

ORDINANCE 01-23

May 23 11 09 AM '01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FLORIDA AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED):

- 1. ADDING CERTAIN PROVISIONS IN THE PLANNED DEVELOPMENT RESIDENTIAL SECTION REGARDING HEIGHT LIMITATIONS AND CREATING STANDARDS FOR INCREASING HEIGHTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Manatee County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Manatee County, Florida, and;

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Manatee County, Florida to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

WHEREAS, Section 163.3202, Florida Statutes, further provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the jurisdiction; and

WHEREAS, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01, as amended, and in accordance with Sections 302 and 503 of said ordinance and Section 163.3194(2), Florida Statutes, is required to review proposed amendments to the Manatee County Land Development Code after holding a public hearing on the matter, make its recommendations to the Board of County Commissioners; and

WHEREAS, the Manatee County Planning Commission, has reviewed an amendment to the above cited Codes altering it partially in order to more adequately address and prepare for Manatee County's future development and growth and implement the Manatee County Comprehensive Plan; and

WHEREAS, the Manatee County Planning Commission held a public hearing session on April 12, 2001 on the above cited amendments with due public notice having been provided, and having reviewed and considered all comments received during said public hearing, including the staff comments and reports, recommended said amended version of the Manatee County Land Development Code as being consistent with the adopted Manatee County Comprehensive Plan and meeting the

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

requirements of Section 5, 163.3202(2) and 163.3213(1) and (2), Florida Statutes; and

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, and the provisions of the Sections 502 and 503 of the Manatee County Land Development Code, on April 24, 2001 and May 15, 2001, the Board of County Commissioners of Manatee County held public hearings, with due public notice having been provided, to consider proposed amendments to the above referenced Land Development Code; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments, including staff reports and studies received, during said public hearings along with the specific recommendations of the Planning Commission; and

WHEREAS, in exercise of said authority the Board of County Commissioners of Manatee County, Florida, has determined it necessary and desirable to amend and revise in part the Manatee County Land Development Code in order to implement the Manatee County Comprehensive Plan and meet its responsibilities under Florida Statutes to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within Manatee County; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, as follows:

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. Title of Land Development Code. The amendments to the Land Development Code for the County of Manatee, Florida, attached hereto as Exhibit "A", shall be known as "The Manatee County Land Development Code Amendments".

Section 3. Amendment of Existing Land Development Code. This ordinance hereby amends and revises the Manatee County Land Development Code, also known as Manatee County Ordinance 90-01, as amended, as shown on Exhibit "A" attached hereto and incorporated herein by reference.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or


unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Copy on File. A codified copy of the Land Development Code, as amended, shall be filed in the office of the Director of the Planning Department of the County of Manatee as soon as reasonably possible after adoption of this ordinance. The Planning Director shall also make copies available to the public for a reasonable publication charge.


Section 6. Effective Date. This ordinance shall take effect immediately upon receipt of the official acknowledgment from the Secretary of State that same has been filed with that office. Projects which have been approved or have an application deemed complete for a Development of Regional Impact development order, preliminary site plan or plat, final site plan or plat or building permit prior to March 30, 2001, shall not be subject to provisions of this ordinance which were specifically addressed in reviewing or approving such project, provided that such approval was lawfully granted and has not expired or otherwise been terminated. All projects shall be subject to all provisions of this ordinance which are not specifically addressed in such approval or are not inconsistent with such approval.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of the County of Manatee, Florida this the 15th day of May, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: 
Chairman

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

By: 
Deputy Clerk



ORDINANCE 01-23
Attachment A

Add a new section 603.7.4.9 as follows:

603.7.4.9. Building Height. The maximum height in the PDR District is 35 feet. However, requests to increase height above 35 feet may be approved by the Board of County Commissioners after review of the nature of surrounding uses, and the criteria listed in 603.7.4.9 below, upon the making of a specific finding that the proposed development is compatible with the surrounding area and will not create any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceways.

1. Compatibility.

- a. Whether the height of the proposed development creates any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceway areas.

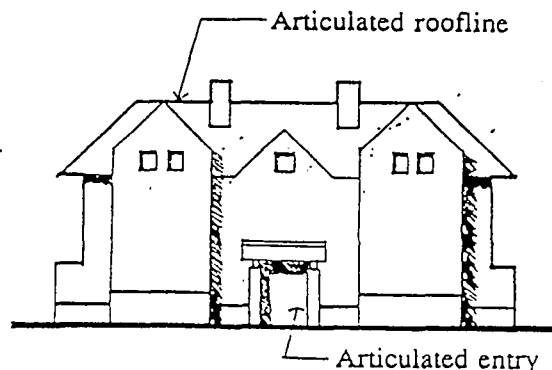
2. Relationship to Adjacent Properties.

- a. Whether the proposed building(s) has varied setbacks giving the appearance of less bulk to the street frontage and adjacent buildings. Whether the minimum setback is equal to the proposed height of the building, with variations a minimum of five feet in depth.
- b. Whether the heights of buildings step down or otherwise provide an appropriate transition to adjacent properties.
- c. Whether the site is designed to provide a desirable transition from the street, pedestrian areas, and parking areas to the buildings.

3. Roofline Design.

- a. Whether the proposed building(s) has/have an articulated roofline, including elements such as windows, balconies and other architectural features. (See Figure 1.)

