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CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
ORDINANCE 84-12

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE; AMENDING SECTION 205G.1 THEREOF, CONCERNING REQUIRED IMPROVEMENTS IN CONNECTION WITH PLAT, SITE PLAN, AND OTHER TYPES OF DEVELOPMENT APPROVALS; AMENDING OTHER PROVISIONS OF ORDINANCE 81-4 TO ENSURE CONSISTENCY; PROVIDING FOR DEDICATION OF RIGHT-OF-WAY TO MEET SAFETY AND ENGINEERING STANDARDS AND CRITERIA FOR TRAFFIC CIRCULATION AND INGRESS/EGRESS; PROVIDING FOR THE ADOPTION OF A RIGHT-OF-WAY NEEDS MAP FOR MANATEE COUNTY IN ACCORDANCE WITH MANATEE COUNTY'S MAJOR THOROUGHFARE PLAN, WHICH IS A PART OF ORDINANCE 80-4, THE MANATEE PLAN; PROVIDING THAT RIGHT-OF-WAY SHALL BE DEDICATED IN ACCORDANCE WITH SUCH RIGHT-OF-WAY NEEDS MAP, IN CONNECTION WITH APPROVALS OF CERTAIN KINDS OF DEVELOPMENT OF LAND ENCOMPASSING OR ABUTTING ROADWAYS INCLUDED IN SUCH MAP; PROVIDING FOR EXCEPTIONS FROM SUCH REQUIREMENT OF RIGHT-OF-WAY DEDICATION; PROVIDING CRITERIA AND GUIDELINES TO BE USED BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT IN IDENTIFYING THE DEVELOPMENT APPROVALS IN CONNECTION WITH WHICH RIGHT-OF-WAY DEDICATION WILL BE REQUIRED; PROVIDING FOR APPEALS OF THE DIRECTOR'S DETERMINATION; PROVIDING GUIDELINES FOR THE DEVELOPMENT OF THE RIGHT-OF-WAY NEEDS MAP; PROVIDING FOR THE REDESIGNATION OF CERTAIN SUBSECTIONS OF SECTION 205G.1; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE MATTERS AS TO WHICH THE PROVISIONS OF THIS ORDINANCE SHALL BE EFFECTIVE; ADOPTING A RIGHT-OF-WAY NEEDS MAP FOR MANATEE COUNTY; PROVIDING AN EFFECTIVE DATE.

1. Subparagraph 1 of paragraph 205G.1.b.(3)(a) of Ordinance 81-4, the Manatee County Comprehensive Zoning and Land Development Code ("Land Development Code"), shall be amended to read as follows:

"1 Right-of-Way Dedication: Circulation

Road right-of-way which is necessary to widen or extend streets, or otherwise establish or enhance traffic circulation or ingress/egress, as necessary to meet County standards and the requirements of the County Engineer, shall be dedicated in fee to Manatee County."

2. A new subparagraph shall be added as subparagraph 2 to paragraph 205G.1.b.(3)(a) of the Land Development Code, to read as follows:

1 "2 Right-of-Way Dedication: Major Thoroughfare Plan

2 The land lying within or abutting the proposed develop-
3 ment, which is included within the Major Thoroughfare
4 Plan, shall be dedicated to Manatee County to the extent
5 indicated by that Plan, in accordance with the
6 following provisions and the Right-of-Way Needs Map
7 adopted as provided herein.

8 "a. The Board of County Commissioners, upon receiving a
9 proposal therefor prepared by the Director of the Public
10 Transportation Department ("Transportation Director") after
11 consultation with the County Engineer and the Planning
12 Director, shall adopt, and may from time to time amend, a
13 Right-of-Way Needs Map for Manatee County, in accordance with
14 the limitations and guidelines set forth herein.

15 "The Manatee County Right-of-Way Needs Map shall
16 encompass the roadways and roadway segments which are
17 included in the Major Thoroughfare Plan, excluding, however,
18 the following:

- 19 (1) Roadways adjoining land so intensely devel-
20 oped and of such established character
21 that the widening of the roadway would be
22 highly disruptive and would likely result
23 in the deprivation of a significant por-
24 tion of the value of the adjoining lands;
25 (2) Roadways adjoining land of such apparently
26 stable or established character that it is
27 very unlikely that right-of-way would ever
28 be dedicated to the County, under the other
29 terms of this subparagraph 2, sufficient to
30 contribute significantly to the County's
31 accumulation of right-of-way in accordance
32 with the Major Thoroughfare Plan; or
33 (3) Roadways which, for this or other reasons,

1 are as a practical matter very unlikely to
2 be widened in the foreseeable future.

3 "b. When a site to be improved or developed encompasses
4 or abuts any roadway included on the Right-of-Way Needs Map,
5 and such improvement or development is determined by the
6 Planning Director, after consultation with the Transportation
7 Director, to be of a kind that is likely to result in an
8 increase in the intensity of the use of the site, land suf-
9 ficient to accomodate the full width of such roadway or, in
10 the case of development which abuts a designated roadway,
11 one-half the width thereof, shall be dedicated to Manatee
12 County to the extent of the legal interest held by the deve-
13 loper, or such other interest as the County may require.

14 " 'Increase in the intensity of the use' of a site,
15 as used herein, shall mean any development or any change in
16 the use of property that will result in an increase in
17 vehicle trip generation, other than a de minimis increase, or
18 in a change from automobile trips to heavy truck trips.

19 "In making the determination described above, the Planning
20 Director shall consider (1) the standards appearing in the
21 most current edition of "An Institute of Transportation
22 Engineers Informational Report - Trip Generation" or other
23 such commonly used source of trip-generation information
24 approved by the Transportation Director, (2) the trip-
25 generation characteristics of any existing use, if known, (3)
26 the extent to which the facility or use proposed will
27 experience an increase in capacity to provide accommodations,
28 goods, services, or the like, and (4) other relevant matters;
29 but he shall not consider characteristics of the proposed
30 development or use or other matters that are not properly
31 subject to control or enforcement by the County.

1 "c. In the case of property devoted to several differ-
2 ent uses, if such property properly may be divided into 2 or
3 more discrete sites for purposes of an application for devel-
4 opment approval, and the impacts of development approval
5 would be associated with only one of such discrete sites,
6 the applicant shall be required to dedicate right-of-way
7 only along or encompassing the portion of the roadway shown
8 on the Right-of-Way Needs Map that crosses or abuts such
9 discrete site.

