

**LDCT-22-02/ORDINANCE 22-26
COUNTY INITIATED LAND DEVELOPMENT CODE TEXT AMENDMENT -
AGRITOURISM**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE LAND DEVELOPMENT CODE BY ADDING AGRITOURISM TO CHAPTER 2, SECTION 200, DEFINITIONS; ADDING AN EXCEPTION RELATED TO AGRITOURISM TO CHAPTER 5 STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES, SECTION 521.10, TENTS; AND ADDING A NEW AGRITOURISM SECTION TO CHAPTER 5 STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES, SECTION 521.12, AGRITOURISM; 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.

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

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. It is in the interest of the public health, safety and welfare to adopt the amendments set forth in this Ordinance (LDC Text Amendments) amending the Land Development Code to add a definition for Agritourism consistent with the Florida Statutes and to address substantial off-site impacts and emergencies as provided in Chapter 252, Florida Statutes.

2. The Manatee County Planning Commission has been duly designated in Section 301, Land Development Code as the Local Planning Agency of the County.

3. 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.

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

5. The Planning Commission acting its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on September 8, 2022, and as a result of a 3-3 vote, no recommendation was made to the Board as to the proposed LDC Text Amendment.

6. The Board held two (2) duly noticed and advertised public hearings on September 22, 2022, October 6, 2022 as continued to October 20, 2022 to receive public comments and consider the record before the Planning Commission, as to the LDC Text Amendments.

7. The adoption of the LDC Text Amendments will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the County and thus will serve a valid public purpose.

Section 3. Adoption of the Land Development Code Text Amendment.

The proposed LDC Text Amendments attached to this Ordinance and incorporated herein as Exhibit "A" are hereby adopted as Amendments to the Land Development Code of the County. The LDC Text Amendments shall consist of the following Chapters and Sections of the Land Development Code as set forth in the Exhibit "A:"

- (a) Chapter 2, Definitions, Section 200, Definitions; and
- (b) Chapter 5, Standards for Accessory and Specific Uses and Structures, Section 521, Temporary Uses Allowed, Section 521.10, Tents, clarifying that a building permit for 900 sq ft or greater tents associated with all agritourism activities is still required; and adding a new Section 521.12, Agritourism.

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

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

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

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

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 20th day of October 2022.



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

By: 
Kevin Van Ostenbridge, Chairperson

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court and Comptroller

By: 
Deputy Clerk

EXHIBIT A

Chapter 2

200 - Definitions.

[...]

Agricultural Uses shall mean activities such as aquaculture, silviculture, livestock and poultry raising, cattle and animal grazing, cultivation crops and other commercial production for sale to others, including apiculture, aquaculture, floriculture, groves and orchards, horticulture, pasturing of animals, training or instruction of animals, sod farming, tree farming, viticulture, on-farm composting and similar activities.

Preparation (sorting, washing, packing) and shipping or sale of value added goods made using products produced onsite shall be considered an agricultural use. Stables or Equestrian Centers, Public or Private, are deemed to be agricultural uses.

Agricultural Uses, Short Term shall mean temporary agricultural uses projected to transition to another land use in the future. For the purpose of this Code, the term Short-Term Agricultural Uses shall not include confined feedlot operations, poultry farms and similar establishments used for the housing, exhibiting, displaying or keeping of Class I or II type wildlife as defined in Rule 68A-6.002, FAC).

[Agritourism shall mean the same as the definition of Agritourism Activity, as defined in section 570.86\(1\) Florida Statutes.](#)

Airport

Aeronautical Study shall mean a Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C, and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration on the operation of air navigation facilities and the safe and efficient use of navigable airspace.

[...]

Chapter 5 - STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES

PART III. STANDARDS FOR TEMPORARY USES

Section 521. Temporary Uses Allowed.

[...]

521.10. - Tents.

A. Tents may only be used in conjunction with permitted temporary uses. Tents, 900 square feet or greater, used in conjunction with agritourism activities are not exempt from obtaining a building permit.

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

C. An inspection by Manatee County and applicable fire districts(s) shall be required upon setting up of the tent and prior to allowing the public to enter. The plan shall indicate the proposed capacity and sufficient egress to accommodate the proposed capacity.

[...]

521.12. Agritourism.

Agritourism is allowed on all properties that have a bona fide farm operation, as defined in Florida Statutes. The purpose of this regulation is to provide Manatee County the ability to address substantial off-site impacts and emergencies as provided in chapter 252, Florida Statutes, of agritourism activities, consistent with Florida Statutes.

A. The agritourism activity shall not cause substantial off-site impacts on the surrounding properties (i.e. large crowds, noise, and traffic not commonly associated with a bona fide farm operation). Vehicular activity shall not cause a substantial impact to the operational and safety performance of the agritourism site access and nearby intersections.