Figure 1.



4. Facade Design.

- a. Whether the proposed building(s) have facade modulations and varied rooflines. (See Figure 2.)
- b. Whether buildings greater than 35 feet in height provide a graduated step back on higher stories. (See Figure 3.)

Figure 2.

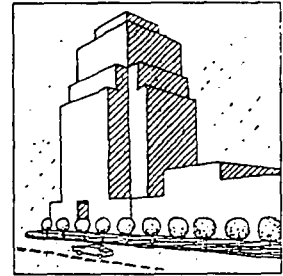
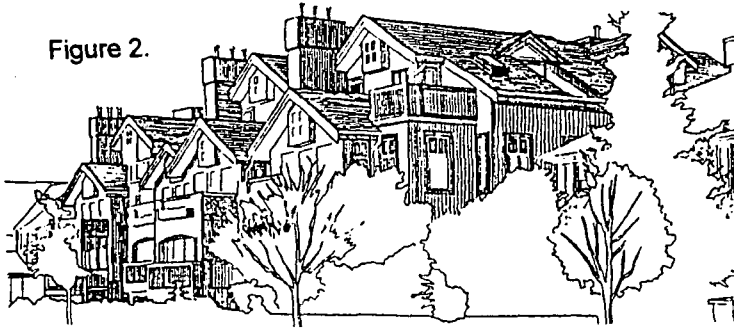


Figure 3.

5. Building Materials.

- a. Whether building materials are compatible and/or complementary with the adjacent existing construction.
- b. Whether materials have superior architectural character, selected for consistency and compatibility with adjoining buildings.
- c. Whether materials selected are suitable with the type of buildings proposed and the design in which they are to be used.

6. Open Space.

Whether the provided open space exceeds the required minimums.

7. Comprehensive Plan.

Whether the project as proposed is designed to implement the policies of the Comprehensive Plan.

603.7.4.9.1. Architectural Plans Required.

An applicant requesting an increase in building height over 35 feet, shall provide, at the time of public hearing, conceptual architectural drawings, elevations and plan views, showing the buildings and their relationship on the property.



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 15th day of

May, 2001

R.B. SHORE
Clerk of Circuit Court

By: Marcia Spate, c.

SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

MANATEE COUNTY PLANNING DEPARTMENT

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED MOYA NEVILLE, 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 MANATEE COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

ORDINANCE 01-23

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

MAY 4, 2001

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.

Moya Neville

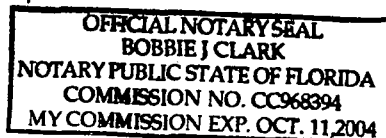
SIGNED _____

SWORN TO AND SUBSCRIBED BEFORE ME THIS 4TH DAY OF MAY A.D., 2001 BY MOYA NEVILLE WHO IS PERSONALLY KNOWN TO ME.

(SEAL) _____

Bobbie J. Clark

NOTARY PUBLIC



NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Board of County Commissioners will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended).

Date: Tuesday, May 15, 2001
Time: Place:
Place: Manatee County Government Administrative Center
1112 Manatee Avenue West
1st Floor Chambers

ORDINANCE 01-23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): AMENDING THE HEIGHT REQUIREMENTS FOR PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 01-24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): ADDING A REQUIREMENT FOR POSTING FUTURE DEVELOPMENT SIGNS; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 01-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): CLARIFYING THE STANDARDS FOR PUBLIC COMMUNITY USES, PRIVATE COMMUNITY USES, AND TREE PROTECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Public is invited to speak at this hearing, subject to proper rules of conduct. The hearings 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.

Rules of procedure for public hearings are in effect pursuant to Resolution 94-90. A copy of this Resolution is available for review or purchase from the Planning Department (see address below).

Please Send Comments To: Manatee County Planning Department
Attn. Agenda Coordinator
1112 Manatee Avenue Ave. West, Suite 427
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed ordinance 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 749-3070 x6829, between 8:00 AM - 5:00 PM

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in the public hearings. Anyone requiring reasonable accommodation for this meeting as provided for on the ADA, should contact Rita Dralus at 742-5800; TDD ONLY and wait 60 seconds, 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 hearing, 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 proceeding is made, which record would include any testimony or evidence upon which the appeal is to be based.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Planning Department
Manatee County, Florida

BRADENTON HERALD

www.bradenton.com
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941/748-0411 ext. 7065

Bradenton Herald
Published Daily
Bradenton, Manatee, Florida

STATE OF FLORIDA
COUNTY OF MANATEE;

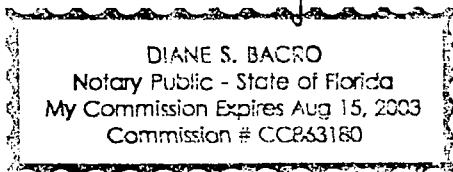
Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY in the Court, was published in said newspaper in the issues of 5/4,'01.

Affiant 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 1 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

7th Day of May, 2001





SEAL & Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

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MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Planning Department
Manatee County, Florida

5/04/01

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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
MEMBER OF THE FLORIDA CABINET



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Historic Tampa/Hillsborough County
Preservation Board
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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

May 21, 2001

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 May 15, 2001 and certified copies of Manatee County Ordinance Nos. 01-23 through 01-25, which were filed in this office on May 21, 2001.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure