall be closer to another driveway, whether on the same or adjoining lots, than as provided below, nor shall any driveway be closer to a lot line, measured along the street line, than one-half (½) the distance provided below, unless the driveway serves the adjoining lot as well. A cooperative driveway for two adjoining contiguous lots may be approved upon submission of recorded easements to the Transportation Director indicating passage over the adjoining lot. Based on a review of the location, traffic and other site conditions, the Transportation Director will either approve or disapprove the request.~~

~~711.4.4.1. For all non-residential and non-agricultural uses, the minimum requirements shall be:~~

~~Street Classification~~	~~Distance Between Driveways~~
~~Arterial~~	~~40 feet~~
~~Major Collector~~	~~30 feet~~
~~Minor Collector and all other roadways~~	~~25 feet~~

~~711.4.4.2. All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress at the site and minimize conflict with the flow of traffic on and off the site.~~

~~711.4.4.3. Driveways should intersect the road at an angle of as near ninety (90) degrees as site conditions will permit. In no case shall the angle be less than sixty (60) degrees measured from the roadway.~~

~~711.4.4.4. Driveway entrances shall not be utilized to convey stormwater from on-site to the right-of-way, except for single family detached, attached and duplex dwellings.~~

G. ~~**711.4.5.**~~ **Construction Standards.** Driveways shall be constructed in accordance with the Manatee County Public Works Standards~~Public Works Department Development Standards~~, but at a minimum, all driveways shall be constructed and maintained with a dustless surface, approved by the Department Director~~County Engineer~~, from the edge of the road's pavement to the right-of-way line.

H. ~~711.4.6.~~ **Vehicular Use of Right-of-Way Shoulders Prohibited.** Except for the approved driveway entrance and exits, the area between the ~~travelway~~ edge of a street, road or highway and the property line shall not be used for vehicle maneuvering or parking.

I. 711.4.7. **Stacking Lanes, Local Frontage Roads.** Where deemed necessary by the Department Director County Traffic Engineer to prevent traffic hazards or congestion, stacking lanes adequate to accommodate maximum queuing of vehicles turning into the subject driveway shall be provided in accordance with the Manatee County Public Works StandardsTransportation Public Works Department Development Standards. A local frontage road may be provided required in lieu of any necessary stacking lanes.

J. 711.4.8. **Measurement.** Measurement of driveway width or spacing shall not include any necessary corner radii, for turning movements.

K. **Recorded Easements.** No improvement shall create potential or actual impoundment of water on, or discharge water onto, adjacent property in such a manner as to affect existing development or increase problems of future development on adjacent property, unless the County has accepted recorded easements with the affected adjoining properties affected. The improvements shall not divert on-site stormwater to the roadway.

Commented [LDI61]: added per discussions with PW Staff

Section 1005 Section 710Off-Street Parking and Loading.

710.1. Off-Street Parking.

1005.1. 710.1.1. Applicability.

A. 710.1.1.1. *Generally*New Development. All structures built or erected and all uses established after the effective date of this Code shall provide accessory off-street parking in accordance with the regulations of this Section. All off-street parking areas provided by a use shall be subject to these regulations, regardless of whether such parking areas are required or in excess of any required parking. (see Code of Ordinances for vehicle storage requirements).

710.1.1.2. *Off-street Vehicle Storage*. Off-street vehicle storage shall be subject to the same requirements as Screened Outdoor Storage (see 703.2.20 Screened Outdoor Storage) and off-street parking, provided:

710.1.1.2.1. The Planning Director may waive requirements for marking of spaces, paving and use of off-street storage areas upon a finding that an adequate alternative is being proposed for the intended use; and.

Commented [LDI62]: Moved to Ch. 4 (Outdoor Display, Sale or Storage)

710.1.1.2.2. The storage of any vehicle for repair, or vehicle with wheels removed, inoperable or unregistered shall not be allowed in any front yards.

Commented [LDI63]: 710.1.1.2.2 moved to property maintenance code

B. 710.1.1.3. Building Expansions and Additions. When an existing structure or use is expanded in floor area, volume, or capacity, the accessory off-street parking shall be provided in accordance with this Section for the area, volume, or capacity of such expansion. When and such expansion requires (or provides for) parking spaces in excess of ten (10) percent or ten (10) spaces of the total pre-existing space, whichever is less, the pre-existing structure or use shall be provided with off-street parking shall be provided in accordance with the requirements of this Codesection.

1005.2. 710.1.5.5.7. Use of Off-street Street Parking Areas.

All off-street parking facilities shall be used solely for the parking of vehicles, excluding restricted vehicles type B, C, and D, as defined under Chapter 2, Definitions, in operating condition by patrons, occupants or employees of the use to which such parking is accessory. No motor vehicle repair work except emergency service shall be permitted in association with any required off-street parking facilities. See Off-street Vehicular Storage paragraph 710.1.1.2.

1005.3. 710.1.6. Number of Vehicular Parking Spaces RequiredRatios.

Commented [LDI64]: During phase 2, consider lowering ratios; Required amount of parking spaces appears excessive should consider reductions; No need for employee parking req's, should be included in the ratio of required spaces

A. **Minimum Parking Requirements.** In addition to handicap parking requirements tThe minimum required number of off-street parking spaces accessory to the uses shall be in accordance with Table 10 - 1Table B, Parking Ratios. Handicap parking spaces shall be provided in accordance with F.S § 316.1955, the Americans with Disabilities Act and shall be counted as part of the total parking space requirement.

Table 10 - 2: Parking RatiosTABLE B. PARKING RATIOS

Use	Spaces/Sq. Ft. or Unit of Measure	Notes
Agricultural Uses:		
Agricultural Products Processing Plants		15

Use	Spaces/Sq. Ft. or Unit of Measure	Notes
Agricultural Research Facilities	1/250 Gross Office Area	2
Agriculture	No Requirement	
Animal Rehabilitation Center	1/250 Gross Office Area	2
Animal Shelter	1/400 Gross Office Area	
Breeding Facility (non-wild, non-exotic)	1/400 Gross Office Area	2
Stockyards and Feedlots	1/250 Gross Office Area + 1/1000 GFA Remaining Area	1-~~+~~-8
Farms	No Requirement	
Farm Equipment and Supply Establishments	1/250 Gross Retail Sales Area	2
Farm Worker Housing	1/Dwelling Unit	
Farming Service Establishments	1/400 GFA	11
Kennels	1/400 GFA	2
~~Manufactured~~ Mobile Home in Add. to Residence	~~ix.~~ 2/~~Manufactured~~ Mobile Home	
Ranches	No Requirement	
Sawmills	1/250 Gross Office Area + 1/2000 GFA	11
Short Term Agricultural Uses	No Requirement	
Slaughterhouses		8
Stables or Equestrian Centers (public or private):	No Requirement	
~~Private~~	~~No Requirement~~	
~~Public~~	~~No Requirement~~	
Veterinary Hospitals	1/400 GFA	2
Commercial Uses:		
Retail:		
~~x.~~ Auction House (Open, Enclosed, Auto)	1/2 seats, or 1/250 GFA, whichever is greater	
~~xi.~~ Building Material Establishment	1/150 GFA	11
~~xii.~~ Drinking Establishment	1/80 GFA or 1/2 seats, whichever is greater	
~~xiii.~~ Eating Establishment:		
~~xiv.~~ Drive-in (No Seats)	1/150 GFA	
~~xv.~~ Sit Down/Walk In	1/80 GFA or 1/2 seats, whichever is greater	
~~xvi.~~ Furniture and Carpet Store	1/500 GFA	
~~xvii.~~ Gas Pumps	1/Two Pumps	4
~~xviii.~~ Grocery Store and Convenience Store	1/200 GFA	10-~~+~~-16
~~xix.~~ MH/RV Sales/Rental/Leasing	1/600 Gross Sales Area	3
~~xx.~~ Motor Vehicle Sales/Rental/Leasing	1/500 Gross Sales Area + 1/4500 Open Sales Area	11-+-4
~~xxi.~~ General Retail Sales Uses	1/250 GFA	2
~~xxii.~~ Retail Sales, Neighborhood General	1/250 GFA	
~~xxiii.~~ Retail Sales, Neighborhood Convenience Uses (excluding grocery and convenience stores, see above)	1/250 GFA	16
~~xxiv.~~ Service Stations	3/Bay + 1/500 GFA	4
~~xxv.~~ Shopping Center	1/200 GFA for first 400,000 Sq. Ft. and 1/300 GFA for second 400,000 Sq. Ft. and 1/400 GFA thereafter	6
~~xxvi.~~ Theatre (Free Standing)	1/3 Seats	
~~xxvii.~~ Theatre (Within Shopping Center)	1/3 Seats for Sq. Ft. that exceeds 20% of Shopping Center GFA	
Services:		
~~xxviii.~~ Banking:		
~~xxix.~~ Automatic Teller		4
~~xxx.~~ Bank	1/200 GFA	18

Use	Spaces/Sq. Ft. or Unit of Measure	Notes
~~xxxi.~~ Bank/Drive-Through	1/200 GFA	5
~~xxxii.~~ Business Services		8
~~xxxiii.~~ Health Services:		
~~xxxiv.~~ Professional Office	1/200 GFA	18
~~xxxv.~~ Clinic	1/200 Gross Office Area	
~~xxxvi.~~ Veterinary Clinic	1/400 Gross Office Area	
~~xxxvii.~~ Hospitals	2/Patient Bed	18
~~xxxviii.~~ Medical and Dental Laboratories	1/250 GFA	
~~xxxix.~~ Nursing Home	1/Each Two Beds	
~~xl.~~ Lodging Places:		
~~xli.~~ Bed and Breakfast	1 Each Lodging Unit	
~~xlii.~~ Boarding House	1 Each 1.5 Beds + 1/500 GFA	
~~xliii.~~ Camps	1/2000 GFA	
~~xliv.~~ Dormitories	1 Each 1.5 Beds	
~~xlv.~~ Hospital Guest House	1 Each 1.5 Beds	
~~xlvi.~~ Hotels/Motels	1/Lodging Unit + 1/Each Ten Lodging Units	6, 18
~~xlvii.~~ RV Parks	1 Parking Pad Per Site	
~~xlviii.~~ Miscellaneous Services:		
~~xlix.~~ Office	1/200 Gross Office Area	11~~+~~18
~~l.~~ Car Wash:		
~~li.~~ Self~~-~~-Serve	4 Stacking Spaces/Wash Bay	2
~~lii.~~ Incidental	4 Stacking Spaces/Wash Bay	2
~~liii.~~ Full Service	10 Stacking Spaces/Wash Bay	2
~~liv.~~ Construction Service Establishments	1/250 GFA	11
~~lv.~~ Dry Cleaners (neighborhood, general and pick-up)~~:~~	~~lvi.~~ 1/200 Gross Office Area	11
~~lvii.~~ Exterminating and Pest Control	1/200 Gross Office Area	11
~~lviii.~~ Food Catering	1/200 Gross Office Area	11
~~lix.~~ Funeral Chapel	1/Each Three Seats in Main	11 Chapel
~~lx.~~ Funeral Home	1/Each Three Seats in Each Parlor	11
~~lxi.~~ Lawn Care/Landscaping	1/200 in Gross Office Area	11
~~lxii.~~ Personal Service Establishment	1/200 GFA	2
~~lxiii.~~ Rental Service Establishment	1/200 GFA	11
~~lxiv.~~ Repair Service Establishment:	1/200 GFA	11
~~lxv.~~ Motorized Vehicle Repair:		
~~lxvi.~~ Neighborhood Serving	3/Bay + 1/500 Gross Sales Area	11
~~lxvii.~~ Community Serving	4/Bay + 1/500 Gross Sales Area	11
~~lxviii.~~ Major	4/Bay + 1/250 Gross Sales Area	11
~~lxix.~~ Sign Painting Service	1/200 GFA	11
~~lxx.~~ Taxi-Cab, Limousine Service	1/500 GFA	11
Industrial:		
Industrial Service Establishment		8~~+~~11
Manufacturing:		
~~lxxi.~~ Heavy		8~~+~~11
~~lxxii.~~ Light		8~~+~~11~~+~~18
Research and Development Activity		8~~+~~11
Utility Use, Heavy		
Community Service Uses:		
Cultural Facilities	1/300 GFA, not less than 10 spaces	

Commented [LDI65]: consolidated the 3 ratios contained in the table for dry cleaners. no need to have 3 separate ratios

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Use	Spaces/Sq. Ft. or Unit of Measure	Notes
Correctional Facilities (Community & Major)~~:~~		9
~~lxxiii. Community~~		~~9~~
~~lxxiv. Major~~		~~9~~
Emergency Shelters		9
Outpatient Treatment Facility	1/200 Gross Office Area	
Post Offices		8~~+~~11
Private Clubs/Community Uses	1/3 Seats of 1/250 GFA, whichever is greater	
Public Community Use	1/200 GFA	
Public Use Facilities		9
Residential Treatment Facilities	1/3 Resident + 1/Resident Staff Member + 1/Non-resident Staff Member	9
Resource Recovery Facilities	1/500 Gross Office Area	11
Utility Use		11
Miscellaneous Uses:		
Flea Markets:		
~~lxxv.~~ Enclosed	2/Booth or 1/100 GFA	
~~lxxvi.~~ Open	2/Booth or 1/100 Gross Sales Area	
Lumberyard	1/500 Open Sales/Display Area	11
~~Parking, Commercial~~	~~Not Applicable~~	
Wholesale Trade Establishment	1/1500 GFA	11
~~Waterfront Structures (Residential)~~	~~No Requirement~~	
Waterfront Structures (Commercial)	1/Each Two Boat Slips or Moorings	
Water Dependent Uses		13
Open Uses of Land—Light:		
~~lxxvii.~~ Cemetery:		
~~lxxviii.~~ Human	1/200 Gross Office Area	
~~lxxix.~~ Pet	1/500 Gross Office Area	
~~lxxx.~~ Game Preserve and Firing Ranges	1/200 Gross Office Area	
~~lxxxi.~~ Land Reserves, Public or Private	1/1000 Gross Office Area	
~~lxxxii.~~ Tree Farm	1/200 Gross Office Area	
~~lxxxiii.~~Minor Earthmoving	No Requirement	
Open Uses of Land—Heavy:		
~~lxxxiv.~~ Junkyards, landfills and mining	1/200 Gross Office Area	11
~~lxxxv. Landfills~~	~~1/200 Gross Office Area~~	~~11~~
~~lxxxvi. Mining Activity~~	~~1/200 Gross Office Area~~	~~11~~
~~lxxxvii.~~ Major Earthmoving	No Requirement	
Recreation Uses:		
Passive Recreational Use		6~~+~~4~~+~~9
Swimming Pools	1/200 Square Feet of Pool Area	4
Low Intensity Recreational Use	1/3 Seats or 150 GFA Whichever is Greater	6~~+~~4~~+~~9
Tennis Courts	2 Spaces/Court	6~~+~~4
Golf Course	5/Hole of Main Course	6
Golf Driving Range	1/Tee Plus Additional, As Necessary, For Other Uses On-site	
Medium Intensity Recreational Use	1/3 Seats or 150 GFA Whichever is Greater	6
Bowling Alleys	4/Alley	6
Dancing Establishment	1/60 GFA or 1/2 Seats for Counter Bars, 24 Lineal Inches Shall Count As One (1) Seat	6
High Intensity Recreational Use	1/3 Seats of 150 GFA Whichever is Greater	6

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Use	Spaces/Sq. Ft. or Unit of Measure	Notes
Theater, Stadium	1/3 Seats	
Private Neighborhood Parks/Pool Facilities (Serving 100 Lots/Units or Less)	lxxxviii. 1 Space Minimum for Parks and 2 Space Minimum for Pools	
(Pools/parks Serving 100 Lots/Units or Less)	1 Space Minimum for Parks and 2 Space Minimum for Pools	
Residential Uses:		
Family Care Homes	1/3 Residents + 1/Resident Staff	
Group Care Homes	1/3 Residents + 1/Resident Staff	
Group Housing	1/3 Residents + 1/Resident Staff	
Residential Care Facilities	1/3 Residents + 1/Resident Staff	
Manufactured Mobile Home Parks and subdivisions	lxxxix. 2/Mfd. Mobile Home	17
Manufactured Home Subdivisions	2/Mfd. Home	17
Multiple Family Dwellings	2/Dwelling Unit, plus 1 Space Per 10 Units for Guest Parking	
Single Family Attached Dwellings (attached and detached)	2/Dwelling Unit	
Single Family Detached Dwellings	2/Dwelling Unit	
Single Family Semi-detached Dwellings	2/Dwelling Unit	
Recreational Vehicle Parks	2/Each R.V. Site	17
Temporary Living Facilities:		
xc. Temp. M.H. While Constructing	2/Dwelling Unit (Spaces Provided for Home Under Construction May Serve as the 2 Required Spaces)	
Duplex Dwellings	2/Dwelling Unit	
xci. Individual Manufactured Mobile Homes	xcii. 2/Mfd. Mobile Home	
Residential Support Uses:		
Church or Other Place of Worship	1/3 Seats in Principal Room of Worship	
College/University (PDP/SP)		9
Day Care Center, Large	1/Ten Children	7-+-11
Day Care Center, Medium	1/Ten Children	7-+-11
Day Care Center, Small	1/Ten Persons	2, 11
Day Care Home	1/Five Children	9
Schools, Elementary		9
Schools, High School		9
Schools, Middle		9
Schools, Private		9
Schools, Public		9
Schools of Special Education		9
Transportation Facilities:		
Aircraft Landing Field		13
Airport, General Aviation		13
Airport, Commercial		13
Bus RR and Train Passenger Station		13
Bus RR/Maintenance Facility		13
Hazardous Waste Transfer Facility		13
Heliport & Helistop		13
Helistop		13
Intermodal Terminal		13
Motor Freight Terminals/Maintenance		13
Motor Pool Facilities		13
Railroad Switching/Classification Yard		13

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Use	Spaces/Sq. Ft. or Unit of Measure	Notes
Warehousing:		
Warehouse	1/1000 GFA	11
Warehouse—Mini	1/10 Storage Units + 2 Spaces at Manager's Office	

GFA = Gross Floor Area

~~xciii. **General Information:**~~

~~xciv.~~ **Table Notes:**

All references to employees shall be based on the maximum number of employees on the peak shift. Unless otherwise specifically indicated, all square footage shall be based on gross floor area measurement.

~~Parking calculations shall be made by adding the spaces/sq. ft. or Unit of Measure column and the Standard Note Column.~~

The required amount of parking spaces shall be calculated by adding the "Spaces/Sq. Ft. or Unit of Measure" column and the "Note" column. The following list includes additional parking requirements denoted in the note column.

1. Or a minimum of one (1) space for each employee based on the peak shift, whichever is greater.
2. Or a minimum of four (4) spaces.
3. Enclosed floor area gross, plus one (1) space for each two thousand (2,000) square feet of open sales display lot area.
4. Minimum five (5) spaces if not accessory to another use. At service stations and gas pumps, such parking shall be adequate to serve both employees and those customers not obtaining gasoline products.
5. Four (4) stacking spaces per each drive- through lane, measured from the speaker board, exclusive of any on-site travel lanes. Five (5) stacking spaces, measured from the drive-thru teller position,
6. Restaurants, assembly rooms, theaters, and other similar intensive uses shall be calculated separately for each use for which the floor area exceeds twenty (20) percent of the shopping center gross floor area.
7. An on-site service drive.
8. Or one (1) space per two hundred fifty (250) square feet of gross office area, plus one (1) space per one thousand (1,000) square feet of the remaining gross floor area.
9. Based on a review by the Department Director~~Planning Director~~ of each proposal including such factors as the designed capacity of all assembly rooms and meeting areas. The availability of areas on-site that can be used for auxiliary parking in times of peak demand shall also be considered, but in no instance less than one (1) space per full-time employee, plus a sufficient number of spaces to accommodate the greatest anticipated number of people in attendance at the facility at any one time. An independent parking study shall be prepared to analyze the parking requirements. Said study shall be prepared by an engineer or architect, cost of which shall be borne by the applicant.
10. All grocery stores over twenty thousand (20,000) square feet shall provide an additional six (6) feet in width for all drive aisles directly adjacent to the commercial buildings.
11. Plus one (1) space for each company vehicle.
12. Plus one (1) space/200 square feet of gross non-residential floor area.
13. One (1) space per employee, plus one (1) space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at any one time. An independent parking study shall be prepared to analyze the parking requirements. Said study shall be prepared by an engineer or architect, cost of which shall be borne by the applicant.
14. Plus one (1) space/1000 square feet for the first 10,000 square feet plus one (1) space/each additional 3,000 square feet.
15. One (1) space per one and one half (1.5) employees on major shifts, plus one (1) space per company vehicle, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time, but

Commented [LDI66]: Employee parking should be factored into the ratio, not additional.

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with a minimum of one (1) space per 1,000 sq. ft. of gross floor area.

16. All freestanding buildings or shopping centers containing Retail Sales, Neighborhood Convenience uses shall provide a bicycle rack containing a minimum of 1 bicycle space per 1000 square feet GFA for the first 10,000 square feet and 1 per 10,000 square feet GFA thereafter.

17. In ~~manufactured~~ mobile home parks, subdivisions and recreational vehicle parks, required parking for associated clubhouses, activities buildings and other recreational facilities may include up to twenty-five (25) percent of the required parking for said facilities as golf cart parking spaces. An additional twenty-five (25) percent may have a dual car/cart designation. These spaces shall be a minimum of five (5) feet in width and ten (10) feet in depth. These spaces shall be paved, striped and marked "Golf Cart Parking Only" either on the pavement or with appropriate signage.

18. For parking facilities greater than one hundred (100) spaces, the number of parking spaces may be reduced ~~up to~~by as much as fifteen (15) percent if the owner/tenant creates and implements an operational/permanent ~~C~~commuter ~~A~~assistance ~~P~~program for all employees. This plan shall be submitted to both the Sarasota Manatee Metropolitan Planning Organization (MPO) and ~~Planning Department~~Building and Development Services Department ~~-~~prior to issuance of a ~~C~~certificate of ~~O~~occupancy for the project. The plan shall contain all proposed measures to reduce the need for parking for its employees, including carpooling, vanpooling, etc. A draft of the plan shall be submitted for review at the time of site development plan ~~final site plan~~ submittal. For hotels and motels, those that provide shuttle service to and from airports and other community facilities may be eligible to receive a reduction in parking requirements. In order to receive a reduction, the applicant must commit to providing shuttle service, in writing, at the time of site development plan ~~site plan~~ approval. The project area saved by the reduction of parking spaces must be used and maintained for open space. The ~~C~~commuter ~~A~~assistance ~~P~~program ~~P~~plan shall be renewed every two (2) years by the owner/tenant and submitted to the ~~Planning Department~~Building and Development Services Department~~-~~ for review and approval. Without renewal of the plan, the owner/tenant shall file an ~~O~~off-~~S~~street ~~P~~parking ~~P~~plan or revised ~~F~~final ~~S~~site ~~P~~plan within one (1) year of the expiration of the ~~P~~plan to provide the parking spaces credited to the ~~C~~commuter ~~A~~assistance ~~P~~plan.

B. Maximum Parking Permitted. In no case shall the total amount of parking provided exceed 1.1 times the total minimum required spaces, unless the Department Director determines, based on sound planning practices, that additional parking is justified.

~~1001.2.~~C. ~~710.1.5.5.9.~~ Determination of ~~Minimum~~ Required ~~Off-street~~ Parking Spaces.

1. ~~710.1.5.5.9.1.~~ *Employee/Person Measurement Basis.* Parking spaces required on any employee/person basis in this Code shall be based on the estimated maximum number of employees/persons on duty or residing, or both, on the premises at any one time~~.~~

2. ~~710.1.5.5.9.2. *Combinations of Uses*~~*Multiple Uses on a Site*. Where a given use or building contains a combination of uses, ~~[~~parking~~]~~ ~~as set forth in Paragraph 710.1.6, Parking ratios,~~ shall be provided on the basis of the sum of the required spaces for each use, or as provided in Section 1005.5 (~~Shared/Joint-Use~~Cooperative Parking Facilities).

~~A.~~3. ~~710.1.5.5.9.3. *Maximum Requirements App ly in*~~ *Cases of Uncertainty.* If there is uncertainty with respect to the amount of parking spaces required by the provisions of this Code, as a result of uncertainty as to the proposed use of a building or lot, the ~~maximum~~ largest requirement for the general type or use that is involved, shall govern.

~~B.~~4. ~~710.1.5.5.9.4.~~ *Requirements for Unlisted Uses.* Where the required number of parking spaces is not set forth for a particular use ~~in the following sections, and where~~and there is no similar general type of use listed, the Department Director ~~Planning Director~~ shall determine ~~the basis for the number of spaces to be provided~~the appropriate parking ratio.

~~C.~~5. ~~710.1.5.5.9.5.~~ *Fractional Measurements.* When ~~units or measurements determining~~the calculation of the total number~~s~~ of required off-street parking spaces results in ~~requirement~~ of a fractional space, any fraction up to and including 0.5 shall be disregarded and any fraction over 0.5 ~~then such fraction~~ shall require a full off-street parking space~~, if the fraction is .5 or above~~.

~~D.~~6. ~~710.1.5.5.9.6.~~ *Basis of Measurement.* In hospitals, bassinets shall not count as beds. In stadiums,

Commented [LDI67]: Employee parking should be included in the parking ratio. This may lead to an over abundance of parking and impervious surfaces. This will be further scrutinized during phase 2.

sports arenas, churches, and other places of public assembly in which occupants utilize benches, pews or other similar seating arrangements, each eighteen (18) ~~lineal~~ linear inches of ~~such~~ seating facilities shall be counted as one (1) seat for the purpose of computing off-street parking requirements.

~~710.1.5.5.9.7. Handicapped Parking. All construction shall be made accessible to the physically handicapped in accordance with Section 727, Handicap Requirements.~~

Commented [LDI68]: 710.1.5.5.9.7 covered by section 1008

1005.4. ~~710.1.4.~~ Reduction in Number ~~or Size~~ of Required ~~Off-Street~~ Parking Spaces.

Except as provided in Section 1005.7.C~~Paragraph 710.1.3.3 above~~, Location of Vehicular Use Areas in required yards, all required off-street parking spaces and ~~their appurtenant~~associated drive aisles and driveways shall be ~~deemed to be~~ required ~~space~~ on the lot on which ~~the same are situated~~it serves and shall not be encroached upon or reduced in any manner except as provided ~~under 710.1.4.1 through 710.1.4.5~~in this section. ~~However,~~ The following reductions in parking space count and dimensions are allowed, provided the reductions do not cumulatively ~~the total accumulative reduction of 710.1.4.1 through 710.1.4.4 below shall not~~ exceed a total of ten (10) percent for a single use.

A. ~~710.1.4.1.~~ **Reduction in Need.** ~~Such~~ The number of required parking spaces may be reduced by the Department Director ~~Planning Director~~ in an amount which is justified by a reduction in the size or change in the use to which such is appurtenant~~;~~.

B. ~~710.1.4.2.~~ **Replacement with Bicycle Space.** Such designated vehicular parking spaces may be reduced by providing designated parking spaces for bicycles, motorbikes and/or motorcycles with signage; but in no event shall such a reduction be allowed on more than five (5) percent of the total number of required spaces, or when the total required parking required is less than twenty-five (25) spaces.

C. ~~710.1.4.4.~~ **Preservation of Trees.** The number of required ~~Such vehicular~~ parking spaces may be reduced by up to ~~not more than~~ ten (10) percent ~~of the total number of required spaces~~ where necessary to protect existing trees and/or existing natural plant communities, as defined in Section 700~~714~~, Tree Protection.

D. ~~710.1.4.5.~~ **Variations for Known Requirements.** ~~Such~~ The number of required parking spaces may be increased or reduced by the Department Director ~~Planning Director~~ when ~~maximum~~ actual parking demand ~~requirements are~~ is ~~known~~ demonstrated to be substantially different than those required in this chapter~~Paragraph 710.1.6, Parking Ratios, below~~. The determination shall be based on a parking study provided by the property owner/agent.

Commented [LDI69]: Clarified this section

E. ~~710.1.4.6.~~ **Vehicle Use Areas in the Watershed Overlay Districts.** ~~All proposed vehicle use areas~~Development within the WP-E and WP-M ~~W~~watershed ~~O~~overlay ~~D~~districts may reduce the number of required parking spaces by a maximum of twenty (20) percent, with sufficient justification provided by the applicant, as stated in section 1005.5.B~~710.1.3.2.3 above, that such spaces will not be necessary for the safe day-to-day use of the proposed facility~~.

1005.5. ~~710.1.3.2.~~ Cooperative Parking Facilities.

~~Notwithstanding Paragraph 710.1.3.1, above,~~ Cooperative parking arrangements may be allowed according to the following requirements:

~~E.~~A. ~~710.1.3.2.1.~~ **Legal Arrangements.** Required off-street parking spaces may be provided cooperatively for two (2) or more uses on the same site or on contiguous parcels similarly zoned, subject to a~~n easement~~ joint use ~~for~~ parking and access agreement is recorded, and any additional legal requirements that will assure the permanent availability of such spaces, to the satisfaction of the ~~Planning~~ Department Director and the County Attorney.

B. ~~710.1.3.2.2.~~ **Amount.** The minimum amount of ~~such combined~~ parking spaces shall equal the sum of the amounts required for the separate uses; however, a minimum of fifty (50) percent of the required spaces shall be provided on any one lot prior to allowing any cooperative parking arrangement. Provided, however, that the Board may reduce up to twenty five (25) percent of the total number of parking spaces required by strict application of said total requirements, when it can be determined the same spaces may adequately serve two (2) or more uses by reason of the different hours of operation of such uses, and so recorded as an easement.

Commented [LDI70]: LEA recommends changing to ULI shared parking ratios and method as part of phase 2.

C. ~~710.1.3.2.3.~~ **Cooperative Parking within the WP-E, WP-M Watershed Overlay Districts**. Cooperative parking arrangements shall be encouraged within both the WP-E and WP-M overlay districts between similar adjacent uses, except where crossing a street will be necessary. ~~The requirements found elsewhere in 710.1.3.2 shall~~

~~apply.~~ An additional five (5) percent reduction in the number of required spaces may be allowed above the allowable ten (10) percent reduction, if a cooperative parking agreement is submitted and approved by the Department~~Planning~~ Director. The Department Director ~~Planning Director~~ shall review the proposed design, adequacy of the proposed number of parking spaces, public safety, circulation and other traffic-related issues. The area not utilized for parking shall be used for open space.

1005.6. ~~710.1.3.~~ Location of Parking Spaces.

~~710.1.3.1. **Location of Parking.** Generally.~~ All required ~~off-street~~ parking facilities shall be located ~~:~~

A. ~~710.1.3.1.1. O~~on the same lot as the structure or use to which they are accessory, or on an adjoining lot under the same ownership~~ and zoning classification~~, and the parking use so stipulated as an easement in a recorded deed;~~:~~ and,

1. ~~710.1.3.1.2.~~ On land which has the same zoning classification as the land on which the structure or use to which they are accessory, or a zoning classification which allows such principal structure or use as a Permitted or Conditional Use; and,
2. ~~710.1.3.1.3.~~ On land in the same ownership as the structure or use to which they are accessory.
3. ~~710.1.3.1.4. Alternative Locations.~~ Notwithstanding paragraph ~~710.1.3.1.1.~~A ~~above~~, ~~t~~The Department Director ~~Planning Director~~ may allow an alternative location on land of the same ownership and zoning for off-street parking facilities provided ~~:~~that:
   a. ~~(1)~~ The proposed arrangement will not cause any pedestrian or vehicular traffic hazards or congestion~~,~~;
   b. ~~(2)~~ The proposed location will not ~~cause~~ require pedestrian movement across any arterial or major collector street~~,~~;
   c. The alternative location has the same zoning classification as the land on which the structure or use to which the parking is accessory, or a zoning classification which allows such principal structure or use as a permitted or conditional use;
   d. ~~(3)~~ The alternative location includes ~~involves~~ no more than ten (10) percent of the required off-street parking~~,~~;
   e. ~~(4) that a~~All ~~such off-street~~ spaces are within three hundred (300) feet of the principal entrance of the use they are intended to serve~~,~~; and
   f. ~~(5) a~~A recorded easement stipulates~~ing such~~ the ~~use~~parking arrangement.
4. This section does not preclude the use of or the development of on-street parking. The applicability, location, and utilization of on-street parking shall be determined by the Department Director on a case-by-case basis.

~~710.1.3.3.3. *Vehicle Sales.* Vehicles sales including restricted vehicle sales shall only be conducted on a lot approved for the specific use and within the designated zones stipulated in Chapter 6, under Figure 6-1. The displaying for the purpose of sale of any vehicle, including any restricted vehicle on any lot not properly zoned within a valid development approval is prohibited. The exception of this prohibition is the displaying for sale of not more than three (3) vehicles owned by the property owner, in any twelve (12) month period. No vehicle sales shall encroach upon any rights-of-way or public lands.~~

~~710.1.3.3.4. There shall be no parking or outdoor storage areas located within a surface drainage area.~~

1005.7. ~~710.1.5.~~ Parking Lot ~~Access and~~ Design.

A. ~~710.1.5.5.~~ **Dimensional Requirements.** All off-street parking areas shall comply with the Manatee County Public Works Standards~~Manatee County Development Standards~~, but in no event shall the required dimensions be less than those presented ~~in the following Tables A and B710.1.5.5.1. Minimum Off-street Parking Area Dimensions~~in **Error! Reference source not found.**2. ~~See Table "A".~~ Handicap parking spaces shall be designed and provided n accordance with F.S § 316.1955, the Americans with Disabilities Act.

Commented [LDI71]: Refers to this same section.

Commented [LDI72]: The code was silent to on-street parking.

Commented [LDI73]: 710.1.3.3.3 moved to zoning chapter

Commented [LDI74]: Deleted 710.1.3.3.4 as was redundant covered by 908.3.4.1a.(2)

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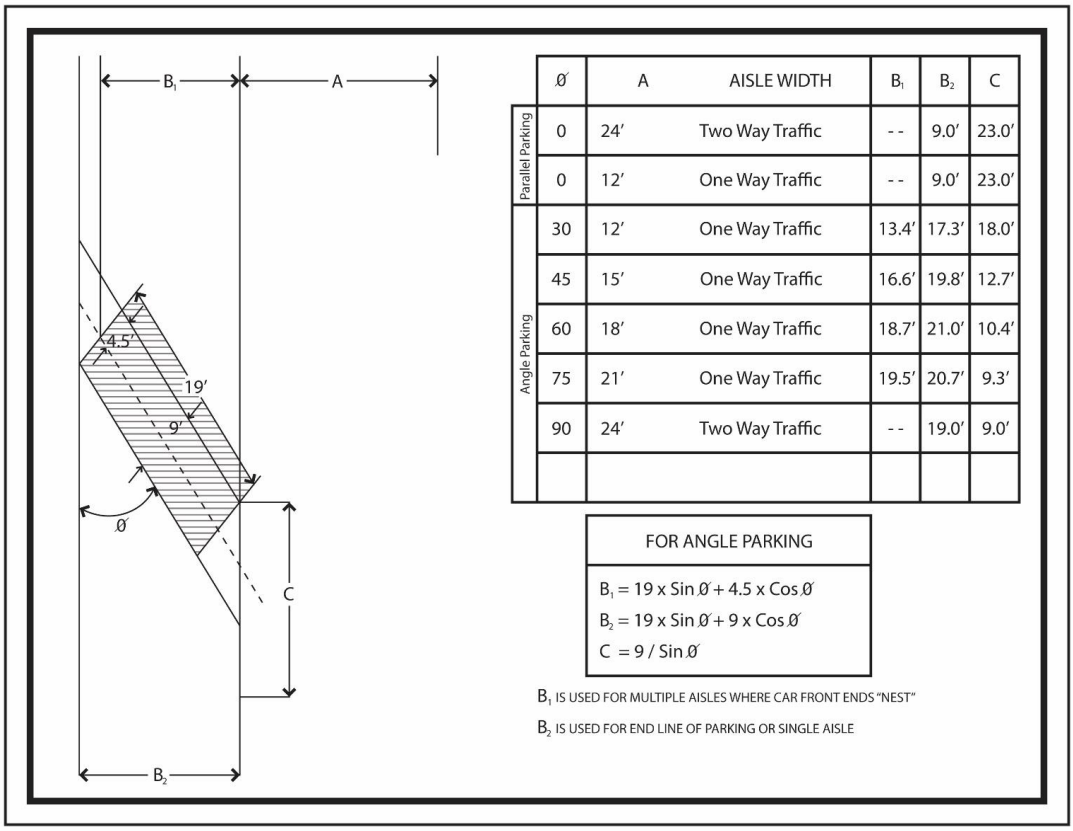
Table 10 - 3: Parking Dimensional Standards

Commented [LDI75]: consolidated parking dimensional standards

Parking Angle (degrees)	Standard Stall Width (feet)	Stall Depth Perpendicular to Aisle (feet) (B_1/B_2)	Curb Length Parallel to Aisle (feet) (C)	Aisle Width One (1)-Way Traffic (feet) (A)	Aisle Width Two (2)-Way Traffic (feet) (A)
0	9	--/23	23	12	24
30	9	13.4/17.3	18	12	-
45	9	16.6/19.8	12.7	15	-
60	9	18.7/21.0	10.4	18	-
75	9	19.5/20.7	9.3	21	-
90	9	--/19	9.0	-	24

Figure 10 - 1: ~~*Table A.*~~ ~~Minimum~~ Off-street Parking Area Dimensions



	Ø	A	AISLE WIDTH	B_1	B_2	C
Parallel Parking	0	24′	Two Way Traffic	- -	9.0′	23.0′
	0	12′	One Way Traffic	- -	9.0′	23.0′
Angle Parking	30	12′	One Way Traffic	13.4′	17.3′	18.0′
	45	15′	One Way Traffic	16.6′	19.8′	12.7′
	60	18′	One Way Traffic	18.7′	21.0′	10.4′
	75	21′	One Way Traffic	19.5′	20.7′	9.3′
	90	24′	Two Way Traffic	- -	19.0′	9.0′

FOR ANGLE PARKING

$B_1 = 19 \times \sin Ø + 4.5 \times \cos Ø$

$B_2 = 19 \times \sin Ø + 9 \times \cos Ø$

$C = 9 / \sin Ø$

B_1 IS USED FOR MULTIPLE AISLES WHERE CAR FRONT ENDS "NEST"

B_2 IS USED FOR END LINE OF PARKING OR SINGLE AISLE

B. ~~710.1.4.3.~~ **Compact ~~Car~~ Spaces.** Compact spaces ~~Such vehicular parking space~~ may be ~~reduced by~~ ~~providing~~ provided ~~designated parking spaces each~~ having a minimum width of eight-and-one-half (8.5) feet and containing not less than one hundred fifty-three (153) square feet for compact cars. Each compact car space shall be so

identified by signage. For each compact car space, eighteen (18) square feet shall be provided in landscaped area in addition to that area required by the provisions of Section 701~~715,~~ Landscaping, with a proportional equivalent amount of trees and shrubs. No more than ten (10) percent of required spaces shall be compact car spaces.

C. ~~710.1.3.3.~~ Location of Vehicular Use Areas~~in Required Yards~~.

1. ~~710.1.3.3.1. *Generally.* Except as may be qualified elsewhere in this Code, v~~Vehicle use areas, including parking spaces and drive-aisles that are located on the ground and are open to the sky, may be located in any required yard but not nearer to any lot line than eight (8) feet~~,~~. ~~or in a drainage easement~~. ~~Parking spaces shall not be located: immediately at entrances; in front of exits closer than five (5) feet from the exit;~~

2. ~~710.1.3.3.2. *Parking Structures; Carports.* Except as may be qualified elsewhere in this Code, p~~Parking structures and carports shall be subject to the applicable minimum zoning district yard requirements ~~applicable in the zoning district in which located~~.

3. Parking spaces shall be so arranged that backing of a vehicle from a parking space into the driveway access or egress is avoided to the extent feasible.

~~All parking spaces shall also be located at least ten (10) feet from all street rights-of-way.~~

4. No parking space or drive aisle shall be constructed closer than five (5) feet to any building unless it is completely under the building, an attached carport, an enclosed garage, or at a drive-thru service lane.

5. Parking spaces shall not be located in the following:

   a. ~~i~~In a drainage easement, unless allowed through an easement encroachment affidavit~~.~~,

   b. ~~in~~ In front of dumpsters;

   c. ~~in~~ In pedestrian ways;

   d. ~~in~~ In fire lanes;

   e. ~~in~~ In a loading space;

   f. ~~in~~ In a turning radius for a loading space;

   g. ~~in~~ In a visibility triangle; or

   h. ~~or~~ ~~i~~In locations impeding proper traffic flow or maneuvering of other vehicles.

D. ~~710.1.5.1. Generally~~ Circulation.~~.~~ Provisions shall be made for safe and convenient pedestrian and vehicular traffic movements within and adjacent to the site, with particular emphasis on ~~layout of~~ parking layout, off-street loading and unloading and on the movement of people, goods and vehicles upon access roads and drive aisles within the site, between buildings or structures and between buildings and vehicles.

1. ~~710.1.5.1.1.~~ All off-street parking shall be provided with safe and convenient access to a street. Spaces shall be so arranged that no maneuvering directly incidental to entering or leaving a parking space shall be on any public or private street, alley, walkway, or landscaped area; and that all vehicles shall enter the street in forward manner. Vehicles must be able to enter, park and exit the property without difficulty. On non-residential properties, arrows, ground signs, building signs or painted lines on the ground to control the traffic flow may be required.

2. ~~710.1.5.1.2.~~ Backing onto a ~~right-of-way~~public or private travel lane is prohibited, except from single family dwellings and duplexes.

3. ~~710.1.5.1.2.1. Angled Parking (30 degrees, 45 degrees, 60 degrees, 75 degrees).~~ Drive aisles with angled parking on each side (30 degrees, 45 degrees, 60 degrees, 75 degrees) shall be limited to twenty (20) spaces without intersecting drive aisles.

4. ~~710.1.5.1.3.~~ There shall be a twelve (12) foot long and twenty (20) foot wide turning area beyond the last parking stall in any dead end drive aisle, to allow proper maneuvering of a vehicle backing out of the last parking stall.

E. ~~710.1.5.2.~~ Multiple Stacking of Spaces. Each space shall be so arranged that any automobile may be moved without moving another, except for valet parking, single-family and duplex dwellings.

Commented [LDI76]: Section 710.1.3.2.4 moved to chapter 3

Commented [LDI77]: Moved down

Commented [LDI78]: Addressed below (#3)

Commented [LDI79]: Moved up

Commented [LDI80]: Old Section 710.1.3.3 with minor modifications

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F. 710.1.5.3. **Pedestrian Safety.** All off-street parking facilities, including drive aisles, travel lanes, and driveways shall be so arranged as to minimize hazards to pedestrian movement in the immediate area or encroach upon fire lanes, walkways, and visibility triangles. Pedestrians must be protected from exiting a building into vehicular traffic in an emergency. The applicant shall clearly show by means of a provide a walkway or a protected area for this purpose being with a minimum width of the doorway plus five (5) feet beyond the swing of the door. All exit discharges from buildings shall be protected by permanent means to insure pedestrian safety areas are separated protected from vehicular encroachment.

G. 710.1.5.3.1. **Pedestrian Safety Zones.** Within parking areas over one hundred (100) spaces for commercial uses, paved pedestrian walkways at least six (6) feet in width shall be provided at two hundred (200) foot intervals. Such walkways may be interrupted by necessary drive aisles, but shall include adequate wheel chair ramps, if necessary. Wheel stops shall be so placed to prevent any portion of the vehicle to encroach upon the pedestrian safety zone. Alternative designs meeting the intent of this section may be considered.

H. 710.1.5.4. **Waste Storage Facilities Location.** The siting for waste storage facilities and dumpster pads shall not encroach upon a parking space, pedestrian walkway landscaped area, fire lane, driveway entrance, rights-of-way, visibility triangle, or easement. The turning radii for the waste hauler at the waste storage facility or dumpster pad shall not encroach upon a parking space, pedestrian walkway, landscape area, driveway entrance, or rights-of-way. See also Section 728, Solid Waste Regulations.

1005.8. 710.1.2. Plans RequiredModifications to Existing Parking Lots.

Whenever a parking lot or vehicular use area is the subject of any of the following modifications, Aan off-street parking plan shall be submitted for approval by the Department Director.as required in Section 710.1.2.1 below, with the exception of single family and duplex dwellings. If a final site plan is required for any of the above situations, then the final site plan shall serve as the off-street parking plan.

A. 710.1.2.1. An off-street parking plan shall be required when an existing parking lot or vehicle use area is substantially amended (if this amendment does not affect the structure or structures themselves, and no final site plan is required). This shall include aAlteration of circulation patterns on-site,;

B. A change in driveway location,;

C. aAny increase or decrease in the number of parking spaces, any decrease in the number of parking spaces,;

D. aAn increase in impervious surface of five hundred (500) square feet or more,; or

E. aA change in dumpster location.

710.1.2.2. The off-street parking plan shall accurately illustratedesignate the required off-street parking spaces, access thereto, dimensions, general layout, percentage of impervious surface, and drainage calculations. This plan shall conform to all applicable requirements of Section 722.2Chapter 8 and the Manatee County Public Works Standards. If a final site plan is required for the development, then the final site plan shall serve as the off-street parking plan.

Single family and duplex dwellings are exempt from this requirement.

1005.9. Section 730. Fire Access Requirements.

730.1. Purpose.

Whenever, wWithin any non-residential zoning district, it is determined that parking of vehicles does or will shall not interfere with ready access by the Fire District to the structure for fighting fires, for access to a fire hydrant or fire department sprinkler or standpipe connections;, installed for protection of the structures, or other public safety related emergencies,. Therefore, the Fire Chief and or Fire Marshal of the applicable fire district shall designate a reasonable area(s) or areas leading to and adjacent to said structures and hydrants as fire lanes.

730.2. Fire Lane Designations.

Upon the designation of a fire lane as provided in 730.1, the procedure to be taken shall be as follows:

A. 730.2.1. The Fire Chief and or Fire Marshal shall notify, in writing, the owner of the property involved that a fire lane has been designated and the extent of the fire lane(s).

Commented [LDI81]: Adjust intro language to flow better

Commented [LDI82]: Moved from intro paragraph.

B. 730.2.2. Not later than thirty (30) days after the receipt of notice in writing, the owner shall cause to be placed or erected, signs and markers along the designated fire lane which shall declare to all persons, the existence of the fire lane.

C. Fire lanes shall be required next to all buildings and fire protection devices in accordance with the Manatee County Public Works Standards and approved by the Fire Marshall.

Commented [LDI83]: Added based on discussions with PW staff.

730.3. Design and location of signs and markers.

730.3.1. The owner shall maintain the signs and markers designating the fire lane in a legible condition. Upon notification, signs and markers shall be replaced within ten (10) working days.

Commented [LDI84]: Section 730.3. moved to PW Manual

730.3.2. The design and location of the signs and markers shall be recommended by the Fire Chief and/or Fire Marshal. Additionally, all signs shall meet the requirements as set forth by the Florida Department of Transportation Traffic and Design Standards.

730.3.3. All fire lanes shall have a minimum width of twelve (12) feet.

730.3.4. All fire lanes shall be completely outlined with yellow traffic paint, by a stripe of four (4) inches minimum width; also, diagonal striping, four (4) inches wide, spaced ten (10) feet on center shall be provided throughout the area within the fire lane. For one way travel areas, the forward end of the diagonal striping shall be in the direction of travel. If the fire lane is partially delineated by curbing, the entire curbing shall be painted traffic yellow and shall constitute a stripe.

730.3.5. Pavement marking shall have the words "No Parking Fire Lane" painted in yellow traffic paint, in block letters of no less than ten (10) inches in height with a minimum two (2) inch stroke facing each direction of travel within the fire lane to be spaced a minimum of every fifty (50) feet within the fire lane.

730.3.6. All fire lanes shall be posted with signs on the curb or side of fire lane immediately adjacent to the building or structure bearing the words "No Parking Fire Lane" or the graphic symbol of a blocked "P" with the words "Fire Lane". Said signs shall face each direction of travel within the fire lane and shall be spaced a minimum of every fifty (50) feet within the fire lane.

730.3.7. Pavement markings and posted signs shall be alternately placed so that within every twenty-five (25) feet either pavement marking or posted sign shall be visible.

D. 730.4. No person shall park a vehicle in any fire lane designated as such pursuant to this Section, nor within fifteen (15) feet of any fire hydrant or fire department standpipe or sprinkler connection. No person shall at any time block access to the designated fire lane(s) or fire department standpipe or sprinkler connection. Any person violating the terms of this provision shall be deemed to have committed a traffic infraction

E. 730.5. No owner of property where on a fire lane has been designated shall alter or remove the designated fire lanes, fire lane signs, or markers without prior written consent of the Fire Chief or Fire Marshal.

F. 730.6. Any person violating the terms of Section 730.4 shall be deemed to have committed a traffic infraction; tThese Sections shall be enforced in accordance with Chapter 12 and applicable laws. Provided, however, that no person shall be deemed to have violated the provisions of this section regarding the parking infraction, unless signs or markers were conspicuously posted designating the area in which the vehicle was parked as being a fire lane.

(Ord. No. 91-23, § 3, 2-19-91)

1005.10. 710.1.5.5.8. Landscaping.

All off-street parking facilities shall comply with the landscaping requirements of Section 701715, Landscaping. All interior portions of off-street parking facilities not utilized specifically as a parking space, maneuvering, fire lane, [or] other necessary vehicular use area shall not be paved, but shall be landscaped in accordance with Section 701715, Landscaping.

1005.11. 710.1.5.5.5. Construction and Maintenance.

710.1.5.5.5.1. *Surface.*

All off-street parking facilities, including drive aisles, travel lanes, and driveways, except single-family residences in

the "A" and "A-1" zoning districts shall be constructed and maintained in accordance with the ~~Manatee County Development Standards~~Manatee County Public Works Standards. ~~but at a minimum shall be provided with a smooth, dustless surface of cement concrete or bituminous concrete.~~

The Department ~~Planning~~ Director may approve the utilization of perforated type paver blocks or grassed parking areas for a portion of the required number of vehicular parking spaces for churches or other places of worship, for places of public assembly for meetings or other events, and for temporary uses; where it is clear that such grassed surface and perforated type paver blocks can be adequately maintained due to the infrequency of use, and that adequate permanent traffic control means will be provided to direct vehicular flow and parking, and that paved parking will be provided for all weekday employees and visitors. Each parking space within the grassed parking area shall be delineated with ~~either~~ wheel stops, drive aisle pavement markings, vertical markers or some other means of delineating the spaces.

~~710.1.5.5.5.1.1. Large Projects. This section shall apply to retail and wholesale sales establishments greater than one hundred and fifty thousand (150,000) square feet to allow for seasonal overflow parking. However, in no instance shall the alternative surface be allowed for more than twenty (20) percent of the required parking for the project. The applicant may choose to use either grass parking with paved drive aisles and wheel stops or permeable paver block with paved drive aisles and wheel stops. This parking must be in locations furthest from the entrances of the establishments and shall not be for daily use.~~

~~710.1.5.5.5.1.2. Vehicle Use Areas within Watershed Overlay Districts. Proposed vehicle use areas in non-residential projects located within the WP-E and WP-M Watershed Overlay Districts may provide up to fifty (50) percent of their required parking areas with a grass or other such pervious surface, provided that the drive aisles are paved, and that the pervious parking spaces are located furthest from the entrance of the building. Such pervious parking spaces shall be allowed in multi-family projects only in guest parking spaces and spaces not in daily use by the residents and staff.~~

~~710.1.5.5.5.2. *Curbs or Stops*. The periphery of all off-street parking areas regardless of surface material and landscaped areas within parking areas shall have curbs, wheel stops, or similar permanent devices. (See Section 715.6).~~

~~710.1.5.5.5.3. Encroachment by Vehicle Parking Spaces.~~

~~The front of a vehicle may encroach upon any interior landscaped area or walkway when said area is at least eight (8) feet in width and where permanent wheel stops or curbing are provided.~~

~~No vehicle shall encroach or overhang upon any sidewalk or walkway, more than two (2) feet measured from the outside of the curbline. However, an encroachment of three (3) feet measured as above, may occur if the sidewalk at the head of the car stall, is widened to at least eight (8) feet.~~

~~No tree or shrub of more than two (2) feet in height shall be located within two (2) feet of the edge of the landscape area.~~

~~No encroachment into the visibility triangle is allowed.~~

~~The minimum depth of the parking stall shall be seventeen (17) feet if the sidewalk encroachment is utilized. Under no circumstances shall a parking stall length be reduced below seventeen (17) feet.~~

~~710.1.5.5.5.4. Marking of Spaces. Parking areas for three (3) or more vehicles shall have individual spaces clearly marked by permanent striping of the parking stall.~~

~~710.1.5.5.5.5. Drainage. All off-street parking facilities shall be drained so as not to cause any stormwater runoff to flow onto adjoining or nearby properties. In general, the center of the travel lane or drive aisle shall have a crown allowing the surface water to flow toward the head of the car stalls which shall serve as a gutter. In situations where it is not practical to design the high point in the middle of the travel lane, or drive aisle due to topographic conditions, the stormwater sheet flow from sections within the parking lot shall be directed to the head of a group of car stalls, which shall serve as a gutter line, or directly to a drainage structure or swale which is off the parking area and drive aisle.~~

~~710.1.5.5.6. *Reserved.*~~

~~710.1.5.5.10. Stacking Lanes for Drive-Through Facilities.~~

Commented [LDI85]: Moved to PW Manual

Commented [LDI86]: Sections 701.1.5.5.5.1. thru 701.1.5.5.5.5. moved to PW Manual

Commented [LDI87]: Consolidated with conditional use standards - see chapter 5.

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~~Section. 727.Handicap Requirements.~~

Commented [LDI88]: ADA requirements should only be referenced and not placed directly in the code as they are amended from time to time

~~727.1. Purpose and Intent.~~

~~These regulations are established to provide safe and convenient access for the physically handicapped for all Development and buildings which may be frequented, lived in, or worked in by the public.~~

~~**727.2.** Requirements.~~

~~All development shall be made accessible to the physically handicapped in accordance with Chapter 553, and other applicable Florida Statutes, the Florida Accessibility Requirements Manual, latest edition, and as provided herein.~~

~~727.3 The Florida Accessibility Requirements Manual adopted herein shall be applicable to all new construction, including modular unit buildings, substantial improvements, alterations, additions, and changes in occupancy or use as follows:~~

~~727.3.1. All new development and construction except as specifically exempted therein.~~

~~727.3.2. Existing developments and buildings which are substantially improved shall comply with the provisions of this Section for new construction.~~

~~727.3.3. Each element or space of a building, structure or area, including the site, that is altered shall comply to the extent it is altered with the applicable provisions unless structurally impracticable.~~

~~727.3.4. These provisions shall apply to buildings and facilities designated as historic structures that undergo alterations or a change in occupancy or use.~~

~~727.4. Minimum Handicapped Space Requirements.~~

~~Total Parking in Lot~~	~~Required Number of Accessible Spaces~~
~~Up to 25~~	~~1~~
~~26 to 50~~	~~2~~
~~51 to 75~~	~~3~~
~~76 to 100~~	~~4~~
~~101 to 150~~	~~5~~
~~151 to 200~~	~~6~~
~~201 to 300~~	~~7~~
~~301 to 400~~	~~8~~
~~401 to 500~~	~~9~~
~~501 to 1,000~~	~~2% of Total~~
~~Over 1,000~~	~~20 plus 1 for each 100 over 1,000~~

Section 1006 ~~Section 710.2~~Off-Street Loading.

1006.1. ~~710.2.1.~~ Applicability.

~~With the exception of residential, financial institutions and office, a~~All non-residential buildings built or erected and all uses established after the effective date of this~~e~~ Code shall provide accessory off-street loading space~~ in accordance with this Section~~. When an existing structure or use is expanded in floor area, volume, or capacity, accessory off-street loading space shall be provided in accordance with this ~~S~~section for the area, or capacity of such expansion.

1006.2. ~~710.2.16.~~ Off-street Loading Plans Required.

~~A plan shall be submitted with every application for s~~Site plans submitted to the County for approval for any use or structure ~~required to provide off-street loading facilities. The plan~~ shall accurately designate the required off-street loading spaces, maneuvering areas, access~~ thereto~~, dimensions, clearance, and general layout.

1006.3. ~~710.2.7.~~ Use Limitations.

No motor vehicle repair work, gasoline or oil facilities, except emergency service, shall be permitted in association with any required off-street loading activity. There shall be no storage of material or equipment, display of merchandise, long term storage of containerized facilities in any loading dock area.

1006.4. ~~710.2.17.~~ Number of ~~Minimum Required~~ Loading Spaces Required.

~~710.2.17.1. *Ratios*. Minimum o~~Off-street loading spaces accessory to ~~the~~ a uses~~, designated in Section 710.2.17.2 below,~~ shall be provided in accordance with ~~the following~~**Error! Reference source not found.**3. ~~schedule:~~

~~710.2.14. Maximum Requirements Apply in Cases of Uncertainty.~~

If there is uncertainty with respect to the amount of loading spaces required by ~~the provisions of~~ this Code ~~as a result of an indefiniteness as to the proposed use of a building or land~~, the maximum requirement for the general type of use allowed in that district shall govern and shall be determined of the Department Director.

~~710.2.15. Unlisted Uses—Determination by the Planning Director.~~ Where the required number of loading spaces is not set forth for a particular use in the following paragraphs, and where there is no similar general type of use listed, the Department~~Planning~~ Director shall determine the basis of the number of spaces to be provided.

A. ~~710.2.17.1.1.~~ **Standard A:** One (1) space for the first 5,000 square feet of gross floor area, plus one (1) space for each additional 30,000 square feet or major fraction thereof.

B. ~~710.2.17.1.2.~~ **Standard B:** One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 15,000 square feet or major fraction thereof.

C. ~~710.2.17.1.3.~~ **Standard C:** One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet or major fraction thereof.

~~710.2.17.2. Uses.~~

Table 10 - 4: Loading Space Uses

Uses	Standards
Agricultural Products Processing Plants	A
Agricultural Research Facilities	B
Bowling Alley and Any Similar Commercial Recreational Establishment	C
Building Materials Establishment	A
Business Service and Supply Service Establishment	B
College or University	C
Construction Service Establishments	A
Correctional Facilities	C
Farm Equipment and Supply Establishments	B
Farming Service Establishments	C
Food Service Establishment	B
Funeral Chapel, Funeral Home	C
Hospital	C
Hotel, Motel	C
Industrial Service Establishment	A
Lumberyard	A
Manufacturing Establishment	A
Nursing Homes	C
Offices	B
Personal Service Establishments	B
Repair Service Establishment	B
Retail Sales Establishment	B
Sawmills	B
School	C
Scientific Research and Development Establishment	B

Commented [LDI89]: Loading space requirements are slightly excessive and needed to be streamlined for ease of use consider revising requirements as part of phase 2

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Slaughterhouses	A
Stockyards and Feed Lots	A
Vehicle Sale, Rental and Service Establishment	A
Warehousing Establishment	A
Wholesale Trade Establishment	A
Other unlisted uses, with a gross floor area over 10,000 square feet and which require the receipt or distribution by vehicle of materials or merchandise	B

1006.5. ~~710.2.3.~~ Cooperative Loading Facilities.

Required off-street loading spaces may be provided cooperatively for two (2) or more uses, subject to an easement and arrangements that will assure the permanent availability of such spaces ~~to the satisfaction of the Planning Director~~. Where a given use or building on the same lot contains a combination of uses, as set forth in the following paragraphs, loading facilities shall be provided in such a manner as to encourage combined usage of facilities.

~~710.2.13. Combination of Uses.~~

~~Where a given use or building on the same lot contains a combination of uses, as set forth in the following paragraphs, loading facilities shall be provided in such a manner as to encourage combined usage of facilities.~~

1006.6. ~~710.2.4.~~ Reduction in Required Loading Spaces.

~~All~~ Required off-street loading spaces ~~and their appurtenant aisles and driveways shall be deemed to be required space on the lot on which the same are situated and~~ shall not be encroached upon or reduced in any manner, except ~~upon approval by~~ that the Department Director ~~Planning Director in either of the following circumstances:~~

~~710.2.4.1. Substitution. Such space may be reduced by the amount of which other space, conforming to the provisions of this Code, is provided for the use that is involved, or~~

~~710.2.4.2. Reduction in Need. Such space~~ may approve a reduction ~~be reduced in an amount which is justified by a reduction in the need for such space by reason of~~ based on a ~~reduction in size or~~ change in the size or nature of the use served ~~to which such is appurtenant~~.

1006.7. ~~710.2.2.~~ Location of Loading Facilities.

A. Required Loading Space. All required off-street loading spaces shall be located on the same lot as the use served; provided that the Department Director~~Planning Director~~ may waive such location requirement based on the nature of the use served~~in those instances where the provisions of Section 710.2.4 below are satisfied~~.

~~710.2.5. Distance From Intersections; Setbacks.~~

B. Location. No loading space or berth shall be located within forty (40) feet of the nearest point of intersection of the edges of the travel way or the curbs of any two (2) streets. The surfaced portions of all loading areas, excluding driveways, shall observe a twenty (20) foot setback from all front lot lines, a ten (10) foot setback from all other lot lines, and visibility triangles.

1006.8. ~~710.2.10.~~ Loading Facility Design.

