

## ORDINANCE 20-05

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 2, DEFINITIONS, TO PROVIDE DEFINITIONS FOR “FREE STANDING EMERGENCY DEPARTMENT” OR “FSED”; AMENDING CHAPTER 4, ZONING, BY ADDING “FREE STANDING EMERGENCY DEPARTMENT” AS A USE IN SPECIFIED ZONING DISTRICTS IN SECTION 401.2, SCHEDULE OF USES, TABLE 4-2 - USES IN AGRICULTURE AND RESIDENTIAL DISTRICTS, TABLE 4-3 - USES IN NON-RESIDENTIAL DISTRICTS, AND SECTION 402.5 SCHEDULE OF USES FOR PD DISTRICTS, TABLE 4-12 - SCHEDULE OF USES FOR PLANNED DEVELOPMENT (PD) DISTRICTS; AMENDING CHAPTER 5 - PART IV - STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES, BY ADDING A NEW SECTION 531.62 FREE STANDING EMERGENCY DEPARTMENT (FSED), AND PROVIDING STANDARDS FOR FREE STANDING EMERGENCY DEPARTMENTS; AMENDING CHAPTER 10, TRANSPORTATION MANAGEMENT, TO PROVIDE THE NUMBER OF VEHICULAR PARKING SPACES REQUIRED FOR FREE STANDING EMERGENCY DEPARTMENTS IN SECTION 1005.3 AND TABLE 10-2: PARKING RATIOS; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on June 4, 2015, the Board enacted Ordinance No. 15-17 amending and restating the Manatee County Land Development Code (the “Land Development Code”) which has been subsequently amended; and

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

**WHEREAS**, the Manatee County Planning Commission has been duly designated in Section 301 of the Land Development Code as the Local Planning Agency of the County; and

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

**WHEREAS**, Section 301.1.D. of the Land Development Code authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code; and

**WHEREAS**, the Planning Commission, acting in its capacity as the County’s Local Planning Agency, has been presented with proposed LDCT Amendment 19-03/Ordinance 20-05, incorporated by referenced into this Ordinance; and

**WHEREAS**, the Planning Commission acted in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on March 12, 2020, in accordance with Section 341.2 of the Land Development Code and to receive public comment; and

**WHEREAS**, the Planning Commission, acting in its capacity as the Local Planning Agency, at the March 12, 2020 public hearing, found the privately-initiated LDC Text Amendment 19-03/Ordinance 20-05 to be consistent with the Manatee County Comprehensive Plan (“the Comprehensive Plan”) and recommended that the Board of County Commissioners adopt the LDC Text Amendment 19-03/Ordinance 20-05 into the Land Development Code of the County; and

**WHEREAS**, the Board held four (4) adoption public hearings on April 2, 2020, May 7, 2020, May 12, 2020 and June 4, 2020, to receive public comments and consider the recommendation of the Planning Commission as to the proposed LDC Text Amendment 19-03/Ordinance 20-05; and

**WHEREAS**, the Board has found and determined that the adoption of the proposed LDC Text Amendment 19-03/Ordinance No. 20-05 will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the County and thus will serve a valid public purpose.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida;

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in the “Community Planning Act”, codified as Chapter 163, Part II, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

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

- (a) The findings set forth in the recitals to this Ordinance are true and correct.
- (b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on March 12, 2020, to consider LDC Text Amendment 19-03 and found the LDC Text Amendment to be consistent with the Comprehensive Plan, and recommended that the Board adopt the LDC Text Amendment into the Land Development Code of the County.

Section 3. Adoption of the Land Development Code Text Amendment. The Land Development Code Text Amendment attached to this Ordinance and incorporated herein as Exhibits A-1 through A-4 is hereby adopted as Amendments to the Land Development Code of the County. The Land Development Code Text Amendment shall consist of the following Chapters and Sections of the Land Development Code as set forth in the following four (4) Exhibits:

- (a) Chapter 2, DEFINITIONS (Exhibit A-1);
- (b) Chapter 4, ZONING (Exhibit A-2);
- (c) Chapter 5, STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES (Exhibit A-3); and
- (d) Chapter 10, TRANSPORTATION MANAGEMENT (Exhibit A-4).

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

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

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance, or other provision of the Land Development Code Text Amendment contained within Application LDCT-19-03 shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, or the LDC Text Amendment, as the case may be.

