

**PA-22-11/ORDINANCE NO. 23-02  
COUNTY-INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT  
EVERS RESERVOIR, LAKE MANATEE RESERVOIR, AND PEACE RIVER WATERSHED  
OVERLAY DISTRICTS PLN2206-0045**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS 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; PROVIDING FOR A COUNTY-INITIATED TEXT AMENDMENT TO COMPREHENSIVE PLAN ELEMENT 1 – DEFINITIONS, ELEMENT 2 - FUTURE LAND USE ELEMENT, ELEMENT 3 – CONSERVATION, ELEMENT 4 – COASTAL, ELEMENT 5 - TRANSPORTATION, ELEMENT 8 – RECREATION AND OPEN SPACE, AND ELEMENT 9 – PUBLIC FACILITIES TO UPDATE REFERENCES, ACRONYMS AND OVERLAY TITLES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**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 “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. 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,
2. The Community Planning Act (the “Act”) is codified in the applicable portions of Chapter 163, Part II, Florida Statutes (2022) as amended, empowers and requires the County (a) to plan for the county’s future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and,
3. 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,
4. Application PA-22-11 is a County-Initiated text amendment to the Comprehensive Plan, amending Element 1 – Definitions, Element 2 - Future Land Use Element, Element 3 – Conservation, Element 4 – Coastal, Element 5 - Transportation, Element 8 – Recreation and Open Space, and Element 9 – Public Facilities to update references, acronyms and overlay titles; and,

5. 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 PA-22-11; and passed a motion to recommend transmittal of Plan Amendment 22-11 to the Board of County Commissioners; and,
6. Pursuant to Section 163.3184, Florida Statutes (2022), the Board of County Commissioners received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on February 16, 2023, to consider Plan Amendment PA-22-11 and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and,
7. The Board of County Commissioners further considered all oral and written comments received during said public hearings, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency and all applicable State or local review agencies; and
8. Florida Department of Economic Development (DEO), by letter dated March 31, 2023, had no comments, recommendations, or objections related to the proposed plan amendment.
9. Florida Department of Environmental Protection Department, Office of Intergovernmental Programs, by email dated March 29, 2023, had no comments, recommendations, or objections related to any potential adverse impact to important state resources and facilities, specifically air quality, water pollution, wetland and other surface waters of the state, solid waste, and water and wastewater treatment.
10. Florida Fish and Wildlife Conservation Commission (FWC) by email dated March 23, 2023, had no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources
11. Southwest Florida Water Management District (SWFWMD), by a letter dated March 22, 2023, had no comments, recommendations, or objection that would result in any adverse regional water resource-related impacts.
12. Pursuant to Section 163.3184, Florida Statutes (2022), on April 27, 2023, the Board of County Commissioners held an adoption public hearing, with due public notice having been provided, to consider said proposed amendment to the Comprehensive Plan; and,
13. In exercise of said authority, the Board of County Commissioners has determined that the adoption of Plan Amendment PA-22-11 would be in the public interest; and,
14. All applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to Chapter 163, Part II, Florida Statutes (2022), and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.



**Section 3. Adoption of the Comprehensive Plan Map Amendment.**

Element 1 – Definitions, Element 2 - Future Land Use Element, Element 3 – Conservation, Element 4 – Coastal, Element 5 - Transportation, Element 8 – Recreation and Open Space, and Element 9 – Public Facilities are hereby amended as set forth in Exhibit “A” to this Ordinance.

**Section 4. Codification.** The publisher of the County’s Comprehensive Plan, CivicPlus, is directed to incorporate the amendments in Section 3 of this Ordinance into the Comprehensive Plan.

**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.

**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: \_\_\_\_\_

**Debi Jessner**  
**Deputy Clerk**

Section 1. The Board of Directors of the  
County of Manatee, Florida, do hereby certify  
that the following is a true and correct copy  
of the original of the same as the same  
is on file in the office of the Clerk of the  
County of Manatee, Florida, and is a true and  
correct copy of the original of the same as  
the same is on file in the office of the Clerk  
of the County of Manatee, Florida.

Section 2. The Board of Directors of the  
County of Manatee, Florida, do hereby certify  
that the following is a true and correct copy  
of the original of the same as the same  
is on file in the office of the Clerk of the  
County of Manatee, Florida, and is a true and  
correct copy of the original of the same as  
the same is on file in the office of the Clerk  
of the County of Manatee, Florida.

Section 3. The Board of Directors of the  
County of Manatee, Florida, do hereby certify  
that the following is a true and correct copy  
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is on file in the office of the Clerk of the  
County of Manatee, Florida, and is a true and  
correct copy of the original of the same as  
the same is on file in the office of the Clerk  
of the County of Manatee, Florida.

Section 4. The Board of Directors of the  
County of Manatee, Florida, do hereby certify  
that the following is a true and correct copy  
of the original of the same as the same  
is on file in the office of the Clerk of the  
County of Manatee, Florida, and is a true and  
correct copy of the original of the same as  
the same is on file in the office of the Clerk  
of the County of Manatee, Florida.



W. J. [Signature]  
Clerk of the County of Manatee, Florida

W. J. [Signature]

## EXHIBIT “A”

### Element 1 – DEFINITIONS

[...]

**Watercourse:** Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks or other discernible boundary. Watercourse shall not include irrigation and drainage ditches constructed in the uplands which are not more than thirty-five (35) square feet in total cross section area and which normally has a water depth of no more than three (3) feet, provided they are not in and do not directly connect to Outstanding Florida Waters, Class I Waters and Class II Waters.

[...]

**Watershed:** A land area that channels precipitation into a water body, such as a river, lake, or bay, and eventually to outflow points such as reservoirs, bays and the ocean. The watershed boundary is generally defined geographically by a ridge or line of highest elevation encompassing areas of lower elevation that separates one watershed from another.

**Watershed Protection Overlay District:** A mapped district surrounding a watershed that places specific development criteria or special restrictions on the storage and protection of inflowing surface and ground water, for potable and recreational water uses, and to provide aquatic habitat for native flora and fauna.

[...]

### Element 2 – FUTURE LAND USE

[...]

#### Objective 2.2.1. - Future Land Use Categories.

[...]

### PART II: FUTURE LAND USE OVERLAY DISTRICTS

[...]

Future Land Use Overlay Districts	Map Symbol	Function
1) Historic Resources	HR	Historic Site and Historic Neighborhood Preservation (See Future Land Use, Housing and Recreation/Open Space Element Policies).



Future Land Use Overlay Districts	Map Symbol	Function
2) Potable Water Reservoir Watersheds	WPO	Protect Natural Resources, Including Water Quality Within These Watersheds Contributing to Potable Water Supplies (See Future Land Use, Traffic Circulation, Recreation/Open Space, Public Facilities, and Conservation Element Policies).

[...]

**Policy 2.2.1.8.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

0.2 dwelling units per acre.

Maximum net residential density:

2 dwelling unit per acre (except within WPO and CHHA Overlay Districts pursuant to Policies 2.3.1.5, and 4.3.1.5).

[...]

**Policy 2.2.1.9.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

1 dwelling unit per acre.

Maximum net residential density:

6 dwelling units per acre; clustered development in the WPO or CHHA Overlay Districts may exceed the maximum net density pursuant to Policies 2.3.1.5 and 4.3.1.5.

[...]

**Policy 2.2.1.10.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

3 dwelling units per acre.

6 dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the total dwelling units as "Affordable Housing." Properties within the CEA and CHHA are not eligible for this additional density.

Minimum gross residential density:

2.5 only in UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Maximum net residential density:

6 dwelling units per acre.

9 dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Maximum "net" densities shall not apply to clustered development in the WPO or CHHA Overlay Districts (see Policies 2.3.1.5 and 4.3.1.5).

[...]

**Policy 2.2.1.11.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

Three (3) dwelling units per acre.

Nine (9) dwelling units per acre at activity nodes (see Policy 2.2.1.11.4).

Nine (9) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the total dwelling units as "Affordable Housing."

Properties within the CEA and CHHA are not eligible for the additional density offered for activity nodes and affordable housing.

Maximum net residential density:

Nine (9) dwelling units per acre.

Twelve (12) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.11.4).

12 dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the total dwelling units as "Affordable Housing."

Clustered developments in the WPO or CHHA Overlay Districts may exceed the maximum net density pursuant to Policies 2.3.1.5 and 4.3.1.5.

[...]

**Policy 2.2.1.12.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

Six (6) dwelling units per acre.

Twelve (12) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.12.4).

Twelve (12) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Properties within the CEA and CHHA are not eligible for the additional density offered for activity nodes and affordable housing.

Minimum gross residential density:



5.0 only in UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "affordable housing."

Maximum net residential density:

Twelve (12) dwelling units per acre.

Sixteen (16) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Sixteen (16) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.12.4).

Maximum "net" densities shall not apply to projects within designated Urban Corridors and may not apply to clustered development in the WPO or CHHA Overlay Districts (see Policies 2.3.1.5 and 4.3.1.5).

[...]

**Policy 2.2.1.13.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

Nine (9) dwelling units per acre.

Twenty (20) dwelling units per acre along designated Urban Corridors if a density bonus is approved.

