

CHAPTER 3 – REVIEW AUTHORITY AND PROCEDURES

Table of Contents

Part I. Review Authority. 1

Section 300. Board of County Commissioners. 1

Section 301. Planning Commission. 2

301.1. Powers and Duties. 2

301.2. Membership: Appointment, Removal, Terms, Officers and Vacancies. 2

301.3. Agendas, Meetings, Hearings and Procedures. 3

Section 302. Hearing Officers. 4

302.1. Duties. 4

302.2. Powers. 4

302.3. Appointment, Qualifications, Term, Removal and Compensation. 4

302.4. Freedom from Improper Influence. 5

302.5. Maintenance of Records. 5

Section 303. Historic Preservation Board. 6

303.1. Purpose and Intent. 6

303.2. Duties and Powers. 6

303.3. Membership and Meetings. 7

303.4. Certified Local Government Program. 9

Section 304. Development Review Committee (DRC). 10

304.1. Establishment of Development Review Committee. 10

304.2. Duties and Powers. 10

304.3. Membership, Officers and Meetings. 10

304.4. Rules of Procedure. 11

Section 305. to 309 Reserved. 11

Part II. Development Review Procedures. 11

Section 310. Applicability. 11

310.1. Purpose and Intent. 11

310.2. Development Order Required. 11

310.3. Building Permit Required. 12

310.4. Certificate of Occupancy Required. 12

310.5. Certificate of Completion. 13

310.6. Other Permits Required. 13

Section 311. Code Interpretation. 13

311.1. Purpose. 13

311.2. Scope and Applicability. 13

311.3. Application for Interpretation. 14

311.4. Action by Department Director. 14

311.5. Official Record. 14

Section 312. Procedures of General Applicability. 14

312.1. Level of Review Required. 14

312.2. Pre-Application Meeting. 17

312.3. Application Submittal. 17

312.4. Completeness Review of Application. 17

312.5. Sufficiency Review of Application. 18

312.6. Neighborhood Workshops. 20

312.7. Notice of Public Hearings. 20

312.8. Public Hearings. 24

Chapter 3. Review Authority and Procedures

312.9. Effect of Development Order Approval 26

312.10. Enforcement and Administrative Errors 26

312.11. Recording of Approved Development Orders 27

Section 313. to 314 Reserved. 27

Part III. Administrative Permit and Special Permit Approval. 27

Section 315. Administrative Permits..... 27

315.1. Purpose..... 27

315.2. Administrative Permit Required. 27

315.3. Approval Authority. 27

315.4. Application Requirements..... 27

315.5. Review Procedures..... 27

315.6. Standards for Review and Approval. 27

315.7. Appeals 28

315.8. Effect of Approval. 28

315.9. Expiration 28

315.10. Extension 28

315.11. Abandonment. 28

315.12. Alterations to Approved Administrative Permits 28

Section 316. Special Permits 29

316.1. Purpose..... 29

316.2. Special Permit Required. 29

316.3. Approval Authority. 29

316.4. *Application Requirements*..... 29

316.5. Review Procedures..... 29

316.6. Standards for Review and Approval. 29

316.7. Appeals 30

316.8. Effect of Approval. 30

316.9. Expiration 30

316.10. Extension 30

316.11. Abandonment. 31

316.12. Alterations to Approved Special Permits 31

316.13. Recording of Approved Special Permits 32

Section 317. to 319 Reserved. 32

Part IV. Site Plan Review..... 32

Section 320. Generally..... 32

320.1. Purpose and Intent. 32

320.2. Applicability..... 32

Section 321. General Development Plans (GDP)..... 34

321.1. Application Requirements..... 34

321.2. General Development Plan (GDP) Review Process. 35

321.3. Review Criteria. 35

321.4. Effect of GDP Approval..... 35

321.5. Expiration and Extensions of General Development Plans..... 35

Section 322. Preliminary Site Plans (PSP). 38

322.1. Application Requirements..... 38

322.2. Preliminary Site Plan Review Criteria. 38

322.3. Preliminary Site Plan Review Process. 39

322.4. Effect of Preliminary Site Plan Approval..... 39

322.5. Expiration of Preliminary Site Plans. 40

Section 323. Final Site Plan (FSP)..... 40

323.1. Review and Approval..... 40

323.2. Final Site Plan Review Criteria. 40

323.3. Effect of Final Site Plan Approval 41

323.4. Expiration and Extension of Final Site Plans..... 41

Section 324. Changes to Approved Site Plans (GDP, PSP and FSP). 42

324.1. Requests for Change 42

324.2. Approval Authority 42

324.3. Review Criteria: 44

324.4. Effect on Expiration..... 44

Section 325. to 329 Reserved. 44

Part V. Subdivision Procedures. 45

Section 330. General Requirements 45

330.1. Purpose..... 45

330.2. Subdivision Approval Required. 45

Section 331. Vacation of Streets and Plats. 47

331.1. Purpose..... 47

331.2. Review Process. 47

331.3. Notice of Adoption of Resolution Pursuant to Section 336, F.S. Only. 49

331.4. Recording Requirements. 49

331.5. Effective Date. 49

331.6. Applicants Responsibility. 49

Section 332. Replatting Requirements. 50

Section 333. Preliminary Plat Review Procedures. 50

333.1. Purpose..... 50

333.2. Preliminary Plat Review Process..... 50

333.3. Phased Development. 51

333.4. Effect of Approval. 52

333.5. Expiration of Preliminary Plats..... 52

333.6. Graphic Standards..... 52

Section 334. Construction Drawings. 53

334.1. General Requirements..... 53

334.2. Construction Drawings Not Required. 53

334.3. Review Procedures..... 53

334.4. Review Criteria. 54

334.5. Effect of Approval. 54

334.6. Expiration..... 54

334.7. Required Improvements..... 54

334.8. Design Requirements for Construction Drawings..... 54

Section 335. Final Plat Review Procedures..... 57

335.1. Purpose..... 57

335.2. Final Plat Preparation. 57

335.3. Review Procedures..... 57

335.4. Review Standards..... 58

335.5. Required Improvements Agreement..... 58

335.6. Modifications to Approved Final Plat. 58

335.7. Recording..... 58

335.8. Effect of Approval. 58

335.9. Condition of Approval. 59

335.10. Expiration of Final Plat..... 59

335.11. Surveyor Review..... 60

335.12. Distribution of Certified Recorded Plat. 60

335.13. Survey Data Required for Final Subdivision Plats..... 60

Section 336. Dedications and Reservations. 62

336.1. Authorization..... 62

336.2. Manner of Dedication to Manatee County..... 63

336.3. Reservations..... 63

336.4. Common Areas..... 66

Section 337. Installation of Required Improvements 69

337.1. Certification, Approval of Plans. 69

Chapter 3. Review Authority and Procedures

337.2. Deferred Improvements..... 69

337.3. Construction..... 69

337.4. Final Inspection of Improvements..... 70

337.5. Performance Security..... 70

337.6. Defect Security..... 71

337.7. Certificate of Completion: Approval for Maintenance; Acceptance..... 71

337.8. Monuments..... 72

337.9. Certified record drawings..... 72

337.10. Engineer's certification of completion..... 72

337.11. Requirements for Performance and Defect Securities..... 72

337.12. Designation of County Engineer..... 72

Part VI. Comprehensive Plan, Land Development Code and Zoning Atlas Amendments..... 73

Section 340. Comprehensive Plan Amendments..... 73

340.1. Purpose..... 73

340.2. Review procedures..... 73

340.3. Review Criteria for Future Land Use Map and Comprehensive Plan Text Amendments..... 73

Section 341. LDC Amendments..... 73

341.1. Purpose..... 73

341.2. Review Procedures..... 74

Section 342. Amendments to Official Zoning Atlas..... 75

342.1. Purpose..... 75

342.2. Review Procedures..... 75

342.3. Review Criteria for Zoning Map Amendments..... 76

342.4. Additional Requirements for Amendments to Planned Development Zoning Districts..... 77

342.5. Additional Requirements for Rezoning to the MP-I District..... 82

Section 343. to 344 Reserved..... 84

Part VII. Other Applications..... 84

Section 345. Special Approval Process as Required by the Manatee County Comprehensive Plan..... 84

345.1. Purpose..... 84

345.2. Timing of Special Approval..... 84

345.3. Duration of Special Approval..... 84

345.4. Manner of Granting Special Approval..... 85

345.5. Standards for Granting Special Approval..... 85

345.6. Submittal Requirements..... 85

Section 346. Zoning Compliance Permit..... 92

346.1. Zoning Compliance Permit Required..... 92

346.2. Review Procedures..... 92

346.3. Expiration..... 92

Section 347. Certificate of Appropriateness..... 92

347.1. Certificate of Appropriateness Required..... 92

347.2. Review Authority..... 93

347.3. Review Procedures..... 93

Section 348. Developments of Regional Impact (DRI)..... 94

Section 349. Large Projects..... 94

349.1. Large Project Application Required..... 94

349.2. Binding Letter..... 94

349.3. Large Project Application (LPA)..... 95

Section 350. Development Agreements..... 100

350.1. Purpose and Intent..... 100

350.2. Application..... 100

350.3. Form of Agreement for Public Improvements..... 100

350.4. Review Procedures..... 100

350.5. Recording..... 101

350.6. Administration of Development Agreements..... 101

Chapter 3. Review Authority and Procedures

350.7. Application of Subsequently Adopted Local Laws and Policies. 101

Section 351. Environmental Preserve Management Plan (EPMP). 103

351.1. EPMP Required. 103

351.2. Plan Requirements. 103

351.3. Review Procedures. 104

351.4. Review Criteria. 104

351.5. Other Permits Required. 104

351.6. Effect of Approval. 104

Section 352. Public School Determinations of Consistency. 105

352.1. Purpose and Intent. 105

352.2. Applicability. 105

352.3. Review Procedures. 105

352.4. Standards and Criteria. 106

352.5. On-Site and Off-Site Improvements. 106

352.6. Effect of Determination of Consistency. 107

Section 353. General Plans for Educational Facilities. 107

353.1. Purpose and Intent. 107

353.2. Review Procedures. 107

353.3. Review Criteria. 107

353.4. Effect of Review and Consideration of General School Plan. 108

Section 354. Temporary Use Permits. 108

354.1. Temporary Use Permit Required. 108

354.2. Review Procedures. 108

354.3. Duration of Temporary Use Permit. 108

354.4. Extension of Temporary Use Permit. 109

354.5. Consolidated Permits. 109

354.6. Violations. 109

Section 355. Erosion and Sediment Control Plan. 109

355.1. Applicability. 109

355.2. Application Requirements. 109

355.3. On-Site Meeting. 109

355.4. Changes. 110

Section 356. Mining Activity Permitting. 110

356.1. Review and Approval Procedures. 110

356.2. Deviations from Approved Plans. 111

Section 357. to 359 Reserved. 111

Part VIII. Concurrency Management. 111

Section 360. Certificate of Level of Service Compliance. 111

360.1. Purpose. 111

360.2. Applicability. 111

360.3. Optional Certification. 112

360.4. Special Permits, Rezoning and Site Plan Approvals. 112

360.5. Application Review Procedures. 113

360.6. Expiration. 114

360.7. Extensions. 114

Section 361. to 364 Reserved. 119

Part IX. Variances and Modifications. 119

Section 365. Modification of Standards. 119

365.1. Applicability. 119

365.2. Review Criteria. 119

365.3. Approval of Modification. 120

Section 366. Administrative Adjustments. 120

366.1. Types of Administrative Adjustments. 120

366.2. Review and Approval of Administrative Adjustments. 121

Chapter 3. Review Authority and Procedures

366.3. Effect of Approval. 122

Section 367. Variances. 122

367.1. Purpose and Scope. 122

367.2. Limitations on Granting of Variances. 122

367.3. Prohibitions. 122

367.4. Certificate of Appropriateness. 123

367.5. Review Procedures. 123

367.6. Review Criteria. 123

367.7. Effect of Approval. 124

Section 368. to 369 Reserved. 124

Part X. Appeals. 124

Section 370. Appeals of Administrative Decisions. 124

370.1. Application. 124

370.2. Hearing Scheduled. 124

370.3. Department Director Recommendation. 124

370.4. Review and Decision. 125

Section 371. Appeals of Quasi-Judicial Decisions. 125

DRAFT

List of Tables

Table 3 - 1: Development Order Review Authorities 15
Table 3 - 2: Required Public Notice for Development Applications 21
Table 3 - 3: Review by Subdivision Type 46
Table 3 - 4: Special Approval as Required by the Manatee County Comprehensive Plan 86

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CHAPTER 3 - REVIEW AUTHORITY AND PROCEDURES

Part I. CHAPTER 3 -- DECISION MAKING AND ADMINISTRATIVE BODIES Review Authority.

Section 300. Section 301. Board of County Commissioners.

301.1. Powers and Duties.

As the governing board of the County, the Board of County Commissioners reserves all powers to be exercised under this Code except where otherwise delegated pursuant to the provisions hereof. In addition to any authority granted to the Board by state law or the Code of Ordinances of Manatee County, the Board shall have the following powers and duties in regard to this Land Development Code:

- A. 301.1.1. To approve, approve with modifications, or deny applications for development approval for Developments of Regional Impact (DRI's) and Florida Quality Developments (FQD), and to issue Development Orders in accordance with the Board's decision;
- B. 301.1.2. To enter into development agreements, as provided for in this Chapter 10 of this Code and as provided in in Section 163.3220, Florida Statutes;
- C. 301.1.3. To approve and, execute final plats and replats prior to recording, as provided in this Chapter 9 of this Code;
- D. 301.1.4. To vacate and annul plats, as required by Section 177.101, Florida Statutes;
- E. 301.1.5. To approve, approve with modifications or deny site plans in Planned Development Zoning Districts, where no plan currently exists, or an approved plan is requested to be modified as provided in Section 603.6.321.5.
- F. 301.1.6. To adopt and amend the Official Zoning Atlas after recommendation by the Planning Commission as provided in this Chapter 5 of this Code;
- G. 301.1.7. To initiate, review and adopt amendments after recommendation of the Planning Commission to the text of the Land Development Code as provided in this Chapter 5 of this Code;
- H. 301.1.8. To employ hearing officers to make recommended findings of fact, conclusions of law, final decisions on special permit uses, appeals from determinations regarding Levels of Service, and such other decisions as the Board may deem appropriate;
- I. 301.1.9. To hold public hearings regarding DRI's, FQD's, development agreements, amendments to the Official Zoning Atlas, and amendments to the Land Development Code;
- J. 301.1.10. To set such fees as necessary to implement the provisions of this Code; and
- K. 301.1.11. To take such other action not delegated to decision-making and administrative bodies designated in this Chapter as the Board may deem desirable and necessary to implement the provisions of this Code and the Comprehensive Plan; -
- L. 301.1.12. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, determination made by any administrative official acting pursuant to this Code, except where State or County regulations or this Code specifically provide otherwise; -
- M. 301.1.13. To hear and decide requests for interpretation of the Official Zoning Atlas where there is uncertainty as to the location of a zoning district boundary.

Chapter 3. Review Authority and Procedures

- N. ~~301.1.14.~~To interpret this Code at the request of the ~~Planning Department~~ Director;:-
- O. ~~301.1.15.~~To review and approve Environmental ~~Preserve~~ Management Plans; and
- P. Vacation or abandonment of streets, as provided in -this chapter.

Section 301. ~~Section 302.~~ Planning Commission.**301.1. ~~302.1.~~ Powers and Duties.**

The Planning Commission shall have the following powers and duties:

- A. ~~302.1.1.~~To act as the Local Planning Agency under Section 163.3174, Florida Statutes; and to carry out such duties as may be prescribed by the Comprehensive Plan;
- B. ~~302.1.2.~~To hold and regulate public hearings on Official Zoning Atlas Aamendments, Planned Development Site Plans, site and development plans where no plan currently exists, or modifications to an approved plan, Developments of Regional Impact and Florida Quality Developments;
- C. ~~302.1.3.~~To initiate, review and make recommendations to the Board in regard to adoption and amendment of the text of this Code;
- D. ~~302.1.4.~~To hold and regulate public hearings on applications for amendments to the text of this Code;
- E. ~~302.1.5.~~To hold and regulate public hearings on applications for development agreements and make recommendations to the Board on said agreements;
- F. ~~302.1.6.~~To make its special knowledge and expertise available, upon reasonable written request and authorization of the Board, to any official, department, board, commission or agency of the County, State, or federal governments;
- G. ~~302.1.7.~~To recommend to the Board that special studies be performed as may be deemed necessary and proper to conduct the work of the Planning Commission, subject to the approval of the Board and available appropriations;
- H. ~~302.1.8.~~To adopt rules of procedure which are not inconsistent with this Code and are necessary for the administration of the Commission's responsibilities and to govern its proceedings; and
- I. ~~302.1.9.~~To perform any other duties ~~which~~ that may be lawfully assigned to it.

