



MANATEE COUNTY FLORIDA

January 5, 2017

Department of Economic Opportunity
Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399-2100

RE: Plan Amendment PA-16-04/Ordinance 17-29 fka 16-39 – County Initiated Text Amendment for Large Project – DTS20160309

Dear Mr. Eubanks:

Manatee County hereby submits for review one (1) proposed 2017 plan amendment to the Manatee County Comprehensive Plan. This amendment was approved for transmittal by the Manatee County Board of County Commissioners at a public hearing session held on January 5, 2017. A second public hearing shall be held within 180 days after the receipt of comments from the State Land Planning Agency.

Future Land Use Text Amendment:

Transmittal of an Amendment to the Manatee County Comprehensive Plan providing for a Text Amendment to the Future Land Use and Traffic Sub-Elements to allow General Development Plans meeting “large project” standards the option to request a Certificate of Level of Service for Concurrency and to amend department names.

Enclosed are three (3) copies (2 CD’s, 1 hard copy) of the Comprehensive Plan amendment and supporting documents, data and analysis, and one copy of each item as specified under Florida Statute 163.314(4)(b) and transmitted in accordance with Florida Statute 163.3184(3)(b)1, for review by the Department of Economic Opportunity.

Manatee County requests an “Expedited Review” of this amendment by all State agencies as outlined in Florida Statute 163.3184(3)(b)1. This amendment package has also been transmitted to the Florida Department of Environmental Protection, Southwest Florida Water Management District, Florida Department of Transportation, Tampa Bay Regional Council, Department of State, Bureau of Historic Preservation, Florida Fish & Wildlife Conservation Commission and Department of Agriculture & Consumer affairs.

Board of County Commissioners
1112 Manatee Avenue West, Bradenton, FL 34205
www.myanatee.org * Phone: 941.745.3700 * FAX: 941.745.3790

The proposed amendment is not being adopted pursuant to joint planning agreement nor is the amendment located within an area of critical state concern or Resource Planning and Management Area.

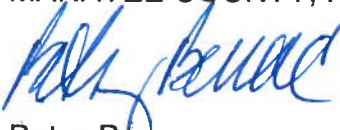
Any questions you may have concerning the proposed plan amendment may be directed to Kathleen Thompson, AICP, at the address, telephone number, or e-mail listed below.

Manatee County Building and Development Services Department
Attn: Kathleen Thompson, AICP, Planning Manager
Comprehensive Planning Division/Public Hearings
1112 Manatee Avenue West, 5th Floor
Bradenton, FL 34205
Telephone: (941) 748-4501, ext. 6841
Kathleen.thompson@mymanatee.org

Thank you for your assistance and cooperation.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA



Betsy Benac,
Chairman

Enclosures

January 5, 2017 - Land Use Meeting
Agenda Item #8

Subject

PA-16-04/Ordinance 17-12 fka 16-39 - County Initiated Text Amendment for Large Projects - DTS20160309
- Legislative - Kathleen Thompson, AICP, Planning Manager

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Presenter:

Kathleen Thompson, AICP, Planning Manager,

941-748-4501 ext. 6841

Contact:

Bobbi Roy, Planning Coordinator, 941-748-4501 ext. 6878

APPROVED in Open Session
January 5, 2017
Manatee County Board of County
Commissioners

Action Requested

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the public hearing, the action of the Planning Commission, the technical support documents, and finding the request to be consistent with the Community Planning Act, as codified in applicable portions of Chapter 163, Part II, Florida Statutes, and the Manatee County Comprehensive Plan, I move to Transmit Plan Amendment PA-16-04, as recommended by the Planning Commission.

Enabling/Regulating Authority

Manatee County Comprehensive Plan

Manatee County Land Development Code

Background Discussion

- In 2016, projects presumed to be a development of regional impact no longer have to go through the DRI process if consistent with the Comprehensive Plan.

- Existing DRI's continue to require county, regional and state review.
- Existing DRIs have been allowed to request a Certificate of Level of Service (CLOS) for Concurrency with a General Development Plan (GDP).
- Projects slightly less than a Development of Regional Impact are deemed a "large project" and have to meet all large project standards but are not eligible to request a Certificate of Level of Service with the associated General Development Plan.
- With no more DRI reviews for proposed development that are consistent with the Comprehensive Plan, staff is proposing a General Development Plan that meets "large project" standards be allowed to apply for a CLOS.
- Various department names have been corrected throughout the sections.
- Staff recommends transmittal.
- On December 8, 2016, by a vote of 7 – 0, the Planning Commission recommended transmittal.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Sarah Schenk reviewed and responded by email to Matter 2016-0785 on November 17, 2016.

Reviewing Attorney

Schenk

Instructions to Board Records [1/6/17 QA original letter to Bobbi via interoffice mail](#)

Please forward a copy of the original signed letter of transmittal to Bobbi Roy/Building and Development Services for distribution to the Florida Department of Economic Opportunity.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Staff Report - PA Large Projects - PA-16-04 - Ordinance 16-39.pdf](#)

Attachment: [Newspaper Advertising.pdf](#)

Attachment: [Ordinance 17-12 fka 16-39 - Plan Amendment Large Projects.pdf](#)

Attachment: [Transmittal Letter for DEO for Signature.pdf](#)

B.O.C.C. 1/5/2017

PA-16-04 / ORDINANCE 17-12 fka 16-39
COUNTY INITIATED TEXT AMENDMENT FOR LARGE PROJECTS
DTS20160309

An Ordinance of the Board of County Commissioners of Manatee County; regarding Comprehensive Planning; amending Manatee County Ordinance No. 89-01, as amended, the Manatee County Comprehensive Plan; providing for a Text Amendment to the Future Land Use and Traffic Sub-Elements to allow General Development Plans meeting "large project" standards the option to request a Certificate of Level of Service for Concurrency and to amend department names; providing for a purpose and intent; providing findings; amending provisions of the Comprehensive Plan to preserve internal consistency; providing for severability; and providing for an effective date.

P.C.: 12/8/2016
B.O.C.C.: 1/5/2017 - Transmittal
B.O.C.C.: Adoption

App.Rec.: County Initiated

Type of Amendment: Text

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the public hearing, the action of the Planning Commission, the technical support documents, and finding the request to be consistent with the Community Planning Act, as codified in applicable portions of Chapter 163, Part II, Florida Statutes, and the Manatee County Comprehensive Plan, I move to Transmit Plan Amendment PA-16-04, as recommended by the Planning Commission.

PLANNING COMMISSION ACTION:

On December 8, 2016, by a vote of 7 – 0, the Planning Commission recommended approval.

PUBLIC COMMENT AND CORRESPONDENCE:

There was no public comment and nothing was entered in to the record at the December 8, 2016 Planning Commission public hearing.

PLAN AMENDMENT SUMMARY SHEET

Name: County Initiated Text Amendment

File Number: PA-16-04/Ordinance-16-39

REQUEST: Transmittal of a Text Amendment

BACKGROUND

During the 2016 Florida Legislative Session, effective July 1 2016, a provision of the law amended § Section 380.06(30) Development of Regional Impact (DRI) that removed the requirement for projects presumed to be a development of regional impact from having to go through the DRI process. Existing DRI's continue to require county, regional and state review.

Existing DRIs have been allowed to request a Certificate of Level of Service (CLOS) for Concurrency with a General Development Plan (GDP). The DRI review process was the most in-depth and detailed. Projects that were slightly less than a Development of Regional Impact were deemed a "large project". The LDC Section 349.1 currently lists criteria to determine if a project is considered a "large project". The criteria was typically based on 80% - 120% of the DRI thresholds. Today, a development considered a "large project" has to meet all large project standards but is not eligible to request a Certificate of Level of Service with the associated General Development Plan.

Since there are no more DRI reviews for proposed development that is consistent with the Comprehensive Plan, staff is proposing a GDP that meets "large project" standards be allowed to apply for a CLOS. Water, sewer and educational facilities components of the CLOS will still be issued at the final development stage - not at the general development stage. A Local Developer Agreement (LDA) could be executed to extend the life of the CLOS if necessary.

Various department names have been corrected throughout the sections.

Staff recommends transmittal.

The proposed Comprehensive Plan Amendments are shown in ~~strike-through~~ and underline format as follows:

FUTURE LAND USE ELEMENT

Objective: 2.4.1 **Level of Service And Concurrency:** Require the issuance of a Certificate of Level of Service for all development to ensure that required public facilities and services are available concurrent with development.

Policy 2.4.1.1 As may be permitted by the Land Development Code, the following development orders or approvals may have an option to obtain a Certificate of Level of Service for traffic, mass transit, drainage, solid waste and parks facilities:

- 1) Development of Regional Impact development order, ~~or~~ Florida Quality Development, General Development Plans meeting Large Project standards of the Land Development Code or subsequent amendments thereto.
- 2) Preliminary subdivision plat approval, or equivalent development order.
- 3) Preliminary development plan, or equivalent development order.
- 4) Preliminary site plan, or equivalent development order.

The potable water, educational facilities and sanitary sewer components of concurrency will be reserved according to Policy 2.4.1.2.

Any development order that is applied for and that may be issued prior to requesting one or more development orders for the activities listed above (1 through 4) may be approved (where consistent with the goals/objectives/policies of this Comprehensive Plan and where consistent with all other applicable development regulations) without the simultaneous issuance of a Certificate of Level of Service Compliance.

The educational facilities component of concurrency may be valid a maximum of five years unless an extended term is granted pursuant to a Development Agreement. In no instance shall the term of the educational facilities component exceed the Certificate of Level of Service Issued by affected local government.

TRAFFIC SUB-ELEMENT

Policy: 5.1.2.3 Implement the "current year" level of service (infrastructure)

standard, or policy, for each functionally-classified roadway segment currently existing or scheduled for completion during the first year of the capital improvement program within the Capital Improvements Element of this Comprehensive Plan. These infrastructure standards may be revised annually to reflect the impact of improvements programmed for the current fiscal year, or be revised to reflect a change in the development character of an area from rural to urban. Where a project constituting a Development of Regional Impact, a Florida Quality Development (FQD) or a General Development Plan meeting Large Project standards of the Land Development Code is proposed, Manatee County may permit the use of a peak hour Level of Service Standard of "D" for traffic impact studies associated with the DRI, FQD or GDP meeting large project standards of the Land Development Code, on a roadway whose current year standard is (peak hour) "C", if the approval of the project constitutes a rural to urban change in land uses, and if a plan amendment changing the peak hour standard from "C" to "D" is approved simultaneous with the adoption of a DRI, FQD or GDP meeting large project standards development order.

- a) Implementation of Policies 5.1.2.1, 5.1.2.2, and 5.1.2.3 in a manner consistent with this policy.
- a) Level of Service Compliance review, and issuance of a Certificate of Level of Service Compliance by the Planning Public Works Department, where appropriate.

Policy: 5.2.3.2

Permit consideration of local development agreements that define and schedule specific roadway facilities to be improved by the developer of a project approved as a Development of Regional Impact (DRI), FQD, or General Development Plan meeting large project standards of the Land Development Code pursuant to Ch. 380, F.S. ~~As used in this policy the term local development agreements may include a DRI development order issued pursuant to s.380.06(15), F.S.~~ Where traffic impacts analyzed during review of the Development of Regional Impact, FQD or General Development Plan meeting large project standards of the Land Development Code, also:

cause the violation of adopted Level of Service Standards on certain roadways not to be improved under a local development agreement, or cause increased traffic volumes on roadways not to be improved under a local development agreement, and already in violation of adopted Level of Service Standards, then any local development agreement providing for improvements funded by a developer shall also contain best possible guarantees that necessary improvements are scheduled to all other roadways on which

the DRIs, FQDs or GDP's meeting large project standards of the Land Development Code impacts are analyzed, and that are projected to exhibit a violation of adopted Level of Service Standards. Best possible guarantees for funding these other scheduled improvements shall also be identified in the local development agreement.

Best possible scheduling and funding guarantees may include Florida Department of Transportation commitments to the improvements within the first three years of the adopted 5-year work program, other local government programming of construction of the improvements within the first three years of the adopted 5-year capital improvements program, Manatee County's inclusion of construction of the improvements in the first three years of the adopted 5-year capital improvements program, or completion of improvements pursuant to another local development agreement.

The sole intent of this policy is to facilitate and provide incentives for appropriate development to occur as a Development of Regional Impact, Florida Quality Development or General Development Plan meeting large project standards of the Land Development Code where such development has paid for a fair share of needed infrastructure within Manatee County.

Implementation Mechanism:

- a) Local development agreements negotiated ~~as part of~~ to provide mitigation required pursuant to a development order issued for a Development of Regional Impact, a Florida Quality Development or a General Development Plan meeting large project standards of the Land Development Code. ~~pursuant to s.380.06(15), F.S.~~

#####

CORRECT DEPARTMENT NAME

Policy: 2.4.1.6

Implementation Mechanism:

- a) Building and Development Services Department review of all applications for building permits to verify the existence of a valid Certificate of Level of Service Compliance for that

Policy: 5.1.1.1

Implementation Mechanism:

- a) Manatee County Planning and Development Services and Building and Public Works

Departments maintenance of the Future Traffic Circulation Map Series pursuant to this policy and implementation of the map series requirements through adoption and implementation of land development regulations consistent with this policy.

Policy: 5.1.1.3

Implementation Mechanism:

- a) Coordination between Manatee County [Planning Building and Development Services](#) and Public Works Departments to effectuate this policy.

Policy: 5.1.1.4

Permit the update of the Existing Roadway Functional Classification Map, when appropriate, through an administrative procedure established by, and administered by authorized personnel within the Manatee County [Planning Building and Development Services](#) Department. The administrative procedure shall include the notification of, and approval by, the Board of County Commissioners of the updated functional classification of a roadway to the Board of County Commissioners.

###

Implementation Mechanism(s):

- a) Manatee County [Planning Building and Development Services](#) Department procedures consistent with this policy.
- b) Manatee County Public Works Department participation in any administrative procedure established under this policy.

Policy: 5.1.1.5

Implementation Mechanism:

- (a) Manatee County [Planning Building and Development Services](#) Department review of proposed projects for compliance with this policy.

Policy: 5.1.1.8

Implementation Mechanism:

- a) Manatee County [Planning Building and Development Services](#) Department coordination with the MPO, FDOT, and Public Works Department to review or prepare proposed amendments to the Future Traffic Circulation Maps, including review for consistency with the Comprehensive Plan Elements.