A. Required Dimensions. All off-street loading areas shall be designed in accordance with ~~the~~ Manatee County Public Works Standards~~Manatee County Development Standards~~; but in no event shall the required dimensions be less than fifteen (15) feet wide, thirty-five (35) feet long, and fifteen (15) feet high, except that where one (1) such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve (12) feet. All maneuvering areas shall have a minimum vertical clearance of fifteen (15) feet.

~~710.2.6. Relationship to Off-street Parking.~~

B. Maneuvering. The required off-street loading area shall not be used ~~include~~ to accommodate the required maneuvering area ~~to satisfy the space requirement for~~ of any off-street parking facilities.

C. Circulation. To the extent feasible, ~~N~~no loading area shall be so located as to interfere with the free circulation of pedestrian and vehicles in any off-street area.

Commented [LEA90]: moved from old 710.2.13

Commented [LDI91]: Deleted as it serves the same purpose as 710.2.3.

Commented [LDI92]: Deleted redundant language

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~~710.2.8. Access; Parking.~~

D. Access. Each off-street loading space shall be provided with safe and convenient access to a street, without the necessity ~~it being necessary to cross or~~ of crossing or entering any other required loading space.

E. Street Side Access. If ~~any such~~ a loading space is located contiguous to a street, the street side access of the loading space shall be provided only through driveway openings in the curb of such dimension, location and construction as may be approved by the ~~Planning Department~~Building and Development Services Department~~, in accordance with adopted specifications,~~.

F. Marked Spaces. ~~In addition, l~~Loading spaces shall ~~be designed to prohibit parking and shall~~ be painted with diagonal stripes~~,~~ and marked "Loading Only."

G. Leaving and Entering. Loading s~~S~~paces shall be so arranged that no maneuvering, directly incidental to entering or leaving a loading space, shall be on any street, alley, walkway, fire lane, parking space, or landscaped area.

H. Pedestrian Safety. The exit discharge at the loading dock area shall ~~comply with Section 710.1.5.3.~~be arranged as to minimize hazards to pedestrian movement in the immediate area.

~~710.2.12. Screening.~~

I. Landscaping. All off-street loading areas shall comply with the provisions of screening and buffering outlined in Section 701~~715~~, Landscaping as necessary to protect adjacent property and rights-of-way. Loading spaces, berths, associated maneuvering areas and driveways shall be arranged and designed so as to prevent damage to such screening measures.

1006.9. ~~710.2.9.~~ Construction.

All off-street loading areas including drive aisles and driveways shall be constructed and maintained with an all-weather dustless surface, in accordance with ~~the~~ Manatee County Public Works Standards~~Manatee County Development Standards~~.

~~710.2.11. *Reserved.*~~

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CHAPTER 11 – IMPACT FEES

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Chapter ~~10~~ 11 – IMPACT FEES

~~*Editor's note—~~

~~Ord. No. 04-19, § 2, adopted Feb. 24, 2004, amended Ch. 118, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 118 pertained to similar subject matter. See also the Code Comparative Table.~~

Section 1100. ~~Section 801~~ Title, Authority, and Applicability.

~~801.1.~~This chapter shall be known and may be cited as Chapter 11~~8~~: Impact Fees.

~~801.2~~The Board of County Commissioners of Manatee County has the authority to adopt this chapter pursuant to Article VIII of the Florida Constitution (1968) and Chapters 125 and 163 of the Florida Statutes (2003).

~~801.3.~~This chapter shall apply uniformly throughout the unincorporated area of Manatee County.

~~(Ord. No. 04-19, § 2, 2-24-04)~~

Section 1101. ~~Section 802~~ Legislative Findings, Reliance Upon the Impact Fee Study, and Intent.

A. ~~802.1.~~ The Board of County Commissioners of Manatee County hereby finds that the document titled "IMPACT FEE RATE STUDY FOR ROADS, PARKS, PUBLIC SAFETY, AND LAW ENFORCEMENT IN MANATEE COUNTY, FLORIDA", prepared for Manatee County, Florida, by Henderson Young & Company, and dated May 26, 2011, is based upon the most recent and localized data and relies upon said document in the adoption of this chapter.

B. ~~802.2.~~ This chapter is intended to implement and be consistent with the Manatee County Comprehensive Plan and is intended to be consistent with Section 163.31801, Florida Statutes (the "Florida Impact Fee Act").

C. ~~802.3.~~ It is the further intent of this chapter that new development pay for its fair share of the cost of County Capital Facilities required to accommodate new development through the imposition of Impact Fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the County to construct or acquire Improvements for County Capital Facilities to accommodate that new development.

D. ~~802.4.~~ It is also the intent of this chapter to be consistent with the principles for allocating a fair share of the cost of new County Capital Facilities to new users as established by the Florida Supreme Court and the District Courts of Appeal of Florida in the case of Contractors and Builders Association of Pinellas County v. City of Dunedin, 329 So.2d 314 (Fla., 1976), and other cases. This is accomplished by ensuring new development bears a proportionate share of the cost for Improvements to these County Capital Facilities; ensuring such proportionate share does not exceed the cost incurred by the County for Improvements for such County Capital Facilities to accommodate new development; and ensuring that new development receives sufficient benefit from the funds collected in the form of Improvements for such County Capital Facilities.

E. ~~802.5.~~ It is further the intent of this chapter to establish a system for the efficient and coordinated administration of Impact Fees authorized by this chapter, including the consistent administration of payments, expenditures, appeals, credits, refunds, and reviews of independent impact analysis.

F. ~~802.6.~~ It is not the intent of this chapter to collect any Impact Fees from any new development in excess of the actual amount necessary to offset new demands for County Capital Facilities.

G. ~~802.7.~~ It is not the intent of this chapter that any monies collected from any Impact Fees deposited in an Impact Fee Account ever be commingled with monies from a different Impact Fee Account, or ever be used

for a type of County Capital Facility or equipment different from that for which the Fees are paid, or ever be used to replace or rehabilitate existing Improvements for County Capital Facilities.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, §§ 3A, 3B, 11-7-06, eff. 2-17-07; Ord. No. 11-20, § 3(B), 6-21-11)~~

Section 1102. ~~Section 803~~ Impact Fees to be Imposed.

1102.1. ~~803.1.~~Fee Obligation.

A. ~~803.1.1.~~**Obligation.** Any person who commences any Impact-Generating Land Development, except those exempted pursuant to Section ~~803.2~~1102.2, shall be obligated to pay Impact Fees as required by this chapter. The person commencing the Impact-Generating Land Development or such person's Successor-in-Interest shall be obligated to pay the Impact Fees. The amount of the Fees shall be determined in accordance with Section 1102.3.~~803.3.~~

B. ~~803.1.2.~~**Fees Levied.**

1. ~~*803.1.2.1.*~~*Countywide Parks Impact Fee.* The Board ~~of County Commissioners~~ hereby imposes a Countywide Parks Impact Fee at the rates established pursuant to Section 1102.3.A~~803.3.1.~~ (Fee Schedule) and Section 1108.8~~809.8.~~ (Automatic Adjustment to Offset Inflation). The Local Parks Impact Fee and the Countywide Park/Open Space Impact Fee, previously levied pursuant to this chapter, are hereby incorporated into this Countywide Parks Impact Fee.

~~*803.1.2.2.*~~*Roads Impact Fee.* The Board ~~of County Commissioners~~ hereby imposes a Roads Impact Fee at the rates established pursuant to Section 1102.3.A~~803.3.1.~~ (Fee Schedule) and Section 1108.8~~809.8.~~ (Automatic Adjustment to Offset Inflation). The Transportation Impact Fee, previously levied pursuant to this chapter, is hereby incorporated into this Roads Impact Fee. ~~Notwithstanding the foregoing, in response to the significant reduction in road construction costs resulting from economic recession, during the twenty-six month period commencing July 27, 2009, and ending September 30, 2011, the Roads Impact Fee shall be levied at fifty percent (50%) of the rates established pursuant to Section 803.3.1., and shall not be adjusted for inflation during such period. Such reduced rates shall apply to any Impact-Generating Land Development for which:~~

~~a. On or after January 1, 2009, an application was submitted for the approval that would require the payment of Impact Fees pursuant to Section 803.1.3 (FSP, Building Permit, Administrative Permit, etc.), except in the case of development governed by Section 803.1.3.5., in which case application for a building permit must have been submitted on or after January 1, 2009; and~~

~~b. On or after July 27, 2009, the approval that would require the payment of Impact Fees pursuant to Section 803.1.3 (FSP, Building Permit, Administrative Permit, etc.), is issued, except in the case of development governed by Section 803.1.3.5., in which case a certificate of occupancy must be issued on or after July 27, 2009.~~

2. During the aforesaid two-year period the County shall conduct a study of the Roads Impact Fee, and at the end of such two-year period shall make such modifications to Section 1102.3.A~~803.3.1.~~ as are necessary to assure that the rates established thereunder are based on the most recent and localized data in accordance with the requirements of Section 163.31801, Florida Statutes.

3. ~~*803.1.2.3.*~~*Law Enforcement Impact Fee.* The Board ~~of County Commissioners~~ hereby imposes a Law Enforcement Impact Fee at the rates established pursuant to Section 1102.3.A~~803.3.1.~~ (Fee Schedule) and Section 1108.8~~809.8.~~ (Automatic Adjustment to Offset Inflation).

4. ~~*803.1.2.4.*~~*Public Safety Impact Fee.* The Board ~~of County Commissioners~~ hereby imposes a Public Safety Impact Fee at the rates established pursuant to Section 1102.3.A~~803.3.1.~~ (Fee Schedule) and Section 1108.8~~809.8.~~ (Automatic Adjustment to Offset Inflation).

C. ~~803.1.3.~~**Time Fees Paid.** The Impact Fees shall be paid to the County Impact Fee Administrator:

1. ~~803.1.3.1.~~At time of issuance of a Building Permit for additions/renovations and manufactured home

replacements (should there be an increase in the number of bedrooms); or

2. ~~803.1.3.2.~~Prior to Final Plan Approval or its functional equivalent where no Building Permit is required (e.g., "AP," "FSP," etc.); or

3. ~~803.1.3.3.~~Prior to installation of the required improvements release by the ~~Growth Management Division~~ Department Director for recreational vehicle parks; or

4. ~~803.1.3.4.~~Prior to Administrative Permit approval for golf courses; or

5. ~~803.1.3.5.~~Prior to issuance of a Certificate or Occupancy or Certificate of Completion (as the case may be), for all other development and for an Independent Impact Analysis (Section 1102.3.E~~803.3.5~~); or

6. ~~803.1.3.6.~~At an earlier stage of development if required by a condition of a planned development approval or pursuant to either a Pre-Payment of Impact Fees (Section 1102.1.H~~803.1.8~~) or a Fee Agreement (Section 1102.1.I~~803.1.9~~).

D. ~~803.1.4.~~**Extension of Previous Permit.** If the Feepayer applies for an extension of a previously applied for Building Permit and Impact Fees have not been paid prior to the time the extension is requested, the Impact Fees due for the development subject to the extension shall be the Impact Fees in effect at the time the extension is requested.

E. ~~803.1.5.~~**Change of Use.** If the Feepayer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Impact Fees required to be paid shall be based on the net increase in the Impact Fees for the new use as compared to the previous use.

F. ~~803.1.6.~~**Destruction or Redevelopment.** If the Feepayer is applying for a permit to allow the development or redevelopment of an existing use, which does not involve a change in use, the Impact Fees required to be paid shall be based on the net increase in the unit of measurement between the existing and new development, such as the number of bedrooms for residential development, area for certain nonresidential development, and rooms for hotel/lodging.

G. ~~803.1.7.~~**Prior Obligation.**

1. ~~*803.1.7.1.*~~*Obligation Under Prior Impact Fee Regulation.* Any Feepayer who, prior to February 17, 2007, was obligated at time of Building Permit under previous versions of Chapter ~~8~~11 or earlier versions of the county's impact fee regulations to pay Impact Fees at time of Certificate of Occupancy shall be responsible for the payment of the Fees which were obligated to be paid, and payment of such Fees shall constitute full and complete compliance with the requirements of this chapter. Should, however, an extension of the permit be required, the provisions of Sec. 1102.1.D~~803.1.4~~ shall apply.

2. ~~*803.1.7.2.*~~*Other Obligation.* Any Feepayer who, prior to February 17, 2007, was obligated as a condition of development approval to pay Impact Fees shall be responsible for the payment of the Fees under the terms of such agreement, and the payment of such Fees will be offset against any Impact Fees otherwise due at later stages of development for which the Fees were paid.

H. ~~803.1.8.~~**Pre-Payment of Impact Fees.**

1. ~~803.1.8.1.~~Any Feepayer may pay Impact Fees for a Component or all Components of an entire Impact-Generating Land Development at any time between the approval of a Final Development Order and issuance of the first Building Permit for the development, upon approval of the Board and pursuant to a Fee Agreement.

2. ~~803.1.8.2.~~A Fee Agreement providing for pre-payment may include a provision that exempts the Feepayer from subsequent increases in Impact Fees to any Impact Fee Component for which all Fees have been paid pursuant to this subsection. A Feepayer shall be obligated to pay any and all Impact Fees in place at the time Impact Fees are due and owing for Components not pre-paid pursuant to this section, including any new Impact Fee Components adopted.

I. ~~803.1.9.~~**Fee Agreement.** Prior to issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be), the owner of the Impact-Generating Land Development may, ~~with the concurrence~~subject to the approval of the Board, enter into a Fee Agreement providing for payment of Impact Fees at a time to be specified in the Fee Agreement. In no event shall the terms of the Fee Agreement provide for the payment of Impact Fees later than issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be).

1102.2. ~~803.2.~~Exemptions.

The following types of development shall be exempted from payment of ~~the~~ Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first Building Permit for the proposed Impact-Generating Land Development that creates the obligation to pay the Impact Fees, and any claim for exemption not made at or before that time is waived. The exemption shall be determined by the County Impact Fee Administrator.

A. ~~803.2.1.~~Reconstruction, expansion, or replacement of a previously existing residential unit that does not increase the number of bedrooms.

B. ~~803.2.2.~~The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure, where there is no increase in area.

C. ~~803.2.3.~~Construction of unoccupied accessory structures related to a residential unit.

D. ~~803.2.4.~~Impact-Generating Land Development for which Impact Fees for each type of County Capital Facility covered by this chapter has previously been paid in an amount that equals or exceeds the Impact Fees that would be required by this chapter.

E. ~~803.2.5~~Impact-Generating Land Development undertaken by a Federal, State, County or Municipal government or a fire district.

F. ~~803.2.6.~~Impact-Generating Land Development undertaken by a public school board or community college.

G. ~~803.2.7.~~Impact Generating Land Development undertaken by the Manatee County Port Authority within PDPM (Planned Development Port Manatee) provided in Section ~~603.18~~402.18 of the Manatee County Land Development Code where the structures are owned by the Manatee County Port Authority. This exemption shall not include Impact-Generating Land Development undertaken within PDPM (Planned Development Port Manatee) where structures are owned by a person other than the Manatee County Port Authority, in which event the structure itself and any land leased by the Manatee County Port Authority to that person shall be subject to the requirements of this chapter.

1102.3. ~~803.3.~~Calculation of Amount of Impact Fees.

The amount of Impact Fees due shall be determined pursuant to the provisions of this subsection by the County Impact Fee Administrator at or prior to the time payment is due pursuant to Section 1102.1.C~~803.1.3~~.

A. ~~803.3.1~~**Fee Schedule.** Any person who commences any Impact-Generating Land Development, except those exempted pursuant to Section 1102.2~~803.2.~~ (Exemptions), or those preparing an Independent Impact Analysis pursuant to Section 1102.3.E ~~803.3.5.~~ (Independent Impact Analysis), shall pay all Impact Fees applicable to the proposed Impact-Generating Land Development, as determined by the Impact Fee Schedule included in this chapter as Exhibit ~~8-1~~11-1: Impact Fee Schedule, and incorporated herein by reference. The County Impact Fee Administrator shall make a determination as to the appropriate land use designation listed in the Impact Fee Schedule, based upon the nature and intent of a proposed use and any mitigation measures have been put in place to reduce the impact of such use. Such determination may be appealed to the Board ~~of County Commissioners~~ upon payment of a nonrefundable processing fee.

B. ~~803.3.2.~~**Uses Not Listed.** If the Impact-Generating Land Development is of a type not listed in Exhibit ~~8-1~~11-1: Impact Fee Schedule, then the County Impact Fee Administrator shall be responsible for determining whether the use is comparable to another type of land use listed in Exhibit ~~8-1~~11-1: Impact Fee Schedule. If the County Impact Fee Administrator determines the use is comparable to another type of land use listed in Exhibit ~~8-1~~11-1: Impact Fee Schedule, the Impact Fees due to be paid for the use shall be the same as for the comparable use. If there is no comparable use, the Impact Fees shall be determined by an Independent Impact Analysis pursuant to Section 1102.3.E.~~803.3.5.~~

C. ~~803.3.3.~~**Mix of Uses.** If the Impact-Generating Land Development includes a mix of those uses listed in Exhibit ~~8-1~~11-1: Impact Fee Schedule, then the Impact Fees shall be determined by adding up the Impact Fees that would be payable for each use as if it were a freestanding use pursuant to Exhibit ~~8-1~~11-1.

D. ~~803.3.4.~~**Computation.** The Impact Fees for any Impact-Generating Land Development shall be computed on the basis of the maximum impact of proposed use for the land permitted under applicable laws, ordinances,

regulations and permits, except where development is restricted by a Fee Agreement (Section 1102.1.I~~803.1.9~~). If the Impact-Generating Land Development includes fractional units, the Fees shall be computed to the appropriate fraction. In no event shall a dwelling unit not be required to pay a minimum one bedroom impact fee.

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E. ~~803.3.5.~~Independent Impact Analysis.

1. ~~803.3.5.1.~~*Request by Fee-payer.* In lieu of calculating the amount(s) of Impact Fees by reference to Exhibit ~~8-1~~11-1: Impact Fee Schedule, a Fee-payer may submit an application to request the amount of the required Impact Fees be determined by reference to an Independent Impact Analysis for the proposed Impact-Generating Land Development. Such application must contain the information outlined in this Section 1102.3.E~~803.3.5.~~ and must be accompanied by the appropriate Independent Impact Analysis. The burden shall be on the Feepayer requesting the Independent Impact Analysis to demonstrate by competent substantial evidence that the data, assumptions, and service units used in the Impact Fee Study and reflected in Exhibit ~~8-1~~11-1: Impact Fee Schedule are less accurate than the results of the Independent Impact Analysis.

2. ~~803.3.5.2.~~*Request by County Impact Fee Administrator.* In lieu of accepting a payment of Impact Fees based on Exhibit ~~8-1~~11-1: Impact Fee Schedule, the Feepayer shall be required to perform an Independent Impact Analysis if the type of Impact-Generating Land Development is not within one (1) of those categories or comparable to a category listed in Exhibit ~~8-1~~11-1: Impact Fee Schedule; or may be required to perform an Independent Impact Analysis if the development requires a rezone, site plan or subdivision approval, and the County Impact Fee Administrator determines that due to the nature, timing or location of the proposed Impact-Generating Land Development, it will generate substantially more impacts on County Capital Facilities than those determined in Exhibit ~~8-1~~11-1. If the Feepayer is required pursuant to this subsection to perform an Independent Impact Analysis, the County shall be responsible for retaining a qualified professional to prepare the Independent Impact Analysis consistent with the requirements of this chapter, at the Feepayer's expense, but the expenses of preparing the Independent Impact Analysis shall be deducted from the Impact Fees due from the Feepayer for the Impact Fee Component which the Independent Impact Analysis is prepared pursuant to this subsection. The County Impact Fee Administrator may also choose to perform the Independent Impact Analysis using County staff and current engineering data.

3. ~~803.3.5.3.~~*Qualifications of Preparer.* Unless the County Impact Fee Administrator chooses to perform an Independent Impact Analysis using County staff, each Independent Impact Analysis shall be prepared and certified by an expert approved by the County Impact Fee Administrator as satisfying the criteria for training and experience established by the Administrative Procedures.

4. ~~803.3.5.4.~~*Requirements for Independent Impact Analysis.* An Independent Impact Analysis shall be based on the most recent and localized data, shall be based on the same Capital Facility Standards and unit costs for Improvements for County Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities (as the case may be) used in the Impact Fee Study, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used. Each Independent Impact Analysis shall comply with the following requirements:

   a. ~~803.3.5.4.1.~~*Roads Impact Fee.* In the case of the Roads Impact Fee, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study to determine travel demand and the amount of Impact Fees, but may attempt to demonstrate that alternate trip generation rates by land use category, alternate trip length, and/or alternate capture and diversion factors more accurately reflect the transportation impacts of the proposed Impact-Generating Land Development. Support shall be provided through local data and surveys.

   b. ~~803.3.5.4.2.~~*Other Impact Fees.* In the case of the ~~the~~ Countywide Parks Impact Fee, the Law Enforcement Impact Fee, and the Public Safety Impact Fee, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study for the appropriate component, but may attempt to demonstrate that (a) the anticipated usage of Capital Countywide Parks Facilities by the proposed Impact-Generating Land Development, or (b) the estimated number of calls for law enforcement services by different land uses within the proposed Impact-Generating Land Development, or (c) the per capita replacement cost for Capital Public Safety Facilities required by the proposed Impact-Generating Land Development, vary from the rates used in the Impact Fee Study.

5. ~~803.3.5.5.~~*Completeness.* When done pursuant to a Feepayer request, the County Impact Fee Administrator

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shall review the Independent Impact Analysis and the Feepayer's application for completeness. If additional material is required for effective review of the Independent Impact Analysis, the County Impact Fee Administrator shall notify the applicant of the need for such additional material within ten (10) days after receipt of the application. Applicant shall provide the requested additional materials within thirty (30) days of receipt of notice from the County Impact Fee Administrator, or the application shall be considered withdrawn.

6. ~~*803.3.5.6.*~~*Decision by the County Impact Fee Administrator.* Within thirty (30) days after a determination that the application and accompanying analysis are complete, the County Impact Fee Administrator shall render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis as the basis for calculating Impact Fees due from the proposed Impact-Generating Land Development. The Independent Impact Analysis shall be accepted, accepted with modifications, or rejected based on the review standards in Section 1102.3.E.7~~803.3.5.7.~~ (Standards). The decision of the County ~~Impact Fee~~ Administrator or designee shall be in writing. If an Independent Impact Analysis is accepted or accepted with modifications, then the Impact Fees due under this chapter shall be calculated according to the Independent Impact Analysis.

7. ~~*803.3.5.7*~~*Standards.* The standards for acceptance, acceptance with modifications, or rejection of the Independent Impact Analysis shall be whether the applicant and the Independent Impact Analysis have complied with all requirements of Section 1102.3.E.4~~803.3.5.4~~ (Requirements for Independent Impact Analysis), and if so, whether the resulting Independent Impact Analysis demonstrates, by competent substantial evidence, that an alternative Impact Fee amount more accurately reflects the demands for the relevant County Capital Facilities than the applicable Fees shown in Exhibit ~~8-1~~11-1: Fee Schedule.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 05-52, § 3, 10-6-05; Ord. No. 06-75, §§ 3C, 3D, 11-7-06, eff. 2-17-07; Ord. No. 09-07, § 3, 2-3-09; Ord. No. 09-37, § 3, 5-19-09)~~

Section 1103. ~~Section 804.~~ Use of Impact Fee Funds.

1103.1. ~~**804.1.**~~County Impact Fee Funds and Accounts.

A. ~~**804.1.1.**~~**Establishment of County Impact Fee Funds.** County Impact Fee Funds are hereby established for the purpose of ensuring the Impact Fees collected pursuant to this chapter are designated for the accommodation of impacts reasonably attributable to new Impact-Generating Land Development that paid the Impact Fees. One (1) County Impact Fee Fund shall be established for each Impact Fee Component. These Funds shall be maintained as interest bearing accounts.

B. ~~**804.1.2.**~~**Establishment of Separate Accounts Within Funds**. For those Impact Fee Components that have more than one (1) Benefit District, separate Accounts, as determined by the Clerk of the Court, shall be established for each such Benefit District. For those Impact Fee Components that have a single, countywide Benefit District, the County Impact Fee Fund established for each such Impact Fee Component shall be treated as a separate Account, as determined by the Clerk of the Court.

C. ~~**804.1.3.**~~**Deposit and Management of the County Impact Fee Accounts.** All Impact Fees collected by the County Impact Fee Administrator pursuant to this chapter shall be identified as Impact Fees and shall be promptly deposited into the appropriate Account in the County Impact Fee Funds.

D. ~~**804.1.4.**~~**Interest Earned on Fees.** Interest earned on Fees in any Account in any of the County Impact Fee Funds shall be considered part of such Account, and shall be subject to the same restrictions on use applicable to the Impact Fees deposited in such Account.

E. ~~**804.1.5.**~~**Accounting and Reporting of Collections and Expenditures.** The County shall account for the collections and expenditures of all Impact Fees in accordance with applicable law (including, without limitation, Section 163.31801(3)(b), Florida Statutes) and generally accepted governmental accounting practices.

1103.2. ~~**804.2.**~~Limitations on Expenditures of Fees in Accounts.

A. ~~**804.2.1**~~**Local Park Impact Fee.** The monies collected from the previously imposed Local Park Impact Fee and held in the Local Park Impact Fee Fund shall be transferred to the Countywide Parks Impact Fee Fund and used pursuant to Section 1103.2.F.~~804.2.6.~~

B. ~~804.2.2.~~**Countywide Park/Open Space Impact Fee.** The monies collected from the previously imposed Countywide Park/Open Space Impact Fee and held in the Countywide Park/Open Space Impact Fee Fund shall be transferred to the Countywide Parks Impact Fee Fund and used pursuant to Section 1103.2.F.~~804.2.6.~~

C. ~~804.2.3.~~**Transportation Impact Fee.** The monies collected from the previously imposed Transportation Impact Fee and held in the Transportation Impact Fee Fund shall be transferred to the Roads Impact Fee Fund and used pursuant to Section 1103.2.G.~~804.2.7.~~

D. ~~804.2.4.~~**Law Enforcement Impact Fee.** The monies collected from the Law Enforcement Impact Fee shall be used only for Capital Law Enforcement Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Law Enforcement Facilities, or reimburse the County for such costs. The costs of Capital Law Enforcement Facilities also include the costs of related planning for the provision of Capital Law Enforcement Facilities.

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E. ~~804.2.5.~~**Public Safety Impact Fee.** The monies collected from the Public Safety Impact Fee shall be used only for Capital Public Safety Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Public Safety Facilities, or reimburse the County for such costs. The costs of Capital Public Safety Facilities also include the costs of related planning for the provision of Capital Public Safety Facilities.

Commented [LDI3]: Moved from definition

F. ~~804.2.6.~~**Countywide Parks Impact Fee.** The monies collected from the Countywide Parks Impact Fee shall be used only for Capital Countywide Parks Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Countywide Parks Facilities, or reimburse the County for such costs. The costs of Capital Countywide Park Facilities also include the costs of related planning for the provision of Capital Countywide Parks Facilities.

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G. ~~804.2.7.~~**Roads Impact Fee.** The monies collected from the Roads Impact Fee shall be used only for Capital Roads Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Roads Facilities, or reimburse the County for such costs.

1103.3. ~~804.3.~~Money Spent on First-In/First-Out Basis.

Monies in each Account shall be considered to be spent in the order collected, on a first-in/first-out basis.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, § 3E, 11-7-06, eff. 2-17-07)~~

Section 1104. ~~Section 805.~~ Benefit Districts.

For the purpose of ensuring Fee-payers receive sufficient benefit for Impact Fees paid, the following benefit districts are established for each Impact Fee Component.

1104.1. ~~805.1.~~*Countywide Parks Benefit District.*

The Countywide Parks Benefit District shall include the entirety of Manatee County. Countywide Parks Impact Fees shall be expended within the Countywide Parks Benefit District.

1104.2. ~~805.2.~~*Roads Benefit Districts.*

Four (4) Roads Benefit Districts are established: (1) the Northwest Roads Benefit District, (2) the Northeast Roads Benefit District, (3) the Southwest Roads Benefit District, and (4) the Southeast Roads Benefit District. The boundaries of all four (4) Roads Benefit Districts are shown on Exhibit ~~8-2~~11-2: Roads Benefit Districts, which is incorporated herein by reference.

A. ~~805.2.1.~~**Within Benefit District.** Roads Impact Fees shall be expended within the Roads Benefit District from which the Fees have been collected ~~in a manner consistent with the requirements of applicable law~~, except as ~~noted~~ authorized pursuant to~~in~~ Section ~~805.2.2~~1104.2.B.

B. ~~805.2.2.~~**Outside Benefit District.** Roads Impact Fees may be spent on improvements located outside the Benefit District in which the Impact-Generating Land Developments that paid the Fees are located if the Board first makes a written determination that such expenditure will sufficiently benefit the Impact-Generating Land Developments located within the Benefit District and that such expenditure will comply with the requirements of applicable law.

1104.3. ~~805.3.~~*Law Enforcement Benefit District.*

The Law Enforcement Benefit District shall include the entirety of Manatee County. Law Enforcement Impact Fees shall be expended within the Law Enforcement Benefit District.

1104.4. ~~805.4.~~*Public Safety Benefit District.*

The Public Safety Benefit District shall include the entirety of Manatee County. Public Safety Impact Fees shall be expended within the Public Safety Benefit District.

1104.5. ~~805.5.~~*Administration.*

The County Impact Fee Administrator shall be responsible for ensuring that Impact Fees authorized and collected pursuant to this chapter are expended only in accordance with the provisions of this Section 1104 ~~805~~.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, § 3F, 11-7-06, eff. 2-17-07)~~

Section 1105. ~~Section 806~~ Refunds of Impact Fees Paid.

1105.1. ~~806.1.~~Failure to Encumber Impact Fee Funds.

A. ~~806.1.1.~~**Encumbrance of expenditure within seven (7) years.** Any Impact Fees collected that have not been spent or encumbered within seven (7) years after the date on which the Fees are paid shall be eligible to be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the rate of two (2) percent per annum since the date of payment, except as otherwise noted in this section.

B. ~~806.1.2.~~**Extension of time.** The Board may by resolution extend for up to three (3) years the date at which Impact Fees shall be refunded. Such an extension shall be made only upon a finding that within such three (3) year period, specific Improvements for County Capital Facilities are planned and will be constructed that will sufficiently benefit the Impact-Generating Land Development for which the Impact Fees were paid. In the case of such an extension, any Impact Fees collected that have not been spent or encumbered within such extension period shall be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the rate of two (2) percent per annum since the date of payment.

C. ~~806.1.3.~~**Refund.** In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in-Interest shall be required to submit an application for such refund to the County Impact Fee Administrator. Refunds for proceeds not timely expended shall be made by the County Impact Fee Administrator within one (1) year following the end of the calendar quarter immediately following the seventh year from the date on which the last Certificate of Occupancy was issued for the Impact-Generating Land Development or the expiration date of the extension, whichever is later. If the Feepayer or the Feepayer's Successor-in-Interest does not make application for a refund, the funds shall remain in the impact fee account until spent.

D. ~~806.1.4.~~**Successors-in-Interest.** If the Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

E. ~~806.1.5.~~**Payment and Interest.** The County Impact Fee Administrator shall approve the refund application if it is determined that the Feepayer or the Feepayer's Successor-in-Interest has paid Impact Fees the County has not spent within the period of time permitted under this section. The refund shall include the Impact Fees paid plus interest at the rate of two (2) percent per annum, less any applicable administrative fees adopted pursuant to Section 1108.5~~809.5~~ (Administrative Fee).

1105.2. ~~806.2.~~*Failure to Initiate Development.*

If a Feepayer has paid Impact Fees required by this chapter and has obtained a Building Permit, and the Building Permit for which the Fee was paid later expires without the possibility of further extension, then the Feepayer or the Feepayer's Successor-in-Interest shall be entitled to a refund of the Fees paid, without interest, and less any applicable administrative fees adopted pursuant to Section 1108.5~~809.5~~ (Administrative Fee). In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in-Interest shall be required to submit an application for such refund to the County Impact Fee Administrator within thirty (30) days after the expiration of the Building Permit for which the Fee was paid. If a Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

1105.3. ~~**806.3.**~~*Limitation.*

After Impact Fees have been paid pursuant to this chapter, no refund of any part of the Fees shall be made if the Impact-Generating Land Development for which the Fees were paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the development or the number of units in the development.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, §§ 3G—3I, 11-7-06, eff. 2-17-07)~~

Section 1106. ~~Section 807.~~ Credits Against Impact Fees.

1106.1. ~~**807.1.**~~**Improvements Eligible for Credits.**

Any person who shall commence any Impact-Generating Land Development may apply for a credit against the appropriate Component of the Impact Fees for Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities proposed to be paid pursuant to the provisions of this chapter for any contribution, construction, or dedication of land accepted and received by the County for any Non-Site Related Improvements ~~or Non-Site Related Capital Roads Facilities~~, including any contribution, payment, construction, or dedication of land made pursuant to a development order issued by the County pursuant to local land development regulations, Section 380.06, ~~Fla. Stat.~~Florida Statutes, or any additional requirement imposed by the Florida Land and Water Adjudicatory Commission on a development of regional impact.

1106.2. ~~**807.2.**~~**General Standards.**

All awards of Impact Fee credits shall be subject to the following requirements:

A. ~~807.2.1.~~**Credit.** Impact Fee credits shall be directly attributable to and approved for the person who made a contribution, payment, construction or land dedication that conforms to the requirements of this section or to such person's Successor-in-Interest.

B. ~~**807.2.2.**~~**Options for Use of Credits.** Impact Fee credits may be utilized consistent with one (1) of the three (3) following options:

1. ~~807.2.2.1.~~Impact Fee credits may be used to offset Impact Fees due and owing for an applicable Impact Fee Component of the development project for which contribution, construction, or dedication of land for County Capital Facilities is made and credit accepted pursuant to this section. Credits utilized pursuant to this subsection may only be applied against Building Permits issued subsequent to the time the application for the offer of credit is submitted.

2. ~~807.2.2.2.~~Credit may be used in the form of a refund of Impact Fee funds to the developer/owner in the amount of the credit accepted for the contribution, construction, or dedication of land for County Capital Facilities, if Impact Fees have been paid ~~by third parties~~ for Building Permits issued for the development project for which the contribution, construction, or dedication of land is made for which the credit is accepted. Refunds for credits pursuant to this subsection may be requested only by the developer/owner who made the contribution, payment, construction or land dedication for which credit is accepted. The right to receive refunds for credits pursuant to this subsection is not transferable. In no case shall the refund be greater than the amount of Impact Fees paid ~~by third parties~~ for the applicable Impact Fee Component. Further, the total amount which may be refunded for a development project shall not exceed the total amount of Impact Fees due to Manatee County for the applicable Impact Fee Component of the development project less any credit applied against the Impact Fees due and owing (Section 1106.2.B.1 ~~807.2.2.1~~). If credits are refunded

pursuant to this subsection, the Credit Authorization shall be amended to reduce the amount of credit that can be applied against Impact Fees due and owing.

3. ~~807.2.2.3.~~Subject to approval by the Board of County Commissioners, Impact Fee credits may be assigned to any entity and used by the assignee to offset Impact Fees due and owing for an applicable Impact Fee Component of any development project located in the same Benefit District as the development project for which the contribution, construction of improvements, or dedication of land for County Capital Facilities was made and for which the credit was accepted pursuant to this Section ~~807~~1106.

4. ~~807.2.2.4.~~Subject to the limitations set forth in this subsection, and pursuant to Section 163.3180(12), Florida Statutes, Impact Fee credits may be used to pay, in part, proportionate share contributions for local and regionally significant traffic impacts, to satisfy the transportation concurrency requirements of the Manatee County Comprehensive Plan for developments of regional impact. Such use of Impact Fee credits shall be subject to the approval by the County of a Land Development Agreement acceptable to the County in its contractual and fiscal discretion. Such Land Development Agreement may include provisions addressing, among other things: (1) the identification of one or more mobility improvements to benefit a regionally significant transportation facility to be fully funded and completed by or on behalf of the applicant, the County, and/or another governmental or quasi-governmental entity; (2) an agreed-upon discounting of the Impact Fee credits to reflect their true present value; and (3) a contribution of land, construction and/or cash payment toward such project or projects, in addition to the use of Impact Fee credits, to at least equal to the applicant's required proportionate-share contribution, taking into consideration the present-value discounting of such Impact Fee credits.

C. ~~807.2.3.~~**Transferability.** Credits shall not be transferable from one Impact Fee Component to another Component. ~~except c~~Credits for each individual Component shall be transferable among development units under the same ownership and within the same Benefit District at the time the Credit Authorization is approved.

D. ~~807.2.4.~~**Assignment.** A portion or all of a credit approved pursuant to a Credit Authorization may be assigned and reassigned for use pursuant to Section 1106.2.B.3~~807.2.2.3~~ under terms and conditions acceptable to the County. Such assignment shall be memorialized in an amendment to the Credit Authorization and approved by the Board of County Commissioners.

E. ~~807.2.5.~~**Limitation.** No credit shall exceed the amount due for the applicable Impact Fee Component against which it is to be credited, except to the extent that Impact Fees credits are to be transferred pursuant to Section 1106.2.C~~807.2.3.~~ or assigned pursuant to Section 1106.2.D.~~807.2.4.~~

1106.3. ~~807.3.~~Countywide Parks Credits.

For any Countywide Parks Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Countywide Parks Impact Fees shall be provided for any off-site or on-site contribution, payment, construction or dedication of land for a Capital Countywide Park Facility used in the calculation of the Countywide Parks Impact Fee that is intended for the use of the general public and accepted for that purpose by the County. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.4. ~~807.4.~~Roads Credits.

For any Roads Impact Fees proposed to be paid, a credit of up to one hundred (100) percent of the Roads Impact Fees shall be provided for any contribution, payment, construction or dedication of land for right-of-way (ROW) for Non-Site Related improvements that expand the capacity of the Impact Fee Road System. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.5. ~~807.5.~~Law Enforcement Credits.

For any Law Enforcement Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Law Enforcement Impact Fee shall be provided for any off-site or on-site contribution, payment, construction or dedication of land for Capital Law Enforcement Facilities used in the calculation of the Law Enforcement Impact Fee. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.6. ~~807.6.~~Public Safety Credits.

For any Public Safety Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Public Safety Impact Fee shall be provided for any off-site or on-site contribution, payment, construction, or dedication of land for any Capital Public Safety Facilities used in the calculation of the Public Safety Impact Fee. The credit shall be valued at one hundred (100) percent fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.7. ~~807.7.~~Procedure for Offer of Credits.

A. ~~807.7.1.~~**Application.** Any person eligible to receive Impact Fee credits pursuant to Section 1106.1~~807.1.~~ may submit a written application to the County Impact Fee Administrator. The amount of credits requested (stated as either a final valuation or, if construction has not been completed at the time of application, an estimate of the valuation) shall be included in the application, and the appropriate documentation supporting the valuation or estimate shall accompany the application.

B. ~~807.7.2.~~**Completeness Review.** Within thirty (30) days of receipt of the written application, the County Impact Fee Administrator shall determine if it is complete, and if the application is found to be incomplete, the County Impact Fee Administrator shall mail written notification to the applicant at the address listed in the application setting forth the deficiencies and requiring the applicant submit the necessary information. The applicant shall submit the requested information or shall request additional time for submission within thirty (30) days of receipt of the notice. The County Impact Fee Administrator may grant an extension of the time for applicant submission. If an applicant does not submit the information requested or request an extension within such thirty (30) days the application shall be considered withdrawn. The County Impact Fee Administrator shall not process the application until the County Impact Fee Administrator determines that the application is complete.

C. ~~807.7.3.~~**Substantive Review and Staff Recommendation.** Within thirty (30) days of the date the application for an offer of credit is determined complete, it shall be reviewed by the County Impact Fee Administrator to determine whether it meets the standards of Section 1106.7.D~~807.7.3.1~~ (Standards) whether it should be accepted, and if so, the amount of credit. The results of the review shall be presented to the Board by the County Impact Fee Administrator along with the Administrator's recommendation for either approval or denial.

D. ~~807.7.3.1.~~**Standards.** The standard to be applied in making a decision to accept, accept with modifications, or reject an offer for credit shall be whether the offer complies with all applicable requirements of this Section ~~807~~ 1106 (Credits Against Impact Fees), and if so, whether the offer of credit will result in a reduction of the costs to the County of constructing Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities (as the case may be), by an amount at least equal to the value of the offer of credit.

E. ~~807.7.4.~~**Board Approval and Credit Authorization.** The Board shall review all applications for offers of credit on a case-by-case basis and shall approve or deny each application. In its review, the Board may consider any information it deems relevant including, without limitation, the standards set forth in Section 1106.7.D.~~807.7.3.1.~~ For all applications receiving Board approval, the County shall issue a Credit Authorization identifying the contribution, construction or dedication of land for which credit is provided, its fair market value, the amount of the approved credit, how credit is to be provided, and any other relevant terms and conditions of the credit. All material terms of the Credit Authorization must be approved by the Board. Failure to approve an application may necessitate that the County provide the applicant with an alternative form of compensation for the contribution, construction of improvements, or dedication of land for which the credits were applied.

F. ~~807.7.5.~~**Withdrawal.** The applicant may withdraw the application for an offer of credit at any time prior to the acceptance of an offer of credit by the County Impact Fee Administrator, by submitting written notice to the County Impact Fee Administrator stating an intent to withdraw.

G. ~~807.7.6.~~**Time of Credit and Valuation**.

1. ~~*807.7.6.1.*~~*Land Dedications.* Where land is being dedicated, the Fee payer shall deposit with the County a pro-rated amount of property taxes based on the prior year's ad valorem tax. Approved credits for land dedications shall become effective when the land has been conveyed to the County in a form acceptable to the County at no cost to the County, and has been accepted by the Board. When such conditions have been met, the County Impact Fee Administrator shall note that fact in the County's records. The Credit Authorization shall state the amount of credit available.

2. ~~807.7.6.2.~~*Improvements.* Approved credits for acquisition or construction of Improvements shall become effective when (a) all required construction has been completed and has been accepted by the County, (b) a suitable maintenance and warranty bond has been received and approved by the County, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the County (and the State of Florida, if applicable).

3. ~~807.7.6.3.~~*Valuation.* The value of any contribution, construction of improvements, or dedication of land for County Capital Facilities for which credit is sought or has been approved shall be calculated as of the earliest point in the development approval process when the need for the contribution, construction of improvements, or dedication of land was identified and made a condition of approval.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, § 3J, 11-7-06, eff. 2-17-07; Ord. No. 10-63, § 3, 9-14-10)~~

Section 1107. ~~Section 808.~~ Appeals.

1107.1. ~~808.1.~~General.

A Fee payer may appeal a decision of the County Impact Fee Administrator to the Board on a request for an Independent Impact Analysis (Section 1102.3.E~~803.3.5~~), a Refund (Section 1105~~806~~), or an offer of credit (Section 1106~~807~~), by filing an appeal, in writing, with the County Impact Fee Administrator, within sixty (60) calendar days of the decision. The appeal shall include a written notice stating in detail the grounds of the appeal. The County Impact Fee Administrator shall place the appeal on the Board's agenda for a regularly scheduled meeting or a special meeting called for that purpose, and forward the record of the matter that is on appeal to the Board.

1107.2. ~~808.2.~~Record.

The record considered by the Board shall be the record of the application for Independent Impact Analysis, the offer of credit, or the request for Refund (as the case may be).

1107.3. ~~808.3.~~Notice.

The County Impact Fee Administrator shall notify the applicant by mail or hand delivery at least 15 calendar days prior to the Board's hearing on the appeal.

1107.4. ~~808.4.~~Hearing on Appeal.

At the hearing on the appeal, the Board shall provide the appellant an opportunity to identify the grounds for the appeal and the basis for the County Impact Fee Administrator's error on the decision, based on the record. The County Impact Fee Administrator or a representative, other County staff involved in the decision, and the appellant shall be allowed to respond, based on the record. After the presentations, the Board may hear from any other person(s) it deems appropriate, and then based on the testimony heard at the hearing and the record, the Board shall affirm, modify or reverse the decision of the County Impact Fee Administrator based on the standards in Section 1107.5~~808.5~~ (Standards).

1107.5. ~~808.5.~~Standards.

To reverse a decision of the County Impact Fee Administrator, the Board shall find that there is a clear and demonstrable error in the application of the facts in the record to the standards for review of an Independent Impact Analysis (Section 1102.3.E~~803.3.5~~), Refund (Section 1105~~806~~), or offer of credit (Section 1106~~807~~) (as the case may be). If the Board reverses or modifies the decision, it shall provide the County Impact Fee Administrator clear direction on the proper decision. In no case shall the Board have the authority to negotiate the amount of the Impact Fees or waive the Fees. The decision of the Board shall be final.

1107.6. ~~808.6.~~Form of Decision.

The Board's decision on the appeal shall be in writing and shall include findings of fact and the application of those facts to the relevant standards.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, § 3K, 11-7-06, eff. 2-17-07)~~

Section 1108. ~~Section 809.~~ Miscellaneous Provisions.

1108.1. ~~809.1.~~ No Expenditure for Routine Maintenance, Rehabilitation, or Replacement.

No monies from the County Impact Fee Funds shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type.

1108.2. ~~809.2.~~ Construction of Site-Related Improvements and Site-Related Capital Roads Facilities.

Nothing in this chapter shall restrict the County from requiring an applicant for an Application for Development Approval to construct Site-Related Improvements, or other reasonable project improvements required to serve the applicant's project, whether or not such improvements are of a type for which credits would otherwise be available under Section ~~807~~1106. Such Site-Related Improvements shall not be eligible for credits pursuant to Section ~~807~~1106.

1108.3. ~~809.3.~~ Capital Improvements Program.

At least once during each fiscal year of the County, the County Administrator or a designee shall present to the Board a proposed capital improvements program for the County Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, including related equipment and vehicles, and such capital improvements program shall assign monies from each County Impact Fee Fund and Account to specific projects and related expenses for the type of facilities or services for which the Fees in that Account were paid. The Board shall accept, modify or reject the proposed capital improvements program of the County Administrator or a designee, and direct monies from the County Impact Fee Fund Accounts spent consistent with the approved capital improvement program for that year. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program, or not expended pursuant to Section 1103~~804~~ for those County Capital Facilities not eligible for inclusion in such capital improvements program, shall be retained in the same Account until the next fiscal year.

1108.4. ~~809.4.~~ Administrative Procedures.

The Board may adopt by resolution Administrative Procedures to implement this chapter.

1108.5. ~~809.5.~~ Administrative Fee.

The Board ~~of County Commissioners~~ may adopt a resolution providing for administrative fees to be retained by the County as payment for the expenses of collecting the fees and administering this chapter. In no case shall the administrative fees adopted by the Board exceed the actual costs to the County of paying such expenses.

1108.6. ~~809.6.~~ Mistake or Misrepresentation.

If Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Feepayer shall be refunded by the County within thirty (30) days after the County Impact Fee Administrator's acceptance of the recalculated amount, with interest at the rate of two (2) percent per annum since the date of such overpayment. Any amounts underpaid by the Feepayer shall be paid to the County (Clerk of the Circuit Court) within thirty (30) days after the County Impact Fee Administrator's acceptance of the recalculated amount, with interest at the rate of two (2) percent per annum since the date of such underpayment. In the case of an underpayment to the County, after discovery of the error the County shall not issue any additional permits or approvals for the project for which the Impact Fees were previously paid until such underpayment is corrected, and if amounts owed to the County are not paid within sixty (60) days, the County may also repeal any permits issued in reliance on the previous payment of such Impact Fees and refund such Fees to the then current owner of the land.

1108.7. ~~809.7.~~ Affordable Housing.

Manatee County may pay a portion of any Impact Fees exacted pursuant to this chapter against any Impact-Generating Land Development that has entered into a Land Use Restriction Agreement ensuring that the Impact-Generating Land Development meets those standards established by Manatee County for an affordable housing project. When an existing affordable housing unit is demolished, the property owner may transfer available Impact Fee credits from the unit for use for affordable housing development as a method for meeting requirements for mitigation related to the loss of the affordable housing unit. Such Impact Fee credits must be used in the Benefit District in which the affordable housing unit that was demolished was located.

1108.8. ~~809.8.~~Automatic Adjustment to Offset Inflation.

Beginning August 3, 2009, the Impact Fees shown in Exhibit ~~8-1~~11-1: Impact Fee Schedule shall be adjusted annually to reflect the effects of inflation on those costs for Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities set forth in The Impact Fee Study. On the first Monday in August 2009, and on the first Monday of August of each following year, unless (a) and until the Fees in Exhibit ~~8-1~~11-1 are revised or replaced by action of the Board, or (b) the automatic increase is deferred pursuant to this Section ~~809.8.1~~, each Impact Fee amount set forth in Exhibit ~~8-1~~11-1 shall be adjusted to account for inflationary increases in the costs of providing the Capital County Facilities using the Construction Cost Index calculated by the Engineering News-Record (ENR). Notice of such increase shall be provided in accordance with Section 163.31801, Florida Statutes. For each such adjustment, the Impact Fees shown in Exhibit ~~8-1~~11-1 shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one-year prior to the period reflected in the numerator.

~~809.8.1.***Deferral of Automatic Increase.*** The Board of County Commissioners may elect to defer the automatic adjustment to offset inflation. The election of deferral shall be done by adoption of a Resolution of the Board.

1108.9. ~~809.9.~~Five-Year Review.

At least once every five (5) years, the County Impact Fee Administrator, after consultation with all other appropriate providers of Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, shall recommend to the Board whether any changes should be made to Exhibit ~~8-1~~11-1: Impact Fee Schedule, and other sections of this chapter to reflect changes in the factors that affect the fee schedule. The purpose of this review is to analyze potential changes in needs, to assess any changes in the characteristics of land uses, to assess Capital Public Facility Standards, to assess changes on the demand new growth and development places on County Capital Facilities, and to ensure that the Impact Fees charged new Impact-Generating Land Development will not exceed its pro rata share for the reasonably anticipated expansion costs of County Capital Facilities.

1108.10. ~~809.10.~~Borrowing of Funds from Non-Impact Fee Source.

If the Board borrows funds from non-impact fee sources for the funding of Improvements for County Capital Facilities with the intent of repaying those funds with Impact Fees, the following procedures shall apply. The Board shall adopt a resolution finding that the Improvements for County Capital Facilities for which the funds are borrowed shall mitigate needs created by Impact-Generating Land Development. The Board shall adopt a resolution providing for the appropriation and expenditure of Impact Fee funds in order to reimburse the source of the borrowed funds in the same manner that the Impact Fees would otherwise be expended.

1108.11. ~~809.11.~~Enforcement.

Knowingly furnishing false information to any governmental official on any matter related to the administration of this chapter shall constitute a violation of this chapter. Violations of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction, shall be punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment; however, in addition to or in lieu of any criminal prosecution, the County shall have the power to sue for legal and equitable relief in Circuit Court to enforce the provisions of this chapter.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 05-52, § 4, 10-6-05; Ord. No. 06-75, § 3L, 11-7-06, eff. 2-17-07; Ord. No. 08-81, § 2, 12-4-08)~~

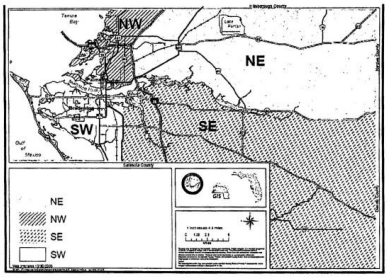
Exhibit 11 - 1~~Exhibit 8-1~~: Manatee County Impact Fee Schedule for Unincorporated Areas, October 1, 2011
Note: Does not include any adjustments for water or sewer fees. Contact the Manatee County Utilities Department for information on water and sewer fees.

	Impact Fee Components				
	Countywide Parks	Roads	Law Enforcement	Public Safety	Total Fee
Residential Categories (per housing unit)					
Single Family Detached					
0-2 bedrooms	$1,177.02	$3,254.87	$471.52	$250.77	$5,154.18
3 bedrooms	$1,426.82	$3,946.03	$572.05	$304.29	$6,249.19
4+ bedrooms	$1,878.44	$4,741.66	$752.90	$400.46	$7,773.4~~7~~6
Townhouse/Duplex					
0-2 bedrooms	$1,042.81	$1,542.90	$604.91	$254.09	$3,444.71
3+ bedrooms	$1,528.61	$1,918.80	$886.29	$372.19	$4,705.~~90~~89
~~Manufactured~~ Mobile Homes					
0-2 bedrooms	$505.12	$1,183.82	$258.25	$166.25	$2,113.44
3+ bedrooms	$612.32	$1,436.30	$313.59	$201.88	$2,564.09
All Other Housing Types					
0-2 bedrooms	$702.43	$1,627.06	$320.34	$180.71	$2,830.54
3+ bedrooms	$1,101.19	$2,272.27	$502.49	$283.48	$4,159.4~~2~~3
Nonresidential (per 1,000 Sq. Ft. of Floor Area)					
Commercial/Shop Ctr.	n/a	$7,152.15	$516.23	$127.96	$7,796.34
Office	n/a	$1,822.88	$606.31	$133.22	$2,562.41
Hospital	n/a	$2,734.32	$490.03	$101.03	$3,325.38
Mini-Warehouse	n/a	$414.29	$165.13	$77.05	$656.47
Warehouse	n/a	$589.95	$153.71	$75.71	$819.37
Manufacturing	n/a	$426.16	$127.12	$74.43	$627.71
Light Industrial	n/a	$776.46	$141.97	$75.81	$994.24
Church (without weekday school or day care)	n/a	$1,508.02	$234.10	$91.92	$1,834.04
Nursing Home	n/a	$2,126.39	$183.72	$637.96	$2,948.07
Day Care	n/a	$3,310.39	$715.19	$100.62	$4,126.20
Secondary School (High schools, middle schools)	n/a	$3,310.39	$715.19	$100.62	$4,126.20
Elementary School	n/a	$3,310.39	$715.19	$100.62	$4,126.20
Lodging[1]	n/a	$1,143.44	$399.69	$131.18	$1,674.31

~~(Ord. No. 05-52, § 5, 10-6-05; Ord. No. 06-75, § 3M, 11-7-06, eff. 2-17-07; Ord. No. 09-07, § 4, 2-3-09)~~

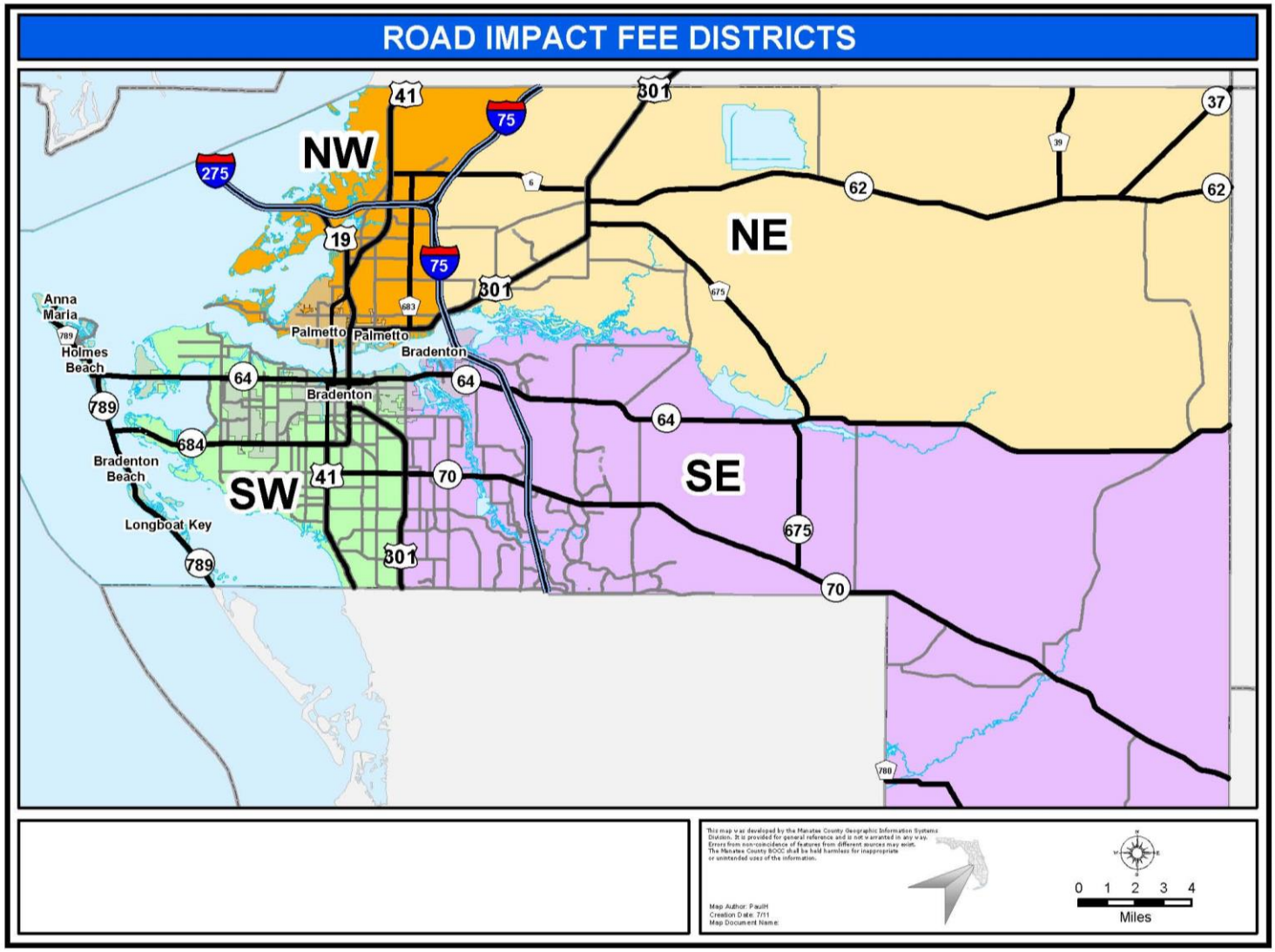
[1] Road impact fee rates for lodging (hotels, motels) are calculated per room. Remaining impact fee rates for lodging are calculated per 1,000 square feet.

~~**Exhibit 8-2: Transportation Benefit Districts**~~



DRAFT

Exhibit 11 - 2: Road Impact Fee Districts



MANATEE COUNTY LDC UPDATE

LEGEND:

Blue Underline = New text added to the code.

~~Red Strikethrough~~ = Text proposed for deletion.

Green double underline/~~strikethrough~~ = Text moved within the same document. Note that Word doesn't always show moves in green. Sections moved from one chapter to another are not shown in green either. If a moved section is not shown in green, a comment specifies if the section was moved. In some instances, text may be shown with both strike-through and underline. This happened as a result of different users editing the document (e.g. one person added a new section and the next user deleted it).

[LDI#], [LEA#] = Comments from the consultant noting why changes were made, or where sections came from/went to (these comments only appear in the "TRACKING" versions only).

Yellow Highlight = Cross-references that may need to be updated if sections are moved around in the future.

Turquoise Highlight = Cross-references to external documents that have been updated.

Pink Highlight = Ignore.

NOTES:

For each chapter, there are three documents:

- The "TRACKING" versions are provided to facilitate the understanding of text changes and will not be part of the ordinance.
- The "COMMENTS" PDF contain a list of comments from the Consultant explaining what was done to each section. This document will not be part of the adoption ordinance.
- The "CLEAN" version of each chapter incorporates the proposed changes. The current Code will be repealed and replaced with this "CLEAN" version.

All highlights will be removed prior to codifying the final version of the code.

INDEX:

The "Index by Old Numbering" document shows the new location of the various sections of the code, and any modifications made to the title of each section. Sections can be searched by using the Ctrl-F command.

OLD #	NEW #					TITLE
~~101.~~	Section 100.					Title.
~~102.~~	Section 101.					Authority and Purpose.
~~103.~~	Section 103.					Applicability.
~~103.1.~~	Section 103.	103.1.				General Applicability.
~~103.2.~~	Section 103.	103.2.				Exceptions.
~~103.2.1.~~	Section 103.	103.2.	A.			NA
~~103.2.2.~~	Section 103.	103.2.	B.			NA
~~103.2.3.~~	Section 103.	103.2.	--			~~Flag Lot.~~
~~103.2.4.~~	Section 103.	103.2.	D.			NA
~~103.2.4.1.~~	Section 103.	103.2.	D.	1		Utility Installations.
~~103.2.4.2.~~	Section 103.	103.2.	D.	2		Railroad Facilities.
~~103.2.4.3.~~	Section 103.	103.2.	D.	3		Public Schools.
~~103.2.4.4.~~	Section 103.	103.2.	D.	4		Public Parks.
~~103.3.~~	Section 104	--	--			NA
~~103.4.~~	Section 107.	107.9.				~~Severability of Sign Regulations.~~
NA	Section 108.					Public Works Standards Manual
~~6~~	Ch. 4					Zoning ~~Districts~~
NA	Section 400.					Generally
~~104.~~	Section 400.	400.1.				Official Zoning Atlas.
~~104.1.~~	Section 400.	400.2.				Recording Amendments to the Maps of the Official Zoning Atlas.
~~104.2.~~	Section 400.	400.3.				Unauthorized Changes in Zoning Atlas Prohibited.
~~104.3.~~	Section 400.	400.4.				Replacement of Official Zoning Atlas.
~~104.3.1.~~	Section 400.	400.4.				NA;
~~104.3.2.~~	Section 400.	400.4.				NA;
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~~105.~~	Section 102.					Administrative Procedures.
~~Chapter 2~~	Chapter 2					Definitions ~~and Rules of Construction~~
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~~202~~	Section 105.					Rules of ~~Construction~~ Interpretation.
~~202.1.~~	Section 105.	105.1.				Generally.

