

FILED FOR RECORD
R. B. SHORE

ORDINANCE 08-63

2008 AUG 25 AM 8:00

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED) TO CREATE A NEW ZONING DISTRICT – “PLANNED DEVELOPMENT ENCOURAGEMENT ZONE” AND TO MAKE AMENDMENTS THROUGHOUT THE LAND DEVELOPMENT CODE TO EFFECTUATE THAT ZONING DISTRICT INCLUDING AMENDMENTS TO: CHAPTER 2 – DEFINITIONS; CHAPTER 5 – DEVELOPMENT REVIEW PROCEDURES; CHAPTER 6 – ZONING DISTRICTS, INCLUDING FIGURE 6-1 THE USE CHART TO ADD THE USES FOR THE NEW ZONING DISTRICT; CHAPTER 7 – DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY AND OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

RECORDED
2008 AUG 19 AM 10:15
TALLAHASSEE, FLORIDA

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

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, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. County has initiated a zoning text amendment to amend the Land Development Code to establish a new Zone District to be known as PDEZ (“Planned Development Encouragement Zone”); and

2. The purposed and intent of the Planned Development Encouragement Zone (PDEZ) District is to provide for the development of land with uses compatible with and supportive of the economic health of Port Manatee and Manatee County.

3. The Planning Commission acting as the County’s local planning agency held a duly noticed public hearing on July 24, 2008 to review proposed Ordinance 08-63 and adopted a motion finding this proposed ordinance consistent with the Comprehensive Plan and recommending its adoption to the Board of County Commissioners; and

4. The Board of County Commissioners held the first duly noticed public hearing on July 29, 2008 on proposed Ordinance 08-63 to receive public comment and to review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance.

5. The Board of County Commissioners had a second duly noticed public hearing on August 12, 2008 to receive additional public comment and review and consider the recommendation of Planning Commission and Planning staff for this proposed ordinance.

6. The Board of County Commissioners, after considering public comment, the recommendations of the Planning Commission and Planning staff, has found proposed Ordinance 08-63 consistent with the Comprehensive Plan and in furtherance with the public health, safety and welfare and has adopted this ordinance as set forth herein.

Section 3. Amendment to Chapter 6, of Land Development Code. Chapter 6 of the Code is hereby amended to add a new Section 603.21 as set forth below:

"Section 603.21 PDEZ – Planned Development Encouragement Zone.

603.21.1. Purpose and Intent. The Planned Development Encouragement Zone (PDEZ) District is intended to provide for the development of land with uses compatible with and supportive of the economic health of Port Manatee and Manatee County.

603.21.2. Area of Applicability. The Planned Development Encouragement Zone District shall consist of land so designated on the Official Zoning Atlas of Manatee County.

603.21.3. Permitted Uses. The uses permitted in the PDEZ zoning district are as allowed by Figure 6-1 of the Code, subject to the limitations of the Comprehensive Plan, and the General Development Plan(s).

603.21.4. Accessory Uses. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, shall be permitted.

603.21.5. Conditional Uses. Conditional uses may be allowed as permitted uses subject to the standards provided in Section 704.

603.21.6. Development Standards. In addition to the standards contained in Chapter 7, the following development standards shall be required to be addressed on the General Development Plan.

603.21.6.1. Roadway Buffers.

Detailed roadway buffer requirements shall be shown on the General

Development Plan by Area.

603.21.6.2. Compatibility and Screening Buffers. For those lands adjacent to properties with residential zoning or residential Future Land Use Categories, there shall be a 75 foot landscape buffer for those adjacent sides. This buffer shall contain a solid fence or wall a minimum of 8 feet in height, 4 canopy trees and 40 shrubs per100 lineal feet.

603.21.6.3. Exemptions. Exemptions for parking lot landscaping, sidewalks, building height setbacks, parking requirements, access points, and other standards shall be allowed as shown on the General Development Plan.

603.21.6.4. Connectivity. Consideration must be given to connectivity between the Port and PDEZ sites and between PDEZ site locations and the Port Connector road and other frontage roads as needed. Access to and land for transit stops, transfer points, and park and ride lots, as needed, must be addressed on a subsequent Final Site Plan.

603.21.6.5. Intensity of Use. Those uses that are the most intensive shall generally be located on lands closest to Port Manatee. Less intense uses shall be located further to the south and east.

603.21.7. Review Process. Development permitted in the PDEZ District shall be in conformance with an approved General Development Plan. An administratively approved Preliminary and Final Site Plan are required following approval of the General Development Plan.

603.21.7.1. Plan Expiration. General Development Plan(s) for projects located within the PDEZ District shall not expire.

(Additional text indicated by underline; deletion by ~~strikeout~~).

