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R. B. SHORE

2008 AUG -8 AM 10: 18

**ORDINANCE NO. 08-11**

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**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 TEXT OF THE DEFINITIONS, AND THE FOLLOWING ELEMENTS: FUTURE LAND USE ELEMENT, AND COASTAL MANAGEMENT ELEMENT, 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, (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-08-10 initiated by Manatee County is a request for a text amendment to rename and revise the Coastal Storm Vulnerability Area (CSVA) to the Coastal High Hazard Area (CHHA), amending the Future Land Use, and Coastal Management elements, 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 described in Application PA-08-11 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 the Objections, Recommendations and Comments Report of 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 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. In support of the amendment proposed by Application PA-08-10, the following additional findings are hereby adopted by the Board :

(i) Existing Policy 2.2.2.4.5, Future Land Use Element, provides:

“Development Restrictions/conditions:

(a) Prohibit any amendment to the Future Land Use Map which would result in an increase in allowable residential density on sites within the Coastal Evacuation Area.”

(ii) The existing Policy 2.2.2.4.5, Future Land Use Element, serves the purpose of directing population concentrations away from known or predicted coastal high-hazard areas to an equal or greater degree than the adoption of a level of service standard for an out-of-county hurricane evacuation.

(iii) The existing Policy 2.2.2.4.5, Future Land Use Element, serves the purpose of maintaining a plan to ensure the coastal population is able to safely evacuate during a storm event to an equal or greater degree than the adoption of a level of service standard for an out-of-county hurricane evacuation.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, Definitions, the Future Land Use, and Coastal Management Elements are hereby amended with reference to the tables and text listed in this section as set forth below:

#### **A. AMENDMENT TO THE DEFINITIONS OF THE COMPREHENSIVE PLAN**

**The Definitions of the Comprehensive Plan are amended by the addition of new text indicated by underlining and deletion of text indicated by strike-out.**

~~Coastal Storm Vulnerability Area (CSVA)~~ **Coastal High Hazard Area(CHHA)-**  
The geographic area below the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as well as those portions of Manatee County located seaward of the 5 foot Mean Sea Level topographic contour, and including all areas of known coastal flooding.

**B. AMENDMENTS TO THE FUTURE LAND USE ELEMENT**

The Future Land Use Element of the Comprehensive Plan is hereby amended by the addition of new text indicated by underlining and deletion of text indicated by strike-out.

Amend Table 2-1 as shown in strikethrough and underline format

**TABLE 2-1  
SUMMARY OF FUTURE LAND USE CLASSIFICATION SYSTEM**

**PART II: FUTURE LAND USE OVERLAY DISTRICTS**

Future Land Use Overlay Districts	Map Symbol	Function
3) <del>Coastal Storm Vulnerability Area</del> <u>Coastal High Hazard Area</u>	<del>CSVA</del> - <u>CHHA</u>	Limit Public Expenditures That Subsidize Development Within These Coastal Areas, And Direct Population Concentration Away from Known or Predicted <del>Coastal Storm Vulnerability Areas</del> <u>Coastal High Hazard Areas</u> (See Future Land Use, Coastal Management, Capital Improvements, and Public Facilities Element Policies).

Amend the following text as shown in strike-through and underline.

Policy: 2.2.2.5 ~~CSVA:~~ CHHA: Establish the ~~Coastal Storm Vulnerability~~ Coastal High Hazard Area Overlay District as follows:

Policy: 2.2.2.5.1 Definition: The geographic area below the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as well as those portions of Manatee County located which lies seaward of the 5 foot Mean Sea Level topographic contour, including all areas of known coastal flooding.

Policy: 2.2.2.5.2 Purpose:

- a) To limit population in areas most vulnerable to coastal storm events.
- b) To limit the amount of infrastructure, both private and public, within the ~~CSVA~~ CHHA Overlay District and thereby limit magnitude of

public loss and involvement in mitigating for loss of private infrastructure to Manatee County residents.

- c) To, through exercise of the police power, increase the degree of protection to public and private property, and to protect the lives of residents within the GSVA CHHA, and reduce the risk of exposing lives or property to storm damage.
- d) To accomplish shoreline stabilization along coastal areas by limiting development activity which may adversely impact shoreline stability.
- e) To protect coastal water quality by reducing impervious surface along coastal areas, thereby reducing the risk of incomplete treatment of stormwater runoff before discharge into coastal waters.
- f) To encourage, establish, and maintain vegetative and spatial buffer zones, in order to maintain the capacity of natural vegetative communities in mitigating the negative effects of storm surge and tidal velocity, and the erosive effect of wave action.

Policy: 2.2.2.5.3

Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the GSVA CHHA Overlay District are contained under Objectives 4.3.1, 4.3.2, 4.4.2 and 4.4.3 of the Coastal Management Element. Compliance with all goals, objectives, and policies listed in these subsections, and with other applicable goals, objectives, policies, and development regulations is required for all activity within the GSVA CHHA Overlay District.

Policy: 2.2.2.5.4

Effect of Mapping:

- a) Any project which is at least partially within the GSVA CHHA Overlay District shall be submitted for approval under the special approval process, except in the instance of any project on lands owned, leased or operated by the Manatee County Port Authority. The area designated under the GSVA CHHA Overlay District on the

Future Land Use Map shall also be subject to all goals, objectives and policies for any future land use category overlaid by the GSVA CHHA District, except where policies associated with the ~~GSVA CHHA~~ Overlay conflict with such goals, objectives and policies. In this event, policies associated with the GSVA CHHA Overlay shall override other goals, objectives and policies. The extent and coverage of the area designated as GSVA CHHA is an approximation, and is subject to a more precise determination on any project within, or proximate to, that area shown on the Future Land Use Map as GSVA CHHA. At the time of review of any such project for issuance of any development order establishing total or partial development potential, evaluation of a pre-development topographic survey of the site shall be utilized to determine the extent of the GSVA CHHA District Overlay.

- b) See also objectives listed under Policy 2.2.2.5.3 above.

### **C. AMENDMENTS TO THE COASTAL MANAGEMENT ELEMENT**

**The Coastal Management Element of the Comprehensive Plan is hereby amended by the addition of new text indicated by underlining and deletion of text indicated by strike-out.**

Objective: 4.3.1

**Development Type, Density and Intensity:** Limit development type, density and intensity within the Coastal Planning Area and direct population and development to areas outside of the ~~Coastal Storm Vulnerability~~ Coastal High Hazard Area to mitigate the potential negative impacts of natural hazards in this area.

Policy: 4.3.1.2

Limit the density of new residential development within the FEMA Velocity-Zone to a maximum of three dwelling units per gross acre or to the maximum density shown on the Future Land Use Map for the area within the V-Zone, whichever is less. Any reduction in residential development potential within the FEMA Velocity-Zone resulting from the limit of 3 du/ga within that area may be re-captured on the

subject site in areas outside of the GSVA CHHA where consistent with other provisions of this Comprehensive Plan.

Implementation Mechanism:

- a) Planning Department review of projects within the GSVA CHHA to ensure compliance with this policy.

Policy: 4.3.1.3

Require that non-industrial redevelopment activities within the FEMA Velocity-Zone of the ~~Coastal Storm Vulnerability~~ Coastal High Hazard Area to be limited to the density/intensity in existence for the development site prior to the effective date of the Comprehensive Plan; or be limited to three dwelling units per gross acre or the maximum Floor Area Ratio associated with the Future Land Use designation(s) on the project site, whichever is less. All such redevelopment activities shall also be subject to compliance with other applicable goals, objectives, and policies of this comprehensive plan, and all applicable development regulations.

Implementation Mechanism:

- a) Planning Department review of all proposed redevelopment within the FEMA Velocity-Zone for compliance with this policy.

Policy: 4.3.1.4

Limit industrial development in the GSVA CHHA to the maximum intensity allowed under the Industrial-Light future land use category and prohibit any generation, storage, or disposal in excess of 45.4 lbs. of hazardous, or 0.45 lbs. of acutely hazardous, waste or substances per month for any use in the GSVA CHHA. Industrial development within and in close proximity to Port Manatee shall be exempt from this Policy so long as industry storing above the threshold quantities of hazardous, acutely hazardous, waste or substances take steps to minimize the potential for release of this material in a storm event.

Implementation Mechanism:

- a) Environmental Conservation Lands Management and Planning Departments review of all commercial and industrial uses in the GSVA CHHA to ensure compliance with this

policy.

Policy: 4.3.1.5 Maximize the clustering of uses in the ~~Coastal Storm Vulnerability~~ Coastal High Hazard Area.

- 1) Clustering shall be promoted to protect coastal resources from the impacts of dock accesses, runoff from impervious surface and to minimize infrastructure subject to potential storm damage.
- 2) Net density limits may be waived for appropriate clustered projects.
- 3) For projects located partially within the ~~GSVA~~ CHHA, development shall be encouraged to transfer from areas within the ~~GSVA~~ CHHA to portions of the site outside of the ~~GSVA~~ CHHA. [See policies under objective 2.3.1 of the Future Land Use Element]

Implementation Mechanism:

- a) Planning Department to encourage clustering of density/intensity at time of pre-application meeting and at development review.

Policy: 4.3.2.2 Prohibit the construction of County-funded public facilities within the ~~GSVA~~ CHHA except for the following:

- public recreation consistent with natural resource preservation;
- maintenance of hurricane evacuation times;
- facilities which are necessary for public health, safety, or resource restoration;
- roadways shown on the Future Traffic Circulation Map or the Major Thoroughfare Map contained in the Traffic Circulation Element of the Comprehensive Plan;
- improvements required to maintain Level of Service standards;
- Port facilities consistent with the Port Manatee



Master Plan and this Comprehensive Plan;

- projects which are of an overriding public interest as determined by the Board of County Commissioners.

Implementation Mechanism:

a) ~~Transportation~~ Public Works, ~~Utilities Operations~~, Public Safety, and Parks and Recreation Departments development of capital improvements budgets consistent with this policy.

b) Planning Department input to the Sarasota-Manatee Metropolitan Planning Organization to discourage the inclusion of transportation improvements within the CEA unless such improvements are consistent with policy 4.3.2.4.

Policy: 4.3.2.3

Prohibit Manatee County from accepting responsibility for maintaining new roadways within the CSVA CHHA except for those which are consistent with policies 4.4.2.1 and 4.3.2.4.

Implementation Mechanism:

a) ~~Transportation~~ Public Works, ~~Project Management~~ and Utilities Operations Departments coordination with the Planning Department to implement this policy.

Policy: 4.3.2.4

Prohibit construction of new, or widening of existing, bridges linking the mainland to any island/key area within Manatee County unless such bridge or improvement is shown on the Future Traffic Circulation Map.

Implementation Mechanism:

a) Public Works, and Utilities Operations, ~~Project Management~~ and ~~Transportation~~ Department coordination with the Florida Department of Transportation to review all applications for bridge construction to ensure compliance with this policy.

Policy: 4.3.2.5 Establish a lower priority for the funding of public infrastructure within the CEA as compared to non-CEA areas, except where expenditures are necessary to:

- alleviate dangerously overcrowded or otherwise hazardous roads;
- replace or construct wastewater facilities to alleviate or prevent potential violations of potable water quality standards applicable to surface waters;
- construct recreational facilities unique to coastal sites.

Implementation Mechanisms:

- a) Coordination between the Public Works, Project Management, Utilities Operations, Transportation and Planning Departments during preparation of the Capital Improvements Projects budget to achieve policy compliance.

**Amend following text as shown in strike-through and underline.**

Policy: 4.4.1.1 Develop and implement provisions for increasing the rate of evacuee mobilization, in coordination with other local governments within Manatee County and other adjacent counties.

Implementation Mechanism(s):

- a) Coordination between the Emergency Management Division, ~~Project Management Department, Transportation~~ Public Works Department, and the Tampa Bay Regional Planning Council (TBRPC) and other appropriate Emergency Support Functions (ESF) departments and agencies to:

- prepare and annually update the Comprehensive Emergency Management Plan (CEMP) in coordination with other local governments. The CEMP will contain

measures for hurricane preparedness, evacuation decision and implementation, public shelter, recovery, damage assessment, staff training and hazard mitigation.

- distribute bilingual annual disaster guides free of charge to the public which identify emergency preparedness procedures and evacuation shelters. Distribution should include the possibility of mailing disaster guides to all residents in the Hazard Vulnerability Area of the County.
- implement the Local Mitigation Strategy.

Policy: 4.4.2.3 Minimize the location of development within areas of the CEA which have sustained recurring hurricane related damage.

Implementation Mechanism(s):

- a) Building Department identification of repetitive loss properties and coordination with the County Administrators Office, Planning Department, and ~~Land Acquisition Division of the Transportation Department to implement fee simple acquisition.~~ Property Management Department.
- b) Planning Department development of zoning and other mitigative techniques to reduce the probability of future property loss due to a storm event.
- c) Natural Conservation Lands Management Department development of possible acquisition strategies for suitable environmentally sensitive properties.

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 deemed 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.

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 if a petition challenging the finding of compliance by the Department of Community Affairs is filed with the Division of Administrative Hearing in accordance with Section 163.3184(10), Florida Statutes, whichever occurs first.

**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*  
**Jane von Hahmann  
Chairman**



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

By: *Susan Plummer*  
**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 30<sup>th</sup> day of July, 2008.  
**R.B. SHORE  
Clerk of Circuit Court**  
By: *Diane E. Volmer* D.C.



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

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R. B. SHORE

2008 AUG -8 AM 10:18

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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