

**LDCT-20-08/ORDINANCE 23-01**  
**COUNTY-INITIATED LAND DEVELOPMENT CODE AMENDMENT**  
**EVERS RESERVOIR, LAKE MANATEE RESERVOIR, AND PEACE RIVER WATERSHED**  
**OVERLAY DISTRICTS, AND BENEFICIAL REUSE AREA OF EVERS RESERVOIR**  
**PLN2009-0072**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE OFFICIAL ZONING ATLAS, AS ADOPTED BY REFERENCE INTO CHAPTER 4, ZONING, SECTION 403.10, WATERSHED PROTECTION OVERLAY DISTRICTS OF THE LAND DEVELOPMENT CODE, TO DELETE THE "EVERS RESERVOIR WATERSHED PROTECTION OVERLAY DISTRICT" (WPE), "LAKE MANATEE RESERVOIR WATERSHED PROTECTION OVERLAY DISTRICT" (WPM) AND "PEACE RIVER WATERSHED PROTECTION OVERLAY DISTRICT" (WPR) MAPPING IN THE OFFICIAL ZONING ATLAS MAP, AND ADOPTING BY REFERENCE THE WPE, WPM, AND WPR MAPPING CONTAINED IN THE COMPREHENSIVE PLAN; DELETING MAP 4-5: BENEFICIAL REUSE AREA OF EVERS RESERVOIR, AND ADOPTING BY REFERENCE THE BENEFICIAL REUSE AREA OF EVERS RESERVOIR (BRA) IN THE COMPREHENSIVE PLAN; PROVIDING FINDINGS; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County:

**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 Community Planning 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 in the adoption of this Ordinance:

1. On March 21st, 2019 the Board Enacted Ordinance No. 19-03 amending and reinstating the Manatee County Land Development Code (the "Land Development Code") which has been subsequently amended.
2. On April 2, 1998, the boundaries of the Watershed Overlay Districts were amended in the Comprehensive Plan Future Land Use Map Series through the adoption of Ordinance 97-15.
3. It is in the interest of the public health, safety and welfare to adopt the amendments set forth in this Ordinance to amend the Official Zoning Atlas and Chapter 4, Zoning, Section 403.10, Watershed Protection Overlay Districts by:
  - Deleting the "Evers Reservoir Watershed Protection Overlay District" (WPE), "Lake Manatee Reservoir Watershed Protection Overlay District" (WPM) and "Peace River Watershed Protection Overlay District" (WPR) mapping from the Official Zoning Atlas Map (see Exhibit "B")
  - Adopt by reference the WPE, WPM, and WPR mapping contained in the Comprehensive Plan
  - Deleting Map 4-5: Beneficial Reuse Area of Evers Reservoir



- Adopt by reference the Beneficial Reuse Area of Evers Reservoir (BRA) map, which will be added to the Comprehensive Plan in a concurrent Comprehensive Plan Text and Map Amendment
4. The Manatee County Planning Commission has been duly designated in Section 301, Land Development Code as the Local Planning Agency of the County.
  5. Section 163.3174(4)c, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan.
  6. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code.
  7. On January 12, 2023, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency for purposes of the Act, considered Application LDCT-20-08; and passed a motion to recommend transmittal of LDC Amendment LDCT-20-08 to the Board of County Commissioners; and
  8. The Board of County Commissioners received and considered the recommendation of the Manatee County Planning Commission, and held the first of two required public hearings on February 16, 2023, to consider LDC Amendment LDCT-20-08; and
  9. The Board of County Commissioners further considered all oral and written comments received during said public hearings, the recommendations of the Planning Commission; and
  10. On April 27, 2023, the Board of County Commissioners held an adoption public hearing, with due public notice having been provided, and found the proposed LDC Amendments in LDCT-20-08/Ordinance 23-01 to be consistent with the Comprehensive Plan, subject to the companion Comprehensive Plan Amendment becoming effective; and
  11. The adoption of the LDC Text Amendments will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the County and thus will serve a valid public purpose.

**Section 3. Amendments to the Official Zoning Atlas, Section 403.10 and Map 4-5: Beneficial Reuse Area of Evers Reservoir, of the Land Development Code.**

1. The Official Zoning Atlas is hereby amended to delete the boundaries of the WPE, WPM, and WPR overlays as set forth in Exhibit "A" of this Ordinance.
2. Map 4-5: Beneficial Reuse Area of Evers Reservoir is hereby deleted from Section 403.10 of the Land Development Code as set forth in Exhibit "B" of this Ordinance.

