

ORDINANCE 12-07 fka 11-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT – “MASTER PLANNED – INSTITUTIONAL” (MP-I) – AND AMENDING THE LAND DEVELOPMENT CODE TO EFFECTUATE THAT ZONING DISTRICT; INCLUDING AMENDMENTS TO CHAPTER 2 – DEFINITIONS; CHAPTER 6 – ZONING DISTRICTS; FIGURE 6-1, USE CHART; FIGURE 6-2, SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS; AND ANY OTHER REVISIONS DEEMED NECESSARY OR APPROPRIATE DURING THE PUBLIC HEARING PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FILED  
JAN 10 11 12:01 PM  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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. Sections 601 and 602 of the Manatee County Land Development Code (“the Code”), and Definitions, in Section 201 of the Code establish zoning districts for the County and set forth the permissible uses and procedures for developments within such districts.
2. It is in the interest of the public health, safety and welfare to adopt the amendments to Sections 601 and 602, and Section 201 of the Code, in order to establish a new zoning district, “Master Planned - Institutional” (MP-I), and to set forth the permissible uses and procedures for development within the MP-I District, and to provide definitions to implement such amendments.
3. The Manatee County Planning Commission held a duly noticed and advertised public hearing on December 8, 2011, the staff report has reviewed the amendments set forth in this ordinance and has found these amendments to the Land Development Code to be consistent with the Manatee County Comprehensive Plan and recommended their adoption to the Board.

4. The Board of County Commissioners held a duly noticed public hearing on January 5, 2012 on proposed Ordinance 12-07 fka 11-41 to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance.
5. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found proposed Ordinance 12-07 fka 11-41 consistent with the Comprehensive Plan, and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

**Section 3. Amendment of Chapter 2, Definitions and Rules of Construction, Land Development Code.**

Chapter 2, Section 201 is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

Institution Master Plan shall mean the master plan approved in association with the Master Planned - Institutional zoning district. Such plan shall be similar to a General Development Plan. (see Chapter 6 regarding details required to be shown on the Institution Master Plan)

**Section 4. Amendment of Section 601. Districts Established.** Section 601, Districts Established, is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

MP-I: Master Planned - Institutional

**Section 5. Amendment of Section 602. Standard Zoning Districts.** Section 602, Standard Zoning Districts, is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

602.1.8. *MP-I: Master Planned Institutional District.* The MP-I District is established to provide for areas for institutional uses such as churches, schools, medical facilities, or other similar uses with multiple buildings and/or facilities in a campus setting. The district is designed to allow for future expansions and eventual build-out of master planned campuses while ensuring compatibility with adjacent land uses. In addition, this district shall allow for vertical integration of structures and a compact form of development in a village setting. This zoning district shall not be construed to grant entitlements to any property approved for an Institution Master Plan in excess of any statutorily prescribed threshold for a development-of-regional-impact review under applicable state law. The permissible uses within the MP-I District shall be limited to those uses authorized pursuant to Figure 6-1 within such District.

602.6 Procedures for MP-I District.

602.6.1. Application for Approval of Rezoning; Institution Master Plan Review.

602.6.1.1 Filing of Application. Any person wishing to rezone property into the MP-I District and to undertake development within the MP-I district shall file an application with the Director in accordance with the provisions of Section 504, and this Section. Such application shall include a copy of an Institution Master Plan.

602.6.1.2. Review Procedures. The review and approval procedures for an Institutional Development shall be the same as for a rezoning pursuant to Section 504, Amendments to Official Zoning Atlas.

602.6.1.3 Institution Master Plan. In addition to the application required under Section 504, the applicant shall provide an Institution Master Plan for review and approval. The plan shall provide sufficient detail for the Board to determine that compatibility between adjacent uses will be achieved upon build out. The plan shall include, at a minimum, the following information:

- Property Boundary
- General Range of Uses, including principal and accessory uses
- Range of Density and/or Intensity as appropriate
- Building Height
- External Access Points
- Minimum Setbacks from Property Boundary
- Upland Preservation Areas
- Wetlands, wetland buffers and proposed wetland impacts
- Perimeter buffers

602.6.1.4 Board of County Commissioner Approval. In review of the Institution Master Plan, the Board of County Commissioners may limit the range of uses to ensure compatibility with adjacent existing or future land uses. The Board may also approve specific building heights, perimeter buffers, and setbacks not in strict compliance with Figure 6-6 based upon a review of the plan. The Board of County Commissioners shall also be authorized to grant Special Approval with the approval of the Institution Master Plan.

602.6.2 Further Development Review Procedures. Upon approval of a Zoning Atlas Amendment and accompanying Institution Master Plan by the Board of County Commissioners, the applicant may proceed with approvals of site plans in accordance with Section 508. Such approvals shall be consistent with the approved Institution Master Plan and may be approved in phases. Future development shall occur in

accordance with regulations in effect at the time, with the exception of the information contained on the Institution Master Plan. (e.g., details of landscaping, lighting, parking, etc. will not be shown on the master plan but future approvals will be required to comply with the most current regulations).

602.6.3 *Uses Proposed.* Uses must be consistent with and allowed under the range of potential uses for the applicable Future Land Use Category of the Comprehensive Plan. Uses listed as permitted in Figure 6-1 must be declared as either principal or accessory on the Institution Master Plan.

The following uses may be considered principal uses: Office, Hospital, Research and Development Activity, Churches or other places of worship, College/University, Schools of Special Education, Cultural Facilities, and Nursing Home.

All remaining uses permitted in Figure 6-1 shall be allowed as accessory uses if they are listed on the Institution Master Plan.

602.6.4 *Effect of Approval.* Upon approval of the Institution Master Plan by the Board through adoption of a Development Order, the applicant may apply directly for approval of a Preliminary/Final Site plan and may indicate phases on that plan. Subsequent applications may depart from the phasing plan if each site plan provides access and other common improvements adequate to serve all cumulative developments in the event other phases fail to develop timely.

602.6.5 *Modification.* Minor Modifications may be approved by the Director after a finding of consistency with the Institution Master Plan and Comprehensive Plan. Should future development conditions warrant a major modification to the Institution Master Plan, such an amendment shall be reviewed and approved in the same manner as the original plan.

602.6.6 *Expiration.* Upon approval, the Institution Master Plan shall not expire.

602.6.7 *Other Permits Required.* Nothing in this Section shall eliminate the obligation of the applicant to obtain any required permits from State or Federal agencies.

602.6.8 *Revocability.* In the event the Director determines, in his or her sole discretion, that the applicant has failed to suitably monitor the progress of the development under the Institution Master Plan so as to trigger or have a factual basis to conclude that the numerical thresholds will be exceeded such as to trigger review as a development-of-regional-impact, the Director shall notify the applicant in writing of his or her determination. The applicant(s) receiving such notice shall have the right to appeal pursuant to Section 516, LDC, of the decision or interpretation of the Director in the enforcement of this Code requirement. The applicant shall record a notice to buyers in the public records at such time as any parcel or portion of the property is sold or

transferred to another legal entity of the requirement of a subsequent purchaser to comply with the monitoring requirements regarding numerical thresholds and development-of-regional-impact review.

Such appeal shall be heard by the Board. The Board, at its option, based upon evidence in the record and exclusive of all other remedies available to the Board pursuant to Land Development Code and applicable law, may revoke the approval of a portion of the Institution Master Plan for which no Preliminary/Final Site Plan has been issued in order to prevent issuance of further development orders and prevent the exceedence of numerical thresholds for development-of-regional-impact-review. In the event the approval of all or a portion of the Institution Master Plan is revoked by the Board, the Board shall adopt a resolution providing for such revocation and a Notice of Revocation shall be recorded in the public records.

**Section 6. Amendment of Figure 6-1. Schedule of Permitted, Administrative and Special Use by District.** Figure 6-1, Schedule of Permitted, Administrative and Special Use by District, is hereby amended as follows, with the addition of a column titled MP-I with additions to text as indicated by underlining and deletions indicated by ~~strike-out~~:

FIGURE 6-1: *The following uses shall be listed as Permitted under the "MP-I" zoning category. All other uses shall not be allowed.*

- Retail Sales, Neighborhood Convenience
- Retail Sales, Neighborhood General
- Eating Establishment
- General Retail Sales Uses
- Bank
- Bank/Drive Through
- Business Services
- Professional Office
- Clinic
- Hospital
- Medical and Dental Laboratories
- Nursing Home
- Bed and Breakfast
- Boarding House
- Dormitories
- Hospital Guest House
- Hotel
- Office
- Personal Service Establishment
- Research and Development Activity
- Cultural Facilities