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

**PASSED AND DULY ADOPTED** with a quorum present and voting, this 12th day of May 2020.

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

BY: \_\_\_\_\_  
**Betsy Benac, Chairman**

**ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

BY: \_\_\_\_\_  
**Deputy Clerk**

**EXHIBIT “A-1”  
ORDINANCE 20-05**

**Chapter 2 – DEFINITIONS**

**Section 200** – Definition. To include the following “new” definition:

*Free-Standing Emergency Department, or FSED shall mean an offsite emergency department of a hospital licensed under Ch. 395, Florida Statutes.*

## EXHIBIT “A-2” ORDINANCE 20-05

### Chapter 4 – ZONING

Table 4-2 – Uses in Agriculture and Residential Districts									
Land Use	See Sec #	CON	A	A-1	RSF	RSMH	RDD	RMF	VIL
<b>COMMERICAL - SERVICES</b>									
Banking: Bank	--	X	X	X	X	X	X	X	P
Banking: Bank/Drive-Through	531.16	X	X	X	X	X	X	X	P
Bed and Breakfast	531.7	X	P	SP	SP	X	P	P	P
Business Services	--	X	X	X	X	X	X	X	P
Printing, Medium	--	X	X	X	X	X	X	X	P
Printing, Small	--	X	X	X	X	X	X	X	P
Car Wash: Full Service	531.10	X	X	X	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	X	X	X	X	X	SP
Car Wash: Self-Service	531.10	X	X	X	X	X	X	X	P
Clinics	--	X	X	X	X	X	X	X	P
Equipment sales, rental, leasing, storing & repair – heavy	531.18	X	P	SP	X	X	X	X	P
Construction Equipment	531.18	X	X	X	X	X	X	X	SP
Equipment sales, rental, leasing, storing & repair – light	--	X	P	SP	X	X	X	X	P
Food Catering Service Establishment	531.21	X	X	X	X	X	X	X	X
Free Standing Emergency Department (FSED) <sup>3</sup>	531.62	X	X	X	X	X	X	X	X
Funeral Chapel	531.22	X	P	P	SP	SP	SP	SP	P

P = Permitted (see Section 315); SP = Special Permit (see Section 316);

P/SP = Special Permit required as specified in Chapter 5 or elsewhere in this Code; X = Not Permitted

<sup>1</sup> Acute medical facilities are not allowed within the Coastal Evacuation Area, as defined in the Comprehensive Plan.

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

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

**Table 4-3: Uses in Non-Residential Districts**

<b>COMMERCIAL - SERVICES</b>											
<b>Land Use</b>	<b>See Sec.#</b>	<b>PR</b>	<b>NC</b>	<b>GC</b>	<b>MX</b>	<b>HC</b>	<b>RVP</b>	<b>LM</b>	<b>HM</b>	<b>EX</b>	<b>MP-1</b>
Bed and Breakfast	531.7	P	P	X	X	X	X	X	X	X	P
Business Services	--	P	P	P	P	P	X	P	X	X	P
Printing, Medium	--	X	X	P	P	P	X	P	X	X	X
Printing, Small	--	P	P	P	P	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	P	P	P	X	P	X	X	X
Car Wash: Incidental	531.10	X	P	P	P	P	X	P	X	X	X
Car Wash: Self-Service	531.10	X	X	P	P	P	X	P	X	X	X
Clinics	--	P	P	P	P	P	X	X	X	X	P
Equipment sales, rental, leasing, storing & repair – heavy	531.18	X	X	P	P	P	X	P	X	X	X
Construction Equipment	531.18	X	X	SP	SP	P	X	P	P	X	X
Equipment sales, rental, leasing, storing & repair – light	--	X	X	P	P	P	X	P	P	X	X
Food Catering Service Establishment	531.21	X	P	P	P	P	X	P	X	X	X
Free Standing Emergency Department (FSED) <sup>4</sup>	531.62	X	X	X/P <sup>2</sup>	X	X	X	X	X	X	X
Funeral Chapel	531.22	P	P	P	P	P	X	X	X	X	X

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

<sup>1</sup> Acute medical facilities are not allowed within the Coastal Evacuation Area, as defined in the Comprehensive Plan.