Policy: 5.1.2.4

- b) Manatee County [Planning Building and Development Services](#) Department use of Florida

Department of Transportation Level of Service software and/or tables to derive peak hour maximum service traffic volumes for maintaining adopted level of service.

Policy: 5.2.1.2

Implementation Mechanism:

- a) Planning Building and Development Services and Public Works Departments study and proposal of amendments to the Traffic Circulation Map Series consistent with this policy.

Policy: 5.2.1.5

Implementation Mechanism(s):

- a) Update as needed, by the Manatee County Planning Building and Development Department and Public Works Departments, of the Future Traffic Circulation: Rights of Way Needs Map (Map 5C), a Rights-of Way Needs Table (Table 5.1), Existing Roadway Functional Classification Map (Map 5A), and land development regulations consistent with this policy.

Policy: 5.2.1.6

Implementation Mechanism:

- a) Manatee County Planning Building and Development Services and Public Works Departments maintenance of land development regulations consistent with this policy.

Policy: 5.2.2.1

Implementation Mechanism:

- a) Manatee County Planning Building and Development Services Department and Public Works Departments review of all proposed projects for compliance with the location and right-of-way requirements referenced in this policy, where applicable.

Policy: 5.2.2.3

Implementation Mechanism(s):

- a) Coordination between the Manatee County Public Works, Building and Development Services Department and the Planning Department, and the Florida Department of Transportation to recommend, as necessary,

Policy: 5.2.2.5

Implementation Mechanism:

- a) Coordination between the Planning Department Building and Development Services and Public Works Departments to recommend development

order conditions addressing access to ensure compliance with this policy.

Policy: 5.2.2.6

b) Issuance of negative recommendations by the ~~Planning Department or~~ Building and Development Services Department for either:

Policy: 5.2.2.8

Implementation Mechanism:

a) Review by the Manatee County Public Works and the Planning Building and Development Services Departments to ensure consistency with this policy, and recommendations to the Board of County Commissioners, as required by this policy.

Policy: 5.2.2.11

Implementation Mechanism:

a) Review by the ~~Planning Department~~ Building and Development Services and ~~the~~ Public Works Departments of the proposed circulation patterns.

Policy: 5.2.2.12

Implementation Mechanisms:

- a) Coordinated review of development proposals by the Planning Building and Development Services and Public Works Departments.
- b) Amendment to the Land Development Code to implement policy.

Policy: 5.2.3.1

Implementation Mechanism:

a) Level of Service Compliance review, and issuance of a Certificate of Level of Service Compliance by the Planning Public Works Department, where appropriate.

Policy: 5.2.3.3

Implementation Mechanism:

a) Planning, Building and Development Services, Financial Management and Public Works Departments coordination to develop ordinance.

ATTACHMENTS:

- Consistency with Florida Statutes and State Comprehensive Plan
- Newspaper Advertising
- Ordinance 17-12 fka 16-39
- Transmittal Letter for Department of Economic Opportunity.

ATTACHMENT 1

**CONSISTENCY OF THE LOCAL COMPREHENSIVE PLAN AMENDMENT
WITH FLORIDA STATUTES**

Plan Amendment PA-16-04 (Ordinance 16-39)

The proposed amendment is consistent with
Chapter 163, Part II, Florida Statutes

163.3184 Process for adoption of comprehensive plan or plan amendment states “in compliance” means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245 and 163.3248

163.3177 Required and optional elements of comprehensive plan;
studies and surveys

This plan amendment request maintains the structure of the Comprehensive Plan.

163.3178 Coastal Management

This plan amendment request maintains the structure of the Comprehensive Plan.

163.3180 Concurrency

This plan amendment request maintains the structure of the Comprehensive Plan.

163.3191 Evaluation and appraisal of comprehensive plan

The county has determined there is no need to amend the Comprehensive Plan through the Evaluation and Appraisal process (December 2013).

163.3245 Sector plans

There are no sector plans established at this time.

163.3248 Rural Land Stewardship areas

There are no Rural Land Stewardship areas established at this time.

All State goals and policies taken from Section 187.201, Florida Statutes.

The proposed amendment is consistent with the following goals and policies of the State Comprehensive Plan:

187.201 (25)(b)(1)

HERALD-TRIBUNE MEDIA GROUP
PUBLISHED DAILY
MANATEE COUNTY, FLORIDA

Bobbi Roy
Manatee County Planning Dept.
1112 Manatee Ave. W., 4th. flr.
Bradenton, FL 34205

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED SHARI BRICKLEY, WHO ON OATH SAYS SHE IS ADVERTISING DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN CHARLOTTE COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

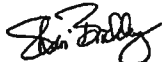
Plan Amendment PA 16-04

IN THE COURT WAS PUBLISHED IN MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

December 21, 2016

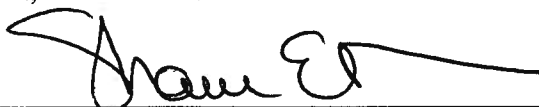
AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED _____

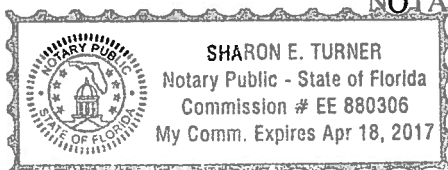


SWORN TO AND SUBSCRIBED BEFORE ME THIS 21 DAY OF DECEMBER 2016 A.D., BY SHARI BRICKLEY WHO IS PERSONALLY KNOWN TO ME.