10 "d. For the purposes of the dedication hereby required,
11 the center line of the future right-of-way shall be the cen-
12 ter line of any roadway that presently exists at that location.

13 "e. The dedication of land otherwise required by this
14 subparagraph 2 will not be required in any case where the
15 Transportation Director, after consultation with the Planning
16 Director, determines that because of the location, con-
17 figuration, or other characteristics of the property, or
18 other circumstances peculiar to the particular site, such
19 dedication

20 (1) would be plainly disproportionate to the rela-
21 tive impacts of the proposed development upon
22 the road system, or

23 (2) would deprive the owner thereof of any oppor-
24 tunity to continue an established use or to
25 make some reasonable use of the property,
26 provided that, if feasible, a lesser dedication consistent
27 with the owner's rights and with the impacts of his develop-
28 ment upon the road system may be required.

29 "f. The owner of any property abutting a roadway
30 included on the Right-of-Way Needs Map, or any other
31 interested party with written concurrence of the owner, who
32 certifies in writing that he has a bona fide present inten-
33 tion to seek rezoning, special permit, or other type of

1 development approval for such property, may request in
2 writing from the Planning Director or Transportation
3 Director, as appropriate, upon forms or in a manner
4 prescribed by him, a determination regarding any matter which
5 under this subparagraph 2 is committed to his discretion.

6 "g. Nothing in this subparagraph 2 shall be construed
7 to limit in any way the discretion, authority and preroga-
8 tive of the County to require right-of-way dedication and/or
9 improvements, as authorized by this ordinance or otherwise,
10 in connection with development approvals."

11
12 3. Subparagraph 7 (to be redesignated as subparagraph 8) of
13 paragraph 205G.1.b.(3)(a) of the Land Development Code, shall be
14 amended to read as follows:

15 "8 Review of Administrative Decisions

16 In accordance with Section 406, Appeals, of this ordinance,
17 and in accordance with the same standards used by the
18 Planning Director or Transportation Director in making
19 determinations committed expressly or by implication to
20 his judgment under the terms of this paragraph
21 205G.1.b.(3)(a), Streets, the Board of Zoning Appeals may
22 hear and decide challenges to any such determination."

23
24 4. The provisions of this ordinance and the amendments to the
25 Land Development Code thereby effected shall apply as set forth
26 in Section 205G.1.a., Applicability, of the Land Development Code,
27 to all development for which a request for permit or other
28 authorization, in connection with which the actual conveyance of
29 land to be dedicated is required, is pending on or is submitted
30 after the effective date hereof.

31
32 5. If any clause, section, or feature of this ordinance, or its
33 application to any person or circumstance, is for any reason

1 declared invalid, the invalidity shall not affect other provisions
2 or applications of the ordinance that can be given effect without
3 the invalid provision or application, and the provisions of this
4 ordinance therefore are declared severable.

5
6 6. Subparagraphs 2 through 8, inclusive, of paragraph
7 205G.1.b(3)(a) of the Land Development Code shall be redesignated
8 as subparagraphs 3 through 9, as appropriate.

9
10 7. The Right-of-Way Needs Map attached as Exhibit A is hereby
11 adopted and shall serve as such until this section is repealed or
12 until the Board of County Commissioners adopts an ordinance
13 establishing a different or amended Right-of-Way Needs Map.

14
15 8. This ordinance shall become effective immediately upon
16 receipt of the official acknowledgment from the Office of the
17 Secretary of State in Tallahassee, Florida, that this ordinance
18 has been filed with that office.

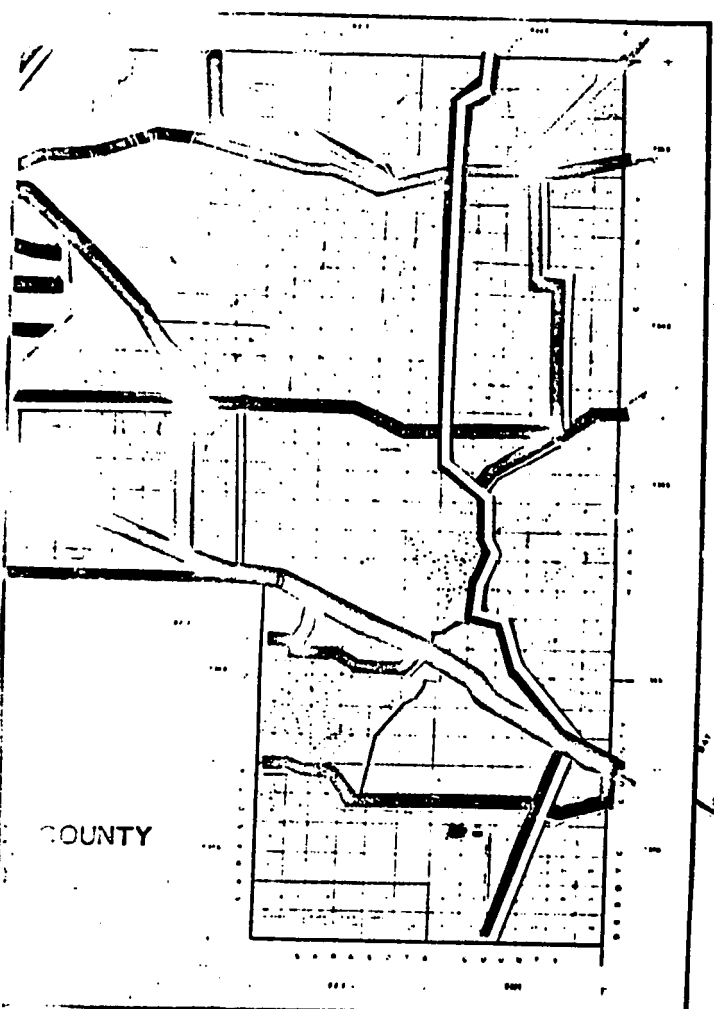
19
20 PASSED AND DULY ADOPTED by the Board of County Commissioners
21 of Manatee County, Florida, this the 12th day of April,
22 1984.