3. Adopt by reference the WPE, WPM, and WPR mapping, and the Beneficial Reuse Area of Evers Reservoir (BRA) map, in the Comprehensive Plan, as described in Exhibit "A" of this Ordinance.

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

**Section 5. 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 6. 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 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall become effective as provided by law, and is subject to the Manatee County Comprehensive Plan Amendment, PA-22-09/Ordinance 23-03, becoming effective.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 27<sup>th</sup> day of April 2023.



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

By: \_\_\_\_\_

**Kevin Van Ostenbridge, Chairman**

**ATTEST: ANGELINA COLONNESO**  
**Clerk of the Circuit Court and Comptroller**

By: \_\_\_\_\_

**Deputy Clerk**





## **EXHIBIT "A"**

### **403.10. - Watershed Protection Overlay Districts (WP).**

#### **A. Purpose and Intent. The WP Overlay District is established to:**

1. Protect the quality and quantity of potential and existing potable water supplies within public surface water reservoirs and their watersheds within the unincorporated area of the County;
2. Provide performance standards and best management practices designed to achieve such water quality and quantity protection;
3. Permit the beneficial use of such lands consistent with such standards, practices, and objectives;
4. Provide additional protection for specific areas of, or ecological resources in, the County that are especially sensitive to or subject to damage by industrial mining, and major earthmoving activities;
5. Provide procedures whereby Best Possible Technology designed to protect the public health, safety and welfare can be established; and
6. Otherwise implement the stated purpose and intent of this Code.

It is further intended that this district shall be applied and operate in conjunction with ~~any~~ other applicable zoning districts in which such lands are or may hereafter be classified, and that such lands may be used as permitted by such other applicable zoning districts except as limited or qualified by the requirements of the WP District regulations set forth below.

Should an evaluation of a topographical survey submitted by the applicant indicate that the extent of the watershed (WPE, WPM, WPR) district is somewhat different than what is indicated ~~on~~ within the ~~Official Zoning Atlas Map~~ Manatee County Comprehensive Plan Watershed Protection Overlay Districts Map (Map 3-1) and the Future Land Use Map Series, the predevelopment topographic information will prevail as to the specific property. The County will periodically amend the applicable maps to update the boundaries of the Watershed Protection Overlay Districts consistent with previous approvals. ~~without the property owner having to pursue an amendment to the Atlas Map.~~

#### **B. Designated Watershed Protection Overlay Districts. The following have been designated as WP Overlay Districts and are depicted ~~on~~ within the Official Zoning Atlas Comprehensive Plan on Map 3-1:**

Evers Reservoir Watershed Protection Overlay District (WPE);

Lake Manatee Reservoir Watershed Protection Overlay District (WPM); and

Peace River Watershed Protection Overlay District (WPR).

**C. Use Limitations and Standards.** Specific uses may be permitted in this district as allowed by the underlying zoning district in which the particular land has been classified, subject to the following requirements; provided, however, that lands with stormwater runoff not discharging either directly or indirectly through surface watercourses of the surficial aquifer leading to said reservoirs, and which do not have the potential for such discharge during a twenty-five (25) year storm through failure of natural or artificial control structures or systems, shall be exempted. Development is permitted if it meets the following minimum criteria and maintains or improves the water quality of the Lake Manatee, Evers Reservoir or Peace River, whichever is applicable.

1. Agricultural Uses. All agricultural uses in the WP overlay districts shall require Development Review Committee review and approval regardless of the underlying zoning classification.

[\*\*\*]