(SEAL) _____



NOTARY PUBLIC



NOTICE OF LAND USE CHANGE

Official Actions Will Affect and Regulate Use of Real Property in Unincorporated Manatee County - Notice to Real Property Owners and General Public.

The Manatee County Board of County Commissioners will hold a public hearing to consider the transmittal of the following amendments to the Manatee County Comprehensive Plan. The amendments pertain to the unincorporated area of Manatee County. At the conclusion of the public hearing the Board of County Commissioners shall determine whether to transmit, transmit with modifications or not transmit the amendments to the Manatee County Comprehensive Plan.

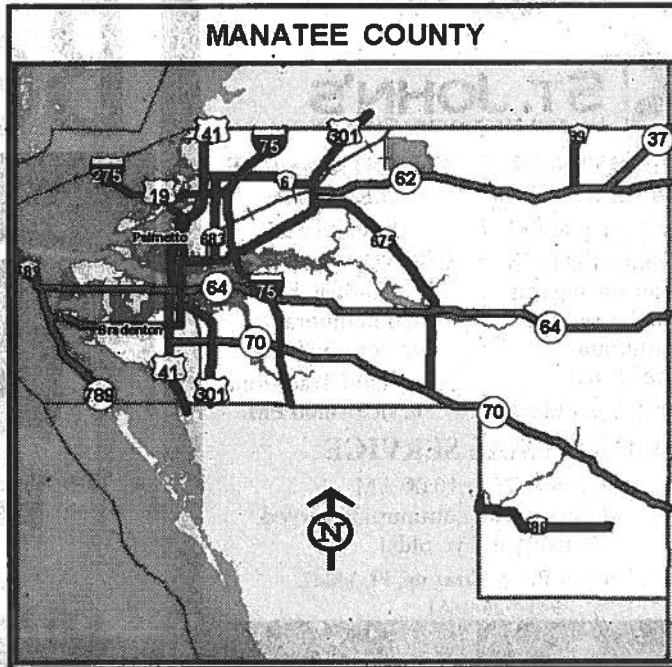
Date: Thursday, January 5, 2017
Time: 9:00 a.m., or soon thereafter
Place: Manatee County Government Administrative Center
1112 Manatee Ave. West; Board Chambers (1st Floor)

PLAN AMENDMENT PA-16-04 / ORDINANCE 17-12 fka 16-39 LARGE PROJECTS

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY; REGARDING COMPREHENSIVE PLANNING; AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO THE FUTURE LAND USE AND TRAFFIC SUB-ELEMENTS TO ALLOW GENERAL DEVELOPMENT PLANS MEETING "LARGE PROJECT" STANDARDS THE OPTION TO REQUEST A CERTIFICATE OF LEVEL OF SERVICE FOR CONCURRENCY AND TO AMEND DEPARTMENT NAMES; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

PA-16-05 / ORDINANCE 17-13 fka 16-41 COUNTY INITIATED TEXT AMENDMENT EDUCATIONAL FACILITIES (DTS# 20160488)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY; REGARDING COMPREHENSIVE PLANNING; AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT AND PUBLIC SCHOOL FACILITIES ELEMENT TO CLARIFY WHAT FUTURE LAND USE DESIGNATIONS PUBLIC SCHOOLS ARE ALLOWED TO BE LOCATED IN; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Board of County Commissioners to consider.

Please Send Comments To: **Manatee County Building and Development Services Department**
Attn: Agenda Coordinator
1112 Manatee Ave. West, 4th Floor
Bradenton, FL 34206
planning.agenda@mymanatee.org

All written comments will be entered into the record.

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 748-4501, Ext. 6878, between 8:00 AM and 5:00 PM.

Americans with Disabilities: The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 second; FAX 745-3790.

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

BRADENTON HERALD

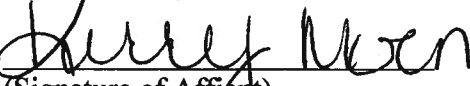
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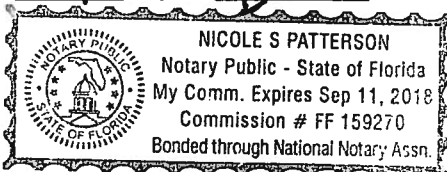
STATE OF FLORIDA
COUNTY OF MANATEE


Before the undersigned authority personally appeared Kerry Moen, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter **Notice of Meeting, Ordinance 17-12 fka 16-39 & 17-13 fka 16-41, Manatee County** was published in said newspaper in the issue(s) **12/21/16**.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
21 Day of Dec, 2016




SEAL & Notary Public

Personally Known OR Produced Identification
Type of Identification Produced

NOTICE OF LAND USE CHANGE

Official Actions Will Affect and Regulate Use of Real Property in Unincorporated Manatee County – Notice to Real Property Owners and General Public.