23
24 BOARD OF COUNTY COMMISSIONERS
25 OF MANATEE COUNTY, FLORIDA

26 By: Edward W. Chance
27 Chairman

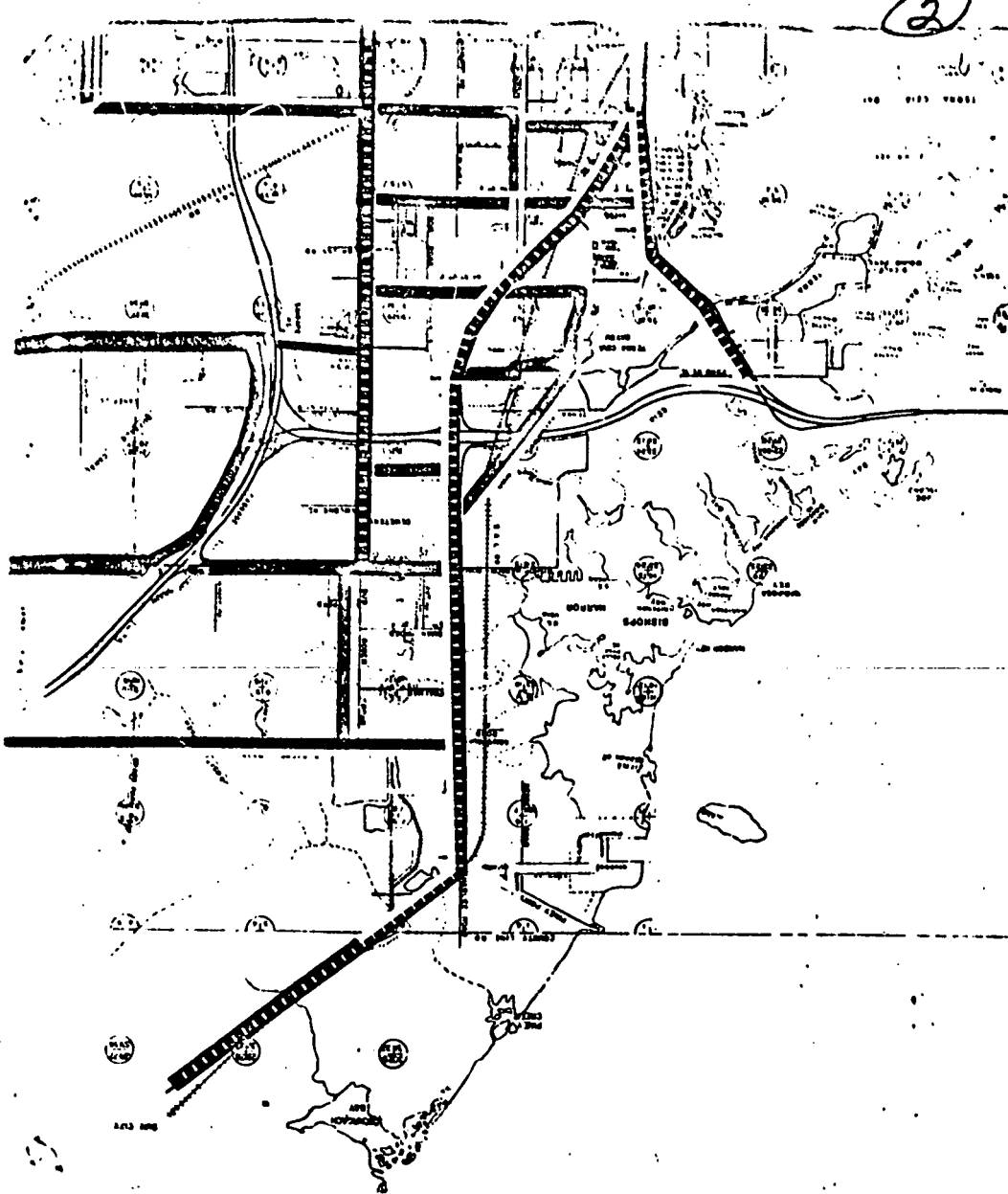
28 ATTEST: R. B. SHORE,
29 Clerk of the Circuit Court
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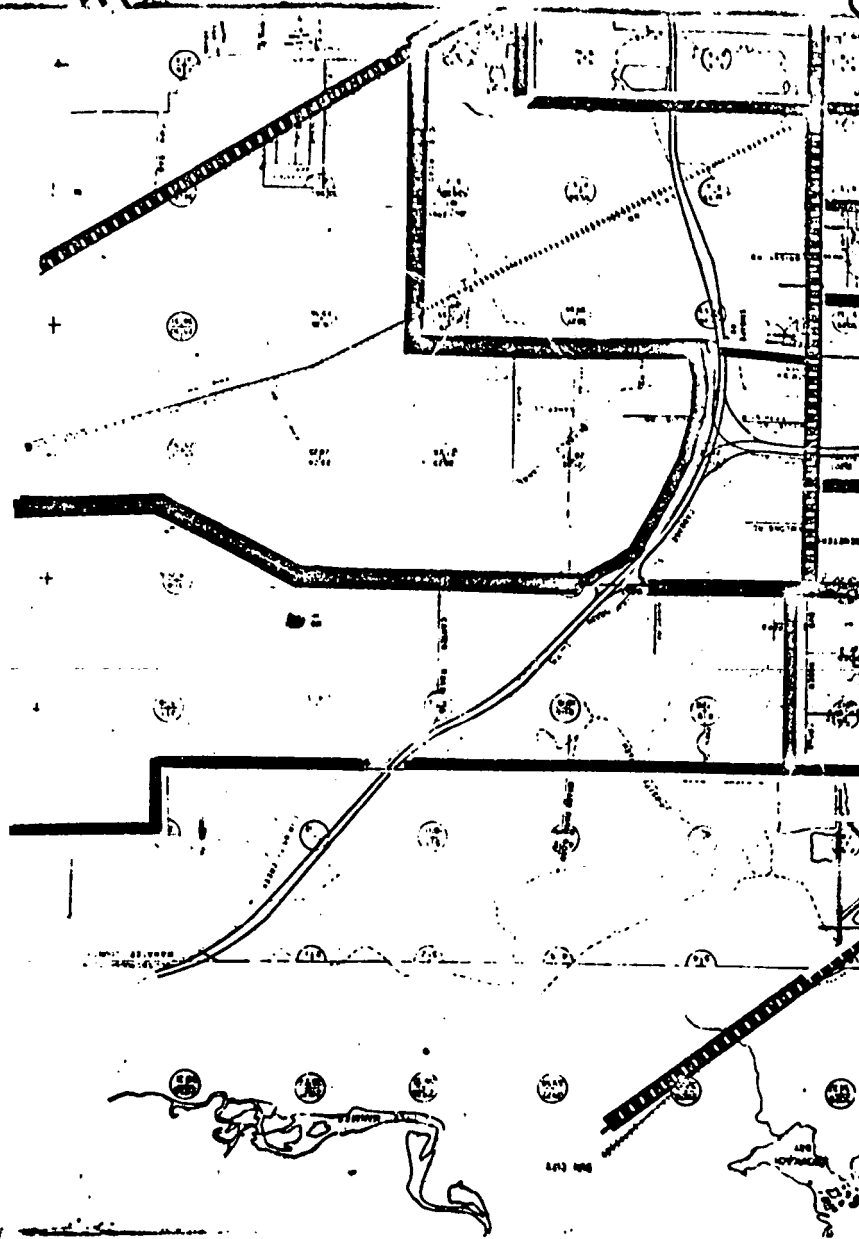
R/W Needs Map-
Exhib. A is on
microfilm w/doc.
533-553.

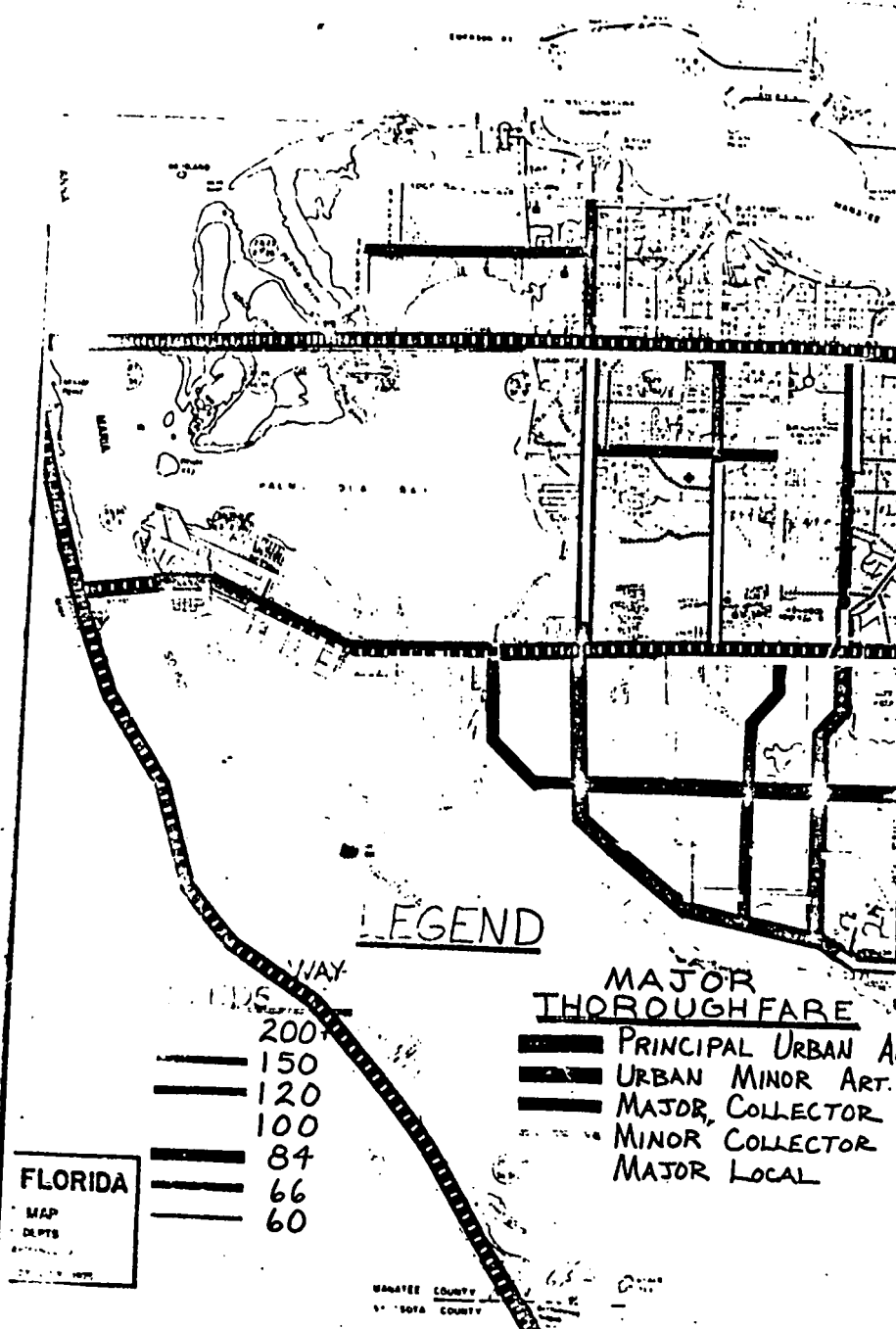


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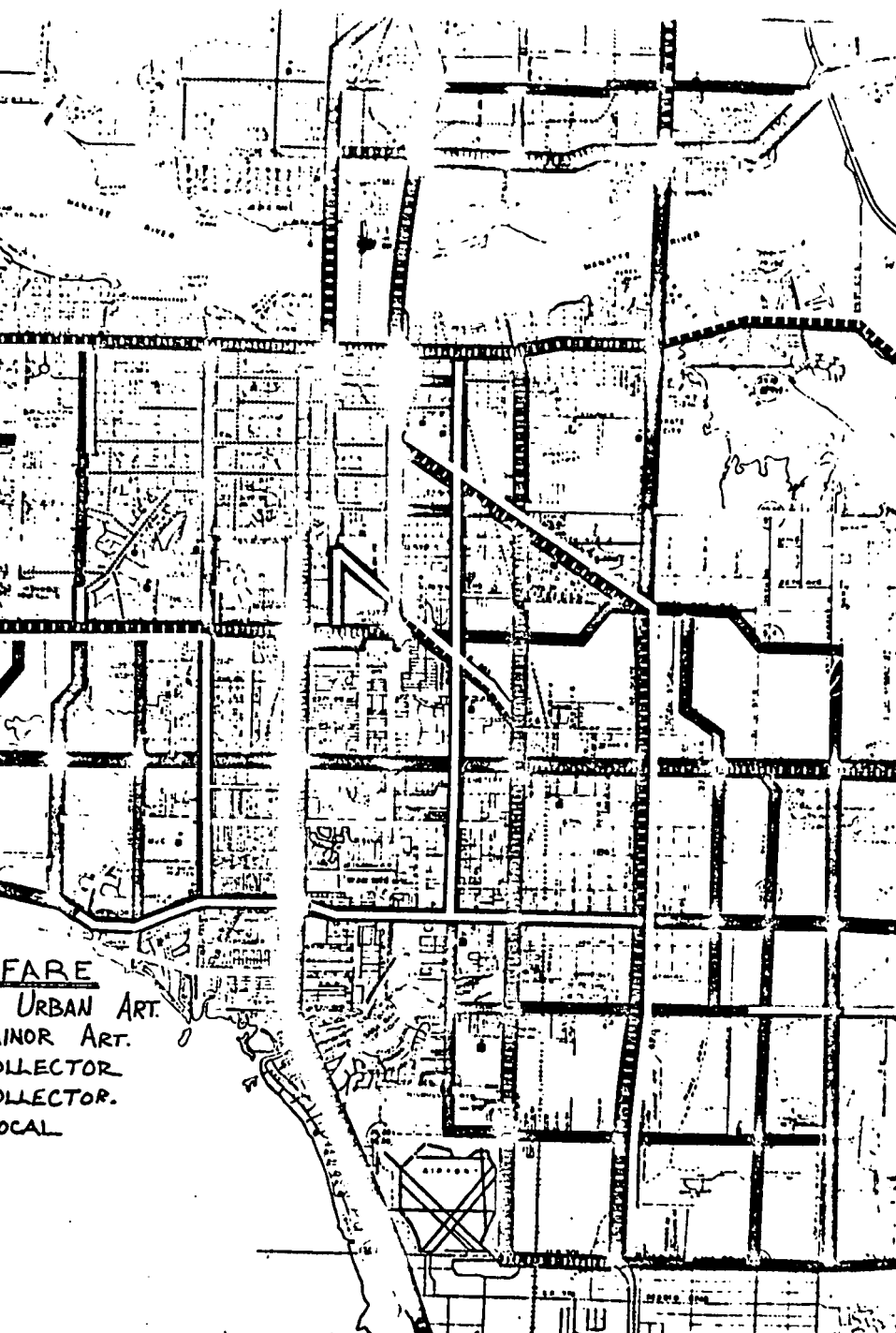
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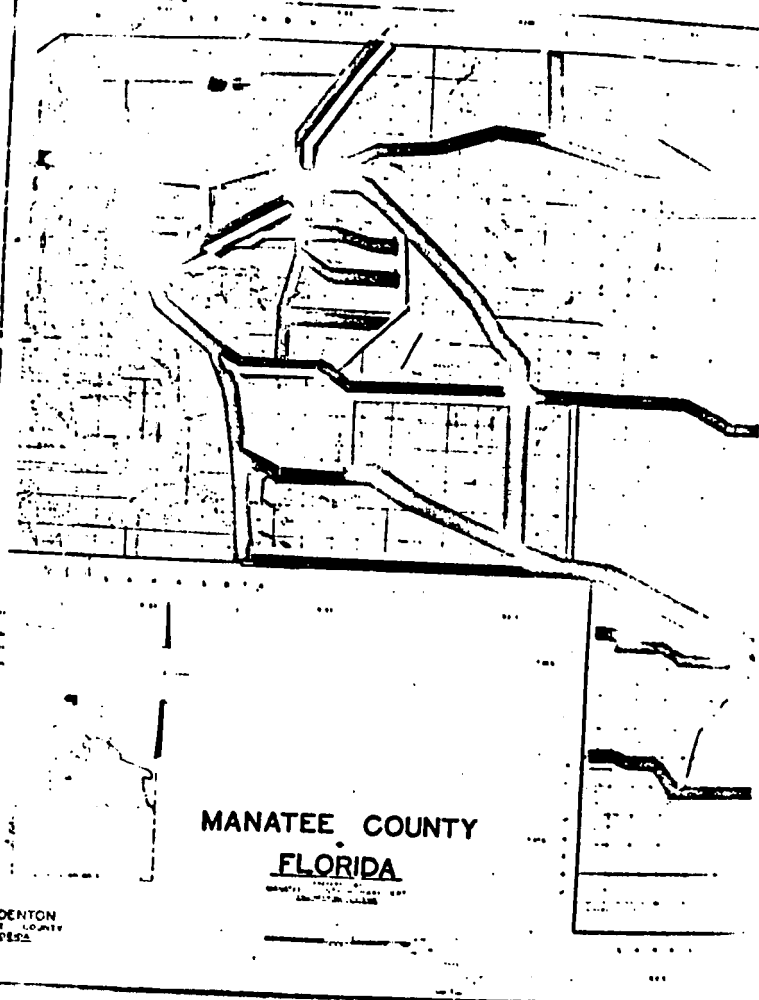
