

**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 ~~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. ~~703.4~~ 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,

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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.~~

**Commented [LDI1]:** Moved language regarding fences to fence section

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 ~~Section~~ chapter.

**Commented [LDI2]:** Not normally located in front yards

~~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.~~

**Commented [LDI3]:** Covered by agricultural uses definition

~~703.2.3. Commercial Agricultural Buildings are considered accessory structures to an established agricultural use.~~

**Commented [LDI4]:** Addressed in use table

~~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.~~

**Commented [LDI5]:** Deleted section 703.2.3.3. as it conflicts with regs in chapter 2 that state what type of developments require certificate

**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.~~

**Commented [LDI6]:** Added to address DISH network customers

1. ~~703.2.26.1. A B~~ building P permit 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

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building to which it is accessory, ~~except as permitted in Section 703.2.26.11.~~

- 5. ~~703.2.26.5.~~The ground-mounted satellite antennase 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 antennase 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 antennase (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 antennase 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 antennase shall be allowed for all allowed uses except single family and duplex dwellings.
- 2. ~~703.2.26.10.2.~~Roof mounted satellite antennase 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.~~

**Commented [LD17]:** Combined with section 405.b.2, above.

**Commented [LD18]:** outdated

~~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 ~~e~~District and on parcels zoned ~~Agricultural (A) that~~ ~~which~~ are a minimum of forty (40) acres.

**Commented [LD19]:** This section will need to be compared to cell tower rules for consistency

~~703.2.1.1.5.Antennas which provide telemetry for lift stations and other similar uses.~~

~~400.1. — 703.2.4. Day Care Home.~~

~~511.2. Accessory Day Child Care Centers.~~

~~704.18.7.DDay Child Ccare Centers accessory to a principal use or residential development (Accessory) shall be~~ 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~~

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~~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 ~~Daychild 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 Ddaychild 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 Any 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 10710, 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.

Commented [LDI10]: Revisit need for this provision in a later phase.

~~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.~~

Commented [LDI11]: unnecessary filler, covered above

~~716.2. Administration. The Planning Director shall be responsible for the administration of this Section and coordination with other agencies.~~

Commented [LEA12]: Responsible for all sections, not just this one.

~~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 vehicles parks and camping facilities, as required in this chapter, but shall not apply to Farm Workers Housing although an evacuation plan is required.~~

Commented [LEA13]: Language was added to all those sections requiring the shelter and referencing this section for standards.

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~~s, 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 [LDI14]: Changed to be consistent with the comprehensive plan

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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.~~ ~~4.~~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~~ublic ~~S~~safety, ~~E~~mergency ~~M~~anagement and ~~C~~ommunication ~~D~~ivisions.
- ~~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~~ublic ~~S~~safety, ~~E~~mergency ~~M~~anagement and ~~C~~ommunication ~~D~~ivisions.-

~~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~~uilding ~~P~~ermits for the ~~emergency storm~~ shelter before the occupancy of the first unit is authorized.

~~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~~ertificate of ~~O~~ccupancy 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~~ertificate of ~~O~~ccupancy 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~~ection does not imply that these shelters are completely safe or the safest or best means of protection. This ~~S~~ection 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~~ection 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.

**Commented [LEA15]:** The requirement is already stated in chapter 8 (Engineering Design and Utilities).

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**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 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 Building 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.

**Commented [LDI16]:** STAFF: We added these two materials. Please confirm they are permitted.

~~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	Maximum Height
Front yards	4'
<del>All other yards</del> <u>Where non-residential districts abut residential districts</u>	<del>8'</del> 9'
<u>Where non-residential districts abut residential districts</u>	9'
Whitfield Residential Overlay District	6'
<del>Front yards</del>	<del>(See 703.2.8.2)</del>

**Commented [LDI17]:** combined with height allowed above in text

**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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hundred (100) feet of street frontage, may be allowed one of the following non-chain link/non-wood slat fence options:

- i. ~~1.~~ **4.** 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.~~ **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.~~ **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.~~

**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.

**Commented [LDI18]:** Moved to Property Maintenance Code.

**Commented [LDI19]:** Moved to Property Maintenance Code

**Commented [LDI20]:** Moved to Property Maintenance Code

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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~~ermit ~~A~~pproval:

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 ~~any~~ 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.