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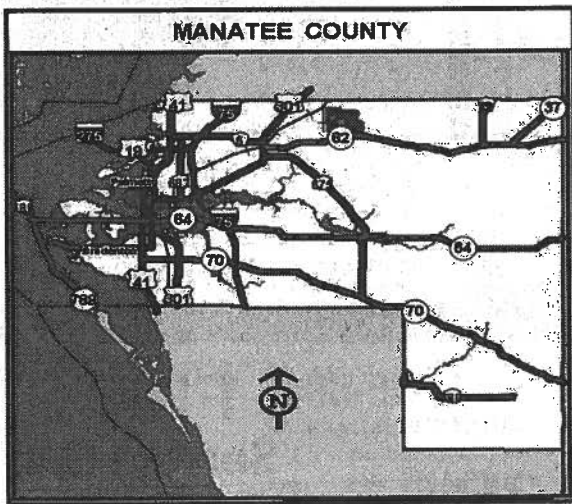
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PLAN AMENDMENT PA-16-04 / ORDINANCE 17-12 fka 16-39 LARGE PROJECTS

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY; REGARDING COMPREHENSIVE PLANNING; AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO THE FUTURE LAND USE AND TRAFFIC SUB-ELEMENTS TO ALLOW GENERAL DEVELOPMENT PLANS MEETING "LARGE PROJECT" STANDARDS THE OPTION TO REQUEST A CERTIFICATE OF LEVEL OF SERVICE FOR CONCURRENCY AND TO AMEND DEPARTMENT NAMES; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

PA-16-05 / ORDINANCE 17-13 fka 16-41 COUNTY INITIATED TEXT AMENDMENT EDUCATIONAL FACILITIES (DTS# 20160488)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY; REGARDING COMPREHENSIVE PLANNING; AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT AND PUBLIC SCHOOL FACILITIES ELEMENT TO CLARIFY WHAT FUTURE LAND USE DESIGNATIONS PUBLIC SCHOOLS ARE ALLOWED TO BE LOCATED IN; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Board of County Commissioners to consider.

Please Send Comments To: **Manatee County Building and Development Services Department**
Attn: Agenda Coordinator
1112 Manatee Ave. West, 4th Floor
Bradenton, FL 34206
planning.agenda@mymanatee.org

All written comments will be entered into the record.

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 748-4501, Ext. 6878, between 8:00 AM and 5:00 PM.

Americans with Disabilities: The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 second; FAX 745-3790.

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

ORDINANCE NO. 17-12 fka 16-39

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY; REGARDING COMPREHENSIVE PLANNING; AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO THE FUTURE LAND USE AND TRAFFIC SUB-ELEMENTS TO ALLOW GENERAL DEVELOPMENT PLANS MEETING "LARGE PROJECT" STANDARDS THE OPTION TO REQUEST A CERTIFICATE OF LEVEL OF SERVICE FOR CONCURRENCY AND TO AMEND DEPARTMENT NAMES; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, The Community Planning Act (the "Act") is codified in the applicable portions of Chapter 163, Part II, Florida Statutes (2015) as amended, empowers and requires the County (a) to plan for the county's future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the County; and

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-16-04 initiated by the County is a request for a text amendment to the Future Land Use and Traffic Sub-Elements to allow General Development Plans meeting "Large Project" standards the option to request a Certificate of Level of Service for concurrency and to amend department names, and

WHEREAS, on December 8, 2016, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency for purposes of the Act, considered Plan Amendment PA-16-04; and passed a motion to recommend transmittal of Plan Amendment PA-16-04 to the Board of County Commissioners; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on January 5, 2017, to consider Plan Amendment 16-04 and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and

WHEREAS, the State Land Planning Agency by letter dated [REDACTED], identified no important State resources and facilities within the Department of Economic Opportunity's (DEO) authorized scope of review that would be adversely impacted by Plan Amendment PA-16-04, if adopted; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2015), on [REDACTED], the Board

of County Commissioners held an adoption public hearing, with due public notice having been provided, to consider said proposed amendment to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency and all applicable State or local review agencies; and

WHEREAS, in exercise of said authority, the Board of County Commissioners has determined that the adoption of Plan Amendment PA-16-04 would be consistent with the public interest and encourage the most appropriate use of land, water and resources; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to Chapter 163, Part II, Florida Statutes (2015), and the Plan Format and Administration Section of the Manatee County Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

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 Act, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the Whereas clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Future Land Use and Traffic Sub-Elements, are hereby amended as set forth below with additions indicated by underline and deletions by ~~strike out~~ shall be amended as follows:

FUTURE LAND USE ELEMENT

Objective: 2.4.1

Level of Service And Concurrency: Require the issuance of a Certificate of Level of Service for all development to ensure that required public facilities and services are available concurrent with development.