OLD #	NEW #					TITLE
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~~202.3.~~	Section 105.	105.3.				Delegation of Authority.
~~202.4.~~	Section 105.	105.4.				Gender.
~~202.5.~~	Section 105.	105.5.				Non-Technical and Technical Words.
~~202.6.~~	Section 105.	105.6.				Number.
~~202.7.~~	Section 105.	105.7.				Shall, May.
~~202.8.~~	Section 105.	105.8.				Tense.
~~202.9.~~	Section 105.	105.9.				Written or in Writing.
~~202.10~~	Section 105.	105.10.				Year.
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~~202.11.2.~~	Section 400.	400.6.	B.			Property Lines and the Like as Boundaries.
~~202.11.3.~~	Section 400.	400.6.	C.			Boundaries in or Adjacent to Bodies of Water.
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~~202.11.3.2.~~	Section 400.	400.6.	C.	2		NA;
~~202.11.4.~~	Section 400.	400.6.	D.			Boundaries Indicated as Parallel to or Extensions of Features Listed.
~~202.11.5.~~	Section 400.	400.6.	E.			Dimensions.
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~~202.11.7~~	Section 400.	400.5				~~Unclassified Areas~~
~~202.11.8.~~	Section 105.	105.11.				Boundaries of Transportation Construction Districts.
~~202.12.~~	Section 105.	105.12.				Used For.
~~202.13.~~	Section 105.	105.13.				Connected Terms.
~~202.13.1.~~	Section 105.	105.13.	A.			NA
~~202.13.2.~~	Section 105.	105.13.	B.			NA
~~202.13.3.~~	Section 105.	105.13.	C.			NA
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~~301.1.2.~~	Section 300.	-	B.			NA;

OLD #	NEW #					TITLE
~~301.1.3.~~	Section 300.		C.			NA;
~~301.1.4.~~	Section 300.		D.			NA;
~~301.1.5.~~	Section 300.		E.			NA;
~~301.1.6.~~	Section 300.		F.			NA;
~~301.1.7.~~	Section 300.		G.			NA;
~~301.1.8.~~	Section 300.		H.			NA;
~~301.1.9.~~	Section 300.		I.			NA;
~~301.1.10.~~	Section 300.		J.			NA;
~~301.1.11.~~	Section 300.		K.			NA;
~~301.1.12.~~	Section 300.		L.			NA;
~~301.1.13.~~	Section 300.		M.			NA;
~~301.1.14.~~	Section 300.		N.			NA;
~~301.1.15.~~	Section 300.		O.			NA;
~~302.~~	Section 301.					Planning Commission.
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~~302.1.4.~~	Section 301.	301.1.	D.			NA;
~~302.1.5.~~	Section 301.	301.1.	E.			NA;
~~302.1.6.~~	Section 301.	301.1.	F.			NA;
~~302.1.7.~~	Section 301.	301.1.	G.			NA;
~~302.1.8.~~	Section 301.	301.1.	H.			NA;
~~302.1.9.~~	Section 301.	301.1.	I.			NA;
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~~302.2.1.~~	Section 301.	301.2.	A.			Membership.
~~302.2.2.~~	Section 301.	301.2.	B.			Qualifications.
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OLD #	NEW #					TITLE
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~~302.3.5.~~	Section 301.	301.3.	E.			Public Meetings.
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~~304.1.1.~~	Section 302.	302.1.	A.			NA;
~~304.1.2.~~	Section 302.	302.1.	B.			NA;
~~304.1.3.~~	Section 302.	302.1.	C.			NA;
~~304.1.4.~~	Section 302.	302.1.	D.			NA;
~~304.1.5.~~	Section 302.	302.1.	E.			NA;
~~304.1.6.~~	Section 302.	302.1.	F.			NA;
~~304.1.7.~~	Section 302.	302.1.	G.			NA;
~~304.1.8.~~	Section 302.	302.1.	H.			NA;
~~304.1.9~~	Section 302.	302.1.	I.			NA;
~~304.2.~~	Section 302.	302.2.	--			Powers .
~~304.2.1.~~	Section 302.	302.2.	A.			NA;
~~304.2.2.~~	Section 302.	302.2.	B.			NA;
~~304.2.3.~~	Section 302.	302.2.	C.			NA;
~~304.2.4.~~	Section 302.	302.2.	D.			NA;
~~304.3.~~	Section 302.	302.3.				Appointment, Qualifications, Term, Removal and Compensation.
~~304.3.1.~~	Section 302.	302.3.	A.			Qualifications.
~~304.3.2.~~	Section 302.	302.3.	B.			Limitations on Hearing Officer Activities While Appointed .

OLD #	NEW #					TITLE
~~304.3.3.~~	Section 302.	302.3.	C.			Limitations on Activities After Term .
~~304.3.4.~~	Section 302.	302.3.	D.			Removal
~~304.3.5.~~	Section 302.	302.3.	E.			Compensation.
~~304.4.~~	Section 302.	302.3.	F.			Disqualification of Hearing Officer.
~~304.5.~~	Section 302.	302.4.				Freedom from Improper Influence .
~~304.5.1.~~	Section 302.	302.4.	A.			NA;
~~304.5.2.~~	Section 302.	302.4.	B.			NA;
~~304.5.3.~~	Section 302.	302.4.	C.			NA;
~~304.5.4.~~	Section 302.	302.4.	D.			NA;
~~304.6.~~	Section 302.	302.5.				Maintenance of Records.
~~304.7.~~	Section 371.	-				Appeals of Quasi-Judicial and Legislative Decisions.
~~305.~~	Section 302.	302.2.				~~Reserved~~
~~306.~~	Section 303.	-				Historic Preservation Board.
~~306.1.~~	Section 303.	303.1.				Purpose and Intent.
~~306.2.~~	Section 303.	303.2.				Duties and Powers.
~~306.2.1.~~	Section 303.	303.2.	A.			NA;
~~306.2.2.~~	Section 303.	303.2.	B.			NA;
~~306.2.3.~~	Section 303.	303.2.	C.			NA;
~~306.2.4.~~	Section 303.	303.2.	D.			NA;
~~306.2.5.~~	Section 303.	303.2.	E.			NA;
~~306.2.6.~~	Section 303.	303.2.	F.			NA;
~~306.2.7.~~	Section 303.	303.2.	G.			NA;
~~306.2.8.~~	Section 303.	303.2.	H.			NA;
~~306.2.9.~~	Section 303.	303.2.	I.			NA;
~~306.2.10.~~	Section 303.	303.2.	J.			NA;
~~306.2.11.~~	Section 303.	303.2.	K.			NA;
~~306.2.12.~~	Section 303.	303.2.	L.			NA;
~~306.2.13.~~	Section 303.	303.2.	M.			NA;
~~306.2.14.~~	Section 303.	303.2.	N.			NA;
~~306.2.15.~~	Section 303.	303.2.	O.			NA;

OLD #	NEW #					TITLE
~~306.2.16.~~	Section 303.	303.2.	P.			NA;
~~306.2.17.~~	Section 303.	303.2.	Q.			NA;
~~306.2.18.~~	Section 303.	303.2.	R.			NA;
~~306.2.19.~~	Section 303.	303.2.				NA;
~~306.2.20.~~	Section 303.	303.2.	S.			NA;
~~306.2.21.~~	Section 303.	303.2.	T.			NA;
~~306.2.22.~~	Section 303.	303.2.	U.			NA;
~~306.3.~~	Section 303.	303.3.				Membership and Meetings.
~~306.3.1.~~	Section 303.	303.3.	A.			Membership. ~~Establishment~~
~~306.3.2.~~	Section 303.	303.3.	B.			Qualifications.
~~306.3.3.~~	Section 303.	303.3.	C.			Terms of Office.
~~306.3.4.~~	Section 303.	303.3.	D.			Removal from Office.
~~306.3.5.~~	Section 303.	303.3.	E.			Officers.
~~306.3.6.~~	Section 303.	303.3.	F.			Vacancies.
~~306.3.7.~~	Section 303.	303.3.	G.			Quorum.
~~306.3.9.~~	Section 303.	303.3.	H.			Attendance.
~~306.3.10.~~	Section 303.	303.3.	I.			Rules of Procedure.
NA	Section 303.	303.3.	J			Disclosure
NA	Section 303.	303.3.	K			Ethics
~~306.3.8.~~	Section 303.	303.3.	L.			Regular Meetings.
~~306.3.11.~~	Section 303.	303.3.	M.			Public Meetings.
~~306.3.12.~~	Section 303.	303.3.	N.			Vote.
~~306.4.~~	Section 303.	303.3.	O.			Appeals.
~~306.5.~~	Section 303.	303.3.	P.			Staff.
~~306.3.13.~~	Section 303.	303.3.	Q.			Clerk.
~~306.3.14.~~	Section 303.	303.3.	R.			Records.
~~306.6.~~	Section 303.	303.4.				Certified Local Government Program.
NA	Section 303.	303.4.	A.			Responsibilities of the Building and Development Services Department
~~306.7.~~	Section 303.	303.4.	B.			Reporting.
~~306.7.1.~~	Section 303.	303.4.	1			NA;

OLD #	NEW #					TITLE
~~306.7.2.~~	Section 303.	303.4.		2		NA;
~~306.7.3~~	Section 303.	303.4.		3		NA;
~~306.7.4.~~	Section 303.	303.4.		4		NA;
~~306.7.5.~~	Section 303.	303.4.		5		NA;
~~306.7.6.~~	Section 303.	303.4.		6		NA;
~~306.7.7.~~	Section 303.	303.4.		7		NA;
NA	Section 304					Development Review Committee (DRC)
NA	Section 304	304.1				Establishment of Development Review Committee
NA	Section 304	304.2				Duties and Powers
NA	Section 304	304.3				Membership, Officers and Meetings
NA	Section 304	304.4				Rules of Procedure
~~401.~~	Section 901.	_				Cortez Fishing Village Design Guidelines.
~~501~~	Section 310.	_				Applicability.
~~501.1.~~	Section 310.	310.1.				Purpose and Intent.
NA	Section 310.	310.2.				Development Order Required
~~502.~~	Section 312.	_				Procedures of General Applicability
~~502.1.~~	Section 312.	312.2.				Pre-~~a~~Application ~~Conference~~Meeting.
~~502.3.~~	Section 312.	312.3.				Application ~~Requirements~~Submittal.
	Section 312.	312.3.	A.			Application Forms and Requirements
	Section 312.	312.3.	B.			Concurrent Applications
~~502.2.~~	Section 312.	312.6.				Neighborhood Workshops.
~~502.4.~~	Section 312.	312.4.	--			~~Determination of~~ Completeness of Application
~~502.5.~~	Section 312.	312.5.	H.			~~Determination of~~ Sufficiency Review of Application
~~502.5.1.~~	Section 312.	312.5.	A.	--		~~Application Distribution.~~Review
~~502.5.2.~~	Section 312.	312.5.	A.	3		~~Determination of Sufficient Application~~
~~502.5.3.~~	Section 312.	312.5.	A.			~~Remedy of Insufficiencies.~~
~~502.5.4.~~	Section 312.	312.5.	F.			Additional/Revised Information.
~~502.5.5.~~	Section 312.	312.5.	A.	--		~~Staff Analysis.~~
~~502.5.6.~~	Section 312.	312.5.	A.	5		~~Action by the Planning Director.~~
~~502.5.7~~	Section 312.	312.3.	C.			Authority to Enter Premises.

OLD #	NEW #					TITLE
~~502.5.6.1.~~	Section 312.	312.5.	A.	5.		~~Scheduling for Consideration~~
~~502.5.6.2.~~	Section 312.	312.5.	A.			~~Approval, Recommendation of Approval.~~
~~502.5.8.~~	Section 312.	312.5.	A.	--		~~Administrative Procedures~~.
~~502.6.~~	Section 312.	312.1.				~~Classification of Decisions.~~Level of Review Required
~~502.6.1.~~	Section 312.	312.1.				~~Legislative.~~
~~502.6.2.~~	Section 312.	312.1.				~~Quasi-Judicial.~~
~~502.6.3.~~	Section 312.	312.1.				~~Administrative.~~
~~502.7.~~	Section 312.	312.7.				Notice of Public Hearings.
NA	Section 312.	312.7.	A.			Notice Types
~~502.7.1.~~	Section 312.	312.7.	E.			Contents of Mailed and Published Notices.
NA	Section 312.	312.7.	F.			Additional Notice for Continued, Rescheduled or Reopened Meetings
~~502.7.2.~~	Section 312.	312.7.	C.			Published Notices.
~~502.7.3.~~	Section 312.	312.7.	B.			Mailed Notices.
~~502.7.3.1.~~	Section 312.	312.7.				~~*Generally.*~~
~~502.7.3.2.~~	Section 312.	312.7.				~~Amendments involving Board initiated changes to actual official Zoning Atlas designations of less than ten (10) contiguous acres.~~
~~502.7.3.3.~~	Section 312.	312.7.	C.	4		~~Mailed Notice in lieu of Published Notice.~~
~~502.7.4.~~	Section 312.	312.7.	D.			Posted Notices.
~~502.7.5.~~	Section 312.	312.7.	G.			Affidavit of Notice.
~~502.7.6.~~	Section 312.	312.7.	H.			Defects in Notice.
~~502.7.7.~~	Section 370.	370.3.				~~Public Hearings for Administrative Appeals.~~
~~502.8.~~	Section 312.	312.8.				Public Hearings ~~Procedures~~
NA	Section 312.	312.8.	A.			General Hearing Requirements
~~502.8.1.~~	Section 312.	312.8.	A.	1		Scheduling.
NA	Section 312.	312.8.	A.	2		Public Notice
~~502.8.2.~~	Section 312.	312.8.	A.	3		Representation.
~~502.8.3.~~	Section 312.	312.8.	B.	1		Oaths Required.
~~502.8.4.~~	Section 312.	312.8.	A.	4		Irrelevant Testimony Excluded.
~~502.8.5.~~	Section 312.	312.8.	A.	5		Continuance and Adjournment.
~~502.8.6.~~	Section 312.	312.8.	B.			Quasi-Judicial Hearing Procedures.

OLD #	NEW #					TITLE
~~502.8.7.~~	Section 312.	312.8.	B.			~~Specific Procedures for Hearings Held by Hearing Officers.~~
~~502.8.7.1.~~	Section 312.	312.8.	B.	2		Procedure.
~~502.8.7.2.~~	Section 312.	312.8.	B.	3		Transcript.
~~502.8.7.3.~~	Section 312.	312.8.	A.	6		Hearing Reopening.
~~502.8.7.4.~~	Section 312.	312.8.	B.	6		Findings and Recommendations.
~~502.8.7.5.~~	Section 312.	312.8.	B.	7		Notice of Action/Recommendation.
NA	Section 312.	312.8.	C.			Legislative Hearing Procedures
~~502.9~~	Section 312.	312.5.	G.			Examination and Copying of Application and Other Documents.
NA						
~~502.10.~~	Section 312.	312.10	A.			~~Compliance with Approved Development Order With Approvals, This Code and the Comprehensive Plan.~~
~~502.11.~~	Section 312.	312.5.	B.			Incorrect Information.
~~502.11.1.~~	Section 312.	312.5.	B.	1		~~Reliance on Information Presented by Applicant.~~
~~502.11.2.~~	Section 312.	312.5.	B.	2		~~Presentation or Submittal of Incorrect Information.~~
~~502.12.~~	Section 312.	312.10.	B.			~~Erroneously Issued Development Orders.~~
NA	Section 312.	312.11.				Recording of Approved Development Orders.
~~502.13.~~	Section 312.	312.5.	C.			Abandonment ~~or Extension of Application for Development Approval~~
NA	Section 312.	312.5.	D.			Extension
NA	Section 312.	312.5.	E.			Withdrawn Applications
~~503~~	Section 341.					LDC ~~Text~~ Amendments.
~~503.1.~~	Section 341.	341.1.				Purpose.
NA	Section 341.	341.2.				Review Procedures
NA	Section 341.	341.2.	A.			Pre-Application Meeting
~~503.2.~~	Section 341.	341.2.	B.			~~Initiation; Required Information~~Application Submittal
NA	Section 341.	341.2.	C.			Development Review Committee Review
~~503.3.S~~	Section 341.	341.2.	D.			~~Staff~~ Department Director Review
~~503.4.~~	Section 341.	341.2.	E.			~~Public Hearings~~Planning Commission Review.
~~503.5.~~	Section 341.	341.2.				~~Recommendation of the Planning Commission.~~
~~503.6.~~	Section 341.	341.2.	F.			~~Action by the~~ Board of County Commissioners Review.
~~504.~~	Section 342.					Amendments to Official Zoning Atlas.

OLD #	NEW #					TITLE
~~504.1.~~	Section 342.	342.1.				Purpose.
~~504.2.~~	Section 342.	342.1.				~~Initiation.~~[moved]
NA	Section 342.	342.2.				Review Procedures
~~504.2.~~	Section 342.	342.2	A.			~~Initiation.~~Applicant
NA	Section 342.	342.2.	B.			Pre-Application Meeting
~~504.3.~~	Section 342.	342.2	B.			~~County-Initiated Amendments.~~
~~504.4.~~	Section 342.	342.2	C.			~~Staff Review.~~Application Submittal
~~504.4.1.~~	Section 342.	342.2				~~Application Requirements.~~
~~504.4.2.~~	Section 342.	342.2	C.			~~Zoning Disclosure Forms.~~
NA	Section 342.	342.2.	D.			Department Director and Development Review Committee Review
NA	Section 342.	342.2.	E.			Planning Commission Review
NA	Section 342.	342.2.	F.			Board of County Commissioners Review
~~504.5.~~	Section 342.	342.3.				~~Factors for Review and Adoption of~~ Review Criteria for Zoning Map ~~Proposed~~ Amendments.
~~504.6.~~	Section 342.	342.4.				Additional Requirements for Amendments to Planned Development Zoning Districts.
NA	Section 342.	342.4.	A.			Submittal requirements
~~504.6.1.~~	Section 342.	342.4.	A.	1		~~Site Plans Not Necessarily Required~~ Planned Development Application Without Site Plan
~~504.6.2.~~	Section 342.	342.4.	A.	2		Amendments Approved Without a Site Plan.
~~504.7.~~	Section 342.	342.4.	C.	3		Public Hearings.
~~504.7.1.~~	Section 342.	342.4.	C.	--		~~Planning Commission.~~
~~504.7.2.~~	Section 342.	342.4.	C.	--		~~Board of County Commissioners.~~
NA	Section 342.	342.4.	D.			Effect of Approval
~~504.8.~~	Section 342.	342.4.	E.			Typographical or Drafting Errors.
~~504.9.~~	Section 342.	342.4.	F.			Resubmission of Application after Denial.
~~505.~~	Section 316.	_				Special Permits
~~505.1.~~	Section 316.	316.1.				Purpose.
NA	Section 316.	316.2.				Special Permit Required
NA	Section 316.	316.3.				Approval Authority
~~505.2.~~	Section 316.	316.6.				~~General~~ Standards ~~of~~ for Review and Approval.
NA	Section 316.	316.7				Appeals

OLD #	NEW #					TITLE
~~505.3.~~	Section 316.	316.4.				Application Requirements.
~~505.4.~~	Section 316.	316.5.				Review Procedures.
~~505.4.1.~~	Section 316.	316.5.	A.			Staff Review.
	Section 316.	316.5.	B.			Neighborhood Workshop
~~505.4.2.~~	Section 316.	316.5.	C.			Public Hearing on Special Permit.
~~505.4.3.~~	Section 312.	312.8.	B.	4		Action by the Hearing Officer.
~~505.4.3.1.~~	Section 312.	312.8.	D.			Approval Subject to Conditions.
NA	Section 312.	312.9.				Effect of Development Order Approval
~~505.4.3.2.~~	Section 312.	312.8.	B.	5		Final Order~~s~~
~~505.5.~~	Section 316.	316.8.				Effect of Approval.
~~505.6.~~	Section 316.	316.9.				Expiration ~~or Abandonment of Special Permit~~.
NA	Section 316.	316.10.				Extension
NA	Section 316.	316.11.				Abandonment
~~505.7.~~	Section 316.	316.12.				~~Amendments and~~ Alterations to Approved Special Permits.
~~505.7.1.~~	Section 316.	316.12.				~~Substantial Amendments and Modifications to Permit.~~
~~505.7.2.~~	Section 316.	316.12.				~~Non-Substantial Changes to Plans.~~
~~505.8.~~	Section 316.	316.13.				Recording of Approved Special Permits.
NA	Ch. 3, Part III					Administrative Permit and Special Permit Approval
~~506.~~	Section 315.	_				Administrative Permits.
~~506.1.~~	Section 315.	315.1.				Purpose ~~and Intent~~.
NA	Section 315.	315.2.				Administrative Permit Required
~~506.2.~~	Section 315.	315.3.				Approval Authority~~Authorization~~.
~~506.3.~~	Section 315.	315.4.				Application Requirements.
~~506.4.~~	Section 315.	315.6.				Standards for Review and Approval.
~~506.5.~~	Section 315.	315.5.				~~Staff~~ Review Procedures.
~~506.6.~~	Section 315.	315.6.				~~Additional Procedures~~
~~506.7.~~	Section 315.	315.7.				Appeals.
~~506.8.~~	Section 315.	315.8.				Effect of Approval.
~~506.9.~~	Section 315.	315.9.				Expiration.
NA	Section 315.	315.10.				Extension

OLD #	NEW #					TITLE
NA	Section 315.	315.11.				Abandonment
NA	Section 315.	315.12.				Alterations to Approved Administrative Permits
~~507.~~	Section 354.					Temporary Use~~s~~ Permits.
~~507.1.~~	Section 354.	354.1.				Temporary Use Permit Required.
~~507.2.~~	Section 354.	354.2.				~~Application Requirements~~ Review Procedures.
~~507.3.~~	Section 354.	354.2.				~~Standards for Review and Approval.~~
~~507.4.~~	Section 520.					~~Specific Standards .~~
~~507.4.1.~~	Section 520.					~~Nuisance, Hazardous Features.~~
~~507.4.2.~~	Section 520.					~~Traffic and Circulation.~~
~~507.4.3.~~	Section 520.					~~Public Facilities and Services.~~
~~507.4.4.~~	Section 520.					~~Natural Environment.~~
~~507.4.5.~~	Section 520.					~~Site Suitability.~~
~~507.4.6.~~	Section 520.					~~Duration.~~
~~507.4.7.~~	Section 520.		I.			~~Historic Environment.~~
~~507.5.~~	Section 354.	354.2.				~~Conditions.~~
~~507.6.~~	Section 354.	354.3.				~~Expiration of Permits; Extension~~ Duration of Temporary Use Permit.
~~508~~	Ch. 3, Part IV					Site Plan~~s~~ Review.
NA	Section 320					Generally
~~508.1.~~	Section 320.	320.1.				Purpose and Intent.
~~508.2.~~	Section 320.	320.2.				Applicability.
~~508.2.1.~~	Section 320.	320.2.	E.			Site Plans Submitted in Conjunction with Rezoning Application.
~~508.3.~~	Section 322.	322.1.				Application Requirements.
~~508.4.~~	Section 320.	320.2.				~~Site Type, Purpose and Requirements.~~
~~508.4.1.~~	Section 321.					General Development Plans (GDP).
~~508.4.1.1.~~	Section 321.	321.1.				Application Requirements ~~Information Included~~.
~~508.4.1.2.~~	Section 321.	321.1.	A.			~~Uses Listed in General Development Plan.~~ Proposed ~~U~~uses ~~proposed~~
~~508.4.1.3.~~	Section 321.	321.1.	B.			~~Phasing of~~ Large Projects, Developments of Regional Impact.
NA	Section 321.	321.1.	C.			Additional Information
~~508.4.1.4.~~	Section 321.	321.1.	C.			~~Phasing of County Facilities.~~
NA	Section 321.	321.2.				General Development Plan (GDP) Review Process

OLD #	NEW #					TITLE
NA	Section 321.	321.3.				Review Criteria
~~508.4.1.5.~~	Section 321.	321.4.				~~Further Planned Development Procedures~~ Effect of GDP Approval.
~~508.4.2.~~	Section 322.	-				Preliminary Site Plans (PSP).
~~508.4.2.1.~~	Section 320.	320.2.	B.	1		Office and Commercial Projects.
~~508.4.2.1.~~	Section 322.	-				~~Office and Commercial Projects.[moved]~~
~~508.4.2.2.~~	Section 320.	320.2.	B.	2		Multi-Family.
~~508.4.2.2.~~	Section 322.	-				~~Multi-Family.[moved]~~
~~508.4.2.3.~~	Section 320.	320.2.	B.	3		Industrial.
~~508.4.2.3.~~	Section 322.	-				~~Industrial.[moved]~~
~~508.4.3.~~	Section 323.	--				Final Site Plan~~s~~ (FSP).
~~508.4.3.1.~~	Section 320.	320.2.	C.			Final Site Plan Review Required. ~~*Exemptions*~~
~~508.4.3.1.1.~~	Section 320.	320.2.	C.	1		Dwellings.
~~508.4.3.1.2.~~	Section 320.	320.2.	C.	2		Temporary Uses.
~~508.4.3.1.3.~~	Section 320.	320.2.	C.	3		Limited Increase in Gross Floor Area.
~~508.4.3.1.4.~~	Section 320.	320.2.	C.	4		Change of Use~~,~~ with ~~N~~no Additional Parking Spaces Required.
~~508.4.3.1.5.~~	Section 320.	320.2.	C.	5		Exempted Special Permits.
~~508.4.3.1.6.~~	Section 320.	320.2.	C.	6		Agriculture.
NA	Section 320.	320.2.	D.			Previously Approved Plans
~~508.4.4.~~	Section 323.	323.3.				~~Site Plan to Serve as Mechanism for Other Required Approvals.~~ NA
~~508.5.~~	Section 323.	323.1.				~~Staff~~ Review and Approval
NA	Section 323.	323.2.				Final Site Plan Review Criteria
~~508.6.~~	Section 322.	322.2.				~~Factors for Reviewing Proposed~~ Preliminary Site Plan~~s~~ Review Criteria.
NA	Section 322.	322.2.	A.			Previous Approvals
NA	Section 322.	322.2.	B.			Comprehensive Plan
NA	Section 322.	322.2.	C.			Land Development Code
NA	Section 322.	322.2.	E.			Use and District Requirements
NA	Section 322.	322.2.	F.			Public Facilities and Services
NA	Section 322.	322.2.	G.			Public Health, Safety and Welfare
NA	Section 322.	322.2.	H.			Environment
NA	Section 322.	322.2.	I.			Circulation

OLD #	NEW #					TITLE
NA	Section 402.	402.6.				General Design Requirements for all Planned Development Site Plans
~~508.6.1.~~	Section 402.	402.6.	A.			Physical Characteristics of the Site; Relation to Surrounding Property.
~~508.6.2.~~	Section 402.	402.6.	B.			Relation to Public Utilities, Facilities and Services
~~508.6.3.~~	Section 402.	402.6.	C.			Relation to Major Transportation Facilities.
~~508.6.4.~~	Section 402.	402.6.	D.			Compatibility.
~~508.6.5.~~	Section 402.	402.6.	E.			Transitions.
~~508.6.6.~~	Section 402.	402.6.	F.			Design Quality.
~~508.6.7.~~	Section 402.	402.6.	G.			Relationship to Adjacent Property.
~~508.6.8.~~	Section 402.	402.6.	H.			Access.
~~508.6.9.~~	Section 402.	402.6.	I.			Streets, Drives, Parking and Service Areas.
~~508.6.10.~~	Section 402.	402.6.	J.			Pedestrian Systems.
~~508.6.11.~~	Section 402.	402.6.	K.			Natural and Historic Features, Conservation and Preservation Areas.
~~508.6.12.~~	Section 402.	402.6.	L.			Density/Intensity.
~~508.6.13.~~	Section 402.	402.6.	M.			Height.
~~508.6.14.~~	Section 402.	402.6.	N.			Fences and Screening.
~~508.6.15.~~	Section 402.	402.6.	O.			Yards and Setbacks.
~~508.6.16.~~	Section 402.	402.6.	P.			Trash and Utility Plant Screens.
~~508.6.17.~~	Section 402.	402.6.	Q.			Signs
~~508.6.18.~~	Section 402.	402.6.	R.			Landscaping
~~508.6.19.~~	Section 402.	402.6.	S.			Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways.
~~508.6.20.~~	Section 402.	402.6.	T.			Environmental Factors.
~~508.6.20.1.~~	Section 402.	402.6.	T.	1.		Water Conservation.
~~508.6.20.2.~~	Section 402.	402.6.	T.	2.		Minimum Open Space Requirements.
~~508.6.20.3.~~	Section 402.	402.6.	T.	3.		Preservation of Existing Plant Communities .
~~508.6.21.~~	Section 402.	402.6.	U.			Rights-of-Way and Utility Standards
~~508.6.22.~~	Section 402.	402.6.	V.			Stormwater Management.
~~508.6.23.~~	Section 402.	402.6.	W.			Consistency with Comprehensive Plan.
~~508.6.24.~~	Section 402.	402.6.	X.			Other Factors.
~~508.6.25.~~	Section 322.	322.2.	F.			~~Additional Factors for Review of Preliminary Site Plans~~

OLD #	NEW #					TITLE
~~508.6.25.1.~~	Section 322.	322.2.	F.			~~General Development Plans.~~
~~508.6.25.2.~~	Section 322.	322.2.	F.			~~Conditional Use.~~
~~508.6.25.3.~~	Section 322.	322.2.	G.			Concurrency.
~~508.6.25.4.~~	Section 322.	322.2.	C.			~~Other Regulations.~~
~~508.6.26.~~	Section 322.	322.2.	G.			~~Factors for Administrative Review of Preliminary and Final Site Plans.~~
~~508.6.26.1.~~	Section 322.	322.2.	G.			~~Preliminary Site Plans.~~
~~508.6.26.2.~~	Section 322.	322.2.	G.			~~Required Improvements.~~
~~508.6.26.3.~~	Section 322.	322.2.	G.			~~Concurrency.~~
NA	Section 322.	322.3.				Preliminary Site Plan Review Process
~~508.7.~~	Section 323.	323.3.				Effect of Final Site Plan Approval.
~~508.7.1.~~	Section 321.	321.4.				~~General Development Plan.~~
~~508.7.2~~	Section 322.	322.4.				Effect of Preliminary Site Plan Approval.
~~508.7.3.~~	Section 323.	323.3.				~~Final Site Plan.~~
~~508.8.~~	Section 321.	321.4.				~~Expiration, Extensions and Changes .~~
~~508.8.1.~~	Section 321.	321.5.				Expiration and Extensions of General Development Plans.
~~508.8.1.1.~~	Section 321.	321.5.				~~*General Development Plans.*~~
~~508.8.1.1.1.~~	Section 321.	321.5.				~~*Port Encouragement Zone.*~~
NA	Section 322.	322.5.				Expiration of Preliminary Site Plans
~~508.8.1.2.~~	Section 322.	322.5.				~~Preliminary Site Plans.~~
NA	Section 323.	323.4.				Expiration and Extension of Final Site Plans
~~508.8.1.3.~~	Section 323.	323.4.				~~Final Site Plans.~~ NA
~~508.8.1.4.~~	Section 323.	323.4.				~~Expedited Expirations.~~ NA
~~508.8.2.~~	Section 321.	321.5.				~~Extensions.~~
~~508.8.2.1.~~	Section 321.	321.5.				~~General Development Plans.~~
~~508.8.2.2.~~	Section 322.	322.5.				~~Preliminary Site Plans.~~
~~508.8.2.3.~~	Section 323.	323.4.				~~Final Site Plans.~~ NA
~~508.8.2.4.~~	Section 323.	323.4.				~~Local Government Development Agreements.~~ NA
~~508.8.3.~~	Section 324	--				Changes to Approved Site Plans (GDP, PSP and FSP).
~~508.8.3.1.~~	Section 324	324.1				Requests for Change.
NA	Section 324	324.2				Approval Authority

OLD #	NEW #					TITLE
~~508.8.3.2.~~	Section 324	324.2	A.			Administrative ~~Changes~~ Approval
~~508.8.3.3.~~	Section 324	324.2	B.			Board ~~Modifications~~ Approval ~~.~~
~~508.8.3.4.~~	Section 324	324.4				Effect on Expiration.
~~508.8.3.5.~~	Section 324	324.2	C.			Changes Requiring a New ~~Plans~~ Application
NA	Section 324	324.3				Review Criteria
~~509.~~	Section 367.	_				Variances.
~~509.1.~~	Section 367.	367.1.				Purpose and Scope.
~~509.2.~~	Section 367.	367.2.				Limitations on Granting of Variances.
~~509.3.~~	Section 367.	367.3.				~~Additional~~ Prohibitions.
~~509.4.~~	Section 367.	367.4.				~~Issuing Officer or Board~~.
NA	Section 367.	367.4.				Certificate of Appropriateness
~~509.5.~~	Section 367.	367.5.				~~Staff~~ Review Procedures.
NA	Section 367.	367.5.	A.			Application
~~509.5.1.~~	Section 802.	802.7.	B.			Sufficiency Review ~~Review of Variances from Floodplain Management Standards~~
~~509.6.~~	Section 367.	367.6.				~~Standards of~~ Review ~~and Approval~~ Criteria
~~509.7.~~	Section 367.	367.5.	B.			~~Action by~~ Review ~~Issuing Official or Board~~.
~~509.7.1.~~	Section 367.	367.5.	B.	1		~~Public Hearing.~~
~~509.7.2.~~	Section 367.	367.5.	B.	2		~~Review and Issuance by Hearing Officer.~~
~~509.7.3.~~	Section 367.	367.5.	B.	3		~~Conditions.~~
~~509.7.4.~~	Section 367.	367.7.				Effect of Approval.
~~509.7.5.~~	Section 367.	367.7.				~~Appeal.~~
~~509.8.~~	Section 366.					Administrative Variance Adjustments ~~Approvals.~~
~~NA~~	Section 366.	366.1.				Types of Administrative Adjustments
~~509.8.1.~~	Section 366.	366.1.	A.			Errors in Yard Measurements.
~~509.8.2.~~	Section 366.	366.1.	B.			Front Yard Setbacks Consistent ~~W~~with Established Neighborhoods.
~~509.8.3.~~	Section 366.	366.1.	C.			Errors of Structure Encroachments ~~of Buildings or Other Structures~~ into County Easements or Rights-of-Way.
~~509.8.3.1.~~	Section 366.	366.2.				~~Applications.~~
~~509.8.4.~~	Section 366.	366.2.				~~Denial of Administrative Variance.~~ Review and Approval of Administrative Adjustments
~~509.8.5.~~	Section 366.	366.3.				Effect of Approval.

OLD #	NEW #					TITLE
~~509.8.6.~~	Section 366.	366.3.				~~Appeal.~~
~~510.~~	Section 360.					Certificate of Level of Service Compliance.
~~510.1.~~	Section 360.	360.1.				Purpose.
~~510.2.~~	Section 360.	360.2.				Applicability.
~~510.2.1.~~	Section 360.	360.2.				~~Required Certification.~~
~~510.2.2.~~	Section 360.	360.3.				Optional Certification.
NA	Section 360.	360.3.	A.			Concurrent Approvals
NA	Section 360.	360.3.	B.			Exceptions
~~510.2.3.~~	Section 360.	360.3.				~~Prohibited Certificate.~~
~~510.2.4.~~	Section 360.	360.4.				Special Permits, Rezonings and Site Plan Approvals.
~~510.2.4.1.~~	Section 360.	360.4.	A.			~~No Certificate Required, Public Facilities Considered.~~
~~510.2.4.2.~~	Section 360.	360.4.	B.			~~Recommendation for Denial.~~
~~510.3.~~	Section 360.	360.5.				~~Application~~ Review ~~Requirements~~ Procedures.
~~510.4.~~	Section 360.	360.5.	A.			Staff Review.
~~510.5.~~	Section 360.	360.5.	B.			Standards of Review and Approval.
~~510.6.~~	Section 360.	360.5.	C.			Action by ~~Planning Director~~ Department Director.
~~510.7.~~	Section 360.	360.5.	D.			Conditions of Approval.
~~510.8.~~	Section 360.	360.5.	E.			Effect of Approval.
~~510.9.~~	Section 360.	360.5.	E.			~~Succession, Expiration, Extension and Modification.~~
~~510.9.1.~~	Section 360.	360.5.	F.			Succession.
~~510.9.2.~~	Section 360.	360.6.				Expiration.
~~510.9.2.1.~~	Section 360.	360.6.				~~Time Period.~~
~~510.9.2.1.1.~~	Section 360.	360.6.				~~Developments of Regional Impact, Florida Quality Developments, and Local Government Development Agreements.~~
~~510.9.2.1.2.~~	Section 360.	360.6.	A.			Building Permits.
~~510.9.2.1.3.~~	Section 360.	360.6.	B.			Subdivisions.
~~510.9.3.~~	Section 360.	360.7.				Extensions.
~~510.9.4.~~	Section 360.	360.5.	G.			Modification.
~~510.10.~~	Section 360.	360.5.	H.			Appeals.
~~511~~	Section 360.	360.7.				~~Proportionate Fair-Share Program.~~

OLD #	NEW #					TITLE
~~511.1.~~	Section 360.	360.7.				~~Applicability.~~
~~511.1.1.~~	Section 360.	360.7.	A.			NA;
~~511.1.2.~~	Section 360.	360.8.	B.			NA;
~~511.2.~~	Section 360.	360.7.				~~General Requirements.~~
~~511.2.1.~~	Section 360.	360.7.	A.			NA;
~~511.2.2.~~	Section 360.	360.7.	B.			NA;
~~511.2.3.~~	Section 360.	360.7.	C.			NA;
~~511.2.3.1.~~	Section 360.	360.7.		1		NA;
~~511.2.3.2.~~	Section 360.	360.7.		2		NA;
~~511.2.3.2.1.~~	Section 360.	360.7.			a.	NA;
~~511.2.3.2.2.~~	Section 360.	360.7.			b.	NA;
~~511.3.~~	Section 360.	360.7.				~~Intergovernmental Coordination.~~
~~511.4.~~	Section 360.	360.7.				~~Application Process.~~
~~511.4.1.~~	Section 360.	360.7.	A.			NA;
~~511.4.2.~~	Section 360.	360.7.	B.			NA;
~~511.4.3.~~	Section 360.	360.7.	C.			NA;
~~511.4.4.~~	Section 360.	360.7.	D.			NA;
~~511.4.5.~~	Section 360.	360.7.	E.			NA;
~~511.4.6.~~	Section 360.	360.7.	F.			NA;
~~511.4.7.~~	Section 360.	360.7.	G.			NA;
~~511.4.8.~~	Section 360.	360.7.	H.			NA;
~~511.5.~~	Section 360.	360.7.				~~Determining Proportionate Fair-Share Obligation.~~
~~511.5.1.~~	Section 360.	360.7.	A.			NA;
~~511.5.2.~~	Section 360.	360.7.	B.			NA;
~~511.5.3.~~	Section 360.	360.7.	C.			NA;
~~511.5.4.~~	Section 360.	360.7.	D.			NA;
~~511.5.4.1.~~	Section 360.	360.7.		1		NA;
~~511.5.4.2.~~	Section 360.	360.7.		2		NA;
~~511.5.5.~~	Section 360.	360.7.	E.			NA;
~~511.5.6.~~	Section 360.	360.7.	F.			NA;

OLD #	NEW #					TITLE
~~511.6.~~	Section 360.	360.7.				~~Impact Fee Credit for Proportionate Fair-Share Mitigation.~~
~~511.6.1.~~	Section 360.	360.7.	A.			NA;
~~511.6.1.1.~~	Section 360.	360.7.		1		NA;
~~511.6.1.2.~~	Section 360.	360.7.		2		NA;
~~511.6.1.3.~~	Section 360.	360.7.		3		NA;
~~511.6.2.~~	Section 360.	360.7.	B.			NA;
~~511.6.3.~~	Section 360.	360.7.	C.			NA;
~~511.6.4.~~	Section 360.	360.7.	D.			NA;
~~511.7.~~	Section 360.	360.7.				~~Proportionate Fair-Share Agreements.~~
~~511.7.1.~~	Section 360.	360.7.	A.			NA;
~~511.7.2.~~	Section 360.	360.7.	B.			NA;
~~511.7.3.~~	Section 360.	360.7.	C.			NA;
~~511.7.4.~~	Section 360.	360.7.	D.			NA;
~~511.7.5.~~	Section 360.	360.7.	E.			NA;
~~511.7.6.~~	Section 360.	360.7.	F.			NA;
~~511.7.7.~~	Section 360.	360.7.	G.			NA;
~~511.8.~~	Section 360.	360.7.				~~Appropriation of Fair-Share Revenues.~~
~~511.8.1.~~	Section 360.	360.7.	A.			NA;
~~511.8.2.~~	Section 360.	360.7.	B.			NA;
~~511.8.3.~~	Section 360.	360.7.	C.			NA;
~~511.8.4.~~	Section 360.	360.7.	D.			NA;
~~511.8.4.1.~~	Section 360.	360.7.		1		NA;
~~511.8.4.2.~~	Section 360.	360.7.		2		NA;
~~511.8.4.3.~~	Section 360.	360.7.		3		NA;
~~512~~	Section 310.	310.3.				Building Permit~~s~~ Required
~~512.1.~~	Section 310.	310.3.	--			~~Purpose and Applicability.~~
~~512.2~~	Section 310.	310.3.	A.			~~Application Requirements.~~
~~512.3.~~	Section 310.	310.3.	B.			~~Action by Building Department.~~
~~513.~~	Section 310.	310.4.				Certificate of Occupancy.
~~513.1.~~	Section 310.	310.4.				~~Purpose and Effect.~~

OLD #	NEW #					TITLE
~~513.2.~~	Section 310.	310.4.				~~Standards and Review.~~
~~513.2.1.~~	Section 310.	310.4.				~~Temporary Certificate of Occupancy.~~
~~513.3.~~	Section 310.	310.4.				~~Action by Building Department.~~
~~513.4.~~	Section 310.	310.4.				~~Contents of Certificate.~~
~~513.5.~~	Section 310.	310.5.				Certificate of Completion.
NA	Section 310.	310.6.				Other Permits Required
~~514.~~	Section 347.					Certificate of Appropriateness.
~~514.1.~~	Section 347.	347.1.				Purpose and Intent.
~~514.2.~~	Section 347.	347.2.				Applicability
~~514.2.1.~~	Section 347.	347.2.	A.			Whitfield Estates Historical and Archaeological Overlay District.
~~514.2.2.~~	Section 347.	347.2.	B.			Terra Ceia Historical and Archaeological Overlay District.
~~514.2.3.~~	Section 347.	347.2.	C.			Cortez Fishing Village Historical and Archaeological Overlay District.
~~514.3.~~	Section 347.	347.3.				Procedure.
~~514.3.1.~~	Section 347.	347.3.	A.			Submission of Application
~~514.3.2.~~	Section 347.	347.2.	B.			Criteria for Review of Application
~~514.3.2.1.~~	Section 347.	347.2.	B.	1.		General Criteria for Granting Certificates of Appropriateness
~~514.3.2.2.~~	Section 347.	347.1	B.	2.		Additional Guidelines for Alterations .
~~514.3.2.3.~~	Section 347.	347.2	B.	3.		Additional Guidelines for New Construction.
~~514.3.2.4.~~	Section 347.	347.4	B.	4.		Additional Requirements for Demolitions.
~~514.3.2.4.1.~~	Section 347.	347.3.	B.	4.	b.	NA;
~~514.3.2.5.~~	Section 347.	347.3	B.	5.		Additional Guidelines for Relocation.
~~514.3.2.5.1.~~	Section 347.	347.3.	B.	5.	b.	NA;
~~514.3.2.5.2.~~	Section 347.	347.3	B.	5.	c.	NA;
~~514.3.3.~~	Section 347.	347.3.	C.			Fees;
~~514.3.4.~~	Section 347.	347.5.	D.			Enforcement.
~~514.3.5.~~	Section 347.	347.3.	E.			NA;
~~515.~~	Section 311.					Interpretation.
~~515.1.~~	Section 311.	311.1.				Purpose.
~~515.2.~~	Section 311.	311.2.				Scope and Applicability.
~~515.3.~~	Section 311.	311.2.	D.			~~Government-Initiated Interpretation~~

OLD #	NEW #					TITLE
~~515.4.~~	Section 311.	311.3.				Application for Interpretation.
~~515.5.~~	Section 311.	311.4.				Action by ~~Planning Director~~Department Director.
~~515.6.~~	Section 311.	311.4.	A.			~~Standards.~~
~~515.7.~~	Section 311.	311.4.	--			~~Effect of Interpretation.~~
~~515.8.~~	Section 311.	311.5.				Official Record
~~516.~~	Ch. 3, Part X	_				Appeals.
~~516.1.~~	Section 370.					~~Purpose and Applicability~~Appeals of Administrative Decisions
~~516.2.~~	Section 370.	370.1.				~~Filing of Application and Notice of Appeal.~~Application.
~~516.3.~~	Section 370.	370.2.				~~Review.~~Hearing Scheduled
NA	Section 370.	370.3.				Department Director Recommendation
~~516.4.~~	Section 370.	370.4.				~~Action by the Board or Hearing Officer.Review and Decision~~
~~517~~	Section 351.	_				Environmental Preserve Management Plan (EPMP).
~~517.1.~~	Section 351.	351.1.				~~Purpose and Applicability~~EPMP Required.
~~517.2.~~	Section 351.	351.4.				~~Development Standards~~Review Criteria.
~~517.3.~~	Section 351.	351.2.				~~Information~~ Plan Requirements.
~~517.4.~~	Section 351.	351.3.				Review Procedures.
~~517.4.1.~~	Section 351.	351.3.	A.			~~Public Meeting Required~~Planning Commission Review
~~517.4.2.~~	Section 351.	351.3.	B.			Board of County Commission ~~Meeting~~Review.
~~517.4.3.~~	Section 351.	351.2.				~~Special Approval.~~
~~517.4.3.~~	Section 351.	351.3.				~~Special Approval.~~[moved]
~~517.4.4.~~	Section 351.	351.3.	C.			~~Specific Approval~~Modifications
~~517.4.5.~~	Section 351.	351.3.				~~Modification~~
~~517.5.~~	Section 351.	351.6.				Effect of Approval.
~~517.6.~~	Section 351.	351.5.				Other Permits Required.
~~518~~	Section 350.	_				Development Agreements.
~~518.1.~~	Section 350.	350.1.				Purpose and Intent.
~~518.2.~~	Section 350.	350.2.				Application.
~~518.3.~~	Section 350.	350.3.				Form of Agreement for Public Improvements.
~~518.4.~~	Section 350.	350.4.	A.			Staff Review.
NA	Section 350.	350.4.	B.			Standards of Review

OLD #	NEW #					TITLE
~~518.5.~~	Section 350.	350.4.				~~Standards of~~ Review Procedures
~~518.6.~~	Section 350.	350.4.	C.			Approval.
~~518.7.~~	Section 350.	350.4.	D.			Public Hearings~~; Notice.~~
~~518.8.~~	Section 350.	350.5.				Recording.
~~518.9.~~	Section 350.	350.6.				Administration of Development Agreements.
~~518.10.~~	Section 350.	350.7.				Application of Subsequently Adopted Local Laws and Policies.
~~519~~	Section 355.	_				Erosion and Sediment Control Plan .
~~519.1.~~	Section 355.	355.1.				Applicability.
~~519.2.~~	Section 355.	355.2.				Application Requirements.
~~519.3.~~	Section 355.	355.3.				On-Site Meeting.
~~519.4.~~	Section 355.	355.4.				Changes.
~~520~~	Section 352.	_				Public School Determinations of Consistency.
~~520.1.~~	Section 352.	352.1.				Purpose and Intent.
~~520.2.~~	Section 352.	352.2.				Applicability.
~~520.3.~~	Section 352.	352.2.				~~Reserved.~~
~~520.4.~~	Section 352.	352.3.				Review Procedures ~~for Application, Consideration, and Approval~~.
~~520.4.1.~~	Section 352.	352.3.	A.			Completeness.
~~520.4.2.~~	Section 352.	352.3.	B.			Statutory Time Limit.
~~520.4.3.~~	Section 352.	352.3.	C.			Board Consideration.
~~520.4.4.~~	Section 352.	352.3.	D.			Quasi-Judicial Procedures.
~~520.4.5.~~	Section 352.	352.3.	E.			Existing Schools.
~~520.4.6.~~	Section 352.	352.3.	F.			Compliance with Decision.
~~520.5.~~	Section 352.	352.4.				Standards and Criteria.
~~520.5.1.~~	Section 352.	352.4.	A.			Zoning Districts.
~~520.5.2.~~	Section 352.	352.4.	B.			Criteria for Approval.
~~520.5.3.~~	Section 352.	352.4.	C.			Conditions of Approval.
~~520.5.4.~~	Section 352.	352.4.	D.			Determination of, Agreement for, On-Site and Off-Site Improvements.
~~520.6.~~	Section 352.	352.6.				Effect of Determination of Consistency.
~~521~~	Section 353.	_				General Plans for Educational Facilities.
~~521.1.~~	Section 353.	353.1.				Purpose and Intent.

OLD #	NEW #					TITLE
~~521.2.~~	Section 353.	353.2.				Review Procedures~~ for Application, Consideration and Approval~~.
~~521.3.~~	Section 353.	353.2.	A.			~~Completeness~~Application.
~~521.4.~~	Section 353.	353.2.	B.			Board Consideration.~~521.5. Quasi-Judicial Procedures.~~
~~521.6.~~	Section 353.	353.3.				~~Standards and~~ Review Criteria.
~~521.7.~~	Section 353.	353.2.	C.			Conditions~~ of Approval.~~
~~521.8.~~	Section 352.	352.5.				~~Determination of, Agreement for,~~ On-Site and Off-Site Improvements.
~~521.9.~~	Section 346.	346.4.				Effect of Review and Consideration of General School Plan.
~~522.~~	Section 710.					Historic Landmark and District Designation.
~~522.1.~~	Section 710.	710.1.				Authority.
~~522.2.~~	Section 710.	710.2.				Purpose.
~~522.3.~~	Section 710.	710.3.				Criteria.
~~522.4.~~	Section 710.	710.4				Procedures.
~~522.4.1.~~	Section 710.	710.4.	A.			Applicant.
~~522.4.2.~~	Section 710.	710.4.	B.			Application.
~~522.4.2.1.~~	Section 710.	710.4.	B.	1.		NA;
~~522.4.2.2.~~	Section 710.	710.4.	B.	2.		NA;
~~522.4.3.~~	Section 710.	710.4.	C.			Notices.
~~522.4.4.~~	Section 710.	710.4.	D.			Recommendation.
~~522.5.~~	Section 710.	710.5.				Decision.
~~522.6.~~	Section 710.	710.6.				Permits.
~~522.7.~~	Section 710.	710.7.				Implementation.
~~522.7.1.~~	Section 710.	710.7.	A.			NA;
~~522.7.2.~~	Section 710.	710.7.	B.			NA;
~~522.7.3.~~	Section 710.	710.7.	C.			NA;
~~522.7.4.~~	Section 710.	710.7.	D.			NA;
~~522.7.5.~~	Section 710.	710.7.	E.			NA;
~~601.~~	Section 400.	400.8.				~~Districts Established.~~
~~602.~~	Section 401.	_				Standard Zoning Districts Established.
~~602.1.~~	Section 401.	_				~~Statements of Intent and General Requirements.~~
NA	Section 401.	401.1.				Purpose of Districts

OLD #	NEW #					TITLE
~~602.1.1.~~	Section 401.	401.1.	A.			~~Conservation. CON:~~ Conservation District (CON).
~~602.1.2.~~	Section 401.	401.1.	A.			~~Agricultural Districts.~~
~~602.1.2.1.~~	Section 401.	401.1.	B.			~~A:~~ General Agriculture District (A).
~~602.1.2.2.~~	Section 401.	401.1.	C.			~~A-1:~~ Agricultural Suburban District (A-1).
~~602.1.3.~~	Section 401.	401.1.	D.			~~Residential Districts.~~
~~602.1.3.1.~~	Section 401.	401.1.	E.			~~RSF-1:~~ Residential Single Family Districts (RSF-1, RSF-2, RSF-3, RSF-4.5, and RSF-6).
~~602.1.3.2.~~	Section 401.	401.1.	E.			~~RSF-2: Residential Single Family District.~~
~~602.1.3.3.~~	Section 401.	401.1.	E.			~~RSF-3: Residential Single Family District.~~
~~602.1.3.4.~~	Section 401.	401.1.	G.			~~RDD-3:~~ Residential Duplex Districts (RDD-3, RDD-4.5, RDD-6).
~~602.1.3.5.~~	Section 401.	401.1.	E.			~~RSF-4.5: Residential Single Family District.~~
~~602.1.3.6.~~	Section 401.	401.1.	F.			~~RSMH-4.5:~~ Residential Single Family ~~Manufactured~~ Mobile Home Districts (RSMH-4.5, and RSMH-6).
~~602.1.3.7.~~	Section 401.	401.1.	F.			~~RDD-4.5: Residential Duplex District .~~
~~602.1.3.8.~~	Section 401.	401.1.	F.			~~RSF-6: Residential Single Family District.~~
~~602.1.3.9.~~	Section 401.	401.1.	F.			~~RSMH-6: Residential Single Family Manufactured Home District.~~
~~602.1.3.10.~~	Section 401.	401.1.	F.			~~RDD-6: Residential Duplex District.~~
~~602.1.3.11.~~	Section 401.	401.1.	H.			~~RMF-6:~~ Residential-Multi-Family Districts (RMF-6, RMF-9).
~~602.1.3.12.~~	Section 401.	401.1.	H.			~~RMF-9: Residential-Multi-Family District.~~
~~602.1.4.~~	Section 401.	401.1.	H.			~~Office Districts.~~
~~602.1.4.1.~~	Section 401.	401.1.	I.			~~PR-S:~~ Professional~~-~~ Small and Medium Office Districts (PR-S and PR-M).
~~602.1.4.2.~~	Section 401.	401.1.	I.			~~PR-M: Professional-Medium Office District.~~
~~602.1.5.~~	Section 401.	401.1.	I.			~~Commercial Districts.~~
~~602.1.5.1.~~	Section 401.	401.1.	J.			~~NC-S:~~ Neighborhood Commercial ~~-~~Small and Medium Districts (NC-S and NC-M).
~~602.1.5.2.~~	Section 401.	401.1.	J.			~~NC-M: Neighborhood Commercial-Medium District.~~
~~602.1.5.3.~~	Section 401.	401.1.	K.			~~GC:~~ General Commercial District (GC).
~~602.1.5.4.~~	Section 401.	401.1.	L.			~~HC:~~ Heavy Commercial District (HC).
~~602.1.5.5.~~	Section 401.	401.1.	M.			~~CRVP: Commercial~~ Recreational Vehicle Park District (RVP).
~~602.1.6.~~	Section 401.	401.1.	M.			~~Industrial Districts.~~
~~602.1.6.1.~~	Section 401.	401.1.	N.			~~LM:~~ Light Manufacturing District (LM).
~~602.1.6.2.~~	Section 401.	401.1.	O.			~~HM:~~ Heavy Manufacturing District (HM).

