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ORDINANCE 93-09

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AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENTS TO THE PROCEDURAL REQUIREMENTS FOR AMENDING THE COMPREHENSIVE PLAN; PROVIDING FOR TEXT ADDITIONS, DELETIONS AND MODIFICATIONS TO THE GENERAL INTRODUCTION AND DEFINITIONS SECTION, FUTURE LAND USE, CONSERVATION AND COASTAL ELEMENTS OF THE COMPREHENSIVE PLAN IN ORDER TO CORRECT INADVERTENT INCONSISTENCIES, OVERSIGHTS, AND ERRORS, AND TO RECOGNIZE CHANGED CIRCUMSTANCES, PROVIDING CERTAIN CLARIFICATIONS; 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, Sections 163.3161 through 163.3215, Florida Statutes, titled "The Local Government Comprehensive Planning and Land Development Regulation Act," empowers and requires the Board of County Commissioners of the County of Manatee (a) to plan for the county's future development and growth, (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county, (c) to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, and (d) to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of said Act; and

WHEREAS, Manatee County Ordinance 89-01 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

WHEREAS, Sections 163.3184 and 163.3187, Florida Statutes, titled "Process for Adoption of Comprehensive Plan or Amendment Thereto," and "Amendment of Adopted Comprehensive Plan," respectively, empowers the local government to develop and adopt comprehensive plan amendments; and

WHEREAS, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the Board of County Commissioners of the County of Manatee, Florida by Ordinance 90-01 duly designated said Planning Commission as the Local Planning Agency for the unincorporated area of Manatee County; and

WHEREAS, the Manatee County Planning Commission, empowered by the above cited laws and ordinances, considered an amendment to the Manatee County Comprehensive Plan, altering the comprehensive plan text and altering the Future Land Use Map in the Future Land Use Element, as referenced in the Title of this ordinance, in order to more adequately address Manatee County's future development and growth; and

WHEREAS, the minimum statutory and plan administration requirements for public participation have been met or exceeded; and

WHEREAS, on May 5, 1993, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the amendment, and forwarded its recommendation to the Board of County Commissioners as required by law; 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 May 27, 1993 to consider the amendment and the transmittal of the proposed amendment to the Florida Department of Community Affairs in accordance with Section 163.3184, Florida Statutes; and

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"Comp Plan Amendment"

WHEREAS, the State Land Planning Agency by letter dated September 13, 1993, transmitted their comments and objections on said amendment to the comprehensive plan; and

WHEREAS, said amendment to the comprehensive plan was revised as appropriate in view of comments by the State Land Planning Agency; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on October 28, 1993, the Board of County Commissioners of the County of Manatee, Florida held another public hearings, with due public notice having been provided on said amended version of the comprehensive plan, and with written advance notice of such public hearing having been provided to the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, including appropriate changes to the Technical Support Document as needed, the recommendations of the Planning Commission, and objections, recommendations and comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because a change in plan implementation and inconsistent language has been demonstrated by the applicant;

WHEREAS, in exercise of said authority, the Board of County Commissioners of the County of Manatee has determined it necessary and desirable to adopt said amendment of the comprehensive plan to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest, overcome present deficiencies and deal effectively with future problems that may result from the use and development of land within Manatee County; and

WHEREAS, the Technical Support Document for the Manatee County Comprehensive Plan includes background material and justification for the amendment to the Comprehensive Plan; and

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

WHEREAS, this Plan Amendment has been adopted pursuant to the alternative process for amendment of an adopted Comprehensive Plan as provided in Section 163.3189, Florida Statutes (Supp. 1992).

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 Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: Based upon the findings made relative to the proposed text amendments to the Comprehensive Plan, it has been determined that the existing implementation mechanisms sought to be amended are no longer in the best interest of the public and should be amended as described in Section 3 below.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Ordinance 89-01, shall be amended as follows:

ITEM #1:

Chapter 1. General Introductions and Definitions, Part I, General Introductions, Section 3.B.3.1(3) is hereby amended to read in its entirety as follows:

"small-scale map amendments" meeting the requirements of 163.3187 (1)(c)1, Florida Statutes.

ITEM #2(A):

Chapter 1. General Introductions and Definitions, Part I. Section 5.III.A.2.b. The following paragraph to be added to the end of part b:

Newspaper Advertisements For Small Scale Plan Amendments: Advertisements shall comply with F.S., as amended.