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

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

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

**Table 4-12: Schedule of Uses for PD Districts**

**COMMERCIAL - SERVICES**

Land Use		PDR	PDO	PDC	PD RP	PDI	PDPI	PD W	PDM U	PDR V	PDM H	PDGC	PDA	PDEZ
Bed and Breakfast	531.7	P	X	P	X	X	X	P	P	X	X	X	P	X
Business Services	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Printing, Medium	--	X	X	P	X	P	X	X	P	X	X	X	X	X
Printing, Small	--	X	P	P	X	P	X	X	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Self-Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Clinics	--	X	P	P	X	X	P	X	P	X	X	X	X	X
Equipment sales, rental, leasing, storing & repair – heavy	531.18	X	X	P	X	P	X	X	P	X	X	X	X	P
Construction Equipment	531.18	X	X	P	X	P	P	X	P	X	X	X	X	X
Equipment sales, rental, leasing, storing & repair – light	--	X	X	P	X	P	X	X	P	X	X	X	X	
Food Catering Service Establishment	531.21	X	X	P	X	P	X	X	P	X	X	X	X	X
<u>Free Standing Emergency Department (FSED)</u> <sup>5</sup>	<u>531.62</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Funeral Chapel	531.22	X	P	P	X	X	X	X	P	X	X	X	X	X

P = Permitted (see Section 315); SP = Special Permit (see Section 316); P = Permitted; X = Not Permitted

P/SP = Administrative Permit required as specified in Chapter 3 or elsewhere in this Code.

<sup>1</sup> Acute medical facilities are not allowed within the Coastal Evacuation Area, as defined by the Comprehensive Plan.

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

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

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

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

Categories.



**EXHIBIT “A-3”  
ORDINANCE 20-05**

**CHAPTER 5 – STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES,  
PART IV**

**Section 530 General**

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**Section 531 Standards for Specific Uses**

**531.62 Free Standing Emergency Department (FSED)**

The following standards shall apply to any new Free Standing Emergency Department any expansion to an existing Free Standing Emergency Department.

- A. The FSED use is only permitted within the Retail, Office, Residential (ROR) and Mixed Use (MU) Future Land Use Categories.
- B. No such use shall be established except in a project located adjacent to right-of-way classified as a collector or higher on the Roadway Functional Classification Map.
- C. If the proposed FSED property is located on an Urban Corridor and is zoned General Commercial (CG), the approval process is administrative. The project is required to meet all standards of LDC Section 902 – Urban Corridor Design Standards, General Commercial zoning district standards, and LDC Section 531.62.
- D. If the proposed FSED property is zoned Planned Development-Commercial (PDC) or Planned Development-Mixed Use (PDMU) and the FSED use was identified on the Board approved Preliminary Site Plan, the approval process is administrative. The project is required to meet all stipulations contained within the original zoning ordinance and LDC Section 531.62.
- E. If the proposed FSED property is zoned Planned Development-Commercial (PDC) or Planned Development-Mixed Use (PDMU) and the FSED use was not identified on the Board approved Preliminary Site Plan, the approval process will require that an amended Preliminary Site Plan be part of a public hearing process. In addition to other approval process requirements, the project must show compliance with LDC Section 531.62.
- F. Ambulance entrances and loading areas shall not be located in a yard abutting residentially zoned or uses properties.
- G. No heliport or helistop shall be allowed.
- H. No outdoor speakers shall be permitted.
- I. A FSED may operate 24 hours per day, 7 days per week.

- J. All required generators shall be enclosed with a solid wall except for the roof, and be two feet higher than the height of the generator to decrease noise impacts.

**EXHIBIT “A-4”  
ORDINANCE 20-05**

**CHAPTER 10 – TRANSPORTATION MANAGEMENT**

**Section 1005 Off-Street Parking**

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**Section 1005.3 Number of Vehicular Parking Spaces Required**

- A. **Minimum Parking Requirements.** The minimum required number of off-street parking spaces shall be in accordance with Table 10-2, Parking Ratios. Handicap parking spaces shall be provided in accordance with F.S. Section 316.1955, Americans with Disabilities Act and shall be counted as part of the total parking space requirement.

**Table 10-2: Parking Ratios**

Use	Space/Sq. Ft. or Unit of Measure	Notes
<b><i>Commercial Uses:</i></b>		
Services:		
Banking:		
Automatic Teller		4
Bank	1/300 GFA	18
Bank/Drive-Through	1/300 GFA	5
Business Services		8
Health Services:		
Professional Office	1/400 GFA	18
Clinic	1/250 Gross Office Area	
Veterinary Clinic	1/400 Gross Office Area	
Hospitals	1.5/Patient Bed (No Maximum)	18
<u>Free Standing Emergency Department</u>	<u>1/350 GFA</u>	
Medical and Dental Laboratories	1/250 GFA	
Medical and Dental Office	1/250 GFA	
Nursing Home	1/Two Beds	

GFA = Gross Floor Area