OLD #	NEW #					TITLE
~~602.1.7.~~	Section 401.	401.1.	P.			~~EX:~~ Extraction District (EX).
~~602.1.8.~~	Section 401.	401.1.	Q.			~~MP-I:~~ Master Planned Institutional District (MP-I).
~~602.2.~~	Section 401.	401.2.				Schedule of Uses~~Permitted, Administrative and Special Uses by District~~.
~~602.2.1.~~	Section 401.	401.2.				~~Uncertain Classification.~~
~~602.3.~~	Section 401.	401.4.				Schedule of Area, Height, Bulk and Placement Regulations.
~~602.4~~	Section 401.	401.4.				~~Procedures for Extraction District [SEC. 602.4 MOVED TO CHAP. 5]~~
~~602.4.~~	Section 531.	531.30.				~~Procedures for Extraction District~~Mining Operations
~~602.4.1.~~	Section 531.	531.30.				~~Use Limitations.~~
~~602.4.1.1.~~	Section 531.	531.30.	A.			NA;
~~602.4.1.2.~~	Section 356.	_				Mining Activity Permitting
~~602.4.2.~~	Section 356.	356.1.				Review and Approval Procedures
~~602.4.2.1.~~	Section 356.	356.1.	A.			Pre-application Conference.
~~602.4.2.2.~~	Section 356.	356.1.				~~Application for Approval of Rezoning; General Development Review.~~
~~602.4.2.2.1.~~	Section 356.	356.1.	B.			Filing of Application.
~~602.4.2.3.~~	Section 356.	356.1.	C.			Review Procedures.
~~602.4.2.3.1.~~	Section 356.	356.1.	D.			Modifications
~~602.4.2.3.2.~~	Section 356.	356.1.	E.			Rezoning Application.
~~602.4.2.3.3.~~	Section 356.	356.1.	F.			Additional Information
~~602.4.2.3.4.~~	Section 356.	356.1.	G.			Amendment.
~~602.4.3.~~	Section 356.	356.2.				Deviations from Approved Plans.
~~602.4.4.~~	Section 531.	531.30.	D.			~~Effect on Other Laws.~~
~~602.5~~	Section 401.	401.1.	D.			~~VIL—~~Village Districts (Myakka City, Parrish, Rubonia) (VIL).
~~602.5.1.~~	Section 401.	401.1.	D.			~~Purpose and Intent.~~
~~602.5.2.~~	Section 531.	531.32.	G.			~~Manufactured Home Dwelling, Special Permit Renewals~~.
~~602.6.~~	Section 342.	342.5				~~Procedures~~Additional Requirements for Rezoning to ~~for~~ the MP-I District.
~~602.6.1.~~	Section 342.	342.5	--			~~Application for Approval of Rezoning; Institution Master Plan Review.~~
~~602.6.1.1.~~	Section 342.	342.5	A.			Filing of Application.
~~602.6.1.2.~~	Section 342.	342.5	B.			Review Procedures.
~~602.6.1.3.~~	Section 342.	342.5	C.			Institution Master Plan
~~602.6.1.4.~~	Section 342.	342.5	D.			Board of County Commissioner Approval

OLD #	NEW #					TITLE
~~602.6.2.~~	Section 342.	342.5	E.			Further Development Review Procedures
~~602.6.3.~~	Section 342.	342.5	F.			Uses Proposed.
~~602.6.4.~~	Section 342.	342.5	G.			Effect of Approval.
~~602.6.5.~~	Section 342.	342.5	H.			Modification.
~~602.6.6.~~	Section 342.	342.5	I.			Expiration.
~~602.6.7.~~	Section 342.	342.5	J.			Other Permits Required.
~~602.6.8.~~	Section 342.	342.5	K.			Revocability.
~~603.~~	Section 402.					Planned Development (PD) Districts
NA	Section 402.	402.1.				Generally
~~603.1.~~	Section 402.	402.1.	A.			Purpose and Intent.
NA	Section 402.	402.1.	B.			PD Designations
NA	Section 402.	402.2.				Consistency with the Comprehensive Plan and Other Ordinances
NA	Section 402.	402.2.	A.			Future Land Use Map
~~603.2.~~	Section 402.	402.3.				Planned Development, Defined.
~~603.3.~~	Section 402.	402.4.				Relation of ~~Planned Development~~PD Regulations to General Zoning, Subdivision or Other Regulations~~; Specific Approval to the Equal Satisfaction of Public Purposes~~
~~603.3.1.~~	Section 402.	402.4.	A.			NA;
~~603.3.2.~~	Section 402.	402.4.	B.			NA;
~~603.3.3.~~	Section 402.	402.4.	C.			NA;
~~603.3.4.~~	Section 402.	402.4.	D.			NA;
~~603.3.5.~~	Section 402.	402.4.	E.			NA;
NA	Section 402.	402.5.	A.			Schedule of Uses for PD Districts
~~603.4~~	Section 342.	342.4.	B.			Planned Districts – Review Criteria.
~~603.4.~~	Section 342.	342.4.	B.			~~Planned Districts—Review Criteria.~~
~~603.4.1.~~	Section 342.	342.4.	C.			Procedures for Planned Development Zoning Atlas Amendments.
~~603.4.1.1.~~	Section 342.	342.4.	C.	1		Applications for Planned Development Zoning.
~~603.4.1.2.~~	Section 342.	342.4.	C.	2		General Development Plan Requirements Where No Plan Exists
~~603.6.~~	Section 321.	321.5.				~~Changes in Approved General Development Plans.~~
~~603.6.1.~~	Section 321.	321.5.				~~Requests for Change.~~
~~603.6.2.~~	Section 321.	321.5.				~~Administrative Changes~~

OLD #	NEW #					TITLE
~~603.6.2.1.~~	Section 321.	321.5.				NA
~~603.6.3.~~	Section 321.	321.5.				~~Board Modifications~~
~~603.6.4.~~	Section 321.	321.5.				~~New Plans Required~~
~~603.7.~~	Section 402.	402.7.				PDR—Planned Development Residential.
~~603.7.1.~~	Section 402.	402.7.	A.			Intent.
~~603.7.2.~~	Section 402.	402.7.	B.			Permitted Uses.
~~603.7.3.~~	Section 402.	402.7.	C.			Density.
~~603.7.4.~~	Section 402.	402.7.	D.			~~Specific and Review Criteria~~PDR Standards .
~~603.7.4.1.~~	Section 402.	402.7.	D.	1		Site Planning.
~~603.7.4.2.~~	Section 402.	402.7.	D.	2		Landscaped Open Space and Pervious Area Requirements.
~~603.7.4.3.~~	Section 402.	402.7.	D.	3		Frontage and Accessibility.
~~603.7.4.4.~~	Section 402.	402.7.	D.	4		Neighborhoods.
~~603.7.4.5.~~	Section 402.	402.7.	D.	5		Greenbelts.
~~603.7.4.6.~~	Section 402.	402.7.	D.	6		Traffic Circulation.
~~603.7.4.7.~~	Section 402.	402.7.	D.	7		Yards and Setbacks.
~~603.7.4.8.~~	Section 402.	402.7.	D.	8		Minimum Lot Width.
~~603.7.4.9.~~	Section 402.	402.7.	D.	9		Building Height.
~~603.7.4.9.1.~~	Section 402.	402.7.				~~Architectural Plans Required.~~
~~603.8.~~	Section 402.	402.8.				PDMH—Planned Development Mobile Home.
~~603.8.1.~~	Section 402.	402.8.	A.			Intent.
~~603.8.2.~~	Section 402.	402.8.	B.			Permitted Uses and Density/Intensity.
~~603.8.3.~~	Section 402.	402.8.	C.			Permitted Accessory Uses and Structures.
~~603.8.4.~~	Section 402.	402.8.	D.			~~Review Criteria~~PDMH Standards.
~~603.8.4.1.~~	Section 402.	402.8.	D.	1		Nature of Surrounding Land Uses.
~~603.8.4.2.~~	Section 402.	402.8.	D.	2		Access.
~~603.8.4.3.~~	Section 402.	402.8.	D.	3		Site Plan Sufficiency.
~~603.8.4.4.~~	Section 402.	402.8.	D.	4.		Site Conditions.
~~603.8.4.4.1.~~	Section 402.	402.8.	D.	4.	a.	Flood Hazards.
~~603.8.4.4.2.~~	Section 402.	402.8.	D.	4.	b.	NA;

OLD #	NEW #					TITLE
~~603.8.5.~~	Section 402.	402.8.	E.			Required Improvements for All Areas Except Designated Camping Areas.
~~603.8.5.1.~~	Section 402.	402.8.	E.	1		Generally.
~~603.8.5.2.~~	Section 402.	402.8.	E.	2		Utilities.
~~603.8.5.3.~~	Section 402.	402.8.	E.	3		Parking Pads and Tie-Downs Required.
~~603.8.5.4.~~	Section 402.	402.8.	E.	4		Garbage and Trash.
~~603.8.5.5.~~	Section 402.	402.8.	E.	5		Required Recreation/Storm Shelter Building.
~~603.8.5.6.~~	Section 402.	402.8.	E.	6		Application Requirements.
~~603.8.5.7.~~	Section 402.	402.8.	E.	7		Review.
~~603.9.~~	Section 402.	402.9.				PDRV—Planned Development Recreational Vehicle.
~~603.9.1.~~	Section 402.	402.9.	A.			Intent.
~~603.9.2.~~	Section 402.	402.9.	B.			Permitted Uses and Density/Intensity.
~~603.9.3.~~	Section 402.	402.9.	C.			Permitted Accessory Uses and Structures for the Park or Subdivision.
~~603.9.3.1.~~	Section 402.	402.9.	C.	1		NA;
~~603.9.3.2.~~	Section 402.	402.9.	C.			~~Non-commercial low intensity recreational facilities;~~
~~603.9.3.3.~~	Section 402.	402.9.	C.	2		NA;
~~603.9.4.~~	Section 402.	402.9.	D.			Review Criteria.
~~603.9.4.1.~~	Section 402.	402.9.	D.	1		Nature of Surrounding Land Uses.
~~603.9.4.2.~~	Section 402.	402.9.	D.	2		Access.
~~603.9.4.3.~~	Section 402.	402.9.	D.	3		Site Plan Sufficiency.
~~603.9.4.4.~~	Section 402.	402.9.	D.	4		Site Conditions, Flood Hazards.
~~603.9.5.~~	Section 402.	402.9.	E.			Required Improvements for All Areas Except Designated Camping Areas.
~~603.9.5.1.~~	Section 402.	402.9.	E.	1		Generally.
~~603.9.5.2.~~	Section 402.	402.9.	E.	2		Utilities.
~~603.9.5.3.~~	Section 402.	402.9.	E.	3		Parking Pads and Tie-Downs Required.
~~603.9.5.4.~~	Section 402.	402.9.	E.	4		Garbage and Trash.
~~603.9.5.5.~~	Section 402.	402.9.	E.	5		Required Recreation/Emergency Storm Shelter Building.
~~603.9.6.~~	Section 402.	402.9.	F.			Required Improvements for Designated Camping Areas.
~~603.9.6.1.~~	Section 402.	402.9.	F.	1		~~Streets.~~
~~603.9.6.2.~~	Section 402.	402.9.	F.	2		~~Parking Pads.~~
~~603.9.6.3.~~	Section 402.	402.9.	F.	3		NA;

OLD #	NEW #					TITLE
~~603.9.6.4.~~	Section 402.	402.9.	F.	4		~~Sanitary Facilities.~~
~~603.9.7.~~	Section 402.	402.9.	G.			Additions and Accessory Uses.
~~603.9.8.~~	Section 402.	402.9.	H.			Application Requirements.
~~603.9.9.~~	Section 402.	402.9.	I.			Review.
~~603.9.10.~~	Section 402.	402.9.	J.			Limitations.
~~603.9.11.~~	Section 402.	402.9.	K.			Time Limitations.
~~603.10.~~	Section 402.	402.10.				PDO—Planned Development Office.
~~603.10.1.~~	Section 402.	402.10.	A.			Intent.
~~603.10.2.~~	Section 402.	402.10.	B.			Permitted Uses.
~~603.10.3.~~	Section 402.	402.10.	C.			Maximum Floor Area Ratio and Project Size.
~~603.10.4.~~	Section 402.	402.10.	D.			Standards and Review Criteria.
~~603.10.4.1.~~	Section 402.	402.10.	D.	1		Intensity Review Criteria.
~~603.10.4.2.~~	Section 402.	402.10.	D.	2		Landscaped Open Space and Pervious Area Requirements.
~~603.10.4.3.~~	Section 402.	402.10.	D.	3		Yards and Setbacks.
~~603.11.~~	Section 402.	402.11.				PDC—Planned Development Commercial.
~~603.11.1.~~	Section 402.	402.11.	A.			Intent.
~~603.11.2.~~	Section 402.	402.11.	B.			Permitted Uses.
~~603.11.3.~~	Section 402.	402.11.	C.			Permitted Accessory Uses and Structures.
~~603.11.4.~~	Section 402.	402.11.	D.			Standards and Review Criteria.
~~603.11.4.1.~~	Section 402.	402.11.	D.	1		Intensity.
~~603.11.4.2.~~	Section 402.	402.11.	D.	2		Landscaped Open Space and Pervious Area Requirements.
~~603.11.4.3.~~	Section 402.	402.11.	D.	3		Yards and Setbacks.
~~603.12.~~	Section 402.	402.12.				PDRP—Planned Development Research Park.
~~603.12.1.~~	Section 402.	402.12.	A.			Intent.
~~603.12.2.~~	Section 402.	402.12.	C.			Permitted Uses.
~~603.12.3.~~	Section 402.	402.12.	D.			Permitted Accessory Uses and Structures.
~~603.12.4.~~	Section 402.	402.12.	E.			Standards and Review Criteria.
~~603.12.4.1.~~	Section 402.	402.12.	E.	1		Intensity.
~~603.12.4.2.~~	Section 402.	402.12.	E.	2		Landscaped Open Space and Pervious Area Requirements.
~~603.12.4.3.~~	Section 402.	402.12.	E.	3		Yards and Setbacks.

OLD #	NEW #					TITLE
~~603.12.4.4.~~	Section 402.	402.12.	E.	4		Limitation on Open Air Operations.
~~603.12.4.5.~~	Section 402.	402.12.	E.	5		External Effects.
~~603.13.~~	Section 402.	402.13.				PDI—Planned Development Industrial.
~~603.13.1.~~	Section 402.	402.13.	A.			Intent.
~~603.13.2.~~	Section 402.	402.13.	C.			Permitted Uses.
~~603.13.3.~~	Section 402.	402.13.				~~Accessory Uses .~~
~~603.13.4.~~	Section 402.	402.13.	D.			Standards and Review Criteria.
~~603.13.4.1.~~	Section 402.	402.13.	D.	1		Intensity.
~~603.13.4.2.~~	Section 402.	402.13.	D.	2		Landscaped Open Space and Pervious Area Requirements.
~~603.13.4.3.~~	Section 402.	402.13.	D.	3		Yards and Setbacks.
~~603.13.4.4.~~	Section 402.	402.13.	D.	4		~~Operations,~~ Required Enclosures.
~~603.13.4.5.~~	Section 402.	402.13.	E.			Off-street Loading, Travelways and Parking Areas.
~~603.13.4.6.~~	Section 402.	402.13.	F.			Disposal of Waste—Required Approval.
~~603.14.~~	Section 402.	402.14.				PDW—Planned Development Waterfront .
~~603.14.1.~~	Section 402.	402.14.	A.			Intent.
~~603.14.1.1.~~	Section 402.	402.14.	A.	1		NA;
~~603.14.1.2.~~	Section 402.	402.14.	A.	2		NA;
~~603.14.1.3.~~	Section 402.	402.14.	A.	3		NA;
~~603.14.1.4.~~	Section 402.	402.14.	A.	4		NA;
~~603.14.1.5.~~	Section 402.	402.14.	A.	5		NA;
~~603.14.1.6.~~	Section 402.	402.14.	A.	6		NA;
~~603.14.1.7.~~	Section 402.	402.14.	A.	7		NA;
~~603.14.2.~~	Section 402.	402.14.	B.			Permitted Uses.
~~603.14.3.~~	Section 402.	402.14.				~~Accessory Uses.~~
~~603.14.4.~~	Section 402.	402.14.	C.			Review Criteria.
~~603.14.5.~~	Section 402.	402.14.	D.			Operational Guidelines.
~~603.14.6.~~	Section 402.	402.14.	E.			Design Standards for Allowed Uses or Special Uses.
~~603.14.6.1.~~	Section 402.	402.14.	E.	1		Generally.
~~603.14.6.2.~~	Section 402.	402.14.	E.	2		Prohibitions.
~~603.14.6.3.~~	Section 402.	402.14.	E.	3		Location of Non-water-de-pendent Accessory Uses.

OLD #	NEW #					TITLE
~~603.14.6.4.~~	Section 402.	402.14.	E.	4		Requirement for Restoration of Damaged Shoreline Areas.
~~603.14.6.5.~~	Section 402.	402.14.	E.	5		Limitation of Accessory uses.
~~603.14.7.~~	Section 402.	402.14.	F.			Special Design Standards Applying Within Buffers or Setbacks Adjacent to Shorelines.
~~603.14.7.1.~~	Section 402.	402.14.	F.	1		Native Vegetation.
~~603.14.7.2.~~	Section 402.	402.14.	F.	2		Point Source and Non-Point Source Discharges.
~~603.14.7.3[a].~~	Section 402.	402.14.	F.	3		Dredging.
~~603.14.7.3[b].~~	Section 402.	402.14.	F.	4		Septic Tanks.
~~603.14.7.4.~~	Section 402.	402.14.	F.	5		Native Vegetation.
~~603.14.8.~~	Section 402.	402.14.	F.	6		Dimensional Regulations.
~~603.14.9.~~	Section 402.	402.14.	F.	7		Design Standards.
~~603.14.10.~~	Section 402.	402.14.	F.	8		Waterfront Structures. (See Section 734.)
~~603.14.11.~~	Section 402.	402.14.	F.	9		Water Dependent Uses.
~~603.15.~~	Section 402.	402.15.				PDPI—Planned Development Public Interest.
~~603.15.1.~~	Section 402.	402.15.	A.			Intent.
~~603.15.2.~~	Section 402.	402.15.	B.			Permitted Uses.
~~603.15.3.~~	Section 402.	402.15.	C.			Standards and Review Criteria.
~~603.15.3.1.~~	Section 402.	402.15.	C.			~~Dimensional/Intensity Regulations.~~
~~603.15.4.~~	Section 402.	402.15.	D.			Landscaped Open Space and Pervious Area Requirements.
~~603.16.~~	Section 402.	402.16.				PDMU—Planned Development Mixed Use.
~~603.16.1.~~	Section 402.	402.16.	A.			Intent.
~~603.16.2.~~	Section 402.	402.16.	B.			Site Plans.
~~603.16.3.~~	Section 402.	402.16.	C.			Permitted Uses.
~~603.17.~~	Section 402.	402.17.				PDUI—Planned Development Urban Industrial.
~~603.17.1.~~	Section 402.	402.17.	A.			Purpose and Intent.
~~603.17.2.~~	Section 402.	402.17.	B.			Permitted Uses.
~~603.17.3.~~	Section 402.	402.17.	C.			Permitted Accessory Uses and Structures.
~~603.17.4.~~	Section 402.	402.17.	D.			Review Process.
~~603.17.4.1.~~	Section 402.	402.17.	E.			Expiration.
~~603.17.5.~~	Section 402.	402.17.	F.			Dimensional Regulations.
~~603.17.6.~~	Section 402.	402.17.	G.			Review Criteria.

OLD #	NEW #					TITLE
~~603.17.6.1.~~	Section 402.	402.17.	G.			~~Generally.~~
~~603.17.6.1.1.~~	Section 402.	402.17.	G.	1		Buffering.
~~603.17.6.1.2.~~	Section 402.	402.17.	G.	2		Access.
~~603.17.6.1.3.~~	Section 402.	402.17.	G.	3		Signage/Lighting.
~~603.17.7.~~	Section 402.	402.17.	H.			Effect of Approval.
~~603.18.~~	Section 402.	402.18.				PDPM—Planned Development Port Manatee.
~~603.18.1.~~	Section 402.	402.18.	A.			Purpose and Intent.
~~603.18.2.~~	Section 402.	402.18.	B.			Area of Applicability.
~~603.18.3.~~	Section 402.	402.18.	C.			Permitted Uses.
~~603.18.4.~~	Section 402.	402.18.	D.			Accessory Uses.
~~603.18.5.~~	Section 402.	402.18.	D.			NA;
~~603.18.6.~~	Section 402.	402.18.	E.			Development Standards.
~~603.18.6.1.~~	Section 402.	402.18.	E.	1		NA;
~~603.18.6.2.~~	Section 402.	402.18.	E.	2		~~Other Requirements.~~
~~603.18.7.~~	Section 402.	402.18.	F.			Review Process.
~~603.18.7.1.~~	Section 402.	402.18.	F.			Plan Expiration.
~~603.19.~~	Section 402.	402.19.				PDGC—Planned Development Golf Course.
~~603.19.1.~~	Section 402.	402.19.	A.			Intent.
~~603.19.2.~~	Section 402.	402.19.	B.			Permitted Uses and Structures.
~~603.19.3.~~	Section 402.	402.19.	C.			Permitted Accessory Uses and Structures.
~~603.19.4.~~	Section 402.	402.19.	D.			Site Plan/General Development Plan Requirements.
~~603.19.5.~~	Section 402.	402.19.	E.			Standards and Review Criteria.
~~603.19.5.1.~~	Section 402.	402.19.	E.	1		Intensity.
~~603.19.5.2.~~	Section 402.	402.19.	E.	2		Yards and Setbacks.
~~603.20.~~	Section 402.	402.20.				PDA—Planned Development Agriculture.
~~603.20.1.~~	Section 402.	402.20.	A.			Intent.
~~603.20.2.~~	Section 402.	402.20.	B.			Limitations on Applicability.
~~603.20.3.~~	Section 402.	402.20.	C.			Permitted Uses.
NA	Section 402.	402.20.	C.	1.		NA;
~~603.20.3.1.~~	Section 402.	402.20.	C.	2		~~Accessory Uses.~~

OLD #	NEW #					TITLE
~~603.20.3.2.~~	Section 402.	402.20.	C.	3		NA;
~~603.20.4.~~	Section 402.	402.20.	D.			Density.
~~603.20.5.~~	Section 402.	402.20.	E.			Specific Review Criteria.
~~603.20.5.1.~~	Section 402.	402.20.	E.	1		Site Planning.
~~603.20.5.2.~~	Section 402.	402.20.	E.	2		Landscaped Open Space and Pervious Area Requirements.
~~603.20.5.3.~~	Section 402.	402.20.	E.	3		Ownership and Maintenance of Open Space/Common Areas.
~~603.20.5.4.~~	Section 402.	402.20.	E.	4		Frontage and Accessibility.
~~603.20.5.4.1.~~	Section 402.	402.20.	E.	5		Pedestrian and Non-Vehicular Systems.
~~603.20.5.5.~~	Section 402.	402.20.	E.	6		Layout and Design.
~~603.20.5.5.1.~~	Section 402.	402.20.	E.	7		Water Resources.
~~603.20.5.6.~~	Section 402.	402.20.	E.	8		Traffic Circulation.
~~603.20.5.6.1.~~	Section 402.	402.20.	E.	9		Parking and Loading for Rural Villages.
~~603.20.5.7.~~	Section 402.	402.20.	E.	10		Yards and Setbacks.
~~603.20.5.7.1.~~	Section 402.	402.20.	E.	11		Rural Village Size Limitations.
~~603.20.5.8.~~	Section 402.	402.20.	E.	12		Minimum Lot Width.
~~603.20.5.9.~~	Section 402.	402.20.	E.	13		Minimum Lot Size and Density.
~~603.20.6.~~	Section 402.	402.20.	F.			Phasing.
~~603.20.7.~~	Section 402.	402.20.	G.			Notice.
~~603.20.8.~~	Section 402.	402.20.	H.			Notice to Homebuyers.
~~603.21.~~	Section 402.	402.21.				PDEZ—Planned Development Encouragement Zone.
~~603.21.1.~~	Section 402.	402.21.	A.			Purpose and Intent.
~~603.21.2.~~	Section 402.	402.21.	B.			Area of Applicability.
~~603.21.3.~~	Section 402.	402.21.	C.			Permitted Uses.
~~603.21.4.~~	Section 402.	402.21.	C.			~~Accessory Uses.~~
~~603.21.5.~~	Section 402.	402.21.	C.			~~Conditional Uses.~~
~~603.21.6.~~	Section 402.	402.21.	D.			Development Standards.
~~603.21.6.1.~~	Section 402.	402.21.	D.	1		Roadway Buffers.
~~603.21.6.2.~~	Section 402.	402.21.	D.	2		Compatibility and Screening Buffers.
~~603.21.6.3.~~	Section 402.	402.21.	D.	3		Exemptions.
~~603.21.6.4.~~	Section 402.	402.21.	D.	4		Connectivity.

OLD #	NEW #					TITLE
~~603.21.6.5.~~	Section 402.	402.21.	D.	5		Intensity of Use.
~~603.21.7.~~	Section 402.	402.21.	E.			Review Process.
~~603.21.7.1.~~	Section 402.	402.21.	F.			Plan Expiration.
~~604~~	Section 403.					Overlay Districts
~~604.1~~	Section 403.	403.10.				~~*WPE: Evers Reservoir*~~ *Watershed Protection Overlay District**s (WP***
~~604.1.1~~	Section 403.	403.10.	A.			Purpose and Intent.
NA	Section 403.	403.10.	B.			Designated Watershed Overlay Districts
~~604.1.2.~~	Section 403.	403.10.	C.			Use Limitations and Standard.
NA	Section 403.	403.10.	C.	1.		Agricultural Uses
~~604.1.2.1.~~	Section 403.	403.10.	C.	2		Public Sewer Required (WPE only).
~~604.1.2.2.~~	Section 403.	403.10.	C.	3		Septic Tanks and Drainfields.
~~604.1.2.3.~~	Section 403.	403.10.	C.	4		Stormwater Management.
~~604.1.2.4.~~	Section 403.	403.10.	C.	6		Restrictions on Industrial, Mining and Major Earthmoving Activities.
~~604.1.2.5.~~	Section 403.	403.10.	C.	7		Industrial Waste.
~~604.1.2.6.~~	Section 403.	403.10.	C.	8		Hazardous Waste.
~~604.1.2.7.~~	Section 403.	403.10.	C.	9		Nonpoint Sources.
~~604.1.2.8.~~	Section 403.	403.10.	C.	10		Landfills and Wastewater Treatment.
~~604.1.2.9.~~	Section 403.	403.10.	C.	11		Treated Effluent and Sludge.
~~604.1.2.10.~~	Section 403.	403.10.	C.	12		Impervious Surface Reduction.
~~604.1.2.11.~~	Section 403.	403.10.	C.	13		Aviation Facilities.
~~604.1.2.12.~~	Section 403.	403.10.	C.	14		Feedlots.
~~604.1.2.13.~~	Section 403.	403.10.	C.	15		Watershed Acreage/Open Space.
~~604.1.2.14.~~	Section 403.	403.10.	C.	16		Asphalt and Concrete Plants and Recovery Facilities.
~~604.1.2.15.~~	Section 403.	403.10.	C.	17		Recreational Uses.
~~604.1.2.16.~~	Section 403.	403.10.	C.	18		Clay Settling Ponds.
~~604.1.3.~~	Section 403.	403.10.	D.			Effect on Other Law.
~~604.2.~~	Section 403.	403.10.	D.			~~WPM: Lake Manatee Reservoir Watershed Protection Overlay District.~~
~~604.2.1.~~	Section 403.	403.10.	D.			~~Purpose and Intent.~~
~~604.2.2.~~	Section 403.	403.10.	D.			~~Use Limitations and Standard.~~
~~604.2.2.1.~~	Section 403.	403.10.	D.			~~Septic Tanks and Drainfields.~~

OLD #	NEW #					TITLE
~~604.2.2.2.~~	Section 403.	403.10.	C.	5		Stormwater Runoff (WPM only).
~~604.2.2.3.~~	Section 403.	403.10.	D.			~~Restrictions on Industrial, Mining and Major Earthmoving Activities.~~
~~604.2.2.4.~~	Section 403.	403.10.	D.			~~Industrial Waste.~~
~~604.2.2.5.~~	Section 403.	403.10.	D.			~~Hazardous Waste.~~
~~604.2.2.6.~~	Section 403.	403.10.	D.			~~Nonpoint Sources.~~
~~604.2.2.7.~~	Section 403.	403.10.	D.			~~Landfills and Wastewater Treatment.~~
~~604.2.2.8.~~	Section 403.	403.10.	D.			~~Treated Effluent and Sludge.~~
~~604.2.2.9.~~	Section 403.	403.10.	D.			~~Impervious Surface Reduction.~~
~~604.2.2.10.~~	Section 403.	403.10.	D.			~~Aviation Facilities.~~
~~604.2.2.11.~~	Section 403.	403.10.	D.			~~Feedlots.~~
~~604.2.2.12.~~	Section 403.	403.10.	D.			~~Watershed Acreage/Open Space.~~
~~604.2.2.13.~~	Section 403.	403.10.	D.			~~Asphalt and Concrete Plants and Recovery Facilities.~~
~~604.2.2.14.~~	Section 403.	403.10.	D.			~~Recreational Uses.~~
~~604.2.2.15.~~	Section 403.	403.10.	D.			~~Clay Settling Ponds.~~
~~604.2.3.~~	Section 403.	403.10.	D.			~~Effect on Other Law.~~
~~604.3.~~	Section 403.	403.8.				~~CH:~~ Coastal High Hazard Area Overlay District (CH).
~~604.3.1.~~	Section 403.	403.8.	A.			Purpose.
~~604.3.2.~~	Section 403.	403.8.	B.			Effect of Mapping/Approvals Required.
~~604.3.3.~~	Section 403.	403.8.	C.			Prohibited Uses/Activities.
~~604.3.4.~~	Section 403.	403.8.	D.			Limitations on Permitted Uses.
~~604.3.5.~~	Section 403.	403.8.	E.			Setback Requirements and Wetland Buffers.
~~604.3.5.1.~~	Section 403.	403.8.	E.	1		Minimum Setback.
~~604.3.5.2.~~	Section 403.	403.8.	E.	2		Wetland Buffer Adjacent to Special Waters.
~~604.3.5.3.~~	Section 403.	403.8.	E.	3		Upland Preservation.
~~604.3.6.~~	Section 403.	403.8.	F.			Application Submission Requirements.
~~604.3.7.~~	Section 403.	403.8.	G.			~~Standards~~ Review Criteria
~~604.3.8.~~	Section 403.	403.8.	H.			Reconstruction of Structures.
~~604.3.9.~~	Section 403.	403.8.	I.			Warning and Disclaimer of Liability.
~~604.3.10.~~	Section 403.	403.8.	J.			Cumulative Impacts.
~~604.3.11.~~	Section 403.	403.8.	K.			Development adjacent to Terra Ceia Aquatic Preserve.

OLD #	NEW #					TITLE
~~604.3.11.1.~~	Section 403.	403.8.	K.			NA;
~~604.4.~~	Section 403.	403.9.				~~ST:~~ Special Treatment Overlay District **(ST)**.
~~604.4.1.~~	Section 403.	403.9.	A.			Purpose and Intent.
~~604.4.2.~~	Section 403.	403.9.	B.			Definitions.
~~604.4.2.1.~~	Section 403.	403.9.	B.			Industrial Use.
~~604.4.2.2.~~	Section 403.	403.9.	B.			Major Earthmoving.
~~604.4.2.3.~~	Section 403.	403.9.	B.			Mining Activities.
~~604.4.2.4.~~	Section 403.	403.9.	B.			Best Possible Technology.
~~604.4.3.~~	Section 403.	403.9.	C.			Exemptions.
~~604.4.4.~~	Section 403.	403.9.	D.			Considerations in the Review of Atlas Amendments.
~~604.4.4.1.~~	Section 403.	403.9.	D.	1		NA;
~~604.4.4.2.~~	Section 403.	403.9.	D.	2		NA;
~~604.4.4.3.~~	Section 403.	403.9.	D.	3		NA;
~~604.4.4.4.~~	Section 403.	403.9.	D.	4		NA;
~~604.4.4.5.~~	Section 403.	403.9.	D.	5		NA;
~~604.4.5.~~	Section 403.	403.9.	E.			Use Regulations.
~~604.4.5.1.~~	Section 403.	403.9.	E.	1		Restrictions on Industrial, Mining and Major Earthmoving Activities.
~~604.4.5.2.~~	Section 403.	403.9.	E.	2		Conditions for Approval of Industrial, Mining and Major Earthmoving Activities.
~~604.4.5.3.~~	Section 403.	403.9.	E.	3		Determination of Best Possible Technology.
~~604.4.5.3.1.~~	Section 403.	403.9.	E.	3	a.	NA;
~~604.4.5.3.2.~~	Section 403.	403.9.	E.	3	b.	NA;
~~604.4.6.~~	Section 403.	403.9.	F.			Effect on Other Laws.
NA	Section 403.	403.1.				Overlay Districts Established
~~604.5.~~	Section 403.	403.2.				Airport Impact (AI) Overlay District
~~604.5.1.~~	Section 403.	403.2.	A.			Purpose.
	Section 403.	403.2.	D.	1.		Land Use
~~604.5.2.~~	Section 403.	403.2.	D.	2.		~~Planned Development~~ Review Required~~.~~
~~604.5.3.~~	Section 403.	403.2.	D.			Noise Regulations ~~Sensitive Areas~~.
~~604.5.4.~~	Section 403.	403.2.	D.	3.		Allowable Interior Noise Levels.
~~604.5.5.~~	Section 403.	403.2.	D.	3.		~~Evidence of Compliance with Allowable Interior Noise Levels.~~

OLD #	NEW #					TITLE
~~604.5.5.1.~~	Section 403.	403.2.	D.	4.		~~Evidence of Compliance with Allowable Interior Noise Levels Prior to Issuance of Building Permits~~ Uses Requiring Special Consideration.
NA	Section 403.	403.2.	D.	4.	a.	Acoustical Analysis
~~604.5.5.2.~~	Section 403.	403.2.	D.	4.	b.	~~Evidence of Compliance with Allowable Interior Noise Levels Prior to Issuance of Certificate of Occupancy~~ Field Testing
~~604.5.5.3.~~	Section 403.	403.2.	D.	4.	c.	~~Failure to Comply with Allowable Interior Noise Levels~~ Interior Noise Level Waiver.
~~604.5.5.4.~~	Section 403.	403.2.	D.	4.	c.	~~Waiver for Redevelopment of Existing Structures.~~
~~604.5.6.~~	Section 403.	403.2.	B.			Applicability~~Rezoning Criteria~~.
~~604.5.7.~~	Section 403.	403.2.	C.			Exemptions and Waivers
~~604.5.7.1.~~	Section 403.	403.2.	C.			~~Redevelopment of Existing Structures and Parcels.~~
~~604.5.7.2.~~	Section 403.	403.2.	C.			~~Lot of Record .~~
~~604.6.~~	Section 403.	403.5.				~~HA:~~ **Historical and Archaeological Overlay District** (HA)
~~604.6.1.~~	Section 403.	403.5.	A.			~~Purpose and Intent.~~ District Designation
~~604.6.2.~~	Section 403.	403.5.	B.			~~Purposes of Regulation Relating to HA Districts .~~
~~604.6.3.~~	Section 403.	403.5.	C.			~~Effect of HA~~ Districts ~~Designation~~.
~~604.6.4.~~	Section 403.	403.5.	D.			Historic Preservation Board.
~~604.6.5.~~	Section 403.	403.5.	E.			~~Procedures for Designation and Adoption of HA Districts.~~
~~604.6.5.1.~~	Section 403.	403.5.	F.			~~Criteria for Designation of HA~~ Historic Districts.
~~604.6.6.~~	Section 403.	403.5.	G.			~~Procedures for Designation of HA~~ Districts~~:~~
~~604.6.6.1.~~	Section 403.	403.5.	G.			NA;
~~604.6.7.~~	Section 403.	403.5.	H.			~~Description of Historical and Archaeological Overland Overlay Districts.~~
~~604.6.8.~~	Section 403.	403.5.	I.			Specific District Standards.
~~604.6.8.1.~~	Section 403.	403.5.	I.	1		Cortez Fishing Village Historical and Archaeological Overlay District.
~~604.6.8.1.1.~~	Section 403.	403.5.	I.	1	a.	New Construction.
~~604.6.8.1.1.1.~~	Section 403.	403.5.	I.	1	a.	i. NA;
~~604.6.8.1.1.2.~~	Section 403.	403.5.	I.	1	a.	ii. NA;
~~604.6.8.1.1.3.~~	Section 403.	403.5.	I.	1	a.	iii. NA;
~~604.6.8.1.1.4.~~	Section 403.	403.5.	I.	1	a.	iv. NA;
~~604.6.8.1.1.5.~~	Section 403.	403.5.	I.	1	a.	v. NA;

OLD #	NEW #					TITLE
~~604.6.8.1.2.~~	Section 403.	403.5.	I.	1	b.	Special Regulations for Residential Properties.
~~604.6.8.1.2.1.~~	Section 403.	403.5.	I.	1	b.	i. Exemptions.
~~604.6.8.1.2.1.1.~~	Section 403.	403.5.	I.	1	b.	i.(a) NA;
~~604.6.8.1.2.1.2.~~	Section 403.	403.5.	B.	1	b.	i.(b) NA;
~~604.6.8.1.2.1.3.~~	Section 403.	403.5.	B.	1	b.	i.(c) NA;
~~604.6.8.1.2.2.~~	Section 403.	403.5.	B.	1	b.	ii. Restrictions.
~~604.6.8.1.2.2.1.~~	Section 403.	403.5.	B.	1	b.	ii.(a) NA;
~~604.6.8.1.2.2.2.~~	Section 403.	403.5.	B.	1	b.	ii.(b) NA;
~~604.6.8.1.3.~~	Section 403.	403.5.	B.	1	c.	Special Regulations for Commercial Properties.
~~604.6.8.1.3.1.~~	Section 403.	403.5.	B.	1	c.	c NA;
~~604.6.8.1.3.1.1.~~	Section 403.	403.5.	B.	1	c.	i.(a) NA;
~~604.6.8.1.3.1.2.~~	Section 403.	403.5.	B.	1	c.	i.(b) NA;
~~604.6.8.1.3.1.3.~~	Section 403.	403.5.	B.	1	c.	i.(c) NA;
~~604.6.8.1.3.1.4.~~	Section 403.	403.5.	B.	1	c.	i.(d) NA;
~~604.6.8.1.3.2.~~	Section 403.	403.5.	B.	1	c.	ii. NA;
~~604.6.8.1.4.~~	Section 403.	403.5.	B.	1	d.	Special Regulations for Waterfront Properties.
~~604.6.8.1.4.1.~~	Section 403.	403.5.	B.	1	d.	i. NA;
~~604.6.8.1.4.2.~~	Section 403.	403.5.	B.	1	d.	ii. NA;
~~604.6.8.1.4.3.~~	Section 403.	403.5.	B.	1	d.	iii. NA;
~~604.6.8.1.4.4.~~	Section 403.	403.5.	B.	1	d.	iv. NA;
~~604.7.~~	Section 403.	403.13.				~~WR:~~ Whitfield Residential Overlay District **(WR)**.
~~604.7.1.~~	Section 403.	403.13.	A.			Purpose and Intent.
~~604.7.2.~~	Section 403.	403.13.	B.			Boundaries.
~~604.7.3.~~	Section 403.	403.13.	C.			Use and Dimensional Regulations.
~~604.7.3.1.~~	Section 403.	403.13.	C.	1		Front Yard Setbacks.
~~604.7.3.2.~~	Section 403.	403.13.	C.	2		Minimum Floor Area.
~~604.7.3.3.~~	Section 403.	403.13.	C.	3		Accessory Uses and Structures.
~~604.7.3.4.~~	Section 403.	403.13.	C.	4		Fences and Hedges.
~~604.7.3.4.1.~~	Section 403.	403.13.	C.	4		NA;
~~604.7.3.5.~~	Section 403.	403.13.	C.	5		Parking of Restricted Vehicles.

OLD #	NEW #					TITLE
~~604.8.~~	Section 403.	403.14.				Restricted Vehicle Overlay District
~~604.8.1.~~	Section 403.	403.14.	A.			Purpose and Intent.
~~604.8.2.~~	Section 403.	403.14.	B.			Boundaries.
~~604.8.3.~~	Section 403.	403.14.	C.			Additional Boundaries.
~~604.8.3.1.~~	Section 403.	403.14.	C.	1		NA;
~~604.8.3.2.~~	Section 403.	403.14.	C.	2		NA;
~~604.8.4.~~	Section 403.	403.14.	D.			Exemptions.
~~604.8.4.1.~~	Section 403.	403.14.	D.	1		NA;
~~604.8.4.2.~~	Section 403.	403.14.	D.	2		NA;
~~604.8.5.~~	Section 403.	403.14.	E.			Minimum District Size
~~604.9.~~	Section 403.	403.7.				~~DA:~~ Duplex Access Overlay District (DA).
~~604.9.1.~~	Section 403.	403.7.	A.			Purpose and Intent.
~~604.9.2.~~	Section 403.	403.7.	B.			Boundaries.
~~604.9.3.~~	Section 403.	403.7.	C.			Frontage and Access Requirements.
~~604.9.3.1.~~	Section 403.	403.7.	C.			NA;
NA	Section 403.	403.11.				Peace River Watershed Protection Overlay District (WPR). [RESERVED]
~~604.10.~~	Section 403.	403.12.				~~NC:~~ North Central Overlay District (NC).
~~604.10.1.~~	Section 403.	403.12.	A.			Purpose and Intent.
~~604.10.2.~~	Section 403.	403.12.	B.			Applicability.
~~604.10.2.1.~~	Section 403.	403.12.	C.			Exemptions.
~~604.10.3.~~	Section 403.	403.12.	D.			Landscape Planting Design.
~~604.10.3.1.~~	Section 403.	403.12.	D.	1		Purpose.
~~604.10.3.2.~~	Section 403.	403.12.	D.	2		Exemptions.
~~604.10.3.3.~~	Section 403.	403.12.	D.	3		Design Standards.
~~604.10.3.4.~~	Section 403.	403.12.	D.	4		Commercial and Office Uses Roadway Buffers.
~~604.10.3.5.~~	Section 403.	403.12.	D.	5		Roadway buffers for residential and other uses.
~~604.10.3.6.~~	Section 403.	403.12.	D.	6		Greenbelt buffers.
~~604.10.4.~~	Section 403.	403.12.	E.			Non-motorized Circulation.
~~604.10.4.1.~~	Section 403.	403.12.	E.	1		Purpose.
~~604.10.4.2.~~	Section 403.	403.12.	E.	2		Exemptions.

OLD #	NEW #					TITLE
~~604.10.4.3.~~	Section 403.	403.12.	E.	3		Standards.
~~604.10.4.3.1.~~	Section 403.	403.12.	E.	3	a.	Sidewalks.
~~604.10.4.3.2.~~	Section 403.	403.12.	E.	3	b.	Non-motorized multi-use trails.
~~604.10.5.~~	Section 403.	403.12.	F.			Signs .
~~604.10.6.~~	Section 403.	403.12.	G.			Nonresidential Site and Building Design.
~~604.10.6.1.~~	Section 403.	403.12.	G.	1		Purpose.
~~604.10.6.2.~~	Section 403.	403.12.	G.	2		Applicability.
~~604.10.6.3.~~	Section 403.	403.12.	G.	3		Exemptions.
~~604.10.6.4.~~	Section 403.	403.12.	G.	4		On-Site Pedestrian Circulation.
~~604.10.6.4.1.~~	Section 403.	403.12.	G.	4	a.	Purpose.
~~604.10.6.4.2.~~	Section 403.	403.12.	G.	4	b.	NA;
~~604.10.6.4.3.~~	Section 403.	403.12.	G.	4	c.	NA;
~~604.10.6.5.~~	Section 403.	403.12.	G.	5		Outdoor gathering space.
~~604.10.6.5.1.~~	Section 403.	403.12.	G.	5	a.	Purpose.
~~604.10.6.5.2.~~	Section 403.	403.12.	G.	5	a.	NA;
~~604.10.6.6.~~	Section 403.	403.12.	G.	6		Building Scale and Mass.
~~604.10.6.6.1.~~	Section 403.	403.12.	G.	6	a.	Limitations on size of retail uses.
~~604.10.6.6.2.~~	Section 403.	403.12.	G.	6	b.	NA;
~~604.10.6.7.~~	Section 403.	403.12.	G.	7		Architectural Style.
~~604.10.6.7.1.~~	Section 403.	403.12.	G.	7	a.	NA;
~~604.10.6.7.2.~~	Section 403.	403.12.	G.	7	b.	NA;
~~604.10.6.7.3.~~	Section 403.	403.12.	G.	7	c.	NA;
~~604.10.6.7.4.~~	Section 403.	403.12.	G.	7	d.	NA;
~~604.10.6.7.5.~~	Section 403.	403.12.	G.	7	e.	NA;
~~604.10.6.7.6.~~	Section 403.	403.12.	G.	7	f.	NA;
~~604.10.6.7.7.~~	Section 403.	403.12.	G.	7	g.	NA;
~~604.10.6.7.8.~~	Section 403.	403.12.	G.	7	h.	NA;
~~604.10.6.8.~~	Section 403.	403.12.	G.	8		Color.
~~604.10.6.8.1.~~	Section 403.	403.12.	G.	8	a.	NA;
~~604.10.6.8.2.~~	Section 403.	403.12.	G.	8	b.	NA;

OLD #	NEW #					TITLE
~~604.10.6.8.3.~~	Section 403.	403.12.	G.	8	c.	NA;
~~604.10.6.8.4.~~	Section 403.	403.12.	G.	8	d.	NA;
~~604.11.~~	Section 403.	403.4.				~~PCV:~~ Parrish Commercial Village Overlay District (PCV).
~~604.11.1.~~	Section 403.	403.4.	A.			Purpose and Intent.
~~604.11.2.~~	Section 403.	403.4.	B.			Applicability.
~~604.11.3.~~	Section 403.	403.4.	C.			Exemptions .
NA	Section 403.	403.4.	D.			Development Standards
~~604.11.4.~~	Section 403.	403.4.	D.	1		Site Design.
~~604.11.4.1.~~	Section 403.	403.4.	D.	1	a.	Orientation.
~~604.11.4.2.~~	Section 403.	403.4.	D.	1	b.	Access.
~~604.11.4.3.~~	Section 403.	403.4.	D.	1	c.	Dimensional Requirements.
~~604.11.4.3.1.~~	Section 403.	403.4.	D.	1	c.	~~Lot Size and Width~~
~~604.11.4.3.2.~~	Section 403.	403.4.	D.	1	c.	~~Building Height.~~
~~604.11.4.3.3.~~	Section 403.	403.4.	D.	1	c.	~~Building Footprint:~~
~~604.11.4.3.4~~	Section 403.	403.4.	D.	1	c.	~~Setbacks.~~
~~604.11.4.3.4.1.~~	Section 403.	403.4.	D.	1	c.	~~Front Yard Setbacks along U.S. 301.~~
~~604.11.4.3.4.2.~~	Section 403.	403.4.	D.	1	c.	~~Other Setbacks.~~
~~604.11.4.3.5.~~	Section 403.	403.4.	D.	1	c.	~~Open Space.~~
~~604.11.4.4.~~	Section 403.	403.4.	D.	1	d.	Parking.
~~604.11.4.4.1.~~	Section 403.	403.4.	D.	1	d.	i. Single Row Only.
~~604.11.4.4.2.~~	Section 403.	403.4.	D.	1	d.	ii. Parking Setback.
~~604.11.4.5.~~	Section 403.	403.4.	D.	1	e.	Pedestrian and Non-motorized Circulation.
~~604.11.4.6.~~	Section 403.	403.4.	D.	1	f.	Landscape Design Standards.
~~604.11.4.6.1.~~	Section 403.	403.4.	D.	1	g.	Roadway Buffers.
~~604.11.4.6.2.~~	Section 403.	403.4.	D.	1	h.	Additional Landscaping Design Considerations.
~~604.11.5.~~	Section 403.	403.4.	D.	2		Building Design.
~~604.11.5.1.~~	Section 403.	403.4.	D.	2	a.	Architectural Styles.
NA	Section 403.	403.4.	D.	2	b.	Roof Materials and Design
~~604.11.5.2.~~	Section 403.	403.4.	D.	2	c.	Massing.
~~604.11.5.3.~~	Section 403.	403.4.	D.	2	d.	Additional Architectural Design Considerations.

OLD #	NEW #					TITLE
~~604.11.6.~~	Section 403.	403.4.	D.	3		Signs.
~~604.11.6.1.~~	Section 403.	403.4.	D.	3	a.	Prohibited Signs.
~~604.11.6.2.~~	Section 403.	403.4.	D.	3	b.	Ground Signs.
~~604.11.6.3.~~	Section 403.	403.4.	D.	3	c.	Wall, Gallery, or Awning Signs.
~~604.11.6.4.~~	Section 403.	403.4.	D.	3	d.	Hanging Signs.
~~604.12.~~	Section 403.	403.3.				~~NCG: North County~~ Florida International ~~[~~Gateway~~]~~ Overlay District (FIG).
~~604.12.1.~~	Section 403.	403.3.	A.			Purpose and Intent.
~~604.12.2.~~	Section 403.	403.3.	B.			Applicability.
NA	Section 403.	403.3.	C.			Standards
~~604.12.3.~~	Section 403.	403.3.	D.			~~Procedures for Application Consideration Approval~~Master Plan Review and Approval
~~604.12.4.~~	Section 403.	403.3.	E.			Completeness of Application.
~~604.12.5.~~	Section 403.	403.3.	F.			Certificate of Level of Service.
~~604.12.6.~~	Section 403.	403.3.	G.			Specific Approval is not Required.
~~604.12.7.~~	Section 403.	403.3.	H.			Effect of Approval.
~~604.12.8.~~	Section 403.	403.3.	J.			Modification.
~~604.12.9.~~	Section 403.	403.3.	J.			Expiration.
~~604.12.10.~~	Section 403.	403.3.	K.			Other Permits Required.
~~604.12.11.~~	Section 403.	403.3.	L.			Revocability.
NA	Ch. 3, Part VII					Other Applications
~~605~~	Section 345.					Special Approval Process as Required by the Manatee County Comprehensive Plan.
~~605.1.~~	Section 345.	345.1.				Purpose.
~~605.1.2.~~	Section 345.	345.1.				NA;
~~605.2.~~	Section 345.	345.2.				Timing of Special Approval.
~~605.3.~~	Section 345.	345.3.				Duration of Special Approval.
~~605.4.~~	Section 345.	345.4.				Manner of Granting Special Approval.
~~605.4.1.~~	Section 345.	345.4.				NA;
~~605.5.~~	Section 345.	345.5.				Standards for Granting Special Approval.
~~605.6.~~	Section 345.	345.6.				Submittal Requirements.
NA	Section 346.					Zoning Compliance Permit
NA	Section 346.	346.1.				Zoning Compliance Permit Required

OLD #	NEW #					TITLE
NA	Section 346.	346.2.				Review Procedures
NA	Section 346.	346.3.				Expiration
NA	CH 5, Part I					In General
~~701.1.~~	Section 500.	_				Purpose.
~~701.2.~~	Section 501.	_				Applicability.
~~702.~~	Section 401.	401.3.				Bulk and Dimensional Regulations.
~~702.1.~~	Section 401.	401.3.				~~Establishment.~~
~~702.2.~~	Section 400.	400.7.				Minimum District Size.
~~702.2.1.~~	Section 400.	400.7.	A.			NA;
~~702.2.2.~~	Section 400.	400.7.	B.			NA;
~~702.2.3.~~	Section 400.	400.7.	C.			NA;
~~702.2.4.~~	Section 400.	400.7.	D.			NA;
NA	Section 400.	400.8.				Future Land Use Categories and Zoning Districts
~~702.3.~~	Section 401.	401.3.	A.			Maximum Density.
~~702.3.1.~~	Section 401.	401.3.				~~Number of Dwelling Units Per Lot.~~
~~702.4.~~	Section 401.	401.3.	B.			Lot Size Requirements.
~~702.4.1.~~	Section 401.	401.3.	B.	1		Generally
~~702.4.2.~~	Section 401.	401.3.	B.	2		Reduction of Lot Size or Yards; Subdivision.
~~702.4.3.~~	Section 401.	401.3.	B.	3		Waterfront Lots and Inclusion of Wetlands.
~~702.4.4.~~	Section 401.	401.3.	B.	4		Minimum Front Lot Line.
NA	Section 401.	401.3.	B.	5.		Operation Face Lift Area
~~702.5.~~	Section 401.	401.3.	C.			Maximum Building Height.
~~702.5.1.~~	Section 401.	401.3.	C.	1		Generally.
~~702.5.2.~~	Section 401.	401.3.	C.	2		General Height Exclusions.
~~702.5.2.1.~~	Section 401.	401.3.	C.	2	a.	NA;
~~702.5.2.2.~~	Section 401.	401.3.	C.	2	b.	NA;
~~702.5.2.3.~~	Section 401.	401.3.	C.	2	c.	NA;
~~702.5.2.4.~~	Section 401.	401.3.	C.	2	d.	NA;
~~702.5.2.5.~~	Section 401.	401.3.	C.	2	e.	NA;
~~702.5.3.~~	Section 401.	401.3.	C.	3		Telecommunication Height Exclusions.

OLD #	NEW #					TITLE
NA	Section 401.	401.3.	C.	4.		Height Limitation in the Vicinity of Airports
~~702.6.~~	Section 401.	401.3.	D.			Required Yards.
~~702.6.1.~~	Section 401.	401.3.	D.	1		Generally.
~~702.6.2.~~	Section 401.	401.3.	D.	2		Exempt~~ions~~ Structures.
~~702.6.2.1.~~	Section 401.	401.3.	D.	3		~~Shopping Centers and Industrial Parks~~Lots within Development Site
~~702.6.3.~~	Section 401.	401.3.	D.	4		Corner Lots—Required Yards.
~~702.6.4.~~	Section 401.	401.3.	D.	5		Through Lots—Required Yards.
~~702.6.5.~~	Section 401.	401.3.	D.	6		Reverse Frontage Lots—Required Yards.
~~702.6.6.~~	Section 401.	401.3.	D.	7		Side Yard Reductions
~~702.6.7.~~	Section 401.	401.3.	D.	8		Yards Adjacent to Agricultural Operations.
~~702.6.8.~~	Section 401.	401.3.	D.	9		Waterfront Yards.
~~702.6.9.~~	Section 401.	401.3.	D.	10		Residential Cluster Development Subdivisions.
~~702.6.10.~~	Section 401.	401.3.	D.	11		Wetland Buffer.
~~702.7.~~	Section 401.	401.3.	E.			Yard Encroachments.
~~702.7.1.~~	Section 401.	401.3.	E.	1		Cornices and Similar Features.
~~702.7.2.~~	Section 401.	401.3.	E.	2		Sills, Leaders, and Belt Courses.
~~702.7.3.~~	Section 401.	401.3.	E.	3		Fences and Hedges.
~~702.7.4.~~	Section 401.	401.3.	E.	4		Balconies, Chimneys, Bay Windows, etc.
~~702.7.5.~~	Section 401.	401.3.	E.	5		Outside Stairways.
~~702.7.6.~~	Section 401.	401.3.	E.	6		Easement Encroachments.
~~702.8.~~	Section 401.	401.3.	F.			Open Space Requirements.
~~702.8.1.~~	Section 401.	401.3.	F.			~~Generally.~~
~~702.8.2.~~	Section 401.	401.3.	F.			~~Reduction Prohibited.~~
~~702.9.~~	Section 401.	401.3.	G.			Minimum Floor Elevation. (Subsection B moved to Section 802, Floodplain)
~~702.9.1.~~	Section 401.	401.3.	G.			~~Generally.~~
~~702.9.2.~~	Section 401.	401.3.	G.			~~Swales.~~ [MOVED TO STORMWATER MANUAL]
~~702.9.3.~~	Section 802.	802.7.	B.	9.	e.	~~Exclusions.~~ NA
~~702.10.~~	Section 401.	401.3.	G.			~~Administrative Variances for Errors in Yard Measurements and Front Yard Setbacks in Established Neighborhoods. (See Section 509.6).~~
~~703.~~	Ch. 5, Part II					Standards for Accessory Uses and Structures

OLD #	NEW #					TITLE
~~703.1~~	Section 510.	_				General Requirements for Accessory Uses and Structures.
~~703.1.1.~~	Section 510.	_	A.			NA;
~~703.1.2.~~	Section 510.	_	B.			NA;
~~703.1.3.~~	Section 501.	_	B.			NA
~~703.1.4.~~	Section 510.	_	C.			NA;
~~703.1.5.~~	Section 510.	_	D.			NA;
~~703.1.6.~~	Section 510.	_	E.			NA; [section split into two sections]
~~703.1.6.~~	Section 511.	511.6	A.	1.		NA; [section split into two sections]
~~703.1.7.~~	Section 510.	_	F.			NA;
~~703.1.8.~~	Section 501.	_	A.			NA;
~~703.2.~~	Section 510.	_				~~Permitted Accessory Uses.~~
~~703.2.1.~~	Section 511.	511.1.				Accessory Antennas.
~~703.2.1.1.1.~~	Section 511.	511.1.	A.			~~Amateur radio antennas (e.g., ham radio).~~
~~703.2.1.1.2.~~	Section 511.	511.1.	B.			~~Satellite dish antennas~~NA
~~703.2.1.1.3.~~	Section 511.	511.1.	A.			NA;
~~703.2.1.1.4.~~	Section 511.	511.1.	G.			NA;
~~703.2.1.1.5.~~	Section 511.	511.1.	G.			NA;
~~703.2.2.~~	Section 510.	_				NA;
~~703.2.3.~~	Section 510.	_				NA;
~~703.2.3.1.~~	Section 510.	_				~~Location.~~
~~703.2.3.2.~~	Section 510.	_				~~Setbacks.~~
~~703.2.3.3.~~	Section 510.	_				~~Concurrency Management .~~
~~703.2.4.~~	Section 511.	511.1.				~~Day Care Home.~~
~~703.2.5.~~	Section 511.	511.3				Child's ~~p~~Playhouse, Play Equipment.
~~703.2.6.~~	Section 511.	511.9.				Pet Shelters
~~703.2.7.~~	Section 511.	511.5.				Fallout shelters.
~~703.2.8.~~	Section 511.	511.6.				Fences and Walls
NA	Section 511.	511.6.	A.			Generally
~~703.2.8.1.~~	Section 511.	511.6.	B.			Materials.
~~703.2.8.2.~~	Section 511.	511.6.	A.	3		~~Front Yards.~~

OLD #	NEW #					TITLE
~~703.2.8.2.1.~~	Section 511.	511.6.	D.	1.	a.	NA;
~~703.2.8.2.2.~~	Section 511.	511.6.	D.	1.	b.	NA;
~~703.2.8.2.3.~~	Section 511.	511.6.	D.	1.	c.	NA;
~~703.2.8.2.4.~~	Section 511.	511.6.	D.	2		NA;
~~703.2.8.3.~~	Section 511.	511.6.	C.			Maximum Height.
NA	Section 511.	511.6.	D.			Height Exceptions
NA	Section 511.	511.6.	D.	1.		
~~703.2.8.4.~~	Section 511.	511.6.	E.			Lighting Fixtures, Ornamental Features.
~~703.2.8.5.~~	Section 511.	511.6.	A.	2		NA;
~~703.2.9.~~	Section 511.	511.6.				~~Garages and carports; attached and detached.~~
~~703.2.10.~~	Section 511.	511.6.				~~Garage Sales~~
~~703.2.11.~~	Section 511.	511.6.				~~Gardening~~
~~703.2.12.~~	Section 511.	511.6.				~~Guest house~~
~~703.2.13.~~	Section 511.	511.6.				~~Parking and loading spaces~~
~~703.2.14.~~	Section 511.	511.6.				~~Parking of commercial vehicles~~
~~703.2.15.~~	Section 511.	511.6.				~~Parking of Restricted Vehicles~~
~~703.2.16.~~	Section 511.	511.6.				~~Porches, Gazebos, and Similar Structures~~
~~703.2.17~~	Section 511.	511.8.				~~Signs~~
~~703.2.18.~~	Section 511.	511.13.				~~Solar heating equipment~~
~~703.2.19.~~	Section 511.	511.13.				~~Statues, barbecue grills, flagpoles, arbors, trellises,and similar structures~~
~~703.2.20.~~	Section 511.	511.8.	B.	1.		NA
~~703.2.20.1.~~	Section 511.	511.8.	B.	2.		~~Non-Residential Screened Outdoor Storage~~
~~703.2.21.~~	Section 511.	511.8.				~~Storage of Commercial Fishing Equipment~~ [MOVED TO PMC]
~~703.2.22.~~	Section 511.	511.15.				Storage Structures and Sheds
~~703.2.23.~~	Section 511.	511.8.				~~Parking or Storage of Junk Vehicles or Refuse Prohibited~~ [MOVED TO PMC]
~~703.2.23.1.~~	Section 511.	511.8.				NA [MOVED TO PMC]
~~703.2.24.~~	Section 511.	511.16.				Swimming Pools, ~~Bathhouses~~Spas, and Screen Enclosures. ~~are subject to the following requirements:~~
~~703.2.24.1.~~	Section 511.	511.16.				~~Location.~~
~~703.2.24.2.~~	Section 511.	511.16.				~~Swimming Pool and Spa Safety .~~

OLD #	NEW #					TITLE
~~703.2.24.2.1.~~	Section 511.	511.16.				~~Construction.~~
~~703.2.24.2.2.~~	Section 511.	511.16.				~~NA;~~
~~703.2.24.2.3.~~	Section 511.	511.16.				~~NA;~~
~~703.2.24.2.4.~~	Section 511.	511.16.				~~NA;~~
~~703.2.24.2.5.~~	Section 511.	511.16.				~~Public Swimming Pools.~~
~~703.2.24.2.5.1.~~	Section 511.	511.16.				~~Telephone.~~
~~703.2.24.2.5.2.~~	Section 511.	511.16.				~~NA;~~
~~703.2.24.2.6.~~	Section 511.	511.16.				~~Enclosures:~~
NA	Section 511.	511.11.				Recreational Courts.
~~703.2.25.~~	Section 511.	511.11.	A.			NA;
NA	Section 511.	511.11.	B.			NA;
~~703.2.26.1.~~	Section 511.	511.1.	B.	1		NA;
~~703.2.26.2.~~	Section 511.	511.1.		2		NA;
~~703.2.26.3.~~	Section 511.	511.1.		3		NA;
~~703.2.26.4.~~	Section 511.	511.1.		4		NA;
~~703.2.26.5.~~	Section 511.	511.1.		5		NA;
~~703.2.26.6.~~	Section 511.	511.1.		6		~~Planned Development Manufactured Home (PDMH), Planned Development Recreational Vehicle (PDRV), or Commercial Recreational Vehicle (CRV).~~
~~703.2.26.7.~~	Section 511.	511.1.	C.			NA;
~~703.2.26.8.~~	Section 511.	511.1.	D.			NA;
~~703.2.26.9.~~	Section 511.	511.1.	E.			NA
~~703.2.26.9.1.~~	Section 511.	511.1.	E.	1		NA;
~~703.2.26.9.2.~~	Section 511.	511.1.	E.	2		NA;
~~703.2.26.9.3~~	Section 511.	511.1.	E.	3		NA;
~~703.2.26.10.~~	Section 511.	511.1.	F.			NA
~~703.2.26.10.1.~~	Section 511.	511.1.	F.	1.		NA;
~~703.2.26.10.2.~~	Section 511.	511.1.	F.	2.		NA;
~~703.2.26.10.3.~~	Section 511.	511.1.	F.	2.		NA;
~~703.2.26.11.~~	Section 511.	511.1.	F.	2.		~~Outdoor Sales Display.~~
~~703.2.27.~~	Section 511.	511.17.				~~Visitor Information Centers.~~

OLD #	NEW #					TITLE
~~703.2.28.~~	Section 511.	511.7.				Home Occupations.
~~703.2.28.1.~~	Section 511.	511.7.				~~Authorization.~~
~~703.2.28.2.~~	Section 511.	511.7.	A.			Permitted Home Occupations.
~~703.2.28.2.1.~~	Section 511.	511.7.	A.	1		NA;
~~703.2.28.2.2.~~	Section 511.	511.7.	A.	2		NA;
~~703.2.28.2.3.~~	Section 511.	511.7.	A.	3		NA;
~~703.2.28.2.4.~~	Section 511.	511.7.	A.	4		NA;
~~703.2.28.2.5.~~	Section 511.	511.7.	A.	5		NA;
~~703.2.28.2.6.~~	Section 511.	511.7.	A.	6		NA;
~~703.2.28.2.7.~~	Section 511.	511.7.	A.	7		NA;
~~703.2.28.2.8.~~	Section 511.	511.7.	A.	8		NA;
~~703.2.28.2.9.~~	Section 511.	511.7.	A.	9		NA;
~~703.2.28.2.10.~~	Section 511.	511.7.	A.	10		NA;
~~703.2.28.2.11.~~	Section 511.	511.7.	A.	11		NA;
~~703.2.28.2.12.~~	Section 511.	511.7.	A.	12		NA;
~~703.2.28.3.~~	Section 511.	511.7.	B.			~~Conditional~~ Home Occupations Requiring Special Permit.
~~703.2.28.3.1.~~	Section 511.	511.7.		1		NA;
~~703.2.28.3.2.~~	Section 511.	511.7.		2		NA;
~~703.2.28.3.3.~~	Section 511.	511.7.		3		NA;
~~703.2.28.3.4.~~	Section 511.	511.7.		4		NA;
~~703.2.28.3.5.~~	Section 511.	511.7.		5		NA;
~~703.2.28.3.6.~~	Section 511.	511.7.		6		NA;
~~703.2.28.3.7.~~	Section 511.	511.7.		7		NA;
~~703.2.28.3.8.~~	Section 511.	511.7.		8		NA;
~~703.2.28.3.9.~~	Section 511.	511.7.		9		NA;
~~703.2.28.4.~~	Section 511.	511.7.	C.			Use Limitations.
~~703.2.28.4.1.~~	Section 511.	511.7.	C.	1		Location of Premises.
~~703.2.28.4.2.~~	Section 511.	511.7.	C.	2		Exterior Alterations.
~~703.2.28.4.3.~~	Section 511.	511.7.	C.	3		Outdoor Display or Storage.
~~703.2.28.4.4.~~	Section 511.	511.7.	C.	4		Employees.