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- 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).~~

**400.4.511.8. ~~703.2.38.~~ Accessory Outdoor Display, Sale and Storage of Merchandise and Equipment.**

~~703.2.38.1. Use Limitations.~~ No 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;~~
- ~~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.

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

- ~~6. 1. 703.2.20. Screened~~ Outdoor storage to (including a compost pile), 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

**Commented [LDI21]:** Addressed in transportation chapter

**Commented [LDI22]:** Wrong reference. Should be 703.2.38.2.2

**Commented [LDI23]:** Wrong cross reference. Should be 703.2.38.2.2

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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

**Commented [LEA25]:** To property maintenance manual

**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.

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- 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.

**400-5.511.12. ~~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/Caretakers R~~esidences 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 PDMH D~~istricts.

~~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 districts 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~~

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~~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.

~~400.6.511.15.~~ ~~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.

**Commented [LD127]:** Changed based on Code Interpretation dated 3/11/15.

~~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.

**Commented [LD128]:** Clarified language

~~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 [LD129]:** Some provisions moved to Property Maintenance Code. Others already in Building Code.

**Commented [LD130]:** Moved to property maintenance manual

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~~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 Permit requirements by of the U.S. Army Corps of Engineers (COE)~~

~~2. (2) the General consent criteria of the Florida Department of Environmental Protection (DEP) requirements, (§ 403.813(2) F.S.); and~~

~~3. (3) 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 Codes.~~

~~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~~

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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, ~~S~~state and ~~F~~federal 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- (~~S~~see Section ~~705.4721.4~~).
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.~~
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.~~
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 ~~DEP Department 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 Manual Section 718.6.2.3.4.~~
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 ~~F~~federal, ~~S~~state 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.~~

**Commented [LD131]:** Are sign standards necessary, or would FDEP standards apply?

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—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) General Consent Criteria.~~

Commented [LD132]: 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:~~ Temporary uses are allowed subject to the following requirements and the specific standards contained in the following sections.

**Commented [LDI33]:** Revised to include only standards in this chapter. Review procedures moved to ch 2

~~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 parking, 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.~~

**Commented [LDI34]:** Drafted to be more succinct

~~D. 705.1.3.4. Natural Environment. The proposed use will shall not have an 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 Building Permit 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.~~

~~100.1.1. 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.~~

**Commented [LDI35]:** Addressed in the PMC

~~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:~~

**Commented [LDI36]:** Same standards as old 705.1, above.

~~507.4.1. Nuisance, Hazardous Features. Adjacent uses shall be suitably protected from any nuisance or hazardous features involved in the use.~~

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~~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 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 Ssections 506, 705.1.3 and other relevant Ssections of this Code.~~

#### **521.1. ~~705.8. Christmas Tree Sales.~~**

- ~~A. **705.8.3. Duration.** 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/Planning Director. The 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 PDC, 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 valid while an active Building 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 705.2.4 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 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.~~

## Chapter 5 – Accessory and Specific Uses and Structures

**521.3. ~~705.3. Manufactured Mobile Home sUse -Occupied~~ During House Construction.**

- A. ~~705.3.2. Maximum Permit Period.~~** ~~A mobile home is allowed to be used for up to F~~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 uses 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.
- G. ~~705.3.4.5.~~** The use of a recreational vehicle in lieu of a ~~manufactured mobile~~ home is prohibited.

Commented [LD137]: There is no section 705.3.4.4.

**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.

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**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. ~~705.5.4. 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 1002743~~.
- E. ~~705.5.4. Tents.~~ All tents shall comply with the Building Code requirements and a separate ~~B~~uilding ~~P~~ermit 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.**

- 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 ~~4A~~ 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.

**Commented [LDI38]:** Consider moving out of the LDC at a later phase.

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- 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. ~~4.~~ 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~~ ~~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~~ 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 furnished 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

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furniture, and other non-agricultural products shall not be allowed.

C. ~~705.10.3. Location.~~ Such farmer's markets may be located within parking areas provided that parking equalling 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 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 building 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~~he plan shall indicate the proposed capacity and sufficient egress to accommodate the proposed capacity.

**Commented [LD139]:** 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 Use Administrative or Special Permit approval, as specified in Chapter 4 Figure 6-1 and Chapter 6 of this Code. In addition to the ~~criteria standards for 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 uses 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.

**Commented [LDI40]:** Changed to special permit due to a lack of CUP procedures in 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. Agricultural~~ Uses.**

~~Each~~ All applications for Agricultural and Animal Products Processing Plants, Commercial Stockyards, Short Term Agricultural Uses, Slaughterhouses, and Sawmills shall meet the following standards: include an evaluation of the proposed use, indicating how the use can be made to comply with the applicable use limitations of the district.

**Commented [LEA41]:** All uses are required to meet code. No need to specify it here too.

~~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.~~

**Commented [LEA42]:** All uses are subject to that section, not just Ag.

~~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, which that 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.

**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

~~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.~~

**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.

~~Each application for Agricultural and Animal Products Processing Plants, Commercial Stockyards, Short Term~~

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~~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.~~

**Commented [LEA46]:** All uses are required to meet code. No need to specify it here too.

~~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.~~

**Commented [LEA47]:** Unnecessary provision. They all have to meet county, state and federal regulations, regardless of what this code says.

~~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, 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 531.5726, 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.

**Commented [LDI48]:** Moved here from 725.1 (the rest is in chapter 4)

~~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 [LDI49]:** Moved here from Aircraft Landing Field definition

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~~400.2.531.3.~~ ~~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~~~~400.3. 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~~anding ~~F~~ields, 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 540.1723.3.1~~ 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.

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- ~~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. 735.1.18.~~ 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.

~~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 725-403.2, (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.

**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.]~~

~~400.4.531.4. 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~~

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~~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.~~

**Commented [LEA50]:** Moved to table of uses

~~708.3. Consumption on Premises.~~

~~708.3.1. Permitted Facilities. Consumption on premises shall be permitted at the following facilities:~~

**Commented [LDI51]:** Moved to definition.

- ~~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.~~

**Commented [LDI52]:** Use table. Shown as SP or AP in appropriate districts. Changed drinking establishments to Alcoholic Beverage Establishments

~~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 ~~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 required 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.

**Commented [LDI53]:** Brought in from definitions.

~~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. 4.~~ 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.

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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 Bed and Breakfast establishment with less than six (6) rental rooms, may be located on a local residential street.
- B. ~~704.8.2. Parking.~~ 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 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 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.

704.8.4. Screening. Screening shall be provided in accordance with Section 715

- D. ~~704.8.5. Signs.~~ Bed and Breakfast establishments shall be allowed one (1) wall sign containing four (4) square feet. sSuch 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 701715.5.5.2.4 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

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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. a~~ 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.

~~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.

**Commented [LDI57]:** Address in development compatibility section (phase 2)

**~~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 Day Child care centers use until the applicant has furnished a written statement that the proposed development shall meet~~ NFPA-101 Life Safety Code, and all regulations specified by ~~S~~state ~~L~~law and County ~~R~~regulations.

~~704.18.1. Usable Outdoor Recreation Area.~~ Outdoor recreation areas shall be regulated and enforced by the State of Florida.

**Commented [LDI58]:** Covered by previous requirement

~~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.

**Commented [LDI59]:** Covered by previous requirement

**~~704.18.3. Access.~~**

B. ~~All such uses~~ Day 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 ~~Public Works Department~~ Department Director.

C. ~~704.18.5.~~ All child day 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~~

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~~proposed day Child care centers that does not meet these criteria, and is allowed in the zoning district, may still be allowed but only must receive through Special Permit approval.;~~

- ~~1. 4.~~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.~~

~~400.8.531.13. 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 (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 710.1.5.5.5.1Section 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.~~

~~400.9.531.14. 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 [LEA60]:** Not necessary to state this; all uses are required to meet those requirements.

**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)

**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

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~~Any proposed Organizations/clubs Private Community Use that does 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 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 these 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

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.

**Commented [LDI71]:** Added to Use table

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

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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~~

**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 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. 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:~~

**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.

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- 1. ~~704.27.1. Location. All such~~ 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 residential zoning or land uses.

**Commented [LD178]:** Add to use table under equipment sales, rental and leasing, light (Ph 2)

~~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 Sewerage.~~ All dwellings shall be served by public water and public sewerage; or permanent in-ground water and sewerage 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 [LEA79]:** Unnecessarily provision.

**Commented [LD180]:** Changed to department director

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- 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.

~~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.

~~11.~~ 704.28.2.9 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.

Commented [LEA81]: Language copied from 704.28.1.6.

~~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.

Commented [LEA82]: The table of uses already specifies this.

2. 704.28.1.3. Minimum Acres/Site Size. Two hundred fifty (250) acres.

