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R. B. SHORE

2008 AUG -8 AM 10:18

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

ORDINANCE NO. 08-03

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT, PROVIDING FINDINGS; AND PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION, AND THE WASTEWATER TREATMENT SUB-ELEMENT TO ALLOW FOR THE CREATION OF A NEW FUTURE LAND USE CATEGORY "OM" OFFICE MEDIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

2008 AUG -8 AM 9:44
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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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, (the "Act") empowers and requires the County (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 No. 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 established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-08-03 is a request for a text amendment to establish the Office Medium Future Land Use Category, amending the Future Land Use Element, Transportation Element, and the Wastewater Treatment Sub-Element, and

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency, as established by Ordinance 90-01, considered an amendment to the Manatee County Comprehensive Plan, to adopt the associated amendments of the comprehensive plan, as provided, 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 for the adoption of this Ordinance and the amendment of the County's Comprehensive Plan provided herein, have been met or exceeded; and

WHEREAS, on February 14, 2008, 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 March 25, 2008, to consider the transmittal of the proposed amendment to the Florida Department of Community Affairs as the State Land Planning Agency in accordance with Sec. 163.3184, F.S.; and

WHEREAS, the State Land Planning Agency by letter dated June 16, 2008, transmitted their Objections, Recommendations, and Comments Report 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 July 29, 2008, the Board of County Commissioners of Manatee County, Florida held another public hearing, with due public notice having been provided, to consider adoption of said the proposed amendment to 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 amendments to the Comprehensive Plan set forth herein are necessary implement the requirements of Section 163.3178 regarding coastal management; and

WHEREAS, in exercise of said authority, the Board of County Commissioners of Manatee County has determined it necessary and desirable to adopt this Ordinance to effect the 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 the Act, 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 Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the whereas clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to adopt the revisions to the Future Land Use Element as set forth below:

AMENDMENTS TO THE FUTURE LAND USE ELEMENT

Add the following new text as shown in underline

Policy 2.2.1.27.1 OM: Establish the Medium Intensity Office future land use category as follows:

Policy 2.2.1.27.2 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established for medium intensity office development or medium intensity office development mixed, and compatible with existing and proposed urban and suburban environments. This category may also provide for a transition between incompatible uses.

Policy 2.2.1.27.3 Range of Potential Uses (see Policies 2.1.2.3 – 2.1.2.7, 2.2.1.5): Professional office and/ or research / corporate park uses are the primary non-residential uses, public or semi-public uses, schools, medium intensity recreational uses and appropriate water-dependent/ water-related/water-enhanced uses can serve as appropriate secondary uses. Commercial uses - retail (permitted per the Land Development Code) shall serve as appropriate incidental uses to the primary non-residential uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.27.4 Range of Potential Density/Intensity:

Maximum Floor Area Ratio: 0.30 (Outside Urban Core) & 0.50 (Inside Urban Core)

Maximum Square Footage for Neighborhood Retail Uses: 5,000 sf

Maximum Square Footage for Office Uses: Medium 150,000 sf

Policy: 2.2.1.27.5 Other Information:

a.) All mixed and multiple-use projects shall require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to §163.3202, F.S.

b.) Development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Objectives 2.10.4.1 and 2.10.4.2 of this element. However, any such development or redevelopment shall still be required to achieve compliance with other commercial development standards contained in this element, and be consistent with other goals, objectives, and policies in this Comprehensive Plan.

c.) A ratio of 1,000 square feet of commercial (retail) per 30,000 square feet of office, with a maximum of 5,000 square feet for the entire site, will be established for all projects outside the urban core area and a ratio of 2,000 square feet of commercial (retail) per 30,000 square feet of office, with a maximum of 10,000 square feet for the entire site, will be established for all projects within the urban core area. The ratio will be established as follows:

Office (square footage)	Commercial Uses – Retail (square footage)	
	Outside Urban Core	Within Urban Core
0 – 30,000	1,000	2,000
30,001 – 60,000	2,000	4,000
60,001 – 90,000	3,000	6,000
90,001 – 120,000	4,000	8,000
120,001 – 150,000	5,000	10,000

d.) All commercial uses – retail (permitted per the Land Development Code) shall be incidental and supportive in nature and located internal to the primary office uses.

Add new OM category to Table 2-1 as shown in underline.

TABLE 2-1
SUMMARY OF FUTURE LAND USE CLASSIFICATION SYSTEM

PART I: FUTURE LAND USE DISTRICTS

Future Land Use Category	Map Symbol	Maximum Potential Density* (Gross Dwelling Units /Gross Acre) (DU/GA)	Net(Dwelling Units/(Net Acre)	Maximum Potential Intensity* (Floor Area Ratio (FAR)	General Range of Potential Uses (See Policies for Additional Detail)	Commercial Size Limitation
10) Residential-16 DU/GA**	RES-16	16.0	20	0.25	Same as for RES-1; also, Hotel/Motel Neotraditional development is limited to Small (Neighborhood Retail Uses – wholesale uses not allowed)	Medium
11) Low Intensity Office	OL	6.0	12	0.23	Professional, Personal Service, Business Service, Financial Service, and Other Offices Uses, Residential Uses, Recreational Facilities	Small (Office Uses Only)
<u>12) Medium Intensity Office</u>	<u>OM</u>	<u>0</u>	<u>0</u>	<u>0.30 (Outside of the Urban Core Area)</u> <u>0.50 (Inside the Urban Core Area)</u>	<u>Professional office and/ or research / corporate park uses are the primary non-residential uses, neighborhood retail uses, public or semi-public uses, schools, medium intensity recreational uses and appropriate water-dependent/ water-related/water-enhanced uses can serve as appropriate secondary uses.</u>	<u>Max. 5,000 sf (Outside of the Urban Core Area)</u> <u>Max. 10,000 sf (Inside the Urban Core Area)</u>

Add new text as shown below in underline.

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, Low Intensity Office (OL), Medium Intensity Office (OM) or Mixed Use (MU) which are inconsistent with commercial locational criteria [see 2.2.1.16.4(b), 2.2.1.17.4(e), 2.2.1.21.4(e) and 2.2.1.27.5(c)].

AMENDMENTS TO THE TRANSPORTATION ELEMENT

Add new text as shown below in underline.

Policy: 5.3.1.3 Generally limit the use of the RES-9, RES-12, RES-16 and OM future land use categories on vacant land to locations that are adjacent to the roadways shown on the Future Traffic Circulation: Functional Classification Map (Map 5B) as collector or higher.

Implementation Mechanism(s):

- a) Future Land Use Map.
- b) Review by the Manatee County Planning Department, of all proposed amendments to the Future Land Use Map for compliance with this policy.

AMENDMENTS TO THE WASTEWATER SUB-ELEMENT

Add new text as shown below in underline.

Objective: 9.1.2 **Mandatory Sanitary Sewer Collection:** Prioritize the extension of trunk mains, interceptors, and pump stations to collect wastewater from environmentally sensitive areas, existing high density areas, existing neighborhoods which are currently not connected to the Manatee County sanitary sewer system and all areas within the RES-6, RES-9, RES-12, RES-16, OL, OM, ROR, MU, IL, IH, and IU Future Land Use Categories.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 29th day of July, 2008.

**BOARD OF COUNTY
COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: 
Jane von Hahmann
Chairman



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

By: 
Deputy Clerk



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 30th day of July, 2008.

R.B. SHORE
Clerk of Circuit Court

By: 



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FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

August 4, 2008

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 30, 2008 and certified copy of Manatee County Ordinance Nos. 08-03, 08-04, 08-06, 08-09, 08-10, 08-11 and 08-36, which were filed in this office on August 4, 2008.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

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

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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