OLD #	NEW #					TITLE
~~703.2.28.4.5.~~	Section 511.	511.7.	C.	5		Level of Activity.
~~703.2.28.4.6.~~	Section 511.	511.7.	C.	6		Area.
~~703.2.28.4.7.~~	Section 511.	511.7.	C.	7		Traffic, Parking.
~~703.2.28.4.8.~~	Section 511.	511.7.	C.	8		Equipment~~, Processes.~~
~~703.2.28.4.8.1.~~	Section 511.	511.7.	C.	8	a.	Type Equipment.
~~703.2.28.4.8.2.~~	Section 511.	511.7.	C.	8	b.	Performance Standards.
~~703.2.29.~~	Section 511.	511.14.				~~Central garbage~~ Solid Waste-collection areas
~~703.2.30.~~	Section 531.	531.55.				Vending, Soliciting and Peddling .
~~703.2.30.1.~~	Section 531.	531.55.	A.			Findings of Fact and Purpose.
~~703.2.30.1.1.~~	Section 531.	531.55.	A.			~~Reserved.~~
~~703.2.30.1.2.~~	Section 531.	531.55.	A.	1.		NA;
~~703.2.30.1.3.~~	Section 531.	531.55.	A.	2.		NA;
~~703.2.30.1.4.~~	Section 531.	531.55.	A.	3.		NA;
~~703.2.30.1.5.~~	Section 531.	531.55.	A.	4.		NA;
~~703.2.30.1.6.~~	Section 531.	531.55.	A.	5.		NA;
~~703.2.30.2.~~	Section 531.	531.55.	B.			Definitions Specific to this Section.
~~703.2.30.2.1.~~	Section 531.	531.55.	B.	1.		NA;
~~703.2.30.2.2.~~	Section 531.	531.55.	B.	2.		NA;
~~703.2.30.3.~~	Section 531.	531.55.	C.			Prohibited Uses of Public Rights-of-Way.
~~703.2.30.3.1.~~	Section 531.	531.55.	C.			NA;
~~703.2.30.4.~~	Section 531.	531.55.	D.			Exemptions.
~~703.2.30.4.1.~~	Section 531.	531.55.	D.	1.		NA;
~~703.2.30.4.2.~~	Section 531.	531.55.	D.	2.		NA;
~~703.2.30.4.3.~~	Section 531.	531.55.	D.	3.		NA;
~~703.2.30.4.4.~~	Section 531.	531.55.	D.	4.		NA;
~~703.2.30.5.~~	Section 531.	531.55.	E.			Effect on Other Ordinances and General Law.
~~703.2.30.5.1.~~	Section 531.	531.55.	E.			NA;
~~703.2.30.6.~~	Section 531.	531.55.	F.			Penalties.
~~703.2.30.6.1.~~	Section 531.	531.55.	F.			NA;
~~703.2.31.~~	Section 511.	511.6.				~~Conference/banquet facilities~~

OLD #	NEW #					TITLE
~~703.2.32.~~	Section 511.	511.6.				~~Golf Courses~~
~~703.2.33.~~	Section 511.	511.17.				~~Vehicle Storage in Enclosed Buildings.~~
~~703.2.34.~~	Section 511.	511.12				Roadside sales of agricultural products
~~703.2.34.1.~~	Section 511.	511.12	A.			~~Use of Stands.~~ NA
~~703.2.34.2.~~	Section 511.	511.12	B.			~~Health Requirements.~~ NA
~~703.2.34.3.~~	Section 511.	511.12	C.			~~Parking, Loading, and Landscaping.~~ NA
~~703.2.34.4.~~	Section 511.	511.12	D.			~~Signage.~~ NA
~~703.2.35.~~	Section 531.	531.52.	H.			~~Telephone Booths. U.S. Post Office authorized Mail Boxes, Bicycle Racks, Public Benches, and Public Bus Shelters.~~
~~703.2.35.1.~~	Section 531.	531.52.	H.			~~Locations within the rights-of-way.~~
~~703.2.35.2.~~	Section 531.	531.52.	H.			~~Locations not within the right-of-way.~~
~~703.2.36.~~	Section 511.	511.7.				~~Public Traffic Control Devices .~~
~~703.2.37.~~	Section 511.	511.13.				Security/Caretakers Residence.
~~703.2.37.1.~~	Section 511.	511.13.				NA;
~~703.2.37.2.~~	Section 511.	511.13.	A.			~~Standards.~~
NA	Section 511.	511.13.	B.			NA
~~703.2.37.2.1.~~	Section 511.	511.13.	C.			NA;
~~703.2.37.2.2.~~	Section 511.	511.13.	E.			NA;
~~703.2.37.2.3.~~	Section 511.	511.13.	D.			NA;
~~703.2.38.~~	Section 511.	511.8.				~~Accessory~~Outdoor Display, Sale and Storage of Merchandise and Equipment.
~~703.2.38.1.~~	Section 511.	511.8.				Use Limitations
~~703.2.38.2.~~	Section 511.	511.8.	C.			Requirements.
~~703.2.38.2.1.~~	Section 511.	511.8.	C.	2.		NA;
~~703.2.38.2.2.~~	Section 511.	511.8.	C.	3.		NA;
~~703.2.39.~~	Section 511.	511.10.				Portable Classrooms for Schools of Special Education.
~~703.2.40.~~	Section 511.	511.8.				NA;
~~704.~~	Ch. 5, Part IV					~~Conditional Use Criteria.~~ Standards for Specific Uses
~~704.1.~~	Section 530.					General ~~Conditions.~~
~~704.2.~~	Section 531.	531.1.				Agricultural~~e~~ Uses.
~~704.2.1.~~	Section 531.	531.1.				~~Adverse Impacts.~~

OLD #	NEW #					TITLE
~~704.2.2.~~	Section 531.	531.1.				~~Use Limitations.~~
~~704.3.~~	Section 531.	531.1.				~~Agricultural and Animal Products Processing Plants, Commercial Stockyards, Short Term Agricultural Uses, Slaughterhouses, and Sawmills.~~
~~704.3.1.~~	Section 531.	531.1.				~~Compliance with Law.~~
~~704.3.2.~~	Section 531.	531.1.				~~Water Pollution.~~
~~704.3.3.~~	Section 531.	531.1.				~~Location.~~
~~704.4~~	Section 531.	531.2.				Aircraft Landing Fields~~and Private or Public Airports.~~
~~704.4.1.~~	Section 531.	531.2.	A.			NA;
~~704.4.2.~~	Section 531.	531.2.	B.			NA;
~~704.4.3.~~	Section 531.	531.2.	C.			NA;
~~704.4.4.~~	Section 531.	531.2.	D.			NA;
~~704.4.5.~~	Section 531.	531.3.				~~Private or Public~~ Airports
~~704.4.5.1.~~	Section 531.	531.3.				NA;
~~704.4.5.2.~~	Section 531.	531.3.	A.			NA;
~~704.5.~~	Section 531.	531.3.				~~Airport Impact Overlay District.~~
~~704.6.~~	Section 531.	531.3.				~~[Reserved.]~~
~~704.7~~	Section 531.	531.6.				Auction Houses, Open.
~~704.7.1.~~	Section 531.	531.6.	A.			~~Setbacks.~~
~~704.7.2.~~	Section 531.	531.6.	B.			~~Adverse Impacts.~~
~~704.8.~~	Section 531.	531.7.				Bed and Breakfast.
~~704.8.1.~~	Section 531.	531.7.	A.			~~Location.~~
~~704.8.2.~~	Section 531.	531.7.	B.			~~Parking.~~
~~704.8.3.~~	Section 531.	531.7.	C.			~~Character.~~
~~704.8.4.~~	Section 531.	531.7.	C.			~~Screening.~~
~~704.8.5.~~	Section 531.	531.7.	D.			~~Signs.~~
~~704.9.~~	Section 531.	531.8.				Breeding Facilities.
~~704.9.1.~~	Section 531.	531.8.	B.			~~Setbacks.~~
~~704.9.2.~~	Section 531.	531.8.	A.			~~Minimum Lot Size.~~
~~704.9.3.~~	Section 531.	531.8.	C.			~~Screening.~~
~~704.10.~~	Section 531.	531.53.				~~Bus/RR Passenger Stations and Maintenance Facilities.~~

OLD #	NEW #					TITLE
~~704.10.1.~~	Section 531.	531.53.				~~Passenger Stations.~~
~~704.10.2.~~	Section 531.	531.33.	D.			Maintenance Facilities.
~~704.11.~~	Section 531.	531.10.				Car Washes.
~~704.11.1.~~	Section 531.	531.10.	A.			~~Enclosure~~.
~~704.11.2.~~	Section 531.	531.10.	A.			~~Screening~~.
~~704.11.3.~~	Section 531.	531.10.	B.			~~Car Washes.~~
~~704.11.4.~~	Section 531.	531.10.	C.			~~Setbacks.~~
~~704.11.5.~~	Section 531.	531.10.	D.			NA;
~~704.11.6.~~	Section 531.	531.10.	E.			~~Other standards.~~
~~704.12.~~	Section 531.	531.11				Cemeteries~~, Columbariums, Mausoleums~~ (including Human and Pet).
~~704.12.1.~~	Section 531.	531.11				~~Setbacks.~~
~~704.12.2.~~	Section 531.	531.11				~~Screening.~~
~~704.13.~~	Section 531.	531.13				Churches/~~ or Other~~ Places of Worship~~, Religious Institutional Residences~~.
~~704.13.1.~~	Section 531.	531.13	A.			~~Standards.~~
~~704.13.2.~~	Section 531.	531.13	B.			~~Parking.~~
~~704.13.2.1.~~	Section 531.	531.13	B.			NA;
~~704.13.2.2.~~	Section 531.	531.13	B.			NA;
~~704.13.3.~~	Section 531.	531.13	B.			~~Screening.~~
~~704.14.~~	Section 531.	531.14				~~Construction in 25-Year Floodplain.~~
~~704.15.~~	Section 531.	531.14				~~Correctional Facilities.~~
~~704.16.~~	Section 531.	531.18.				Equipment Sales, Rental, Leasing, Storing and Service (Heavy)~~Construction Service Establishment, Building Materials Establishment~~
~~704.16.1.~~	Section 531.	531.18.	A.			~~Location.~~
~~704.16.2.~~	Section 531.	531.18.	C.			~~Screening.~~
~~704.17.~~	Section 531.	531.15				Cultural Facilities.
~~704.17.1.~~	Section 531.	531.15				~~Location.~~
~~704.17.2.~~	Section 531.	531.15				~~Setbacks.~~
~~704.17.3~~	Section 531.	531.15				~~.Screening.~~
~~704.18.~~	Section 531.	531.12.				~~Day~~ Child Care Centers.
~~704.18.1.~~	Section 531.	531.12.				~~Usable Outdoor Recreation Area .~~

OLD #	NEW #					TITLE
~~704.18.2.~~	Section 531.	531.12.				~~Indoor Floor Space.~~
~~704.18.3.~~	Section 531.	531.12.				~~Access.~~
~~704.18.4.~~	Section 531.	531.12.				~~Compliance With Law.~~
~~704.18.5.~~	Section 531.	531.12.				NA;
~~704.18.6.~~	Section 531.	531.12.				~~Screening.~~
~~704.18.7.~~	Section 511.	511.2.				~~NA;~~Accessory Child Care Centers
NA	Section 511.	511.2.	A.			NA
NA	Section 511.	511.2.	B.			NA
~~704.18.7.1.~~	Section 511.	511.2.	C.			NA;
~~704.18.7.2.~~	Section 511.	511.2.	D.			NA;
NA	Section 511.	511.2.	E.			NA
~~704.18.8.~~	Section 511.	511.2.	E.			NA;
~~704.19.~~	Section 530.	_				~~Drinking Establishments (See Sec.708).~~
~~704.20.~~	Section 531.	531.16.				Drive-Through ~~Facilities~~Establishments
~~704.20.1.~~	Section 531.	531.16.				~~Applicability.~~
~~704.20.2.~~	Section 531.	531.16.	A.			~~Setbacks.~~
~~704.20.3.~~	Section 531.	531.16.	B.			~~Screening.~~
~~704.20.4.~~	Section 531.	531.16.	C.			~~Stacking.~~
~~704.21.~~	Section 530.	_				~~Dry Cleaners. (See Industrial Service Establishment).~~
~~704.22.~~	Section 530.	_				~~Earthmoving Uses.Shall be regulated by Section 732 of this Code.~~
NA	Section 531.	531.48.				Restaurants
~~704.23~~	Section 531.	531.48	C.			~~Eating Establishments~~ Restaurants in the Village Districts
~~704.23.1.~~	Section 531.	531.48	C.	1		~~Location.~~
~~704.23.2.~~	Section 531.	531.48	C.	2		~~Screening.~~
~~704.24.~~	Section 401.	401.5.				Expansion of Existing Large Commercial Projects
~~704.24.1.~~	Section 401.	401.5.	A.			Eligibility.
~~704.24.2.~~	Section 401.	401.5.	B.			Access.
~~704.24.3.~~	Section 401.	401.5.	C.			Configuration.
~~704.24.4.~~	Section 401.	401.5.	D.			Screening

OLD #	NEW #					TITLE
~~704.24.5.~~	Section 401.	401.5.	E.			Landscaped Open Space.
~~704.24.6.~~	Section 401.	401.5.	F.			Parking.
~~704.24.7.~~	Section 401.	401.5.	G.			Historical, Archaeological Overlay
~~704.24.8.~~	Section 401.	401.5.	H.			Other Requirements.
~~704.24.9.~~	Section 401.	401.5.	I.			Waiver
~~704.25~~	Section 531.	531.26.	B.			Exterminating and Pest Control.
~~704.25.1.~~	Section 531.	531.26.	B.	1.		~~Setbacks.~~
~~704.25.2.~~	Section 531.	531.26.	B.	1.		~~Permitting.~~
~~704.25.3.~~	Section 531.	531.26.	B.	1.		~~Screening.~~
~~704.26.~~	Section 531.	531.1.				~~Farms. (See Agriculture).~~
~~704.27.~~	Section 531.	531.18.	E.			~~Farm Equipment and Supply Establishments, Farming Service Establishments.~~
~~704.27.1.~~	Section 531.	531.18.	E.	1.		~~Location.~~
~~704.27.2.~~	Section 531.	531.18.	E.	1.		~~Screening.~~
~~704.27.3.~~	Section 531.	531.18.	E.	1.		~~Setbacks.~~
~~704.28.~~	Section 531.	531.19				Farm Worker Housing.
~~704.28.1.~~	Section 531.	531.19	B.			~~*Administrative Permit Requirements*Requirements~~Farm Worker Housing Requiring AP *Approval*
~~704.28.1.1.~~	Section 531.	531.19	B.			~~General.~~
~~704.28.1.2.~~	Section 531.	531.19	B.	1		Location.
~~704.28.1.3.~~	Section 531.	531.19	B.	2		*Minimum ~~Acres~~Site Size~~:~~.*
~~704.28.1.4.~~	Section 531.	531.19	B.	3		Maximum Number of Dwelling Units.
~~704.28.1.5.~~	Section 531.	531.19	B.	4		Access.
~~704.28.1.6.~~	Section 531.	531.19	B.	5		Setbacks.
~~704.28.1.7~~	Section 531.	531.19	B.	6		~~Spacing~~ SP Review.
~~704.28.2.~~	Section 531.	531.19	C.			Farm Worker Housing Requiring SP Approval~~Special Permit Requirements~~.
~~704.28.2.1.~~	Section 531.	531.19	C.			~~General.~~
~~704.28.2.2.~~	Section 531.	531.19	C.			~~Location.~~
~~704.28.2.3.~~	Section 531.	531.19	C.	1.		*Minimum ~~Acres~~Site Size*
~~704.28.2.4.~~	Section 531.	531.19	C.	2.		Maximum Number of Dwelling Units.

OLD #	NEW #					TITLE
~~704.28.2.5.~~	Section 531.	531.19	C.	3.		Access.
~~704.28.2.6.~~	Section 531.	531.19	C.	3.		~~Spacing.~~
~~704.28.2.7.~~	Section 531.	531.19	C.	4.		Setbacks.
~~704.28.2.8.~~	Section 531.	531.19	C.	5.		Waivers.
~~704.28.2.9.~~	Section 531.	531.19	A.	11		Time Limit.
~~704.28.3.~~	Section 531.	531.19	A.			~~Standards.~~General Requirements
~~704.28.3.1.~~	Section 531.	531.19	A.	1		Minimum Net Floor Area per Unit
~~704.28.3.2.~~	Section 531.	531.19	A.	2		Minimum Square Footage.
~~704.28.3.3.~~	Section 531.	531.19	A.	3		Coastal High Hazard Area.
~~704.28.3.4.~~	Section 531.	531.19	A.	4		Mobile Homes.
~~704.28.3.5.~~	Section 531.	531.19	A.			~~Approval.~~
~~704.28.3.6.~~	Section 531.	531.19	A.	5		*Notice of Conveyance.*
~~704.28.3.7.~~	Section 531.	531.19	A.	6		*Water and Sewer~~age~~*
~~704.28.3.8.~~	Section 531.	531.19	A.	7		Minimum Lot Size.
~~704.29.~~	Section 531.	531.25.				Industrial, Heavy/Fireworks/Sparkler Manufacturing
NA	Section 531.	531.25.	A.			Light Industrial
NA	Section 531.	531.25.	B.			Fireworks/Sparkler Manufacturing
~~704.29.1.~~	Section 531.	531.25.	B.	1.		Emergency Action/Management Plan.
~~704.29.2.~~	Section 531.	531.25.	B.	2.		Setback from Residential.
~~704.29.3.~~	Section 531.	531.25.	B.	3.		Firewall Protection.
~~704.29.4.~~	Section 531.	531.25.	B.	4.		Code of Ordinances.
~~704.30.~~	Section 531.	531.20.				Flea Markets.
~~704.30.1.~~	Section 531.	531.20.	A.			~~Off-Street Parking.~~
~~704.30.2.~~	Section 531.	531.20.	B.			~~Setbacks.~~
~~704.30.3.~~	Section 531.	531.20.	C.			~~*Water and Sewerage*~~
~~704.30.4.~~	Section 531.	531.20.	D.			~~Fire Lane.~~
~~704.30.5.~~	Section 531.	531.20.	E.			~~Landscaping; Screening.~~
~~704.31.~~	Section 531.	531.21.				Food Catering.
~~704.31.1.~~	Section 531.	531.21.	A.			~~Screening.~~
~~704.31.2~~	Section 531.	531.21.	B.			NA;

OLD #	NEW #					TITLE
~~704.32.~~	Section 531.	531.22.				Funeral Chapels and Funeral Homes.
~~704.32.1~~	Section 531.	531.22.	A.			~~Access.~~
~~704.32.2.~~	Section 531.	531.22.	B.			~~Setback.~~
~~704.32.3.~~	Section 531.	531.22.	C.			~~Parking and Loading.~~
~~704.32.4.~~	Section 531.	531.22.	C.			~~Screening.~~
~~704.33.~~	Section 530.	_				~~Game Preserves. (See Section 726, Wild and Exotic Animals.)~~
~~704.34.~~	Section 530.	_				~~Gas Pumps. (See Service Station.)~~
~~704.35.~~	Section 531.	531.23.				Group Housing~~, Dormitories and Boarding Houses~~
~~704.35.1.~~	Section 531.	531.23.				~~Access.~~
~~704.35.2.~~	Section 531.	531.23.	A.			~~Screening.~~
~~704.35.3~~	Section 531.	531.23.				NA;
~~704.36.~~	Section 531.	531.24.				Helistops.
~~704.36.1.~~	Section 531.	531.24.	A.			~~Location.~~
~~704.36.2.~~	Section 531.	531.24.	B.			~~Screening.~~
NA	Section 531.	531.28				Lodging Places
~~704.37.~~	Section 531.	531.28	A.			Hospital Guest Houses .
~~704.37.1.~~	Section 531.	531.28	A.	1.		~~Parking.~~
~~704.37.2.~~	Section 531.	531.28	A.	2.		~~Access.~~
~~704.38.~~	Section 531.	531.28	B.			Hotels .
~~704.38.1.~~	Section 531.	531.28	B.	1.		~~Location.~~
~~704.38.2.~~	Section 531.	531.28	B.	2.		~~Access.~~
~~704.38.3.~~	Section 531.	531.28	B.	3.		~~Screening.~~
NA	Section 531.	531.29				Marinas
NA	Section 531.	531.26				Intensive Services
~~704.39.~~	Section 531.	531.26.	A.			Industrial Service Establishment.
~~704.39.1.~~	Section 531.	531.26.	A.	1.		~~Setbacks.~~
~~704.39.2.~~	Section 531.	531.26.	A.	2.		~~Screening.~~
~~704.40.~~	Section 531.	531.27.				Junkyards.
~~704.40.1.~~	Section 531.	531.27.	A.			~~Minimum Lot Area~~
~~704.40.2.~~	Section 531.	531.27.	B.			~~Storage, Dismantling, Display.~~

OLD #	NEW #					TITLE
~~704.40.3.~~	Section 531.	531.27.	C.			~~Screening, Fencing..~~
~~704.40.3.1.~~	Section 531.	531.27.	C.			~~Generally~~
~~704.40.3.2.~~	Section 531.	531.27.	D.			~~Use, Location.~~
~~704.40.4.~~	Section 531.	531.27.	E.			~~Removal Upon Discontinuance.~~
~~704.40.5.~~	Section 531.	531.27.				~~Compliance With Law.~~
~~704.40.6.~~	Section 531.	531.27.	F.			~~Operating Permit.~~
~~704.41.~~	Section 531.	531.38.				~~Kennels, Animal Shelters~~Pet Services
~~704.41.1.~~	Section 531.	531.38.				~~Lot Size.~~
~~704.41.2.~~	Section 531.	531.38.	A.			~~Location.~~
~~704.41.3.~~	Section 531.	531.38.	B.			~~Confinement.~~
~~704.41.4.~~	Section 531.	531.38.	C.			~~Conditions.~~
~~704.42.~~	Section 531.	531.53	E.			Standards for Landfills.
~~704.42.1.~~	Section 531.	531.53.	E.	1		~~Lot Size.~~ NA
~~704.42.2.~~	Section 531.	531.53.	E.	2		~~Other Applicable Law.~~ NA
~~704.42.3.~~	Section 531.	531.53.	E.	3		~~Re-use of Land.~~ NA
~~704.42.4.~~	Section 531.	531.53.	E.	4		~~Compatibility of Location.~~
~~704.42.4.1.~~	Section 531.	531.53.	E.	4		~~NA~~
~~704.43.~~	Section 531.	531.18.	F.			Lawn Care/Landscaping.
~~704.43.1.~~	Section 531.	531.18.	F.	1.		~~Screening.~~
~~704.43.2.~~	Section 531.	531.18.	F.	2.		~~Storage.~~
~~704.44.~~	Section 531.	531.41.				Recreation~~al~~ Uses~~, Passive, Low, Medium and High Intensity Recreation~~ and Facilities
~~704.44.1.~~	Section 531.	531.41.	A.			Generally
~~704.44.1.1.~~	Section 531.	531.41.	A.	1		~~Setbacks~~
~~704.44.1.2.~~	Section 531.	531.41.	A.	2		~~Parking and Loading.~~
~~704.44.1.3.~~	Section 531.	531.41.	A.	2		~~Screening.~~
~~704.44.1.4.~~	Section 531.	531.41.	B.			Public Lands in WP-E and WP-M Overlay Districts
~~704.44.2.~~	Section 531.	531.41.	C.			~~High Intensity Recreation Facilities.~~ Timing
~~704.44.3.~~	Section 531.	531.41.	F.			Golf Courses.
~~704.44.3.1.~~	Section 531.	531.41.	G.			Maintenance.
~~704.44.4.~~	Section 531.	531.41.	H.			Golf Driving Ranges.

OLD #	NEW #					TITLE
~~704.44.5.~~	Section 531.	531.41.	I.			Riding and Boarding Stables or Schools (Public or Private).
~~704.44.5.1.~~	Section 531.	531.41.	I.	1		Minimum Lot Size.
~~704.44.5.2.~~	Section 531.	531.41.	I.	2		Setbacks.
~~704.44.6.~~	Section 531.	531.41.	D.			Camps.
~~704.44.6.1.~~	Section 531.	531.41.	D.			~~Location.~~
~~704.44.6.2.~~	Section 531.	531.41.	D.	1		~~Setback.~~
~~704.44.6.3.~~	Section 531.	531.41.	I.	3		Access.
~~704.44.7.~~	Section 531.	531.41.	E.			Rural Recreation Uses
~~704.44.7.1.~~	Section 531.	531.41.	E.			NA;
NA	Section 531.	531.42.				Recreational Vehicle Parks and Subdivisions.
NA	Section 531.	531.9.				Building Materials Sales Establishment
~~704.45.~~	Section 531.	531.9.	A.			Lumberyards.
~~704.45.1.~~	Section 531.	531.9.	A.			~~Setbacks.~~
~~704.45.2.~~	Section 531.	531.9.	A.			~~Screening.~~
~~704.46.~~	Section 531.	531.32.				~~Manufactured~~Mobile Homes
~~704.46.1.~~	Section 531.	531.32.	A.			~~Setbacks.~~
~~704.46.2.~~	Section 531.	531.32.	A.			~~Access.~~
~~704.46.3.~~	Section 531.	531.32.	B.			~~Minimum Lot Size.~~
~~704.46.4.~~	Section 531.	531.32.	C.			~~Design standards.~~
~~704.46.5.~~	Section 531.	531.32.	F.			~~Special/Administrative Permit Renewals.~~
~~704.46.6.~~	Section 531.	531.32.	D.			NA;
~~704.47.~~	Section 531.	531.31.				Mini-warehouses/self-storage.
~~704.47.1.~~	Section 531.	531.31.	A.			Lot Dimensions.
~~704.47.2.~~	Section 531.	531.31.	B.			Setbacks.
~~704.47.3.~~	Section 531.	531.31.	C.			Storage.
~~704.47.4.~~	Section 531.	531.31.	D.			Limitation.
~~704.47.5.~~	Section 531.	531.31.	E.			Screening.
~~704.47.6.~~	Section 531.	531.31.	F.			Landscaping.
~~704.47.7.~~	Section 531.	531.31.	G.			Outdoor Storage.
~~704.47.7.1.~~	Section 531.	531.31.	G.	1		NA;

OLD #	NEW #					TITLE
~~704.47.7.2.~~	Section 531.	531.31.	G.	2		NA;
~~704.47.7.3.~~	Section 531.	531.31.	G.	3		NA;
~~704.48.~~	Section 531.	531.26.	C.			Motor Pool Facilities, Taxi Cab, Limousine Service Facilities.
~~704.48.1~~	Section 531.	531.26.	C.	1.		~~.Location.~~
~~704.48.2.~~	Section 531.	531.26.	C.	2.		~~Screening.~~
~~704.48.3.~~	Section 531.	531.26.	C.	3.		~~Setback.~~
~~704.48.4.~~	Section 531.	531.26.	C.	4.		~~Filtration of Pollutants.~~
~~704.49.~~	Section 531.	531.34.				Motor Freight Terminals.
~~704.49.1.~~	Section 531.	531.34.	A.			~~Screening.~~
~~704.49.2.~~	Section 531.	531.34.	B.			~~Setbacks.~~
~~704.49.3.~~	Section 531.	531.34.	C.			~~Filtration of Pollutants.~~
~~704.50.~~	Section 531.	531.56.				~~Motor~~ Vehicle Repair, Major
~~704.50.1.~~	Section 531.	531.56.				~~Standards.~~
~~704.50.2.~~	Section 531.	531.56.				~~Setbacks.~~
~~704.50.3.~~	Section 531.	531.56.	A.			~~Noise.~~
~~704.50.4.~~	Section 531.	531.56.	B.			~~Screening.~~
~~704.50.5.~~	Section 531.	531.56.	C.			~~Filtration of Pollutants.~~
~~704.50.6.~~	Section 531.	531.56.	D.			~~Boat Motor Repair.~~
~~704.51.~~	Section 531.	531.57.				~~Motor~~ Vehicle Sales, Rental, Leasing.
~~704.51.1.~~	Section 531.	531.57.				~~Standards.~~
~~704.51.2.~~	Section 531.	531.57.	B.			~~Noise.~~
~~704.51.3.~~	Section 531.	531.57.	C.			~~Setbacks.~~
~~704.51.4.~~	Section 531.	531.57.	D.			~~Screening.~~
~~704.52.~~	Section 530.					~~Multifamily Dwellings in PR District.~~
~~704.53.~~	Section 531.	531.35.				Nursing Homes.
~~704.53.1.~~	Section 531.	531.35.	A.			~~Minimum Access.~~
~~704.53.2.~~	Section 531.	531.35.	B.			~~Setback.~~
~~704.53.3.~~	Section 531.	531.35.	C.			~~Compliance With Law.~~
~~704.53.4.~~	Section 531.	531.35.	D.			~~Service Vehicles.~~
~~704.53.5.~~	Section 531.	531.35.				~~Screening.~~

OLD #	NEW #					TITLE
~~704.54.~~	Section 531.	531.44				~~Outpatient Treatment Facilities~~ Rehabilitation Center~~, Residential Treatment Facilities~~
~~704.54.1.~~	Section 531.	531.44	A.			~~Location.~~
~~704.54.2.~~	Section 531.	531.44	B.			NA;
~~704.54.3.~~	Section 531.	531.44	B.			~~NA;~~
~~704.55.~~	Section 531.	531.36.	F.			~~Post Offices. (See Cultural Facilities).~~
~~704.56~~	Section 521.	521.14				Civic, Social and Fraternal Organizations/Clubs~~*Private Community Uses.*~~
~~704.56.1.~~	Section 521.	521.14				~~Setback~~
~~704.56.2.~~	Section 521.	521.14				~~Parking and Loading.~~
~~704.56.3.~~	Section 521.	521.14				~~Recreational Facilities.~~
~~704.56.4.~~	Section 521.	521.14				~~Screening.~~
~~704.56.5.~~	Section 521.	521.14				~~Location~~
~~704.57.~~	Section 531.	531.39				Public Community Use.
~~704.57.1~~	Section 531.	531.39	A.			~~.Screening.~~
~~704.57.2.~~	Section 531.	531.39	B.			~~Orientation.~~
~~704.57.3.~~	Section 531.	531.39	C.			~~Location.~~
~~704.57.4.~~	Section 531.	531.39	D.			~~Limitation.~~
~~704.58.~~	Section 531.	531.40.				Public Use Facilities.
~~704.58.1.~~	Section 531.	531.40.	A.			~~Setbacks.~~
~~704.58.2.~~	Section 531.	531.40.	A.			~~Screening and Landscaping.~~
~~704.58.3.~~	Section 531.	531.40.	B.			~~Sheriff Substations.~~
~~704.59.~~	Section 531.	531.37.				Personal Wireless Service Facilities .
NA	Section 531.	531.37.	A.			Purpose and Intent
~~704.59.1.~~	Section 531.	531.37.	B.			Applicability.:
~~704.59.2.~~	Section 531.	531.37.	C.			Approval Types.:
~~704.59.3.~~	Section 531.	531.37.	D.			General Standards.
~~704.59.3.1(A).~~	Section 531.	531.37.	D.	1		Permitted Locations.
~~704.59.3.1(B).~~	Section 531.	531.37.	D.	2		Availability of Other PWSF Providers.
~~704.59.3.2.~~	Section 531.	531.37.	D.	3		Collocation of PWSFs.
~~704.59.3.3.~~	Section 531.	531.37.	D.	4		Separation.
~~704.59.3.3.1.~~	Section 531.	531.37.	D.	4	a.	Separation from Off-Site Uses.

OLD #	NEW #					TITLE
~~704.59.3.3.2.~~	Section 531.	531.37.	D.	4	b.	Separation from On-Site Uses.
~~704.59.3.3.3.~~	Section 531.	531.37.	D.	4	c.	Separation Between Telecommunication Towers (by Tower Type).
~~704.59.3.3.4.~~	Section 531.	531.37.	D.	4	d.	Separation from Arterial Roadways.
~~704.59.3.3.5.~~	Section 531.	531.37.	D.	4	e.	Separation from Interstates.
~~704.59.3.3.6.~~	Section 531.	531.37.	D.	4	f.	Guy Wires Separation.
~~704.59.3.4.~~	Section 531.	531.37.	D.	5		Site Development.
~~704.59.3.5.~~	Section 531.	531.37.	D.	6		Landscaping and Screening.
~~704.59.3.6.~~	Section 531.	531.37.	D.	7		Appearance.
~~704.59.3.7.~~	Section 531.	531.37.	D.	8		Lighting.
~~704.59.3.8.~~	Section 531.	531.37.	D.	9		Antennas.
~~704.59.3.8.1.~~	Section 531.	531.37.	D.	9	a.	Maximum Height.
~~704.59.3.8.2.~~	Section 531.	531.37.	D.	9	b.	Extension.
~~704.59.3.8.3.~~	Section 531.	531.37.	D.	9	c.	PWSF Facilities.
~~704.59.3.8.4.~~	Section 531.	531.37.	D.	9	d.	Building Exterior.
~~704.59.3.8.5.~~	Section 531.	531.37.	D.	9	e.	Roof.
~~704.59.3.8.6.~~	Section 531.	531.37.	D.	9	f.	Report.
~~704.59.3.8.7.~~	Section 531.	531.37.	D.	9	g.	Interference.
~~704.59.3.8.8.~~	Section 531.	531.37.	D.	9	h.	Utility pole mounted antennas
~~704.59.3.9.~~	Section 531.	531.37.	D.	10		Temporary Wireless Telecommunication Facilities.
~~704.59.3.10.~~	Section 531.	531.37.	D.	11		Construction Standards.
~~704.59.3.10.1.~~	Section 531.	531.37.	D.	11	a.	NA;
~~704.59.3.10.2.~~	Section 531.	531.37.	D.	11	b.	NA;
~~704.59.3.10.3.~~	Section 531.	531.37.	D.	11	c.	NA;
~~704.59.3.10.4.~~	Section 531.	531.37.	D.	11	d.	NA;
~~704.59.3.10.5.~~	Section 531.	531.37.	D.	11	e.	NA;
~~704.59.3.11.~~	Section 531.	531.37.	D.	12		Application Processing.
~~704.59.3.12.~~	Section 531.	531.37.	D.	13		Security.
~~704.59.3.12.1.~~	Section 531.	531.37.	D.	13	a.	NA;
~~704.59.3.12.2.~~	Section 531.	531.37.	D.	13	b.	NA;
~~704.59.3.12.3.~~	Section 531.	531.37.	D.	13	c.	NA;

OLD #	NEW #					TITLE
~~704.59.3.12.4.~~	Section 531.	531.37.	D.	13	d.	NA;
~~704.59.3.12.5.~~	Section 531.	531.37.	D.	13	e.	NA;
~~704.59.3.12.6.~~	Section 531.	531.37.	D.	13	f.	Signage.
~~704.59.3.13.~~	Section 531.	531.37.	D.	14		Application requirements.
~~704.59.3.13.1.~~	Section 531.	531.37.	D.	14	a.	NA;
~~704.59.3.13.2.~~	Section 531.	531.37.	D.	14	b.	NA;
~~704.59.3.13.3.~~	Section 531.	531.37.	D.	14	c.	NA;
~~704.59.3.13.4.~~	Section 531.	531.37.	D.	14	d.	NA;
~~704.59.3.13.5.~~	Section 531.	531.37.	D.	14	e.	NA;
~~704.59.3.13.6.~~	Section 531.	531.37.	D.	14	f.	NA;
~~704.59.3.13.7.~~	Section 531.	531.37.	D.	14	g.	NA;
~~704.59.3.13.8.~~	Section 531.	531.37.	D.	14	h.	NA;
~~704.59.3.13.9.~~	Section 531.	531.37.	D.	14	i.	NA;
~~704.59.3.13.10.~~	Section 531.	531.37.	D.	14	j.	NA;
~~704.59.3.13.11.~~	Section 531.	531.37.	D.	14	k.	NA;
~~704.59.3.13.12.~~	Section 531.	531.37.	D.	14	l.	Siting Preferences.
~~704.59.3.13.13.~~	Section 531.	531.37.	D.	14	m.	NA;
~~704.59.3.13.14.~~	Section 531.	531.37.	D.	14	o.	NA;
~~704.59.3.13.15.~~	Section 531.	531.37.	D.	14	p.	NA;
~~704.59.3.13.16.~~	Section 531.	531.37.	D.	14	q.	NA;
~~704.59.3.13.17.~~	Section 531.	531.37.	D.	14	r.	NA;
~~704.59.3.13.18.~~	Section 531.	531.37.	D.	14	s.	Experts.
~~704.59.3.14—704.59.3.19.3.~~	Section 531.	531.37.	D.	14	f.	~~Reserved.~~
~~704.59.3.19.4.~~	Section 531.	531.37.	E.			Annual Report.
~~704.59.3.19.4.1.~~	Section 531.	531.37.	E.	1		NA;
~~704.59.3.19.4.2.~~	Section 531.	531.37.	E.	2		NA;
~~704.59.3.19.4.3.~~	Section 531.	531.37.	E.	3		NA;
~~704.59.3.20.~~	Section 531.	531.37.	F.			Abandonment.
~~704.60.~~	Section 531.	531.43.				~~Recovery Homes~~

OLD #	NEW #					TITLE
~~704.61.~~	Section 531.	531.43.				Recreational Vehicle/~~Manufactured~~ Mobile Home Sales, Rental & Leasing.
~~704.61.1.~~	Section 531.	531.43.				~~Location.~~
~~704.61.2.~~	Section 531.	531.43.	A.			~~Orientation.~~
~~704.61.3.~~	Section 531.	531.43.	B.			~~Uses.~~
~~704.61.4.~~	Section 531.	531.43.	C.			~~Buffer Area.~~
~~704.61.5.~~	Section 531.	531.43.	D.			~~Screening.~~
~~704.62.~~	Section 531.	531.45				Residential Care Facilities (including Assisted Living Facilities, Community Residential Homes, Recovery Homes, ~~Group Care Homes, Emergency Shelter Homes,~~ and Emergency Shelters.
~~704.62.1.~~	Section 531.	531.45	B.			~~Location~~
~~704.62.2.~~	Section 531.	531.45	C.			~~Density Limitations.~~
~~704.62.2.1.~~	Section 531.	531.45	C.			NA
~~704.62.3.~~	Section 531.	531.45	D.			~~Standards.~~
~~704.62.3.1.~~	Section 531.	531.45	D.			~~Residential Character.~~
~~704.62.3.2.~~	Section 531.	531.45	E.			Floor Area Requirements
~~704.62.3.2.1.~~	Section 531.	531.45	E.	1		~~Minimum Floor Area Pper Person.~~
~~704.62.3.2.2.~~	Section 531.	531.45	E.	2		~~Total Interior Living Space~~
~~704.62.3.2.3.~~	Section 531.	531.45	E.	3		~~Bathroom Facilities~~
~~704.62.4.~~	Section 531.	531.45	E.	3		~~Lot Size.~~
~~704.62.5.~~	Section 531.	531.45	E.	3		~~Compliance With Law.~~
~~704.62.6.~~	Section 531.	531.45	E.	3		~~Screening.~~
NA	Section 531.	531.46.	D.			Residential Treatment Facilities.
~~704.63.~~	Section 531.	531.42.				~~Repair Service Establishments .~~
~~704.63.1.~~	Section 531.	531.42.				NA;
~~704.64.~~	Section 531.	531.53.	F.			Standards for Resource Recovery Facilities
~~704.64.1.~~	Section 531.	531.53.		1		~~Setbacks.~~
~~704.64.2.~~	Section 531.	531.53.		2		~~Outdoor Storage.~~
~~704.64.3.~~	Section 531.	531.53.		3		~~Access.~~
~~704.64.4.~~	Section 531.	531.52.		4		~~Minimum Lot Size.:~~
~~704.65.~~	Section 531.	531.50				Schools .

OLD #	NEW #					TITLE
~~704.65.1.~~	Section 531.	531.50				~~Orientation.~~
~~704.66.~~	Section 531.	531.51.				Service Stations/ ~~and Other~~ Gas Pumps ~~Locations~~.
~~704.66.1.~~	Section 531.	531.51.	A.			Location.
~~704.66.2.~~	Section 531.	531.51.	B.			Lot Dimensions.
~~704.66.3.~~	Section 531.	531.51.	C.			Setbacks.
NA	Section 531.	531.51.	D.			Service Bays.
~~704.66.4.~~	Section 531.	531.51.	E.			Flammable Liquids Products Storage.
~~704.66.5.~~	Section 531.	531.51.	F.			Interior Traffic Circulation.
~~704.66.6.~~	Section 531.	531.51.	G.			*Neighborhood Commercial (NCS and NCM) Districts*
~~704.66.6.1.~~	Section 531.	531.51.	G.	3		NA;
~~704.66.6.2.~~	Section 531.	531.51.	G.	1		NA;
~~704.66.6.3.~~	Section 531.	531.51.	G.	2		NA;
~~704.66.7.~~	Section 531.	531.51.	G.	2		~~Screening.~~
~~704.66.8.~~	Section 531.	531.51.	H.			~~*Service Stations in the*~~ *Cortez Fishing Village HA Overlay District*
~~704.66.8.1~~	Section 531.	531.51.	H.	1		NA;
~~704.66.8.2~~	Section 531.	531.51.	H.	2		NA;
~~704.66.8.3.~~	Section 531.	531.51.	H.	3		~~Lighting.~~
NA	Section 531.	531.51.	I.			Planned Development Districts
NA	Section 531.	531.51.	J.			Non-Retail Pumps
~~704.67.~~	Section 531.	531.49				~~Sign Painting Service.~~
~~704.67.1.~~	Section 531.	531.49				~~Storage.~~
~~704.67.2.~~	Section 531.	531.49				NA;
~~704.68.~~	Section 531.	531.1.				~~Small Animal Specialty Farms.~~
~~704.69.~~	Section 531.	531.36.				Outdoor Storage, ~~Outdoor~~ (Principal Use)~~, Towing Service Establishment~~
~~704.69.1.~~	Section 531.	531.36.	A.			~~Screening.~~
~~704.69.2.~~	Section 531.	531.26.	D.	1		~~Time Limitations.~~
~~704.69.3.~~	Section 531.	531.26.	D.	2		NA
~~704.69.4.~~	Section 531.	531.26.	D.	3		NA
~~704.69.5.~~	Section 531.	531.36.	B.			~~On-Site Office.~~
~~704.70.~~	Section 531.	531.53.	F.			~~Transportation Uses.~~

OLD #	NEW #					TITLE
~~704.70.1, 704.70.2.~~	Section 531.	531.53.				~~Reserved.]~~
~~704.70.3.~~	Section 531.	531.53.				~~Application Requirements.]~~
~~704.70.3.1.~~	Section 531.	531.53.				~~Use Designations.~~
~~704.70.3.2.~~	Section 531.	531.53.				~~Submission Requirements.~~
~~704.70.3.2.1.~~	Section 531.	531.53.				~~Authorization for Public Uses.~~
~~704.70.3.2.2.~~	Section 531.	531.53.				~~Other Applicable Law.~~
~~704.70.3.2.3.~~	Section 531.	531.2.	F.			~~Noise Abatement~~.
~~704.71.~~	Section 531.	531.41.	J.			Trapshooting, Skeet or Outdoor Firing Ranges
~~704.71.1.~~	Section 531.	531.41.	J.	1		Minimum Lot Size.:
~~704.71.2.~~	Section 531.	531.41.	J.	2		Setback.
~~704.71.3.~~	Section 531.	531.41.	J.	3		Screening.
~~704.71.4.~~	Section 531.	531.41.	J.	4		Compliance with Law.
~~704.71.5.~~	Section 531.	531.41.	J.	5		Conditions.
~~704.72.~~	Section 531.	531.54.				Utility Uses.
~~704.72.1.~~	Section 531.	531.54.	C.			Application Requirements.
NA	Section 531.	531.54.	C.	1.		Submittal Requirements
~~704.72.1.1.~~	Section 531.	531.54.	C.	1.	a.	~~Authorization.~~
~~704.72.1.2.~~	Section 531.	531.54.	C.	1.	a.	~~Uses Within the Right-of-Way.~~
~~704.72.1.3.~~	Section 531.	531.54.	C.	1.	b.	~~Selection Basis.~~
~~704.72.1.4.~~	Section 531.	531.54.	C.	2.	a.	~~Generally.~~
~~704.72.1.5.~~	Section 531.	531.54.	C.	2.	b.	NA;
~~704.72.2.~~	Section 531.	531.54.	A.			Location.
NA	Section 531.	531.54.	B.			Heavy Utility Uses Require Rezone to MP-I
~~704.72.3.~~	Section 531.	531.54.	C.	2.	b.	~~Additional Submission Requirements.~~
~~704.72.3.1.~~	Section 531.	531.54.	C.	1.	c.	~~System Description.~~
NA	Section 531.	531.54.	C.	2.		Review Criteria
~~704.72.3.2.~~	Section 531.	531.54.	C.	3		Exemptions.
~~704.72.3.2.1.~~	Section 531.	531.54.	C.	3		~~Submission as part of a development approval process.~~
~~704.72.3.2.2.~~	Section 531.	531.54.	D.	1		~~Dimensional Standards.~~
~~704.72.4.~~	Section 531.	531.54.	D.			Standards for Utility Uses.

OLD #	NEW #					TITLE
~~704.72.4.1.~~	Section 531.	531.54.	D.	2		~~Storage; Vehicle Parking, Servicing.~~
~~704.72.4.2.~~	Section 531.	531.54.	D.	3		~~Screening.~~
~~704.73.~~	Section 531.	531.58.				Veterinary Hospitals and Clinics.
~~704.74.~~	Section 531.	531.58.				~~Village Districts .~~
~~704.74.1.~~	Section 531.	531.58.				NA;
~~704.74.2.~~	Section 531.	531.58.				NA;
NA	Section 531.	531.47.				Residential Uses.
~~704.74.3~~	Section 531.	531.47.	A.			Residential Uses in the VIL Districts
~~704.74.4.~~	Section 531.	531.49.				Retail Uses ~~Sales, Neighborhood Convenience, Retail Sales, Neighborhood General and Retail Sales, General in the VIL Districts~~
NA	Section 531.	531.49.	A.			Retail in the CRV Zoning District
NA	Section 531.	531.49.	B.			Retail in the VIL Districts
~~704.74.4.1.~~	Section 531.	531.49.	B.	1		Size Limitations.
~~704.74.4.2.~~	Section 531.	531.49.	B.	2		Location.
~~704.74.4.3.~~	Section 531.	531.49.	B.	3		Screening.
~~704.74.5.~~	Section 531.	531.32.	E.			~~Manufactured Homes in VIL Districts.~~
~~704.75.~~	Section 531.	531.59				Warehouses.
~~704.76.~~	Section 511.	511.17.				~~Waterfront Structures. (See Section 734, Waterfront Structures.)~~
~~704.77.~~	Section 531.	531.57				~~Wild and Exotic Animals. (See Section 726—Wild and Exotic Animals.)~~
~~705. –~~	Ch. 5, Part III	_				Standards for Temporary Uses ~~Criteria~~
~~705.1.~~	Section 520.	_				General Standards ~~and Procedures for All Conditional Temporary Uses .~~
~~705.1.1.~~	Section 520.	_				~~Applicability.~~
~~705.1.2.~~	Section 354.	354.2.				~~Application.~~
~~705.1.3.~~	Section 520.					~~Standards.~~
~~705.1.3.1.~~	Section 520.	_	A.			~~Nuisance, Hazardous Features.~~
~~705.1.3.2.~~	Section 520.	_	B.			~~Traffic and Circulation.~~
~~705.1.3.3.~~	Section 520.	_	C.			~~Public Facilities and Services.~~
~~705.1.3.4.~~	Section 520.	_	D.			~~Natural Environment.~~
~~705.1.3.5.~~	Section 520.	_	E.			~~Site Suitability.~~
~~705.1.3.6.~~	Section 520.	_	F.			~~Duration.~~

OLD #	NEW #					TITLE
~~705.1.3.7.~~	Section 520.		G.			~~Building Permit.~~
~~705.1.3.8.~~	Section 520.		H.			~~Pre-Permit Site Inspection.~~
~~705.1.3.9.~~	Section 520.		J.			~~Dust Control , Appearance.~~
~~705.1.4.~~	Section 354.	354.3.				~~Termination.~~
NA	Section 354	354.4				Extension of Temporary Use Permit
~~705.1.5.~~	Section 354.	354.4.	B.			~~Renewals, Extensions.~~
~~705.1.6.~~	Section 354.	354.5.				Consolidated Permits.
~~705.1.7.~~	Section 520.					~~Additional Standards.~~
~~705.2.~~	Section 521.	521.2.				Construction Project Uses.
~~705.2.1.~~	Section 521.	521.2.	A.			~~Maximum Permit Period.~~
~~705.2.2.~~	Section 521.	521.2.	B.			~~Location.~~
~~705.2.3.~~	Section 521.	521.2.	C.			~~Removal.~~
~~705.2.4.~~	Section 521.	521.2.	D.			~~Screening in or Adjacent to a Residential or Neighborhood Commercial District.~~
~~705.2.5.~~	Section 521.	521.2.	E.			~~Exemption.~~
~~705.2.6.~~	Section 521.	521.2.	F.			NA
~~705.3.~~	Section 521.	521.3.				~~Manufactured~~Mobile Home ~~s~~Use ~~Occupied~~ During House Construction
~~705.3.1.~~	Section 521.	521.3.	B.			~~Location.~~
~~705.3.2.~~	Section 521.	521.3.	A.			~~Maximum Permit Period.~~
~~705.3.3.~~	Section 521.	521.3.	C.			~~Building Permit.~~
~~705.3.4.~~	Section 521.	521.3.				~~Standards.~~
~~705.3.4.1.~~	Section 521.	521.3.	D.			~~Removal.~~
~~705.3.4.2.~~	Section 521.	521.3.	E.			~~Screening in or Adjacent to a Residential District.~~
~~705.3.4.3.~~	Section 521.	521.3.	F.			~~Installation~~
~~705.3.4.5.~~	Section 521.	521.3.	G.			NA
~~705.4.~~	Section 521.	521.4.				Model Homes, Temporary Real Estate Sales Offices.
~~705.4.1.~~	Section 521.	521.4.	A.			~~Maximum Permit Period.~~
~~705.4.2.~~	Section 521.	521.4.				~~Location.~~
~~705.4.2.1.~~	Section 521.	521.4.	B.			~~District~~
~~705.4.2.2.~~	Section 521.	521.4.	C.			~~Lot~~
~~705.4.3.~~	Section 521.	521.4.	E.			~~Permit~~

OLD #	NEW #					TITLE
~~705.4.4.~~	Section 521.	521.4.	D.			~~Number of Model Home Units~~
~~705.5.~~	Section 521.	521.5.				Promotional Activities of Retail Merchants.
~~705.5.1.~~	Section 521.	521.5.	B.			NA;
~~705.5.2.~~	Section 521.	521.5.	A.			~~Maximum Permit Period.~~
~~705.5.3.~~	Section 521.	521.5.	C.			~~Location.~~
~~705.5.4.~~	Section 521.	521.5.	E.			~~Tents.~~
~~705.5.5.~~	Section 521.	521.5.	F.			NA;
~~705.5.6.~~	Section 521.	521.5.	D.	3		NA;
~~705.6.~~	Section 521.	521.7.				Temporary Dwellings.
~~705.6.1.~~	Section 521.	521.7.	B.			~~Maximum Permit Period.~~
~~705.6.2.~~	Section 521.	521.7.	A.			~~Purpose~~
~~705.6.3.~~	Section 521.	521.7.	C.			~~Location.~~
~~705.6.4.~~	Section 521.	521.7.	D.			~~Manufactured Home Allowed~~
~~705.7.~~	Section 521.	521.8.				Temporary Recreation Facilities.
~~705.7.1.~~	Section 521.	521.8.	A.			~~Maximum Permit Period.~~
~~705.7.2.~~	Section 521.	521.8.				~~Standards.~~
~~705.7.2.1.~~	Section 521.	521.8.	B.			~~Health Requirements.~~
~~705.7.2.2.~~	Section 521.	521.8.	C.			
~~705.8.~~	Section 521.	521.1.				Christmas Tree Sales.
~~705.8.1.~~	Section 521.	521.1.	B.			~~Location.~~
~~705.8.2.~~	Section 521.	521.1.	C.			~~Parking.~~
~~705.8.3.~~	Section 521.	521.1.	A.			~~Duration~~
~~705.9.~~	Section 521.	521.10.				Tents.
~~705.9.1.~~	Section 521.	521.10.	A.			~~Locations.~~
~~705.9.2.~~	Section 521.	521.10.	A.			~~Applicability~~
~~705.9.3.~~	Section 521.	521.10.	C.			~~Inspection.~~
~~705.9.4.~~	Section 521.	521.10.	B.			~~Responsibility.~~
~~705.9.5.~~	Section 521.	521.10.	C.			~~Building Code Reference.~~
~~705.10.~~	Section 521.	521.9.				Temporary Farmers Markets by Non-Profit Organizations.
~~705.10.1.~~	Section 521.	521.9.	A.			~~Duration~~

OLD #	NEW #					TITLE
~~705.10.2.~~	Section 521.	521.9.	B.			~~Use Limitations.~~
~~705.10.3.~~	Section 521.	521.9.	C.			~~Location.~~
~~705.10.4.~~	Section 521.	521.9.	D.			~~Sponsorship.~~
~~705.11.~~	Section 521.	521.6.				Special Event Temporary of Rights-of-Way
~~705.11.1.~~	Section 521.	521.6.	A.			Requests.
~~705.11.2.~~	Section 521.	521.6.	B.			Standards
~~705.11.2.1.~~	Section 521.	521.6.	B.	1.		
~~705.11.2.2.~~	Section 521.	521.6.	B.	2.		NA;
~~705.11.2.3.~~	Section 521.	521.6.	B.	3.		NA;
~~705.11.2.4.~~	Section 521.	521.6.	B.	4.		NA;
~~705.11.2.5.~~	Section 521.	521.6.	B.	5.		NA;
~~705.11.2.6.~~	Section 521.	521.6.	B.	6.		NA;
~~705.11.2.7.~~	Section 521.	521.6.	B.	7.		NA;
~~705.11.2.8.~~	Section 521.	521.6.	B.	8.		NA;
~~705.11.3.~~	Section 521.	521.6.	C.			Submission and Review
~~705.11.4.~~	Section 521.	521.6.	D.			Duration.
~~705.11.5.~~	Section 521.	521.6.	E.			Insurance Requirements.
~~705.11.6.~~	Section 521.	521.6.	F.			General Requirements.
~~705.12.~~	Section 521.					~~Other~~ Temporary Uses Allowed.
~~705.13.~~	Section 354.	354.6.				Violations.
~~706~~	Section 800.	800.10.	B.			~~Access and Drainage Regulations~~
~~706.1.~~	Section 800.	800.10.	B.			~~Purpose and Intent.~~
~~706.2.~~	Section 800.	800.10.	B.			~~Administration.~~
~~706.3.~~	Section 800.	800.10.	B.			~~Permit Required.~~
~~706.3.1.~~	Section 1004	1004.2.				~~NA;~~
~~706.4.~~	Section 801.	801.2.	B.			~~Final Approval.~~
~~706.5.~~	Section 800.	800.10.	B.			~~Required Zoning.~~
~~706.6.~~	Section 801.	801.2.				~~Procedure.~~
~~706.6.1.~~	Section 801.	801.2.				~~Required Submissions.~~
~~706.6.1.1.~~	Section 801.	801.2.				NA;

OLD #	NEW #					TITLE
~~706.6.1.2.~~	Section 801.	801.2.				NA;
~~706.6.1.3.~~	Section 801.	801.2.				NA;
~~706.6.1.4.~~	Section 801.	801.2.				NA;
~~706.6.1.5.~~	Section 801.	801.2.				NA;
~~706.6.1.6.~~	Section 801.	801.2.				NA;
~~706.6.1.7.~~	Section 801.	801.2.				NA;
~~706.6.1.8.~~	Section 801.	801.2.				NA;
~~706.6.1.9.~~	Section 801.	801.2.				NA;
~~706.6.2.~~	Section 801.	801.2.				~~Approval.~~
~~706.6.3.~~	Section 1004	1004.2.				~~Access onto Emergency Maintained Roads.~~ [MOVED TO TRAFFIC MANUAL]
~~707.~~	Section 531.	531.52.				Sexually Oriented Businesses ~~Adult Entertainment Uses~~
~~707.1.~~	Section 531.	531.52.	A.			~~Location.~~
~~707.1.1.~~	Section 531.	531.52.	A.	1		Entranceway Location Prohibition.
~~707.1.2.~~	Section 531.	531.52.	A.	2		Location as to Other Adult Entertainment Uses.
~~707.1.3.~~	Section 531.	531.52.	A.	3		Method of Measuring Distances.
~~707.1.4.~~	Section 531.	531.52.	A.	4		Applicability of Other Laws and Ordinances.
~~707.2.~~	Section 531.	531.52.	B.			Waiver.
~~707.2.1.1.~~	Section 531.	531.52.	B.	1		NA;
~~707.2.1.2.~~	Section 531.	531.52.	B.	2		NA;
~~707.2.1.3.~~	Section 531.	531.52.	B.	3		NA;
~~707.2.2.~~	Section 531.	531.52.	C.			Procedure for Hearing Waiver Requests.
~~707.3.~~	Section 531.	531.52.	D.			Non-conforming Adult Entertainment Establishments.
~~707.3.1.~~	Section 531.	531.52.	D.	1		NA;
~~707.3.2.~~	Section 531.	531.52.	D.	2		NA;
~~707.3.2.1.~~	Section 531.	531.52.	D.	2	a.	NA;
~~707.3.2.2.~~	Section 531.	531.52.	D.	2	b.	NA;
~~707.3.3.~~	Section 531.	531.52.	D.	2	c.	NA;
~~707.4.~~	Section 531.	531.52.	E.			License.
~~707.5.~~	Section 531.	531.52.	F.			Minimum Age Requirements.
~~707.5.1.~~	Section 531.	531.52.	F.	1		~~Adult Entertainment Establishments.~~

OLD #	NEW #					TITLE
~~707.5.2.~~	Section 531.	531.52.	F.	2		NA;
~~707.6.~~	Section 531.	531.52.	G.			Incidental Materials Vendors.
~~707.6.1.~~	Section 531.	531.52.	G.	1		Determination.
~~707.6.2.~~	Section 531.	531.52.	G.	2		Location of Adult Materials.
~~707.7.~~	Section 531.	531.52.	H.			Enforcement.
~~708.~~	Section 531.	531.4.				~~Sale of~~ Alcoholic Beverage~~s~~ Establishments.
~~708.1.~~	Section 531.	531.4.				~~Zoning Districts.~~
~~708.2.~~	Section 531.	531.4.				~~Package Sales.~~
~~708.3.~~	Section 531.	531.4.				~~Consumption on Premises.~~
~~708.3.1.~~	Section 531.	531.4.				~~Permitted Facilities.~~
~~708.3.2.~~	Section 531.	531.4.				~~Conditional Use Establishments:~~
~~709.~~	Section 806.					Outdoor Lighting.
~~709.1.~~	Section 806.	806.1.				Intent.
~~709.2.~~	Section 806.	806.2.				Applicability.
~~709.2.1.~~	Section 806.	806.2.	A.			NA;
~~709.2.2.~~	Section 806.	806.2.	B.			NA;
~~709.3.~~	Section 806.	806.3.				Exemptions.
~~709.3.1.~~	Section 806.	806.3.	A.			Low Intensity.
~~709.3.2.~~	Section 806.	806.3.	B.			Streets.
~~709.3.3.~~	Section 806.	806.3.	C.			Emergency.
~~709.3.4.~~	Section 806.	806.3.	D.			Construction.
~~709.3.5.~~	Section 806.	806.3.	E.			Road and Utility Repairs.
~~709.3.6.~~	Section 806.	806.3.	F.			Signs.
~~709.3.7.~~	Section 806.	806.3.	G.			Religious or National Symbols and Flags.
~~709.3.8.~~	Section 806.	806.3.	H.			Underwater Lamps.
~~709.3.9.~~	Section 806.	806.3.	I.			NA;
~~709.4.~~	Section 806.	806.4.				Illumination Limits.
~~709.4.1.~~	Section 806.	806.4.	A.			Direct Illumination.
~~709.4.2.~~	Section 806.	806.4.	B.			Driver Vision Impairment.
~~709.4.3.~~	Section 806.	806.4.	C.			Measurable Spill Illumination Limits.

OLD #	NEW #					TITLE
~~709.5.~~	Section 806.	806.5.				Fixture Height.
~~709.5.1.~~	Section 806.	806.5.				NA;
~~709.5.2.~~	Section 806.	806.5.				~~Limits.~~
~~709.5.2.1.~~	Section 806.	806.5.	A.			NA;
~~709.5.2.2.~~	Section 806.	806.5.	B.			NA;
~~709.5.2.3.~~	Section 806.	806.5.	C.			NA;
~~709.6.~~	Section 806.	806.6.				Controllers, Timers and Sensors.
~~709.6.1.~~	Section 806.	806.6.	A.			NA;
~~709.6.2.~~	Section 806.	806.6.	B.			NA;
~~709.6.3.~~	Section 806.	806.6.	C.			NA;
~~709.6.4.~~	Section 806.	806.6.	D.			NA;
~~709.7.~~	Section 806.	806.7.				Special Lights.
~~709.7.1.~~	Section 806.	806.7.	A.			Aerial Lights.
~~709.7.2.~~	Section 806.	806.7.	B.			Accent Lights.
~~709.7.3.~~	Section 806.	806.7.	C.			Boat Dock and Marina Lights.
~~709.7.3.1.~~	Section 806.	806.7.	C.	1		NA;
~~709.7.3.2.~~	Section 806.	806.7.	C.	2		NA;
~~709.7.3.3.~~	Section 806.	806.7.	C.	3		NA;
~~709.7.4.~~	Section 806.	806.7.	D.			Canopy Lights.
~~709.7.5.~~	Section 806.	806.7.	E.			Fascia Lights.
~~709.7.6.~~	Section 806.	806.7.	F.			Gas Pump, Convenience Business, Automatic Teller Machine, and other Required Security Lights.
~~709.7.7.~~	Section 806.	806.7.	G.			Outline Lights.
~~709.7.8.~~	Section 806.	806.7.	H.			Projection Lights.
~~709.7.9.~~	Section 806.	806.7.	I.			Required Lights.
~~709.7.10.~~	Section 806.	806.7.	J.			Stadium and Recreation Lights.
~~709.7.10.1.~~	Section 806.	806.7.	J.	1		NA;
~~709.7.10.2.~~	Section 806.	806.7.	J.	2		NA;
~~709.8.~~	Section 806.	806.8.				Lighting Plan.
~~709.8.1.~~	Section 806.	806.8.	A.			Purpose.