3. 704.28.1.4. Maximum Number of Dwelling Units. 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.

Commented [LEA83]: Moved up to general requirements.

~~704.28.1.7. Spacing.~~ Farm worker housing may not be located within one (1) mile of any other existing farm worker housing.

Commented [LDI84]: Already addressed in general requirements.

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

Commented [LEA85]: From 704.28.2.1

~~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.

Commented [LDI86]: There is another district that allows FWH through SP.

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.

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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.

~~400.13.531.20. 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 Sewerage.~~ The flea market shall be served by public water and sewerage; or permanent in-ground water and sewerage 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.~~

~~400.14.531.21. 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~~ 715.5.2.4.

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.

~~400.15.531.22. 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

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- 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.~~

Commented [LD192]: Moved to ch 6

~~400.16.531.23.~~ **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 745.5.2701.3.B. Boarding houses and dormitories shall meet the requirements of multifamily with regard to Section 745.5.2701.3.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.

Commented [LD193]: Add to use table as footnote (Ph 2)

Commented [LD194]: Address in development compatibility Section (Ph 2)

~~C.D. Group Housing may provide dining room service.~~

Commented [LD195]: Moved from definition.

~~Section 721. Habitat, Wildlife and Endangered Species Protection.~~

Commented [LD196]: Brought in from definitions.

~~Section 720. Historic Vista Protection Area.~~

Commented [LD197]: Moved to ch 6

~~531.24.~~ **-704.36. Helistops.**

Commented [LD198]: Moved to ch 3

- 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 Codes.
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.

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**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.

**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 745701**.

~~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 717.3.13801.3** 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 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~~ 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~~ederal, ~~S~~tate or County road, or ~~R~~esidential, ~~C~~ommercial, ~~O~~ffice, or other land used for residential purposes; or stored, dismantled, or displayed outside of the fenced area.

**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.

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~~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 732.5702.5** 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.**

- ~~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.~~
- ~~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.**

- ~~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.
- ~~704.38.2. Access.~~ Such hotels shall be located on roads designated as collector or higher, unless the site is located within an entranceway.
- ~~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 715.5.2.4.~~

**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.

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~~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 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 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 701745 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 701745 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)

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items shall be allowed as an accessory use to mini-warehouse facilities in the GC, HC, ~~PDC~~, LM, VIL, ~~PDMU~~ and ~~PDI~~ 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.
- ~~H.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 these 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. 4.~~ 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]:** Unnecessarily 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.

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~~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 605 Chapter 3~~. The ~~conditional use criteria of standards contained in this Section 704~~ shall not apply to requests made under this subsection.

**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.

**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.

**Commented [LDI113]:** This number (715.5.2) doesn't exist

**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 With with 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 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.~~

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~~400.25-531.36, 704.69- Outdoor Storage, Outdoor (Principal Use), Towing Service Establishment~~

- 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 745701, canopy trees shall be planted thirty (30) feet on center.
- B. ~~704.69.5- On Site Office~~-An office with restroom facilities shall provided for any new freestanding outdoor storage facility. This shall be shown on the site plan.

**Commented [LEA114]:** Towing already addressed in old 704.69.2 to 4 (new 531.25)

~~400.26-531.37, 704.59. Personal Wireless Service Facilities~~

~~— Purpose and Intent:~~

~~A.~~ The purpose and intent of this section is to provide development standards relating to specific types of ~~P~~ersonal ~~W~~ireless ~~S~~ervice ~~F~~acilities (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~~istoric ~~P~~rotection ~~O~~verlay ~~D~~istricts, ~~H~~istoric ~~V~~ista ~~P~~rotection ~~A~~reas and ~~S~~cenic ~~W~~ater ~~V~~iew ~~P~~rotection ~~A~~reas.
- ~~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! reference source not found.** ~~Figure 7-A~~ of this ~~S~~ection, 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~~ersonal ~~W~~ireless ~~S~~ervices 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.

