

ORDINANCE 00-37

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 TEXT OF THE FUTURE LAND USE ELEMENT AND THE DEFINITION SECTION OF THE MANATEE COUNTY COMPREHENSIVE PLAN TO DEFINE AND ALLOW FOR LODGING UNITS ACCESSORY TO ENVIRONMENTAL RESOURCES AND RECREATIONAL USES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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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 Thereof," 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 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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STATE OF 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 the growth and development provisions initially approved are no longer appropriate because a change in circumstances 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;

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 policies 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 to the Definitions section, the following:

Accessory Lodging Units shall mean a lodge or other such rooming facility, under 70 rooms in size, that is an integral part of an existing or proposed recreational facility or environmental resource and shall only be allowed within large projects and DRI's.

B. Amend Policy 2.10.4.2 as follows:

Policy: 2.10.4.2

Prohibit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with commercial locational criteria. Consistency shall be determined through the application of the commercial location review process described in the operative provisions contained in this Element. Permitted exceptions to these requirements are limited to:

- existing commercial uses that are legally permitted, and that are in place at time of comprehensive plan adoption. However, where such uses are nonconforming to other development regulations, nothing in this policy shall render those uses conforming to the subject regulations.
- redevelopment of an existing commercial use which does not meet the commercial locational criteria, subject to the finding by the Board of County Commissioners that the proposed project is consistent with the general welfare of Manatee County residents.
- locations designated as Retail/Office/Residential or Low Intensity Office (OL) or Mixed Use (MU) which are inconsistent with commercial locational criteria [see 2.2.1.16.4(b) and 2.2.1.17.4(e)].
- recreational vehicle parks. However, compliance with Policy 2.10.5.2 shall be required.
- establishments providing nursing services as described in Chapter 464, F.S.
- sale of agricultural produce at roadside stands.
- small commercial uses associated with a permanent roadside agricultural stand. Maximum commercial square footage shall be 3,500 square feet of the project. Development must be located on functionally classified rural arterial or rural collector roadway. Planned development approval required.
- agricultural service establishments (e.g. farm equipment sales and service).

- low intensity commercial recreational facilities (e.g., driving range).
- 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.
- appropriate water-dependent, water-related, and water-enhanced commercial uses, as described under Objective 4.2.1.
- commercial uses located within Port Manatee.
- Small commercial (professional) office uses not exceeding 3,000 square feet in gross floor area within the Res-6, Res-9, RES-12, and Res-16 future land use categories may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions provided such office is located on a roadway classified as a minor or principal arterial on the roadway functional classification map, however, not including interstates, and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.2.1.12.4, 2.2.1.13.4, 2.2.1.15.4).
- commercial uses located within the rural community of Myakka City which is designated as those lands on Sheet 24 of the Future Land Use Map shown as Res-3 or Res-1 on May 11, 1989, provided that they are located along State Road 70 within 1,500 feet from its intersection with Wauchula Road, and located within 1,000 feet along Wauchula Road from its intersection with State Road 70. Further, properties developed commercially, or having commercial zoning in place at the time of adoption of this Comprehensive Plan if they have frontage on State Road 70 and are within three-quarters mile of the State Road 70 and Wauchula Road intersection are also exceptions. Furthermore, all commercial uses allowable under this provision will be exempt from the one-half mile spacing requirement denoted in Policy 2.10.4.3(4).
- Small commercial (professional) office uses which operate as an accessory use to a residential religious development. Such accessory office uses which do not serve the general public but which serve the residential religious development may locate in residential future land use categories (RES-1, RES-3, UF-3, RES-6, RES-9, RES-12 and RES-16) and may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions (see also 2.2.1.9, 2.2.1.10, 2.2.1.11, 2.2.1.12.4, 2.2.1.13.4, 2.2.1.14.4 and 2.2.1.15.2).
- Accessory Lodging Units that are an integral part of an existing or proposed recreational facility or environmental resource, whose tenants are utilizing the recreational facilities or environmental resources, and are located within the interior of such project, not on the project boundaries. Accessory lodging units associated with environmental resources shall be located, developed and operated in a manner which protects and enhances environmental resources.

No exception to commercial locational criteria provided for under this policy shall be used as a precedent for establishing other commercial development inconsistent with this Comprehensive Plan.

Nothing in this policy shall require the issuance of a development order

solely on the basis of compliance with commercial locational criteria. Compliance with other commercial development standards contained in Policy 2.10.4.3 below, and with all other goals, objectives, and policies of this Comprehensive Plan is also required for issuance of a development order approving commercial uses. In particular, compliance with the policies of Objectives 2.6.1 and 2.6.2 is mandatory for approval of any commercial use within a residential designation.

C. 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:

- (1) any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses.
- (2) any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential use.
- (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. Accessory Lodging Units within residential projects, shall be located no closer than 200 feet from any existing or approved dwelling unit, and shall be designed to have a minimal impact on existing or proposed residential uses.

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 Michael
Chairman

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

By: [Signature]



Agenda\Plan\ORDTEXT.PA



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 4TH day of
DECEMBER, 20 00

R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
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Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

RECEIVED

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Board of County Commissioners
Manatee County

December 6, 2000

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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,

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

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

BUREAU OF ADMINISTRATIVE CODE

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