Policy 2.4.1.1

As may be permitted by the Land Development Code, the following development orders or approvals may have an option to obtain a Certificate of Level of Service for traffic, mass transit, drainage, solid waste and parks facilities:

- 1) Development of Regional Impact development order, ~~or~~ Florida Quality Development, General Development Plans meeting Large Project standards of the Land Development Code or subsequent amendments thereto.
- 2) Preliminary subdivision plat approval, or equivalent development order.

- 3) Preliminary development plan, or equivalent development order.
- 4) Preliminary site plan, or equivalent development order.

The potable water, educational facilities and sanitary sewer components of concurrency will be reserved according to Policy 2.4.1.2.

Any development order that is applied for and that may be issued prior to requesting one or more development orders for the activities listed above (1 through 4) may be approved (where consistent with the goals/objectives/policies of this Comprehensive Plan and where consistent with all other applicable development regulations) without the simultaneous issuance of a Certificate of Level of Service Compliance.

The educational facilities component of concurrency may be valid a maximum of five years unless an extended term is granted pursuant to a Development Agreement. In no instance shall the term of the educational facilities component exceed the Certificate of Level of Service Issued by affected local government.

TRAFFIC SUB-ELEMENT

Policy: 5.1.2.3

Implement the "current year" level of service (infrastructure) standard, or policy, for each functionally-classified roadway segment currently existing or scheduled for completion during the first year of the capital improvement program within the Capital Improvements Element of this Comprehensive Plan. These infrastructure standards may be revised annually to reflect the impact of improvements programmed for the current fiscal year, or be revised to reflect a change in the development character of an area from rural to urban. Where a project constituting a Development of Regional Impact, a Florida Quality Development (FQD) or a General Development Plan meeting Large Project standards of the Land Development Code is proposed, Manatee County may permit the use of a peak hour Level of Service Standard of "D" for traffic impact studies associated with the DRI, FQD or GDP meeting large project standards of the Land Development Code, on a roadway whose current year standard is (peak hour) "C", if the approval of the project constitutes a rural to urban change in land uses, and if a plan amendment changing the peak hour standard from "C" to "D" is approved simultaneous with the adoption of a DRI, FQD or GDP meeting large project standards development order.

- a) Implementation of Policies 5.1.2.1, 5.1.2.2, and 5.1.2.3 in a manner consistent with this policy.
- a) Level of Service Compliance review, and issuance

of a Certificate of Level of Service Compliance by the [Planning Public Works](#) Department, where appropriate.

Policy: 5.2.3.2

Permit consideration of local development agreements that define and schedule specific roadway facilities to be improved by the developer of a project approved as a Development of Regional Impact (DRI), FQD, [or General Development Plan meeting large project standards of the Land Development Code pursuant to Ch. 380, F.S.](#) ~~As used in this policy the term local development agreements may include a DRI development order issued pursuant to s.380.06(15), F.S.~~ Where traffic impacts analyzed during review of the Development of Regional Impact, FQD [or General Development Plan meeting large project standards of the Land Development Code](#), also:

cause the violation of adopted Level of Service Standards on certain roadways not to be improved under a local development agreement, or cause increased traffic volumes on roadways not to be improved under a local development agreement, and already in violation of adopted Level of Service Standards, then any local development agreement providing for improvements funded by a developer shall also contain best possible guarantees that necessary improvements are scheduled to all other roadways on which the DRIs, FQDs [or GDP's meeting large project standards of the Land Development Code](#) impacts are analyzed, and that are projected to exhibit a violation of adopted Level of Service Standards. Best possible guarantees for funding these other scheduled improvements shall also be identified in the local development agreement.

Best possible scheduling and funding guarantees may include Florida Department of Transportation commitments to the improvements within the first three years of the adopted 5-year work program, other local government programming of construction of the improvements within the first three years of the adopted 5-year capital improvements program, Manatee County's inclusion of construction of the improvements in the first three years of the adopted 5-year capital improvements program, or completion of improvements pursuant to another local development agreement.

The sole intent of this policy is to facilitate and provide incentives for appropriate development to occur as a Development of Regional Impact, Florida Quality Development [or General Development Plan meeting large](#)

project standards of the Land Development Code where such development has paid for a fair share of needed infrastructure within Manatee County.

Implementation Mechanism:

- a) Local development agreements negotiated ~~as part of~~ to provide mitigation required pursuant to a development order issued for a Development of Regional Impact, a Florida Quality Development or a General Development Plan meeting large project standards of the Land Development Code. ~~pursuant to s.380.06(15), F.S.~~

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CORRECT DEPARTMENT NAME

Policy: 2.4.1.6

Implementation Mechanism:

- a) Building and Development Services Department review of all applications for building permits to verify the existence of a valid Certificate of Level of Service Compliance for that

Policy: 5.1.1.1

Implementation Mechanism:

- a) Manatee County Planning Building and Development Services and Public Works Departments maintenance of the Future Traffic Circulation Map Series pursuant to this policy and implementation of the map series requirements through adoption and implementation of land development regulations consistent with this policy.

Policy: 5.1.1.3

Implementation Mechanism:

- a) Coordination between Manatee County Planning Building and Development Services and Public Works Departments to effectuate this policy.

Policy: 5.1.1.4

Permit the update of the Existing Roadway Functional Classification Map, when appropriate, through an administrative procedure established by, and administered by authorized personnel within the Manatee County Planning Building and Development Services Department. The administrative procedure shall include the notification of, and approval by, the Board of County Commissioners of the updated functional classification of a roadway to the

Board of County Commissioners.

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Implementation Mechanism(s):

- a) Manatee County Planning Building and Development Services Department procedures consistent with this policy.
- b) Manatee County Public Works Department participation in any administrative procedure established under this policy.

Policy: 5.1.1.5

Implementation Mechanism:

- (a) Manatee County Planning Building and Development Services Department review of proposed projects for compliance with this policy.

Policy: 5.1.1.8

Implementation Mechanism:

- a) Manatee County Planning Building and Development Services Department coordination with the MPO, FDOT, and Public Works Department to review or prepare proposed amendments to the Future Traffic Circulation Maps, including review for consistency with the Comprehensive Plan Elements.

Policy: 5.1.2.4

- b) Manatee County Planning Building and Development Services Department use of Florida Department of Transportation Level of Service software and/or tables to derive peak hour maximum service traffic volumes for maintaining adopted level of service.

Policy: 5.2.1.2

Implementation Mechanism:

- a) Planning Building and Development Services and Public Works Departments study and proposal of amendments to the Traffic Circulation Map Series consistent with this policy.

Policy: 5.2.1.5

Implementation Mechanism(s):

- a) Update as needed, by the Manatee County Planning Building and Development Department and Public Works Departments, of the Future Traffic Circulation: Rights of Way Needs Map (Map 5C), a Rights-of Way Needs Table (Table 5.1), Existing Roadway Functional Classification Map (Map 5A),

and land development regulations consistent with this policy.

Policy: 5.2.1.6

Implementation Mechanism:

- a) Manatee County ~~Planning~~ Building and Development Services and Public Works Departments maintenance of land development regulations consistent with this policy.

Policy: 5.2.2.1

Implementation Mechanism:

- a) Manatee County ~~Planning~~ Building and Development Services ~~Department~~ and Public Works Departments review of all proposed projects for compliance with the location and right-of-way requirements referenced in this policy, where applicable.

Policy: 5.2.2.3

Implementation Mechanism(s):

- a) Coordination between the Manatee County Public Works, Building and Development Services ~~Department and the Planning Department~~, and the Florida Department of Transportation to recommend, as necessary,

Policy: 5.2.2.5

Implementation Mechanism:

- a) Coordination between the ~~Planning Department~~ Building and Development Services and Public Works Departments to recommend development order conditions addressing access to ensure compliance with this policy.

Policy: 5.2.2.6

- b) Issuance of negative recommendations by the ~~Planning Department or~~ Building and Development Services Department for either:

Policy: 5.2.2.8

Implementation Mechanism:

- a) Review by the Manatee County Public Works and the ~~Planning~~ Building and Development Services Departments to ensure consistency with this policy, and recommendations to the Board of County Commissioners, as required by this policy.

Policy: 5.2.2.11

Implementation Mechanism:

- a) Review by the ~~Planning Department~~ Building and

Development Services and ~~the~~ Public Works Departments of the proposed circulation patterns.

Policy: 5.2.2.12

Implementation Mechanisms:

- a) Coordinated review of development proposals by the Planning Building and Development Services and Public Works Departments.
- b) Amendment to the Land Development Code to implement policy.

Policy: 5.2.3.1

Implementation Mechanism:

- a) Level of Service Compliance review, and issuance of a Certificate of Level of Service Compliance by the Planning Public Works Department, where appropriate.

Policy: 5.2.3.3

Implementation Mechanism:

- a) Planning, Building and Development Services, Financial Management and Public Works Departments coordination to develop ordinance.

Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 5. Codification: Pursuant to Section 125.68(1), Fla. Stat., this ordinance is not required to be codified. Therefore the Clerk shall not transmit the ordinance for codification.

Section 6. Effective Date: The effective date of this Plan Amendment, PA-16-04 if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies Manatee County that the adopted plan amendment package for Plan Amendment PA-16-04 is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits or land uses dependent on this Plan Amendment PA-16-04 may be issued or commence before it has become effective.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this
??????????????.

**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