OLD #	NEW #					TITLE
~~709.8.2.~~	Section 806.	806.8.	B.			Submittal.
NA	Section 806.	806.8.	C.			Contents of Lighting Plan
~~709.8.3.~~	Section 806.	806.8.	C.	1.		~~Fixture Locations.~~
~~709.8.4.~~	Section 806.	806.8.	C.	2.		~~Fixture Detail.~~
~~709.8.5.~~	Section 806.	806.8.	C.	3.		~~Fixture Height and Mounts.~~
~~709.8.6.~~	Section 806.	806.8.	C.	4.		~~Direct Illumination Plots.~~
~~709.8.7.~~	Section 806.	806.8.	C.	5.		~~Photometric Diagram.~~
~~709.8.7.1.~~	Section 806.	806.8.	C.	5.	a.	NA;
~~709.8.7.2.~~	Section 806.	806.8.	C.	5.	a.	NA;
~~709.8.7.3.~~	Section 806.	806.8.	C.	5.	b.	NA;
~~709.8.7.4.~~	Section 806.	806.8.	C.	5.	c.	NA;
~~709.8.7.5.~~	Section 806.	806.8.	C.	5.	d.	NA;
~~709.9.~~	Section 806.	806.8.	D.			Review.
~~709.9.1.~~	Section 806.	806.8.	D.			NA;
~~709.10.~~	Section 806.	806.8.	E.			Inspection.
~~709.10.1.~~	Section 806.	806.8.	E.			NA;
~~710~~	Section 1005					Off-Street Parking ~~and Loading~~
~~710.1.~~	Section 1005					~~Off-Street Parking.~~
~~710.1.1.~~	Section 1005	1005.1.				Applicability.
~~710.1.1.1.~~	Section 1005	1005.1.	A.			~~Generally~~ New Development.
~~710.1.1.2.~~	Section 1005	1005.1.	A.			~~Off-street Vehicle Storage.~~
~~710.1.1.2.1.~~	Section 1005	1005.1.	A.			~~NA;~~
~~710.1.1.2.2.~~	Section 1005	1005.1.	A.			~~NA;~~
~~710.1.1.3.~~	Section 1005	1005.1.	B.			Building Expansions and Additions.
~~710.1.2.~~	Section 1005	1005.8.				~~Plans Required~~ Modifications to Existing Parking Lots
~~710.1.2.1.~~	Section 1005	1005.8.	A.			NA;
~~710.1.2.2.~~	Section 1005	1005.8.				NA;
~~710.1.3.~~	Section 1005	1005.6.				Location of Parking Spaces.
~~710.1.3.1.~~	Section 1005	1005.6.	A.			~~Generally.~~ Location of Parking
~~710.1.3.1.1.~~	Section 1005	1005.6.	A.			NA;

OLD #	NEW #					TITLE
~~710.1.3.1.2.~~	Section 1005	1005.6.	A.	1.		NA;
~~710.1.3.1.3.~~	Section 1005	1005.6.	A.	2.		NA;
~~710.1.3.1.4.~~	Section 1005	1005.6.	A.	3.		~~Alternative Locations.~~
~~710.1.3.2.~~	Section 1005	1005.5.				Cooperative Parking Facilities.
~~710.1.3.2.1.~~	Section 1005	1005.5.	A.			Legal Arrangements.
~~710.1.3.2.2.~~	Section 1005	1005.5.	B.			Amount.
~~710.1.3.2.3.~~	Section 1005	1005.5.	C.			Cooperative Parking within the WP-E, WP-M Watershed Overlay Districts.
~~710.1.3.2.4.~~	Section 403	403.5.	I.	1.	a.	i. ~~Pervious parking surface required in Cortez Fishing Village HA Overlay District~~
~~710.1.3.3.~~	Section 1005	1005.7.	C.			Location of Vehicular Use Areas ~~in Required Yards~~
~~710.1.3.3.1.~~	Section 1005	1005.7.	C.	1		~~Generally.~~
~~710.1.3.3.2.~~	Section 1005	1005.7.	C.	2		~~Parking Structures; Carports.~~
~~710.1.3.3.3.~~	Section 1005	1005.6.				~~Vehicle Sales.~~
~~710.1.3.3.4.~~	Section 1005	1005.6.				~~NA;~~
~~710.1.4.~~	Section 1005	1005.4.				Reduction in Number ~~or Size~~ of Required ~~Off-Street~~ Parking Spaces
~~710.1.4.1.~~	Section 1005	1005.4.	A.			~~Reduction in Need.~~
~~710.1.4.2.~~	Section 1005	1005.4.	B.			~~Replacement with Bicycle Space.~~
~~710.1.4.3.~~	Section 1005	1005.7.	B.			Compact ~~Car~~ Spaces~~.~~
~~710.1.4.4.~~	Section 1005	1005.4.	C.			~~Preservation of Trees.~~
~~710.1.4.5.~~	Section 1005	1005.4.	D.			~~Variations for Known Requirements.~~
~~710.1.4.6.~~	Section 1005	1005.4.	E.			~~Vehicle Use Areas in the Watershed Overlay Districts.~~
~~710.1.5.~~	Section 1005	1005.7.				Parking Lot ~~Access and~~ Design.
~~710.1.5.1.~~	Section 1005	1005.7.	D.			~~Generally.~~ Circulation
~~710.1.5.1.1.~~	Section 1005	1005.7.	D.	1		NA;
~~710.1.5.1.2.~~	Section 1005	1005.7.	D.	2		NA;
~~710.1.5.1.2.1.~~	Section 1005	1005.7.	D.	3		~~Angled Parking (30 degrees, 45 degrees, 60 degrees, 75 degrees).~~
~~710.1.5.1.3.~~	Section 1005	1005.7.	D.	4		NA;
~~710.1.5.2.~~	Section 1005	1005.7.	E.			Multiple Stacking of Spaces.
~~710.1.5.3.~~	Section 1005	1005.7.	F.			Pedestrian Safety.
~~710.1.5.3.1.~~	Section 1005	1005.7.	G.			Pedestrian Safety Zones.
~~710.1.5.4.~~	Section 1005	1005.7.	H.			Waste Storage Facilities Location.

OLD #	NEW #					TITLE
~~710.1.5.5.~~	Section 1005	1005.7.	A.			Dimensional Requirements.
~~710.1.5.5.2~~	Section 531.	531.16.	F.			~~Drive Through Service Lanes.~~
~~710.1.5.5.3.~~	Section 1001	1001.5.				Distance from Buildings.
~~710.1.5.5.3.1.~~	Section 1001	1001.5.				NA;
~~710.1.5.5.3.2.~~	Section 1001	1001.5.	A.			~~NA~~; Residential Buildings
~~710.1.5.5.3.3.~~	Section 1001	1001.5.	B.			Gatehouses, Restricted Entry Gates.
~~710.1.5.5.4.~~	Section 1001	1001.4.	C.	3.		~~Culs-de-Sac.~~ NA
~~710.1.5.5.5.~~	Section 1005	1005.11.				Construction and Maintenance.
~~710.1.5.5.5.1.~~	Section 1005	1005.11.				~~Surface.~~ NA
~~710.1.5.5.5.1.1.~~	Section 1005	1005.11.				~~Large Projects.~~ [MOVED TO TRAFFIC MANUAL]
~~710.1.5.5.5.1.2.~~	Section 1005	1005.11.				~~Vehicle Use Areas within Watershed Overlay Districts.~~ [MOVED TO TRAFFIC MANUAL]
~~710.1.5.5.5.2.~~	Section 1005	1005.11.				~~Curbs or Stops.~~ [MOVED TO TRAFFIC MANUAL]
~~710.1.5.5.5.3.~~	Section 1005	1005.11.				~~Encroachment by Vehicle Parking Spaces.~~ [MOVED TO TRAFFIC MANUAL]
~~710.1.5.5.5.4.~~	Section 1005	1005.11.				~~Marking of Spaces.~~ [MOVED TO TRAFFIC MANUAL]
~~710.1.5.5.5.5.~~	Section 1005	1005.11.				~~Drainage.~~ [MOVED TO TRAFFIC MANUAL]
~~710.1.5.5.6.~~	Section 1005	1005.11.				~~Reserved.~~
~~710.1.5.5.7.~~	Section 1005	1005.2.				Use of Off-~~street~~ Street Parking Areas.
~~710.1.5.5.8.~~	Section 1005	1005.10.				Landscaping.
~~710.1.5.5.9.~~	Section 1005	1005.3.	C.			Determination of ~~Minimum~~ Required ~~Off-street~~ Parking Spaces
~~710.1.5.5.9.1.~~	Section 1005	1005.3.	C.	1		Employee/Person Measurement Basis.
~~710.1.5.5.9.2.~~	Section 1005	1005.3.	C.	2		~~*Combinations of Uses*~~ *Multiple Uses on a Site*.
~~710.1.5.5.9.3.~~	Section 1005	1005.3.	C.	3		~~*Maximum Requirements Apply in*~~ *Cases of Uncertainty*
~~710.1.5.5.9.4.~~	Section 1005	1005.3.	C.	4		Requirements for Unlisted Uses.
~~710.1.5.5.9.5.~~	Section 1005	1005.3.	C.	5		Fractional Measurements.
~~710.1.5.5.9.6.~~	Section 1005	1005.3.	C.	6		Basis of Measurement.
~~710.1.5.5.9.7.~~	Section 1005	1005.3.	C.	6		~~Handicapped Parking.~~
~~710.1.5.5.10.~~	Section 531.	531.16.	D.			~~Stacking Lanes for Drive-Through Facilities.~~
~~710.1.5.5.10.1~~	Section 531.	531.16.	E.			NA;
~~710.1.6.~~	Section 1005	1005.3.				Number of Vehicular Parking Spaces Required ~~Ratios~~
NA	Section 1005	1005.3.	A.			Minimum Parking Requirements

OLD #	NEW #					TITLE
NA	Section 1005	1005.3.	B.			Maximum Parking Permitted
~~710.2~~	Section 1006					Off-Street Loading.
~~710.2.1.~~	Section 1006	1006.1.				Applicability.
~~710.2.2.~~	Section 1006	1006.7.				Location of Loading Facilities.
NA	Section 1006	1006.7.	A.			Required Loading Spaces.
~~710.2.3.~~	Section 1006	1006.5.				Cooperative Loading Facilities.
~~710.2.4.~~	Section 1006	1006.6.				Reduction in Required Loading Spaces.
~~710.2.4.1.~~	Section 1006	1006.6.				~~Substitution.~~
~~710.2.4.2.~~	Section 1006	1006.6.				~~Reduction in Need.~~
~~710.2.5.~~	Section 1006	1006.7.	B.			~~Distance From Intersections; Setbacks.~~
~~710.2.6.~~	Section 1006	1006.8.	B.			~~Relationship to Off-street Parking.~~ Maneuvering
NA	Section 1006	1006.8.	C.			Circulation.
~~710.2.7.~~	Section 1006	1006.3.				Use Limitations.
~~710.2.8.~~	Section 1006	1006.8.	D.			Access~~; Parking~~
NA	Section 1006	1006.8.	E.			Street Side Access.
NA	Section 1006	1006.8.	F.			Marked Spaces.
NA	Section 1006	1006.8.	G.			Leaving and Entering
NA	Section 1006	1006.8.	H.			Pedestrian Safety
~~710.2.9.~~	Section 1006	1006.9.				Construction.
~~710.2.10.~~	Section 1006	1006.8.				Loading Facility Design.
NA	Section 1006	1006.8.	A.			Required Dimensions.
~~710.2.11.~~	Section 1006	1006.9.				Reserved.
~~710.2.12.~~	Section 1006	1006.8.	I.			~~Screening.~~
~~710.2.13.~~	Section 1006	1006.5.				~~Combination of Uses .~~
~~710.2.14.~~	Section 1006	1006.4.				~~Maximum Requirements Apply in Cases of Uncertainty.~~
~~710.2.15.~~	Section 1006	1006.4.				~~Unlisted Uses—Determination by the Planning Director.~~
~~710.2.16.~~	Section 1006	1006.2.				Off-street Loading Plans Required.
~~710.2.17.~~	Section 1006	1006.4.				Number of ~~Minimum Required~~ Loading Spaces Required.
~~710.2.17.1.~~	Section 1006	1006.4.				~~Ratios.~~
~~710.2.17.1.1.~~	Section 1006	1006.4.	A.			Standard A:

OLD #	NEW #					TITLE
~~710.2.17.1.2.~~	Section 1006	1006.4.	B.			Standard B:
~~710.2.17.1.3.~~	Section 1006	1006.4.	C.			Standard C
~~710.2.17.2.~~	Section 1006	1006.4.	C.			~~Uses.~~
~~711~~	Section 1004					Driveway ~~Access~~ Regulations
~~711.1.~~	Section 1004	1004.1.				Purpose and Intent.
~~711.2.~~	Section 1004	1004.2.				Access and Drainage Permit Required.
NA	Section 1004	1004.2.	A.			Access and Drainage Permit
NA	Section 1004	1004.2.	B.			Pre-requisite for Building Permit
~~711.3.~~	Section 1004	1004.2.	C.			~~Procedure~~ Application Submittal
~~711.3.1.~~	Section 1004	1004.2.	C.	1.		NA;
~~711.3.2.~~	Section 1004	1004.2.	C.	2.		NA;
~~711.3.3.~~	Section 1004	1004.2.	C.	3.		NA;
NA	Section 1004	1004.2.	D.			Approval
~~711.4.~~	Section 1004	1004.2.	F.			Driveway Standards.
~~711.4.1.~~	Section 1004	1004.2.	F.			~~Minimum Distance From Intersections.~~ [MOVED TO TRAFFIC MANUAL]
~~711.4.2.~~	Section 1004	1004.2.				~~Minimum and Maximum Driveway Width.~~ [MOVED TO TRAFFIC MANUAL]
~~711.4.3.~~	Section 1004	1004.2.				~~Maximum Number of Driveways.~~ [MOVED TO TRAFFIC MANUAL]
~~711.4.4.~~	Section 1004	1004.2.				~~Minimum Distance Between Driveways.~~ [MOVED TO TRAFFIC MANUAL]
~~711.4.4.1.~~	Section 1004	1004.2.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~711.4.4.2.~~	Section 1004	1004.2.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~711.4.4.3.~~	Section 1004	1004.2.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~711.4.4.4.~~	Section 1004	1004.2.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~711.4.5.~~	Section 1004	1004.2.	G.			Construction Standards.
~~711.4.6.~~	Section 1004	1004.2.	H.			Vehicular Use of Right-of-Way Shoulders Prohibited.
~~711.4.7.~~	Section 1004	1004.2.	I.			Stacking Lanes, Local Frontage Roads.
~~711.4.8.~~	Section 1004	1004.2.	J.			Measurement.
~~711.5.~~	Section 1004	1004.2.	E.			Appeal Process.
~~712~~	Section 1001	1001.1.				Required Access to Lots.
~~712.1.~~	Section 1001	1001.1.	A.			Intent.
~~712.2.~~	Section 1001	1001.1.	B.			General Requirements.

OLD #	NEW #					TITLE
NA	Section 1001	1001.1.	C.			Primary Access Requirements.
~~712.2.1.~~	Section 1001	1001.1.	C.			~~Public Streets in New Subdivisions.~~
~~712.2.2.~~	Section 1001	1001.1.	C.	1		~~Public Streets other than Public Streets in New Subdivision~~
~~712.2.2.1.~~	Section 1001	1001.1.	C.	1	a.	NA;
~~712.2.2.2.~~	Section 1001	1001.1.	C.	1	b.	NA;
~~712.2.3.~~	Section 1001	1001.1.	C.	2		~~Streets Not Accepted for Maintenance (Emergency Maintained).~~
~~712.2.3.1.~~	Section 1001	1001.1.	C.	2	a.	NA;
~~712.2.3.2.~~	Section 1001	1001.1.	C.	2	b.	NA;
~~712.2.3.3.~~	Section 1001	1001.1.	C.	2	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.3.3.1.~~	Section 1001	1001.1.	C.	2	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.3.3.2.~~	Section 1001	1001.1.	C.	2	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.3.3.3.~~	Section 1001	1001.1.	C.	2	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.3.3.4.~~	Section 1001	1001.1.	C.	2	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.3.3.5.~~	Section 1001	1001.1.	C.	2	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.4.~~	Section 1001	1001.1.	C.	3		~~Private Streets.~~
~~712.2.5.~~	Section 1001	1001.1.	C.	4		~~Private Internal Roadway(s)~~
~~712.2.6.~~	Section 1001	1001.1.	C.	5	a.	NA;
~~712.2.7.~~	Section 1001	1001.1.	C.	5		NA;
~~712.2.7.1.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.2.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.3.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.4.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.5.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.6.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.7.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.8.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.9.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.10.~~	Section 1001	1001.1.	C.	5	b.	~~Minimum Lot Frontage.~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.7.11.~~	Section 1001	1001.1.	C.	5	b.	~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~712.2.8.~~	Section 1001	1001.1.	D.			Second Means of Access Required.

OLD #	NEW #					TITLE
~~712.2.9.~~	Section 1001	1001.1.	C.	5	c.	~~Access to Unmanned Utility Uses.~~
~~712.3.~~	Section 1001	1001.1.	D.			~~Frontage .~~
~~713~~	Section 1002					Visibility Triangle~~s~~
~~713.1.~~	Section 1002	1002.1.				Applicability.
~~713.2.~~	Section 1002	1002.1.	D.			~~Location .~~ [MOVED TO TRAFFIC MANUAL]
~~713.2.1.~~	Section 1002	1002.1.	D.			~~For a Corner Lot.~~ [MOVED TO TRAFFIC MANUAL]
~~713.2.2.~~	Section 1002	1002.1.	D.			~~For a Driveway.~~ [MOVED TO TRAFFIC MANUAL]
~~713.2.3.~~	Section 1002	1002.1.	D.			~~In Parking Areas.~~ [MOVED TO TRAFFIC MANUAL]
~~713.3.~~	Section 1002	1002.2.				Exemptions.
~~713.3.1.~~	Section 1002	1002.2.				~~NA;~~
~~713.3.2.~~	Section 1002	1002.2.	A.			~~NA;~~ Existing Trees
~~713.3.3.~~	Section 1002	1002.2.	B.			~~NA;~~ Posts
~~713.3.4.~~	Section 1002	1002.2.	C.			~~NA;~~ Fences
~~713.3.5.~~	Section 1002	1002.2.	D.			~~NA;~~ ; Government Signs and Devises
~~713.3.6.~~	Section 1002	1002.2.	E.			~~NA;~~
~~713.3.7.~~	Section 1002	1002.2.	E.			~~NA;~~ Lots
~~713.4.~~	Section 1002	1002.2.	E.			NA;
~~713.5.~~	Section 1002	1002.1.				~~Illustration.~~ [MOVED TO TRAFFIC MANUAL]
~~713.5.1.~~	Section 1002	1002.1.				~~NA; .~~ [MOVED TO TRAFFIC MANUAL]
NA	Section 1002	1002.1.	A.			Obstructions
NA	Section 1002	1002.1.	B.			Retaining Walls
NA	Section 1002	1002.1.	C.			Trees
NA	Section 1002	1002.1.	D.			Signs
~~713.6.~~	Section 1002	1002.3.				Responsibility.
~~713.6.1.~~	Section 1002	1002.3.				NA;
~~713.7.~~	Section 1002	1002.4.				Safety Hazards ~~Within~~within the Visibility Triangle.
~~713.7.1.~~	Section 1002	1002.4.				NA;
NA	Ch. 7, Part I					Tree Protection, Landscaping, Buffers, and Irrigation
~~714.~~	Section 700.					Tree Protection.
~~714.1.~~	Section 700.	700.1.				Purpose and Intent.

OLD #	NEW #					TITLE
~~714.2.~~	Section 700.	700.2.				Application.
~~714.2.1.~~	Section 700.	700.2.	A.			Generally.
~~714.2.2.~~	Section 700.	700.2.	B.			Exempted Activities. Single Family.
~~714.2.2.~~	Section 700.	700.2.	B.	1		Single Family
~~714.2.2.1.~~	Section 700.	700.2.	B.	2		Trees on Agricultural or Mining Property.
~~714.2.2.2.~~	Section 700.	700.2.	B.	3		Trees in Approved Developments.
~~714.2.2.3.~~	Section 700.	700.2.	B.	4		Trees on Commercial Horticultural Premises.
~~714.2.2.4.~~	Section 700.	700.2.	B.	5		Trees Damaged by Natural Calamities.
~~714.2.2.5.~~	Section 700.	700.2.	B.	6		Septic Fields.
~~714.2.2.6.~~	Section 700.	700.2.	B.	7		Trees within the Rights-of-Way.
~~714.2.2.7.~~	Section 700.	700.2.	B.	8		Unprotected Species.
~~714.2.2.8.~~	Section 700.	700.2.	B.	9		Normal Maintenance of Required Trees.
~~714.2.2.9.~~	Section 700.	700.2.	B.	10		Degenerative Disease.
~~714.3.~~	Section 700.	700.3.				Procedure.
~~714.3.1.~~	Section 700.	700.3.	A.			Submission of Application.
~~714.3.1.1.~~	Section 700.	700.3.	A.	1		Site Plan.
~~714.3.1.2.~~	Section 700.	700.3.	A.	2		Required Generalized Tree Inventory.
~~714.3.1.2.1.~~	Section 700.	700.3.	A.	3		Generalized Tree Inventory.
~~714.3.1.3.~~	Section 700.	700.3.	A.	4		Location of Trees to be Removed.
~~714.3.1.3.1.~~	Section 700.	700.3.	A.	4	a.	Streets.
~~714.3.1.3.2.~~	Section 700.	700.3.	A.	4	b.	Easements.
~~714.3.1.3.3.~~	Section 700.	700.3.	A.	4	c.	Building Area.
~~714.3.1.3.4.~~	Section 700.	700.3.	A.	4	d.	Circulation, Recreation Areas.
~~714.3.1.3.5.~~	Section 700.	700.3.	A.	4	e.	Septic Fields.
~~714.3.1.3.6.~~	Section 700.	700.3.	A.	4	f.	Sediment Basins.
~~714.3.1.3.7.~~	Section 700.	700.3.	A.	4	g.	Detention and Retention Basin.
~~714.3.1.3.8.~~	Section 700.	700.3.	A.	4	h.	Visibility Triangle: See Section 903713.
~~714.3.1.4.~~	Section 700.	700.3.	A.	5		Protective Measures.
~~714.3.2.~~	Section 700.	700.3.	B.			Separate Tree Removal Permit Required.
~~714.3.3.~~	Section 700.	700.3.	C.			Review of Application.

OLD #	NEW #					TITLE
~~714.3.4.~~	Section 700.	700.3.	D.			Tree Replacement Funds.
~~714.4.~~	Section 700.	700.3.	E.			Trust Fund.
~~714.5.~~	Section 700.	700.3.	F.			Expenditure.
~~714.6.~~	Section 700.	700.3.	G.			Extension.
~~714.7.~~	Section 700.	700.3.	H.			Standards.
~~714.7.1.~~	Section 700.	700.3.	H.	1		Necessity.
~~714.7.2.~~	Section 700.	700.3.	H.	2		Outstanding Quality of Tree or Plant Communities.
~~714.7.3.~~	Section 700.	700.3.	H.	3		Environmental Effects.
~~714.7.4.~~	Section 700.	700.3.	H.	4		Development Density.
~~714.7.5.~~	Section 700.	700.3.	H.	5		Grade Changes.
~~714.7.6.~~	Section 700.	700.3.	H.	6		Signage.
~~714.8.~~	Section 700.	700.3.	I.			Tree Replacement Alternatives.
~~714.8.1.~~	Section 700.	700.3.	I.	1		NA;
~~714.8.2.~~	Section 700.	700.3.	I.	2		NA;
~~714.8.3.~~	Section 700.	700.3.	I.	3		NA;
~~714.8.4.~~	Section 700.	700.3.	I.	4		NA;
~~714.8.5.~~	Section 700.	700.3.	I.	5		NA;
~~714.8.6.~~	Section 700.	700.3.	I.	6		NA;
~~714.8.7.~~	Section 700.	700.3.	I.	7		NA;
~~714.8.8.~~	Section 700.	700.3.	I.	8		Replacement Tree Standards.
~~714.8.9.~~	Section 700.	700.3.	I.	9		Incentive for Tree Preservation.
~~714.9.~~	Section 700.	700.3.	J.			Identification of Preserved Trees.
~~714.10.~~	Section 700.	700.3.	K.			Protection During Development.
~~714.11.~~	Section 700.	700.3.	L.			Time Period of Permits.
~~714.12.~~	Section 700.	700.3.	M.			Building Permits.
~~714.13.~~	Section 700.	700.3.	N.			Violations.
~~715.~~	Section 701.					Landscaping and Screening Standards.
~~715.1.~~	Section 701.	701.1.				Purpose and Intent.
~~715.2.~~	Section 701.	701.2.				Exemptions.
~~715.3.~~	Section 701.	701.3.				Minimum Required Landscaping.

OLD #	NEW #					TITLE
~~715.3.1.~~	Section 701.	701.3.	A.			Vehicle Use Areas.
~~715.3.2.~~	Section 701.	701.3.	B.			Buffer Zones.
~~715.3.3.~~	Section 701.	701.3.	C.			Foundation Landscaping.
~~715.3.4.~~	Section 701.	701.3.	D.			Residential Street Trees.
~~715.3.5.~~	Section 701.	701.3.	E.			Redevelopment Standards.
~~715.4.~~	Section 701.	701.4.				Specifications.
~~715.5.~~	Section 701.	701.5.				Modifications.
~~715.6.~~	Section 701.	701.6.				Landscape plan required
~~715.6.1.~~	Section 701.	701.6.	A.			NA;
~~715.6.1.1.~~	Section 701.	701.6.	A.	1		NA;
~~715.6.1.2.~~	Section 701.	701.6.	A.	2		NA;
~~715.6.1.3.~~	Section 701.	701.6.	A.	3		NA;
~~715.6.1.4.~~	Section 701.	701.6.	A.	4		NA;
~~715.6.1.5.~~	Section 701.	701.6.	A.	5		NA;
~~715.6.1.6.~~	Section 701.	701.6.	A.	6		NA;
~~715.6.1.7.~~	Section 701.	701.6.	A.	7		NA;
~~715.6.1.8.~~	Section 701.	701.6.	A.	8		NA;
~~715.6.1.9.~~	Section 701.	701.6.	A.	9		NA;
~~715.6.1.10.~~	Section 701.	701.6.	A.	10		NA;
~~715.6.1.11.~~	Section 701.	701.6.	A.	11		NA;
~~715.6.1.12.~~	Section 701.	701.6.	A.	12		NA;
~~715.6.1.13.~~	Section 701.	701.6.	A.	13		NA;
~~715.6.1.14.~~	Section 701.	701.6.	A.	14		Preliminary Site Plan Requirements.
~~715.7.~~	Section 701.	701.7.				Irrigation.
~~715.8.~~	Section 701.	701.8.				Installation and Maintenance of Landscape and Irrigation.
~~715.9.~~	Section 701.	701.8.				~~Certification~~
~~715.9.1.~~	Section 701.	701.9.				Certification Required.
~~716.~~	Section 511.	511.4				Emergency Storm Shelters~~ and Evacuation Program~~.
~~716.1.~~	Section 511.	511.4	--			~~Purpose and Intent.~~
~~716.2.~~	Section 511.	511.4	--			~~Administration.~~

OLD #	NEW #					TITLE
~~716.3.~~	Section 511.	511.4	--			~~Applicability.~~
~~716.4.~~	Section 511.	511.4	A.			Standards.
~~716.5.~~	Section 511.	511.4	A.			NA
~~716.6.~~	Section 511.	511.4	A.			NA
~~716.7.~~	Section 511.	511.4	B.			~~Compliance Date~~Development Approvals.
NA	Section 511.	511.4	C.			Certificate of Occupancy
~~716.8.~~	Section 511.	511.4	D.			Warning and Disclaimer of Liability.
~~716.9.~~	Section 511.	511.4	--			~~Violations.~~
~~717.~~	Section 801.					Stormwater Management.
~~717.1.~~	Section 801.	801.1.				Purpose and Intent.
~~717.1.1.~~	Section 801.	801.1.	A.			NA;
~~717.1.2.~~	Section 801.	801.1.	B.			NA;
~~717.1.3.~~	Section 801.	801.1.	C.			NA;
~~717.1.4.~~	Section 801.	801.1.	D.			NA;
~~717.1.5.~~	Section 801.	801.1.	E.			NA;
~~717.1.6.~~	Section 801.	801.1.	F.			NA;
~~717.1.7.~~	Section 801.	801.1.	G.			NA;
~~717.2.~~	Section 801.	801.1.	G.			~~Applicability.~~
~~717.3.~~	Section 801.	801.3.				Stormwater Management Standards
~~717.3.1.~~	Section 801.	801.3.	A.			Preservation of Watercourses.
~~717.3.2.~~	Section 801.	801.3.				~~Requirements Within the 25 or 100 Year Floodplain~~
~~717.3.3.~~	Section 801.	801.3.	B.			Stormwater Management Permits ~~W~~within the Watershed Protection Overlay WPE, WPP, WPM District
~~717.3.4.~~	Section 801.	801.3.	E.			Stormwater Discharge from New Development.
~~717.3.5.~~	Section 801.	801.3.	F.			Storm Sewers and Drainage Channels.
~~717.3.6.~~	Section 801.	801.3.	G.			Internal and On-site Drainage Facilities.
~~717.3.7.~~	Section 801.	801.3.	C.			Development within the WPE, WPP and WPM Watersheds.
~~717.3.7.1.~~	Section 801.	801.3.				NA;
~~717.3.7.2.~~	Section 801.	801.3.				NA;
~~717.3.7.3.~~	Section 801.	801.3.				NA;

OLD #	NEW #					TITLE
~~717.3.7.4.~~	Section 801.	801.3.				NA;
~~717.3.7.5.~~	Section 801.	801.3.				NA;
~~717.3.8.~~	Section 801.	801.3.	K.			Detention/Retention Basins Slopes.
~~717.3.9.~~	Section 801.	801.3.	D.			Development Outside the WPE, WPP and WPM Watersheds.
~~717.3.10.~~	Section 801.	801.3.	L.			Floodplain Requirements within 25- and 100- year Floodplain.
~~717.3.11.~~	Section 801.	801.3.	P.			Limitation of Habitable Structures within Twenty-Five (25) Year Floodplain.
~~717.3.12.~~	Section 801.	801.3.	H.			Diverting Stormwater to Adjacent Property.
~~717.3.13.~~	Section 801.	801.3.	I.			Increasing the Impact of Stormwater Discharge.
~~717.3.13.1.~~	Section 801.	801.3.	I.			NA;
~~717.3.13.2.~~	Section 801.	801.3.	I.	1		~~NA;~~ [MOVED TO STORMWATER MANUAL]
~~717.3.14.~~	Section 801.	801.3.	J.			Design Storm.
~~717.3.14.1.~~	Section 801.	801.3.	J.			~~Hydraulic Requirements.~~ [MOVED TO STORMWATER MANUAL]
~~717.3.14.2.~~	Section 801.	801.3.	J.			~~Internal Drainage.~~ [MOVED TO STORMWATER MANUAL]
~~717.3.14.3.~~	Section 801.	801.3.	J.			~~Major Drainage Ways.~~ [MOVED TO STORMWATER MANUAL]
~~717.3.14.4.~~	Section 801.	801.3.	J.			~~Retention Areas.~~ [MOVED TO STORMWATER MANUAL]
~~717.3.14.5~~	Section 801.	801.3.	J.			~~Streets.~~ [MOVED TO STORMWATER MANUAL]
~~717.3.15.~~	Section 801.	801.3.	Q.			Wetlands Protection.
~~717.3.16.~~	Section 801.	801.3.	R.			Swale ~~Lake and Pond~~ Design
~~717.3.17.~~	Section 801.	801.3.	W.			Erosion Control.
~~717.3.17.1.~~	Section 801.	801.3.	W.			~~Building Division of the Planning Department Review.~~
~~717.3.18.~~	Section 801.	801.3.	S.			Design Principles and Practices.
~~717.4.~~	Section 801.	801.2.				Stormwater Management Plan Required~~Procedures~~
~~717.4.1.~~	Section 801.	801.2.	A.			Generally.
~~717.4.2.~~	Section 801.	801.2.	B.			Submittal~~ssions~~.
~~717.4.2.1.~~	Section 801.	801.2.	B.			~~Existing Hydrologic Conditions.~~ [MOVED TO STORMWATER MANUAL]
~~717.4.2.2.~~	Section 801.	801.2.				~~Topography.~~ [MOVED TO STORMWATER MANUAL]
~~717.4.2.3.~~	Section 801.	801.2.				~~Facilities.~~ [MOVED TO STORMWATER MANUAL]
~~717.4.2.4.~~	Section 801.	801.2.				~~Drainage Characteristics.~~ [MOVED TO STORMWATER MANUAL]
~~717.4.2.5.~~	Section 801.	801.2.				~~Computations.~~ [MOVED TO STORMWATER MANUAL]
~~717.4.2.6.~~	Section 801.	801.2.				~~Water Quality Parameters.~~ [MOVED TO STORMWATER MANUAL]

OLD #	NEW #					TITLE
~~717.4.2.7.~~	Section 801.	801.2.				~~Construction Practices.~~ [MOVED TO STORMWATER MANUAL]
~~717.4.2.8.~~	Section 801.	801.2.				~~Other Information.~~ [MOVED TO STORMWATER MANUAL]
~~717.5.~~	Section 801.	801.4.				Ownership and Maintenance.
~~717.5.1.~~	Section 801.	801.4.				~~Lakes and Ponds.~~ [MOVED TO STORMWATER MANUAL]
~~717.5.2.~~	Section 801.	801.4.				~~Streets and Other Common Areas.~~ [MOVED TO STORMWATER MANUAL]
~~717.5.3.~~	Section 801.	801.4.				~~Private Ownership.~~ [MOVED TO STORMWATER MANUAL]
~~717.5.4.~~	Section 801.	801.4.				~~Common Ownership.~~ [MOVED TO STORMWATER MANUAL]
~~717.5.5.~~	Section 801.	801.4.				~~Major Drainage Facilities.~~ [MOVED TO STORMWATER MANUAL]
~~717.5.6.~~	Section 801.	801.4.				~~Easement Specifications.~~ [MOVED TO STORMWATER MANUAL]
~~717.5.7.~~	Section 801.	801.4.				~~Off-Site Stormwater Management Facilities.~~ [MOVED TO STORMWATER MANUAL]
~~717.6.~~	Section 801.	801.4.				~~Construction Inspections and Approvals.~~ [MOVED TO STORMWATER MANUAL]
~~717.7.~~	Section 801.	801.4.				~~Violations.~~ [MOVED TO STORMWATER MANUAL]
~~718~~	Section 802.	_				Floodplain Management.
~~718.1.~~	Section 802.	802.1.				Purpose and Intent.
~~718.2.~~	Section 802.	802.2.				Applicability.
~~718.3.~~	Section 802.	802.4.				Floodplain Management Permit Required.
~~718.4.~~	Section 802.	802.5.				Floodplain Management Permit Procedures.
~~718.5.~~	Section 802.	802.3.				Administration.
~~718.5.1.~~	Section 802.	802.3.	A.			NA;
~~718.5.2.~~	Section 802.	802.3.	B.			NA;
~~718.5.3.~~	Section 802.	802.3.	C.			NA;
~~718.5.4.~~	Section 802.	802.3.	D.			NA;
~~718.5.5.~~	Section 802.	802.3.	E.			NA;
~~718.5.6.~~	Section 802.	802.3.	F.			NA;
~~718.5.7.~~	Section 802.	802.3.	G.			NA;
~~718.5.8.~~	Section 802.	802.3.	H.			NA;
~~718.5.9.~~	Section 802.	802.3.	I.			NA;
~~718.6.~~	Section 802.	802.6.				Flood Management ~~Standards.~~
~~718.6.1.~~	Section 802.	802.6.	A.			General Standards.
~~718.6.1.1.~~	Section 802.	802.6.	A.	1.		NA

OLD #	NEW #					TITLE
~~718.6.1.2.~~	Section 802.	802.6.	A.	2.		NA
~~718.6.1.3.~~	Section 802.	802.6.	A.	3.		NA
~~718.6.1.4.~~	Section 802.	802.6.	A.	4.		NA
~~718.6.1.5.~~	Section 802.	802.6.	A.	5.		NA
~~718.6.1.6.~~	Section 802.	802.6.	A.	6.		NA
~~718.6.1.7.~~	Section 802.	802.6.	A.	7.		NA;
~~718.6.1.7.1.~~	Section 802.	802.6.	A.	8.		NA
~~718.6.1.8.~~	Section 802.	802.6.	A.	9.		NA
~~718.6.1.9.~~	Section 802.	802.6.	A.	10.		~~Limitation of Habitable Structures Within the Twenty-five (25) Year Floodplain.~~ NA
~~718.6.1.10.~~	Section 802.	802.6.	A.	10.		~~Hazardous Material and Hazard Waste Material.~~
~~718.6.1.10.1.~~	Section 802.	802.6.	A.	10.		~~Watershed Protection Overlay Districts.~~ [DELETED. ALREADY IN CH. 4 (OLD Section 604.1.2.6.(2))]
~~718.6.1.10.2.~~	Section 802.	802.6.	A.	10.		~~Coastal High Hazard Area Overlay District.~~[DELETED. ALREADY IN CH. 4 (OLD 604.3.3(3))]
~~718.6.1.10.3.~~	Section 802.	802.6.	A.	11.		~~Floodway.~~ NA.
~~718.6.1.11.~~	Section 802.	802.6.	A.	12.		NA
~~718.6.2.~~	Section 802.	802.6.	B.			Specific Standards.
~~718.6.2.1.~~	Section 802.	802.6.	B.	1.		Standards for Waters without Established Base Flood Elevations and/or Floodways.
~~718.6.2.1.1.~~	Section 802.	802.6.	B.	1.	a.	NA;
~~718.6.2.1.2.~~	Section 802.	802.6.	B.	1.	b.	NA;
~~718.6.2.2.~~	Section 802.	802.6.	B.	2.		Coastal High Hazard Areas ~~(VE, VI-30, V-zones and the first sub area of the CH district).~~
~~718.6.2.2.1.~~	Section 802.	802.6.	B.	2.	a.	NA
~~718.6.2.2.2.~~	Section 802.	802.6.	B.	2.	b.	NA
~~718.6.2.2.2.1.~~	Section 802.	802.6.	B.	2.	b.	i. NA;
~~718.6.2.2.2.2.~~	Section 802.	802.6.	B.	2.	b.	ii. NA;
~~718.6.2.2.2.3.~~	Section 802.	802.6.	B.	2.	b.	iii. NA;
~~718.6.2.2.2.4.~~	Section 802.	802.6.	B.	2.	b.	iv. NA;
~~718.6.2.2.2.5.~~	Section 802.	802.6.	B.	2.	b.	v. NA;
~~718.6.2.2.2.6.~~	Section 802.	802.6.	B.	2.	b.	vi. NA;
~~718.6.2.2.2.7.~~	Section 802.	802.6.	B.	2.	b.	vii. NA;
~~718.6.2.2.2.8.~~	Section 802.	802.6.	B.	2.	b.	viii. NA;

OLD #	NEW #					TITLE
~~718.6.2.2.2.9.~~	Section 802.	802.6.	B.	2.	b.	ix. NA;
~~718.6.2.3.~~	Section 802.	802.6.	B.	3.		Floodways
~~718.6.2.3.1.~~	Section 802.	802.6.	B.	3.	a.	NA;
~~718.6.2.3.2.~~	Section 802.	802.6.	B.	3.	b.	NA;
~~718.6.2.4.~~	Section 802.	802.6.	B.	4.		~~Standards for a~~Areas of shallow flooding (AO and AH Zones).
~~718.6.2.4.1.~~	Section 802.	802.6.	B.	4.	a.	NA;
~~718.6.2.4.2.~~	Section 802.	802.6.	B.	4.	b.	NA;
~~718.6.2.4.3.~~	Section 802.	802.6.	B.	4.	c.	NA;
~~718.6.2.5.~~	Section 802.	802.6.	B.	5.		Multi-Zone Lots.
~~718.6.2.5.1.~~	Section 802.	802.6.	B.	5.	a.	NA;
~~718.6.2.5.2.~~	Section 802.	802.6.	B.	5.	b.	NA;
~~718.6.2.5.3.~~	Section 802.	802.6.	B.	5.	c.	NA;
~~718.6.2.6.~~	Section 802.	802.6.	B.	6.		Development.
~~718.6.2.6.1.~~	Section 802.	802.6.	B.	6.	a.	NA;
~~718.6.2.6.2.~~	Section 802.	802.6.	B.	6.	b.	NA;
~~718.6.2.6.3.~~	Section 802.	802.6.	B.	6.	c.	NA;
~~718.6.2.7.~~	Section 702.	702.5.				Earthmoving and Mining Activities. within the Floodplain
~~718.6.2.7.1.~~	Section 702.	702.5.	A.			NA
~~718.6.2.7.2.~~	Section 702.	702.5.	B.			NA
~~718.6.2.7.2.1.~~	Section 702.	702.5.	B.	1.		NA
~~718.6.2.7.2.2.~~	Section 702.	702.5.	B.	2.		NA
~~718.6.2.7.2.3.~~	Section 702.	702.5.	B.	3.		NA
~~718.6.2.7.2.4.~~	Section 702.	702.5.	B.	4.		NA
~~718.6.2.8.~~	Section 802.	802.6.	B.	7.		~~Manufactured~~ Mobile Home, Park Trailer, and Recreational Vehicle.
~~718.6.2.8.1.~~	Section 802.	802.6.	B.	7.	a.	NA;
~~718.6.2.8.2.~~	Section 802.	802.6.	B.	7.	b.	NA;
~~718.6.2.8.3.~~	Section 802.	802.6.	B.	7.	c.	NA;
~~718.6.2.8.3.1.~~	Section 802.	802.6.	B.	7.	c.	i. NA;
~~718.6.2.8.3.2.~~	Section 802.	802.6.	B.	7.	c.	ii. NA;
~~718.6.2.8.3.3.~~	Section 802.	802.6.	B.	7.	c.	iii. NA;

OLD #	NEW #					TITLE
~~718.6.2.8.3.4.~~	Section 802.	802.6.	B.	7.	c.	iv. NA;
~~718.6.2.8.4.~~	Section 802.	802.6.	B.	7.	d.	NA;
~~718.6.2.9.~~	Section 802.	802.6.	B.	8.		Standards for Subdivision Proposals.
~~718.6.2.9.1.~~	Section 802.	802.6.	B.	8.	a.	NA;
~~718.6.2.9.2.~~	Section 802.	802.6.	B.	8.	b.	NA;
~~718.6.2.9.3.~~	Section 802.	802.6.	B.	8.	c.	NA;
~~718.6.2.9.4.~~	Section 802.	802.6.	B.	8.	d.	NA;
~~718.6.2.9.5.~~	Section 802.	802.6.	B.	8.	e.	NA;
~~718.6.2.9.6.~~	Section 802.	802.6.	B.	8.	e.	~~NA~~
~~718.6.2.10.~~	Section 531.	531.60.				Water Dependent Uses.
~~718.7.~~	Section 802.	802.7.				Designation of Maps and Procedures for Amendment.
~~718.7.1.~~	Section 802.	802.7.	A.			Floodplain Management Maps.
~~718.7.2.~~	Section 802.	802.7.	B.			Procedure for Map Amendment.
~~718.8.~~	Section 802.	802.9.				Warning and Disclaimer of Liability.
~~718.8.1.~~	Section 802.	802.8.				NA;
~~718.9.~~	Section 802.	802.6.				~~Violations .~~
~~718.10.~~	Section 802.	802.8.				Floodplain Variances
~~718.10.1.~~	Section 802.	802.8.	C.			NA; Hearing Officer Review
~~718.10.1.1.~~	Section 802.	802.8.	E.	1		NA;
~~718.10.1.2.~~	Section 802.	802.8.	G.			~~NA;~~ Notice of Disclaimer
~~718.10.1.3.~~	Section 802.	802.8.	A.			~~NA;~~ Purpose
~~718.10.2.~~	Section 802.	802.8.	E.			~~NA;~~ Review Criteria
~~718.10.2.1.~~	Section 802.	802.8.	E.	2.		NA;
~~718.10.2.2.~~	Section 802.	802.8.	E.	3.		NA;
~~718.10.2.3.~~	Section 802.	802.8.	E.	4.		NA;
~~718.10.2.4.~~	Section 802.	802.8.	E.	5.		NA;
~~718.10.2.5.~~	Section 802.	802.8.	E.	6.		NA;
~~718.10.2.6.~~	Section 802.	802.8.	E.	6.		NA;
~~718.10.2.7~~	Section 802.	802.8.	E.	7.		NA;
~~718.10.2.8.~~	Section 802.	802.8.	E.	8.		NA;

OLD #	NEW #					TITLE
~~718.10.2.9.~~	Section 802.	802.8.	E.	9.		NA;
~~718.10.2.10.~~	Section 802.	802.8.	E.	10		NA;
~~718.10.2.11.~~	Section 802.	802.8.	E.	11		NA;
~~718.10.2.12.~~	Section 802.	802.8.	E.	12		NA;
~~718.10.2.13.~~	Section 802.	802.8.	F.			~~NA;~~ Conditions
~~718.10.2.14.~~	Section 802.	802.8.	A.			NA;
~~718.10.2.15.~~	Section 802.	802.8.	A.			NA;
~~718.10.3.~~	Section 802.	802.8.	G.			NA;
~~718.10.4.~~	Section 802.	802.8.	H.			~~NA;~~ FEMA
~~718.10.5.~~	Section 802.	802.8.	D.			Historic Preservation Board Review~~Elevation Consistent with Historical Integrity of Historic Structures and Neighborhoods.~~
~~718.10.5.1.~~	Section 802.	802.8.	D.	1		NA;
~~718.10.5.2.~~	Section 802.	802.8.	D.	2		NA;
~~718.10.5.3.~~	Section 802.	802.8.	D.	2		NA;
~~718.11.~~	Section 802.	802.10.				Appeals.
~~719~~	Section 706.					Wetland Protection.
~~719 .1.~~	Section 706.	706.1.				Purpose and Intent.
~~719.1.1.~~	Section 706.	706.1.	A.			Purpose.
~~719.1.2.~~	Section 706.	706.1.	B.			Intent.
~~719.2.~~	Section 706.	706.2.				Wetland Identification and Verification.
~~719.2.1~~	Section 706.	706.2.	B.			~~Wetland Verification.~~
~~719.3~~	Section 706.	706.3.				General Prohibition; Exemptions.
NA	Section 706.	706.3.	A.			Prohibition
~~719.3 .1.~~	Section 706.	706.3.	B.			Exemptions.
~~719.4~~	Section 706.	706.4.				Application for Wetland Impacts.
NA	Section 706.	706.4.	A.			Wetland Impact Study
~~719.4.1~~	Section 706.	706.4.	B.			Information Required.
~~719.5.~~	Section 706.	706.5.				Criteria for Approval of Wetlands Impacts.
~~719.5.1~~	Section 706.	706.5.	A.			Impacts to Non- Viable Wetlands.
~~719.5.2.~~	Section 706.	706.5.	B.	1		Impacts to Wetlands.

OLD #	NEW #					TITLE
~~719.5.3.~~	Section 706.	706.5.	C.			Impacts to Wetlands,
~~719.6~~	Section 706.	706.6.				Mitigation for Altered Wetlands.
~~719.6.1~~	Section 706.	706.6.	A.			UMAM Mitigation.
~~719.6.2~~	Section 706.	706.6.	B.			Non UMAM Mitigation.
~~719.6.3~~	Section 706.	706.6.	C.			Mitigation Plan Required.
~~719.6.4.~~	Section 706.	706.6.	D.			Certification Required.
~~719.6.5.~~	Section 706.	706.6.	E.			Success of Mitigation.
~~719.6.6.~~	Section 706.	706.6.	F.			Mitigation Monitoring.
~~719.6.7.~~	Section 706.	706.6.	G.			Mitigation Security.
~~719.7.~~	Section 706.	706.7.				Wetland Buffers.
~~719.7.2~~	Section 706.	706.7.	A.			Prohibited Activities.
~~719.7.3~~	Section 706.	706.7.	B.			Permitted Activities.
~~719.7.4~~	Section 706.	706.7.	C.			Variable Width Buffers.
~~719.7.5.~~	Section 706.	706.7.	D.			Wetland Buffer Restoration.
~~719.7.5.1.~~	Section 706.	706.7.	D.	1		Removal of Nuisance Exotic Vegetation.
~~719.7.5.2.~~	Section 706.	706.7.	D.	2		Enhancement of Wetland Buffers.
~~719.7.5.2.1.~~	Section 706.	706.7.	D.	3		Wetland Buffer Enhancement Plan.
~~719.7.5.3~~	Section 706.	706.7.	D.	4		Certification Required.
~~719.7.6.~~	Section 706.	706.7.	E.			Wetland Buffer and Upland Preservation/Conservation Area Identification and Protection.
~~719.8.~~	Section 706.	706.8.				Easements.
~~719.8.1.~~	Section 706.	706.8.	A.			Mitigation Areas.
~~719.8.2.~~	Section 706.	706.8.	B.			Post Construction Conservation Easements.
~~719.8.3~~	Section 706.	706.8.	C.			Witness Monuments.
~~719.8.4.~~	Section 706.	706.8.	D.			Signage.
~~719.8.5~~	Section 706.	706.8.	E.			Certification Required.
~~719.9.~~	Section 706.	706.9.				Development Transfer Allowed for Wetlands and their Wetland Buffers.
NA	Section 706.	706.9.	A.			Transfer Allowed
~~719.9.1~~	Section 706.	706.9.	B.			Limitation on ~~Density/Intensity~~ Credit.
~~719.10.~~	Section 706.	706.10.				Enforcement.
~~720.~~	Section 403.	403.6.				Historic Vista Protection Area Overlay.

OLD #	NEW #					TITLE
~~720.1.~~	Section 403.	403.6.	A.			Purpose and Intent.
~~720.1.1.~~	Section 403.	403.6.	A.	1		NA;
~~720.1.2.~~	Section 403.	403.6.	A.	2		NA;
~~720.1.3.~~	Section 403.	403.6.	A.	3		NA;
~~720.2.~~	Section 403.	403.6.	B.			~~Designated Areas~~Applicability.
~~720.2.1.~~	Section 403.	403.6.	B.			NA;
~~720.2.2.~~	Section 403.	403.6.	B.			NA;
~~720.3.~~	Section 403.	403.6.	C.			Review.
NA	Section 403.	403.6.	C.	1.		NA;
~~720.3.1.~~	Section 403.	403.6.	C.	2.		NA;
NA	Section 403.	403.6.	C.	3.		NA;
~~720.4.~~	Section 403.	403.6.	D.			Criteria for Designation of Historic Vista Protection Areas.
~~720.5.~~	Section 403.	403.6.	E.			Procedures for Designation of Historic Vista Protection Areas.
~~721.~~	Section 705.					Habitat, Wildlife and Endangered Species Protection.
~~721.1.~~	Section 705.	705.1.				Purpose and Intent.
~~721.2.~~	Section 705.	705.2.				Standards for Development.
~~721.2.1.~~	Section 705.	705.2.	A.			NA;
~~721.2.2.~~	Section 705.	705.2.	B.			NA;
~~721.2.3.~~	Section 705.	705.2.	C.			NA;
~~721.3.~~	Section 705.	705.3.				Review Procedures.
~~721.3.1.~~	Section 705.	705.3.	A.			Department Director Review.
~~721.3.1.1.~~	Section 705.	705.3.	A.	1		NA;
~~721.3.1.2.~~	Section 705.	705.3.	A.	2		NA;
~~721.3.1.2.1.~~	Section 705.	705.3.	A.	2	a.	NA;
~~721.3.1.2.2.~~	Section 705.	705.3.	A.	2	b.	NA;
~~721.3.1.2.3.~~	Section 705.	705.3.	A.	2	c.	NA;
~~721.3.1.2.4.~~	Section 705.	705.3.	A.	2	d.	NA;
~~721.3.1.2.5.~~	Section 705.	705.3.	A.	2	e.	NA;
~~721.3.1.2.5.1.~~	Section 705.	705.3.	A.	2	e.	i. NA;
~~721.3.1.2.5.2.~~	Section 705.	705.3.	A.	2	e.	ii. NA;

OLD #	NEW #					TITLE
~~721.3.1.2.6.~~	Section 705.	705.3.	A.	2	f.	NA;
~~721.3.1.2.7.~~	Section 705.	705.3.	A.	2	g.	NA;
~~721.3.1.2.8.~~	Section 705.	705.3.	A.	2	h.	NA;
~~721.3.2.~~	Section 705.	705.3.	B.			Agency Comments.
~~721.3.3.~~	Section 705.	705.3.	C.			Threatened or Endangered Species.
~~721.3.4.~~	Section 705.	705.3.	D.			Species Management Plan.
~~721.4.~~	Section 705.	705.4.				Specific Protection Measures
~~721.4.1.~~	Section 705.	705.4.	B.			*West Indian ~~m~~Manatee*
~~721.4.1.1.~~	Section 705.	705.4.	B.			~~NA;~~
~~721.4.1.2.~~	Section 705.	705.4.	B.			~~NA;~~
~~721.4.1.3.~~	Section 705.	705.4.	B.	1		NA;
~~721.4.1.4.~~	Section 705.	705.4.	B.	2		NA;
~~721.4.1.5.~~	Section 705.	705.4.	B.	3		NA;
~~721.4.1.6.~~	Section 705.	705.4.	B.	4		NA;
~~721.4.2.~~	Section 705.	705.4.	C.			Special Habitat Delineation.
~~721.4.3.~~	Section 705.	705.4.	D.			Critical Habitat/Upland Preservation Identification and Protection.
~~721.4.4.~~	Section 705.	705.4.	A.			Compliance
~~722~~	Section 334.	334.6				~~Installation of Improvements.~~
~~722.1.~~	Section 334.	334.7				Required Improvements
~~722.1.1.~~	Section 334.	334.7				~~Applicability.~~ NA
~~722.1.2~~	Section 1001	1001.6.				Sidewalks, Pedestrian Ways and Bicycle Facilities Standards ~~and Design Criteria~~
~~722.1.2.1.~~	Section 1001	_				~~General.~~ NA
~~722.1.3.~~	Section 1000	_				~~Rights-of-Way.~~
~~722.1.3.1.~~	Section 1000	_				~~*Circulation.*~~
~~722.1.3.2.~~	Section 1000	--	A.			Right~~s~~-of-Way ~~Dedication; Major Thoroughfare Map.~~
~~722.1.3.3.~~	Section 1000	--	A.			~~Future Traffic Circulation Map and Rights-of-Way Protection Ordinance:~~
~~722.1.3.3.1.~~	Section 1000	--	A.			~~NA;~~
~~722.1.3.3.2.~~	Section 1000	--	B.			~~NA;~~ Future Traffic Circulation Map
~~722.1.3.3.3.~~	Section 1000	--	C.			~~NA;~~ Divided Sites
~~722.1.3.3.4.~~	Section 1000	--	D.			~~NA;~~ Dedication

OLD #	NEW #					TITLE
~~722.1.3.3.5.~~	Section 1000	--	D.			~~NA;~~
~~722.1.3.3.6.~~	Section 1000	--	E.			~~NA;~~ Land for Roadways
~~722.1.3.3.7.~~	Section 1001	1001.4.				~~Off-Site Thoroughfare Improvements~~
~~722.1.3.3.8.~~	Section 1000	--	F.			~~On-Site Thoroughfare Construction.~~ Missing Segments
~~722.1.3.3.9.~~	Section 1000	--	G.			~~NA;~~ Facilities
~~722.1.3.4.~~	Section 1000	--	G.			~~Circulation and Traffic Control.~~
~~722.1.3.5.~~	Section 1000	--	G.			~~Street Designations.~~
~~722.1.3.6.~~	Section 1000	--	H.			~~Exemptions.~~ Interstates
~~722.1.3.7.~~	Section 1000	--	I.			Deferred Improvement.
~~722.1.3.8.~~	Section 1000	--	I.			~~NA;~~
~~722.1.4.~~	Section 1001	1001.6.	A.			Sidewalks
NA	Section 1001	1001.6.	A.	1.		Sidewalks Required
~~722.1.4.1.~~	Section 1001	1001.6.	A.	1.	a.	~~Major Thoroughfare Streets~~
~~722.1.4.2.~~	Section 1001	1001.6.	A.	1.	b.	~~Other Public Streets.~~
~~722.1.4.3.~~	Section 1001	1001.6.	A.	1.	c.	NA;
~~722.1.4.4.~~	Section 1001	1001.6.	A.	2		~~NA;~~ Sidewalk Extension
~~722.1.4.5.~~	Section 1001	1001.6.	A.	3		Exemptions.
~~722.1.4.5.1.~~	Section 1001	1001.6.	A.	3.	a.	NA;
~~722.1.4.5.2.~~	Section 1001	1001.6.	A.	3.	b.	NA;
~~722.1.4.5.3.~~	Section 1001	1001.6.	A.	3.	c.	NA
~~722.1.4.5.4.~~	Section 1001	1001.6.	A.	3.	d.	NA
~~722.1.4.5.5.~~	Section 1001	1001.6.	A.	3.	e.	NA;
~~722.1.4.5.6.~~	Section 1001	1001.6.	A.	3.	e.	NA;
~~722.1.4.6.~~	Section 1001	1001.6.	A.	4.		Private Development.
~~722.1.4.7.~~	Section 1001	1001.6.	A.	5.		Agreement to Defer Completion of the Required Sidewalk.
~~722.1.5.~~	Section 1001	1001.6.	B.			Pedestrian Ways.
~~722.1.6.~~	Section 1001	1001.6.	C.			Bike~~ways~~ Lanes
~~722.1.6.1.~~	Section 1001	1001.6.	C.			~~Horseback Riding Trails.~~
~~722.1.7.~~	Section 1001	1001.6.	C.			~~Off-street Parking and Loading.~~
~~722.1.8.~~	Section 803.					Utility~~ies~~ Service Requirements

OLD #	NEW #					TITLE
~~722.1.8.1.~~	Section 803.	803.1.				Sanitary Sewerage.
~~722.1.8.1.1.~~	Section 803.	803.1	B.			~~NA;~~ Comprehensive Plan
~~722.1.8.1.2.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.3.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.3.1~~	Section 803.	803.1	B.			~~Dry Lines.~~
~~722.1.8.1.4.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.5.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.6.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.7.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.8.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.9.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.10.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.11.~~	Section 803.	803.1	B.			NA;
~~722.1.8.1.12.~~	Section 803.	803.1.	A.			~~NA;~~ Evers Reservoir
~~722.1.8.2.~~	Section 803.	803.2.				Water.
~~722.1.8.2.1.~~	Section 803.	803.2.				NA;
~~722.1.8.2.2.~~	Section 803.	803.2.				NA;
~~722.1.8.2.3.~~	Section 803.	803.2.				NA;
~~722.1.8.2.4.~~	Section 803.	803.2.				NA;
~~722.1.8.2.5.~~	Section 803.	803.2.				NA;
~~722.1.8.2.6.~~	Section 803.	803.2.				NA;
~~722.1.8.3.~~	Section 803.	803.4.				Irrigation.
NA	Section 803.	803.4.	A.			Requirements
NA	Section 803.	803.4.	B.			Alternative Source
~~722.1.8.3.1.~~	Section 803.	803.4.	B.			NA;
~~722.1.8.3.2.~~	Section 803.	803.4.	B.			NA;
~~722.1.8.3.3.~~	Section 803.	803.4.	B.			NA;
~~722.1.8.3.4.~~	Section 803.	803.4.	B.			NA;
~~722.1.8.3.5.~~	Section 803.	803.4.	B.			NA;
~~722.1.8.4.~~	Section 803.	803.5.				Fire Protection.