Section 5. Amendment of Chapter 5 of Land Development Code. Chapter 5 of the Code, Section 508.6, factors to be reviewed with Site Plans, is hereby amended in the following sections to address the PDEZ (Planned Development Encouragement Zone) District as follows:

Section 508.6.8:

508.6.8. Access. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need. The location of specific access points shall not be required for General

Development Plans in the PDEZ District.

Section 508.8.1.1:

508.8.1.1. *General Development Plans.* General development plans shall expire four (4) years after the date of approval, unless a preliminary site plan is submitted by the applicant. This expiration shall include all phases shown on the approved General Development Plan, as phases may not extend beyond the approval limit of the site plan, except in the case of a large project, DRI, Planned Development Encouragement Zone, or County facility for which a phasing schedule is approved pursuant to Section 508.4.1.3., or 508.4.1.4., in which case such General Development Plan shall expire in accordance with such phasing schedule except as provided for in Section 508.1.1.1 below.

508.1.1.1. Planned Development Encouragement Zone. General Development Plans in the PDEZ Districts shall not expire.

(Additional text indicated by underline; deletion by ~~strikeout~~).

Section 6. Amendment to Chapter 6, Land Development Code. Chapter 6 of the Code is hereby amended to revise Figure 6.1, the Schedule of Permitted, Administrative and Special Permit Uses to add reference to the PDEZ (Planned Development Encouragement Zone). Said amended Figure 6.1 shall provide in pertinent part as follows:

“Schedule of Permitted, Administrative and Special Uses by District.

Figure 6.1 - Agricultural Uses:

	PDEZ
Agricultural Products Processing Plants	P*
Agricultural Research Facilities	P
Agriculture	P*
Animal Products Processing Facility	P*
Breeding Facility (non-wild, non-exotic)	X
Stockyards and Feedlots	X
Farm Worker Housing	X
Farming Service Establishments	P*
Kennels	X
Sawmills	P*
Short Term Agricultural Uses	P
Slaughterhouses	X
Veterinary Hospitals	X

AP	=	Administrative Permit
SP	=	Special Permit
P	=	Permitted
X	=	Not Permitted
AP/SP	=	Administrative Permit required as specified in Section 704 or elsewhere in this Code.
P*	=	With limitations, as specified in Section 704, Conditional use Criteria, or elsewhere in this Code. Accessory towers in the PDR district are allowed a maximum height of 150 feet.

Note: Remainder of footnotes in Figure 6-1 omitted for brevity.

Figure 6.1 - Commercial Uses - Retail:

	<u>PDEZ</u>
Auction Houses, Open	X
Auction Houses, Enclosed	X
Auction Houses, Auto	X
Building Materials Establishment	X
Retail Sales, Neighborhood Convenience	X
Retail Sales, Neighborhood General	X
Drinking Establishment	X
Drive-Thru Eating Establishment	P*
Eating Establishment	P
Farm Equipment and Supply Establishments	P
Gas Pumps	P*
MH/RV Sales, Rental, Leasing	X
Motor Vehicle Sales, Rental, Leasing	X
General Retail Sales Uses	X
Service Station	P

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Note: Remainder of footnotes in Figure 6-1 omitted for brevity.

Figure 6.1 - Commercial Uses – Services:

	PDEZ
Bank	X
Bank/Drive-through	P*
Business Services	X
Exterminating and Pest Control	P*
Health Services:	
Professional Office	X
Clinic	X
Veterinary Clinic	X
Hospitals	X
Medical and Dental Laboratories	X
Industrial Service Establishment	P*
Lodging Places:	
Bed and Breakfast	X
Boarding House	X
Dormitories	X
Hospital Guest House	X
Hotels	X
RV Park	X
Miscellaneous Services:	
Car Wash:	
Self Serve	X
Incidental	X
Full Service	X
Construction Service Establishment	X
Dry Cleaners	
Neighborhood	X
General	X
Pick-up	P*
Food Catering	X
Funeral Chapel	X
Funeral Home	X
Lawn Care/Landscaping	X
Printing, Small	X
Hotel	P**
Personal Service Establishment	X
Repair Service Establishment	X
Motor Vehicle Repair:	
Neighborhood Serving	X
Community Serving	X
Major	P*
Sign Painting Service	X

Taxi-Cab, Limousine Service	X
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Note: Remainder of footnotes in Figure 6-1 omitted for brevity.