Twenty (20) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Twenty (20) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.13.4).

Properties within the CEA and CHHA are not eligible for the additional density offered for urban corridors, activity nodes and affordable housing.

Minimum gross residential density:

7.0 only in UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "affordable housing".

Maximum net residential density:

Sixteen (16) dwelling units per acre.

Twenty-four (24) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Twenty-four (24) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.13.4).

Maximum "net" densities shall not apply to projects within designated Urban Corridors and may not apply to clustered development in the WPO or CHHA Overlay Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5.



[...]

**Policy 2.2.1.14.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

Twelve (12) dwelling units per acre.

Twenty-four (24) dwelling units per acre along designated Urban Corridors.

Twenty-four (24) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Twenty-four (24) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.14.4).

Properties within the CEA and CHHA are not eligible for the additional density offered for urban corridors, activity nodes and affordable housing.

Minimum gross residential density:

10.0 only in UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "affordable housing"

Maximum net residential density:

Sixteen (16) dwelling units per acre.

Twenty-eight (28) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Twenty-eight (28) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.14.4).

Maximum "net" densities shall not apply to projects within designated Urban Corridors and may not apply to clustered development in the WPO or CHHA Overlay Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5.

[...]

**Policy 2.2.1.15.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

Sixteen (16) dwelling units per acre;

Thirty-two (32) dwelling units per acre along designated Urban Corridors.

Thirty-two (32) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Thirty-two (32) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.15.4).

Properties within the CEA and CHHA are not eligible for the additional density offered for urban corridors, activity nodes and affordable housing.

Minimum gross residential density:

13.0 only in UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "affordable housing".

Maximum net residential density:

Twenty (20) dwelling units per acre.

Thirty-six (36) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Thirty-six (36) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.15.4).

Maximum "net" densities shall not apply to projects within designated Urban Corridors and may not apply to clustered development in the WPO or CHHA Overlay Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5.

[...]

**Policy 2.2.1.16.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

Six (6) dwelling units per acre.

Minimum gross residential density:

5.0 only in UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing".

Maximum net residential density:

Twelve (12) dwelling units per acre.

Sixteen (16) dwelling units per acre for residential projects in the UIRA that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Maximum net density may not apply to clustered development in the WPO or CHHA Overlay Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5.

[...]

**Policy 2.2.1.17.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

Nine (9) dwelling units per acre for properties within the CHHA or CEA.

Sixteen (16) dwelling units per acre.

Thirty-two (32) dwelling units per acre along designated Urban Corridors (forty (40) dwelling units per acre if a density bonus is approved).

Thirty-two (32) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."



Thirty-two (32) dwelling units per acre for mixed-use development that includes a commercial or office component.

Properties within the CEA and CHHA are not eligible for the additional density offered for urban corridors, mixed-use development, and/or affordable housing.

Minimum gross residential density: 7.0 only in UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing".

Maximum net residential density:

Twenty (20) dwelling units per acre.

Thirty-six (36) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."

Thirty-six (36) dwelling units per acre for mixed-use developments that include a commercial or office component.

Maximum "net" densities shall not apply to projects within designated Urban Corridors, and may not apply to clustered development in the WPO or CHHA Overlay Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5.

[...]

**Policy 2.2.1.26.3. Range of Potential Density/Intensity:**

Maximum gross residential density:

0.2 dwelling units per acre.

Maximum net residential density:

One (1) dwelling unit per acre (except for clustered developments in the WPO and CHHA Overlay Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5).

[...]

**Policy 2.2.1.28.2. Mixed Use—Community Center Level 1 (MU-C/AC-1): Establish the Activity Center Level 1 subareas as follows:**

Purpose: The MU-C/AC-1 category is intended to accommodate regional-serving commercial uses, but may also include neighborhood and community-serving uses.

Range of Potential Uses: Commercial and office uses which function in the market place as neighborhood, community, or region-serving. Also light industrial uses suburban or urban density residential, uses recreational uses, public or semi-public uses, and schools.

Range of potential density/intensity:

Maximum gross residential density:

Nine (9) dwelling units per acre.

Maximum net residential density:

Twenty (20) dwelling units per acre, except for clustered development in the *WPO* or CHHA Overlay Districts which may exceed the net density pursuant to Policies 2.3.1.5 and 4.3.1.5.

[...]

**Policy 2.2.1.28.4. Mixed Use—Community/Activity Center Level 3 (MU-C/AC-3):**

Establish the Activity Center Level 3 subareas as follows:

Purpose: The AC-3 activity center is intended to accommodate neighborhood-serving commercial uses.

Range of Potential Uses: Commercial and office uses that serve the immediate neighborhoods. Also limited light industrial uses and suburban or urban density residential development.

Range of potential density/intensity:

Maximum gross residential density:

Three (3) dwelling units per acre.

Maximum net residential density:

Nine (9) dwelling units per acre, except for clustered development in the *WPO* or CHHA Overlay Districts which may exceed the net density, pursuant to Policies 2.3.1.5 and 4.3.1.5.

**Policy 2.2.1.28.5. Mixed Use - Community/Residential (MU-C/R): Establish the Residential subareas as follows:**

Purpose: The MU-C/R category is intended to accommodate low and medium density residential and support uses.

Range of Potential Uses: Residential uses with integrated support uses serving the neighborhood.

Range of potential density/intensity:

Maximum gross residential density:

Three (3) dwelling units per acre.

Maximum net residential density:

Nine (9) dwelling units per acre, except for clustered development in the *WPO* or CHHA Overlay Districts which may exceed the net density, pursuant to Policies 2.3.1.5 and 4.3.1.5.

[...]

**Policy 2.2.1.28.6. Mixed Use—Community/Residential Urban (MU-C/RU): Establish the Residential Urban subarea as follows:**

Purpose: The MU-C/RU category is intended to accommodate medium and high density residential and support uses.



Range of Potential Uses: Urban density residential uses with integrated residential support uses such as neighborhood commercial uses, public or semi-public uses, schools, and recreational uses.

Range of potential density/intensity:

Maximum gross residential density:

Nine (9) dwelling units per acre.

Maximum net residential density:

Sixteen (16) dwelling units per acre, except for clustered development in the WP or CHHA Overlay Districts which may exceed the net density, pursuant to Policies 2.3.1.5 and 4.3.1.5.

[...]

#### **Objective 2.2.2. - Future Land Use Overlay Districts.**

[...]

**Policy 2.2.2.2. WP:** Establish the *Watershed Protection Overlay* District as follows:

[...]

**Policy 2.2.2.2.3.** Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the WP Overlay District are contained under Objective 2.3.4 of the Future Land Use Element, Objective 9.5.2 and Policy 9.4.1.4 of the Public Facilities Element, Goal 3.2 of the Conservation Element, Objective 5.3.2 of the Traffic Sub-Element, of this Comprehensive Plan. Compliance with all goals, objectives, and policies listed in this subsection, and with other applicable goals, objectives, and policies, and development regulations is required for all activity within the *Watershed Protection Overlay* District.

**Policy 2.2.2.2.4.** Effect of Mapping:

(a) All projects which are partially or fully within the *Watershed Protection Overlay* District (WP) shall be subject to the WP policies in addition to the goals, objectives and policies applicable to the underlying future land use category of the site. The extent and coverage of the designated *Watershed Protection Overlay* area is shown in greater detail on the map of the Watershed Protection Overlay Districts, under Objection 3.2.1 official zoning atlas of Manatee County, but is subject to adjustment pursuant to (c) below.

(b) See also policies listed under Policy 2.2.2.2.3 above.

(c) Manatee County will accept, and review on a case-by-case basis, submittal of appropriate hydrological studies by any owner or authorized representative of property shown on the official zoning atlas as being within the *Watershed Protection Overlay* where the owner or agent thereof is seeking to demonstrate that property is not located within the Lake Manatee ~~Watershed~~, the Evers Reservoir, or the Peace River Watershed. Where the review concludes that the subject property, or part thereof, is located outside the *Watershed Protection Overlay*, compliance with WP regulations shall not be required. adjustments to the zoning atlas should be processed pursuant to an administrative procedure established within any land development regulations developed pursuant to § 163.3202, F.S.



**Policy: 2.2.2.2.5. Development Restriction/Conditions:**

- (a) Prohibit the location of any general or commercial aviation facility within the *Watershed Protection Overlay* District, except where a finding of overriding public interest has been reached by the Board for location of such a facility within the districts.
- (b) Prohibit the location of new confined feedlot operations for livestock within the *Watershed Protection Overlay* District.
- (c) Prohibit all new mineral resource extraction and associated processing activities, within the *Watershed Protection Overlay* District unless such uses are specifically approved in conjunction with the Master Mining and Reclamation Plan or specifically approved in conjunction with a major earthmoving site plan to demonstrate that such activities shall not cause a degradation of water quality and shall not cause adverse impact on water quality within the watersheds.
- (d) Prohibit new nonresidential/nonagricultural development in the *Watershed Protection Overlay* District if it requires an operating permit for industrial waste treatment, as referenced in Chapter 62-4, F.A.C., unless it can be established, through the special permit approval process or Planned Development, that such developments will not cause a degradation of the water quality of the watersheds of Lake Manatee, Evers Reservoir, or Peace River, as appropriate, and will not cause any adverse impact on water quantity within these districts.
- (e) Prohibit the location of new sanitary landfills and wastewater treatment plants (interim or permanent) within the *Watershed Protection Overlay* District unless such uses are permitted pursuant to a finding by the Board of overriding public interest.
- (f) Require that the preservation of indigenous vegetation within the *Watershed Protection Overlay* District be accomplished through careful site planning and the use of native, naturalized or drought-hardy species for new or replacement plantings (see also Policy 2.9.4.6).
- (g) Require minimum percentages of upland area on projects within the *Watershed Protection Overlay* District be maintained, during the course of development, as undisturbed or landscaped areas. These minimum percentages shall exceed those required outside the *Overlay District WP* (see also Policies 3.3.2.1 and 2.9.4.6).

[...]

**Objective 2.3.4. - Land Use Consistent with Watershed Protection.**

Limit land use in the Lake Manatee, Evers Reservoir, and Peace River *WPO* Districts to maintain and improve water quality and the natural environment and resources within those watersheds which contribute to filtration.

[...]

**Policy 2.3.1.4.** Prohibit the transfer of density/intensity from property located outside of the *Watershed Protection Overlay* District to property located within this district, unless a finding of overriding public interest is determined by the Board of County Commissioners.

[...]

**Policy 2.3.4.2.** Require that impervious surface within the *Watershed Protection Overlay* District be minimized through the use of one (1) or more of the following strategies:



[...]

**Policy 2.6.5.4.** Maximize the conservation and/or protection of public or private open space, including common open space, through the land development process by requiring that minimum percentages of the upland area on any project be maintained as undisturbed or landscaped areas.

Land uses within the Watershed Protection Overlay District shall meet additional requirements required by the Comprehensive Plan. (See also Policy 2.2.2.2.5)

[...]

### **Element 3 – CONSERVATION**

[...]

#### **Objective 3.2.1. - Potable Water Quality.**

Maintain or improve the water quality and quantity in Lake Manatee, Evers Reservoir, and Peace River Watershed Protection Overlay (WPO) Districts for the purpose of ensuring a continued supply of drinking water at lowest possible cost to the current and future residents of Manatee County and component jurisdictions.

**Policy 3.2.1.1.** Maintain a mesotrophic or better Trophic State Index (TSI) range for Lake Manatee and implement watershed management as necessary to maintain water quality within the TSI ranges adopted.

Implementation Mechanism(s):

(a) Maintain the TSI range for Lake Manatee.

(b) Continued participation in the Tampa Bay Nitrogen Management Consortium.

[...]

**Policy 3.3.1.5.** Protect all wetlands and watercourses from land development activities by requiring the establishment of natural area buffers adjacent to all post-development wetlands and watercourses within a watershed protection overlay. Land alteration or removal of vegetation shall be prohibited in any buffers established according to this policy except to allow the removal of nuisance plant species, small areas of impervious surface for stormwater outfalls, and to allow public access consistent with natural resource protection. Such buffers shall be established according to the following schedule except as provided in Policy 3.3.1.5:

(1) Buffers a minimum fifty (50) feet in width shall be established adjacent to all non-isolated wetlands (hydrologically connected or federal and state jurisdictional wetlands), and along all in-flowing watercourses located in the WPO District and all Outstanding Florida Waters and Aquatic Preserves;

[...]

**Policy 3.2.1.8.** Prohibit the disposal of treated effluent from any wastewater treatment plant or the disposal of any sludge within the WPO District, provided, however, *beneficial* reuse of reclaimed water from any public wastewater treatment plant shall be allowed in the Evers Reservoir watershed 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 § 403.086, F.S., (or successor Statute) and that provide reclaimed water pursuant to Chapter 62-610, Part III, F.A.C. (or successor Rule); and

(b) Such *beneficial* reuse of reclaimed water shall be limited to the portion of the Evers Reservoir watershed as generally depicted on Map entitled "*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.

[...]

**Policy 3.4.1.1.** Prohibit the disposal, storage, or use of any hazardous substance or waste within the WP District subject to the following exceptions:

[...]

**Policy 3.4.1.2.** Prohibit the location of any storage area for hazardous or acutely hazardous substances or waste within the one hundred (100) year floodplain of any in flowing watercourse within the WP District or within two hundred (200) feet of the wetlands associated with any in flowing watercourse, whichever is greater.

[...]

#### **Element 4 – COASTAL**

[...]