OLD #	NEW #					TITLE
~~722.1.8.4.1.~~	Section 803.	803.5.	A.			~~NA;~~Fire District Approval
~~722.1.8.4.2.~~	Section 803.	803.5.	B.			~~NA;~~Hydrants
~~722.1.8.4.3.~~	Section 803.	803.5.	C.			~~NA;~~Additional Requirements
~~722.1.8.4.4.~~	Section 803.	803.5.	D.			~~NA;~~Location
~~722.1.8.4.5.~~	Section 803.	803.5.	E.			~~NA;~~Sprinkler System
~~722.1.8.4.6.~~	Section 803.	803.5.	F.			~~NA;~~Right-of-Way
~~722.1.8.5.~~	Section 803.	803.6.				Electric and Communication Lines.
~~722.1.8.5.1.~~	Section 803.	803.6.	A.			Generally.
~~722.1.8.5.2.~~	Section 803.	803.6.	B.			Waiver.
~~722.1.8.5.3.~~	Section 803.	803.6.	C.			Easements.
~~722.1.8.6.~~	Section 803.	803.6.	C.			~~Drainage .~~
~~722.1.8.7.~~	Section 803.	803.6.	C.			~~Landscaping Requirements.~~
~~722.2~~	Section 334.	334.8.				Design Requirements for Construction Drawings .
~~722.2.1.~~	Section 334.	334.8.				~~Purpose and Intent.~~
~~722.2.2.~~	Section 334.	334.8.				~~Applicability~~
~~722.2.3.~~	Section 334.	334.8.	A.			Preparation.
~~NA~~	Section 334.	334.8.	B.			Contents
~~722.2.4.~~	Section 334.	334.8.	B.	1.		Vicinity Map.
~~722.2.5.~~	Section 334.	334.8.	B.	2.		Existing Conditions.
~~722.2.5.1.~~	Section 334.	334.8.	B.	2.	a.	NA;
~~722.2.5.2.~~	Section 334.	334.8.	B.	2.	b.	NA;
~~722.2.5.3.~~	Section 334.	334.8.	B.	2.	c.	NA;
~~722.2.5.4.~~	Section 334.	334.8.	B.	2.	d.	NA;
~~722.2.5.5.~~	Section 334.	334.8.	B.	2.	e.	NA;
~~722.2.5.6.~~	Section 334.	334.8.	B.	2.	f.	NA;
~~722.2.5.7.~~	Section 334.	334.8.	B.	2.	g.	NA;
~~722.2.5.8.~~	Section 334.	334.8.	B.	2.	h.	NA;
~~722.2.5.9.~~	Section 334.	334.8.	B.	2.	i.	NA;
~~722.2.5.10.~~	Section 334.	334.8.	B.	2.	j.	NA;
~~722.2.6.~~	Section 334.	334.8.	B.	3.		Required Improvements.

OLD #	NEW #					TITLE
~~722.2.6.1.~~	Section 334.	334.8.	B.	3.	a.	NA;
~~722.2.6.2.~~	Section 334.	334.8.	B.	3.	b.	NA;
~~722.2.6.3.~~	Section 334.	334.8.	B.	3.	c.	NA;
~~722.2.6.4.~~	Section 334.	334.8.	B.	3.	d.	NA;
~~722.2.6.5.~~	Section 334.	334.8.	B.	3.	e.	NA;
~~722.2.6.6.~~	Section 334.	334.8.	B.	3.	f.	NA;
~~722.2.6.7.~~	Section 334.	334.8.	B.	3.	g.	NA;
~~722.2.6.8.~~	Section 334.	334.8.	B.	3.	h.	NA;
~~722.2.6.9.~~	Section 334.	334.8.	B.	3.	i.	NA;
~~722.2.6.10.~~	Section 334.	334.8.	B.	3.	j.	NA;
~~722.2.6.11.~~	Section 334.	334.8.	B.	3.	k.	NA;
~~722.2.6.12.~~	Section 334.	334.8.	B.	3.	l.	~~Supplemental Information.~~ NA
~~722.2.6.12.1.~~	Section 334.	334.8.	B.	3.	l.	i. ~~Computation Sheets.~~
~~722.2.6.12.2.~~	Section 334.	334.8.	B.	3.	l.	ii.-NA;
~~722.2.6.12.3.~~	Section 334.	334.8.	B.	3.	l.	iii.-NA;
~~722.2.6.12.4.~~	Section 334.	334.8.	B.	3.	l.	iv.-NA;
~~722.2.6.12.5.~~	Section 334.	334.8.	B.	3.	l.	v.-NA;
~~722.2.6.12.6.~~	Section 334.	334.8.	B.	3.	l.	vi.-NA;
~~722.2.6.12.7.~~	Section 334.	334.8.	B.	3.	l.	vii.-NA;
~~722.2.6.12.8.~~	Section 334.	334.8.	B.	3.	l.	viii.-NA;
~~722.2.6.12.9.~~	Section 334.	334.8.	B.	3.	l.	ix.-NA;
~~722.2.7.~~	Section 334.	334.8.	B.	4.		~~NA;~~ Requirements for Developments that Require Administrative Approval.
~~722.2.7.1.~~	Section 334.	334.8.	B.	4.		NA;
~~723~~	Ch. 5, Part V					Adverse Impact Performance Standards
~~723.1.~~	Section 540.					Intent.
~~723.2.~~	Section 541.					Laws, Codes, and Standards.
~~723.2.1.~~	Section 541.		A.			Noise: Manatee County Noise Ordinance 99-20, as amended.
~~723.2.2.~~	Section 541.		B.			Odors: Manatee County Air Regulations.
~~723.2.3.~~	Section 541.		C.			Vibrations: Subsection 442.3723.3.3 of this Code.
~~723.2.4.~~	Section 541.		D.			Visual Emissions: Manatee County Air Regulations.

OLD #	NEW #					TITLE
~~723.2.5.~~	Section 541.		E.			Glare: Subsection 442.5723.3.5 of this Code.
~~723.2.6.~~	Section 541.		F.			Humidity, Heat and Cold: Subsection 442.6.723.3.6 of this Code.
~~723.2.7.~~	Section 541.		G.			Hazardous Materials and Toxic Substances:
~~723.2.8.~~	Section 541.		H.			Fire and Explosive Hazards:
~~723.2.9.~~	Section 541.		I.			Radioactive Substances:
~~723.3.~~	Section 540.					General Requirements.
~~723.3.1.~~	Section 540.	540.1.				Noise disturbance.
~~723.3.2.~~	Section 540.	540.2.				Odors.
~~723.3.3.~~	Section 540.	540.3.				Vibrations.
~~723.3.4.~~	Section 540.	540.4.				Visual Emissions.
~~723.3.5.~~	Section 540.	540.5.				Glare.
~~723.3.6.~~	Section 540.	540.6.				Humidity, Heat and Cold.
~~723.3.7.~~	Section 540.	540.7.				Hazardous Materials and Toxic Substances.
~~723.3.7.1.~~	Section 540.	540.7.	A.			~~NA;~~Applicability
~~723.3.7.1.1.~~	Section 540.	540.7.	A.	1		NA;
~~723.3.7.1.2.~~	Section 540.	540.7.	A.	2		NA;
~~723.3.7.1.3.~~	Section 540.	540.7.	A.	3		NA;
~~723.3.7.1.4.~~	Section 540.	540.7.	A.	4		NA;
~~723.3.7.1.5.~~	Section 540.	540.7.	A.	5		NA;
~~723.3.7.2.~~	Section 540.	540.7.	B.			Notification.
~~723.3.7.3.~~	Section 540.	540.7.	C.			Facility and Operations Plan.
~~723.3.7.4.~~	Section 540.	540.7.	D.			Hazardous Sites and Facilities.
~~723.3.7.5.~~	Section 540.	540.7.	E.			Site Requirements.
~~723.3.7.6.~~	Section 540.	540.7.	F.			Building Permit Requirement.
~~723.3.7.7.~~	Section 540.	540.7.	G.			Hazardous Material Discharges.
~~723.3.7.8.~~	Section 540.	540.7.	H.			Hazardous Material Emergencies.
~~723.3.7.9.~~	Section 540.	540.7.	I.			Airborne Releases.
~~723.3.8.~~	Section 540.	540.7.	J.	1		Fire and Explosive Hazards.
~~723.3.8.1.~~	Section 540.	540.7.	J.	1	a.	NA;
~~723.3.8.2.~~	Section 540.	540.7.	J.	1	b.	NA;

OLD #	NEW #					TITLE
~~723.3.9.~~	Section 540.	540.7.	J.	2		Radioactive Substances.
~~723.3.7.10.~~	Section 540.	540.7.	J.			Facility Closure.
~~724.~~	Chapter 6	_				Signs.
~~724.1.~~	Section 600.	_				Purpose.
~~724.2.~~	Section 601.	_				Applicability of Other Code or Regulatory Requirements.
~~724.3.~~	Section 602.	_				Administration.
~~724.4.~~	Section 603.	_				Sign Permits.
NA	Section 603.	603.1				Activities Requiring a Sign Permit.
~~724.5.~~	Section 603.	603.3.				Sign Permit Application Procedures.
~~724.6.~~	Section 603.	603.3.	A.			~~Permit Authority~~Sign Permit Review
NA	Section 603.	603.3.	B.			Sign Permit Appeals
~~724.7~~	Section 604.					~~Maintenance~~
~~724.7.b~~	Section 613.	613.1.				Maintenance
~~724.8.~~	Section 613.	613.3.	--			Removal~~Violations~~
~~724.9.~~	Section 613.	613.3.	--			--
~~724.10.~~	Section 608.	_				Public Schools Signs.
~~724.10.1.~~	Section 608.	--				~~Applicability~~
~~724.11.~~	Section 606.	606.5.				Sign Standard Adjustments~~ and Master Sign Plans~~.
~~724.11.1.~~	Section 606.	606.1.				Purpose and Applicability.
~~724.11.2.~~	Section 606.	606.2.				Sign Standards Eligible for Adjustments.
~~724.11.3.~~	Section 606.	606.3.				Application Requirements.
~~724.11.4.~~	Section 606.	606.4.				Adjustments—Administratively Approved.
~~724.11.5.~~	Section 606.	606.5.				Amendments to Approved Master Sign Plan.
~~724.11.6.~~	Section 606.	606.6.				Hearing Officer Authority—Adjustments.
~~724.11.7.~~	Section 606.	606.7.				Conditions.
~~724.11.8.~~	Section 606.	606.8.				Amendments.
~~724.12.~~	Section 604.	_				Prohibited Signs.
NA	Section 609.	_				Restricted-Temporary Signs.
~~724.13.~~	Section 609.	609.1				~~Restricted~~ Temporary Signs.
~~724.14.~~	Section 603.	603.2.				Signs Allowed Without a Sign Permit~~, Generally~~.

OLD #	NEW #					TITLE
~~724.14.1.~~	Section 609.	609.2.				Political Signs.
~~724.15.~~	Section 605.	_				~~General~~ Sign Standards.
~~724.15.~~	Section 605.	605.1				Sign Standards Matrix
~~200 (Signs)~~	Section 605.	605.2				Measuring Signs
~~724.15.a.~~	Section 605.	605.3				Illumination of Signs
~~724.15.b.~~	Section 605.	605.4				Changeable Copy Signs. (Manual or LED Signs).
~~724.15.d.~~	Section 605.	605.5				Canopy, Awning Signs.
~~724.15.c.~~	Section 605.	605.6				Signs for Drive-Through Restaurants.
~~724.16.~~	Section 610.	_				North Central Overlay District Signs.
~~724.16.1.~~	Section 610.	610.1.				Purpose.
~~724.16.2.~~	Section 610.	610.2.				Applicability.
~~724.16.3.~~	Section 610.	610.3.				Prohibited Sign Types.
~~724.16.4.~~	Section 610.	610.4.				Standards.
~~724.17.~~	Section 606.	606.8				~~Off-Site Signs.~~
~~724.17.1.~~	Section 607.	_				Off-Site Directional Signs.
~~724.18.~~	Section 611.	_				Outdoor Advertising Signs.
NA	Section 611.	611.1				Allowed Outdoor Advertising Signs.
~~724.18.1.~~	Section 611.	611.2.				Billboard Signs Exchange Program
~~724.19.~~	Section 612.	_				Nonconforming Signs and Uses.
NA	Section 612.	612.1.				Continued Existence
~~724.20.~~	Section 612.	612.2.	B.			~~Nonconforming Uses.~~ Replacement
~~724.21.~~	Section 613.					Violations.
~~724.21.a.~~	Section 613.	613.2.				Illegal Signs
~~724.21.b.~~	Section 613.	613.4.				Revocation
~~724.21.c.~~	Section 613.	613.5.				Violation of Code
~~724.22.~~	Section 614.					Severability of Sign Regulations.
~~725.~~	Section 403.	403.2.				~~Tall Structure and Object Height Limitations.~~
~~725.1.~~	Section 403.	403.2.				~~Purpose and Intent.~~
~~725.2.~~	Section 403.	403.2.	E.			~~Airport Zones and~~ Airspace Height Limitations.
NA	Section 403.	403.2.	E.	1.		Airport Zones

OLD #	NEW #					TITLE
~~725.2.1.~~	Section 403.	403.2.	E.	1.	a.	~~P or~~ Primary Zone (P).
~~725.2.2.~~	Section 403.	403.2.	E.	1.	b.	~~HZ or~~ Horizontal Zone (HZ).
~~725.2.3.~~	Section 403.	403.2.	E.	1.	c.	~~CN or~~ Conical Zone (CN).
~~725.2.4.~~	Section 403.	403.2.	E.	1.	d.	~~AP or~~ Approach Zone (AP).
~~725.2.4.1.~~	Section 403.	403.2.	E.	1.	d.	Approach Zone Width.
~~725.2.4.2.~~	Section 403.	403.2.	E.	1.	d.	*Approach Zone Length*
~~725.2.4.3.~~	Section 403.	403.2.	E.	1.	d.	~~Approach Zone Height.~~
~~725.2.5.~~	Section 403.	403.2.	E.	1.	e.	~~TR or~~ Transitional Zone (TR).
NA	Section 403.	403.2.	E.	2.		Height Limitations
~~725.2.6.~~	Section 403.	403.2.	E.	3.		Additional Structure or Object Height Limitations.
~~725.3.~~	Section 403.	403.2.	E.	4.		Zone Classification District Boundary Map for the Airport Zones and Environs Outside Airport Zones.
~~725.4.~~	Section 403.	403.2.	E.	5.		~~Obstruction Marking and Lighting.~~
~~725.5.~~	Section 403.	403.2.	E.	5.		Variances to Height Regulations.
~~726.~~	Section 531.	531.5.				Animal Services (Wild and Exotic Animals).
~~726.1.~~	Section 531.	531.5.				~~Intent and General Requirements.~~
~~726.1.1.~~	Section 531.	531.5.				NA;
~~726.1.2.~~	Section 531.	531.41.	K.			Zoo, Animal Exhibit, Breeding Facilities of Wild or Exotic Animals, Animal Boarding Facilities, Circuses or Circus Exhibitions
~~727~~	Section 1005	1005.11.				~~.Handicap Requirements .~~
~~727.1.~~	Section 1005	1005.11.				~~Purpose and Intent.~~
~~727.2.~~	Section 1005	1005.11.				~~Requirements.~~
~~727.3~~	Section 1005	1005.11.				~~NA;~~
~~727.3.1.~~	Section 1005	1005.11.				~~NA;~~
~~727.3.2.~~	Section 1005	1005.11.				~~NA;~~
~~727.3.3.~~	Section 1005	1005.11.				~~NA;~~
~~727.3.4.~~	Section 1005	1005.11.				~~NA;~~
~~727.4.~~	Section 1005	1005.11.				~~Minimum Handicapped Space Requirements.~~
~~728~~	Section 803.	803.3.				Solid Waste ~~Regulations~~
~~728.8.~~	Section 531.	531.53.				Solid Waste Management Facilities.

OLD #	NEW #					TITLE
~~728.8.1.~~	Section 531.	531.53.	B.			Approval Requirements.
~~728.8.2.~~	Section 531.	531.53.	C.			Submission of Date.
~~728.9.~~	Section 531.	531.53.	D.			Nuisance, Health and Safety.
~~729.~~	Section 1003					Transit ~~Regulations.~~ Standards
~~729.1.~~	Section 1003	1003.1.				Purpose and Intent.
~~729.1.1.~~	Section 1003	1003.1.				NA;
~~729.2.~~	Section 1003	1003.1.				~~Administration.~~
~~729.2.1.~~	Section 1003	1003.1.				NA;
~~729.3.~~	Section 1003	1003.2.				~~Permit Requirements~~Applicability.
~~729.3.1.~~	Section 1003	1003.2.				NA;
~~729.4.~~	Section 1003	1003.2.				~~Procedure.~~
~~729.4.1.~~	Section 1003	1003.2.				NA;
~~729.5.~~	Section 1003	1003.3.				Standards.
~~729.5.1.~~	Section 1003	1003.3.	A.			NA;
~~729.6.~~	Section 1003	1003.3.	A.			~~Internal Transit Facilities.~~
~~729.6.1.~~	Section 1003	1003.3.	B.			NA;
~~730.~~	Section 1005	1005.9.				Fire Access Requirements.
~~730.1.~~	Section 1005	1005.9.				~~Purpose.~~
~~730.2.~~	Section 1005	1005.9.				~~Fire Lane Designations.~~
~~730.2.1.~~	Section 1005	1005.9.	A.			NA
~~730.2.2.~~	Section 1005	1005.9.	B.			NA;
~~730.3.~~	Section 1005	1005.9.				~~Design and location of signs and markers.~~ [MOVED TO TRAFFIC MANUAL]
~~730.3.1.~~	Section 1005	1005.9.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~730.3.2.~~	Section 1005	1005.9.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~730.3.3.~~	Section 1005	1005.9.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~730.3.4.~~	Section 1005	1005.9.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~730.3.5.~~	Section 1005	1005.9.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~730.3.6.~~	Section 1005	1005.9.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~730.3.7.~~	Section 1005	1005.9.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~730.4.~~	Section 1005	1005.9.				~~NA;~~

OLD #	NEW #					TITLE
~~730.5.~~	Section 1005	1005.9.	D.			NA;
~~730.6.~~	Section 1005	1005.9.				~~NA;~~
~~731.~~	Section 531.	531.33.				Moored Water Craft .
~~731.1.~~	Section 531.	531.33.	A.			~~Generally.~~
~~731.2.~~	Section 531.	531.33.	B.			~~Use of Regularly Moored Watercraft.~~
~~731.3.~~	Section 531.	531.33.	C.			~~Condition.~~
~~732.~~	Section 702.					Earthmoving.
~~732.1.~~	Section 702.	702.1.				Purpose
~~732.2.~~	Section 702.	702.2.				Exemptions.
~~732.2.1.~~	Section 702.	702.2.	B.	1		NA;
~~732.2.2.~~	Section 702.	702.2.	B.	2		NA;
~~732.2.3.~~	Section 702.	702.2.	B.	3		NA;
~~732.2.4.~~	Section 702.	702.2.	B.	4		NA;
~~732.2.5.~~	Section 702.	702.2.	B.	5		NA;
~~732.2.6.~~	Section 702.	702.2.	B.	6		NA;
~~732.2.7.~~	Section 702.	702.2.	B.	7		NA;
~~732.2.8.~~	Section 702.	702.2.	B.	8		NA;
~~732.2.9.~~	Section 702.	702.2.	B.	9		NA;
~~732.2.10.~~	Section 702.	702.2.	B.	10		NA;
NA	Section 702.	702.3.				Earthmoving Site Plan Review and Requirements
NA	Section 702.	702.3.	A.			Site Plan Requirements
~~732.3.~~	Section 702.	702.3.	B.			Minor Earthmoving Site Plan ~~Requirements.~~
~~732.3.1.~~	Section 702.	702.3.	B.	1.		Applicability
~~732.3.1.1.~~	Section 702.	702.3.	B.	1.	a.	NA;
~~732.3.1.2.~~	Section 702.	702.3.	B.	1.	b.	NA;
~~732.3.1.3.~~	Section 702.	702.3.	B.	1.	c.	NA;
~~732.3.1.4.~~	Section 702.	702.3.	B.	1.	d.	NA;
~~732.3.1.5.~~	Section 702.	702.3.	B.	1.	e.	NA;
~~732.3.2.~~	Section 702.	702.3.	B.	2.		Pre-Application Conference
~~732.3.3.~~	Section 702.	702.3.	B.	3.		Department Director Review.

OLD #	NEW #					TITLE
~~732.3.4.~~	Section 702.	702.3.	B.	4		Site Inspection.
~~732.3.5.~~	Section 702.	702.3.	B.	5.		Floodplain Management Permit.
~~732.3.6.~~	Section 702.	702.3.	B.	6.		Phosphate Mining.
~~732.4.~~	Section 702.	702.3.	C.			Major Earthmoving Site Plan ~~Requirements~~.
~~732.4.1.~~	Section 702.	702.3.	C.	1.		Site Plan and Permit Required.
~~732.4.2.~~	Section 702.	702.3.	C.	2.		Requirements.
~~732.4.3.~~	Section 702.	702.3.	C.	2.		~~Application Information and Site Plan Requirements.~~
~~732.4.3.1.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.2.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.3.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.4.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.5.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.6.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.7.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.8.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.9.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.10.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.11.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.12.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.13.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.14.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.15.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.16.~~	Section 702.	702.3.	C.	2.		NA; [MOVED TO DEVELOPMENT REVIEW MANUAL]
NA	Section 702.	702.4.				Reclamation Standards
~~732.4.3.16.1.~~	Section 702.	702.4.	A.			Agricultural Lands.
~~732.4.3.16.2.~~	Section 702.	702.4.	B.			Lakes and Other Water Bodies.
~~732.4.3.16.3.~~	Section 702.	702.3.	C.	2.		~~Rights-of-Way.~~ [MOVED TO DEVELOPMENT REVIEW MANUAL]
~~732.4.3.17.~~	Section 702.	702.3.	C.	2.		~~NA;~~ [MOVED TO STORMWATER MANUAL]
~~732.4.3.17.1.~~	Section 702.	702.3.	C.	2.		~~NA;~~ [MOVED TO STORMWATER MANUAL]
~~732.4.3.17.2.~~	Section 702.	702.3.	C.	2.		~~NA;~~ [MOVED TO STORMWATER MANUAL]

OLD #	NEW #					TITLE
~~732.4.3.17.3.~~	Section 702.	702.3.	C.	2.		~~NA;~~ [MOVED TO STORMWATER MANUAL]
~~732.4.3.17.4.~~	Section 702.	702.3.	C.	2.		~~NA;~~ [MOVED TO STORMWATER MANUAL]
~~732.4.3.17.5.~~	Section 702.	702.3.	C.	2.		~~NA;~~ [MOVED TO STORMWATER MANUAL]
~~732.4.3.18.~~	Section 702.	702.3.	C.	2.		~~Completeness.~~
~~732.4.4.~~	Section 702.	702.3.	D.			Effect of Approval of Major Earthmoving Use.
~~732.4.4.1.~~	Section 702.	702.3.	D.	1		NA;
~~732.4.4.2.~~	Section 702.	702.3.	D.	2		NA;
~~732.4.4.3.~~	Section 702.	702.3.	D.	3		NA;
~~732.4.5.~~	Section 702.	702.3.	E.			Amendments or Variances to Earthmoving Site Plan.
~~732.4.5.1.~~	Section 702.	702.3.	E.	1		NA;
~~732.4.5.2.~~	Section 702.	702.3.	E.	2		NA;
~~732.4.6.~~	Section 702.	702.3.	F.			Transfer of any Major Earthmoving Site Plan Approval.
~~732.4.6.1.~~	Section 702.	702.3.	F.	1		NA;
~~732.4.6.2.~~	Section 702.	702.3.	F.	2		NA;
~~732.4.6.3.~~	Section 702.	702.3.	F.	3		NA;
~~732.4.7.~~	Section 702.	702.3.	G.			Fees.
~~732.5.~~	Section 702.	702.6.				Operating Permit Requirements.
~~732.5.1.~~	Section 702.	702.6.	A.			Application for an Operating Permit.
~~732.5.2.~~	Section 702.	702.6.	B.			Necessary Information.
~~732.5.2.1.~~	Section 702.	702.6.	B.			NA;
~~732.5.2.2.~~	Section 702.	702.6.	B.	1		NA;
~~732.5.2.3.~~	Section 702.	702.6.	B.	2		NA;
~~732.5.2.4.~~	Section 702.	702.6.	B.	3		NA;
~~732.5.2.5.~~	Section 702.	702.6.	B.	4		NA;
~~732.5.2.6.~~	Section 702.	702.6.	B.	5		Draft of surety bonds.
~~732.5.3.~~	Section 702.	702.6.	C.			Completeness of Application.
~~732.5.4.~~	Section 702.	702.6.	D.			Permit Approval or Denial.
~~732.5.4.1.~~	Section 702.	702.6.	D.	1		NA;
~~732.5.4.2.~~	Section 702.	702.6.	D.	2		NA;
~~732.5.4.2.1.~~	Section 702.	702.6.	D.	2	a.	NA;

OLD #	NEW #					TITLE
~~732.5.4.2.2.~~	Section 702.	702.6.	D.	2	b.	NA;
~~732.5.4.3.~~	Section 702.	702.6.	D.	3		NA;
~~732.5.5.~~	Section 702.	702.6.	E.			Term of Operating Permit.
~~732.5.6.~~	Section 702.	702.6.	F.			Criteria for Operating Permit Issuance.
~~732.5.6.1.~~	Section 702.	702.6.	F.	1		Compliance with Other Laws.
~~732.5.6.2.~~	Section 702.	702.6.	F.	2		Minimum Protection.
~~732.5.6.3.~~	Section 702.	702.6.	F.	3		Reclamation.
~~732.5.6.4.~~	Section 702.	702.6.	F.	4		Radiation.
~~732.5.6.5.~~	Section 702.	702.6.	F.	5		Roadway Impacts and Improvements.
~~732.5.7.~~	Section 702.	702.6.	G.			Setback Requirements.
~~732.5.7.1.~~	Section 702.	702.6.	G.	1		NA;
~~732.5.7.2.~~	Section 702.	702.6.	G.	2		NA;
~~732.5.7.3.~~	Section 702.	702.6.	G.	3		NA;
~~732.5.8.~~	Section 702.	702.6.	H.			Safety Requirements.
~~732.5.9.~~	Section 702.	702.6.	I.			Monitoring.
~~732.5.9.1.~~	Section 702.	702.6.	I.	1		NA;
~~732.5.9.1.1.~~	Section 702.	702.6.	I.	1	a.	NA;
~~732.5.9.1.2.~~	Section 702.	702.6.	I.	1	b.	NA;
~~732.5.9.1.3.~~	Section 702.	702.6.	I.	1	c.	NA;
~~732.5.9.1.4.~~	Section 702.	702.6.	I.	1	d.	NA;
~~732.5.9.2.~~	Section 702.	702.6.	I.	2		NA;
~~732.5.9.2.1.~~	Section 702.	702.6.	I.	2	a.	Sampling locations;
~~732.5.9.2.2.~~	Section 702.	702.6.	I.	2	b.	NA;
~~732.5.9.2.3.~~	Section 702.	702.6.	I.	2	c.	NA;
~~732.5.9.2.4.~~	Section 702.	702.6.	I.	2	d.	NA;
~~732.5.9.2.5.~~	Section 702.	702.6.	I.	2	e.	NA;
~~732.5.9.2.6.~~	Section 702.	702.6.	I.	2	f.	Reporting.
~~732.5.9.3.~~	Section 702.	702.6.	I.	3		NA;
~~732.5.9.4.~~	Section 702.	702.6.	I.	4		NA;
~~732.5.10.~~	Section 702.	702.6.	J.			Maintenance Plans.

OLD #	NEW #					TITLE
~~732.5.11.~~	Section 702.	702.6.	K.			Inspection.
~~732.5.12.~~	Section 702.	702.6.	L.			Financial Responsibility.
~~732.5.12.1.~~	Section 702.	702.6.	L.	1		Reclamation Surety Bonds.
~~732.5.12.1.1.~~	Section 702.	702.6.	L.	1	a.	NA;
~~732.5.12.1.2.~~	Section 702.	702.6.	L.	1	b.	NA;
~~732.5.12.1.3.~~	Section 702.	702.6.	L.	1	c.	NA;
~~732.5.12.1.4.~~	Section 702.	702.6.	L.	1	d.	NA;
~~732.5.12.1.5.~~	Section 702.	702.6.	L.	1	e.	NA;
~~732.5.12.1.6.~~	Section 702.	702.6.	L.	1	f.	NA;
~~732.5.12.1.7.~~	Section 702.	702.6.	L.	1	g.	NA;
~~732.5.12.1.8.~~	Section 702.	702.6.	L.	1	h.	NA;
~~732.5.12.2.~~	Section 702.	702.6.	L.	2		Forfeiture.
~~732.5.13.~~	Section 702.	702.6.	M.			Fees.
~~732.5.14.~~	Section 702.	702.6.	N.			Operating Permit Amendment, Transfer and Renewal.
~~732.5.14.1.~~	Section 702.	702.6.	N.	1		Amendment of Operating Permit.
~~732.5.14.2.~~	Section 702.	702.6.	N.	2		Transfer of Permit.
~~732.5.14.2.1.~~	Section 702.	702.6.	N.	2	a.	NA;
~~732.5.14.2.2.~~	Section 702.	702.6.	N.	2	b.	NA;
~~732.5.14.2.3.~~	Section 702.	702.6.	N.	2	c.	d.
~~732.5.14.2.4.~~	Section 702.	702.6.	N.	2	d.	NA;
~~732.5.15.~~	Section 702.	702.6.	O.			Subsequent Permit Procedures.
~~732.5.16.~~	Section 702.	702.6.	P.			Fees.
~~732.5.17.~~	Section 702.	702.6.	Q.			Annual Progress Reports and Acknowledgements of Compliance.
~~732.5.17.1.~~	Section 702.	702.6.	Q.	1		Progress Reports.
~~732.5.17.2.~~	Section 702.	702.6.	Q.	2		Engineer.
~~732.5.17.3.~~	Section 702.	702.6.	Q.	3		Failure to File.
~~732.5.17.4.~~	Section 702.	702.6.	Q.	4		Fees.
~~732.5.18.~~	Section 702.	702.6.	R.			Acknowledgement of Compliance.
~~732.6.~~	Section 702.	702.7.				Administration of this Section.
~~732.6.1.~~	Section 702.	702.7.	A.			Prohibitions.

OLD #	NEW #					TITLE
~~732.6.1.1.~~	Section 702.	702.7.	A.	1		NA;
~~732.6.1.2.~~	Section 702.	702.7.	A.	2		NA;
~~732.6.1.3.~~	Section 702.	702.7.	A.	3		NA;
~~732.6.1.4.~~	Section 702.	702.7.	A.	4		NA;
~~732.6.2.~~	Section 702.	702.7.	B.			Notice of Violation.
~~732.6.2.1.~~	Section 702.	702.7.	B.	1		NA;
~~732.6.2.2.~~	Section 702.	702.7.	B.	2		NA;
~~732.6.3.~~	Section 702.	702.7.	C.			Pollution.
~~732.6.4.~~	Section 702.	702.7.	D.			Liability.
~~732.6.5.~~	Section 702.	702.7.	E.			Proof.
~~732.6.6.~~	Section 702.	702.7.	F.			Asphalt Processing or Manufacturing in Conjunction with Earthmoving of Sand and Shell.
~~732.6.7.~~	Section 702.	702.7.	G.			Modification of Requirements.
~~733~~	Section 1001	1001.7.				Traffic Control Standards
~~733.1.~~	Section 1001	1001.7.				~~Purpose and Intent~~
~~733.2.~~	Section 1001	1001.7.	A.			Administration.
~~733.3.~~	Section 1001	1001.7.	B.			Permit Requirements.
~~733.4.~~	Section 1001	1001.7.	C.			Traffic Standards
~~733.4.1.~~	Section 1001	1001.7.	C.	1		NA
~~733.4.2.~~	Section 1001	1001.7.	C.	2		NA
~~733.4.3.~~	Section 1001	1001.7.	C.	3		NA
~~733.4.4.~~	Section 1001	1001.7.	C.	4		NA
~~733.4.5.~~	Section 1001	1001.7.	C.	5		NA
~~733.5.~~	Section 1001	1001.7.	C.	6		~~General Requirements .~~ [MOVED TO TRAFFIC MANUAL]
~~733.5.1.~~	Section 1001	1001.7.	C.	6		~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~733.5.2.~~	Section 1001	1001.7.	C.	6		~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~733.5.3.~~	Section 1001	1001.7.	C.	6		~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~733.5.4.~~	Section 1001	1001.7.	C.	6		~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~733.6.~~	Section 1001	1001.7.	D.			~~Standards for~~ Street Designation Signs.
~~733.6.1.~~	Section 1001	1001.7.	D.			NA;
~~733.7.~~	Section 1001	1001.7.	D.			~~Non-Conforming Traffic Devices and Street Designation Signs .~~

OLD #	NEW #					TITLE
~~733.7.1.~~	Section 1001	1001.7.	D.			~~NA;~~
~~734~~	Section 511.	511.17.				Waterfront Structures.
~~734.1.~~	Section 511.	511.17.	A.			Generally.
~~734.1.1.~~	Section 511.	511.17.	B.			Standards.
~~734.2.~~	Section 511.	511.17.	B.			~~Standards.~~
~~734.2.1.~~	Section 511.	511.17.	B.	1		Distance from Channel.
~~734.2.2.~~	Section 511.	511.17.	B.	2		Maximum Height of Boathouses and Boat Hoists.
~~734.2.3.~~	Section 511.	511.17.	B.	3		Compliance with District Side Yards.
~~734.2.4.~~	Section 511.	511.17.	B.	4		Residential Dock Density.
~~734.2.5.~~	Section 511.	511.17.				~~NA;~~
~~734.3.~~	Section 511.	511.17.	C.			Other Requirements.
~~734.3.1.~~	Section 511.	511.17.	C.	1		NA;
~~734.3.2.~~	Section 511.	511.17.	C.	2		NA;
~~734.3.3.~~	Section 511.	511.17.	C.	3		NA;
~~734.3.4.~~	Section 511.	511.17.	C.	4		NA;
~~734.3.5.~~	Section 511.	511.17.	C.	5		NA;
~~734.3.6.~~	Section 511.	511.17.	C.	6		NA;
~~734.3.7.~~	Section 511.	511.17.	C.	7		NA;
~~734.3.8.~~	Section 511.	511.17.	C.	8		~~Floodways.~~
~~734.3.9.~~	Section 511.	511.17.	C.	9		~~Recreational Facilities.~~
~~734.3.10.~~	Section 511.	511.17.	C.	10		NA;
~~734.4.~~	Section 511.	511.17.	D.			Erosion Control Structures.
NA	Section 511.	511.17.	D.	1.		NA
~~734.5.~~	Section 511.	511.17.	D.	1.		~~Standards.~~
~~734.5.1.~~	Section 511.	511.17.	D.	2		NA;
~~734.5.2.~~	Section 511.	511.17.	E.			Seawalls.
~~734.5.3.~~	Section 511.	511.17.	E.			NA;
~~734.5.3.1.~~	Section 511.	511.17.	E.	1.		NA;
~~734.5.3.2.~~	Section 511.	511.17.	E.	2.		NA;
~~734.5.3.3.~~	Section 511.	511.17.	E.	3.		NA;

OLD #	NEW #					TITLE
~~734.5.3.4.~~	Section 511.	511.17.	E.	4.		NA;
~~734.5.4.~~	Section 511.	511.17.	E.	4.		~~NA;~~
~~735.~~	Section 531.	531.3.				~~Airport Siting Criteria.~~
~~735.1.~~	Section 531.	531.3.	A.			General Requirements for Airport Siting.
~~735.1.1~~	Section 531.	531.3.	A.	1		NA;
~~735.1.2.~~	Section 531.	531.3.	A.	2		NA;
~~735.1.3.~~	Section 531.	531.3.	A.	3		NA;
~~735.1.4.~~	Section 531.	531.3.	A.	4		NA;
~~735.1.5.~~	Section 531.	531.3.	A.	5		NA;
~~735.1.6.~~	Section 531.	531.3.	A.	6		NA;
~~735.1.7.~~	Section 531.	531.3.	A.	7		NA;
~~735.1.8.~~	Section 531.	531.3.	A.	8		NA;
~~735.1.9.~~	Section 531.	531.3.	A.	9		NA;
~~735.1.10~~	Section 531.	531.3.	A.	10		NA;
~~735.1.11.~~	Section 531.	531.3.	A.	11		NA;
~~735.1.12.~~	Section 531.	531.3.	A.	12		NA;
~~735.1.13.~~	Section 531.	531.3.	A.	13		NA;
~~735.1.14.~~	Section 531.	531.3.	A.	14		NA;
~~735.1.15.~~	Section 531.	531.3.	A.	15		NA;
~~735.1.16.~~	Section 531.	531.3.	A.	16		NA;
~~735.1.17.~~	Section 531.	531.3.	A.	17		NA;
~~735.1.18~~	Section 531.	531.3.	A.	18		NA;
~~735.2.~~	Section 531.	531.3.	B.			Airport Development Application.
~~735.2.1.~~	Section 531.	531.3.				NA;
~~735.2.1.1.~~	Section 531.	531.3.		1		NA;
~~735.2.1.2.~~	Section 531.	531.3.		2		NA;
~~735.2.1.3.~~	Section 531.	531.3.		3		NA;
~~735.2.1.4.~~	Section 531.	531.3.		4		NA;
~~735.2.1.5.~~	Section 531.	531.3.		5		NA;
~~735.2.1.6.~~	Section 531.	531.3.		6		NA;

OLD #	NEW #					TITLE
~~735.2.1.7.~~	Section 531.	531.3.		7		NA;
~~735.2.1.8.~~	Section 531.	531.3.		8		NA;
~~735.2.1.9.~~	Section 531.	531.3.		9		NA;
~~735.2.1.10.~~	Section 531.	531.3.		10		NA;
~~735.2.1.11.~~	Section 531.	531.3.		11		NA;
~~735.2.1.12.~~	Section 531.	531.3.		12		NA;
~~736~~	Section 348.					Developments of Regional Impact (DRI~~'s~~) ~~and Large Projects~~.
~~736.1.~~	Section 348.					~~Developments of Regional Impact (DRI)~~
~~736.1.1.~~	Section 348.					NA;
~~736.1.2.~~	Section 348.					NA;
~~736.1.3.~~	Section 348.					NA;
~~736.2.~~	Section 349.					Large Projects.
~~736.2.1.~~	Section 349.	349.2.				Binding Letter.
~~736.2.1.1.~~	Section 349.	349.2.	A.			NA;
~~736.2.1.2.~~	Section 349.	349.2.	B.			NA;
~~736.3.~~	Section 349.	349.3.				Large Project Application (LPA).
~~736.3.1.~~	Section 349.	349.1.				Large Project Application Required
~~736.3.2.~~	Section 349.	349.3.				NA;
~~736.3.3.~~	Section 349.	349.3.	A.			NA;
~~736.3.4.~~	Section 349.	349.3.	B.			NA;
~~736.3.5.~~	Section 349.	349.3.	C.			General Project Description.
~~736.3.5.1.~~	Section 349.	349.3.	C.	1		NA;
~~736.3.5.2.~~	Section 349.	349.3.	C.	2		NA;
~~736.3.5.3.~~	Section 349.	349.3.	C.	3		NA;
~~736.3.5.4.~~	Section 349.	349.3.	C.	4		NA;
~~736.3.6.~~	Section 349.	349.3.	D.			Industrial Uses.
~~736.3.7.~~	Section 349.	349.3.	E.			Environmental Systems.
~~736.3.7.1.~~	Section 349.	349.3.	E.	1		Native Habitats.
~~736.3.7.1.1.~~	Section 349.	349.3.	E.	1	a.	Methodology.
~~736.3.7.1.2.~~	Section 349.	349.3.	E.	1	b.	Post-Development Conditions.

OLD #	NEW #					TITLE
~~736.3.7.1.3.~~	Section 349.	349.3.	E.	1	c.	NA;
~~736.3.7.1.4.~~	Section 349.	349.3.	E.	1	d.	NA;
~~736.3.8.~~	Section 349.	349.3.	F.			Drainage.
~~736.3.8.1.~~	Section 349.	349.3.	F.	1		NA;
~~736.3.8.2.~~	Section 349.	349.3.	F.	2		NA;
~~736.3.9.~~	Section 349.	349.3.	G.			Surface Water—Existing Conditions.
~~736.3.9.1.~~	Section 349.	349.3.	G.	1		NA;
~~736.3.9.2.~~	Section 349.	349.3.	G.	2		NA;
~~736.3.9.3.~~	Section 349.	349.3.	G.	3		NA;
~~736.3.10.~~	Section 349.	349.3.	H.			Surface Water—Post Development Conditions.
~~736.3.10.1.~~	Section 349.	349.3.	H.	1		NA;
~~736.3.10.2.~~	Section 349.	349.3.	H.	2		NA;
~~736.3.10.3.~~	Section 349.	349.3.	H.	3		NA;
~~736.3.10.4.~~	Section 349.	349.3.	H.	4		NA;
~~736.3.11.~~	Section 349.	349.3.	I.			Groundwater—Existing Conditions.
~~736.3.11.1.~~	Section 349.	349.3.	I.	1		NA;
~~736.3.11.2.~~	Section 349.	349.3.	I.	2		NA;
~~736.3.12.~~	Section 349.	349.3.	J.			Groundwater—Post-Development Conditions.
~~736.3.12.1.~~	Section 349.	349.3.	J.			NA;
~~736.3.13.~~	Section 349.	349.3.	K.			Floodplains.
~~736.3.13.~~	Section 349.	349.3.	K.	1		NA;
~~736.3.13.2.~~	Section 349.	349.3.	K.	2		NA;
~~736.3.14.~~	Section 349.	349.3.	L.			Historical and Archaeological Sites.
~~736.3.14.1.~~	Section 349.	349.3.	L.	1		NA;
~~736.3.14.2.~~	Section 349.	349.3.	L.	2		NA;
~~736.3.15.~~	Section 349.	349.3.	M.			Public Facilities.
~~736.3.15.1.~~	Section 349.	349.3.	M.	1		Transportation.
~~736.3.15.1.1.~~	Section 349.	349.3.	M.	1		~~Methodology.~~
~~736.3.16.~~	Section 349.	349.3.	M.	2		Water Supply.
~~736.3.16.1.~~	Section 349.	349.3.	M.	2	a.	NA;

OLD #	NEW #					TITLE
~~736.3.16.2.~~	Section 349.	349.3.	M.	2	b.	NA;
~~736.3.17.~~	Section 349.	349.3.	M.	3		Non-Potable Water—Existing Conditions.
~~736.3.17.1.~~	Section 349.	349.3.	M.	3		NA;
~~736.3.18.~~	Section 349.	349.3.	M.	4		Non-Potable Water—Post-Development Conditions.
~~736.3.18.1.~~	Section 349.	349.3.	M.	4	a.	NA;
~~736.3.18.2.~~	Section 349.	349.3.	M.	4	b.	NA;
~~736.3.19.~~	Section 349.	349.3.	M.	5		Wastewater Management .
~~736.3.19.1.~~	Section 349.	349.3.	M.	5		NA;
~~736.3.20.~~	Section 349.	349.3.	M.	6.		[Wastewater Management—]Post-Development Conditions.
~~736.3.20.1.~~	Section 349.	349.3.	M.	6.	a.	NA;
~~736.3.20.2.~~	Section 349.	349.3.	M.	6.	b.	NA;
~~736.3.21.~~	Section 349.	349.3.	M.	7.		Solid Waste Management.
~~736.3.21.1.~~	Section 349.	349.3.	M.	7.	a.	NA;
~~736.3.21.2.~~	Section 349.	349.3.	M.	7.	b.	NA;
~~736.3.22.~~	Section 349.	349.3.	M.	8		Education.
~~736.3.22.1.~~	Section 349.	349.3.	M.	8		~~Site Selection.~~
~~736.3.22.1.1.~~	Section 349.	349.3.	M.	8	a.	NA;
~~736.3.22.1.2.~~	Section 349.	349.3.	M.	8	b.	NA;
~~736.3.22.1.3.~~	Section 349.	349.3.	M.	8	c.	NA;
~~736.3.22.1.4.~~	Section 349.	349.3.	M.	8	d.	NA;
~~736.3.22.1.5.~~	Section 349.	349.3.	M.	8	e.	NA;
~~736.3.22.1.6.~~	Section 349.	349.3.	M.	8	f.	NA;
~~736.3.23.~~	Section 349.	349.3.	M.	9		Recreation.
~~736.3.23.1.~~	Section 349.	349.3.	M.	9	a.	NA;
~~736.3.23.2.~~	Section 349.	349.3.	M.	9	b.	NA;
~~736.3.23.3.~~	Section 349.	349.3.	M.	9	c.	NA;
~~736.3.24.~~	Section 349.	349.3.	M.	10		Emergency Services.
~~736.3.24.1.~~	Section 349.	349.3.	M.	10		NA;
~~736.3.25.~~	Section 349.	349.3.	M.	11		Fire Protection.
~~736.3.25.1.~~	Section 349.	349.3.	M.	11	a.	NA;

OLD #	NEW #					TITLE
~~736.3.25.2.~~	Section 349.	349.3.	M.	11	b.	NA;
~~736.3.25.3.~~	Section 349.	349.3.	M.	11	c.	NA;
~~736.3.26.~~	Section 349.	349.3.	M.	12		Police Protection.
~~736.3.26.1.~~	Section 349.	349.3.	M.	12		NA;
~~736.3.27.~~	Section 349.	349.3.	M.	13		Hurricane Evacuation.
~~736.3.27.1.~~	Section 349.	349.3.	M.	13		NA;
~~737.~~	Section 900.					Entranceways.
~~737.1.~~	Section 900.	900.1.				Purpose and Intent.
~~737.1.1.~~	Section 900.	900.1.	A.			NA;
~~737.1.2.~~	Section 900.	900.1.	B.			NA;
~~737.1.3.~~	Section 900.	900.1.	C.			NA;
~~737.2.~~	Section 900.	900.2.				NA;
~~737.3.~~	Section 900.	900.3.				NA;
~~737.3.1.~~	Section 900.	900.3.				NA;
~~737.4.~~	Section 900.	900.4.				Land Uses Permitted within Entranceways.
~~737.4.1.~~	Section 900.	900.4.				NA;
~~737.4.1.1.~~	Section 900.	900.5.				~~NA;~~ PD Application Required
~~737.4.1.2.~~	Section 900.	900.5.	A.			NA;
~~737.4.2.~~	Section 900.	900.4.				NA;
~~737.5.~~	Section 900.	900.6.				Standards for Development.
NA	Section 900.	900.6.	A.			Landscaping and Buffers
~~737.5.1.~~	Section 900.	900.6.	A.	1		Landscaping.
~~737.5.1.1.~~	Section 900.	900.6.	A.	2		Required Buffer.
NA	Section 900.	900.6.	A.	3		~~Minimum Requirements~~Buffer Landscaping.
~~737.5.1.2.~~	Section 900.	900.6.	A.	4		Landscaping Easements.
~~737.5.2.~~	Section 900.	900.6.	B.			Access.
~~737.5.2.1.~~	Section 900.	900.6.	B.	1		Frontage Road Requirements.
~~737.5.2.2.~~	Section 900.	900.6.	B.	2		Cross Access Easements.
~~737.5.3.~~	Section 900.	900.6.	C.			Signs.
~~737.5.3.1.~~	Section 900.	900.6.	C.	1		Types of Signs.

OLD #	NEW #					TITLE
~~737.5.3.2.~~	Section 900.	900.6.	C.	2		Number of Signs.
~~737.5.3.3.~~	Section 900.	900.6.	C.	3		Size of Signs.
~~737.5.3.4.~~	Section 900.	900.6.	C.	5		Sign Approvals.
~~737.5.3.4.1.~~	Section 900.	900.6.	C.	5	a.	Sign Plan.
~~737.5.3.4.2.~~	Section 900.	900.6.	C.	5	a.	Sign Permit.
~~737.5.3.4.3.~~	Section 900.	900.6.	C.	5	b.	NA;
~~737.5.3.4.4.~~	Section 900.	900.6.	C.	5	c.	NA;
~~737.5.3.4.5.~~	Section 900.	900.6.	C.	4		Combination Signs.
~~737.5.4.~~	Section 900.	900.6.	D.			Open Space.
~~737.6.~~	Section 900.	900.7.				Port Manatee.
~~737.7.~~	Section 900.	900.8.				Waivers.
~~738~~	Section 704.	_				Groundwater/Wellhead Protection.
~~738.1.~~	Section 704.	704.1.				Purpose.
~~738.2.~~	Section 704.	704.2.				Standards.
~~738.2.1.~~	Section 704.	704.2.	A.			NA;
~~738.2.1.1.~~	Section 704.	704.2.	A.	1		NA;
~~738.2.1.2.~~	Section 704.	704.2.	A.	2		NA;
~~738.2.1.3.~~	Section 704.	704.2.	A.	3		NA;
~~738.2.2.~~	Section 704.	704.2.	B.			NA;
~~738.2.3.~~	Section 704.	704.2.	C.			NA;
~~738.2.4.~~	Section 704.	704.2.	D.			NA;
~~738.2.4.1.~~	Section 704.	704.2.	D.	1		NA;
~~738.2.4.2.~~	Section 704.	704.2.	D.	2		NA;
~~738.2.5.~~	Section 704.	704.2.	E.			NA;
~~738.2.6.~~	Section 704.	704.2.	F.			Well Construction.
~~739.~~	Section 804.	_				~~Recreational~~ Open Space Requirements
NA	Section 804.	804.1.				Open Space
NA	Section 804.	804.2.				Recreational Open Space
~~739.1.~~	Section 804.	804.2.	A.			Intent.
~~739.2.~~	Section 804.	804.2.	B.			Applicability.

OLD #	NEW #					TITLE
~~739.3.~~	Section 804.	804.2.	B.			Credit.
~~739.4.~~	Section 804.	804.2.	C.			Location.
~~739.5.~~	Section 804.	804.2.	D.			Quality.
~~739.6.~~	Section 804.	804.2.	E.			Dedication.
~~739.7.~~	Section 804.	804.2.	F.			Dedication Not Required.
~~740~~	Section 1001	1001.4.				~~Private Streets~~ [MOVED TO TRAFFIC MANUAL]
~~740.1.~~	Section 1001	1001.4.				~~Intent.~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.~~	Section 1001	1001.4.				~~General Requirements.~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.1.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.2.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.3.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.4.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.4.1.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.4.2.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.4.3.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.4.3.1.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.4.3.2.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.4.3.3.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.4.3.4.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.4.4.~~	Section 1001	1001.4.				~~Agreement for Reciprocal Access.~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.5.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.1.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.2.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.3.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.4.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.5.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.6.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.7.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.8.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]

OLD #	NEW #					TITLE
~~740.2.6.9.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.10.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.11.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.12.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.13.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.14.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.15.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.16.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.17.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.18.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.6.19.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.2.7.~~	Section 1001	1001.4.	D.			NA;
~~740.2.7.1.~~	Section 1001	1001.4.	D.			~~NA;~~ Private Streets Buffering
~~740.2.8.~~	Section 1001	1001.4.				NA;
~~740.3.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.3.1.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.3.2.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~740.4.~~	Section 1001	1001.1.	C.	3.	a.	~~Private Street Requirements.~~
~~740.5.~~	Section 1001	1001.1.	C.	5	b.	~~Easement Conversion.~~ [MOVED TO TRAFFIC MANUAL]
~~740.6.~~	Section 1001	1001.1.	C.	3.	b.	~~Amendment to Approved Private Street.~~
~~741~~	Section 1001	1001.3.				Limited Access ~~on~~ from Major Thoroughfares [MOVED TO TRAFFIC MANUAL]
~~741.1~~	Section 1001	1001.3.				~~Applicability~~ [MOVED TO TRAFFIC MANUAL]
~~741.2.~~	Section 1001	1001.3.				~~Purpose and Intent~~ [MOVED TO TRAFFIC MANUAL]
~~741.3.~~	Section 1001	1001.3.				~~University Parkway~~ [MOVED TO TRAFFIC MANUAL]
~~741.3.1.~~	Section 1001	1001.3.				~~Definitions:~~ [MOVED TO TRAFFIC MANUAL]
~~741.3.2.~~	Section 1001	1001.3.				~~Provisions:~~ [MOVED TO TRAFFIC MANUAL]
~~741.4~~	Section 1001	1001.3.				~~Other Listed Thoroughfares .~~ [MOVED TO TRAFFIC MANUAL]
~~741.4.1.~~	Section 1001	1001.3.				NA;
~~741.4.2.~~	Section 1001	1001.3.				NA;
~~742.~~	Section 1001	1001.8.				Street and Structure Numbering Standards

OLD #	NEW #					TITLE
~~742.1.~~	Section 1001	1001.8.	A.			~~NA;~~ General
~~742.2.~~	Section 1001	1001.8.	B.			Reassignment.
~~742.3.~~	Section 1001	1001.8.	C.			Adoption of U.S.P.S. Abbreviations For Street suffixes.
~~742.3.1.~~	Section 1001	1001.8.	C.	1.		NA;
~~742.3.2.~~	Section 1001	1001.8.	C.	2.		NA;
~~742.4.~~	Section 1001	1001.8.	D.			Street Designation Assignments.
~~742.4.1.~~	Section 1001	1001.8.	D.	1.		NA;
~~742.4.2.~~	Section 1001	1001.8.	D.	2.		NA;
~~742.4.3.~~	Section 1001	1001.8.	D.	3.		NA;
~~742.4.4.~~	Section 1001	1001.8.	D.	4.		NA;
~~742.4.5.~~	Section 1001	1001.8.	D.	5.		NA;
~~742.4.6.~~	Section 1001	1001.8.	D.	6.		NA;
~~742.5~~	Section 1001	1001.8.	E.			~~NA;~~ Assigning Street Numbers
~~742.5.1.~~	Section 1001	1001.8.	G.			Commemorative Naming of Street.
~~742.6.~~	Section 1001	1001.8.	G.			~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~742.6.1.~~	Section 1001	1001.8.	G.			~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~742.6.2.~~	Section 1001	1001.8.	G.			~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~742.6.3.~~	Section 1001	1001.8.	G.			~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~742.6.4.~~	Section 1001	1001.8.	G.			~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~742.6.5.~~	Section 1001	1001.8.	G.			~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~742.6.6.~~	Section 1001	1001.8.	G.			~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~742.7.~~	Section 1001	1001.8.	H.			Structure Number Assignments .
~~742.7.1.~~	Section 1001	1001.8.	H.	1.		NA;
~~742.7.2.~~	Section 1001	1001.8.	H.	2.		General Assignments .
~~742.7.2.1.~~	Section 1001	1001.8.	H.	2.	a.	NA;
~~742.7.2.2.~~	Section 1001	1001.8.	H.	2.	b.	NA;
~~742.7.2.3.~~	Section 1001	1001.8.	H.	2.	c.	NA;
~~742.7.2.4.~~	Section 1001	1001.8.	H.	2.	d.	NA;
~~742.7.2.5.~~	Section 1001	1001.8.	H.	2.	e.	NA;
~~742.7.2.6.~~	Section 1001	1001.8.	H.	2.	f.	NA;

OLD #	NEW #					TITLE
~~742.7.3.~~	Section 1001	1001.8.	H.	3.		Platted Subdivision and Manufactured Home Park Assignment.
~~742.7.3.1.~~	Section 1001	1001.8.	H.	3.	a.	NA;
~~742.7.3.2.~~	Section 1001	1001.8.	H.	3.	b.	NA;
~~742.7.4.~~	Section 1001	1001.8.	H.	4.		Multi-Family Residential and Commercial Assignments.
~~742.7.4.1.~~	Section 1001	1001.8.	H.	4.	a.	NA;
~~742.7.4.2.~~	Section 1001	1001.8.	H.	4.	b.	NA;
~~742.7.4.2.1.~~	Section 1001	1001.8.	H.	4.	b.	i. NA;
~~742.7.4.2.2.~~	Section 1001	1001.8.	H.	4.	b.	ii. NA;
~~742.7.4.3.~~	Section 1001	1001.8.	H.	4.	c.	NA;
~~742.7.5.~~	Section 1001	1001.8.	H.	5.		Recreational Vehicle Parks.
~~742.8.~~	Section 1001	1001.8.	I.			Street Designation Waiver.
~~742.9.~~	Section 1001	1001.8.	J.	1.		NA;
~~742.10.~~	Section 1001	1001.8.	J.	2.		NA;
~~742.11.~~	Section 1001	1001.8.	J.	3.		NA;
~~742.12.~~	Section 1001	1001.8.	J.	4.		NA;
~~742.13.~~	Section 1001	1001.8.	J.	5.		NA;
~~801.~~	Section 1100	_				Title, Authority, and Applicability.
~~801.1.~~	Section 1100	_				NA;
~~801.2~~	Section 1100	_				NA;
~~801.3.~~	Section 1100	_				NA;
~~802~~	Section 1101	_				Legislative Findings, Reliance Upon the Impact Fee Study, and Intent.
~~802.1~~	Section 1101	_	A.			NA;
~~802.2.~~	Section 1101	_	B.			NA;
~~802.3.~~	Section 1101	_	C.			NA;
~~802.4.~~	Section 1101	_	D.			NA;
~~802.5.~~	Section 1101	_	E.			NA;
~~802.6.~~	Section 1101	_	F.			NA;
~~802.7.~~	Section 1101	_	G.			NA;
~~803~~	Section 1102.	_				Impact Fees to be Imposed.
~~803.1.~~	Section 1102.	1102.1.				Fee Obligation.

OLD #	NEW #					TITLE
~~803.1.1.~~	Section 1102.	1102.1.	A.			Obligation.
~~803.1.2.~~	Section 1102.	1102.1.	B.			Fees Levied.
~~803.1.2.1.~~	Section 1102.	1102.1.	B.	1		Countywide Parks Impact Fee.
~~803.1.2.2.~~	Section 1102.	1102.1.	B.	2		Roads Impact Fee.
~~803.1.2.3.~~	Section 1102.	1102.1.	B.	3		Law Enforcement Impact Fee.
~~803.1.2.4.~~	Section 1102.	1102.1.	B.	4		Public Safety Impact Fee.
~~803.1.3.~~	Section 1102.	1102.1.	C.			Time Fees Paid.
~~803.1.3.1.~~	Section 1102.	1102.1.	C.	1		NA;
~~803.1.3.2.~~	Section 1102.	1102.1.	C.	2		NA;
~~803.1.3.3.~~	Section 1102.	1102.1.	C.	3		NA;
~~803.1.3.4.~~	Section 1102.	1102.1.	C.	4		NA;
~~803.1.3.5.~~	Section 1102.	1102.1.	C.	5		NA;
~~803.1.3.6.~~	Section 1102.	1102.1.	C.	6		NA;
~~803.1.4.~~	Section 1102.	1102.1.	D.			Extension of Previous Permit.
~~803.1.5.~~	Section 1102.	1102.1.	E.			Change of Use.
~~803.1.6.~~	Section 1102.	1102.1.	F.			Destruction or Redevelopment.
~~803.1.7.~~	Section 1102.	1102.1.	G.			Prior Obligation.
~~803.1.7.1.~~	Section 1102.	1102.1.	G.	1		Obligation Under Prior Impact Fee Regulation.
~~803.1.7.2.~~	Section 1102.	1102.1.	G.	2		Other Obligation.
~~803.1.8.~~	Section 1102.	1102.1.	H.			Pre-Payment of Impact Fees.
~~803.1.8.1.~~	Section 1102.	1102.1.	H.	1		NA;
~~803.1.8.2.~~	Section 1102.	1102.1.	H.	2		NA;
~~803.1.9.~~	Section 1102.	1102.1.	I.			Fee Agreement.
~~803.2.~~	Section 1102.	1102.2.				Exemptions.
~~803.2.1.~~	Section 1102.	1102.2.	A.			NA;
~~803.2.2.~~	Section 1102.	1102.2.	B.			NA;
~~803.2.3.~~	Section 1102.	1102.2.	C.			NA;
~~803.2.4.~~	Section 1102.	1102.2.	D.			NA;
~~803.2.5~~	Section 1102.	1102.2.	E.			NA;
~~803.2.6.~~	Section 1102.	1102.2.	F.			NA;

OLD #	NEW #					TITLE
~~803.2.7.~~	Section 1102.	1102.2.	G.			NA;
~~803.3.~~	Section 1102.	1102.3.				Calculation of Amount of Impact Fees.
~~803.3.1~~	Section 1102.	1102.3.	A.			Fee Schedule.
~~803.3.2.~~	Section 1102.	1102.3.	B.			Uses Not Listed.
~~803.3.3.~~	Section 1102.	1102.3.	C.			Mix of Uses.
~~803.3.4.~~	Section 1102.	1102.3.	D.			Computation.
~~803.3.5~~	Section 1102.	1102.3.	E.			.Independent Impact Analysis.
~~803.3.5.1.~~	Section 1102.	1102.3.	E.	1.		Request by Fee-payer.
~~803.3.5.2.~~	Section 1102.	1102.3.	E.	2.		Request by County Impact Fee Administrator.
~~803.3.5.3.~~	Section 1102.	1102.3.	E.	3.		Qualifications of Preparer.
~~803.3.5.4.~~	Section 1102.	1102.3.	E.	4.		Requirements for Independent Impact Analysis.
~~803.3.5.4.1.~~	Section 1102.	1102.3.	E.	4.	a.	Roads Impact Fee.
~~803.3.5.4.2.~~	Section 1102.	1102.3.	E.	4.	b.	Other Impact Fees.
~~803.3.5.5.~~	Section 1102.	1102.3.	E.	5.		Completeness.
~~803.3.5.6.~~	Section 1102.	1102.3.	E.	6.		Decision by the County Impact Fee Administrator.
~~803.3.5.7~~	Section 1102.	1102.3.	E.	7.		Standards.
~~804.~~	Section 1103.	_				Use of Impact Fee Funds.NA;
~~804.1.~~	Section 1103.	1103.1.				County Impact Fee Funds and Accounts.
~~804.1.1.~~	Section 1103.	1103.1.	A.			Establishment of County Impact Fee Funds.
~~804.1.2.~~	Section 1103.	1103.1.	B.			Establishment of Separate Accounts Within Funds.
~~804.1.3.~~	Section 1103.	1103.1.	C.			Deposit and Management of the County Impact Fee Accounts.
~~804.1.4.~~	Section 1103.	1103.1.	D.			Interest Earned on Fees.
~~804.1.5.~~	Section 1103.	1103.1.	E.			Accounting and Reporting of Collections and Expenditures.
~~804.2.~~	Section 1103.	1103.2.				Limitations on Expenditures of Fees in Accounts.
~~804.2.1~~	Section 1103.	1103.2.	A.			Local Park Impact Fee.
~~804.2.2.~~	Section 1103.	1103.2.	B.			Countywide Park/Open Space Impact Fee.
~~804.2.3.~~	Section 1103.	1103.2.	C.			Transportation Impact Fee.
~~804.2.4.~~	Section 1103.	1103.2.	D.			Law Enforcement Impact Fee.
~~804.2.5.~~	Section 1103.	1103.2.	E.			Public Safety Impact Fee.
~~804.2.6.~~	Section 1103.	1103.2.	F.			Countywide Parks Impact Fee.

OLD #	NEW #					TITLE
~~804.2.7.~~	Section 1103.	1103.2.	G.			Roads Impact Fee.
~~804.3..~~	Section 1103.	1103.3.				Money Spent on First-In/First-Out Basis
~~805.~~	Section 1104.					Benefit Districts.
~~805.1.~~	Section 1104.	1104.1.				Countywide Parks Benefit District.
~~805.2.~~	Section 1104.	1104.2.				Roads Benefit Districts.
~~805.2.1.~~	Section 1104.	1104.2.	A.			Within Benefit District.
~~805.2.2.~~	Section 1104.	1104.2.	B.			Outside Benefit District.
~~805.3.~~	Section 1104.	1104.3.				Law Enforcement Benefit District.
~~805.4.~~	Section 1104.	1104.4.				Public Safety Benefit District.
~~805.5.~~	Section 1104.	1104.5.				Administration.
~~806~~	Section 1105.					Refunds of Impact Fees Paid.
~~806.1.~~	Section 1105.	1105.1.				Failure to Encumber Impact Fee Funds.
~~806.1.1.~~	Section 1105.	1105.1.	A.			NA;
~~806.1.2.~~	Section 1105.	1105.1.	B.			Extension of time.
~~806.1.3.~~	Section 1105.	1105.1.	C.			Refund.
~~806.1.4.~~	Section 1105.	1105.1.	D.			Successors-in-Interest.]
~~806.1.5.~~	Section 1105.	1105.1.	E.			Payment and Interest.]
~~806.2.~~	Section 1105.	1105.2.				Failure to Initiate Development.
~~806.3.~~	Section 1105.	1105.3.				Limitation.
~~807.~~	Section 1106.					Credits Against Impact Fees.
~~807.1.~~	Section 1106.	1106.1.				Improvements Eligible for Credits.
~~807.2.~~	Section 1106.	1106.2.				General Standards.
~~807.2.1.~~	Section 1106.	1106.2.	A.			NA; Credit
~~807.2.2.~~	Section 1106.	1106.2.	B.			Options for Use of Credits.
~~807.2.2.1.~~	Section 1106.	1106.2.	B.	1		NA;
~~807.2.2.2.~~	Section 1106.	1106.2.	B.	2		NA;
~~807.2.2.3.~~	Section 1106.	1106.2.	B.	3		NA;
~~807.2.2.4.~~	Section 1106.	1106.2.	B.	4		NA;
~~807.2.3.~~	Section 1106.	1106.2.	C.			Transferability.
~~807.2.4.~~	Section 1106.	1106.2.	D.			Assignment.

OLD #	NEW #					TITLE
~~807.2.5.~~	Section 1106.	1106.2.	E.			Limitation.
~~807.3.~~	Section 1106.	1106.3.				Countywide Parks Credits.
~~807.4.~~	Section 1106.	1106.4.				Roads Credits.
~~807.5.~~	Section 1106.	1106.5.				Law Enforcement Credits.
~~807.6.~~	Section 1106.	1106.6.				Public Safety Credits.
~~807.7.~~	Section 1106.	1106.7.				Procedure for Offer of Credits.
~~807.7.1.~~	Section 1106.	1106.7.	A.			Application.
~~807.7.2.~~	Section 1106.	1106.7.	B.			Completeness Review.
~~807.7.3.~~	Section 1106.	1106.7.	C.			Substantive Review and Staff Recommendation.
~~807.7.3.1.~~	Section 1106.	1106.7.	D.			Standards.
~~807.7.4.~~	Section 1106.	1106.7.	E.			Board Approval and Credit Authorization.
~~807.7.5.~~	Section 1106.	1106.7.	F.			Withdrawal.
~~807.7.6.~~	Section 1106.	1106.7.	G.			Time of Credit and Valuation.
~~807.7.6.1.~~	Section 1106.	1106.7.	G.	1		Land Dedications.
~~807.7.6.2.~~	Section 1106.	1106.7.	G.	2		Improvements.
~~807.7.6.3.~~	Section 1106.	1106.7.	G.	3		Valuation.
~~808.~~	Section 1107.					Appeals.
~~808.1.~~	Section 1107.	1107.1.				General.
~~808.2.~~	Section 1107.	1107.2.				Record.
~~808.3.~~	Section 1107.	1107.3.				Notice.
~~808.4.~~	Section 1107.	1107.4.				Hearing on Appeal.
~~808.5.~~	Section 1107.	1107.5.				Standards.
~~808.6.~~	Section 1107.	1107.6.				Form of Decision.
~~809~~	Section 1108.					Miscellaneous Provisions.
~~809.1.~~	Section 1108.	1108.1.				No Expenditure for Routine Maintenance, Rehabilitation, or Replacement.
~~809.2.~~	Section 1108.	1108.2.				Construction of Site-Related Improvements and Site-Related Capital Roads Facilities.
~~809.3.~~	Section 1108.	1108.3.				Capital Improvements Program.
~~809.4.~~	Section 1108.	1108.4.				Administrative Procedures.
~~809.5.~~	Section 1108.	1108.5.				Administrative Fee.
~~809.6.~~	Section 1108.	1108.6.				Mistake or Misrepresentation.

OLD #	NEW #					TITLE
~~809.7.~~	Section 1108.	1108.7.				Affordable Housing.
~~809.8.~~	Section 1108.	1108.8.				Automatic Adjustment to Offset Inflation.
~~809.8.1.~~	Section 1108.	1108.8.				~~Deferral of Automatic Increase.~~
~~809.9.~~	Section 1108.	1108.9.				Five-Year Review.
~~809.10.~~	Section 1108.	1108.10.				Borrowing of Funds from Non-Impact Fee Source.
~~809.11.~~	Section 1108.	1108.11.				Enforcement.
NA	Section 330					General Requirements
~~901.~~	Section 330.	330.1.				Purpose.
~~902.~~	Section 330.	330.2.				~~General Procedures~~Subdivision Approval Required.
~~902.1~~	Section 330.	330.2.				~~General Requirements~~NA
~~902.1.1.~~	Section 330.	330.2.	B.			Minor subdivision
~~902.1.2~~	Section 330.	330.2.	A.			Major Subdivision
~~902.1.3.~~	Section 330.	330.2.				Lot Split (Certified Lot(s))
~~902.1.4.~~	Section 330.	330.2.				NA
~~902.2.~~	Section 330.	330.2.				~~Pre-Application Conference.~~
~~902.2.1.~~	Section 330.	330.2.				~~Minor Subdivisions.~~
~~902.2.2.~~	Section 330.	330.2.				~~Major Subdivisions.~~
~~902.2.3.~~	Section 330.	330.2.				~~For Minor and Major Subdivisions.~~
~~902.3.~~	Section 330.	330.2.				~~Application Submission and Determination of Completeness.~~
~~902.3.1.~~	Section 330.	330.2.				NA
~~902.3.2.~~	Section 330.	330.2.				~~Required Document Submission.~~
~~902.4.~~	Section 330.	330.2.				~~Lot Consolidation and Reconfiguration .~~
~~902.4.1.~~	Section 330.	330.2.				~~General.~~
~~902.4.2.~~	Section 330.	330.2.				~~Review.~~
~~902.4.3.~~	Section 330.	330.2.				~~Effect.~~
~~903~~	Section 333.					Preliminary Plat Review Procedures ~~— Major Subdivisions.~~
~~903.1.~~	Section 333.	333.1.				Purpose.
~~903.2.~~	Section 333.	333.2.				Preliminary Plat ~~*General*~~Review Process
NA	Section 333.	333.2.	A.			Pre-Application Meeting
NA	Section 333.	333.2.	B.			Application Submittal

OLD #	NEW #					TITLE
~~903.3~~	Section 333.	333.2.	C.			~~Review by Appropriate Reviewing Departments and Agencies.~~ Development Review Committee.
~~903.4.~~	Section 333.	333.2.	D.			Review by the ~~Planning Director~~ Department Director.
~~903.5.~~	Section 333.	333.4.				Effect of Approval.
~~903.5.1.~~	Section 333.	333.4.				~~Generally.~~
~~903.5.2.~~	Section 333.	333.5.				~~Effective Period for~~ Expiration of Preliminary ~~Approval~~ Plats
~~903.5.2.1.~~	Section 333.	333.5.				NA;
~~903.5.2.2.~~	Section 333.	333.3.				Phased Development.
NA	Section 333.	333.3.	A.			Delineation of Phases
~~903.5.2.2.1.~~	Section 333.	333.3.	B.			Phasing Identification
~~903.5.2.3.~~	Section 333.	333.3.	C.			Independent Operation
~~904.~~	Section 334.	--				Construction Drawings.
~~904.1.~~	Section 334.	334.1.				General Requirements.
~~904.2.~~	Section 334.	334.2.				Construction Drawings Not Required.
~~904.2.1.~~	Section 334.	334.2.	A.			NA;
~~904.2.2.~~	Section 334.	334.2.	B.			NA;
~~904.2.3.~~	Section 334.	334.2.	C.			NA;
~~904.3.~~	Section 334.	334.4.				~~Requirements~~ Review Criteria
~~904.4.~~	Section 334.	334.3.				Review ~~and Approval~~ Procedures
~~904.5.~~	Section 334.	334.5.				Effect of Approval.
NA	Section 334.	334.6.				Expiration
~~905.~~	Section 335.	_				Final Plat Review Procedures.
~~905.1.~~	Section 335.	335.1.				Purpose.
NA	Section 335.	335.2.				Final Plat Preparation
~~905.2.~~	Section 335.	335.3.				~~General~~ Review Procedures..
NA	Section 335.	335.3.	A.			Application
~~905.2.1.~~	Section 335.	335.4.				NA;
~~905.2.2.~~	Section 335.	335.5.				Required Improvements Agreement.
~~905.2.3.~~	Section 335.	335.3.	A.			~~Developments of Regional Impact (DRI).~~
~~905.3.~~	Section 335.	335.3	B.			Staff Review ~~by Planning Department~~

OLD #	NEW #					TITLE
~~905.4.~~	Section 335.	335.3.	C.			Review and Action by the Board of County Commissioners.
~~905.4.2.~~	Section 335.	335.4.				Review Standards.
~~905.4.2.1.~~	Section 335.	335.4.	A.			NA;
~~905.4.2.2.~~	Section 335.	335.4.	B.			NA;
~~905.4.2.3.~~	Section 335.	335.4.	C.			NA;
~~905.4.2.4.~~	Section 335.	335.4.				~~Certificate of Level of Service Compliance has been issued .~~
~~905.5.~~	Section 335.	335.6.				~~Revision~~ Modifications to Approved ~~of~~ Final Plat ~~After Approval~~.
~~905.6.~~	Section 335.	335.7.				Recording.
~~905.7.~~	Section 335.	335.8.				Effect of Approval.
~~905.8.~~	Section 335.	335.10.				~~Property Description.~~
~~905.9.~~	Section 335.	335.10.				~~Section Lines; Metes and Bounds: Land Grants.~~
~~905.10.~~	Section 335.	335.10.				~~Contiguous Properties; Re-subdivisions.~~
~~906.~~	Section 335.	335.10.				~~Recording of Final Plats.~~
~~906.1.~~	Section 335.	335.10.				~~Time Limit; Minor and Major Subdivisions~~Expiration of Final Plat
~~906.2.~~	Section 335.	335.9.				Condition of Approval.
~~906.3.~~	Section 335.	335.10.				~~Certifications.~~
~~906.3.1.~~	Section 335.	335.10.				~~Title Certification.~~
~~906.3.2.~~	Section 335.	335.10.				~~Surveyor's Certification.~~
~~906.3.3.~~	Section 335.	335.10.				~~Certificate of Approval of the Board.~~
~~906.3.4.~~	Section 335.	335.10.				~~Certificate of Ownership and Dedication.~~
~~906.3.5.~~	Section 335.	335.10.				~~Evidence of Acceptance.~~
~~906.3.6.~~	Section 335.	335.10.				~~Easement Dedication.~~
~~906.3.7.~~	Section 335.	335.10.				~~NA;~~
~~906.3.8.~~	Section 335.	335.10.				~~Payment of Property Taxes.~~
~~906.3.9.~~	Section 335.	335.11.				Surveyor Review
~~906.4.~~	Section 335.	335.12.				Distribution of Certified Recorded Plat.
~~907~~	Section 800.					Subdivision Requirements
~~907.1.~~	Section 800.	800.1.				Conformity with Other Regulations.
~~907.1.1.~~	Section 800.	800.1.	A.			NA;
~~907.1.2.~~	Section 800.	800.1.	B.			NA;

OLD #	NEW #					TITLE
~~907.1.3.~~	Section 800.	800.1.	C.			NA;
~~907.1.4.~~	Section 800.	800.1.	D.			NA;
~~907.1.5.~~	Section 800.	800.1.	E.			NA;
~~907.1.6.~~	Section 800.	800.1.	F.			NA;
~~907.2.~~	Section 800.	800.2.				Self-Imposed Restrictions.
~~907.3.~~	Section 800.	800.3.				Site Suitability.
~~907.3.1.~~	Section 531.	531.47.	G.			~~NA;~~ Residential subdivisions Adjacent to Existing Kennels.
~~907.4.~~	Section 800.	800.4.				Adequate Public Facilities.
NA	Section 800.	800.5.				Hurricane Evacuation Plan
~~907.5.~~	Section 800.	800.6.				Protection of Significant Features.
~~907.6.~~	Section 800.	800.7.				Subdivision Name.
~~907.7.~~	Section 800.	800.8.				Lot Requirements.
~~907.7.1.~~	Section 800.	800.8.	A.			Arrangement.
~~907.7.2.~~	Section 800.	800.8.	B.			Dimensions.
~~907.7.3.~~	Section 800.	800.8.	C.			Shape.
~~907.7.4.~~	Section 800.	800.8.	D.			Double and Reverse Frontage Lots.
~~907.8.~~	Section 800.	800.9.				Blocks.
~~907.8.1.~~	Section 800.	800.9.	A.			Arrangement.
~~907.8.2.~~	Section 800.	800.9.	B.			Width.
~~907.8.3.~~	Section 800.	800.9.	C.			Length.
~~907.8.4.~~	Section 800.	800.9.	D.			Lot and Block Numbers.
~~907.9.~~	Section 1001					Street~~s~~ Standards
~~907.9.1.~~	Section 1001	1001.2				Arrangement.
~~907.9.1.1.~~	Section 1001	1001.2	A.			~~NA~~; Alignment
~~907.9.1.2.~~	Section 1001	1001.2	B.			~~NA~~; Through Traffic
~~907.9.1.3.~~	Section 1001	1001.2	C.			~~NA~~; Street Extension
~~907.9.1.4~~	Section 1001	1001.2	D.			~~NA~~; Emergency Vehicles
~~907.9.1.5.~~	Section 1001	1001.2	E.			~~NA~~;
~~907.9.1.6.~~	Section 1001	1001.2	E.			~~NA~~; Comprehensive Plan
~~907.9.1.7.~~	Section 1001	1001.2	F.			~~NA~~; Access

OLD #	NEW #					TITLE
~~907.9.2.~~	Section 1001	1001.4.				Street Design Standards [MOVED TO TRAFFIC MANUAL]
~~907.9.2.1.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.2.2.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.2.3.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.2.4.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.2.5.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.2.6.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.2.7.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.2.8.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.2.9.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.2.10.~~	Section 1001	1001.4.				~~NA;~~ [MOVED TO TRAFFIC MANUAL]
~~907.9.3.~~	Section 1000					Right~~s~~-of-Way Standards
~~907.9.3.1.~~	Section 1000					NA;
NA	Section 1001	1001.4.	A.			Alleys.
~~907.9.4.~~	Section 1001	1001.4.	A.			~~Dead End Streets.~~
~~907.9.4.1.~~	Section 1001	1001.4.	C.	2.		NA;
~~907.9.4.2.~~	Section 1001	1001.4.	A.			~~NA;~~
~~907.9.4.3.~~	Section 1001	1001.4.	A.			~~NA;~~
~~907.9.5.~~	Section 1001	1001.4.	B.			Half-streets.
~~907.9.6.~~	Section 1001	1001.4.	B.			~~Dedication.~~
NA	Section 1001	1001.4.	C.			Cul-de-Sacs, Dead End Streets and Stub Streets.
NA	Section 1001	1001.4.	C.	1.		
~~907.10.~~	Section 805.	_				Easements.
~~907.10.1.~~	Section 805.	805.1.				Utility Easements.
~~907.10.1.1.~~	Section 805.	805.1.	A.			Utility Easements.
~~907.10.1.2.~~	Section 805.	805.1.	B.			Drainage Easements.
~~907.10.1.3.~~	Section 805.	805.1.	C.			Slope Easements.
~~907.10.1.4.~~	Section 805.	805.2.				Conservation Easements.
~~907.10.1.4.1.~~	Section 805.	805.2.				NA;
~~907.10.1.4.2.~~	Section 805.	805.2.				NA;

OLD #	NEW #					TITLE
~~907.10.1.4.3.~~	Section 805.	805.2.				NA;
~~907.10.1.4.4.~~	Section 805.	805.2.				~~Signage.~~
~~907.10.2.~~	Section 805.	805.2.				NA;
~~907.10.3.~~	Section 805.	805.2.				NA;
~~907.10.4.~~	Section 805.	805.2.				NA;
~~907.11.~~	Section 335.	335.12.				~~Open Space.~~
~~907.12.~~	Section 335.	335.12.				~~Recreational Facilities~~.
~~907.12.1.~~	Section 335.	335.12.				NA;
~~907.13.~~	Section 800.	800.10.				Nonresidential Subdivisions.
~~907.13.1.~~	Section 800.	800.10.	B.			General.
~~907.13.2.~~	Section 800.	800.10.	A.			Standards.
~~907.13.2.1.~~	Section 800.	800.10.	A.	1		NA;
~~907.13.2.2.~~	Section 800.	800.10.	A.	2		NA;
~~907.13.2.3.~~	Section 800.	800.10.	A.	3		NA;
~~907.13.2.4.~~	Section 800.	800.10.	A.	4		NA;
~~907.13.2.5.~~	Section 800.	800.10.	A.	5		NA;
~~907.13.2.6.~~	Section 800.	800.10.	A.	5		NA;
~~907.13.2.7.~~	Section 800.	800.10.	A.	6		NA;
~~907.14.~~	Section 333.	333.6.				Graphic Standards.
~~907.14.1.~~	Section 333.	333.6.	A.			NA;
~~907.14.2.~~	Section 333.	333.6.	B.			NA;
~~907.14.3.~~	Section 333.	333.6.	C.			NA;
~~907.14.4.~~	Section 333.	333.6.	D.			NA;
~~907.14.5.~~	Section 333.	333.6.	E.			NA;
~~907.14.6.~~	Section 333.	333.6.	F.			NA;
~~907.14.7.~~	Section 333.	333.6.	G.			NA;
~~907.14.8.~~	Section 333.	333.6.	H.			NA;
~~907.14.9.~~	Section 333.	333.6.	I.			NA;
~~907.15.~~	Section 335.	335.13.				Survey Data Required for Final Subdivision Plats
~~907.15.1.~~	Section 335.	335.13.				~~Subdivision Plats Made for Recording.~~

OLD #	NEW #					TITLE
~~907.15.2.~~	Section 335.	335.13.				~~Permanent Reference Monuments (P.R.M.'s).~~
~~907.15.3.~~	Section 335.	335.13.				~~Permanent Control Points (P.C.P.'s).~~
~~907.15.4.~~	Section 335.	335.13.				~~P.R.M. and P.C.P. Standards.~~
~~907.15.5.~~	Section 335.	335.13.				~~Coordinates.~~
~~907.15.6.~~	Section 335.	335.13.				~~Irregular Lot Line.~~
~~907.15.7.~~	Section 335.	335.13.				~~Measurements.~~
~~907.15.8.~~	Section 335.	335.13.				~~United States Bureau of Standards Definitions.~~
~~907.15.9.~~	Section 335.	335.13.				~~Curvilinear Lots.~~
~~907.15.10.~~	Section 335.	335.13.				~~Street Centerlines.~~
~~907.15.11.~~	Section 335.	335.13.				~~Excepted Parcels.~~
~~907.15.12.~~	Section 335.	335.13.				~~Dedications and Reservations.~~
~~907.15.13.~~	Section 335.	335.13.				~~Curve Details.~~
~~907.15.14.~~	Section 335.	335.13.				~~Geometric Requirements.~~
~~907.15.15.~~	Section 335.	335.13.				~~Lot Corners.~~
~~907.15.16.~~	Section 335.	335.13.				~~Bench Mark Reference~~
~~907.15.17.~~	Section 335.	335.13.				~~Area and Dimensions~~
~~907.15.18.~~	Section 335.	335.13.				~~Waterbodies.~~
~~907.15.19.~~	Section 335.	335.13.				~~NA;~~
~~907.15.20.~~	Section 335.	335.13.				~~NA;~~
~~907.15.21.~~	Section 335.	335.13.				~~NA;~~
~~907.15.22.~~	Section 335.	335.13.				~~NA;~~
~~907.15.23.~~	Section 335.	335.13.				~~NA;~~
~~907.15.24.~~	Section 335.	335.13.				~~NA;~~
~~907.15.25.~~	Section 335.	335.13.				~~NA;~~
NA	Ch. 3, Part IX					Variances and Modifications
~~908.~~	Section 365.					Modification~~s~~ of Standards.
~~908.1.~~	Section 365.	365.1.				~~Authorization and Procedure~~ Applicability.
~~908.2.~~	Section 365.	365.2.				~~General Standards~~ Review Criteria.
~~908.2.1.~~	Section 365.	365.2.	--			NA;
~~908.2.1.1.~~	Section 365.	365.2.	A.			NA;

OLD #	NEW #					TITLE
~~908.2.1.2.~~	Section 365.	365.2.	B.			NA;
~~908.2.1.3.~~	Section 365.	365.2.	C.			NA;
~~908.2.1.4.~~	Section 365.	365.3.				NA;
~~908.2.2.~~	Section 365.	365.2.	--			~~Specific Standards.~~
~~908.2.2.1.~~	Section 365.	365.2.	D.			NA;
~~908.2.2.2.~~	Section 365.	365.2.	E.			NA;
~~908.2.2.3.~~	Section 365.	365.2.	F.			NA;
~~908.2.2.4.~~	Section 365.	365.2.	G.			NA;
~~908.2.2.5.~~	Section 365.	365.2.	H.			NA;
~~908.2.3.~~	Section 365.	365.3.				~~Conditions.~~ Approval of Modification
~~908.3.4.3.~~	Section 531.	531.57.	A.			~~Vehicle Sales.~~
~~909.~~	Section 336.	_				Dedications and Reservations.
~~909.1.~~	Section 336.	336.1.				Authorization.
~~909.2.~~	Section 336.	336.2.				Manner of Dedication to Manatee County.
~~909.2.1.~~	Section 336.	336.2.	A.			Generally.
~~909.2.2.~~	Section 336.	336.2.	B.			Execution.
~~909.2.3.~~	Section 336.	336.2.	C.			Notation on Plat.
~~909.2.4.~~	Section 336.	336.2.	D.			Protection of Reversionary Interests.
~~909.3.~~	Section 336.	336.3.				Reservations.
~~909.3.1.~~	Section 336.	336.3.				~~Effective Period, Notice to Agencies.~~
~~909.3.2.~~	Section 336.	336.3.	A.			Release by Board of County Commissioners.
~~909.3.3.~~	Section 336.	336.3.	B.			Designation on Plat.
~~909.3.4.~~	Section 336.	336.3.				~~Development Agreement; Compensation.~~
~~909.3.5.~~	Section 336.	336.3.	C.			Common Areas and Common Improvements.
~~909.3.6.~~	Section 336.	336.3.	D.			Jurisdictional areas and conservation areas.
~~909.4.~~	Section 336.	336.3.				~~School Dedications.~~
~~909.4.1.~~	Section 336.	336.3.	B.			~~Statement of School Needs.~~
~~909.4.2.~~	Section 336.	336.3.				~~Required Information Submittals.~~
~~909.4.3.~~	Section 336.	336.3.				NA;
~~909.4.4.~~	Section 336.	336.3.				NA;

OLD #	NEW #					TITLE
~~909.4.5.~~	Section 336.	336.3.				~~Dedication and Contribution.~~
~~909.4.6.~~	Section 336.	336.3.				~~Procedure for Conveying Sites to the School Board.~~
~~909.4.6.1.~~	Section 336.	336.3.				NA;
~~909.4.6.2.~~	Section 336.	336.3.				NA;
~~909.4.6.3.~~	Section 336.	336.3.				NA;
~~909.4.6.4.~~	Section 336.	336.3.				NA;
~~909.4.6.5.~~	Section 336.	336.3.				NA;
~~909.4.6.6.~~	Section 336.	336.3.				NA;
~~909.4.6.7.~~	Section 336.	336.3.				NA;
~~909.4.7.~~	Section 336.	336.3.				~~General Locational and Accessibility Criteria.~~
~~909.4.7.1.~~	Section 336.	336.3.				~~Schools.~~
~~909.4.7.10.~~	Section 336.	336.3.				NA;
~~909.4.7.11.~~	Section 336.	336.3.				NA;
~~909.4.7.12.~~	Section 336.	336.3.				NA;
~~909.4.7.13.~~	Section 336.	336.3.				NA;
~~909.4.7.14.~~	Section 336.	336.3.				NA;
~~909.4.7.15.~~	Section 336.	336.3.				NA;
~~909.4.7.2.~~	Section 336.	336.3.				NA;
~~909.4.7.3.~~	Section 336.	336.3.				NA;
~~909.4.7.4.~~	Section 336.	336.3.				NA;
~~909.4.7.5.~~	Section 336.	336.3.				NA;
~~909.4.7.6.~~	Section 336.	336.3.				NA;
~~909.4.7.7.~~	Section 336.	336.3.				NA;
~~909.4.7.8.~~	Section 336.	336.3.				NA;
~~909.4.7.9.~~	Section 336.	336.3.				NA;
~~909.4.8.~~	Section 336.	336.3.				~~Stand Alone Schools.~~
~~909.4.9.~~	Section 336.	336.3.				~~Public Use Areas.~~
~~909.4.9.1.~~	Section 336.	336.3.				NA;
~~909.4.9.2.~~	Section 336.	336.3.				NA;
~~909.4.9.3.~~	Section 336.	336.3.				NA;

OLD #	NEW #					TITLE
~~909.5.~~	Section 336.	336.4.				Common Areas ~~Open Space and Common Improvement Regulations and Dedications.~~
~~909.5.1.~~	Section 336.	336.4.	A.			Purpose and Intent.
~~909.5.2.~~	Section 336.	336.4.	B.			Applicability.
~~909.5.2.1~~	Section 336.	336.4.	B.	1.		Generally.
~~909.5.2.2.~~	Section 336.	336.4.	B.	2.		Exceptions.
~~909.5.2.2.1.~~	Section 336.	336.4.	B.	2.	a.	Dedicated Lands and Improvements.
~~909.5.2.2.2.~~	Section 336.	336.4.	B.	2.	b.	Private Lands and Improvements.
~~909.5.2.2.3.~~	Section 336.	336.4.	B.	2.	c.	Condominiums and Cooperatives.
~~909.5.2.2.4.~~	Section 336.	336.4.	B.	2.	d.	Other Open Space and Improvements.
~~909.5.3.~~	Section 336.	336.4.	C.			Common Ownership General Requirements.
~~909.5.3.1.~~	Section 336.	336.4.	C.	1		Establishment of Non-profit Organization.
~~909.5.3.2.~~	Section 336.	336.4.	C.	2		Membership; Responsibilities.
~~909.5.3.3.~~	Section 336.	336.4.	C.	3		Covenants and Restrictions—Generally.
~~909.5.3.4.~~	Section 336.	336.4.	C.	4		Covenants and Restrictions—Responsibilities; Disposition of Common Open Space.
~~909.5.3.5.~~	Section 336.	336.4.	C.	5		Conservation Easements within Common Open Space.
~~909.5.3.5.1.~~	Section 336.	336.4.	C.	5		NA;
~~909.5.3.6.~~	Section 336.	336.4.	C.	6.		Maintenance by County.
~~909.5.3.6.1.~~	Section 336.	336.4.	C.	6.	a.	Initial Notice.
~~909.5.3.6.2.~~	Section 336.	336.4.	C.	6.	b.	Modification of Initial Notice.
~~909.5.3.6.3.~~	Section 336.	336.4.	C.	6.	c.	Failure to Comply.
~~909.5.3.6.4.~~	Section 336.	336.4.	C.	6.	d.	Public Use Excluded.
~~909.5.3.6.5.~~	Section 336.	336.4.	C.	6.	e.	Subsequent Periods.
~~909.5.3.6.6.~~	Section 336.	336.4.	C.	6.	f.	Termination of County Maintenance.
~~909.5.3.6.7.~~	Section 336.	336.4.	C.	6.	g.	Continuation of County Maintenance.
~~909.5.3.6.8.~~	Section 336.	336.4.	C.	6.	h.	Assessment of Costs.
~~909.5.4.~~	Section 336.	336.4.	C.	7.		Submission Requirements.
~~909.5.4.1.~~	Section 336.	336.4.	C.	7.	a.	Articles of Incorporation.
~~909.5.4.2.~~	Section 336.	336.4.	C.	7.	b.	By-laws.
~~909.5.4.3.~~	Section 336.	336.4.	C.	7.	c.	Covenants and Restriction.
~~909.5.4.4.~~	Section 336.	336.4.	C.	7.	d.	Fiscal Program.

OLD #	NEW #					TITLE
~~909.5.4.5.~~	Section 336.	336.4.	C.	7.	e.	Right of Entry by County.
~~909.5.4.6.~~	Section 336.	336.4.	C.	7.	f.	Listing of Holdings.
~~909.5.4.7.~~	Section 336.	336.4.	C.	7.	g.	Maintenance Program.
~~909.5.4.8.~~	Section 336.	336.4.	C.	7.	h.	Notice to Buyers.
~~909.5.4.9.~~	Section 336.	336.4.	C.	7.	i.	Lands to be Dedicated.
~~909.5.5.~~	Section 336.	336.4.	C.	8		Required Approval; Filing.
~~909.5.6.~~	Section 336.	336.4.	D.			Election of Officers.
NA	Ch. 3, Part VI					Comprehensive Plan, Land Development Code and Zoning Atlas Amendments
NA	Section 340.					Comprehensive Plan Amendments
NA	Section 340.	340.1.				Purpose
NA	Section 340.	340.2.				Review procedures
NA	Section 340.	340.3.				Review Criteria for Future Land Use Map and Comprehensive Plan Text Amendments
~~910~~	Section 337.	330.2.	C.			Installation of Required Improvements
~~910.1.~~	Section 337	337.1				Certification, Approval of Plans.
~~910.2.~~	Section 337	337.2.				Construction.
~~910.2.1.~~	Section 337	337.2.	A.			Posting of Permit.
~~910.2.2.~~	Section 337	337.2.	B.			Survey Layout.
~~910.2.3.~~	Section 337	337.2.	C.			Access for Inspections.
~~910.2.4.~~	Section 337	337.2.	D.			Inspections During Construction.
~~910.2.4.1.~~	Section 337	337.2.	D.	1.		NA
~~910.2.4.2.~~	Section 337	337.2.	D.	2.		NA
~~910.2.4.3.~~	Section 337	337.2.	D.	3.		NA
~~910.2.4.4.~~	Section 337	337.2.	D.	4.		NA
~~910.2.4.5.~~	Section 337	337.2.	D.	5.		NA
~~910.2.4.6.~~	Section 337	337.2.	D.	6.		NA
~~910.2.5.~~	Section 337	337.2.	E.			Material Testing.
~~910.2.6.~~	Section 337	337.2.	F.			Correction or Removal of Defective Work.
~~910.2.7.~~	Section 337	337.2.	G.			Construction Subject to Continued Compliance.
~~910.2.8.~~	Section 337	337.2.	H.			Notice to Stop Work.
~~910.2.9.~~	Section 337	337.2.	I.			Damage to Public Property.

OLD #	NEW #					TITLE
~~910.3.~~	Section 337	337.3.				Final Inspection of Improvements.
~~910.4.~~	Section 337	337.4.				Performance Security.
~~910.4.1.~~	Section 337	337.4.	A.			Agreement.
~~910.4.2.~~	Section 337	337.4.	B.			Security.
~~910.5.~~	Section 337	337.5.				Defect Security.
~~910.5.1.~~	Section 337	337.5.	.A.			Guarantee of Workmanship.
~~910.5.2.~~	Section 337	337.5.	.B.			Determination of Defect..
~~910.5.3.~~	Section 337	337.5.	C.			Expiration.
~~910.6.~~	Section 337	337.6.				Certificate of Completion
~~910.6.1.~~	Section 337	337.6.	A.			Maintenance Prior to Acceptance.
~~910.6.2.~~	Section 337	337.6.	B.			Certificate of Completion.
~~910.6.2.1.~~	Section 337	337.6.	B.	1.		NA
~~910.6.2.2.~~	Section 337	337.6.	B.	2.		NA
~~910.6.2.3.~~	Section 337	337.6.	B.	3.		NA
~~910.6.3.~~	Section 337	337.6.	C.			Acceptance of Public Required Improvements.
~~910.7.~~	Section 337	337.7.				Monuments
~~910.7.1.~~	Section 337	337.7.	A.			Permanent reference monuments
~~910.7.2.~~	Section 337	337.7.	B.			Permanent control points
~~910.8.~~	Section 337	337.8.				Certified record drawings
~~910.9.~~	Section 337	337.9.				Engineer's certification of completion
~~910.10.~~	Section 337	337.10.				Requirements for Performance and Defect Securities
~~910.10.1.~~	Section 337	337.10.	A.			Replacement Security
~~910.10.2.~~	Section 337	337.10.	B.			Cash Security
~~910.11.~~	Section 337	337.11.				Designation of County Engineer
~~911.~~	Section 331.	_				Vacation of Streets and ~~Transfer of~~ Plats.
~~911.1.~~	Section 331.	331.1.				Purpose.
~~911.2.~~	Section 331.	331.2.				~~Application Requirements.~~
~~911.2.1.~~	Section 331.	331.2.	B.			Application Submittal.
~~911.2.2.~~	Section 331.	331.1.				~~Title Documents and Tax Certifications.~~
~~911.2.3.~~	Section 331.	331.1.				~~Receipt; Application Number.~~

OLD #	NEW #					TITLE
~~911.2.4.~~	Section 331.	331.1.				~~Review and Coordination by DPT.~~
~~911.3.~~	Section 331.	331.2.				~~Public Hearing Requirements~~Review Process
NA	Section 331.	331.2.	A.			Pre-Application Meeting
~~911.3.1.~~	Section 331.	331.2.				~~Public Hearing and Notice.~~
~~911.3.2.~~	Section 331.	331.2.	C.			Advertising Requirements ~~For Notice Of Public Hearing for Vacations~~.
~~911.3.3.~~	Section 331.	331.2.				~~Location of Advertisement.~~
~~911.3.4.~~	Section 331.	331.2.				~~Mailed Notice.~~
~~911.3.5.~~	Section 331.	331.2.				~~Posted Notice.~~
~~911.3.6.~~	Section 331.	331.2.				~~Affidavit of Notice.~~
~~911.3.7.~~	Section 331.	331.2.				~~Defects in Notice.~~
~~911.3.8.~~	Section 331.	331.2.	D.			~~Public Hearing Procedures~~Board Review.
~~911.3.9.~~	Section 331.	331.2.	D.			~~Action by the Board of County Commissioners.~~
~~911.4.~~	Section 331.	331.3.				Notice of Adoption of Resolution Pursuant to Section 336, F.S. Only.
~~911.5.~~	Section 331.	331.4.				Recording Requirements.
~~911.5.1.~~	Section 331.	331.4.	A.			NA;
~~911.5.1.1.~~	Section 331.	331.4.	A.	1		NA;
~~911.5.1.2.~~	Section 331.	331.4.	A.	2		NA;
~~911.5.1.3.~~	Section 331.	331.4.	A.	3		NA;
~~911.5.1.4.~~	Section 331.	331.4.	A.	4		NA;
~~911.5.2.~~	Section 331.	331.4.	B.			NA;
~~911.5.2.1.~~	Section 331.	331.4.	B.	1		NA;
~~911.5.2.2.~~	Section 331.	331.4.	B.	2		NA;
~~911.5.2.3.~~	Section 331.	331.4.	B.	3		NA;
~~911.5.2.4.~~	Section 331.	331.4.	B.	4		NA;
~~911.5.2.5.~~	Section 331.	331.4.	B.	5		NA;
~~911.5.3.~~	Section 331.	331.4.	B.			NA;
~~911.6.~~	Section 332.					Replatting Requirements.
~~911.6.1.~~	Section 332.					NA;
~~911.6.2.~~	Section 332.					NA;
~~911.6.3.~~	Section 332.					NA;

OLD #	NEW #					TITLE
~~911.6.4.~~	Section 332.					NA;
~~911.7.~~	Section 331.	331.6.				Applicants Responsibility.
~~911.8.~~	Section 331.	331.5.				Effective Date.
~~912~~	Section 354.	354.6.				~~Reserved.~~
~~10~~						~~Development Agreements~~
~~1001. -~~	Section 350.	350.7.				~~Purpose and Intent.~~
~~1002.1.~~	Section 350.	350.7.				~~Application.~~
~~1002.1.1.~~	Section 350.	350.7.				NA;
~~1002.2.~~	Section 350.	350.7.				~~Development Agreement.~~
~~1002.2.1.~~	Section 350.	350.7.				NA;
~~1002.2.1.1.~~	Section 350.	350.7.	A.			NA;
~~1002.2.1.2.~~	Section 350.	350.7.	B.			NA;
~~1002.2.1.3.~~	Section 350.	350.7.	C.			NA;
~~1002.2.1.4.~~	Section 350.	350.7.	D.			NA;
~~1002.2.1.5.~~	Section 350.	350.7.	E.			NA;
~~1002.2.1.6.~~	Section 350.	350.7.	F.			NA;
~~1002.2.1.7.~~	Section 350.	350.7.	G.			NA;
~~1002.2.1.8.~~	Section 350.	350.7.	H.			NA;
~~1002.2.1.9.~~	Section 350.	350.7.	I.			NA;
~~1002.2.1.10.~~	Section 350.	350.7.	J.			NA;
~~1002.2.1.11.~~	Section 350.	350.7.	K.			NA;
~~1002.2.1.12.~~	Section 350.	350.7.	L.			NA;
~~1002.2.1.13.~~	Section 350.	350.7.	M.			NA;
~~1002.3.~~	Section 350.	350.7.				~~Public Hearings; Notice~~.
~~1002.3.1.~~	Section 350.	350.7.				NA;
~~1002.3.2.~~	Section 350.	350.7.				NA;
~~1002.3.3.~~	Section 350.	350.7.				NA;
~~1002.4.~~	Section 350.	350.7.				~~Preparation of Draft Agreement~~
~~1002.5.~~	Section 350.	350.7.				~~Review and Recommendation.~~
~~1002.6.~~	Section 350.	350.7.				Review and Action by the Planning Commission and Board of County Commissioners

OLD #	NEW #					TITLE
~~1002.6.1.~~	Section 350.	350.7.		1		Planning Commission
~~1002.6.2.~~	Section 350.	350.7.		2		Board of County Commissioners.
~~1002.7.~~	Section 350.	350.7.				~~Recording.~~
~~1002.8.~~	Section 350.	350.7.	A.			~~Periodic Review.~~
~~1002.9.~~	Section 350.	350.7.	B.			~~Amendment or Cancellation.~~
~~1002.10.~~	Section 350.	350.7.	C.			~~Modification or Revocation.~~
~~1002.10.1.~~	Section 350.	350.7.		1		NA;
~~1002.10.1.1.~~	Section 350.	350.7.			a.	NA;
~~1002.10.1.2.~~	Section 350.	350.7.			b.	NA;
~~1002.10.2.~~	Section 350.	350.7.		2		NA;
~~1002.11.~~	Section 350.	350.7.				~~Application of Subsequently Adopted Local Laws and Policies.~~
~~1002.11.1.~~	Section 350.	350.7.	A.			NA;
~~1002.11.2.~~	Section 350.	350.7.	B.			NA;
~~1002.11.3.~~	Section 350.	350.7.	C.			NA;
~~1002.11.4.~~	Section 350.	350.7.	D.			NA;
~~1002.12.~~	Section 350.	350.7.				~~Enforcement.~~
~~11~~	Section 107	--	--	-	-	Nonconformities
~~1101~~	Section 107.	107.1.				Purpose and Intent.
~~1101.1.~~	Section 107.	107.1.				NA
~~1101.2.~~	Section 107.	107.2.				Legally Existing Nonconforming Uses Structures and Lots.
~~1102~~	Section 107.	107.5.	A.			Change or Expansion of Nonconforming Use
~~1102.1.~~	Section 107.	107.5.	A.	2		NA
~~1102.2.~~	Section 107.	107.5.	A.	2		NA
~~1102.3.~~	Section 107.	107.5.	A.	3		NA
~~1102.3.1.~~	Section 107.	107.5.	A.	3	a.	NA
~~1102.3.2.~~	Section 107.	107.5.	A.	3	b.	NA
~~1102.4.~~	Section 107.	107.5.	A.	4		NA
~~1102.4.1.~~	Section 107.	107.5.	A.	4	b.	NA
~~1103~~	Section 107.	107.5.	B.			Discontinuation of Nonconforming Use.
~~1103.1.~~	Section 107.	107.4.	B.			NA

OLD #	NEW #					TITLE
~~1104~~	Section 107.	107.5.	A.	--		~~Change of Use.~~
~~1104.1.~~	Section 107.	107.5.	A.	1		NA
~~1105.~~	Section 107.	107.6.	A.			Repair or Reconstruction of Nonconforming Structure.
~~1105.1.~~	Section 107.	107.6.	A.	--		NA
~~1105.1.1.~~	Section 107.	107.6.	--	-	-	NA
~~1105.1.2.~~	Section 107.	107.6.	A.	1		NA
~~1105.1.3.~~	Section 107.	107.6.	A.	2		NA
~~1105.1.4.~~	Section 107.	107.6.	A.	3		NA
~~1105.1.5.~~	Section 107.	107.6.	A.	4		NA
~~1105.1.5.1.~~	Section 107.	107.7.				Nonconforming Densities in Residential Projects.
~~1105.1.5.2.~~	Section 107.	107.7.	A.			NA
~~1105.1.5.3.~~	Section 107.	107.7.	B.			NA
~~1106.~~	Section 107.	107.6.	B.			Alteration~~,~~ or Enlargement ~~or Movement~~ of a Nonconforming Structure.
~~1106.1.~~	Section 107.	107.6.	B.	--		NA
~~1106.1.1.~~	Section 107.	107.6.	B.	1		NA
~~1106.1.2.~~	Section 107.	107.6.	B.	2		NA
~~1106.1.3.~~	Section 107.	107.6.	B.	3		NA
~~1106.1.4.~~	Section 107.	107.6.	C.			Movement of a Nonconforming Structure.
~~1106.1.5.~~	Section 107.	107.6.	D.			NA
~~1106.2.~~	Section 107.	107.6.	E.			Nonconforming Structures in the Cortez Fishing Village HA Overlay District.
~~1106.2.1.~~	Section 107.	107.6.	E.	1		NA
~~1106.2.2.~~	Section 107.	107.6.	E.	2		NA
~~1106.2.3.~~	Section 107.	107.6.	E.	3		NA
~~1106.2.4.~~	Section 107.	107.6.	E.	4		NA
~~1106.2.5.~~	Section 107.	107.6.	E.	5		NA
~~1106.2.6.~~	Section 107.	107.6.	E.	6		NA
~~1107~~	Section 107.	107.8.				Nonconforming Lots.
~~1107.1.~~	Section 107.	107.8.	A.			Applicability.
~~1107.1.1.~~	Section 107.	107.8.	A.	1		~~Lot of Record.~~ NA
~~1107.1.2.~~	Section 107.	107.8.	A.	2		~~Creation.~~ NA

OLD #	NEW #					TITLE
~~1107.1.3.~~	Section 107.	107.8.	A.	3		~~Not Part of a Series of Lots.~~ NA
~~1107.1.3.1.~~	Section 107.	107.8.	A.	3	a.	NA
~~1107.1.3.2.~~	Section 107.	107.8.	A.	3	b.	NA
~~1107.1.3.3.~~	Section 107.	107.8.	A.	3	c.	NA
~~1107.1.3.4.~~	Section 107.	107.8.	A.	3		NA
~~1107.2.~~	Section 107.	107.8.	B.			Reduction in Size Prohibited.
~~1107.3.~~	Section 107.	107.8.	C.			Use of Nonconforming Lots.
~~1107.3.1.~~	Section 107.	107.8.	C.	1		~~Use of Nonconforming Lots for Affordable Housing.~~
~~1107.3.2.~~	Section 107.	107.8.	C.	2		NA
~~1107.3.3.~~	Section 107.	107.8.	C.	3		NA
~~1107.4.~~	Section 107.	107.8.	D.			Procedure.
~~1107.4.1.~~	Section 107.	107.8.		1		Drawing.
~~1107.4.2.~~	Section 107.	107.8.		2		Certificate.
~~1108~~	Section 107.	107.3.				~~Otherwise Illegal Uses and Structures Prohibited.~~ Applicability.
~~1108.1.~~	Section 107.	107.3.	--			NA
~~1109~~	Section 107.	107.4.				Signs.
~~1109.1.~~	Section 107.	107.4.	--			NA
~~1110.~~	Section 107.	107.6.	F.			Unsafe Structure.
~~1110.1.~~	Section 107.	107.6.	F.	1		NA
~~1110.2.~~	Section 107.	107.6.	F.	2		NA
~~1111.~~	Section 107.	107.8.	E.			Lots in Non~~-C~~conforming ~~Manufactured~~ Mobile Home, Recreational Vehicle Parks and Subdivisions.
~~1111.1.~~	Section 107.	107.7.	E			NA
~~1112.~~	Section 107.	107.9.				Nonconformities Resulting From Exercise of Power of Eminent Domain.
~~1112.1.~~	Section 107.	107.9.	A.			Applicability.
~~1112.2.~~	Section 107.	107.9.	B.			Existing Nonconformities Preserved.
~~1112.3.~~	Section 107.	107.9.	C.			Nonconformities Created by Eminent Domain Proceedings.
~~1112.3.1.~~	Section 107.	107.9.	C.	1		NA
~~1112.3.2.~~	Section 107.	107.9.	C.	2		NA
~~1112.3.2.1.~~	Section 107.	107.9.	C.	2	a.	NA
~~1112.3.2.2.~~	Section 107.	107.9.	C.	2	b.	NA

OLD #	NEW #					TITLE
~~1112.3.2.3.~~	Section 107.	107.9.	C.	2	c.	NA
~~1112.3.3.~~	Section 107.	107.9.	C.	3		NA
~~1112.3.4.~~	Section 107.	107.9.	C.	4		NA
~~1112.4.~~	Section 107.	107.9.	D.			Future Right-of-Way and Fire Safety Regulations.
~~12~~	Section 106	--	-	-	-	Enforcement, Violations and Penalties
~~1201.~~	Section 106.	106.1.				Purpose and Intent.
~~1201.1.~~	Section 106.	106.1.	A.			Authority.
~~1201.2.~~	Section 106.	106.1.	B.			Responsibility.
~~1201.3.~~	Section 106.	106.1.	C.			Initiation.
~~1202~~	Section 106.	106.2.				Violations.
~~1202.1.~~	Section 106.	106.2.	B.			Persons in Violation.
~~1202.1.1.~~	Section 106.	106.2.	B.	1		~~Any person(s) in violation of~~
~~1202.1.2.~~	Section 106.	106.2.	B.	2		~~Separate Offense.~~
~~1202.2.~~	Section 106.	106.2.	B.	3		~~Structures and Uses in Violation.~~
~~1203~~	Section 106.	_		--		~~Reserved.~~
~~1204~~	Section 106.	106.3.				Enforcement ~~and Penalty~~.
~~1204.1.~~	Section 106.	106.3.	A.			Remedies
~~1204.2.~~	Section 106.	106.3.	B.			Penalty
~~1204.3.~~	Section 106.	106.3.				NA
~~1205.~~	Section 106.	106.4.				Penalties~~General Penalty; Continuing Violations; Cessation of Building and Other Land Use Permits~~
~~1205.1.~~	Section 106.	106.2.	A.			Definition.
~~1205.2.~~	Section 106.	106.4.	A.			General Penalty.
~~1206~~	Section 106.	106.4.	--			~~Additional Penalties.~~
~~1206.1.~~	Section 106.	106.4.	B.			Stop Work Order.
~~1206.2.~~	Section 106.	106.4.				~~Suspension of Development Review Proceedings.~~
~~1206.3.~~	Section 106.	106.4.				~~Citations~~
~~1206.3.1.~~	Section 106.	106.4.	C			~~Schedule of Violations and~~ Civil Penalties.
~~1206.4.~~	Section 347.	347.4				~~Historical and Archaeological Protection.~~Penalties and Remedies
~~1206.5.~~	Section 706.	706.10				Wetlands Protection.

OLD #	NEW #					TITLE
~~1206.6.~~	Section 106.	106.4.				~~Water Shortage Plan.~~
~~1206.6.1.~~	Section 106.	106.4.				NA
~~1206.7.~~	Section 106.	106.4.				~~Obstacles Within the Rights-of-Way.~~
~~1206.8.~~	Section 106.	106.4.				~~Junk Vehicles .~~
~~1207~~	Section 106.	106.5.				Other Remedies Preserved.
~~1207.1.~~	Section 106.	106.5.	--			The foregoing provisions shall
NA	Ch. 5, Part VI					Special Use Programs
~~1301~~	Section 545.					Purpose and Intent.
~~1302.~~	Section 545.	545.2.				Affordable Housing Incentives.
~~1302.1.~~	Section 545.	545.2.				NA;
~~1302.1.1.~~	Section 545.	545.2.	A.			Housing Rapid Response Team/Fast Tracking.
~~1302.1.2.~~	Section 545.	545.2.	B.			Fee Refund.
~~1302.1.2.1.~~	Section 545.	545.2.	B.	1		NA;
~~1302.1.2.2.~~	Section 545.	545.2.	B.	2		NA;
~~1302.1.3.~~	Section 545.	545.2.	C.			County Impact Fee Increment.
~~1302.1.4.~~	Section 545.	545.2.	D.			Educational Facilities Impact Fee Increment.
~~1302.1.5.~~	Section 545.	545.2.	E.			Sidewalk Location.
~~1302.1.5.1.~~	Section 545.	545.2.	E.	1		NA;
~~1302.1.5.2.~~	Section 545.	545.2.	E.	2		NA;
~~1302.1.5.3.~~	Section 545.	545.2.	E.	3		NA;
~~1302.1.6.~~	Section 545.	545.2.	F.			Housing Trust Fund.
~~1302.1.6.1.~~	Section 545.	545.2.	F.	1		NA;
~~1302.1.6.2.~~	Section 545.	545.2.	F.	2		NA;
~~1302.1.6.3.~~	Section 545.	545.2.	F.	3		NA;
~~1302.1.6.4.~~	Section 545.	545.2.	F.	4		NA;
~~1302.1.7.~~	Section 545.	545.2.	G.			Tree Protection Trust Fund.
~~1302.1.7.1.~~	Section 545.	545.2.	G.	1		NA;
~~1302.1.7.2.~~	Section 545.	545.2.	G.	2		NA;
~~1302.1.7.3.~~	Section 545.	545.2.	G.	3		NA;
~~1302.1.7.4.~~	Section 545.	545.2.	G.	4		NA;

OLD #	NEW #					TITLE
~~1302.1.8.~~	Section 545.	545.2.	H.			Density Bonus.
~~1302.1.8.1.~~	Section 545.	545.2.	H.	1		NA;
~~1302.1.8.2.~~	Section 545.	545.2.	H.	2		NA;
~~1302.1.8.3.~~	Section 545.	545.2.	H.	3		NA;
~~1302.1.9.~~	Section 545.	545.2.	I.			Transfer of Development Rights.
~~1302.1.9.1.~~	Section 545.	545.2.	I.	1		NA;
~~1302.1.9.2.~~	Section 545.	545.2.	I.	2		NA;
NA	Section 545.	545.2.	I.	3		NA;
~~1302.1.9.3.~~	Section 545.	545.2.	I.	4		NA;
~~1302.1.9.4.~~	Section 545.	545.2.	I.	5		NA;
~~1303.~~	Section 545.	545.3.				Workforce Housing Incentives.
~~1303.1.~~	Section 545.	545.3.				NA;
~~1303.1.1.1.~~	Section 545.	545.3.				NA;
~~1304~~	Section 545.	545.4.				Affordable Housing Stock Lost to Development.
~~1304.1.~~	Section 545.	545.4.	A.			NA;
~~1304.2.~~	Section 545.	545.4.	B.			~~Innovative Replacement Methods.~~
~~1304.3.~~	Section 545.	545.4.	C.			~~Replacement Exemption.~~
~~1305~~	Section 545.	545.5.				Infill Development.
~~1306~~	Section 545.	545.6.				County-Owned Property.

~~Chapter 1~~	Chapter 1					General Provisions ~~Purpose and Applicability~~
~~Chapter 2~~	Chapter 2					DEFINITIONS ~~AND RULES OF CONSTRUCTION~~
~~Chapter 3~~	Chapter 3					~~DECISION MAKING AND ADMINISTRATIVE BODIES~~ Review Authority.
~~Chapter 4~~	Chapter 9					Design Guidelines
~~Chapter 5~~	Chapter 3	Part II				Development Review Procedures.
~~Chapter 6~~	Chapter 4					~~Zoning Districts.~~ Zoning
~~Chapter 7~~	Chapter 5					~~Development Standards of General Applicability~~ Standards for Accessory and Specific Uses and Structures
~~Chapter 8~~	Chapter 11					Impact Fees
~~Chapter 9~~	Ch. 3, Part V					Subdivision Procedures ~~and Standards~~
~~Chapter 10~~	NA					~~Development Agreements~~ [Chapter 10 was supposed to be repealed when section 518 was established in 2005]
~~Chapter 11~~	Section 107					Nonconformities
~~Chapter 12~~	Section 106.					Enforcement, Violations, and Penalties.
~~Chapter 13~~	Section 545.					Housing Program

~~CHART 605~~	Table 3-4					Special Approval as Required by the Manatee County Comprehensive Plan
~~Figure 1 -~~						~~Access Management for University Parkway West~~ [Moved to PW Manual]
~~Figure 2 -~~						~~Access Management for University Parkway East~~[Moved to PW Manual]
~~Figure 1.~~	Figure 4-1					Articulated ~~r~~Roofline
~~Figure 2.~~	Figure 4-2					Facade Modulations and Varied Rooflines
~~Figure 3.~~	Figure 4-3					Facade Modulations, Graduated Stepback on Higher Stories
~~FIGURE 725A.~~	Figure 4-4					Civil Airport Imaginary Surface
~~Figure 604.1.2.9(1)~~	Map 4-2					Beneficial Reuse Area of the Evers Reservoir Watershed.
~~Figure 604.10.3.2~~	Map 4-3					Village of Parrish
~~FIGURE 6-1~~	Tables 4-1, 2					~~SCHEDULE OF PERMITTED, ADMINISTRATIVE AND SPECIAL USE BY DISTRICT~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*AGRICULTURAL USES*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*COMMERCIAL USES—RETAIL*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~LIMITATIONS:~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*COMMERCIAL USES—SERVICES*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*INDUSTRIAL*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*COMMUNITY SERVICE USES*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*MISCELLANEOUS USES*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*OPEN USES OF LAND—LIGHT*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*OPEN USES OF LAND—HEAVY*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*RECREATION USES*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*RESIDENTIAL USES*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*RESIDENTIAL SUPPORT USES*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*TRANSPORTATION FACILITIES*~~
~~FIGURE 6-1~~	Tables 4-1, 2					~~*WAREHOUSING*~~
~~FIGURE 6-2.~~	Tables 4-3 to 6					~~SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS~~
~~FIGURE 6-3.~~	Tables 4-3 to 6					~~RESIDENTIAL SINGLE FAMILY MANUFACTURED HOME RSMH-4.5*~~
~~FIGURE 6-4.~~	Tables 4-3 to 6					~~RESIDENTIAL SINGLE FAMILY MANUFACTURED HOME RSMH-6.0*~~
~~FIGURE 6-5.~~	Tables 4-3 to 6					~~CRV—COMMERCIAL RECREATIONAL VEHICLE DISTRICT DIMENSIONAL REGULATIONS~~
~~TABLE 1.~~	Table 4-8					AI Overlay Land Use Compatibility Guidelines
~~Table 604.10.6.6.A~~	Table 4-9					Point system for building design.
~~Table 604.10.6.6.B~~	Table 4-10					Point system criteria.

~~Illustration 704~~	Figure 5-1					Setback depending on Tower Height
~~Figure 7-A, 704.59~~	Table 5-1					Matrix of Siting and Locational Preference
~~TABLE 1~~	Table 5-3					Maximum Permitted Steady Vibration Displacement (in inches)
~~TABLE 2~~	Table 5-4					Adverse Impacts Point of Determination
~~APPENDIX A~~	Table 6-1					Sign Dimensional Standards ~~SIGN MATRIX~~
~~Figure 715.A.~~	Figure 7-1.					Vehicle Use Area Landscaping
~~Figure 715.B.~~	Figure 7-2					Roadway Buffer Options Per 100 Feet
~~Figure 715.C.~~	Figure 7-3					Screening ~~Perimeter~~ Buffer Options Per 100 Feet
~~FIGURE 4-1~~						~~Design Guidelines For The Cortez National Register Historic District~~
~~Appendix A~~	Section 901.	901.13.				Specific Materials Recommendations for Rehabilitation of Historic Properties.
~~Map 1~~	Map 9-1					Entranceways to Manatee County ~~Entranceways,~~
~~Map 2~~						~~Entranceways,~~
~~Map 3~~	Map 9-2					I-75/ US 301 Entranceways into Manatee County ~~Entranceways,~~
~~Map 4~~	Map 9-3					I-75/SR 64 Entranceway into Manatee County ~~Entranceways,~~
~~Map 5~~	Map 9-4					I-75/SR 70 Entranceways into Manatee County ~~Entranceways,~~
~~Map 6~~	Map 9-6					I-275/US 41 Entranceways into Manatee County ~~Entranceways,~~
~~Map 7~~	Map 9-7.					US 41/US 301 Entranceways in Manatee County ~~Entranceways,~~
~~Map 8~~	Map 9-8					I-75/US 41 Entranceways into Manatee County ~~Entranceways,~~
~~Map 9~~						~~Entranceways~~
~~Table A.~~	Table 10 - 2:					Parking Dimensional Standards ~~Minimum Off-street Parking Area Dimensions~~
~~TABLE B.~~	Table 10 - 1:					Parking Ratios
~~Exhibit 8- 1:~~	Exhibit 11-1					Impact Fee Schedule for Unincorporated Areas, October 11, 2011
~~Exhibit 8- 2:~~	Exhibit 11-2					~~Transportation Benefit~~ Road Impact Fee Districts

NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended) and make a recommendation to the Board of County Commissioners as to the consistency of the proposed Ordinances with the Comprehensive Plan and as to whether the proposed ordinance should be adopted, adopted with modifications, or denied.

Date: Thursday, April 9, 2015

Time: 9:00 AM or soon thereafter

Place: Manatee County Government Administrative Center
1112 Manatee Avenue West,
1st Floor Chambers

ORDINANCE NO. 15-17

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, ADOPTING BY REFERENCE AN AMENDED AND RESTATED LAND DEVELOPMENT CODE FOR MANATEE COUNTY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR DEFINITIONS; ADOPTING BY REFERENCE THE FOLLOWING TEN CHAPTERS: CHAPTER 1, GENERAL PROVISIONS; CHAPTER 2, DEFINITIONS; CHAPTER 3, REVIEW AUTHORITY AND PROCEDURES; CHAPTER 4, ZONING; CHAPTER 5, ACCESSORY AND SPECIFIC USES AND STRUCTURES; CHAPTER 6, SIGNS; CHAPTER 7, ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION; CHAPTER 8, ENGINEERING AND UTILITIES; CHAPTER 9, DESIGN GUIDELINES; CHAPTER 10, TRANSPORTATION MANAGEMENT; AND CHAPTER 11, IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The public may also provide written comments for the Planning Commission to consider.

Interested parties may examine the proposed Ordinances and related documents and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida; telephone number (941) 748-4501 EXT. 6878; e-mail to: planning.agenda@mymanatee.org

Rules of procedure for this public hearing are in effect pursuant to Resolution 13-189(PC). A copy of this Resolution is available for review or purchase from the Building and Development Services Department (see address below).

Please send comments to:
Manatee County Building and
Development Services Department
Attn: Project Coordinator
1112 Manatee Ave. West 4th Floor
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 x 6878, between 8:00 AM - 5:00 PM.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

099414

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Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING REQUIREMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

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