Figure 6.1 - Industrial:

	<u>PDEZ</u>
Firework/Sparkler Manufacture	X
Manufacturing:	
Heavy	P
Light	P
Research and Development Activity	P

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Figure 6.1 – Community Services Uses:

	<u>PDEZ</u>
Antenna	P
Camouflaged Tower, maximum 150 Feet in Height	P
Cultural Facilities	P
Correctional Facilities:	

Major	X
Emergency Shelters	X
Emergency Shelter Home	X
Guyed Tower	P
Lattice Tower 400 Feet Maximum Height, Maximum 150 Feet in PDR	P
Monopole Telecommunications Tower with 3 or More Providers, 200 Foot Maximum Height	P
Monopole Tower Greater than 150 Feet, 200 Feet Maximum Height	P
Monopole Tower Less than 150 Feet	P
Outpatient Treatment Facility	X
Post Offices	P
Private Community Uses	X
Public Community Use	P
Public Use Facilities	P
Radio, TV, Communications, Microwave Facilities	P
Residential Treatment Facilities	X
Resource Recovery Facilities	X
Utility Use	P
Utility Use, Heavy	X

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Figure 6.1 – Miscellaneous Uses:

	<u>PDEZ</u>
Flea Markets:	
Enclosed	X
Open	X
Floating Residential Units	X
Lumberyard	P*
Outdoor Advertising Signs	P

Outdoor Storage	P*
Parking Commercial	X
Towing Service and Storage Establishment	P*
Waterfront Structures, Multi-Family	X
Waterfront Structures (Residential)	X
Waterfront Structures (Other)	X
Water Dependent Uses	X

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Note: Remainder of footnotes in Figure 6-1 omitted for brevity.

Figure 6.1 – Open Uses of Land – Light:

	<u>PDEZ</u>
Cemetery:	
Human	X
Pet	X
Game Preserve	X
Land Reserves, Public or Private	X
Tree Farm	X
Minor Earthmoving	P*

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Figure 6.1 – Open Uses of Land – Heavy:

	PDEZ
Junkyards	X
Landfills	X
Mining Activity	X
Major Earthmoving	P*

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Figure 6.1 – Recreation Uses:

	PDEZ
Low Intensity Recreational Use	X
High Intensity Recreational Use	X
Medium Intensity Recreational Use	X
Outdoor Firing Ranges	X
Passive Recreational uses	P*

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Figure 6.1 – Residential Uses:

	PDEZ
Family Care Homes	X
Group Care Home, Large	X
Group Care Home, Small	X
Group Housing	X
Manufactured Home Parks	X
Manufactured Home Subdivisions	X
Multiple Family Dwellings	X
Residential Care Facilities, Large	X
Residential Care Facilities, Small	X
Recover Home, Large	X
Recovery Home, Small	X
Single Family Attached Dwellings	X
Single Family Detached Dwellings	X
Single Family Semi-Detached Dwellings	X
Duplex Dwellings	X
Individual Manufactured Homes	X
Triplex and Quadraplex Dwellings (Multifamily, four (4) units maximum)	X

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Figure 6.1 – Residential Support Uses:

	PDEZ
Churches or Other Place of Worship	X
College/University (PDP/SP)	X
Day Care Center, Large	X
Day Care Center, Medium	X
Day Care Center, Small	X

Day Care Facilities (Accessory)	P*
Day Care Home	X
Environmental Education Facilities	X
Schools, Elementary	X
Schools, High School	X
Schools, Middle	X
Schools of Special Education	X

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Figure 6.1 – Transportation Facilities:

	<u>PDEZ</u>
Aircraft Landing Field	X
Airport, Private or Public	P*
Airport, Commercial	X
Bus RR Passenger Station	P*
Hazardous Waste Transfer Facility	X
Heliport	P*
Helistop	P*
Intermodal Terminal	P*
Motor Freight Terminals	P*
Motor Pool Facilities	P*
Railroad Switching/Classification Yard	P*

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Figure 6.1 – Warehousing:

	<u>PDEZ</u>
Warehouse	P*
Warehouse – Mini	X

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Section 6. Severability. If any section, sentence, clause or other provisions of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to rendered invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this ordinance.

Section 7. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 through 5 of this Ordinance into the Land Development Code.

Section 8. Applicability. The amendments set forth in this ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 9. Effective Date. This ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida, this the 12th day of August, 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 P. Shore*



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 12th day of

August, 2008

R.B. SHORE
Clerk of Circuit Court

By: *Wendi James* o.c.



FILED FOR RECORD
R. B. SHORE

2008 AUG 25 AM 8: 00

FLORIDA DEPARTMENT of STATE CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

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KURT S. BROWNING
Secretary of State

August 19, 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 August 13, 2008 and certified copies of Manatee County Ordinance Nos. 08-62, 08-63, and 08-68, which were filed in this office on August 18, 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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