301.2. ~~302.2.~~ Membership: Appointment, Removal, Terms, Officers and Vacancies.

- A. ~~302.2.1.~~**Membership.** The Planning Commission shall be composed of seven (7) members appointed by the Board. Additionally, there shall be a non-voting member serving as a representative of the Manatee County School Board. This non-voting member shall be appointed by the School Board and not subject to the qualifications of Subsection 301.2.B~~302.2.2~~ below.
- B. ~~302.2.2.~~**Qualifications.** Members of the Planning Commission shall be qualified electors in Manatee County. While no particular expertise is required, persons with experience or training in the substantive areas of planning, engineering, environmental science, and the development industry shall be considered in appointing members. No member of the Planning Commission shall otherwise be elected office holders, or employed by the Board. No member of the Planning Commission shall be a member of another land development related advisory board serving unincorporated Manatee County, except as specifically provided for.
- C. ~~302.2.3.~~**Terms of Office.** The term of office of the Planning Commission members shall be for four (4) years. Not more than two (2) of such members' terms shall expire in any one year. A member whose term expires shall continue to serve until his or her successor is appointed. The School Board representative shall serve until replaced by the School Board.

Chapter 3. Review Authority and Procedures

- D. ~~302.2.4.~~ Removal from Office.** Any member of the Planning Commission may be removed from office, with or without cause, by majority plus one vote of the full membership of the Board. In the event that any member is no longer a qualified elector or is convicted of a felony or any offense involving moral turpitude while in office, the Board shall terminate the appointment of such person as a member of the Planning Commission.
- E. ~~302.2.5.~~ Vacancies.** Whenever a vacancy occurs on the Planning Commission, the Board shall fill such vacancy for the remainder of the term.
- F. ~~302.2.6.~~ Compensation.** Members of the Planning Commission may, after written authorization from the Board, receive compensation, travel and other expenses while on official business for the Planning Commission. Compensation for the ~~S~~chool ~~B~~oard representative shall be furnished by the ~~S~~chool ~~B~~oard.
- G. ~~302.2.7.~~ Officers.** The Planning Commission shall annually elect a ~~C~~hairman and ~~V~~ice-~~C~~hairman among its members and may create and fill such other offices as necessary. Terms of all offices shall be for one (1) year with eligibility for re-election. The ~~S~~chool ~~B~~oard representative shall not be eligible for election to any office on the Planning Commission. All Planning Commission members shall be subject to Chapter 112, Part II, Florida Statutes
- H. Disclosure.** Applicants for appointment to the Planning Commission shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency including serving on an advisory board.
- I. Ethics.** Members of the Planning Commission shall be subject to all applicable provisions of Chapter 112, Part III, Florida Statutes, regarding ethics for public officers.

Commented [LD11]: I.Moved from below

301.3. ~~302.3.~~ Agendas, Meetings, Hearings and Procedures.

- A. ~~302.3.1.~~ Agenda Preparation.** The ~~Planning~~ Department Director shall prepare the Planning Commission agenda and shall maintain the correspondence of the Planning Commission.
- B. ~~302.3.2.~~ Quorum.** Except as provided in this ~~S~~ection, no meeting of the Planning Commission shall be called to order, nor shall any business be transacted by the Planning Commission, without a quorum consisting of at least four (4) members of the Planning Commission being present. The ~~C~~hairman shall be considered and counted as a member. When there is no quorum, those members of the ~~C~~ommission who are present may convene for the purposes of continuing a public hearing or scheduling a special meeting.
- C. ~~302.3.3.~~ Regular Meetings.** Regular meetings of the Planning Commission shall be held as necessary. Meetings may be called by the ~~C~~hairman of the Board, the ~~C~~hairman of the Planning Commission, a majority of the members of the Planning Commission, a majority of the Board or the ~~County Administrator or designee~~ Department Director. If consideration of a matter is postponed due to lack of a quorum, the ~~C~~hairman of the Planning Commission shall continue the meeting as a special meeting to be held within seven (7) working days thereafter. In the case of delays caused by other reasons, the meeting should be rescheduled to the next Planning Commission meeting. The ~~Planning Director~~ Department Director shall notify all members of the date of the continued meeting.
- D. ~~302.3.4.~~ Rules of Procedure.** The Planning Commission shall, by majority vote of the entire membership, adopt written rules of procedure as may be necessary for the transaction of its business.
- E. ~~302.3.5.~~ Public Meetings.** All meetings of the Planning Commission and its committees shall be ~~public meetings.~~ open to the public.
- A.F. ~~302.3.6.~~ Vote.** No action of the Planning Commission shall be valid unless authorized by a majority vote of the membership present. ~~All Planning Commission members shall be subject to Chapter 112, Part II, Florida Statutes.~~
- G. ~~302.3.7.~~ Minutes and Public Records.** The Clerk of Circuit Court shall serve as ~~C~~lerk to the Planning Commission as it serves as ~~C~~lerk to the Board. The ~~C~~lerk shall keep minutes of all Planning Commission proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Planning Commission and the vote of each member, or if absent, or, failing to vote, such fact. The ~~C~~lerk shall be the custodian of the official record of the Planning Commission and shall keep indexed records of all ~~R~~esolutions, transactions, findings and determinations. All such records shall be official public records and shall be covered by all Florida Statutes pertaining to public records.

Commented [LD12]: 2.Moved to previous section

~~Section 303. Reserved.~~

Section 302. 203 ~~Section 304.~~ Hearing Officers.

302.1. ~~304.1.~~ Duties.

Each Hearing Officer shall have the following duties related to land development:

- A. ~~304.1.1.~~ To conduct public hearings regarding applications for special permits and appeals from determinations on certificates of Level of Service;
- B. ~~304.1.2.~~ To decide applications for Special Permits;
- C. ~~304.1.3.~~ To make recommended findings of fact and conclusions of law, in accordance with relevant standards and criteria set forth in this Code;
- D. ~~304.1.4.~~ To decide appeals from determinations regarding certificates of Level of Service;
- E. ~~304.1.5.~~ To decide requests for variances, except floodplain variances in the Cortez Fishing Village Historical and Archaeological Overlay Districts;
- F. ~~304.1.6.~~ To issue reports and make recommendations to the Board;
- G. ~~304.1.7.~~ To take any other action authorized by ordinance or resolution of the Board; ~~and~~
- H. ~~304.1.8.~~ To visit the site of an land development application; ~~and~~;
- I. ~~304.1.9.~~ To decide applications for adjustments to the sign regulations not authorized to be granted administratively; ~~to hear appeals from determinations of the Director regarding adjustments to the sign regulations approved or denied administratively and to hear appeals from the approval or denial of sign permits as described in Section 724 of this Code; and~~
- J. To decide upon any other matter assigned to the Hearing Officer pursuant to this Code

Commented [LDI3]: 3. See below

Commented [LDI4]: 4. Changed to cover all historic districts

Commented [LDI5]: 5. Administrative decision appeals already addressed above.

302.2. ~~304.2.~~ Powers.

Each Hearing Officer shall, in the course of carrying out the duties described above, be empowered to:

- A. ~~304.2.1.~~ Administer oaths and affirmations;
- B. ~~304.2.2.~~ Issue notices;
- C. ~~304.2.3.~~ Receive relevant evidence; and
- D. ~~304.2.4.~~ Take or cause other such action as necessary to perform such duties.

Commented [LDI6]: 6. Had proposed for deletion as it is already in Code of Ordinances. Restored as requested by the CAO.

302.3. ~~304.3.~~ Appointment, Qualifications, Term, Removal and Compensation.

The Board shall appoint one or more qualified Hearing Officers. Each Officer shall be appointed for a renewable term of one to four years.

- A. **304.3.1. Qualifications.** Generally, Hearing Officers shall have a degree in law from an accredited American Bar Association law school, be licensed to practice law in the State of Florida, and have a minimum of two (2) years of experience in land use, zoning, or other land use regulatory experience; or have a bachelor's degree in planning or other directly related field and a minimum of five (5) years of experience as listed above. A master's degree in planning or directly related field and American Institute of Certified Planners designation is preferred. The Board may modify these qualifications as needed.
- B. **304.3.2. Limitations on Hearing Officer Activities While Appointed.** A Hearing Officer shall not hold other

Commented [LDI7]: 7. Already in Code of Ordinances.

Chapter 3. Review Authority and Procedures

appointive or elective office or position in the County government. Further, a Hearing Officer shall not present nor assist in the preparation of any land use matter or application before another Hearing Officer, ~~or the Board, or the Construction Code Board of Appeals~~, during his or her term nor shall the Hearing Officer present or assist in preparation of any land use matter or application requiring Administrative Approval by the Planning Director. The firm with which a Hearing Officer is or was associated with shall not present or assist in the preparation of any land use matter before that Hearing Officer. All Hearing Officers shall be subject to Chapter 112, Part III, Florida Statutes.

C. ~~304.3.3.Limitations on Activities After~~ Term. ~~Whoever shall accept an appointment as a~~ Hearing Officer, ~~are~~, for a period of six months from the date of termination as holder of such office, hereby expressly prohibited from acting as agent or attorney in any proceeding, application or matter before any commission, board, agent or other office of County government. The firm with which a Hearing Officer is or was associated with shall not present or assist in the preparation of any land use matter before that Hearing Officer. The limitation above shall be for a period of two years if the property was the subject of an application heard by the Hearing Officer during his or her term.

D. ~~304.3.4.~~Removal. A Hearing Officer shall be removed only for cause by a majority plus one of the Board.

E. ~~304.3.5.~~Compensation. A Hearing Officer shall be compensated for his or her services and expenses. The Board shall have authority and responsibility for setting the amount of the compensation, the source of such compensation and limitations on compensable expenses.

F. ~~304.4.~~Disqualification of Hearing Officer. The Hearing Officer shall disqualify himself or herself when it reasonably appears that he or she has a conflict of interest. When a Hearing Officer is disqualified, the case shall be randomly assigned to another Hearing Officer.

~~302.4.~~ ~~304.5.~~Freedom from Improper Influence.

A. ~~304.5.1.~~No person who is or may become a party of record before the Hearing Officer, nor anyone appearing on behalf of a party of record before the Hearing Officer, shall communicate ex parte with any Hearing Officer about an application currently before him or her.

B. ~~304.5.2.~~No member of the Board shall communicate ex parte with any Hearing Officer about an application currently before him or her. Communication between the Hearing Officer and the Board acting as a collegial body shall be undertaken in accordance with the terms of this Code.

C. ~~304.5.3.~~In order to assure that the Hearing Officers are free from improper influence, a Hearing Officer shall neither initiate nor consider ex parte communications concerning a pending or impending application. A Hearing Officer, however, may obtain the advice of a disinterested expert other than another Hearing Officer on law, planning, or zoning applicable to a proceeding before him, if he gives notice to the parties of record of the person consulted and the substance of the advice, and affords the parties of record reasonable opportunity to respond.

D. ~~304.5.4.~~Ex parte communications as contemplated herein shall not include the required transmission of official documents by staff pursuant to the terms of this Code nor shall it include discussion with representatives of the Manatee County Attorney's Office, regarding discussions, not related to a specific land use case to be heard before him ~~or her~~.

~~302.5.~~ ~~304.6.~~Maintenance of Records.

The Clerk of the Circuit Court shall serve as Clerk to the Hearing Officers as it serves as Clerk to the Board. The Clerk shall keep the minutes of the Hearing Officers' proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Hearing Officers and the determination of the Hearing Officers. The Clerk shall be the custodian of the official record of the Hearing Officer and shall keep indexed records of all resolutions, transactions, findings and determinations. All such records shall be official public records and shall be covered by all Florida Statutes pertaining to public records.

~~Section 305. Reserved~~

Commented [LD18]: 8.Ord 13-43 eliminated the Code Enforcement Board

Section 303. ~~Section 306.~~ Historic Preservation Board.**303.1. ~~306.1.~~ Purpose and Intent.**

The Historic Preservation Board is established in order to preserve and protect Manatee County's archaeologically ~~and, historically and aesthetically~~ significant sites, districts and zones; to encourage historical and archaeological preservation; to identify historic buildings and sites and archaeological sites in Manatee County; and to ensure appropriate preservation, restoration, renovation, development and adaptive reuse of historical buildings and archaeological sites.

303.2. ~~306.2.~~ Duties and Powers.

The Historic Preservation Board, in addition to such other powers, duties and authority as may be set forth elsewhere in this Code, shall have the following powers and duties:

- A. ~~306.2.1.~~ Maintain and update files of the Manatee County Historic Survey for the purpose of identifying and conserving those sites, districts and zones of special archeological, historic, ~~aesthetic~~, architectural, ~~or~~ cultural, ~~social, or political~~ value or interest. In exercising this authority, the Historic Preservation Board shall endeavor to improve and expand the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and to periodically re-evaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance. The Manatee County Historic Survey shall utilize the format provided by the Florida Master Site File (FMSF), and the Building and Development Services Department shall provide copies of all survey forms to the FMSF.
- B. ~~306.2.2.~~ Recommend properties for designation as historic landmarks, historical and archaeological overlay districts, and historic vista protection areas in accordance with the criteria and procedures specified in this Code for each type of action. Regulate and administer properties as historic landmarks and historic landmark districts.
- C. ~~306.2.3.~~ Participate in, and review nominations of landmarks to, the national register program for Florida to the greatest possible extent, as specified by the 1981 amendments to the National Historic Preservation Act of 1966, as amended, and by regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Historic Preservation Office, which encourages such local participation and initiative.
- D. ~~306.2.4.~~ Approve or deny Certificates of Appropriateness pursuant to ~~Section 514 of~~ this Code, or provide standards for administrative approval of certain Certificates of Appropriateness.
- E. ~~306.2.5.~~ Recommend zoning text or atlas amendments to the Board for referral to the Planning Commission.
- F. ~~306.2.6.~~ Recommend to vary, waive, or supersede provisions of this Code when appropriate as a means of encouraging significant historic preservation.
- G. ~~306.2.7.~~ Recommend approval for certificates of transfer of development rights in accordance with procedures set forth by the Board.
- H. ~~306.2.8.~~ Make recommendations to the Board concerning the transfer of development rights, facade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.
- I. ~~306.2.9.~~ Maintain a record of archaeologically ~~or, historically or aesthetically~~ significant sites, districts or zones within the County and update the record through ongoing historical resources surveys. The ~~Building and Development Services Department~~ County shall provide copies of the current record to the Florida Master Site File (FMSF) and the State Historic Preservation Officer (SHPO).
- J. ~~306.2.10.~~ Increase public awareness of the value of historic preservation by developing and participating in public information programs.
- K. ~~306.2.11.~~ Make recommendations to the Board concerning the utilization of grants from Federal and State agencies or private groups and individuals, and utilization of County funds to promote the preservation of

Chapter 3. Review Authority and Procedures

archaeologically, historically and aesthetically significant sites, districts and zones.

- L. ~~306.2.12.~~ Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archaeologically, historically and aesthetically significant sites, districts and zones.
- M. ~~306.2.13.~~ Contact public and private organizations and individuals and endeavor to arrange intervening agreements and/or actions to ensure preservation of archaeologically ~~or~~ historically ~~or aesthetically~~ significant sites, districts and zones for which demolition or destruction is proposed.
- N. ~~306.2.14.~~ Recommend and approve placement of historic markers and plaques and issue recognition to designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas within Manatee County and those persons, organizations or entities deserving of recognition in the field of archeological, historic or aesthetically significant site preservation.
- O. ~~306.2.15.~~ Advise the Board on all matters related to the use, administration and maintenance of County owned designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas.
- P. ~~306.2.16.~~ Review and approve all projects and construction requiring Certificates of Appropriateness issued by the Historic Preservation Board pursuant to **Section 514.347.**
- Q. ~~306.2.17.~~ Recommend to vary, waive or supersede provisions of this Code, to the appropriate agencies, when appropriate as a means of encouraging significant historic preservation. Request that the appropriate agencies or departments investigate alternative methods so that alterations required by the Florida Building Code, Florida Fire Prevention Code, Florida Americans with Disabilities Accessibility Implementation Act, and state health code are done in a manner to preserve character-defining spaces, features and finishes.
- R. ~~306.2.18. Adopt regulations-Determine, through a resolution, which activities may be approved administratively, would allow administrative review by the Building and Development Services Department without further review by the Historic Preservation Board for certain Certificates of Appropriateness-se designated by the Historic Preservation Board.~~
- ~~306.2.19. Establish criteria for administrative review of Certificates of Appropriateness which are consistent with criteria established for Historic Preservation Board review of Certificates of Appropriateness.~~
- S. ~~306.2.20.~~ Review and approve any variance regarding floodplain elevation of structures within the Cortez Fishing Village Historical and Archaeological Overlay District.
- T. ~~306.2.21.~~ Subject to availability and appropriation of funds and advanced approval by the Board, attend local, state and national information or education meetings, workshops and conferences when such attendance is relevant to the duties of the Historic Preservation Board.
- U. ~~306.2.22.~~ Any other function which may be designated by the Board.