**Commented [LDI115]:** This section should be simplified in phase 2.

~~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 737900 (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 511.1703.2-LDC~~. Pursuant to ~~47 C.F.R. s. 97.15~~, the County does not preclude the installation and/or operation of amateur

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radio antennase. In applying any relevant sections of the ~~LDC Code~~ to applications for the installation or replacement of amateur radio antennase, 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 antennase 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. ~~4.~~ 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., amendment 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

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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~~reservation ~~O~~verlay ~~D~~istricts, ~~H~~historic ~~V~~ista ~~P~~rotection ~~A~~reas, ~~S~~cenic ~~W~~ater ~~V~~iew ~~P~~rotection ~~A~~reas, and ~~V~~elocity ~~Z~~ones. For the purposes of this section the ~~S~~cenic ~~W~~ater ~~P~~rotection ~~A~~rea shall be the following areas, provided they are not in an ~~E~~xtraction or ~~I~~ndustrial 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~~uilding ~~P~~ermit 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 SSection ~~704.59 shall be met~~.

If a telecommunication tower is replaced with a new telecommunication tower to accommodate

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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:

<del>Adjacent Off-Site Uses or Districts</del>	<del>Setback from lot line of parent parcel</del>
<del>All Residential Uses and Residential Districts</del>	<del>200 feet or 200% of the height of the tower whichever is greater</del>

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. ~~4~~. 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. ~~L~~lattice towers shall be setback a minimum of five hundred (500) feet from Interstate rights-of-way.

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~~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.~~

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- 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.

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~~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.~~~~4. 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. e. 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 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)~~

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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 598320~~, an application for a telecommunication facility shall contain:

- 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

**Commented [LD1116]:** Recommended removing this section and adding to the development review manual

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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. ~~704.59.3.13.36~~ 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~~istrict 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~~istrict 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~~istricts or ~~P~~preferred ~~L~~ocations 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~~on-~~P~~preferred ~~Z~~zone ~~D~~istrict in ~~Table 5-1~~ ~~Figure 7-A~~ of this Code, the applicant shall submit with

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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.

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~~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'
<b>Industrial</b>						
EX	AP	AP	AP	AP	AP	AP
HM	AP	AP	AP	AP	AP	AP
LM	AP	AP	AP	AP	AP	AP
<b>Commercial</b>						
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
<b>Office</b>						
PR-M	AP	SP	SP	AP/SP	X	X
PR-S	AP	SP	SP	AP/SP	X	X
<b>Agriculture (40 acres or greater)</b>						
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 604.103.

**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'
<b>All Residential Zone Districts</b>						
RSMH-6	SP1	SP1	X	X	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'
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						

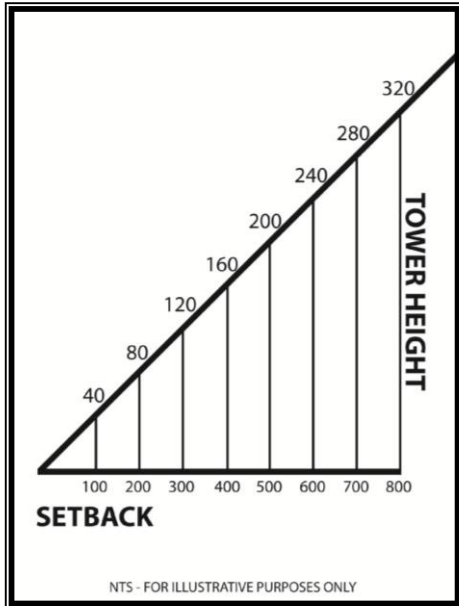
SP1 = Approval is limited to institutional, recreational, schools, and utility uses, all which have a lot area of eight (8) acres or more.

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~~uilding ~~P~~ermit. ~~The sanitary facilities shall be approved by the H.R.S./Manatee County Public Health Unit.~~

Commented [LDI119]: Age of the animal is irrelevant

Commented [LDI120]: The MCHD only has jurisdiction if on septic.

~~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.

~~100.27-531.39.~~ **704.57. Public Community Use.**

A. ~~704.57.1. Screening.~~ Screening shall be provided in accordance with **Section 745701**. 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 745701**. The applicant may propose an alternate vegetated buffer, subject to staff approval.

Commented [LDI121]: Addressed in development compatibility

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.

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- 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 p~~Public community uses within nonresidential districts ~~shall be allowed by Administrative Permit~~ are exempt from these requirements as shown in Figure 6-4.
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 these 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.

Commented [LD1122]: Added as footnote to use table

~~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 Uses Special Permits.

~~F.D.~~ ~~704.44.6.~~Camps.

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~~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.~~

~~4.2. 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 detailinge 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.L. 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. Setback. 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.~~

~~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.

Commented [LDI123]: First sentence brought in from definition.