ITEM #2(B):

Chapter 1. General Introductions and Definitions, Part 1. Section 5.III.A.4.b. The following paragraph to be added to the end of part b:

Newspaper Advertisements For Small Scale Plan Amendments: Advertisements shall comply with F.S., as amended.

ITEM #3:

Chapter 1. General Introductions and Definitions, Part II. Definitions. The definition of Endangered and Threatened Species is hereby amended to read in its entirety as follows:

Endangered and Threatened Species - Flora and fauna as identified by the U.S. Fish and Wildlife Service's "List of Endangered and Threatened Wildlife and Plants" in 50 CFR 17.11-12; Flora as identified by the Department of Agriculture and Consumer Services as specified by the preservation of Native Flora Act in Section 581.185 - 187 F.S. and fauna identified by the Florida Game and Fresh Water Fish Commission in Section 39-27.003 and 39-27.004, F.A.C. Endangered Species are so designated due to man made or natural factors which have placed them in imminent danger of extinction while threatened species are so designated due to a rapid decline in number and/or habitat such that they may likely become endangered without corrective action.

ITEM #4(A):

Chapter 2. Future Land Use Element, Table 2-1, Part 1. To the Low Intensity Office and Retail/Office/Residential uses add:

recreational uses.

ITEM #4(B): (Additional amendments to the following range of potential uses are addressed in Ordinance 93-03.)

Chapter 2. Future Land Use Element, Policy 2.2.1.8.2 is hereby amended to read in its entirety as follows:

Range of Potential Uses (see Policies 2.2.1.5, 2.2.1.23, 11.1.1.4, 11.1.1.9, 11.1.1.10): Farms, ranches, agro-industrial uses, agricultural service establishments, agriculturally-compatible residential uses, farmworker housing, rural residential uses, small retail and office commercial uses, mining, mining-related uses, electrical generation facilities, low intensity recreational facilities, rural recreational facilities, public or semi-public uses, and appropriate water-dependent uses (see also Objectives 4.2.1, 2.10.3 and 2.10.4).

Chapter 2. Future Land Use Element, Policy 2.2.1.8.4, (b) Other Information: is amended as follows:

(b) All mixed, multiple use and rural recreational use projects require special approval, as defined herein, and as further

defined in any land development regulations developed pursuant to 163.3202, F.S.

Chapter 1, General Introductions and Definitions, Part II. Definitions

Add New Definition immediately following Roadway Functional Classification:

Rural Recreational Use - Any commercial or non-commercial recreational use, which by the nature of either the customary operation of the use or the noise impacts of such uses require that the use be located on a large parcel of land and is most appropriately located outside the urban area. Structures shall be limited to only minor or incidental buildings providing office and sanitary facilities. Allowed uses shall include, but not be limited to game preserves, gun and/or archery ranges, low intensity parks and off road vehicle facilities. This definition shall not include major attractor or intensive recreational uses.

ITEM #4 (C):

Chapter 2. Future Land Use Element, Policy 2.2.1.14.2 is hereby amended to read as follows:

Range of Potential Uses (see Policy 2.2.1.5): Suburban or urban residential uses, small or medium retail and office commercial uses, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, low intensity recreational facilities, public or semi-public uses, lodging places, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4)

ITEM #4 (D):

Chapter 2. Future Land Use Element, Policy 2.2.1.17.2 is hereby amended to read as follows:

Range of Potential Uses (see Policy 2.2.1.5): Light industrial uses, offices, research/corporate uses, warehouse/distribution uses, intensive commercial uses, wholesale commercial uses, small retail commercial uses, service uses, selected residential uses, short-term agricultural uses, recreational uses, public or semi-public uses, privately-operated airports, appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4), and hotels/motels.

ITEM #4 (E):

Chapter 2. Future Land Use Element, Policy 2.2.1.18.2 is hereby amended to read as follows:

Range of Potential Uses (see Policy 2.2.1.5): Heavy and light industrial uses, deepwater port and related or complementary uses, offices, research/corporate uses, warehouse/distribution uses, intensive commercial uses, wholesale commercial uses, small retail uses containing convenience retail uses only, service uses, short-term agricultural uses, recreational uses, public or semi-public uses, privately-operated airports, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

ITEM #4 (F):

Chapter 2. Future Land Use Element, Policy 2.2.1.19.2 is hereby amended to read as follows:

Range of Potential Uses (see Policy 2.2.1.5): Light industrial uses, heavy industrial uses, small retail commercial uses, recreational uses, and public or semi-public uses.

ITEM #4 (G):

Chapter 2. Future Land Use Element, Policy 2.2.1.20.2 is hereby amended to read as follows:

Range of Potential Uses (see Policy 2.2.1.5): Small, medium and large retail, wholesale, office uses, light industrial uses, research/corporate uses, warehouse/distribution, suburban or urban residential uses, lodging places, recreational uses, public or semi-public uses short-term agricultural uses, other than special agricultural uses, agriculturally-compatible residential uses, and water-dependent uses.

ITEM #4 (H):

Chapter 2. Future Land Use Element, Policy 2.10.4.2 is hereby amended to add a paragraph before this paragraph " -appropriate water-dependent, water-related, and water-enhanced commercial uses, as described under Objective 4.2.1.":

- rural recreational facilities located in the Ag/R future land use category meeting adverse impact standards as established within the Manatee County Land Development Code. All such uses must receive Special Approval.

ITEM #5:

Chapter 2. Future Land Use Element, Policy 2.3.5.5 Implementation Mechanism is hereby amended to read in its entirety as follows:

- (a) Coordination between the Public Works Department, the Soil and Water Conservation District, and SWFWMD to ensure consistency with this policy.

ITEM #6:

Chapter 4. Coastal Management Element, Policy 4.2.1.5 is hereby amended to read in its entirety as follows:

On lots created after the adoption date of the Comprehensive Plan, limit densities for single and multi-family boat docking facilities to no more than one boat slip for every 100 feet of shoreline owned; and require facilities over 25 slips to have basins designated as idle speed zones and access channels designated as slow speed zones.

ITEM #7:

Chapter 4. Coastal Management Element, Policy 4.3.3.2(a) Implementation Mechanism is hereby amended to read in its entirety as follows:

- (a) Review, by the Planning, Permitting & Inspections Department of comments from the Office of Emergency Management regarding the potential effect of a comprehensive plan amendment request, before submittal to the Board of County Commissioners.

ITEM #8 (A):

Chapter 4. Coastal Management Element, Policy 4.3.2.1(a) Implementation Mechanism is hereby amended to read in its entirety as follows:

- (a) Manatee County will require all applications for land development which require preliminary site plan or preliminary plat approval within the Coastal High Hazard Area to obtain Special Approval. Also, applications will be reviewed according to pertinent sections of the National Flood Insurance Program, and will be reviewed for compliance with all other applicable flood control regulations.

ITEM #8(B):

Chapter 2. Future Land Use Element, Policy 2.6.6.1(f) Implementation Mechanisms is hereby amended to read in its entirety as follows:

- (f) Require special approval for all projects within the MU category, excluding single family homes on lots of record. Further, require special approval for all projects which require preliminary plan or preliminary plat approval within the WO-M, WO-E and CH overlay districts.

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. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

Section 5. Effective Date: This Ordinance shall take effect immediately upon the state land planning agency, as defined in Section 163.3164, Florida Statutes, issuing a notice of intent to find the Ordinance in compliance with Section 163.3184(9), Florida Statutes, or upon the Administration Commission issuing a final order finding the Ordinance to be in compliance in accordance with Section 163.3184(10), Florida Statutes, or whichever occurs first.

PASSED AND DULY ADOPTED, with a quorum present and voting this 28th day of October, 1993.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: [Signature]
10/28/93

ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: [Signature]

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. 93-09 adopted by the Board of County Commissioners of said County on the 30 day of November, 19 93, this 7 day of December, 19 93 in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: [Signature]

Copy to Barbara Lyles
12/13/99
BH



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

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December 6, 1993

Honorable R. B. Shore
Clerk of the Circuit Court
Manatee County Courthouse
Post Office Box 1000
1112 Manatee Avenue West -Suite 641
Bradenton, Florida 34206

Attention: Susan G. French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of December 3, 1993 and certified copies of Manatee County Ordinance Numbers 93-06, 93-07, 93-08, 93-09, 93-12, 93-13, 93-14 (B), 93-15, 93-16, and 93-46, which were received and filed in this office on December 6, 1993.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (10)