Commented [LD19]: 9.The HPB doesn't adopt regulations; this is already set up that way in the LDC. No need to state it.

Commented [LD110]: 10.The criteria has already been established.

The Historic Preservation Board is authorized to exercise the foregoing powers throughout unincorporated Manatee County. The responsibilities assigned to the Historic Preservation Board pursuant to this Section ~~306~~ shall be complementary to the Historic Preservation Office of the State of Florida.

303.3. ~~306.3.~~ Membership and Meetings.

- A. ~~306.3.1. Membership. Establishment.~~ A Historic Preservation Board is hereby established which shall consist of five (5) members appointed by the Board.
- B. ~~306.3.2. Qualifications.~~ Members of the Historic Preservation Board shall be qualified residents in Manatee County who have knowledge of archaeological, historical or architectural development or have deep concern for the preservation, development and enhancement of historic resources in the County. The Historic Preservation Board shall, whenever possible, be composed of professional members from the following disciplines: architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, and historic preservation or related disciplines. In the event there are insufficient professionals in the County, lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall comprise the balance of the historic

Chapter 3. Review Authority and Procedures

preservation board.

- C. ~~306.3.3.~~ Terms of Office.** The term of office of the Historic Preservation Board members shall be for four (4) years. Not more than two (2) of such members' terms shall expire in any one (1) year. A member whose term expires shall continue to serve until his or her successor is appointed.
- ~~B.D. 306.3.4.~~ Removal from Office.** Any member of the Historic Preservation Board may be removed from office with or without cause, by majority plus one vote of the full membership of the Board following a hearing by the Board. In the event that any member is no longer a qualified elector or is convicted of a felony or any offense involving moral turpitude while in office, the Board shall terminate the appointment of such person as a member of the Historic Preservation Board.
- E. ~~306.3.5.~~ Officers.** The Historic Preservation Board shall annually elect a Chairman and Vice Chairman from among its members and may create and fill such other offices as necessary. Terms of all offices shall be for one (1) year with eligibility for re-election.
- F. ~~306.3.6.~~ Vacancies.** Whenever a vacancy occurs on the Historic Preservation Board, the Board shall fill such vacancy for the remainder of the term. The Board shall attempt to appoint new members within sixty (60) days of the date any vacancy, subject to availability of qualified individuals.
- G. ~~306.3.7.~~ Quorum.** Except as provided in this ~~s~~Section, no meeting of the Historic Preservation Board shall be called to order, nor shall any business be transacted by the Historic Preservation Board, without a quorum consisting of at least three (3) members of the Historic Preservation Board being present. The Chairman shall be considered and counted as a member. When there is no quorum, those members of the Preservation Board who are present may convene for the purposes of continuing a public hearing or scheduling a special meeting.
- H. ~~306.3.9.~~ Attendance.** Historic Preservation Board members shall be removed from office by the Building and Development Services Director for failure to attend three (3) successive meetings, excluding workshop meetings, or when a member's absences exceed 25% of all scheduled meetings, including workshop meetings, in a calendar year if the absence is not approved by the Board for cause. Any member who fails to attend a meeting during a least 75% of the time of the meeting is in session shall be considered not to have attended the meeting,
- I. ~~306.3.10.~~ Rules of Procedure.** The Historic Preservation Board shall, by majority vote of the entire membership, adopt written rules of procedure as may be necessary for the transaction of its business. In any proceeding deemed quasi-judicial under this Code, the Historic Preservation Board shall adhere to the procedures established pursuant to this Code, and any additional procedures established by resolution by the Board.
- J. Disclosure.** Applicants for appointment to the Historic Preservation Board shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency including serving on an advisory board.
- K. Ethics.** Members of the Historic Preservation Board shall be subject to all applicable provisions of Chapter 112, Part III, Florida Statutes, regarding ethics for public officers.
- L. ~~306.3.8.~~ Regular Meetings.** Regular meetings of the Historic Preservation Board shall be held as necessary, with at least one (1) meeting held every three (3) months. Meetings may be called by the Chairman of the Board, the Chairman of the Historic Preservation Board, a majority of the members of the Historic Preservation Board, a majority of the Board or the County Administrator or his or her designee. If consideration of a matter is postponed for any reason, the Historic Preservation Board may continue the meeting to a special meeting or reschedule the matter to the next Historic Preservation Board meeting. The Building and Development Services Department shall notify all Historic Preservation Board members of the date of any continued meeting. A public notice and the agenda for each Historic Preservation Board meeting shall be advertised in a newspaper of general circulation in Manatee County at least thirty (30) calendar days before the meeting. Meeting agendas shall include information required by the rules of procedure.
- M. ~~306.3.11.~~ Public Meetings.** All meetings of the Historic Preservation Board shall be public meetings and conducted in accordance with the applicable rules of procedure.
- N. ~~306.3.12.~~ Vote.** No action of the Historic Preservation Board shall be valid unless authorized by a majority vote of the quorum. The Historic Preservation Board members shall be subject to Chapter 112, Part III, Florida Statutes.
- O. ~~306.4.~~ Appeals.** Any aggrieved person, including Manatee County, may file a petition for review of any final

Chapter 3. Review Authority and Procedures

decision of the Historic Preservation Board to the Circuit Court ([see Appeals section at the end of this chapter](#)).
~~Such petition shall be filed within thirty (30) days of the decision to be reviewed.~~

P. ~~306.5.~~ Staff. The Building and Development Services Department shall provide staff to the Historic Preservation Board for the performance of its duties and powers. Subject to availability and appropriation of funds, the County may enter into contracts to obtain additional expertise to the Building and Development Services Department in considering national register nominations when a professional discipline is not represented as a member of the Historic Preservation Board.

Q. ~~306.3.13.~~ Clerk. The Clerk of Circuit Court in his or her capacity as Clerk to the Board of County Commissioners shall likewise serve as Clerk to the Historic Preservation Board. The Clerk shall keep minutes of all Historic Preservation Board proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Historic Preservation Board and the vote of each member, or if absent, or, failing to vote, such fact. The Clerk shall be the custodian of the official record of the Historic Preservation Board and shall keep indexed records of all Resolutions, Certificates of Appropriateness, variances, transactions, findings and determinations.

R. ~~306.3.14.~~ Records. All records of the Historic Preservation Board, including but not limited to historic survey files and rules of procedure, shall be official public records and shall be open to the public in accordance with Chapter 119, Florida Statutes, pertaining to public records.

303.4. ~~306.6.~~ Certified Local Government Program.

A. Responsibilities of the Building and Development Services Department. The Building and Development Services Department shall perform all activities required for compliance with the Certified Local Government Program administered by the State Historic Preservation Officer ("SHPO"). The Building and Development Services Department shall provide written notice to the SHPO the next business day following the approval of any new historic landmark designation or alteration of any existing historic landmark designation. The Building and Development Services Department shall provide written notice to the SHPO no later than thirty (30) calendar days after any of the following events:

- ~~1. 4.~~ Changes in Historic Preservation Board membership.
- ~~2. 2.~~ Amendment of regulations governing the Historic Preservation Board: provided, however, that the SHPO shall review and approve any amendments prior to adoption by the Historic Preservation Board.

B. ~~306.7.~~ Reporting. The Building and Development Services Department shall provide duplicates of all documents to the SHPO and maintain written records verifying receipt of documents by the SHPO.

- ~~1. 306.7.1.~~ The Building and Development Services Department shall submit advance written notice of each Historic Preservation Board meeting to the SHPO at least thirty (30) calendar days before each meeting.
- ~~2. 306.7.2.~~ The Building and Development Services Department shall submit proposed amendments to any ordinance governing the Historic Preservation Board to the SHPO at least thirty (30) calendar days before the meeting at which such amendments will be considered; provided, however, that no amendments shall be adopted by the Historic Preservation Board until after the SHPO has reviewed and approved such amendments.
- ~~3. 306.7.3.~~ The Building and Development Services Department shall submit draft minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
- ~~4. 306.7.4.~~ The Building and Development Services Department shall submit approved minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting at which such minutes were approved.
- ~~5. 306.7.5.~~ The Building and Development Services Department shall submit written records of attendance by Historic Preservation Board members at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
- ~~6. 306.7.6.~~ The Building and Development Services Department shall submit written records of attendance by the public at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days

after each meeting.

7. ~~306.7.7.~~ The Building and Development Services Department shall submit an annual written report to the SHPO no later than November 1 of each year covering the time period from the previous October 1 through September 30. The annual report shall include the following information:
- a. ~~1.~~ A copy of the rules of procedure for the Historic Preservation Board;
 - b. ~~2.~~ A copy of the historic preservation ordinance;
 - c. ~~3.~~ Resumes of all Historic Preservation Board members;
 - d. ~~4.~~ Changes to the membership of the Historic Preservation Board;
 - e. ~~5.~~ The total number of projects reviewed by the Historic Preservation Board;
 - f. ~~6.~~ A review of survey and inventory activity with a description of the system used;
 - g. ~~7.~~ New historic landmark designations;
 - h. ~~8.~~ New listings on the National Register of Historic Places; and
 - i. ~~9.~~ A report of all grant assisted activities.

Section 304. Development Review Committee (DRC).

304.1. Establishment of Development Review Committee

There is hereby established a Development Review Committee (DRC). The structure, membership, and duties may be modified by the Department Director.

304.2. Duties and Powers

The DRC, in addition to such other powers, duties, and authority as may be set forth elsewhere in this Code, shall have the following powers and duties:

- A. To review the following applications and prepare comments addressing the application of all relevant codes:
 1. Site Plans;
 2. Subdivisions and Vacation of Streets;
 3. Amendments to the Comprehensive Plan and Future Land Use Map;
 4. Amendments to the Official Zoning Atlas;
 5. Special Permits;
 6. Land Development Code Amendments;
 7. Developments of Regional Impact; and;
 8. Other applications referred to the Committee by the Department Director.
- B. To determine the impact of proposed developments upon the County's public facilities and services.
- C. To provide comments regarding consistency of the proposed application with the County's adopted Land Development Code.
- D. To perform any other duties that may be lawfully assigned to it.

304.3. Membership, Officers and Meetings

A. **Membership.** The Development Review Committee shall be composed of representatives of County departments including, but not limited to, representatives of the following:

Commented [LDI11]: 11. This is new language, but the practice has been in place.

1. [Building and Development Services Department](#)
2. [Health Department](#)
3. [Parks and Natural Resources](#)
4. [Neighborhood Services - Economic Development](#)
5. [Property Management](#)
6. [Public Safety](#)
7. [Public Works - Engineering](#)
8. [Public Works - Transportation & Concurrency](#)
9. [Utility Department](#)

B. Officers. [The Chairman of the Committee shall be the Department Director or a designee. Other offices and subcommittees to carry out the purposes of this section may be appointed by the Department Director as needed.](#)

C. Meetings. [The Committee shall meet on a regular schedule to be determined by the Department Director. Meetings will be noticed on the County Calendar and meeting minutes will be recorded. The DRC meetings shall be open to the public.](#)

304.4. Rules of Procedure

[The Committee shall, by majority vote of the membership, adopt written rules of procedure as may be necessary for the transaction of its business.](#)

Section 305. to 309 Reserved.

~~Reserved.~~

Part II. Chapter 5 – Development Review Procedures.

Section 310. ~~Section 501~~ Applicability.

310.1. ~~501.1~~ Purpose and Intent.

[The purpose of this Part is to ~~This Chapter 5 sets~~ forth the procedural requirements \[and review criteria\]\(#\) for decisions made pursuant to this Code and the Comprehensive Plan. ~~Section 502 describes the general requirements and procedures that apply unless another section of this Code specifically provides otherwise. The requirements and procedures pertaining to specific types of development approvals appear in the sections following Section 502.~~](#)

310.2. Development Order Required

[The purpose of requiring a Development Order is to ensure the availability of adequate urban services, determine compliance with specific development standards, and calculate impact fee assessments, when applicable, prior to the issuance of a building permit.](#)

A. Activities Requiring a Development Order. [It shall be unlawful to change the use of an existing structure, modify an approved site plan, commence the clearing of land, excavations for, or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Department Director has issued a Development Order authorizing such activity.](#)

B. Exceptions. [In addition to the activities exempted in \[Section 101\]\(#\) of this Code, the following construction activities do not require a Development Order:](#)

Commented [LD112]: 12. Development orders not addressed anywhere in the Code.

- [swimming pools.](#)
- [decks.](#)
- [patios.](#)
- [fences.](#)
- [sheds \(under 250 sq. ft.\).](#)
- [sign installation.](#)
- [tree removal.](#)
- [exterior above-ground renovations.](#)
- [residential driveways.](#)
- [interior renovations which do not add dwelling units or change the occupancy of the building, and](#)
- [other minor additions to single family homes.](#)

C. Review and Approval. [The following sections contain the specific processing and review requirements for the various types of Development Orders required.](#)

310.3. Section 512 Building Permits Required.

~~512.1 Purpose and Applicability.~~ All other approvals, permits and certificates required by this Code must be applied for and obtained before an application for a Building Permit can be approved by the County. Where the Manatee County Florida Building Code, this Code or other applicable Code requires a Building Permit, no start of construction or development shall occur until and unless the Building Department has issued a Building Permit for that development in accordance with the terms of this Code and the Florida Building Code.

~~512.2 Application Requirements.~~ An application for a Building Permit shall be filed with the Building Department on a form prescribed by the Building Official, and shall be accompanied by any necessary plans, documents or information.

~~512.3 Action by Building Department.~~ The Building Department may issue a Building Permit if the applicant demonstrates that the proposed development and lot is in compliance with the Manatee County Code, Health Code, this Land Development Code, the Comprehensive Plan, and other applicable codes. The Building Department shall not issue a Building Permit until compliance with the Comprehensive Plan has been verified for such a proposed development by requiring the demonstration of consistency described herein. The Building Department shall review all applications for Building Permits to verify the existence of a valid Certificate of Level of Service Compliance for that project, or project phase. The Building Department shall condition all Building Permits upon compliance with soil stabilization, soil erosion and transport policies and regulations.

Commented [LDI13]: 13. These two sections are not necessary. Building permits are addressed by the Florida Building Code.

310.4. Section 513 Certificate of Occupancy Required.

~~513.1 Purpose and Effect.~~ No new building or structure shall be used or occupied unless and until a Certificate of Occupancy has been issued by the Building Department. No addition or structural alteration to existing building or structure, shall be used or occupied until and unless a Certificate of Occupancy has been issued by the Building Department. No new non-residential use, and no change in the occupancy of an existing non-residential use, shall be established until and unless a Certificate of Occupancy has been issued by the Building Department. No Certificate of Occupancy shall be issued unless all applicable fees are paid. [A Certificate of Occupancy is required prior to:](#)

Commented [LDI14]: 14. This section was trimmed to the minimum as the Florida Building Code regulates Certificates of Occupancy.

- A. [Occupying a new building or structure, building addition, or structure alteration;](#)
- B. [Establishing a new non-residential use within an existing building or structure; or](#)
- C. [Changing the occupancy classification of an existing non-residential building or structure](#)

~~513.2 Standards and Review.~~ A Certificate of Occupancy shall be issued only after the premises have been inspected and found to comply with all applicable development standards and requirements for the zoning district in which they are located, and that the use or structure conforms to the plans and specifications for which the Building Permit was issued.

~~513.2.1 Temporary Certificate of Occupancy.~~ The Building Department may issue a Temporary Certificate of Occupancy for a period of time not to exceed one hundred and eighty (180) days to allow the building, structure, or lot to be occupied for the proposed use, provided that such certificate shall become final and effective only upon full compliance with the requirements of this Code and provided that the failure to fully comply with this Code does not

Chapter 3. Review Authority and Procedures

~~relate to provisions regarding health and safety. The Building Official may place conditions on a Temporary Certificate of Occupancy to insure public safety, health and welfare.~~

~~**513.3. Action by Building Department.** The Certificate of Occupancy shall be issued or denied by the Building Department. When a request for a Certificate of Occupancy is denied, the applicant may in writing request a written explanation specifying the reasons for denial. This explanation shall be issued within fourteen (14) days from receipt of the request by the Building Department.~~

~~**513.4. Contents of Certificate.** Every Certificate of Occupancy shall be dated, shall state the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the Building Code, and shall be signed by the Building Official.~~

~~**310.5. 513.5.** Certificate of Completion.~~

Upon the satisfactory completion of improvements for a site plan approval, when no Building Permit is required, the Building Official shall issue a Certificate of Completion. This Certificate is proof that a structure or system is complete and, for certain types of building permits, is released for use and may be connected to a utility system. The Certificate of Completion does not grant authority to occupy or connect electrical service to a building, such as a shell building, prior to the issuance of a Certificate of Occupancy. This Certificate is issued by the Building Official.

310.6. Other Permits Required.

In addition to obtaining a Development Order from the County, the developer must also obtain all other applicable permits or exemptions as may be required by law prior to commencement of development.