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- 4. ~~704.71.4.~~ *Compliance with Law.* No ~~special permit~~~~conditional 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 permit~~~~conditional 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 Districts 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.

- ~~M.1.~~ **1.** ~~1.~~ **4.** 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.** 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.

**Commented [LDI124]:** Prohibition in VIL already stated in table of uses (Chapter 4)

**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\***

<del>Maximum Density:</del>	<del>12 sites/acre</del>
<del>Project/District Minimum Size</del>	<del>10 acres</del>
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 <del>Setbacks**</del> <del>Setbacks</del> (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 <del>for:</del>	
RV Parks	20% of gross area
Non-residential	15% of gross area
<del>Project/District Minimum Size</del>	<del>10 acres</del>

**Commented [LDI125]:** Moved from Chapter 3.

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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.E4144.4.

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 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 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.

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.

Commented [LDI126]: Text brought in from chapter 3

Commented [LDI127]: Brought in from Chapter 3, Fig. 6-5.

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.

Commented [LDI128]: 704.63. addressed in outdoor storage section

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 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.

Commented [LDI129]: Added to table as footnote

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.

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.

531.45. 704.62. Residential Care Facilities (including Assisted Living Facilities, Community Residential

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Homes, Recovery Homes, Group Care Homes, Emergency Shelter Homes, and Emergency Shelters.

**Commented [LEA132]:** Section 704.60 refers to this section for standards.

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.

**Commented [LEA133]:** Not new. From 704.62.5

~~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 ~~zoning districts~~ 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, 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 Pper 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.

**Commented [LDI134]:** Not new. Copied from old 704.54 (split into 2 sections).

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.

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~~400.32.531.47.~~ **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 Family ~~S~~semi-Detached ~~U~~units, ~~T~~Triplexes and ~~Q~~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. ~~4.~~ 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, 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. ~~4.~~ 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 ~~s~~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. ~~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~~~~
  - ~~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

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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.

Commented [LEA140]: Moved from use tables footnotes.

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.

Commented [LEA141]: The cross-reference to Section 715.5.2.1 is wrong.

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. 704.23~~ Eating 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.

Commented [LDI142]: Add to use table as footnote (Ph 2)

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 ~~701.745.5.2.1(A)~~ of the Code.

Commented [LDI143]: Address in development compatibility section (Ph 2)

~~2.3.~~ Restaurants within the Planned Development Districts shall meet the following location and orientation standards.

Commented [LDI144]: From Chapter 6, Figure 6-1, Commercial Uses - Retail, Limitations.

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. ~~4.~~ 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.

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.

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

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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 701745.5.2.1\(A\)](#) of the Code.

~~Retail Sales, Neighborhood General are limited to 3,000 square foot 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, shall meet the following criteria:**

Limitations	PDO	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH
<b>Neighborhood Convenience</b>								
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
<b>Other Retail</b>								
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
Aq/R	0.23	Small		
ER	0.23 <sup>(1) (2)</sup>	Small		
RES-1	0.23 <sup>(1)</sup>	Medium		
RES-3	0.23 <sup>(1) (2)</sup>	Medium		
RES-6	0.23 <sup>(1) (2)</sup>	Medium		
RES-9	0.23 <sup>(1) (2)</sup>	Medium		
RES-12	0.23 <sup>(1) (2)</sup>	Medium		
RES-16	0.25 <sup>(1) (2)</sup>	Medium		
UF-3	0.23 <sup>(1)</sup>	Medium		
		Large with Limitations (See Policy 2.2.1.11.5)		
OL	0.23 <sup>(2)</sup>	Small (office only)		
R/O/R	0.35 <sup>(2)</sup>	Large	Large	Large
	1.0 for Hotels			
IL	0.75 <sup>(2)</sup>	Small		
	1.0 for Hotels			
IH	0.5 <sup>(2)</sup>	Small		
IU	1.25	Small		
MU	1.0	Large	Large	Large
	2.0 inside the CRA's and UIRA			

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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 <b>outside</b> 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 <b>within</b> 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.

~~400.34.531.50. 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.

~~400.35.531.51. 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.

~~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.

~~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

Commented [LDI148]: This is very vague and subjective. Propose deleting in Phase 2.

Commented [LDI149]: Moved from definition.

## Chapter 5 – Accessory and Specific Uses and Structures

(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 ~~R~~retail ~~S~~sales ~~E~~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 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 v~~vehicle repair services ~~accessory to the gasoline station shall be limited to ,such as tuneups~~tune-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 be 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. ~~704.66.8.2~~ There 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.~~

~~400.36.531.52. Section 707. Sexually Oriented Businesses Adult 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 737-804900](#) 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

**Commented [LEA150]:** Moved from Commercial Use - Retail Limitations table. Modified second sentence.

**Commented [LDI151]:** Brought in from definition.

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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 of 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~~aterials ~~V~~endors 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

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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~~

**Commented [LDI152]:** Moved to ch 9

**531.53.** ~~728.8.~~ **Solid Waste Management Facilities.**

**A.** ~~Rezone to MP-1.~~ 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-1.

**Commented [LDI153]:** Added to minimize confusion with comp plan requirements to be in P/SP and rezone to PD.

**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 chapter Section 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 Department~~ **Department Director** shall administer, monitor and enforce the requirements of this ~~S~~ section.

**D.** ~~704.42.4. Compatibility of Location.~~

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~~1.4.704.42.4.1.~~ Landfills shall not be ~~considered an incompatible use if~~ located ~~as follows~~:

~~2.a.4.~~ 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 725.2.3403.2,~~ 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 .~~ 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 rendering of efficient governmental services 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. 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.

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**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.~~

**Commented [LDI159]:** Language clarified.

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 4E.
- ~~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~~ Districts, all equipment, machinery and facilities not located within an enclosed building shall be adequately screened in accordance with the requirements of Section 701745, Landscaping.
- 4. See Section 431.34531.50 for specific standards applicable to Solid Waste Management Facilities.

**Commented [LEA160]:** Will address wind turbines in Phase 2.

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~~531.55. 703.2.30. Vending, Soliciting and Peddling.~~~~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~~

**Commented [LDI161]:** Section 703.2.30 should be moved to the county code of ordinances

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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

**~~400.39.531.56.~~ 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 715701](#). 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.

**~~400.39.531.57.~~ 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 displaying 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)

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~~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.

**Commented [LDI165]:** Address in development compatibility (Ph 2)

~~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 745701.3.~~

~~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.~~

**Commented [LDI166]:** Residential, Retail, Eating Est, and MH standards moved to those specific sections in this chapter.

#### ~~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 Flooding P~~roofing Non-Residential Structures ~~Buildings Manual.~~"

~~704.77. Wild and Exotic Animals. (See Section 726—Wild and Exotic Animals.)~~

Section 532. to 539. ReservedSection 533. to 539. Reserved [THESE WILL BE DELETED LATER]Section 534. to 539. ReservedSection 535. to 539. ReservedSection 536. to 539. ReservedSection 537. to 539. ReservedSection 538. to 539. ReservedSection 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 542.3723.3.3 of this Code.
- D. ~~723.2.4.~~ Visual Emissions: Manatee County Air Regulations.
- E. ~~723.2.5.~~ Glare: Subsection 542.5723.3.5 of this Code.
- F. ~~723.2.6.~~ Humidity, Heat and Cold: Subsection 542.6723.3.6 of this Code.

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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 ~~40-D-94~~

~~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 4~~

Frequency (cycles per second)	Commercial and Light Manufacturing Zoning Districts	Heavy Manufacturing and	All Other Zones
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		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 806709 (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

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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 723.3.7.4~~ 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~~ 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

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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~~uilding ~~P~~ermit 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 723.3.7.4](#), 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 10D94](#). 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.

- ~~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.
- ~~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-04-6705-279, 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-05-27904-67, 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.

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- E. ~~1302.1.5. Sidewalk Location.~~** Projects with at least twenty-five (25) percent affordable units ~~shall be 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 710.~~
  - ~~2. 1302.1.5.2.~~ ~~In instances where sidewalk extensions would otherwise be required by Section 722.1.4.4,~~ 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~~ ~~ousing.~~
- ~~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

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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 ~~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;

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2. ~~b.~~ Provide payment to the Housing Trust Fund in an amount established by the Board;
  3. ~~e.~~ Provide an innovative replacement contributions meeting the requirements of [Section 545.4.B1304.2](#).
  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 444545.4.A1304.4](#) 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.11107.3.1](#) (Use of Nonconforming Lots for Affordable Housing) ~~and Section 702.6.6.1 Side 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 31107.1.3.1 through 1107.1.3.3](#).

**~~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.

**Commented [LDI167]:** This sentence moved here from 702.6.6