

ORDINANCE 00-18

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR TEXT AMENDMENTS TO THE FUTURE LAND USE AND TRANSIT ELEMENTS OF THE MANATEE COUNTY COMPREHENSIVE PLAN, TO ADD THE DEFINITION OF NEOTRADITIONAL DEVELOPMENT, TO IDENTIFY ALLOWED USES, TO PROVIDE AN EXCEPTION TO LOCATIONAL CRITERIA FOR NEOTRADITIONAL DEVELOPMENT, TO AMEND TABLE 2-2 TO REFLECT COMMERCIAL USES IN NEOTRADITIONAL DEVELOPMENT AND TO CLARIFY TABLE 2-3 COMMERCIAL SQUARE FOOTAGE MAXIMUMS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Dec 13 9:47 AM '00

FILED FOR RECORD

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, 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

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, as referenced in the title of this ordinance, in order to more adequately address coordination with other agencies and jurisdictions in the planning of 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 July 13, 2000, 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

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CLERK OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

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 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

WHEREAS, the State Land Planning Agency by letter dated October 6, 2000 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 November 28, 2000 the Board of County Commissioners of the County of Manatee, Florida held another public hearing, with due public notice having been provided on said amended version of the comprehensive plan; 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 portions of the future land use element initially approved are no longer appropriate because a change in circumstances has been demonstrated; and

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.

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: The whereas clauses set forth above are hereby adopted as findings by the Board for the adoption of this Ordinance. Based upon the findings made relative to the proposed text amendments to the Comprehensive Plan, it has been determined that the existing objective, policies, or

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:

A. Add a definition of Neotraditional Development as follows:

Neotraditional Development shall mean a mixed use development allowing residential and commercial uses exhibiting many of the following characteristics:

Neo-Traditional Characteristics

A discernible center which is often a plaza, square or green, and sometimes a busy/memorable intersection.

A transit stop should be located within the center.

Buildings at the center are placed close to the sidewalk and to each other, creating an urban sense of spatial definition. Buildings towards the edge of the neighborhood are placed further away and further apart from each other.

Most of the dwellings are within a five-minute walk from the center - approximately or e-quarter of a mile.

Contains a variety of dwelling types: houses and apartments so that younger and older, singles and families and the lower income and upper income can find places to live.

There are places to work in the form of office buildings and live-work units.

Shops are sufficiently varied to supply the ordinary needs of a household - such as a convenience/corner store, a post office and an ATM machine.

A small ancillary building should be permitted within the backyard of each house - to be used as a rental apartment or a place to work.

There should be an elementary school, generally within one mile, so that most children can walk from their dwelling.

Small playgrounds are distributed evenly throughout the neighborhood, approximately within one-eighth (1/8th) of a mile of every dwelling.

Thoroughfares/streets within the neighborhood form a continuous network and provide connection to as many locations as feasible to adjacent developments and thoroughfares.

Thoroughfares/streets are relatively narrow and shaded by rows of trees that slow traffic and create an appropriate environment for pedestrian and bicyclist.

Parking lots and garage doors rarely front on the thoroughfares. Parking is relegated to the rear of buildings.

Commercial buildings front directly on the sidewalk with parking lots to the side or rear of the buildings

Certain prominent sites are reserved for public buildings.

Cul-de-sacs should be avoided where not absolutely necessary

Each neighborhood should be a maximum ten minute walk (one-half mile) from edge to edge.

Higher density of housing shall be located toward the center with retail space located within the center

Buildings are placed relatively close to the street, such that they are generally set back the equivalent of one-quarter the width of the lot

Most lots smaller than 70' wide shall be served by a rear alley to access garages

Neotraditional development shall be a minimum of three (3) dwelling units per gross acre (3 du/ga) or higher. Residential land uses shall limit commercial uses to "small".

B. Under GOAL 2.10 Commercial Development Consistent with Need for Office, Wholesale or Retail Needs, add and amend policies as follows:

Add a new policy 2.10.1.3 as follows:

2.10.1.3 Allow for neotraditional development projects that functionally mix residential and commercial (retail/office) uses.

Add a new policy 2.10.2.6 as follows:

2.10.2.6 Allow for neotraditional projects to have commercial (retail/office) uses that are central to the individual projects. Such projects will promote diversity of uses while not promoting strip commercial development.

Amend Table 2-2 to reflect commercial uses with neo-traditional development and to clarify uses in the commercial category:

**TABLE 2-2**  
**Potential Commercial Uses by Future Land Use Category**

Category of Commercial Uses* (see Definitions (Chapter 1) for more complete description of small, medium and large commercial uses)	
Future Land Use Category	Eligible for Consideration
CON	None
Ag/R	Small <u>Retail/Office Uses</u>
Res-1	Medium <u>Retail/Office Uses</u>
Res-3	Medium <u>Retail/Office Uses</u> <u>Neotraditional development is limited to Small Retail/Office Uses</u>
UF-3	Medium <u>Retail/Office Uses</u> <u>Neotraditional development is limited to Small Retail/Office Uses</u>
Res-6	Medium <u>Retail/Office</u> <u>Neotraditional development is limited to Small Retail/Office Uses</u>
Res-9	Medium <u>Retail/Office Uses</u> <u>Neotraditional development is limited to Small Retail/Office Uses</u>
<u>Res-12</u>	Medium <u>Retail/Office Uses</u> <u>Neotraditional development is limited to Small Retail/Office Uses</u>
Res-16	Medium <u>Retail/Office Uses</u> <u>Neotraditional development is limited to Small Retail/Office Uses</u>
OL	Small Office Uses Only
R/O/R	Large <u>Retail/Office/Wholesale* Uses</u>
IL	Large** <u>Office/Wholesale Uses</u> <u>Retail Commercial Uses are Limited to Small Only</u>
IH	Large** <u>Office/Wholesale Uses</u> <u>Retail Commercial Uses are Limited to Small Only</u>
IU	Large** <u>Small Retail/Office Uses</u>
MU	Large <u>Retail/Office/Wholesale* Uses</u>
P/SP (1) or (2)	See 2.2.1.21.3 <u>2.2.1.22.2 and 2.2.1.23.2</u>
R/OS	None

~~\* This policy presents a summary description of these categories. See Definitions (Chapter 1) for a more complete description of small, medium, and large commercial uses.~~

~~\*\* Retail commercial uses are limited to "small" only. Other commercial uses may be medium, or large, subject to compliance with applicable policies.~~

\* Wholesale uses are not allowed in Neotraditional Development

Amend Table 2-3 to clarify maximum commercial square footage with or without Special Approval:

**TABLE 2-3  
Maximum Commercial Project Square Footages  
Which May be Considered With Special Approval  
and Without Special Approval**

<b>Category of Commercial Use</b>	<b>Maximum Gross Building Square Footage Per Project Without Special Approval</b>	<b>Maximum Gross Building Square Footage Per Project With Special Approval</b>
Small	3,000	<u>30,000</u>
Medium	30,000	<u>150,000</u>
Large	50,000	<u>300,000</u>

Amend Policy 2.10.3.1 as follows:

Policy: 2.10.3.1      Require that access to commercial uses be established on at least one roadway, operating at, or better than, the adopted level of service. Access which is limited only to roadways that carry traffic within residential neighborhoods shall be considered unacceptable for commercial uses. An exception shall be made for neotraditional projects that have commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher.

Amend Policy 2.10.3.2 as follows:

Policy: 2.10.3.2      Require that all proposed small and medium commercial uses can be directly accessed from at least one roadway shown on the Roadway Functional Classification Map as collector or higher, at time of issuance of a development order. An exception shall be made for neotraditional projects that have commercial uses located internally to the

project and whose main project access is located on a road designated as a collector or higher.

Please reference Ordinance 00-37 for an additional amendment to Policy 2.10.4.2.

Policy 2.10.4.2 amend this policy to include locational criteria exception for Neotraditional development as follows:

Policy: 2.10.4.2 Neotraditional developments that have commercial and office developments located internal to the project and whose main project access is located on a road designated as a collector or higher.

Amend Policy 2.10.4.3 as follows:

Policy: 2.10.4.3 Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:

- (3) no proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of "infill commercial development." demonstrated through evaluation of existing land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2 shall not be required to meet this development standard. No such intrusion shall be found in neotraditional developments approved as such by the County, as a mixture of uses are encouraged within those projects.
- (4) Commercial nodes meeting the requirements specified in the operative provisions of this Element shall, additionally, be spaced at least one-half mile apart, as measured between the center of two nodes. However, where two commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half mile, then a waiver of this commercial development

standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one mile apart. Neotraditional projects shall be exempt from this requirement.

- C. Neo-traditional communities are also transit oriented with a transit stop typically located at/near the town center.

Amend Policy 5.6.5.5 as follows to include internal transit stop facilities in neo-traditional developments:

Policy 5.6.5.5. Require that internal transit stop facilities be provided within non-residential development of greater than 100,000 square feet and for residential development of 100 dwelling units or more and for neotraditional development projects. Such internal transit stops shall include provision of pedestrian and bicycle shelter facilities. The Transit Division may waive this requirement when adequate transit stop facilities exist within the surrounding area for the existing and projected population.

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 final order finding 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 November, 2000.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA



By: Joe McClase  
Chairman

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

By: Susan B. Romo



STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true  
copy of ORDINANCE NO. 00-18 adopted by the  
Board of County Commissioners of said County on  
the 28<sup>th</sup> day of NOV, 2000 this 4<sup>th</sup> day  
of DEC, 2000, in Bradenton, Florida  
R.B. Shore  
Clerk of Circuit Court  
By: Gregory Harris D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
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FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
Secretary of State  
DIVISION OF ELECTIONS

**RECEIVED**  
**DEC 14 2000**

Board of County Commissioners  
Manatee County

December 6, 2000

FILED FOR RECORD  
DEC 13 9 07 AM '00

Honorable R. B. Shore  
Clerk of the Circuit Court and Comptroller  
Manatee County  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 29 and December 4, 2000 and certified copies of Manatee County Ordinance Nos. PDR-00-05(Z)(P), Z-00-05, PDC-00-08(Z)(G), PDR-00-16(Z)(G), 00-18, 00-33, 00-34, 00-36, 00-37, 00-41, 00-46 and 00-50, which were filed in this office on December 6, 2000.

As requested, the original date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

Enclosure