Commented [LD115]: 15.Brought in from definition.

Section 311. ~~Section 515.~~ Code Interpretation.

311.1. ~~515.1.~~ Purpose.

The ~~Planning Department~~ Director may, subject to the procedures and limitations of this ~~S~~section, issue written letters of interpretation of the provisions of one ~~(1)~~ or more standards or requirements of this Code or the Comprehensive Plan as it relates to a particular type of development on a particular property. ~~In the case of functions assigned to a particular department of the County or an agency pursuant to this Code or the Comprehensive Plan, the Planning Director shall forward the request for interpretation to such department or agency, who in turn shall issue an interpretation through the Planning Director.~~

311.2. ~~515.2.~~ Scope and Applicability.

~~Such Code~~ interpretations may include, but shall not be limited to:

- ~~A. a.~~ A determination of whether a particular use, which does not clearly fall under the definition of one ~~(1)~~ of the uses specified in this Code ~~and~~, is not ~~clearly specifically~~ allowed in the zoning district, is substantially similar to one ~~(1)~~ of the permitted uses, Special Permit, or Administrative Permit uses allowed in the district and therefore should be allowed as such;
- ~~B. b.~~ An interpretation of the definition of any term used in this Code or the Comprehensive Plan as it affects any development being proposed on a particular property;
- ~~C. c.~~ An interpretation of the boundaries of a zoning district on the Official Zoning Atlas; and
- ~~d. —~~ An interpretation required pursuant to ~~Section 515.3.~~
- ~~C.D. 515.3.A~~ Government-initiated interpretation. ~~The Planning Director shall issue a letter of interpretation, upon his or her own initiative, or at the request of any governing body or official of the County, in for~~ the following circumstances:

- ~~I. a.~~ Where in order to carry out his or her duties pursuant to this Code, he or she requires an interpretation or clarification of a standard, requirement, zoning district boundary or term set forth in this Code, as applied to a particular property or development proposal, which will or could lead to a development

approval; and

- 2. ~~b.~~ Where in the view of the ~~Planning Department~~ Director or the requesting body or official, the formal establishment of such an interpretation or clarification is appropriate.

311.3. ~~515.4.~~ Application for Interpretation.

A letter of interpretation may also be requested by any person, ~~for a fee set by the Board.~~ ~~The A request for a letter of interpretation shall set forth include a description of~~ the facts and circumstances which are the basis for the request for an interpretation, including a description of the proposed development ~~that the interpretation might accommodate, and the precise interpretation claimed by the requestor to be correct.~~

Commented [LDI16]: I6.Deleted as recommended by the CAO.

311.4. ~~515.5.~~ Action by ~~Planning Director~~ Department Director.

Within a reasonable time after receipt of an application, the ~~Planning Department~~ Director shall issue a letter of interpretation specifying the facts, reasons, analysis and standards upon which the interpretation is based.

- A. ~~515.6. Standards.~~ No interpretation shall authorize any use in a zoning district unless the ~~Planning~~ Director determines that the use is substantially similar to a use specified as a permitted, administrative permit or special permit use ~~or conditional use~~ in that district and is no more similar to any other use specified in this Code as a permitted, administrative permit or special permit use ~~or conditional use~~ in any district.
- B. No interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question and no interpretation shall have the effect of amending, abrogating or waiving any standard or requirement established in this Code.
- C. No interpretation shall have the effect of changing zoning on a parcel of land.
- D. No interpretation of this Code shall result in an inconsistency between this Code and the Comprehensive Plan.
- E. No letter of interpretation shall itself authorize the establishment of a use or the carrying out of any development.

~~515.7. Effect of Interpretation.~~

~~No letter of interpretation shall itself authorize the establishment of a use or the carrying out of any development.~~

Commented [LDI17]: I7.Moved up

311.5. Official Record.

~~515.8.~~ The ~~Planning Department~~ Director shall maintain an official record keep a file of all formal interpretations and shall periodically prepare Code amendments to incorporate the interpretations into the code.

Section 312. ~~Section 502.~~ Procedures of General Applicability.

312.1. Level of Review Required

~~502.6. Classification of Decisions.~~ Decisions made pursuant to this Land Development Code shall be classified as provided below:

~~502.6.1. Legislative. The following shall be treated as legislative decisions:~~

- a. ~~Amendments to the text of this Land Development Code;~~
- b. ~~Comprehensive Plan and Future Land Use Map amendments;~~
- c. ~~Street and right-of-way vacations; and~~
- d. ~~County-initiated area-wide rezones.~~

~~502.6.2. Quasi-Judicial. The following shall be treated as quasi-judicial decisions:~~

- a. ~~Site Plan Approvals (except those approved administratively);~~

Commented [LDI18]: I8.Consolidated into table.

- ~~b. Site-specific rezonings;~~
- ~~c. DRI Development Order Approvals;~~
- ~~d. Special Permit Approvals;~~
- ~~e. Variances, except Administrative Variances;~~
- ~~f. Approvals of environmental preserve management plans;~~
- ~~g. Historic designations;~~
- ~~h. Certificates of Appropriateness, except administratively issued Certificates of Appropriateness;~~
- ~~i. Development agreements approved simultaneously with other development orders that are treated as quasi-judicial matters pursuant to this Section;~~
- ~~j. Final subdivision plat approvals;~~
- ~~k. Appeals from administrative interpretations;~~
- ~~l. Extensions of CLOSs; and~~
- ~~m. Such other decisions as are required to be treated as quasi-judicial matters under applicable law, regardless of how they may be designated under this Code.~~

~~502.6.3.or Administrative. The following shall be treated as administrative decisions (except in cases where the Board has imposed a specific condition in a prior approval requiring such matter to be subject to Board approval):~~

- ~~a. Site plan approvals by the Planning Director; Chapter 5 DEVELOPMENT REVIEW PROCEDURES~~
- ~~b. Issuance or modification of Administrative Permits;~~
- ~~c. Certificates of Level of Service;~~
- ~~d. Temporary use permits;~~
- ~~e. Earthmoving operating permits;~~
- ~~f. Lot consolidation.~~
- ~~g. Administratively issued Certificates of Appropriateness;~~
- ~~h. Administrative Variances approved pursuant to Section 509.8;~~
- ~~i. Administrative interpretations pursuant to Section 515; and~~
- ~~j. All other permits issued by the Planning Director or other County officials which do not require a prior public hearing under the provisions of this Land Development Code, the Comprehensive Plan or applicable law.~~

Based on the type of application, various levels of review are required prior to the issuance of a development order as shown in Table 3-1. The following sections contain the specific requirements for each level of review:

Table 3 - 1: Development Order Review Authorities

<u>APPLICATION TYPE</u>	<u>SEE SECTION</u>	<u>APPROVAL TYPE</u>	<u>PRE-APPLICATION MEETING</u>	<u>DRC</u>	<u>DEPARTMENT DIRECTOR</u>	<u>WORK-SHOP ³</u>	<u>HEARING OFFICER</u>	<u>PLANNING COMMISSION</u>	<u>BOCC</u>
Site Plans:									

Chapter 3. Review Authority and Procedures

<u>APPLICATION TYPE</u>	<u>SEE SECTION</u>	<u>APPROVAL TYPE</u>	<u>PRE-APPLICATION MEETING</u>	<u>DRC</u>	<u>DEPARTMENT DIRECTOR</u>	<u>WORK-SHOP³</u>	<u>HEARING OFFICER</u>	<u>PLANNING COMMISSION</u>	<u>BOCC</u>
General Development Plan	321	Q	No	Yes	Yes	Yes	No	Yes	Yes
Preliminary Site Plan	322	Q	No	Yes	Yes	Yes	No	Yes	Yes
Final Site Plan	323	Q	No	No	Yes	No	No	No	No
Subdivisions:									
Vacation of Streets/Plats	331	L	Yes	No	Yes	No	No	No	Yes
Preliminary Plat	333	Q	Yes	Yes	Yes ¹	No ¹	No	No ¹	No ¹
Construction Drawings	334	A	No	No	Yes	No	No	No	No
Final Plat	335	Q	No	No	Yes	No	No	No	Yes
Comprehensive Plan/LDC/Zoning Map Amendments²:									
Comprehensive Plan/Future Land Use Map amendments (area-wide)	340	L	Yes	Yes	Yes	Yes	No	Yes	Yes
Comprehensive Plan/Future Land Use Map amendments (site-specific)	340	L	Yes	Yes	Yes	Yes	No	Yes	Yes
LDC Amendments	341	L	Yes	No	Yes	Yes	No	Yes	Yes
Zoning Atlas amendments (area-wide)	342	L	Yes	Yes	Yes	Yes	No	Yes	Yes
Zoning Atlas Amendments (site specific, PD)	342	Q	Yes	Yes	Yes	Yes	No	Yes	Yes
Other Activities:									
Administrative Permit	315	A	No	No	Yes	No	No	No	No
Certificate of Appropriateness	347	Q	Yes	No	Yes	No	No	HPB	No
Certificate of Appropriateness (Administrative)	347	A	Yes	No	Yes	No	No	No	No
Certificate of Level of Service (extension 1+ yrs.)	360	Q	No	No	Yes	No	No	No	Yes
Certificate of Level of Service (new)	360	A	No	No	Yes	No	No	No	No
Code Interpretations	311	A	No	No	Yes	No	No	No	No
Special Permit	316	Q	Yes	Yes	Yes	Yes	Yes	No	No
Development Agreement	350	L ⁴	Yes	Yes	Yes	Yes	Yes	Yes	Yes
DRI Development Order	348	Q	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Environmental Preserve Management Plans	351	Q	No	Yes	Yes	No	No	Yes	Yes
Floodplain Variances	802.8	Q	Yes	No	Yes	No	No	HPB ⁵	No
General Plan for Educational Facilities	353	Q	No	No	Yes	No	No	No	Yes
Historic Designations	710	Q	Yes	No	Yes	No	No	HPB	No
Modification of Standards	365	A	No	No	Yes	No	No	No	No
Public School Determination of Consistency	352	Q	No	No	Yes	No	No	No	Yes
Temporary Use Permits	354	Q	No	No	Yes	No	No	No	No
Variance	367	Q	Yes	No	Yes	No	Yes	No	No
Zoning Compliance Permit	346	A	No	No	Yes	No	No	No	No

Legend: A = Administrative; L = Legislative; Q = Quasi-judicial; HPB = Historic Preservation Board; **Bold** = Indicates approving authority.

¹ Required if the application also triggers the thresholds for General Development Plan review and the applications are processed concurrently.

² Amendments to the Official Zoning Map are deemed to be legislative if they are County initiated and include a large number of properties which would be similarly affected by the proposed change. Otherwise, the application is deemed quasi-judicial.

³ Optional

⁴ Development Agreements will generally be treated as Legislative except when required to be treated as quasi-judicial pursuant to applicable law.

⁵ HPB review in lieu of Hearing Officer for floodplain variances within the Cortez Fishing Village HA Overlay.

312.2. ~~502.1. Pre-application Conference Meeting.~~

~~Upon request of an applicant, the Planning Director may schedule and hold preapplication conferences with applicants and appropriate representatives of County staff, for the purpose of reviewing proposed development prior to the formal submission of an application for development approval. An applicant may also request a preapplication conference with the Planning Director. Applicants are encouraged, though not required, to request a preapplication conference.~~

~~Whenever a pre-application meeting is required per Table 3-1, the applicant must request such meeting with the Department Director, prior to filing an application, to discuss the development review process requirements. The applicant is encouraged to bring preliminary plans and data to show existing conditions of the site and its vicinity and the proposed layout. It is intended that the meeting will assist the applicant in preparing plans which will meet the requirements of the code. The preapplication conference shall be informal, and its purpose shall be to discuss the proposals, views and concerns of the applicant, or whether any additional information will be required. Comments made by staff at a pre-application meeting are made solely for preliminary informational purposes and shall not be construed as an approval or denial or agreement to approve or deny any development order. Failure of staff to identify any required permits or procedures at a pre-application conference shall not relieve the applicant of any such requirements nor constitute waiver of the requirement by the decision-making body.~~

312.3. ~~502.3. Application Requirements Submittal.~~

~~A. **Application Forms and Requirements.** The Department Director shall establish application forms and submittal requirements for all development applications referenced in this Chapter. Application fees are established by Resolution by the Board of County Commissioners.~~

~~Every application for development approval shall be in a form specified by the Planning Director and shall be accompanied by a fee, as established by the Board. The application shall be accompanied by such plans, data or documents as are (a) required pursuant to this Code and the administrative procedures adopted hereunder and (b) such plans, data, or documents specified in the application form.~~

~~All applications for development approval shall be filed with the Planning Director, except where otherwise specified by this Code. Unless otherwise specified, an application may only be filed by the owner of the property, or an agent of the owner specifically authorized by the owner to file such application.~~

~~B. **Concurrent Applications.** Applicants for projects requiring more than one type of review (e.g. Special Permit and General Development Plan) may submit concurrent applications if determined appropriate by the Department Director.~~

~~502.5.7. Authority to Enter Premises.~~

~~C. The submission of an application for development approval shall confirm or authorize the right of reasonable entry to a premises, lot or parcel associated with the development approval request. This right of entry shall extend to all County employees, members of various boards, appropriate reviewing agencies, and any other agencies, or any designee of the above, along with their motor vehicles, which are responsible for the review of development approval requests and inspections of those approvals.~~

312.4. ~~502.4. Determination of Completeness Review~~ of Application.

~~When an application for development approval is submitted, the Department Planning Director shall make a threshold determination as to whether the application is complete and whether the application is in conformance with the land uses, density and intensity allowed by the future land use category.~~

~~A. If the Department Planning Director determines that the application for development approval is not complete or not in conformance with the land uses, density and intensity allowed by the future land use category, he or~~

Commented [LDI19]: 19.The details should be spelled out in a Development Review Application Manual.

Commented [LDI20]: 20.Fee schedule needs to account for concurrent applications. Should pay only one fee or set up a combined fee.

Chapter 3. Review Authority and Procedures

she shall notify the applicant in writing that the application is incomplete and shall specify the additional information required in order for the application to be determined to be complete or the modification necessary for conformance. No further action shall be taken on the application unless and until the additional information is submitted and determined to be complete by the Department Planning Director. If the incompleteness has not been remedied within thirty (30) days of receipt of notice thereof, the application shall be ~~automatically voided and the Planning Director shall return the application to the applicant deemed withdrawn.~~ Application fees may be refunded in accordance with ~~subSection 312.5.E.Q.~~

Commented [LEA21]: 21.Added per workshop comments.

B. When an application for development approval is determined to be complete, the Department Director shall notify the applicant, and shall forward the application to the Development Review Committee for sufficiency review ~~and processing by the County in accordance with this Land Development Code.~~ A determination of completeness shall not constitute a determination of compliance with the requirements of this Code or Comprehensive Plan.

312.5. 502.5.Determination of Sufficiency Review of Application.

Commented [LDI22]: 22.Consider ed changing the word "sufficiency." Sufficiency seems to fit better than "substantive" or "compliance." Not many people know about DRIs and the use of the word "sufficiency" in that context. Therefore, we would recommend leaving it as it is now.

A. 502.5.1.Application Distribution-Review

1. After an application is determined to be complete, ~~and to be in conformance with the land uses, density and intensity that is allowed by the future land use category,~~ the Planning Director shall forward copies of the application to ~~appropriate agencies and designated County departments-~~ the DRC for sufficiency review. Applications that do not require DRC review per Table 3-1 shall be reviewed by the Planning Director for sufficiency. For purposes of this Section, "sufficiency review" shall constitute an analysis of whether a proposed application:

- a. ~~a.~~ Meets the stated objective requirements of the Comprehensive Plan, this Code and the County's rules and regulations ~~(taking into consideration any requests for specific approval pursuant to Section 603.3);~~ and
- b. ~~b.~~ Includes the necessary analysis and information to enable the ~~decision-making body or official approving authority~~ to make the necessary determinations under the Comprehensive Plan and this Code.

2. The Department Director will notify the applicant of the date and time when the DRC will review the application. Applicant attendance at this meeting is optional.

~~—The Planning Director may establish standardized forms for sufficiency review and comment which shall be used by reviewing departments and agencies. Sufficiency review shall be completed in a manner that permits the County to render a decision on an application within any timeframes imposed pursuant to applicable law.~~

Commented [LDI23]: 23.These are administrative procedures that can be establish with or without this provision in the Code. Unnecessary.

3. 502.5.2.Determination of Sufficient Application. ~~The DRC reviewing agencies and department representatives shall determine if the application is sufficient, and shall notify the Department Planning Director if the application was determined to be sufficient, if of any insufficiencies were found, or if additional information that is required to be submitted. The Planning Director shall, in turn, compile such comments and forward them to the applicant in writing. If the application is found insufficient, the DRC shall issue a report listing the code requirements that need to be addressed. The DRC reserves the right to require a second review meeting based on the level of plan changes requested.~~

4. During the course of sufficiency review, ~~†~~The DRC or Department Director, as applicable, reviewing agencies and departments, including the Planning Department, may also include comments and recommendations regarding evaluative and case-specific factors for consideration under this Code and the Comprehensive Plan, but shall not treat such comments or recommendations as insufficiencies for purposes of this Section.