**Policy 4.1.4.1.** Actively participate in the Estuary Program's (EP's) Management Conferences on Charlotte Harbor, Sarasota and Tampa Bays, and continue to work to identify suitable actions available to Manatee County for the restoration and maintenance of the chemical, physical, and biological integrity of Charlotte Harbor, Sarasota and Tampa Bays.

Implementation Mechanism:

(a) Manatee County Board of County Commissioners appointment of a Charlotte Harbor, Sarasota and Tampa Bay (County) Staff Liaison Group from appropriate departments to attend meetings, and to review and report on progress.

(b) Implement land development regulations for the Peace River *Watershed Protection Overlay* on the Future Land Use Map Series and the Watershed Protection Overlay Districts Map.

[...]

#### **Element 5 – TRANSPORTATION**

[...]

**Policy 5.3.2.1.** Coordinate with FDOT to ensure that the alignment of any new expressway located within Manatee County during implementation of the FDOT Short Range Strategic Transportation Plan, or subsequent update of part or all thereof, is located (to the maximum



extent practicable) outside of the *Watershed Protection Overlay* District shown on the Future Land Use Map Series and the *Watershed Protection Overlay Districts Map*. Furthermore, to encourage FDOT's consideration of access limitations and other design factors to ensure minimal impact on those watershed areas, if alignment within the watersheds is being pursued over Manatee County's objections.

Implementation Mechanism:

(a) Coordination with FDOT and the Sarasota-Manatee MPO to implement this policy.

**Policy 5.3.2.2.** Require that all roadway improvements for which design will discharge stormwater directly to the Lake Evers or Lake Manatee Reservoirs, or to the Peace River, or discharge into any inflowing watercourse, in the *Watershed Protection Overlay* District include an additional level of stormwater treatment equal to fifty (50) percent of the treatment criteria specified in Rule 62-25.035(1)(b), F.A.C. (i.e., treatment pursuant to Outstanding Florida Water Criteria is required).

Implementation Mechanism:

(a) Coordination with FDOT and the Sarasota-Manatee MPO to implement this policy.

[...]

**Policy 5.3.2.4.** Limit the number, and generalized location of arterials and expressways within the *Watershed Protection Overlay* District to those shown on the Future Traffic Circulation: Functional Classification Map, (Map 5-B) and consider the location of additional collectors only, limiting any additional collectors to those which reduce the number of lane miles of local and other streets necessary to maintain adopted levels of service and access to developable property.

[...]

**Policy 5.13.4.1.** Minimize the disruption of environmentally sensitive land or natural resources caused by the siting of new, or expansion of existing, airport facilities and achieve consistency with the Future Land Use Element, Coastal Management Element, and Conservation Element.

Implementation Mechanism(s):

(a) Use of airport siting criteria contained in regulations developed pursuant to Policy 5.13.2.1 by the Building and Development Services to evaluate proposed airport sites.

(b) Airport performance standards developed pursuant to Policy 5.13.2.1 containing requirements which allow for the determination of the impacts of any expansion or new airport development on environmentally sensitive areas or natural resources, and containing requirements to ensure that any adverse impacts are reduced to a minimum. Requirements will include the required submittal of site development plans for designation of any proposed airport site or expansion.

(c) Policy in the Future Land Use Element generally precluding future commercial aviation facilities from location in the *WP* Watershed *Protection Overlay* Districts (See also Policy 2.2.2.2.5).

[...]

## Element 8 – RECREATION AND OPEN SPACE

[...]

**Policy 8.2.2.1.** Increase opportunities for Manatee County residents and visitors to use alternate forms of transportation to access public recreational facilities, especially in the WPO and CHHA Overlay Districts.

[...]

**Objective 8.3.2.** - Recreational Use of Public Lands.

Increase the utilization of public lands within the WPO and CSVA districts and in other areas for compatible recreation, education, and open space activities to maintain pervious area and natural vegetative areas that aid in filtration of pollutants.

**Policy 8.3.2.1.** Encourage the use of publicly owned land for passive recreational opportunities and multi-use trails while managing the natural resources on such lands.

Implementation Mechanism:

(a) Coordination with the Florida Department of Environmental Protection and other state and regional agencies to facilitate these of state or other available funds to develop appropriate recreational resources on land used by Manatee County, particularly within the WPO and CHHA overlay districts.

(b) Coordination between the Utilities Department, Department of Agriculture and Resource Conservation, Natural Resources, and the Parks and Recreation Department, as appropriate, to provide for the recreational use of public lands, particularly within the WPO and CHHA overlays.

**Policy 8.3.2.2.** Limit recreational uses on public lands located within the WO overlay district to passive and low-intensity recreational uses, and outdoor firing and archery ranges. (See also Objective 2.3.4.)

[...]

## Element 9 – PUBLIC FACILITIES

[...]

**Policy 9.1.5.4.** Require the construction of an on-site distribution system for the transmission of reclaimed water or other alternative sources for projects that meet the following criteria:

(1) The proposed project is outside of the WPO Overlay Districts, and

[...]

**Policy 9.2.1.4.** Require that any project proposed within the Evers Reservoir *Watershed Protection* Overlay District shown on the Future Land Use Map Series and the Watershed Protection Overlay Districts Map, which generates wastewater, shall use the Manatee County public sanitary sewer system, unless all of the following are applicable:

[...]



**Policy: 9.2.2.1.** Continue to require connection to the Manatee County sanitary sewer system for all new commercial and residential structures in the Evers Reservoir portion of the WPO District when located within one (1) mile of a sanitary sewer system, except for structures located on single family lots of record for which it has been determined by Manatee County that such connection is not economically feasible.

**Policy 9.2.2.2.** Prohibit the use of septic tanks in the Evers Reservoir portion of the WPO except for isolated single family dwelling units meeting the exceptions identified in Policy 9.2.1.4.

[...]

**Policy 9.2.1.4.** Require that any project proposed within the Evers Reservoir *Watershed Protection Overlay* District shown on the Future Land Use Map Series and the Watershed Protection Overlay Districts Map, which generates wastewater, shall use the Manatee County public sanitary sewer system, unless all of the following are applicable:

[...]

**Policy: 9.2.2.1.** Continue to require connection to the Manatee County sanitary sewer system for all new commercial and residential structures in the Evers Reservoir portion of the WPO District when located within one (1) mile of a sanitary sewer system, except for structures located on single family lots of record for which it has been determined by Manatee County that such connection is not economically feasible.

**Policy 9.2.2.2.** Prohibit the use of septic tanks in the Evers Reservoir portion of the WPO except for isolated single family dwelling units meeting the exceptions identified in Policy 9.2.1.4.

[...]

**Policy 9.2.4.2.** Require that all new septic tanks and associated drain fields located within the Watershed Protection Overlay (WPO) District shall be located no closer than two hundred (200) feet to any jurisdictional wetland (including in flowing watercourses).

[...]

**Policy 9.2.4.3.** Require that all septic tank drain fields be elevated no less than thirty-six (36) inches above the seasonal high water table (measured from the bottom of the drain field) within the *Watershed Protection Overlay (WPO)* Districts.

Implementation Mechanism:

(a) Review, by the Florida Department of Health—Manatee County, of all septic tank permit requests located within the *Watershed Protection Overlay (WPO)* Districts

[...]

**Policy 9.4.1.4.** Require that all projects discharging into the WPO District on the Future Land Use Map Series and the Watershed Protection Overlay Districts Map meet or exceed the design standards of Chs. 62-3, 62-4, and 62-25, F.A.C., and local design standards for discharge into Outstanding Florida Waters. The Board of County Commissioners may waive this policy if the proposed stormwater management system provides equivalent levels of stormwater treatment,

ensuring that groundwater hydrology characteristics are not altered, impacted, or changed from the existing pre-development condition.

**Policy 9.4.1.5.** All projects not within the WPO District shall be designed and constructed to detain, and permit the filtration of stormwater runoff consistent with Chs. 62-3, 62-4, and 62-25, F.A.C., and adopted land development regulations.

[...]

**Policy 9.5.2.2.** Continue the program of public acquisition of sensitive lands within the Lake Manatee Watershed Protection Overlay (WPO).





## 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. 23-02, which was filed in this office on April 27, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh


MANATEE COUNTY GOVERNMENT

STATE OF FLORIDA

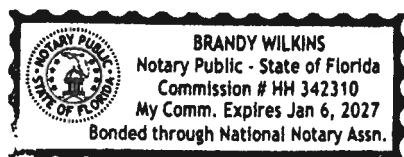
COUNTY OF MANATEE


Before the undersigned authority personally appeared **Bobbi Roy**, who on oath says that she is a **County Employee of Manatee County Government, Manatee County, Florida**; that the attached copy of advertisement, being a public notice in the matters of **Notice of Land Use Change in unincorporated Manatee County** for the **Manatee County Board of County Commissioners public hearing on April 27, 2023** in Manatee County Florida, was published on the publicly accessible website of Manatee County Government, Manatee County, Florida, of [www.myanatee.org](http://www.myanatee.org) on **April 13, 2023**.

Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

  
Bobbi Roy,  
Senior Planning and Zoning Technician

Sworn to and subscribed before me this 14<sup>th</sup> day of April, 2023, by Bobbi Roy, who is personally known to me or who has produced (type of identification) as identification.



  
(Signature of Notary Public)  
Brandy Wilkins  
(Print Name of Notary Public)

STAMP

\_\_\_\_\_  
(Title)

My Commission Expires: \_\_\_\_\_

Commission Number: \_\_\_\_\_



## **NOTICE OF LAND USE CHANGE**

### **Official Actions Will Affect and Regulate Use of Real Property in Unincorporated Manatee County – Notice to Real Property Owners and General Public.**

The Manatee County Board of County Commissioners will hold a public hearing to consider the adoption of the following amendments to the Manatee County Comprehensive Plan. The amendments pertain to the unincorporated area of Manatee County. At the conclusion of the public hearing the Board of County Commissioners shall determine whether to adopt, adopt with modifications or not adopt the amendments to the Manatee County Comprehensive Plan.

**Date:** April 27, 2023  
**Time:** 9:00 a.m., or soon thereafter as same may be heard  
**Place:** Manatee County Government Administrative Center  
1112 Manatee Ave. West; Patricia M. Glass Chambers (1st Floor)

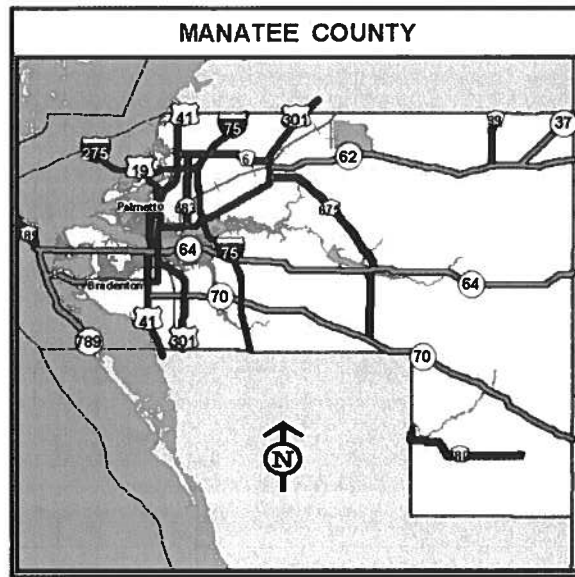
**Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.**

#### **PA-22-09/Ordinance No. 23-03 County Initiated Comprehensive Plan Large-Scale Map Amendment Evers Reservoir, Lake Manatee Reservoir, and Peace River Watershed Overlay Districts and Beneficial Reuse Area for the Evers Reservoir Watershed PLN2205-0117**

An Ordinance of the Board of County Commissioners 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; providing for a County Initiated Large-Scale Map Amendment to Element 2 - Future Land Use Element of the Manatee County Comprehensive Plan, Manatee County Comprehensive Plan Future Land Use Map Series, to change the boundaries of the Evers Watershed Overlay District; a Map Amendment to Element 3 – Conservation, to add an overall Watershed Overlay District Map of the Evers, Lake Manatee, and Peace River Watersheds; and to add the beneficial reuse area of the Evers Reservoir Watershed Map under Policy 3.2.1.8; providing for severability and providing an effective date.

#### **PA-22-11/Ordinance No. 23-02 County-Initiated Comprehensive Plan Text Amendment Evers Reservoir, Lake Manatee Reservoir, and Peace River Watershed Overlay Districts PLN2206-0045**

An Ordinance of the Board of County Commissioners 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; providing for a county initiated text amendment to Comprehensive Plan Element 1 – Definitions, Element 2 - Future Land Use Element, Element 3 – Conservation, Element 4 – Coastal, Element 5 - Transportation, Element 8 – Recreation and Open Space, and Element 9 – Public Facilities to update references, acronyms and overlay titles; providing for severability and providing an effective date.



Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Board of County Commissioners to consider.

Rules of Procedure for this public hearing are in effect pursuant to Resolution R-22-051. Copies of this Resolution may be obtained from the Development Services Department (see address below).

**Please Send Comments To:**      **Manatee County Development Services Department**  
**Attn: Agenda Coordinator**  
**1112 Manatee Ave. West, 4<sup>th</sup> Floor**  
**Bradenton, FL 34206**  
[planning.agenda@mymanatee.org](mailto:planning.agenda@mymanatee.org)

All written comments will be entered into the record.

**For More Information:** Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling **748-4501, Ext. 6878**, between 8:00 AM and 5:00 PM.

**Americans with Disabilities:** The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Carmine DeMilio 941-792-8784 ext. 8303 or [carmine.demilio@mymanatee.org](mailto:carmine.demilio@mymanatee.org) or FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
Manatee County Development Services Department  
Manatee County, Florida