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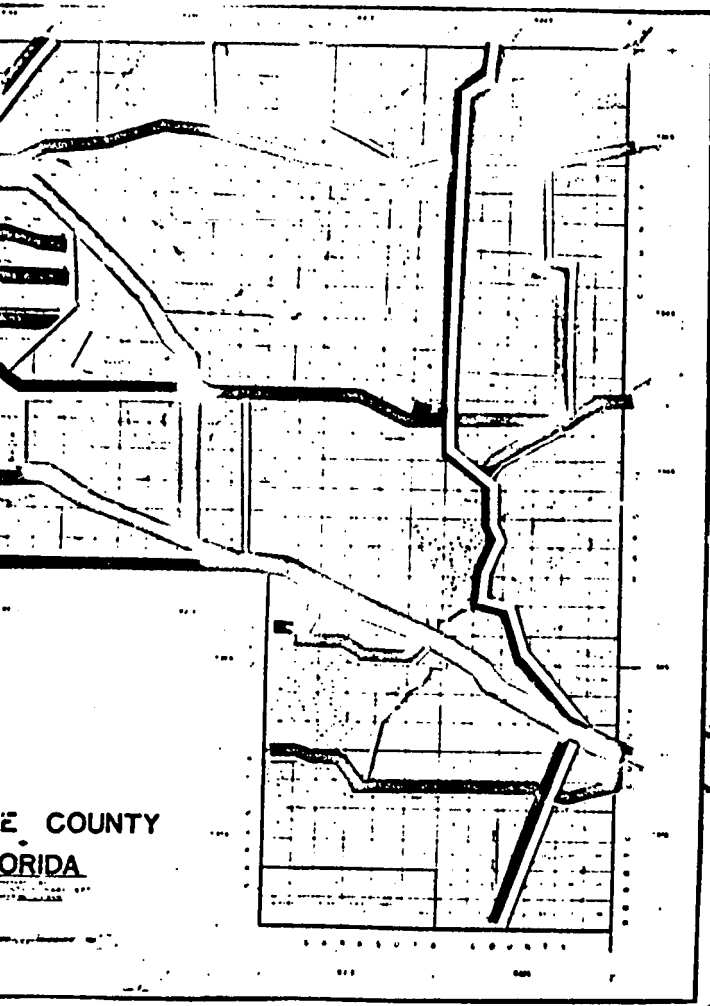
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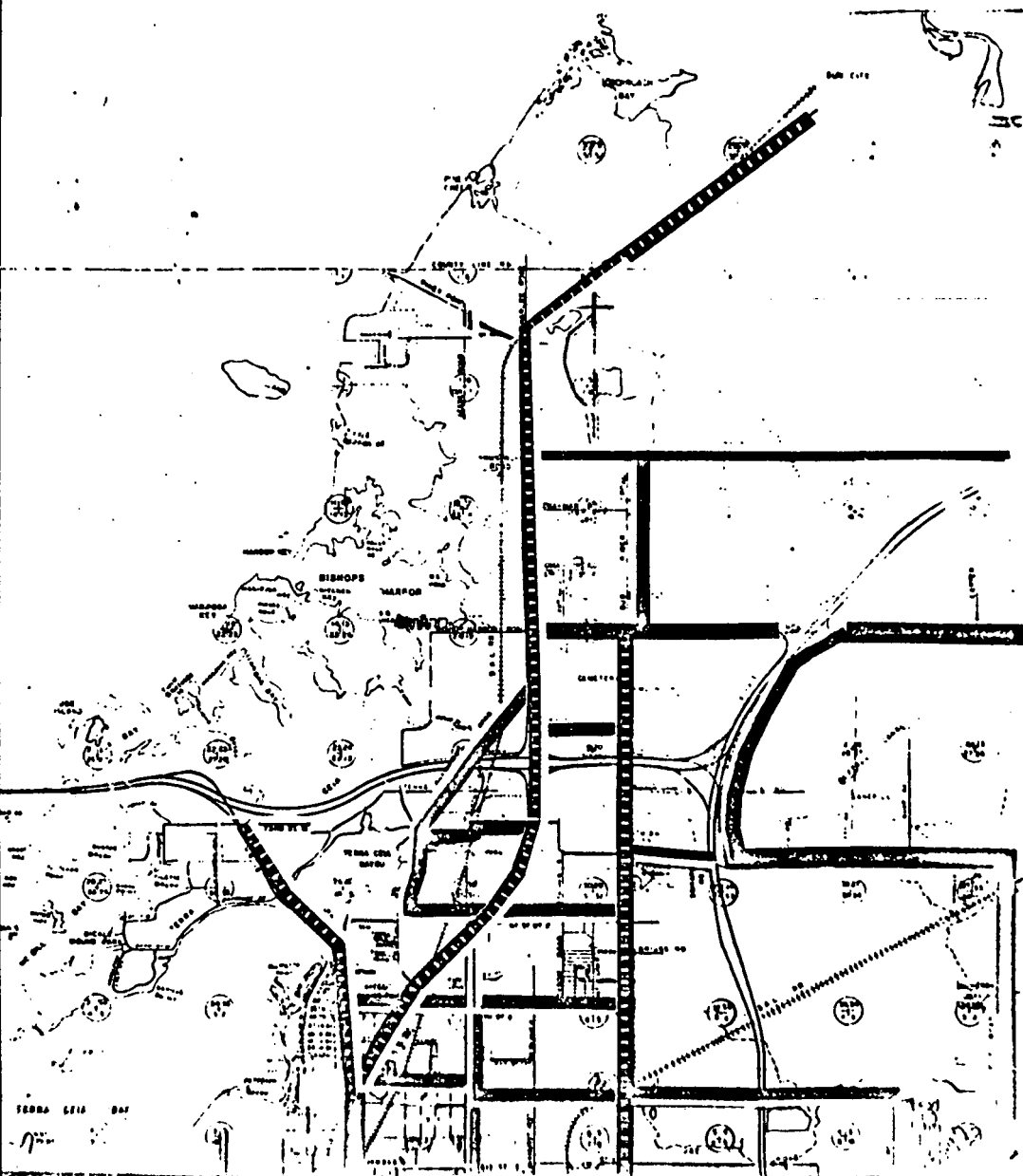


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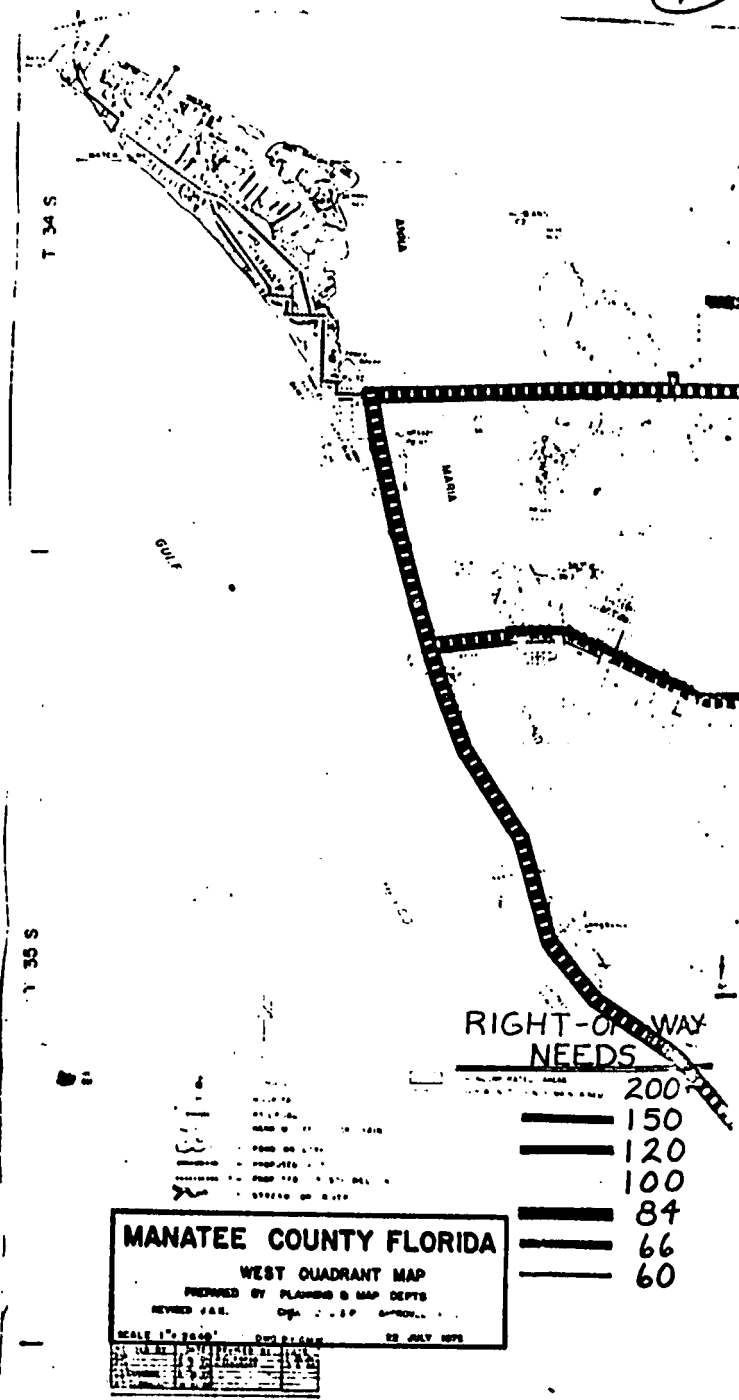


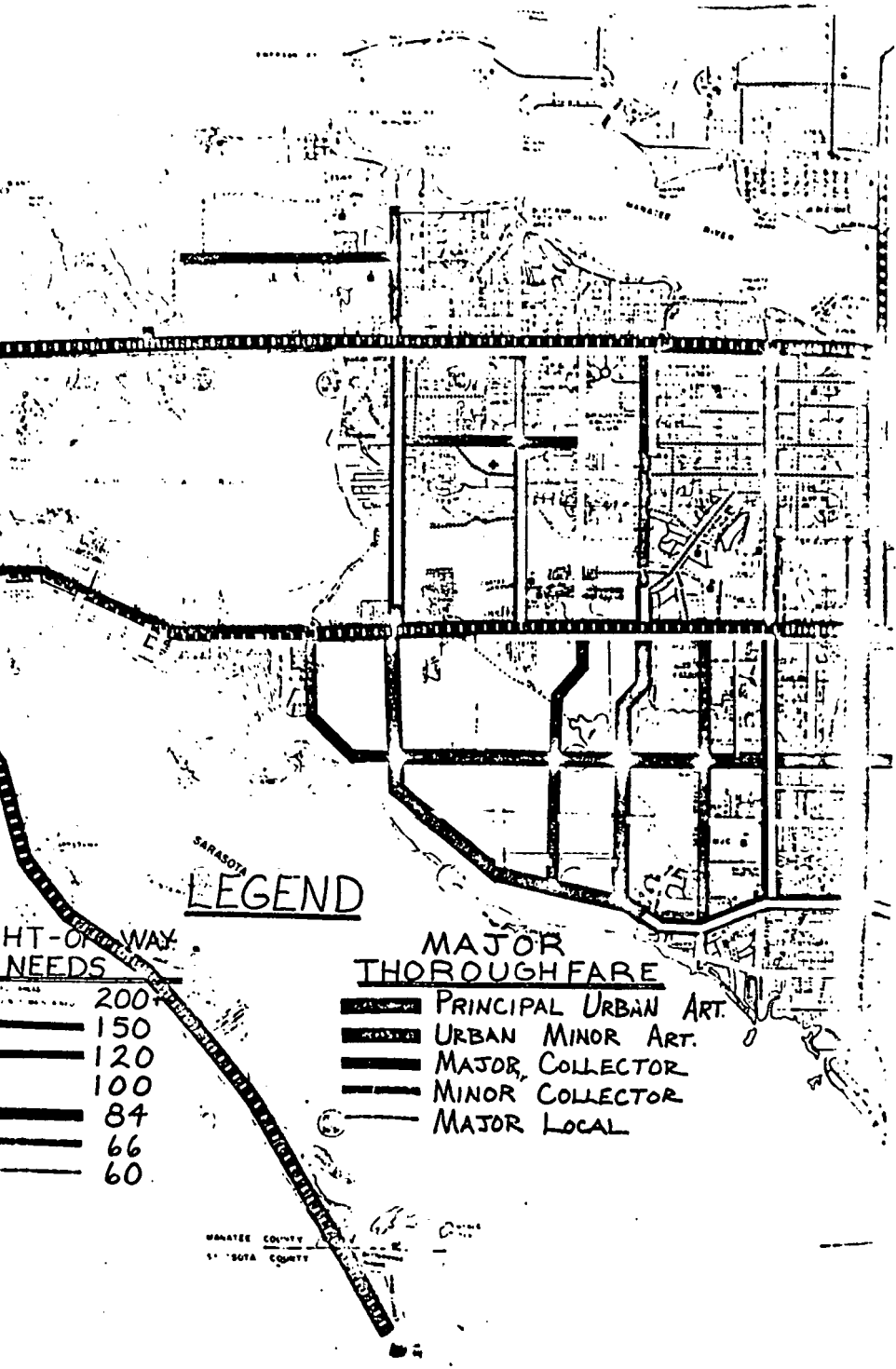











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








LEGEND

MAJOR THOROUGHFARE

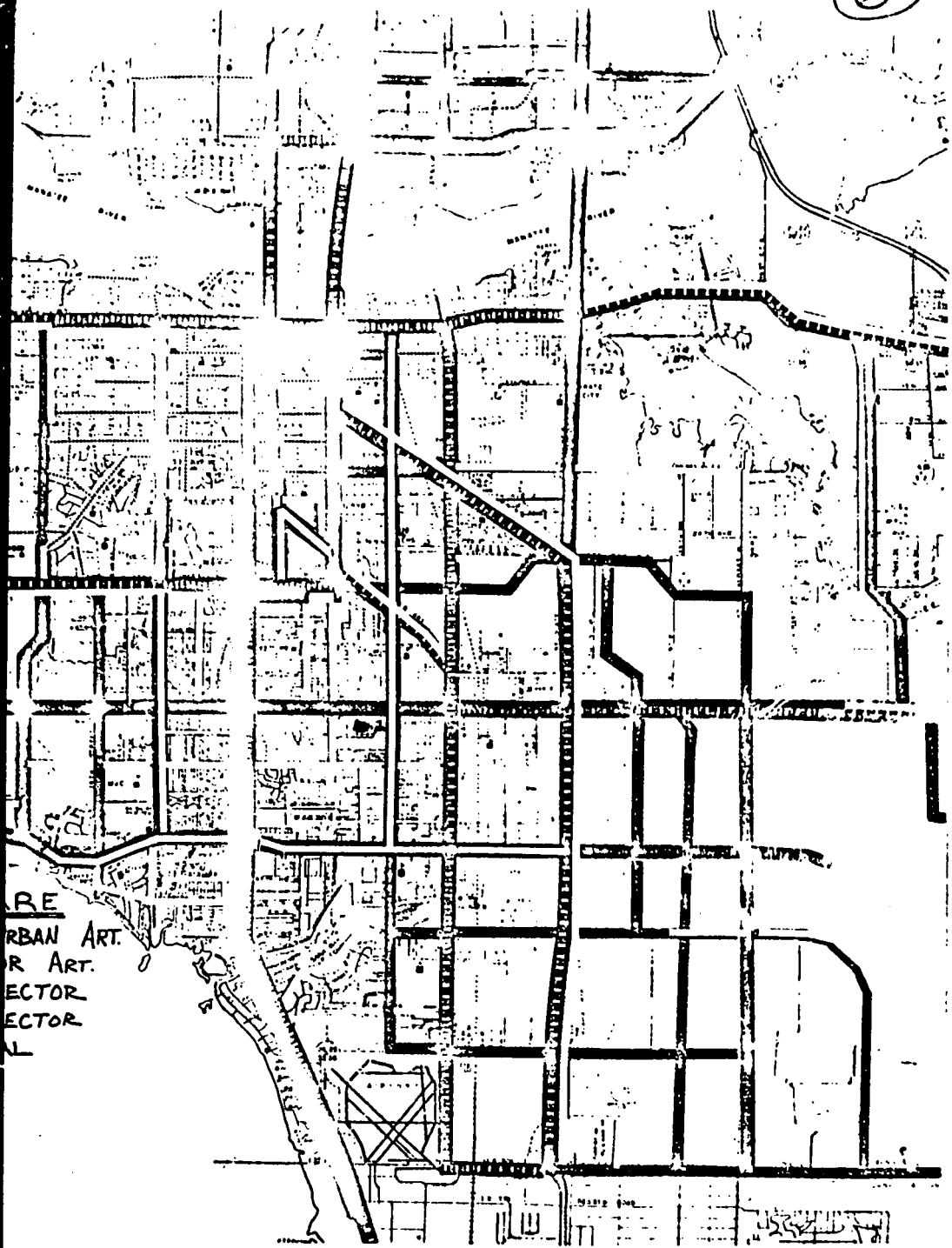
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STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 12th day of April, 1984.

SUBJECT: MANATEE COUNTY ORDINANCE NO. 84-12:
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
AMENDING ORDINANCE 81-4, THE MANATEE COUNTY
COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE;
AMENDING SECTION 205G.1 THEREOF, CONCERNING REQUIRED
IMPROVEMENTS IN CONNECTION WITH PLAT, SITE PLAN, AND
OTHER TYPES OF DEVELOPMENT APPROVALS; AMENDING OTHER
PROVISIONS OF ORDINANCE 81-4 TO ENSURE CONSISTENCY;
PROVIDING FOR DEDICATION OF RIGHT-OF-WAY TO MEET SAFETY
AND ENGINEERING STANDARDS AND CRITERIA FOR TRAFFIC
CIRCULATION AND INGRESS/EGRESS; PROVIDING FOR THE
ADOPTION OF A RIGHT-OF-WAY NEEDS MAP FOR MANATEE COUNTY
IN ACCORDANCE WITH MANATEE COUNTY'S MAJOR THOROUGHFARE
PLAN, WHICH IS A PART OF ORDINANCE 80-4, THE MANATEE
PLAN; PROVIDING THAT RIGHT-OF-WAY SHALL BE DEDICATED
IN ACCORDANCE WITH SUCH RIGHT-OF-WAY NEEDS MAP, IN
CONNECTION WITH APPROVALS OF CERTAIN KINDS OF
DEVELOPMENT OF LAND ENCOMPASSING OR ABUTTING ROADWAYS
INCLUDED IN SUCH MAP; PROVIDING FOR EXCEPTIONS FROM
SUCH REQUIREMENT OF RIGHT-OF-WAY DEDICATION; PROVIDING
CRITERIA AND GUIDELINES TO BE USED BY THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT IN
IDENTIFYING THE DEVELOPMENT APPROVALS IN CONNECTION
WITH WHICH RIGHT-OF-WAY DEDICATION WILL BE REQUIRED;
PROVIDING FOR APPEALS OF THE DIRECTOR'S DETERMINATION;
PROVIDING GUIDELINES FOR THE DEVELOPMENT OF THE RIGHT-
OF-WAY NEEDS MAP; PROVIDING FOR THE REDSIGNATION OF
CERTAIN SUBSECTIONS OF SECTION 205G.1; PROVIDING FOR
SEVERABILITY; PROVIDING FOR THE MATTERS AS TO WHICH
THE PROVISIONS OF THIS ORDINANCE SHALL BE EFFECTIVE;
ADOPTING A RIGHT-OF-WAY NEEDS MAP FOR MANATEE COUNTY;
PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 13th day of April,
1984, in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



'84 APR 20 AM 3 27

FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

April 18, 1984

Honorable R. B. Shore
Clerk of the Circuit Court
Post Office Box 1000
Bradenton, Florida 33505

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of your letter/s of April 13
and certified copy/ies of Manatee
County Ordinance/s No./s 84-12
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this Ordinance/s in this office
this/these
on April 18, 1984.
4. The original/duplicate copy/ies showing the filing date
is being returned for your records.
is/are

Cordially,

Nancy Kavanaugh
(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/

Enclosure

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FLORIDA - State of the Arts