- Low Intensity Recreation
- Medium Intensity Recreation
- Passive Recreational Uses
- Group Housing
- Residential Care Facilities, Large and Small
- Residential (attached, detached, semi-detached, duplex dwellings)
- Churches or other Places of Worship
- College or University
- Day Care Center, Small, Medium or Large or Accessory
- Schools, Elementary, Middle or High
- Schools of Special Education

**Section 7. Creation of Figure 6-6. MP-I Master Planned – Institutional Bulk, Placement and Dimensional Requirements.** Figure 6-6, MP-I – Master Planned – Institutional Bulk, Placement and Dimensional Requirements is hereby created as follows, with additions to text indicated by underlining and deletions indicated by ~~strike out~~:

FIGURE 6-6 MASTER PLANNED – INSTITUTIONAL BULK, PLACEMENT AND DIMENSIONAL REQUIREMENTS:

Unless otherwise specified on the Institution Master Plan, the following minimum requirements shall apply:

<u>Minimum Land Area:</u>	<u>40 acres</u>
<u>Roadway Buffer/Setback from exterior roadways: (structures)</u>	<u>25 feet/40 feet</u>
<u>Perimeter Buffer/Setback from adjacent property*: (structures)</u>	<u>20 feet/30 feet</u>
<u>Maximum Density and F.A.R :</u>	<u>Based upon maximums in Future Land Use Categories</u>
<u>Maximum Building Height:</u>	<u>7 stories or 84 feet**</u>
<u>Minimum Open Space:</u>	<u>25%</u>

\*Perimeter buffer/setback from residential property: 30 feet/40 feet

\*\*Building in excess of 35 feet must be located a minimum of 100 feet from any property boundary or 500 feet from any waterfront property boundary. The Board of County Commissioners may allow structures in excess of 35 feet within closer proximity to property boundaries under the provisions of Section 603.7.4.9.

**Section 8. Codification.** The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this ordinance into the Land Development Code.

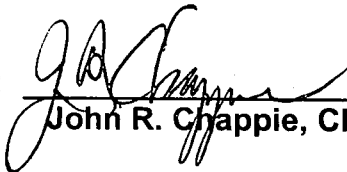
**Section 9. Applicability.** The amendments set forth in this ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

**Section 10. Severability.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

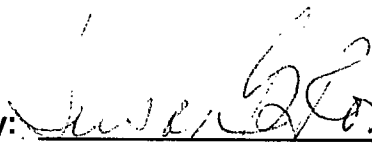
**Section 11. Effective Date.** This Ordinance shall become as provided by law.

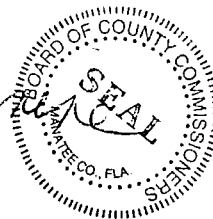
**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 5th day of January, 2012

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

By:   
John R. Chappie, Chairman

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

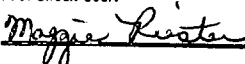
By:   
Deputy Clerk



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 6<sup>th</sup> day of

January 2012  
R.B. SHORE  
Clerk of Circuit Court

By:  D.C.



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**DIVISION OF LIBRARY AND INFORMATION SERVICES**

**KURT S. BROWNING**  
Secretary of State

January 10, 2012

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

Attention: Ms. Maggie Riester, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated January 6, 2012 and certified copies of Manatee County Ordinance Nos. 12-07, Z-11-08, Z-11-09 and 12-04, which were filed in this office on January 10, 2012.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/srd

Enclosure

RECEIVED  
JAN 17 2012  
BOARD RECORDS



**R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250**

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**From:** [ords@municode.com](mailto:ords@municode.com)  
**To:** [candace.carver@mymanatee.org](mailto:candace.carver@mymanatee.org); [Maggie Riester](#)  
**Subject:** Manatee County, FL Land Development Code - 1990 (12202) Supplement 40  
**Date:** Monday, January 09, 2012 5:02:14 PM  
**Attachments:** [ATT00001.bin](#)  
[ATT00002.bin](#)

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\*\*\*\*THIS IS AN AUTOMATICALLY GENERATED EMAIL\*\*\*\*

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 40

Document	Adopted Date	Recorded	Recorded Format
<a href="#">Ordinance No. 10-65</a>	12/2/2010	9/15/2011	Hard Copy/Electronic
<a href="#">Ordinance No. 11-29</a>	11/3/2011	11/23/2011	Hard Copy/Electronic
<a href="#">Ordinance No. 12-04 fka 11-30</a>	1/5/2012	1/9/2012	E-Mail
<a href="#">Ordinance No. 12-07 fka 11-41</a>	1/5/2012	1/9/2012	E-Mail



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

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Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.