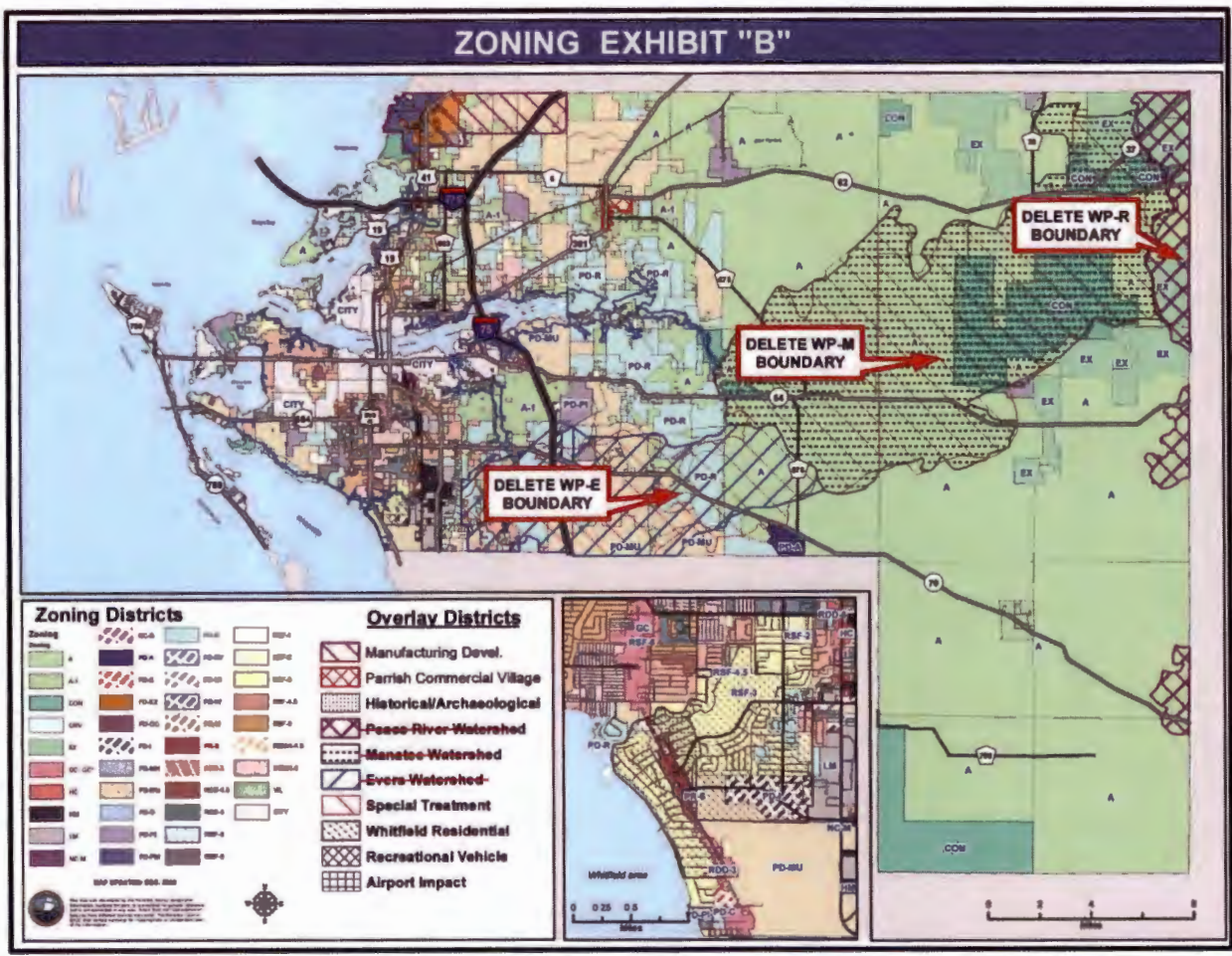
11. Treated Effluent and Sludge. Disposal of treated effluent from a public wastewater plant or the disposal of any sludge is prohibited; however, beneficial reuse of reclaimed water from any public wastewater treatment plant shall be allowed in the WPE District as follows:
  - a. Such beneficial reuse of reclaimed water shall be limited to public wastewater treatment plants that attain Advanced Wastewater Treatment (AWT) Standards as defined in Section 403.086, Florida Statutes (or successor Statute), and that provide reclaimed water pursuant to Chapter 62-610, Part III, Florida Administrative Code (or successor Rule);
  - b. Such beneficial reuse of reclaimed water shall be limited to the portion of the WPE District as generally depicted on ~~Map 4-5~~ 3.2 of the Comprehensive Plan, entitled the "Beneficial Reuse Area of the Evers Reservoir Watershed"; and
  - c. Such beneficial reuse of reclaimed water shall be accomplished pursuant to a surface water monitoring program approved pursuant to an interlocal agreement entered into between the County and the public entity proposing such beneficial reuse.

**~~Map 4-5: Beneficial Reuse Area of the Evers Reservoir Watershed.~~**





## EXHIBIT "B"





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

April 28, 2023

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, FL 34206

Attention: Julissa Santana

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 23-01, which was filed in this office on April 27, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh