

RECORD
R. B. SHORE

APR 29 2009 AM 10:42

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FLORIDA

ORDINANCE NO. 08-52

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 – OPERATIVE PROVISIONS; AMENDING THE TECHNICAL SUPPORT DOCUMENT, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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-08-22 initiated by Manatee County is a request for a text amendment to revise the Future Land Use Element Operative Provisions, and amending the Technical Support Document, 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 Application PA-08-22 to amend the Manatee County Comprehensive Plan in the Future Land Use Element—Operative Provisions as provided herein 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 July 24, 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 August 7, 2008, to consider 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 Objections, Recommendations and Comments Report of the State Land Planning Agency contains no objections to said amendment; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on December 4, 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 the 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, if any; and

WHEREAS, the Board of County Commissioners has determined that the amendments to the Comprehensive Plan set forth herein are necessary to implement the requirements of Section 163, Part II, Florida Statutes; and

WHEREAS, in exercise of this authority, the Board of County Commissioners of Manatee County has determined it necessary and desirable to adopt this Ordinance to effect the 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 – Operative Provisions to create a new Section G entitled “Community Design and Compatibility” and to incorporate the Character Vision Graphic attached hereto. Said amendments to add a new Subparagraph G “Community Design Compatibility” are set forth below by underlining additional text and ~~striking through~~ deleted text:

Amendment to the Future Land Use Element – Operative Provisions

A new Section G is hereby added to the Land Use Operative Provisions as follows:

“New Section G in the Land Use Operative Provisions:

G. Community Design and Compatibility

(1) Understanding Community Design and Compatibility

a. Introduction

The local Governments of Manatee County recognized the importance of creating a shared vision for the future physical development of our community. This task focused on building upon the results of Imagine Manatee to a sense of the future of the county which is not reliant on political boundaries.

After months of intensive effort, the local governments approved the final document. The complete study is part of the Technical Support Document of this Comprehensive Plan.

Utilizing the study requires understanding and utilizing the following three components:

b. Character Vision Graphic

The Character Vision Graphic was created as a “broad brush” map of the character study area that defines existing and future character areas using the typologies as established in the Community Character and Compatibility Study (Reference the Technical Support Document of the Comprehensive Plan).

The purpose of the graphic is to serve as an illustrative depiction of the

general types of communities within the County denoting general descriptions of development form and character wherein specific design guidelines could be developed to address the character issues facing the county and its cities.

This graphic provides guidance for the application of design guidelines based upon character type, identified by location.

As example, where areas are to be designated as future urban, urban standards should be applied to future development / redevelopment (e.g., roadway connectivity, reinforcement of the pedestrian accessibility, master stormwater design, etc.) to preserve the integrity of the urban place.

It is imperative that this graphic evolve as the local governments continue to refine existing character areas and identify new character areas.

c. Guiding Principles

A set of Guiding Principles are identified for each character type. These principles have been identified to give expression to community values and concerns within each character area. As development / redevelopment is undertaken, the guiding principles will provide valuable guidance in addressing issues of compatibility.

d. Design Review Process

The design review process requires identification of : the existing or proposed character area; the guiding principals for the character area; and any detailed plans which provide for additional understanding of community character and concerns.

There must be an understanding of the context in which the development / redevelopment is proposed. The following steps shall be used in the evaluation of specific proposals:

1. Is the site urban, suburban, or a hybrid of the two?

Review the Character Vision Graphic

2. Is the site on a corridor, industrial area or on the waterfront?

Review the Guiding Principles

3. Is the site part of an area with a more detailed vision?

Review specific area / corridor / neighborhood plans

2. Guiding Principles

a. Guiding Principles - Urban Form

i. Generally

The following principles shall be used to guide the physical development of urban areas:

1. **Mixed Uses** - A mixture of non-residential and residential uses of various densities, intensities, and types designed to promote walking between uses and a variety of transportation modes such as bicycles, transit, and automobiles .
2. **Functional Neighborhoods** - Residential areas include neighborhood retail centers, a variety of housing types, public / civic space and a variety of open space amenities, schools, central water and sewer, and fire / safety accessibility.
3. **Walkable Streets** - Integrated neighborhoods and compact Traditional Neighborhood Design (TND) development that designs a community based on reasonable walking distances, the location of parking, and design of streetlights, signs, and sidewalks.
4. **Interconnected Circulation Network** – An interconnected street system that prioritizes pedestrian and bicycle features and links neighborhoods to shopping areas, civic uses, parks and other recreational features.
5. **Variety of Transportation Options** - A variety of attractive, reliable, interconnected transportation options exist such as; bus, bike, van pools which reduce energy cost and discourage reliance on automobiles.
6. **Respect for Natural Features** – Development activity recognizes the natural and environmental features of the area and incorporates the protection, preservation and enhancement of these features as a resource amenity to the development.

ii. Downtowns – Urban Centers

The following principles shall guide the development of downtowns and urban centers:

1. **Housing** - Provision of sufficient housing capacity, including affordable and workforce housing.
2. **Transportation** - Optimization of transportation infrastructure that promotes multi-modal opportunities and recognizes the functional integration of the downtown / urban centers with adjacent neighborhoods.
3. **Sustainability** - Promotion of sustainable development practices.
4. **Historic Preservation** - Promotion of historic preservation, including the preservation of historically significant structures in the downtown areas. Encourage an urban scale, form and character that respects and integrates historically significant structures and districts.
5. **Aesthetics** - Maintenance and promotion of aesthetics in design and urban form through height, bulk and scale standards for new development which are consistent with the established cityscape and skyline.
6. **Waterfront** - Promote appropriately scaled building transitions to the waterfront.
7. **Open Space** - Provision of open space and urban recreational opportunities that encourage walkability throughout downtown and adjacent neighborhoods, including a pedestrian infrastructure and open space network that promotes ease of access to the waterfront.
8. **Employment** Provision of sufficient employment capacity.

iii. **Traditional Urban Neighborhoods.** The following principles shall guide development in traditional urban neighborhoods:

1. **Neighborhood Identity** – Neighborhoods should be designed to establish an identity and value that motivates residents to protect them including:
 - a. Neighborhood names and identities
 - b. Lot and block designs that reinforce pedestrian use of the street
 - c. Compatible (not identical) housing types
 - d. Economic and social diversity
 - e. Garage door locations should be designed to reinforce the urban development pattern and require;
 - i. Locating the garage door behind the front

plane of the main house

- ii. Side entry garages
- iii. Rear access garages on alleyways
- iv. Shared driveways with separate garages
- v. Other options that restrict the domineering street presence of garages

2. **Connections** – Streets should be designed as open spaces for pedestrians that connect to adjacent uses and neighborhood supporting businesses without encouraging cut-through traffic including;

- a. Traffic calmed streets
- b. Room for on-street parking
- c. Street Trees
- d. Sidewalks
- e. Standard street lighting
- f. Interconnected walkways, bikeways, trails and greenways
- g. Connections to adjacent neighborhoods
- h. Connections to other uses that reduce the need to travel major roads to get to neighborhood serving business

3. **Open Space** – Common open areas should be part of every neighborhood with easily and safely accessible neighborhood parks including :

- a. Neighborhood parks
- b. Open spaces and usable land for casual recreation
- c. Arrangements for maintenance
- d. Cluster mail boxes
- e. Wetlands, retention areas and other unique site features designed as amenities

b. Suburban Form

i. **Generally.** The following principles shall be used to guide the physical development of suburban areas:

- 1. **Activity Centers** – Location of mixed-use activity centers in sufficient size and proximity to neighborhoods to serve the daily needs of residents.
- 2. **Functional Neighborhoods** – Residential areas are located and designed such that there are adequate facilities and services for residents including schools, central water and sewer, and fire / safety accessibility. Each neighborhood shall provide a variety of open space / park amenities to serve their residents.

- 3. Attention to Aesthetics** – Landscaping, lighting and signage are used to create community identity and pride, including the introduction of quality elements such as street trees, entry sign(s) and landscaping, the protection of open spaces and usable land for casual recreation, and the enhancement and protection of sensitive lands and natural features.
 - 4. Adequate Circulation Network** – A street system that is designed to accommodate the density, intensity and form of suburban development which provides functional connections that link neighborhoods to shopping areas, civic uses, parks and other recreational features. Pedestrian and bicycle connections are also provided as safe alternatives to auto travel.
 - 5. Respect for Natural Features** – Development activity recognizes the natural and environmental features of the area and incorporates the protection, preservation and enhancement of these features as a resource amenity to the development.
- ii. Suburban Neighborhoods.** The following guiding principles shall be used to guide the development of suburban neighborhoods:
- 1. Effective Organizations** – Neighborhoods should have effective organizations including:
 - a. Strong homeowners association
 - b. Mandatory funding source for common area maintenance
 - c. Neighborhood organization for communication and conflict resolution
 - 2. Neighborhood Identity** – Neighborhoods should be designed to establish an identity and value that motivates residents to protect them including:
 - a. Neighborhood names and identities
 - b. Neighborhood entrances
 - c. Compatible (not identical) residential housing types and densities
 - d. Common open space for active / passive recreation
 - e. Natural lands with wetland / upland habitat and environmental resources in combination with stormwater and open space lands
 - 3. Connections** – Streets should be designed as open spaces for pedestrians that connect to adjacent uses and

neighborhood supporting businesses without encouraging cut-through traffic including:

- a. Traffic calmed streets
- b. Gentle curves to create variety of views, to break up long street views
- c. Street Trees
- d. Sidewalks
- e. Standard street lighting
- f. Interconnected walkways, bikeways, trails and greenways to other uses that reduce the need to travel major roads to get to neighborhood serving businesses
- g. Connections to adjacent neighborhoods that do not promote cut-through traffic

4. Open Space – Common open areas should be part of every neighborhood with easily and safely accessible neighborhood parks including:

- a. Open Spaces and usable land for casual recreation
- b. Arrangements for maintenance
- c. Wetlands, retention areas and other unique site features designed as amenities
- d. Entrance sign(s) and landscaped areas

iii. Suburban Centers – New Mixed Use Activity Centers

The following principles shall be used to guide the development of suburban centers and new mixed use activity centers:

1. **Universal Blocks** – Mixed use centers should be designed with universal blocks, i.e. blocks with standard dimensions that accommodate several different types of uses, to enable re-use over time through infill, redevelopment and intensification .
2. **Integrated Infrastructure** – Mixed use centers should have integrated infrastructure, vertical and / or horizontal integration of different land uses and coordinated access.
3. **Plan for Change** – Mixed use centers should promote development planning that encourage site plans to anticipate infill development with future building sites, structured parking and the flexibility to intensify the site later when the market grows.

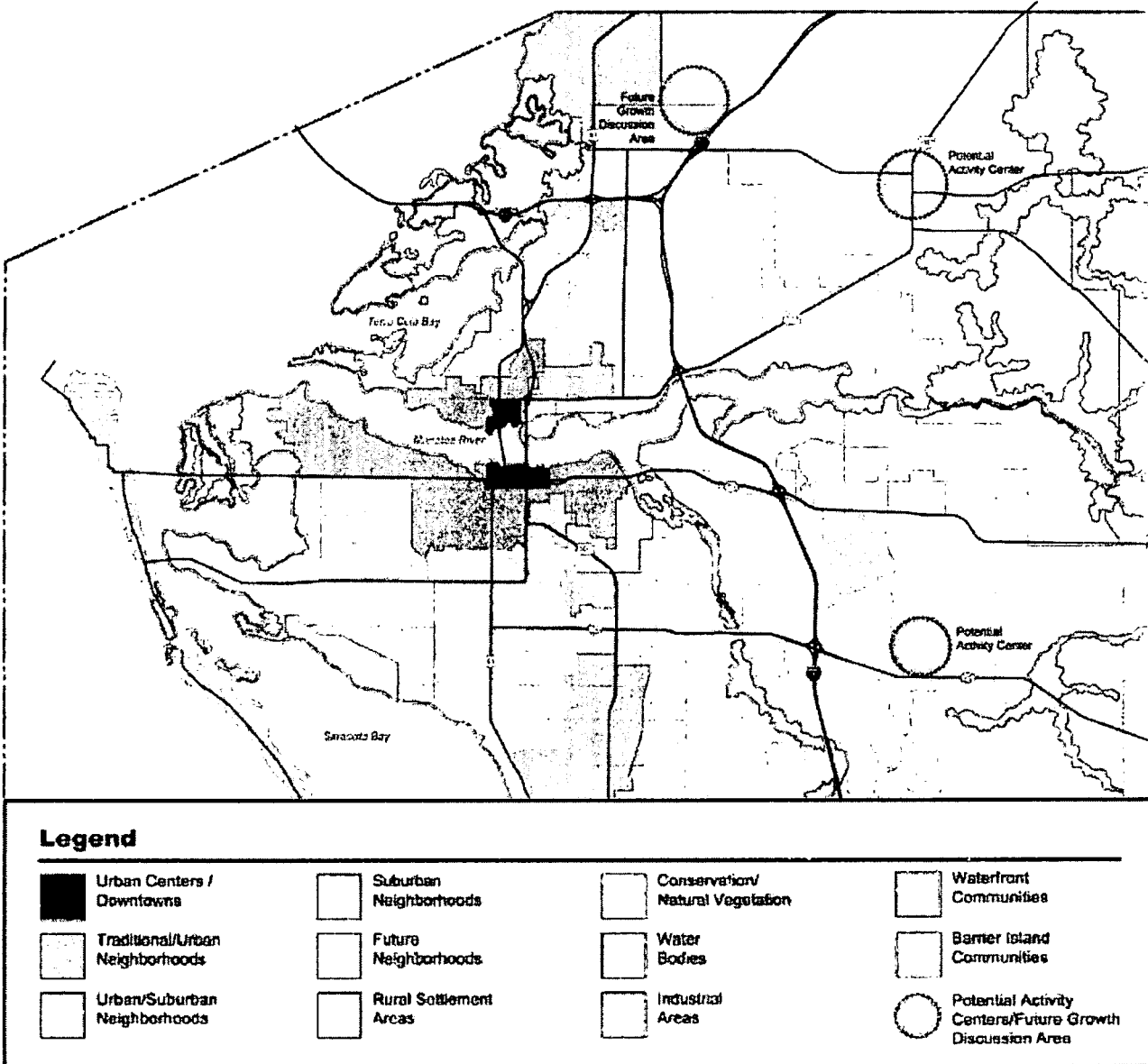
c. Corridors. The following guiding principles shall be used for development along corridors:

bodies are under the ownership of all the citizens of Florida and they are a shared public amenity.

- ii. **Environmental Quality** – Development which protects and improves the environmental quality of the adjacent water-body.
- iii. **Pedestrian Friendly Design** – Development which promotes and encourages access for pedestrians and bicyclists.
- iv. **Public Waterfront Spaces** – Development of quality waterfront public areas which provide for a range of recreational opportunities and encourage public interaction.
- v. **Connecting Waterfront Spaces** – Development of a connected pedestrian network of waterfront spaces.
- vi. **Waterfront Vistas** – Panoramic water views of great beauty are preserved and created.
- vii. **Waterfront Transition** – Development which creates appropriately scaled transitions of height and bulk to the waterfront.
- viii. **Safety** – Development which fully recognizes the increased safety issues of locating in a hazardous area and responds by incorporating a broad range of mitigation measures to reduce the risk to people and property.
- ix. **Maritime Business / Industry** – Places of maritime industry and commerce are appropriately maintained."

Add Character Vision Graphic as part of new Section G:

Character Vision Graphic



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.

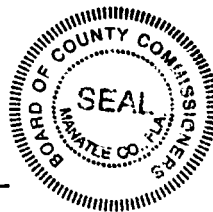
PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 4th day of December, 2008.

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

By: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

By: *Susan Lane*
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 04 day of December, 2008.
R.B. SHORE
Clerk of Circuit Court
By: *Wabi Seanes* D.C.



FILED FOR RECORD
R. B. SHORE

2008 DEC 23 AM 10:42

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MANATEE CO. FLORIDA

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Governor

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KURT S. BROWNING
Secretary of State

December 16, 2008

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

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-27, 08-30, 08-52, 08-60, 08-81, PDR-05-67(Z) (P), PDR-06-73(Z) (P), PDR-08-13(Z) (P), Z-08-02, PDEZ-08-19(Z) (G) (R), PDEZ-08-20(Z) (G), PDEZ-08-21(Z) (G) (R), PDEZ-08-22(Z) (G) (R), PDPI-06-43(Z) (P), , which were filed in this office on December 15, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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From: ords@municode.com

Sent: Thursday, January 15, 2009 9:21 AM

To: Vicki Tessmer

Subject: Acknowledgment of material received

This is a computer generated email, please do not reply to this message.



Manatee County, FL Code of Ordinances - 1981(10428)

Supplement 75

Recorded: **1/8/2009 10:54:41 AM**

We have received the following material through **Hard Copy/Electronic**.

Document	Adoption
Ordinance No. 08-07	12/4/2008
Ordinance No. 08-27	12/4/2008
Ordinance No. 08-30	12/4/2008
Ordinance No. 08-50	12/4/2008
Ordinance No. 08-51	12/4/2008
Ordinance No. 08-52	12/4/2008
Ordinance No. 08-60	12/4/2008
Ordinance No. 08-69	12/4/2008
Ordinance No. 08-81	12/4/2008
Ordinance No. 08-82	12/16/2008

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Or point your browsers at: <http://www.municode.com/disposition/dislist.asp?jobid=103644>

If you are sending the ordinances in electronic form and printed form, we assume the electronic version of the ordinances reflects the ordinances as adopted. We do not proofread against the printed version of the ordinance if the printed copy is submitted. Please contact us if you have questions.

- You can also "GO GREEN" and reduce the number of supplement copies you receive or just get a PDF of the supplement to print your own copies. ask us how - email info@municode.com.
- Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly. For additional information email info@municode.com.
- We can post newly enacted ordinances in the online Code after each meeting. E-mail us for more information at info@municode.com.

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