Commented [LDI24]: 24.From 502.5.1.

~~502.5.3.Remedy of Insufficiencies. If the applicant fails to respond to the specified insufficiencies within one hundred eighty (180) days of the date of the written comments, the application shall be deemed withdrawn. If the applicant responds, but the applicant, Planning Director and County departments or agencies, after the receipt and review of all requested information, are unable to resolve the insufficiencies, the applicant may elect to proceed forward, subject to the requirements of Section 502.5.6., below.~~

Commented [LDI25]: 25.Already stated below.

~~502.5.5.Staff Analysis. After an application is determined sufficient, the Planning Department shall collect the comments and analysis of the other departments and agencies and shall prepare a written analysis of the issues~~

Commented [LDI26]: 26.Already stated in #2.

~~raised by the application.~~

Commented [LDI27]: 27.Repeats K

~~5. 502.5.6.Action by the Planning Director.~~ Upon receipt of a sufficiency determinations from the DRC, reviewing agencies and department representatives, or election to proceed from the applicant notwithstanding insufficiencies, the Planning Department Director shall:

~~a. (a)~~ In the case of administrative decisions, take administrative action required by this Code; or

~~b. (b)~~ In the case of legislative or quasi-judicial decisions, prepare a report and recommendation to the appropriate decision-making or recommending body and schedule a hearing.

~~502.5.6.1.Scheduling for Consideration.As required, the Planning Director shall schedule a hearing for an appropriate date. No application shall be scheduled for consideration by a Hearing Officer, the Planning Commission or Board until either (a) all specified insufficiencies have been resolved, or (b) the applicant has elected in writing to proceed notwithstanding the unresolved insufficiencies.~~ Specified insufficiencies may be resolved by the written consent of the applicant, which shall be provided in writing to the Planning Director in advance of scheduling the hearing for consideration by a Hearing Officer, ~~the Planning Commission or Board,~~ to conditions or stipulations that, in the view of the Planning Director and each affected agency or department representative, correct such insufficiencies.

~~502.5.6.2.Approval, Recommendation of Approval.~~ The Planning Director shall not approve any application subject to administrative approval, or recommend approval of any application subject to approval by a Hearing Officer or the Board, unless the Planning Director has (a) received a positive determination of sufficiency from all reviewing agencies and department representatives, or (b) has received the written consent of the applicant, to conditions or stipulations that, in the view of the Planning Director and each affected agency or department representative, correct such insufficiencies.

Commented [LDI28]: 28.Repeats Section 4 above.

~~502.5.8.Administrative Procedures.Pursuant to Section 105, the County Administrator shall establish administrative procedures for sufficiency review of applications, which shall include, but shall not be limited to, assignments of review of various types of applications, and various issues, to specific departments of the County.~~

B. 502.11.Incorrect Information.

Commented [LDI29]: 29.Same as previous. Refers to internal activities. No need to be in the LDC.

~~1. 502.11.1.Reliance on Information Presented by Applicant.~~ The Manatee County staff, ~~the Planning Commission, Hearing Officers and the Board,~~ DRC shall have the right to rely on the accuracy of statements, documents and all other information presented to them by the applicant, applicant's attorney or agent, in review of an application for development approval issued under this Code.

~~2. 502.11.2.Presentation of Submittal of Incorrect Information.~~ In the event that an applicant, its attorney or agent presents or submits false or incorrect information, regardless of whether such information is presented fraudulently or deceitfully ~~to the staff, Planning Commission, Hearing Officers or the Board,~~ concerning a material fact or consideration relating to an application for any rezoning, conditional use permit, or other type of development order or permit issued under this Code, the ~~staff, Hearing Officer or the Board~~ approving authority may take action to rescind such development approval or development order, ~~subject to the requirements of Chapter 12 of this Land Development Code and applicable law.~~ Upon notice to an applicant that the County is considering rescission of a development approval or development order because it was based in part on false or incorrect information, any work performed by or at the request of the applicant on the subject property shall be at the risk of the applicant.

Commented [LDI30]: 30.Chapter 2 is definitions and rules of construction.

~~502.13.Abandonment or Extension of Application for Development Approval.~~

Commented [LDI31]: 31.Sec. 502.12 moved to DO section.

C. An application for development approval shall be deemed to have been abandoned six (6) months after the date of issuance of review comments if the applicant has failed to respond in writing to ~~such~~ review comments in a manner that addresses each item identified by staff as necessary to render the application complete or to address an insufficiency.

D. Extension. One (1) or more extensions of time for periods of not more than ninety (90) days each may be allowed by the Planning Department Director for abandoned applications ~~for the application,~~ provided each extension is requested in writing and justifiable cause is demonstrated.

E. Withdrawn Applications. Upon written request to the Department Director, an applicant who has paid the

appropriate fee but withdraws the application prior to any review or advertising by County staff may be entitled to a refund.

Commented [LDI32]: 32.New language.

- F. 502.5.4. Additional/Revised Information.** If an applicant submits additional or revised data or information at any time after a determination of sufficiency has been made, or if previously submitted data or information is determined by the County to be unreliable because of passage of time or changed circumstances, the revised application will be subject to the same sufficiency review and fee as the initial application.

~~13~~ **502.9. Examination and Copying of Application and Other Documents.**

- G.** At any time upon reasonable request, and under the supervision of the ~~Planning Director~~ Department Director, any person may examine an application for development approval and materials submitted in support or in opposition, in accordance with Chapter 119, Florida Statutes. Copies of such materials shall be made available upon payment of the appropriate fee as prescribed in an official fee schedule.

312.6. 502.2. Neighborhood Workshops.

Applicants are encouraged to hold a neighborhood workshop during the application process. The Planning Department Director or the Board may require an applicant to hold a neighborhood workshop for any application that, in the view of the Planning Department Director or Board, has potential neighborhood impacts.

The purpose of the neighborhood workshop is to ensure early citizen participation in an informal forum in conjunction with development applications, and to provide an applicant the opportunity to understand any impacts an application may have on an affected community. These workshops ensure that citizens and property owners have an adequate opportunity to learn about applications that may affect them. A neighborhood workshop is not intended to produce complete consensus on all applications, but to provide information about the application to adjacent property owners. ~~shall be to inform the neighboring residents of the nature of any proposed land use(s), development features or site plans, and to solicit comments. The Planning Director or the Board may require an applicant to hold a neighborhood workshop for any application that, in the view of the Planning Director or Board, has potential neighborhood impacts. Mailed and posted notice for n~~ Neighborhood workshops shall be noticed as required in Table 3-2, provided in accordance with Sections 502.7.3 and 502.7.4, respectively.

- A. Workshop Time and Location.** Prior to scheduling a neighborhood workshop, the applicant shall coordinate the meeting date, time and location with the Department Director. The initial workshop shall be held within the general area of the subject property. Additional workshops may be held but are not required.
- B. Workshop Elements.** At the workshop, the applicant shall present the plans, information and data as needed to inform the public of the proposed development.
- C. Workshop Summary.** The applicant shall submit to the Department, as part of the application, a summary of the materials presented at the workshop, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, and a copy of the workshop advertisement and a copy of the mailed notices sent to property owners.

312.7. 502.7. Notice of Public Hearings.

~~Notice of public hearings under this Code shall be provided in accordance with the provisions of this Section and in accordance with applicable law. All meetings of the Board of County Commissioners, the Planning Commission, Hearing Officer, and the Historic Preservation Board are subject to the notice requirements under this section, the Florida Statutes and the Rules of Procedure of the Board of County Commissioners. If there is ever a conflict between the provisions of this Code and state law relative to notice matters, the most restrictive shall prevail and apply. The applicant shall be responsible for all costs incurred by the County in the issuance and publishing of notices.~~

- A. Notice Types.** The types of public notice used for various public hearings include mailed notice, published notice, and posted notice by signs located on the subject property. The public notices noted in Table 3-2 are required for each public hearing.

Table 3 - 2: Required Public Notice for Development Applications

Application	Type of Notice		
	Mailed	Published	Posted
Neighborhood Workshop	X	-	-
Comprehensive Plan Amendment, Text	-	X	-
Comprehensive Plan Amendment, Map	X	X	X
LDC Text Amendment	-	X	-
Rezoning (incl. Rezoning to Planned Development)	X	X	X
Special Permit	X	X	X
General Development Plan	X	X	X
Final Site Plan	-	-	-
Preliminary Plat	-	-	-
Final Plat	X	X	X
Vacation of Streets/Plats	-	X	X
Variance	X	X	X
CLOS Extension	-	X	-
CLOS Appeal to Hearing Officer (other than administratively approved)	-	X	X
Local Development Agreement	-	X	-

B. 502.7.3. Mailed Notices.

~~502.7.3.1. Generally, Except where otherwise required by applicable law or this Land Development Code, mailed notice shall be provided at least ten (10) days prior to the public hearing. The applicant shall send a notice prepared by the Planning Department, by first class U.S. mail, mailed to owners, as shown on the latest ad valorem tax records, of all lands contiguous and all property owners within five hundred (500) feet of the entire parcel of land under consideration that is owned or controlled by the applicant. However, mailed notice shall only be required if the adjacent property owners are within one thousand (1,000) feet of the project. For property that is a part of a condominium, or a manufactured home community, individual owners shall be notified if located within five hundred (500) feet of the project, and the owner of common property shall be notified. The Planning Director may require additional notice to other property owners and neighborhood organizations based upon project design and potential impacts. The Planning Director may require that the cost of preparing and mailing notice be borne by the applicant.~~

~~502.7.3.2. Amendments involving Board initiated changes to actual official Zoning Atlas designations of less than ten (10) contiguous acres. In cases in which the proposed amendment to the Official Zoning Atlas is initiated by the Board and involves less than ten (10) contiguous acres, the Planning Director shall give mailed notice, at least thirty (30) days prior to the public hearing, to each real property owner whose land will be reclassified by the amendatory ordinance and whose address is known by reference to the latest ad valorem tax records, in addition to the notice required pursuant to Section 502.7.3.1.~~

1. To Whom Provided. Public notices for public hearings shall be mailed by the County to all individuals and property owners indicated below. In any instance where applicable law requires additional notice or a different publication time frame, the form or timeframe of the notice shall be adjusted accordingly to comply with such applicable law.

- a. All property owners of the land subject to the application.
- b. The Manatee County School Board if the application involves residential development.
- c. All property owners within five hundred (500) feet of the boundaries of the development site. If any

Commented [LDI33]: 33.Moved below

Commented [LDI34]: 34.Moved below

Commented [LDI35]: 35.See below

Commented [LDI36]: 36.Moved below

Commented [LDI37]: 37.Current code says 500 from site but 1,000 from project. Confusing.

Chapter 3. Review Authority and Procedures

dwelling unit within the required notification area is part of a neighborhood association or property owner's association, and that information is a matter of record with the Department, the association shall receive written notice of public hearing and workshop.

2. Mailing and Postmarking. Notices shall be mailed a minimum of ten (10) days prior to the hearing and fifteen (15) days prior to the neighborhood workshop, with the exception of Board initiated changes to the Official Zoning Atlas for properties ten (10) acres or larger, which shall be mailed a minimum of thirty (30) days prior to the initial public hearing. Notice shall be deemed mailed by its deposit in the mail, properly addressed and with sufficient postage paid.
3. Notices for Neighborhood Workshops. Public notices for neighborhood workshops, as well as a mailing list, will be provided by the Department Director to the applicant, who shall be responsible for mailing the notice.

C. ~~502.7.2.~~Published Notices.

1. The Department Director shall prepare the content of the notice and be responsible for publishing the Published notice shall be provided in a newspaper of general circulation the Bradenton Herald and Manatee Herald-Tribune selected by the county.
2. The Planning Director may require that the cost of publishing such notice shall be borne by the applicant.
3. Unless otherwise required by State law, the advertisement shall be published no less than ten (10) days prior to the date of the public hearing.
4. ~~502.7.3.3.Mailed Notice in lieu of Published Notice.~~ To the extent authorized by, and in accordance with, applicable law, the Board may direct the Planning Department Director to mail a notice to each person owning real property within the area covered by amendments involving changes to the actual list of permitted, ~~conditional special~~ or prohibited uses within a zoning category, or Board initiated changes to actual Official Zoning Atlas designations of ten (10) contiguous acres or more, in lieu of the published notice otherwise required. Such notice shall clearly explain the proposed ordinance and shall notify the person of the ~~time,~~ place and location of both public hearings on the proposed ordinance. In lieu of publishing the advertisements set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution (Section 125.66(4)(b)3, FS).

D. ~~502.7.4.~~Posted Notices. Signs shall be posted by the applicant as instructed by the Department Director. The applicant shall post a notice on a sign or signs furnished by the , on the affected property, and where otherwise directed by the Planning Director. Notice shall be posted on weather resistant signs in a form established by the Department.

- 2-1. Timing of Posted Notice. The sign shall be posted not less than ten (10) days nor more than forty (40) days in advance of the scheduled hearing date, unless the Planning Department Director requires earlier notice. ~~The notice shall contain, at a minimum, the matters described in paragraphs a. and b. of Section 502.7.1.~~
2. Maintenance. ~~In the interim period between the sign posting and hearing, the applicant shall be responsible for the maintenance of the sign and replacement of the sign, if the applicant is aware that the signs have been removed from the site. The applicant shall ensure that the signs are maintained and remain on the site until completion of the final action on the application.~~
3. Location of Signs. Notice shall be posted no more than fifteen (15) feet from the front lot line, so as to be clearly visible from the public way.
4. Lack of Street Frontage. If the land does not have frontage on a street, at least one sign shall be placed on the property at the access point and additional signs shall be placed on the nearest public right-of-way with an indication of the location of the subject property.
5. Additional Signage Required. More than one (1) sign and/or a larger sign may be required to be posted by the Planning Department Director, if it is determined to be necessary to ensure adequate public notice. Such additional signs shall be posted in a number and location determined by the Planning Department Director.
6. Removal of Posted Signs. The applicant shall remove all posted signs within ten (10) days after final action on

Commented [LDI38]: 38.New language.

the application.

E. ~~502.7.4. Contents of Mailed and Published Notices.~~ Generally, ~~all notices of public hearings.~~ All mailed and published notices shall ~~include~~ ~~contain~~ the following information:

1. Statutory Requirements. For public notice required by Sections 125.66 or 163.3184, Florida Statutes, the standards for those sections shall apply.
2. Title. The title of the published notice for hearings shall be "Notice of Public Hearing";
3. ~~b. Nature of Application.~~ A general description of the nature of the matter to be addressed, written in layman's terms; The application number, the application type, and the description of the proposal or request.
4. Location, Time and Date. The scheduled date, time and location of the hearings or workshops.
5. ~~c. Location of the Subject Property.~~ The address of the subject property; A description of the land involved by street address, if any, or by legal description or parcel number(s). For mailed notices, a location map shall be included, indicating the location and general boundaries of the property with reference to the closest intersection of public streets, when possible.
6. Size of Subject Property. The total size of the parcels, rounded to the nearest one-tenth of an acre.
7. Comprehensive Plan and Zoning Designations. The future land use map designation and zoning district of the property subject to the application.
8. Materials Available for Public Information. ~~The name, address, and telephone number of the department in which the application, staff report and related materials may be inspected by the public, and the fact that information available for public inspection during normal business hours at the county administration building or on the County's website (www.mymanatee.org).~~
9. Other Information. The notice shall also state,
 - a. ~~d. T~~ that persons may appear and be heard;
 - b. ~~e. T~~ that written comments filed with the ~~Planning Department~~ Director will be entered into the record;
 - c. ~~f. T~~ that the hearing may be continued from time to time as necessary;
 - d. ~~g. A~~ telephone number for more information;
 - e. ~~h. T~~ the title of the ordinance under consideration, if applicable; and
 - f. ~~i. S~~ such additional information as may be required pursuant to this Code or applicable law for specific types of development approval.

Commented [LEA39]: 39. Added per comments from the workshop

F. Additional Notice for Continued, Rescheduled or Reopened Meetings. Notice of subsequent hearings shall be ~~provided~~ mailed and published in accordance with ~~this S~~ section 502.7 for:

1. ~~a. —~~ Any hearing for which the Board, ~~Planning Director~~ Department Director or County Attorney determines new notice should be provided, because of the time elapsed from the original notice, or to correct any defect or apprise affected parties of significant changes to the application as originally noticed;
2. ~~b. —~~ Any hearing continued to an unspecified date, time and place; and
3. ~~c. —~~ Any hearing where such new notice is required pursuant to applicable law or this Code.

G. — 502.7.5. Affidavit of Notice. Affidavits confirming that the required publication, mailing and/or posting of the notice was provided shall be filed with the ~~Planning Director~~ Department Director at least five (5) days prior to the date of the hearing. Such affidavits shall be accompanied by a complete list of the names and last known addresses of the persons entitled to notice and the method by which notice was provided. Such affidavits shall also certify that signs were posted in compliance with the standards of this Chapter including provision of photographs upon request of the Department Director of all signs as part of the affidavit. Failure to provide such affidavits will require postponement of the hearing date and may require repeat of required notification procedures.

H. — 502.7.6. Defects in Notice. If a defect in notice not caused by an intentional or negligent act or omission of

Commented [LD140]: 40. Moved here from 502.8.5 (last sentence).

Chapter 3. Review Authority and Procedures

the applicant is discovered after the conclusion of the hearing, it shall not in any way affect the action taken at such hearing. In accordance with applicable law, if a substantial defect in notice is discovered prior to the hearing, then such notice shall be redone and the hearing rescheduled.

312.8. ~~502.8. Public Hearings Procedures.~~

~~Upon issuance of the written recommendation by staff, the application shall be scheduled for a public hearing before the applicable approval/reviewing authority per Table 3-1. The approving/reviewing authority (Planning Commission, Hearing Officer, Historic Preservation Board or Board of County Commissioners) shall conduct the public hearing in accordance with the hearing requirements noted in this section. At the hearing, the authority shall approve, approve with conditions, or deny the application.~~

A. General Hearing Requirements. ~~The p~~Public hearings held by the Hearing Officer, Historic Preservation Board, Planning Commission and Board of County Commissioners to review Development Order requests ~~procedures required under this Code shall be provided~~ conducted in accordance with the requirements of the Florida Statutes and the following provisions: ~~of this Section.~~

1. ~~502.8.1. Scheduling.~~ When the ~~Planning Department~~ Director has determined that an application ~~is complete and has undergone sufficiency review been found sufficient pursuant to Section 502.5.~~, and that a public hearing is required by this Code, he or she shall schedule a date, time and place for the required hearing.

2. ~~Public Notice.~~ The public shall be notified of the hearing as provided in this chapter.

3. ~~502.8.2. Representation.~~ Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization, upon receiving proper recognition ~~from the Hearing Officer or chair of the body conducting the~~ ~~from the person presiding over the~~ hearing. Anyone representing an organization must present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration, unless the ~~Hearing Officer or chair~~ ~~person presiding over the hearing~~ waives this requirement. Each person who appears at a public hearing shall identify himself/herself and his/her address and, if appearing on behalf of an organization, shall state the name and mailing address of the organization.

4. ~~502.8.4. Irrelevant Testimony Excluded.~~ The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. Any person may ask relevant questions of other persons appearing as witnesses, but shall do so only through the ~~person presiding over the hearing~~ ~~Hearing Officer or chair~~. Such questions may be excluded by the ~~person presiding over the hearing~~ ~~Hearing Officer or chair~~ where the answer to the question would be repetitious, or is an attempt to harass the witness.

5. ~~502.8.5. Continuance and Adjournment.~~ The body conducting the hearing may, on its own motion or at the request of any person, continue the hearing to a fixed date, time and place. In the event that the continuance is to a specified date, time and place, the specific date, time and place of the continued public hearing shall be publicly announced at the meeting at which the continuance is ~~approved~~.

6. ~~502.8.7.3. Hearing Reopening.~~ The Hearing Officer may reopen a hearing for extraordinary cause. Reopening of a hearing shall take place prior to the issuance of a ~~final~~ Development Order ~~on the Special Permit or~~ ~~Variance~~. To reopen a hearing, the Hearing Officer must file with the Clerk of the Circuit Court a statement of the reasons for such reopening. Such reopening shall only be ordered when the Hearing Officer has insufficient information to make a recommendation or decision where it is necessary to avoid undue injury to the County or the applicant, or other similar causes. Upon making a finding that the hearing should be reopened the Hearing Officer shall schedule with the ~~Planning Director~~ ~~Department Director~~ a date for the hearing, not to exceed forty-five (45) days from the filing of the affidavit. ~~Notice of the reopened hearing shall be provided in accordance with this chapter. Written notice of the reopened hearing shall be sent by U.S. Mail at the County's expense to any person who indicated that he wishes to receive notices of the final order pursuant to Section 502.8.7.5. Notice of the reopened hearing shall also be provided in accordance with Section 502.7.~~

D.B. 502.8.6. Quasi-Judicial Hearing Procedures. All quasi-judicial hearings conducted pursuant to this ~~Land Development Code~~ by the Board, Planning Commission, Hearing Officer, Historic Preservation Board, or any other body or official, shall be conducted in accordance with this Code and the rules of procedure for quasi-judicial hearings established by the Board. In all quasi-judicial proceedings, the applicant shall bear the burden of

Commented [LD141]: 41. Staff requested mention of DRC.

Commented [LD142]: 42. IAST SENTENCE MOVED UP TO NOCICES.

Chapter 3. Review Authority and Procedures

demonstrating by competent and substantial evidence that the application satisfies the standards and requirements of this Code and the Comprehensive Plan. Quasi-judicial hearings shall meet the following requirements:

1. ~~502.8.3.~~ Oaths Required. In all public hearings for quasi-judicial matters, all testimony and evidence shall be given under oath or by affirmation to the body conducting the hearing.

~~502.8.7. Specific Procedures for Hearings Held by Hearing Officers.~~

2. ~~502.8.7.1.~~ Procedure. The ~~Hearing Officer~~ reviewing authority may call and question witnesses as deemed necessary and appropriate. ~~The Hearing Officer shall decide all questions of procedure.~~
3. ~~502.8.7.2.~~ Transcript. For Hearing Officer proceedings, ~~the Planning Director~~ Department Director shall ensure that ~~a court reporter is present and~~ a transcript of the hearing will shall be made available upon request of the Hearing Officer. ~~for all Hearing Officer proceedings. The transcript shall be prepared upon request of the Hearing Officer or any party at its expense,~~ and shall be part of the record for the hearing. If requested, a copy of the transcript shall be furnished to the Hearing Officer or any party at its expense within ten (10) days of the close of the hearing.
4. ~~505.4.3.~~ Action by the Hearing Officer. Upon the close of the public hearing and consideration of the record, the Hearing Officer shall ~~either:~~
 - a. ~~e.~~ Issue a Notice of Intent decision to approve, approve with conditions, or deny the ~~Special Permit~~ Development Order, ~~with such conditions as may be necessary;~~ or
 - ~~a.~~ Issue a Notice of Intent to deny the application for the Special Permit;
 - b. ~~b.~~ Determine that more information is necessary, refer the application back to the staff, and schedule an additional public hearing to consider any additional evidence necessary to decide upon the ~~Special Permit~~ Development Order; ~~or;~~ or
 - c. Issue a Notice of Intent to approve, approve with conditions, deny, or determine more information is necessary and reopen the public hearing by the Hearing Officer.
5. ~~505.4.3.2.~~ Final Orders. After issuance of the Notice of Intent by a Hearing Officer, parties of record shall have five (5) business days, ~~excluding Saturday, Sunday and County holidays,~~ in which to respond to the Notice of Intent and proposed conditions. Responses shall be filed a response with the ~~Planning Director~~ Department Director. Within ten (10) business days ~~from the date of receipt of response,~~ ~~excluding Saturday, Sunday and County holidays, of the issuance of the Notice of Intent, after review of any responses to the notice and proposed final order,~~ the Hearing Officer shall:
 - a. Issue the order approving, approving with conditions or denying the Special Permit application, ~~with such conditions as may be imposed pursuant to Section 505.4.3.1;~~ or
 - ~~b.~~ Issue the order denying the Special Permit; ~~or~~
 - b. ~~e.~~ If, after reviewing the responses, the Hearing Officer determines that there is substantial new information which would materially affect the decision and which was not reasonably available at the time of the public hearing, he/she shall reopen the public hearing pursuant to Section 312.8.A.6 ~~502.8.7.3.~~
6. ~~502.8.7.4.~~ Findings and Recommendations. For Hearing Officer proceedings, ~~the~~ Hearing Officer shall, within twenty-one (21) calendar days of the public hearing, issue a written report detailing the findings of fact, conclusions of law and recommendation regarding approval or denial of ~~an the application for Special Permit or Variance.~~ The Hearing Officer's findings shall include:
 - a. ~~a.~~ A summary of record of the public hearing;
 - b. ~~b.~~ The standards relevant to the application;
 - c. ~~c.~~ Conclusions of law as to whether each standard has been satisfied; and
 - d. ~~d.~~ A Notice of Intent to issue a final decision, if involving an appeal of determinations regarding levels of service or a Development Order ~~Special Permit.~~

Chapter 3. Review Authority and Procedures

~~7. 502.8.7.5.~~ Notice of Action/Recommendation. Any person wishing to receive notice of a final decision or recommendation ~~of a Hearing Officer~~ may supply the ~~Planning Director~~ Department Director with his/her name, address, and a stamped self-addressed envelope for that purpose.

C. Legislative Hearing Procedures. When reviewing applications of a legislative nature (see Table 3-1), the Historic Preservation Board, Planning Commission and Board of County Commissioners shall comply with the provisions of Subsection A (General Hearing Requirements), above. Upon the close of the public hearing and consideration of the record, the approving authority shall:

1. Approve, approve with conditions or deny the application (if acting as final approval authority), or issue a recommendation to the BOCC for approval, approval with conditions or denial; or
2. Determine that more information is necessary, refer the application back to the staff, and schedule an additional public hearing to consider any additional evidence necessary to decide upon the application.

D. 505.4.3.1. Approval Subject to Conditions. When approving special use permits, the Hearing Officer may attach such conditions to the approval as deemed necessary to assure compliance with Section 505.2 this Code. Such conditions may address matters including, but not limited to: limitations on size, bulk and location; duration of construction period; requirements for landscaping, signage, outdoor lighting and the provision of adequate ingress and egress; duration of the approval; design and appearance; hours of operation; and the mitigation of traffic and environmental impacts. Such conditions may be imposed for a specified period of time, after which time the condition shall expire and the obligations of the applicant pertaining to such condition shall be automatically terminated. The applicant shall address the conditions prior to the issuance of a building permit or a zoning compliance permit if no building permit is required.

312.9. Effect of Development Order Approval.

The issuance of a Development Order does not authorize the disturbance of any part of the subject property involved. A Development Order only authorizes the filing of an application for a building permit, or to proceed to the next step in the process, as indicated in Table 3-1.

Development orders are not transferable to other properties. However, so long as the land or structure or any portion thereof covered under the development order continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the development order) may make use of the land except in accordance with the conditions and requirements of the development order. The provisions of the development order run with and burden the real property to which it relates.

312.10. Enforcement and Administrative Errors.

~~502.10. Compliance With Approvals, This Code and the Comprehensive Plan.~~

A. Applicants for a Development Order approval shall be responsible for ensuring that all development proceeds in accordance with the terms and conditions of any development order, permit, or certificate issued to the applicant. A determination by the Planning Department Director that the terms and conditions of the approval have been violated shall constitute a violation of this Code subject to the provisions of Chapter 421.

~~502.12. Erroneously Issued Development Orders.~~

B. When a development order Development Order is issued through administrative error, the error shall be called to the attention of the applicant as soon as possible after it is discovered. If the error is not voluntarily corrected within fourteen (14) days, the appropriate County official shall authorize the issuance of a stop work order pursuant to Section 1204.1, and the order and the matter shall be processed pursuant to the provisions of Chapter 421.

C. An applicant shall be responsible for any aspect of an application that fails to comply with the requirements of this Code or the Comprehensive Plan, such that approval of such application in error by the County shall not operate to grant the applicant an exemption from any such requirement, and the applicant shall be responsible for bringing the development into compliance with such requirement, or, if such development cannot be brought into compliance for whatever reason, obtaining such additional development orders or approvals as are necessary under this Code to reconcile such error.

312.11. Recording of Approved Development Orders.

An approved Development Order for Special Permits, Variances, and Developments of Regional Impact shall be recorded, at the applicant's expense, in the official records of the County maintained by the Clerk of the Circuit Court. The purpose of recording the development order shall be to notify subsequent purchasers of any limitations on the use of the land.

Section 313. to 314 Reserved.**Part III. Administrative Permit and Special Permit Approval.****Section 315. ~~Section 506.~~ Administrative Permits.****315.1. ~~506.1.~~ Purpose and Intent.**

This Section is established to provide for the granting of Administrative Permits by the ~~Planning Department~~ Director for certain activities, which by their scale, duration or nature, would not generally have an adverse impact on their surroundings when controlled in accordance with the standards set forth in this Code.

315.2. Administrative Permit Required.

Those uses listed in the schedule of uses in Chapter 34 as AP may be established in that district only after issuance of an Administrative Permit in accordance with this section. The issuance of an Administrative Permit does not waive the requirements for a building permit or other required approvals.

~~c. For increases of single-family residential docks and seawalls less than one thousand (1,000) square feet, and for manufactured mobile homes, an application for Building Permit shall also constitute the application for Administrative Permit, and the ~~Department~~ Planning Director's signature on the Building Permit shall constitute approval of the Administrative Permit; and~~

315.3. ~~506.2.~~ Approval Authority Authorization.

The ~~Planning Department~~ Director is hereby authorized to decide all applications for Administrative Permits, but, shall not have the authority to attach conditions, to waive or modify the requirements of this Code, rule on the compatibility of proposed uses, or exercise any other discretionary authority except as may be specifically authorized pursuant to this Code. The ~~Department~~ Planning Director may, however, include terms in Administrative Permits that impose time limitations, limitations on transfer, and restrictions on renewals or extensions of such permits.

315.4. ~~506.3.~~ Application Requirements.

~~Pursuant to Section 105, t~~The County Administrator~~Department Director~~ shall establish administrative procedures setting forth the requirements for information to be submitted with any application for an Administrative Permit.

315.5. ~~506.5.~~ Staff Review Procedures.

All applications for Administrative Permit shall be reviewed and processed for completeness and sufficiency pursuant to ~~Sections 502.4 and 502.5~~this Chapter. Within a reasonable time after receipt of the sufficiency review comments pursuant to ~~Section 502.5.1,~~ the ~~Department~~ Planning Director shall approve or deny the application and shall furnish the applicant a written statement (if requested in writing by the applicant) of the reasons for any denial.

315.6. ~~506.4.~~ Standards for Review and Approval.

All Administrative Permits shall be reviewed under the standards set forth in this Code, including, without limitation, ~~Section 704~~Chapter 5. No Administrative Permit shall be issued unless found to be in compliance with such

provisions.

~~506.6. Additional Procedures.~~

~~In addition to the other requirements set forth in this Code, Administrative Permits shall be subject to the following procedures:~~

- ~~a. The Planning Director may waive the requirement for a Final Site Plan, if the criteria for Section 508.4.3.1 for exemptions are met;~~
- ~~b. Administrative permits with Final Site Plans shall require a Certificate of Level of Service compliance and Building Permit pursuant to the requirements of this Code;~~
- ~~c. For increases of single family residential decks and seawalls less than one thousand (1,000) square foot, and for manufactured homes, an application for Building Permit shall also constitute the application for Administrative Permit, and the Planning Director's signature on the Building Permit shall constitute approval of the Administrative Permit; and~~
- ~~d. Non-conforming uses and expansion of such uses that are subject to the requirement for Administrative Permit shall be governed by Chapter 11.~~

Commented [LDI44]: 44. Most of these are already stated in those sections. No need to state in 2 places.

Commented [LEA45]: 45. Remove per comments from workshop

Commented [LDI46]: 46.C moved up to applicability

~~315.7. 506.7. Appeals.~~

~~See Part X of this Chapter. Appeal from the decision of the Planning Director may be filed in accordance with Section 516 by any person affected by such action within thirty (30) days of the decision by the Planning Director.~~

Commented [LDI47]: 47. CAO recommended deleting. Recommend keeping it here so that the reader knows where appeals are addressed. All other sections have this cross-reference.

~~315.8. 506.8. Effect of Approval.~~

~~Administrative approvals authorize the applicant to proceed with a Building Permit application (if not processed concurrently), or Certificate of Occupancy if no building permit is required. Upon the satisfactory completion of the required improvements and applicable Building Permits, the Administrative Permit shall authorize the continued existence of the approved use, structure and improvements subject to the conditions and stipulations contained within the permit and all applicable Federal, State and local regulations.~~

Commented [LDI48]: 48. Confusing language. Replaced with new.

~~315.9. 506.9. Expiration.~~

~~An Administrative Permit approval without a site plan approval (general development, preliminary or final) shall expire automatically without notice in one (1) year unless, before that time, the applicable Building Permits or Certificate of Occupancy or Certificate of Completion have been issued or the use has been otherwise legally established in accordance with this Code. Administrative permit approvals with a site plan approval shall be valid for the life of the site plan approval.~~

~~315.10. Extension.~~

~~An extension of this time period may be requested by filing, prior to the expiration, a letter requesting an extension with the Department Director. The letter must state the reasons for the request. No more than one (1) extension may be granted under the provisions of this subsection. Such extensions may not exceed a period of one (1) year from the original date of expiration of the Administrative Permit.~~

~~315.11. Abandonment.~~

~~An Administrative Permit for any use that is discontinued for longer than one (1) year shall be deemed abandoned, and rendered invalid. Such use may be reestablished only through the approval of a new Administrative Permit pursuant to this section.~~

~~315.12. Alterations to Approved Administrative Permits.~~

~~Modifications to a development approved through the AP process shall be handled as follows:~~

- ~~A. Site plan layout modifications and changes to the use require a new Administrative Permit.~~
- ~~B. Building additions of less than 1,000 square feet, which do not affect the site plan layout, do not require~~

Administrative Permit approval**Section 316. ~~Section 505.~~ Special Permits****316.1. ~~505.1.~~ Purpose.**

~~Uses permitted by~~ The purpose of Special Permits ~~pursuant to this Code shall be considered generally compatible with the other land uses permitted in a zoning district. However, because of their unique characteristics or potential impacts on the surrounding neighborhood and the County as a whole, each application for a use that requires a Special Permit shall be subject to~~ provide individual review of ~~its~~ the location, design, configuration, operation and the public need for the particular use at the particular location proposed to assure consistency with this Code and the Comprehensive Plan. Each Special Permit may require the imposition of individualized conditions to achieve such consistency and to ensure that the proposed use is appropriate at its particular location.

Commented [LD149]: 49. The term is already defined in chapter 2 (same write up). Changed this section to address purpose instead.

316.2. Special Permit Required.

Those uses listed in the schedule of uses in Chapter 4 as SP may be established in that district only after issuance and recordation of a Special Permit in accordance with this section. The issuance of a Special Permit does not waive the requirements for a building permit or other required approvals.

316.3. Approval Authority.

The Hearing Officer is hereby authorized to decide all applications for Special Permits and may attach conditions pursuant to Section 312.8.D, rule on the compatibility of proposed uses, or exercise any other discretionary authority except as may be specifically authorized pursuant to this Code. The Hearing Officer may also include terms in Special Permits that impose time limitations, limitations on transfer, and restrictions on renewals or extensions of such permits.

316.4. ~~505.3.~~ Application Requirements.

~~Pursuant to Section 105, t~~The County Administrator~~Department Director or designee~~ shall establish administrative procedures setting forth the requirements for information to be submitted with any application for a Special Permit.

316.5. ~~505.4.~~ Review Procedures.

A. ~~505.4.1.~~ Staff Review. All applications for Special Permit shall be reviewed ~~and processed~~ for completeness and sufficiency pursuant to ~~this Chapter Sections 502.4 and 502.5.~~ Within a reasonable time after receipt of the sufficiency review comments ~~pursuant to Section 502.5.1.,~~ the ~~Planning Department~~ Director shall deliver to the Hearing Officer a copy of the application and a written report summarizing the facts of the case, incorporating or summarizing the comments ~~and recommendations~~ of the Planning Department ~~and the DRC and the input of reviewing departments and agencies,~~ and schedule a date for a public hearing. ~~Subject to the requirements of Section 502.5.1., t~~The staff report of the Planning Director shall include an analysis of compliance with the general and specific standards set forth in ~~this Section~~ Section 505.2 and recommended action on the case, including approval, denial or approval with conditions.

B. Neighborhood Workshop. The applicant shall hold a public workshop per Section 312.6.

C. ~~505.4.2.~~ Public Hearing on Special Permit. Upon receiving the application, report and recommendation from the ~~Planning Department~~ Director ~~and comments from the DRC,~~ the Hearing Officer shall hold at least one (1) public hearing on an application for a proposed Special Permit in accordance with the procedures set forth in this Code.

316.6. ~~505.2.~~ General Standards ~~of for~~ Review and Approval.

~~All proposed Special Permit uses shall meet the following standards:~~ A Special Permit request shall not be approved unless it meets the following:

- A. a. —** The proposed use shall be consistent with the Comprehensive Plan and the requirements of this Code;

Chapter 3. Review Authority and Procedures

~~B. b.~~ The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare;

~~C. c.~~ The establishment of the use shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district;

~~d.~~ The Special Permit shall meet the requirements of Section 510, Certificate of Level of Service Compliance, or the Special Permit shall be conditioned upon a Certificate of Level of Service being granted prior Construction Drawing approval (this later option is available only where the applicant is required to obtain Construction Drawing approval);

~~D. e.~~ Adequate measures shall already exist, or shall be taken, to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets;

~~E. f.~~ The proposed use, as proposed, shall be consistent with the community character of the immediate neighborhood of the proposed development; is compatible with the surrounding uses and the general desired character of the area (height, bulk, scale, intensity, traffic, noise, drainage, lighting, and appearance);

~~F. g.~~ Development of the proposed use shall not have a substantial adverse ~~a~~effect on a known archaeological, historical or cultural resource located on or off the parcel proposed for development;

~~h.~~ The design of the proposed use shall minimize adverse effects, including visual impacts, of the proposed use on adjacent property;

~~G. i.~~ Screening and buffers are proposed of such type, dimension and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties. Adequate provision shall be made for buffers, landscaping, public open space and other improvements associated with the proposed use; and

~~j.~~ The proposed use shall meet all other standards or requirements set forth in this Code applicable to that use in the zoning district in which ~~or~~ proposed.

Commented [LD150]: 50. Language not necessary. Deleted as recommended by the CAO.

Commented [LD151]: 51. Same as A.

316.7. Appeals.

See [Part X](#) of this Chapter.

316.8. ~~505.5.~~Effect of Approval.

Issuance of an order approving a Special Permit shall authorize the applicant to proceed through the development process required pursuant to this Code. Any County department responsible for considering an additional required approval (such as site plan, CLOS, Building Permit, Certificate of Occupancy, for example) shall review the application for such additional required approval to assure compliance with the Special Permit and any conditions thereof, and shall not grant any additional approvals for development that does not comply with the Special Permit and any conditions thereof.

Upon the satisfactory completion of all required improvements and applicable approvals required pursuant to this Code, the Special Permit shall authorize the ~~continued existence~~ establishment of the approved use, structure and improvements, subject to any conditions of the Special Permit, the requirements of this Code and applicable law.

316.9. ~~505.6.~~Expiration or Abandonment of Special Permit.

Unless otherwise provided in the order approving the Special Permit, a Special Permit shall automatically expire one (1) year after the date of approval if: ~~the next approval in the process (final site plan approval, building permit or certificate of occupancy) has not been issued.~~

~~a.~~ A Final Site Plan or Building Permit for the proposed development has not been approved or issued; or

~~b.~~ The use has not been otherwise legally established in accordance this Code.

316.10. Extension.

An extension of this time period may be requested by filing, prior to the expiration, a letter requesting an extension

with the Department Planning Director. The letter must state the reasons for the request. No more than one (1) extension may be granted under the provisions of this subsection. Such extensions may not exceed a period of one (1) year from the original date of expiration of the Special Permit.

316.11. Abandonment.

A Special Permit for any use that is discontinued for longer than one (1) year shall be deemed abandoned, and rendered invalid. Such use may be reestablished only through the approval of a new Special Permit pursuant to this ~~Section 505~~.

316.12. ~~505.7. Amendments and Alterations to Approved Special Permits.~~

~~505.7.1. Substantial Amendments and Modifications to Permit.~~ Non-substantial amendments to an approved Special Permit may be approved by the Department Director. Any substantial amendment or modification ~~to a Special Permit or imposed condition~~ shall require the issuance of a subsequent development order by a Hearing Officer ~~pursuant to this Section 505~~. Substantial amendments include the following:

- ~~505.7.2. Non-Substantial Changes to Plans.~~ The Planning Director may approve minor changes to site plans submitted in connection with a Special Permit, subject to the following requirements:
 - a. ~~Any required approval by other County departments has been obtained by the applicant;~~
 - A. ~~b. The proposed changes do not constitute a substantial~~ Any ~~modification of the Special Permit or any to the conditions of approval;~~
 - B. ~~c. Such changes do not result in additional external impacts such as a small~~ A major ~~shift in the location of a building or structure;~~
 - E. ~~an addition of one thousand (1,000) square feet or less, additional parking spaces or landscaping and aisles, the relocation of a driveway, or a change in the selection of building materials; and~~
 - C. ~~d. Such cChanges will not conflict with a that would affect the project's~~ Certificate of Level of Service; ~~or~~
 - D. ~~Changes that will conflict with the~~ applicable zoning district requirements or other requirements of this Code; ~~For purposes of this Section, the following specific changes shall be considered non-substantial changes that may be made administratively:~~

- E. ~~a. Any change in required parking areas resulting in a~~ An increase or decrease of less more ~~than ten (10) percent in of the number of parking spaces approved;~~
- F. ~~b. Structural alterations not significantly affecting the basic size, construction and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within fifty (50) feet of the boundaries of the lot or within fifty (50) feet of any part of the structure subject to the Special Permit which has been constructed or sold to any owner or owners different from the applicant requesting the change;~~
- G. ~~c. Any reduction in the total amount of open space of less more~~ than five (5) percent or any minor change in the location or characteristics of open space;
- H. ~~d. Minor~~ Major ~~change in the location or type of pedestrian or vehicular access points or circulation.~~
- I. ~~e. Any increase in intensity or density beyond within~~ five hundred (500) feet of the use subject to the Special Permit boundaries or beyond within two hundred (200) feet of any part of a structure subject to the Special Permit which has been constructed or sold to an owner or owners different from the applicant requesting the change, is now under different ownership;
- J. ~~f. Any increase in number of stories. An increase in structure height of less than eight (8) feet, provided that there is no increase in the number of not resulting in additional stories, may be approved administratively.~~
- K. ~~g. An increase in height of a telecommunication tower of forty (40) feet or less more;~~
- L. ~~h. The relocation of a telecommunication tower within beyond~~ fifty (50) feet of its original location;

Commented [LD152]: 52.This list is too long and detailed, but shouldn't be reduced as part of this phase. It needs to be revisited at a later phase.

Commented [LD153]: 53.The following came from two other sections in the code (603.6.2.1 and 508.8.3.2).

Chapter 3. Review Authority and Procedures

- M. i. ~~A decrease~~ Any increase in the number of pedestrian access points;
- N. j. ~~Any~~ change in the phasing schedule which ~~does not affect~~ timing or the amount of improvements or the satisfaction of specific conditions;
- O. k. ~~A reduction of the approved~~ Any changes in yards setbacks of ~~less~~ more than ten (10) percent; and any yard change which would encroach upon or affect any utility or drainage easement.
- P. l. ~~A~~ change in intensity of use by increasing usable floor area by ~~less~~ more than one thousand (1,000) square feet; by increasing the number of dwelling units by ~~less~~ more than five (5) percent, or by increasing the area devoted to outdoor sales, displays and demonstrations by ~~less~~ more than five (5) percent.
- Q. m. ~~An~~ increase in traffic generation by ~~less~~ more than ten (10) percent.
- F.R.n. ~~An~~ increase in the area allocated to any land use type by ~~less~~ more than ten (10) percent;

~~Such changes may be approved only as part of the approval of the next required site plan, or by the issuance of a letter of approval by the Planning Director which states that the proposed changes comply with this Code and the Special Permit and all conditions thereof. The Planning Director shall include in the letter written approvals of other departments or agencies.~~

- S. A change in use, except that the addition of any of the following permitted and accessory uses, if no specific approval is required, shall be deemed non-substantial: family care homes, permitted home occupations, bed and breakfast facilities, utility uses, and waterfront structures (residential); provided that any applicable use standards in Chapter 5 shall be met.

Commented [LD154]: 54.Old 508.8.3.2.k.

316.13. 505.8. Recording of Approved Special Permits.

A notice of an approved Special Permit shall be recorded in the official records of the County maintained by the Clerk of the Circuit Court. The purpose of such notice shall be to notify subsequent purchasers of any limitations on the use of the land.

Section 317. to 319 Reserved.

Part IV. 508 Site Plans Review.

Section 320. Generally

320.1. 508.1. Purpose and Intent.

The purpose of site plan review is to ensure that development is carried out in compliance with this Code and the Comprehensive Plan. In addition, a site plan describing and portraying both existing and proposed conditions of the development is required in order that the approving body or official can make an informed decision. ~~An applicant may be required to proceed directly to preliminary site plan approval where the Board determines a General Development Plan will not provide adequate detail to assure compliance with this Code and the Comprehensive Plan. There are~~ three levels of site plan review: General Development Plan (GDP), Preliminary Site Plan, and Final Site Plan review.

Commented [LD155]: 55.Moved down

320.2. 508.2. Applicability.

Pursuant to this Code, in certain circumstances a site plan may be required as part of a submitted application for development approval, or may, where authorized by this Code, be considered and approved as a separate step in the development process. An applicant has the option of proceeding directly to preliminary site plan approval without first obtaining approval of a General Development Plan.

A. General Development Plan Review Required for Planned Development. General development plans shall be required in connection with applications for Planned Developments— zoning, for all Planned Development projects on property which is zoned for Planned Development but which have no plan approval, and applications for EX Extraction, Large Projects, Developments of Regional Impact. An applicant may be required to proceed directly to preliminary site plan approval where the Board determines a General Development Plan will not provide adequate detail to assure compliance with this Code and the Comprehensive Plan. If the applicant is allowed to submit a preliminary site plan without receiving General Development Plan approval, the preliminary site plan shall meet all of the requirements hereunder for a General Development Plan and shall be reviewed for all of the criteria in this Code for both a General Development Plan and a preliminary site plan.

Commented [LD156]: 56.From 508.4.1. Applications for extraction have to meet the Mining and Reclamation Plan requirements contained later in this chapter, not GDPs.

508.4.Site Type, Purpose and Requirements.

B. Preliminary Site Plan Review Required: An applicant may choose to submit a Final Site Plan at this stage, provided that all requirements for both preliminary and Final Site Plans are met. Provided, however, pPreliminary site plans shall be required for the following:

Commented [LD157]: 57.Large developments and DRIs not mentioned as requiring GDP, but section 508.4.1.3 addresses the approval of phases in conjunction with the GDP approval.

1. 508.4.2.1.Office and Commercial Projects. Prior to the submission of Final Site Plans for office and commercial projects greater than thirty thousand (30,000) square feet of gross floor area and for projects greater than three thousand (3,000) square feet of gross floor area in the Agricultural/Rural category of the Comprehensive Plan.
2. 508.4.2.2.Multi-Family. Prior to the submission of Final Site Plans for multi-family projects with ten (10) or more dwellings.
3. 508.4.2.3.Industrial. Prior to the submission of Final Site Plan for industrial projects of greater than fifty thousand (50,000) square feet of gross floor area except in platted industrial subdivisions.

Commented [LD158]: 58.Moved from 508.4.1.5.

An applicant may choose to skip combine the Preliminary Site Plan review and submit a Final Site Plan instead, provided that all requirements for both Preliminary and Final Site Plans are met.

Commented [LEA59]: 59.Added per workshop comments

C. 508.4.3.1.Final Site Plan Review Required. Exemptions. Final site plans review is required for all development projects except the following activities shall not be required for:

1. 508.4.3.1.1.Dwellings. One family, two family, or ~~manufactured mobile~~ home dwellings and their accessory uses and structures, including home occupations, but not including such uses which allow more than two (2) dwelling units per lot.
2. 508.4.3.1.2.Temporary Uses.
3. 508.4.3.1.3.Limited Increase in Gross Floor Area. When additions, improvements, or alterations to existing uses do not result in an increase of all the structures on the lot in excess of one thousand (1,000) square feet of gross floor area or equals ten (10) percent of the total existing gross floor area, whichever is greater, not to exceed two thousand (2,000) square feet in area.
4. 508.4.3.1.4.Change of Use, with No Additional Parking Spaces Required. When a change of use to existing structures, not requiring ~~conditional special~~ use approval, requires no additional parking spaces pursuant to Section ~~740~~1005, Off-~~s~~Street Parking.
5. 508.4.3.1.5.Exempted Special Permits. ~~Prior to the establishment of a Special Permit use which will occupy an existing structure, where~~ When the Planning Department Director determines that the external modifications to ~~the an existing structure to be occupied by a Special Permit~~ site would not ~~otherwise~~ require submission of a Final Site Plan.
6. 508.4.3.1.6.Agriculture. Non-commercial agricultural buildings such as barns, storage structures and similar facilities which contain no wholesale or retail sales activities. Commercial agricultural buildings, such as greenhouses, shall, however, meet all requirements outlined in Section 703 Chapter 5, Part II, Standards for Accessory Uses and Structures. Any agricultural use in either the WP-E or WP-M Overlay Districts shall require Administrative Permit approval. This exemption shall not apply to any retail agricultural use, building or operation such as farm equipment and supply establishment.

D. Previously Approved Plans. All active conceptual development plans and conceptual site plans approved before adoption of this Code shall be considered General Development Plans for the purposes of this Code. All

~~active preliminary development plans and final development Site plans approved before adoption of this Code shall be considered pPreliminary site plans and Final Site Plans, respectively.~~

E. 508.2.4. Site Plans Submitted in Conjunction with Rezoning Application. For all site plans submitted in as part of a rezoning application (for a rezoning to a Planned Development zoning district, for example), the site plan shall be reviewed and approved or denied in accordance with the procedures set forth ~~in Section 504 as part of the for~~ rezoning applications.

Section 321. 508.4.1. General Development Plans (GDP).

General development plans shall be designed to show the general location and nature of a project and existing site conditions, outlining the type and intensity of land use and principal improvements. ~~General development plans shall be required in connection with applications for Planned Development zoning, for all Planned Development projects on property which is zoned for Planned Development but which have no plan approval, and applications for EX-Extraction. All active conceptual development plans and conceptual site plans approved before adoption of this Code shall be considered General Development Plans for the purposes of this Code. All active preliminary development plans and final development plans approved before adoption of this Code shall be considered preliminary site plans and Final Site Plans, respectively.~~

321.1. 508.4.1.1. Application Requirements Information Included.

A General Development Plan ~~is required for determinations as to~~ shall depict internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities systems and facilities. A General Development Plan shall include all data reasonably necessary for determining whether the proposed development meets the specific requirements and limitations and the intent, concerning a particular type of Planned Development district. ~~Additional information including, but not limited to market studies, tree surveys, topographical surveys, and view perspectives where view protection is an objective, may be requested, when necessary to make such determinations with respect to a particular General Development Plan. Such information shall be provided, if reasonably necessary to make such determinations, before processing the applications. Specific items to be included in the plan include:~~

Commented [LEA60]: 60.Added shall per workshop comments

A. 508.4.1.2. Uses Listed in General Development Plan. Proposed Uses proposed for a General Development Plan shall be specifically indicated in the application for approval of a General Development Plan. Each use listed in the application must be a permitted or accessory use in the requested Planned Development district and shall be listed using the ~~terms terminology used in~~ of this Code. The range of permitted uses may be limited or certain uses not permitted by the Board at the time of General Development Plan approval as it is necessary to meet the criteria set forth in Section ~~508.6322.2.~~

Commented [LDI61]: 61.Moved down

B. 508.4.1.3. Phasing of Large Projects, Developments of Regional Impact. For large projects, ~~and DRI's, and County Facilities,~~ a reasonable-proposed phasing schedule ~~may be approved by the Board at the General Development Plan stage,~~ for the submittal of future pPreliminary or Final Site Plans ~~shall be included with the application.~~ Such schedule shall provide for a logical division of the units and/or square footage between the phases. The approval of such schedule shall authorize the applicant to apply for construction drawing and final site plan approval in phases, so long as each preliminary site plan has not expired at the time of application. The timing of approvals for each phase of project approval within a preliminary site plan shall be subject to the requirements of Section ~~321.5508.8.4~~ (Expiration and Extensions of General Development Plan).

Commented [LEA62]: 62.Moved to expiration section (508.8.1/317.4)

C. Additional information. ~~Additional information including, but not limited to market studies, tree surveys, topographical surveys, and view perspectives where view protection is an objective, may be requested by the Department Director, when necessary to make such determinations with respect to review a particular General Development Plan. Such information, if requested by the Director, shall be provided, if reasonably necessary to make such determinations, before processing the applications.~~

Commented [LDI63]: 63.Moved from the bottom half of the old Section 508.4.1.1

~~508.4.1.4. Phasing of County Facilities. For County facilities a reasonable phasing schedule may be approved by the Board at the General Development Plan stage, for the submittal of future preliminary or Final Site Plans. Such schedule shall provide for a logical division of the units and/or square footage between the phases. For County facilities that maintain level of service standards, the approval of such schedule shall authorize the County to apply for~~

Chapter 3. Review Authority and Procedures

~~Construction Drawing and Final Site Plan approval in phases, so long as each preliminary site plan has not expired at the time of application. The timing of approvals for each phase of project approval within a preliminary site plan shall be subject to the requirements of section 508.8.1.~~

Commented [LDI64]: 64.Covered above.

321.2. General Development Plan (GDP) Review Process.

A. Pre-Application Meeting. The applicant shall schedule and attend a first-step meeting consistent with the requirements of this Chapter.

B. Application Submittal. The application shall be submitted per this Chapter. If the proposed development also requires Special Permit approval, the applications for GDP and Special Permit may be submitted concurrently.

C. DRC Review. The DRC must review the GDP in accordance with the provisions of this Chapter.

~~— Neighborhood workshop. The applicant shall schedule and facilitate a neighborhood workshop per this Chapter.~~

Commented [LEA65]: 65.Deleted per workshop comments.

D. Planning Commission Review. Upon issuance of the written comments by the DRC, the General Development Plan shall be scheduled for a quasi-judicial hearing before the Planning Commission.

E. Board of County Commissioner Review. The Board shall conduct a quasi-judicial hearing on the plan per the requirements of this Chapter.

321.3. Review Criteria.

In deciding whether to recommend for approval, approval with modifications or denial of a proposed GDP, the approving authority shall consider whether the proposed plan is consistent with the Comprehensive Plan and this Code. In making such determination, the approving authority shall consider the approval criteria particular for each PD district, contained in Chapter 4.

Commented [LDI66]: 66.Not the ideal situation, but cannot fix or streamline at this time. Will reconsider in Phase 2.

321.4. ~~508.4.1.5.Further Planned Development Procedures~~Effect of GDP Approval.

~~After Upon approval of a General Development Plan, the applicant may proceed with Planned Development shall be subject to the requirements pursuant to this Section for the submittal and approval of pPreliminary and Final Site Plans or, in the case of subdivisions, the submittal of a Preliminary Plat/Plan. If, pursuant to Section 508.2, a preliminary site plan is submitted without receiving General Development Plan approval, the preliminary site plan shall meet all of the requirements hereunder for a General Development Plan and shall be reviewed for all of the criteria in this Code for both a General Development Plan and a preliminary site plan.~~

~~If the Planned Development requires the subdivision of land per this Code, a Preliminary Plat/plan may be submitted. Such plat/plan shall meet the requirements of Section 508 and Chapter 9. The Preliminary Plat/plan shall have an effective period as allowed for a Preliminary Plat in Section 903.5.2 to obtain Construction Drawing, Final Site Plan and Final Plat approval. Once the preliminary site plan is approved, the applicant shall be authorized to submit a Final Site Plan for the parcel. All Planned Developments regardless of whether or not the land is subdivided, shall obtain Final Site Plan approval.~~

Commented [LDI67]: 67.Some of these are requirements that are already stated in those sections (subdivision requirements)

~~508.7.1. General Development Plan. Upon approval of a General Development Plan under this Section, the applicant may apply for preliminary site plan approval.~~

Commented [LDI68]: 68.Already stated above.

~~508.8.Expiration, Extensions and Changes. All site plans shall be subject to the following requirements for expiration, extension and changes.~~

Commented [LDI69]: 69.Moved extensions below. Changes only applied to Site Plans. Moved to that section.

321.5. ~~508.8.1. Expiration and Extensions of General Development Plans.~~

~~508.8.1.1. General Development Plans. General Development Plans in effect as of January 1, 2012 shall not expire, notwithstanding any stipulations to the contrary in any ordinances approving a general development plan. General Development Plans shall not contain an expiration date unless otherwise provided for in the development order approving the general development plan or a local development agreement.~~

~~508.8.1.1.1. Port Encouragement Zone. General Development Plans in the PDEZ Districts shall not expire.~~

~~508.8.2.1.General Development Plans. General development plans in effect as of January 1, 2012 shall not expire notwithstanding any stipulations to the contrary in any ordinances approving a general development plan.~~ The build

Chapter 3. Review Authority and Procedures

out dates in development orders for developments of regional impact are governed by the Florida Statutes and are not amended by this Code.

~~608.8.2. Extensions.~~ Extensions to expiration dates for ~~site~~ plans initially approved by the Board may ~~only~~ be granted only by the Board. ~~The~~ Extensions to expiration dates for ~~site~~ plans initially approved by the ~~Planning Department~~ Director may ~~only~~ be granted by the ~~Department~~ ~~Planning~~ Director.

~~603.6. Changes in Approved General Development Plan.~~

~~603.6.1. Requests for Change.~~ All requests for review of changes to the General Development Plan shall include, a drawing indicating the property, a location drawing indicating the relationship of the portion to be revised with respect to the entire Planned Development district, if the revision does not include the entire Planned Development district; and such other information concerning the lot, adjoining lots, or other information to clearly represent the entire proposed change and any associated impacts upon the planned development and adjacent properties; and for determining whether the provisions of the district and this Code are being observed.

~~603.6.2. Administrative Changes.~~ Certain changes in approved General Development Plans may be permitted by the Planning Director, on application by the original applicant or successors in interest, but only upon making a finding that such changes are:

- ~~1. In accord with all applicable regulations in effect at the time of the amendment creating the Planned Development district, as modified in the amending action;~~
- ~~2. In accord with all applicable regulations currently in effect; and~~
- ~~3. In accord with all the conditions and requirements specified in the amendment creating the Planned Development.~~

~~The Planning Director is authorized to approve minor changes in the approved plans of Planned Development districts, provided the changes are consistent with the originally approved Planned Development district.~~

~~603.6.2.1. The following specific changes may be approved administratively:~~

- ~~1. Any change required in the required number of parking spaces resulting in an increase of less than ten (10) percent in the number of spaces approved.~~
- ~~2. Structural alterations not significantly affecting the basic size and form of the building(s) as shown on the approved plan, subject to an amended Building Permit approval. Changes in form will only be considered substantial if they occur within fifty (50) feet of the boundary of the Planned Development district or within fifty (50) feet of any part of the planned district which has been constructed or sold to any owner or owners different from the applicant requesting the change.~~
- ~~3. Any reduction in the amount of open space of less than five percent or any non-substantial change in the location or characteristics of open space, except previously approved stormwater management facilities.~~
- ~~4. Non-Substantial changes in location or type of pedestrian or vehicular accesses or circulation, which will still adhere to the Manatee County Development Standards.~~
- ~~5. Any increase in density or intensity for a portion of the project beyond one hundred (100) feet of the zoning lot boundaries or beyond fifty (50) feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change. (This does not authorize an increase in overall density.)~~
- ~~6. An increase in structure height less than eight (8) feet, or fifteen (15) percent of the approved height, whichever is less, provided there is no increase in number of stories.~~
- ~~7. Any increase in the number of pedestrian access points.~~
- ~~8. Any changes in the phasing schedule which do not impact timing, amount, or completion of improvements; or the satisfaction of specific conditions.~~
- ~~9. Any change in required yard setbacks of less than ten percent, except any yard change which would encroach upon or affect any utility or drainage easement. Such changes may only be approved either on the perimeter of the project or in a nonresidential project.~~

Chapter 3. Review Authority and Procedures

~~10. Any increase in gross floor area of less than or equal to five (5) percent of the gross floor area for the project, since the adoption of this Code.~~

~~11. The following Administrative Permit and Accessory Uses may be added to an approved General Development Plan without Board approval if no specific approval is required; Family Care Homes, Permitted Home Occupations, Bed and Breakfast Facilities, Utility Uses, and Waterfront Structure (Residential). Any applicable conditional use criteria in Section 704 shall be met.~~

~~603.6.3. Board Modifications. The following changes shall be considered modifications and shall require approval by the Board at noticed public hearings:~~

~~1. Any change in required parking spaces resulting in an increase of greater than ten percent in the number of spaces approved.~~

~~2. Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approved plan. Changes in form will only be considered significant if they occur within fifty (50) feet of the boundary of the Planned Development district or within fifty (50) feet of any part of the planned district which has been constructed or sold to any owner or owners different from the applicant requesting the change.~~

~~3. Any reduction in the amount of open space of more than five percent or any substantial change in the location or characteristics of open space.~~

~~4. Substantial changes in location or type of pedestrian or vehicular accesses or circulation.~~

~~5. Any increase in density or intensity within 500 feet of the zoning lot boundaries or within 200 feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change. (This does not authorize an increase in overall density or intensity.)~~

~~6. An increase in structure height more than eight (8) feet, or sixteen (16) percent of the approved height, whichever is less.~~

~~7. Any change in the number of vehicular access points or decrease in the number of pedestrian access points.~~

~~8. Any changes in the phasing schedule which impact timing, amount, or completion of improvements; or the satisfaction of specific conditions.~~

~~9. Any change in required yard setbacks of more than ten percent.~~

~~10. Any change which the Planning Director will not make pursuant to 603.6.2 and which is not a substantial modification pursuant to 603.6.4.~~

~~603.6.4. New Plans Required. The following changes and similar changes, shall be considered substantial modifications requiring consideration of a new General Development Plan by the Planning Commission and Board of County Commissioners:~~

~~1. An increase in intensity of use of more than five percent useable floor area, or an increase of more than three percent in the number of dwelling units, or an increase of more than five percent in the amount of outside land area devoted to sales, displays or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the Planned Development district in general or the Comprehensive Plan.~~

~~2. Any change in use from the specifically approved use, except as listed in 603.6.2.1(11). However, a change from multi-family to single family shall not be a major modification, if it does not increase external impacts such as, but not limited to transportation, schools, parks, or utilities; and is consistent in lot size, coverage and yards with other single family portions of the development. If no single family units are included in the project, the minimum requirements of the RMF-9 district shall be met.~~

~~3. Any increase in traffic generation by more than ten percent.~~

~~4. Any increase in the area allocated to any land use type by more than ten percent.~~

~~5. Any change in structure height greater than fifteen feet.~~

~~6. Any combination of changes which cumulatively are deemed to be of such significance that a rezoning is required.~~

Commented [LD170]: 70. There were 2 sections addressing this topic: 508.8.3.5 and 603.6.4. Consolidated the 2 into 1. Moved to end of Site Plans section.

~~7. Any new airport runway or expansion to an existing airport runway.~~

Section 322. ~~508.4.2.~~ Preliminary Site Plans (PSP).

Preliminary site plans shall be designed to show the location and nature of a project at a greater detail, to allow analysis of the arrangement of land uses and improvements on the site in relation to each other, existing conditions, and surrounding property. ~~An applicant may choose to submit a Final Site Plan at this stage, provided that all requirements for both preliminary and Final Site Plans are met. Provided, however, preliminary site plans shall be required for the following:~~

~~508.4.2.1. Office and Commercial Projects. Prior to the submission of Final Site Plans for office and commercial projects greater than thirty thousand (30,000) square foot of gross floor area and for projects greater than three thousand (3,000) square foot of gross floor area in the Agricultural/Rural category of the Comprehensive Plan.~~

~~508.4.2.2. Multi-Family. Prior to the submission of Final Site Plans for multi-family projects with ten (10) or more dwellings.~~

~~508.4.2.3. Industrial. Prior to the submission of Final Site Plan for industrial projects of greater than fifty thousand (50,000) square foot of gross floor area except in platted industrial subdivisions.~~

Commented [LD171]: 71.Moved up

322.1. ~~508.3.~~ Application Requirements.

Pursuant to Section 105, ~~t~~~~he County Administrator~~ Department Director shall establish administrative procedures setting forth the requirements for information to be submitted with any application for a preliminary site plan approval. Such requirements may include distinct requirements for different types of site plans, and/or distinct requirements for different types of development approvals for which site plans are required. The matters which may be addressed by such requirements may include, and shall not be limited to:

- A. ~~a.~~ a. Graphic, documentary and technical standards;
- B. ~~b.~~ b. Information relating to project design, configuration, proposed uses, buffering, delineation of lots, uses, easements, public and private improvements, conservation and preservation areas;
- C. ~~c.~~ c. Information relating to existing and pending approvals, conditions, related off-site improvements, external surroundings, existing and proposed facilities; and
- D. ~~d.~~ d. Any other information necessary to assure compliance with this Code and the Comprehensive Plan.

322.2. ~~508.6.~~ Factors for Reviewing Proposed Preliminary Site Plans Review Criteria.

In deciding whether to recommend for approval, or approval with modifications, or denial of a proposed preliminary site plan, the approving authority ~~Planning Commission, Board or Planning Director, as the case may be,~~ shall consider the following ~~whether the proposed site plan is consistent with the Comprehensive Plan and this Code. In determining whether such site plan is consistent with the Comprehensive Plan and this Code, the Planning Commission, Board and the Planning Director shall consider the following~~ factors:

- A. **Previous Approvals.** The site plan substantially conforms and is consistent with prior approvals such as a General Development Plan, rezoning, Special Permit, variance, etc.
- B. **Comprehensive Plan.** The proposed plan must be consistent with all applicable provisions of the Manatee County Comprehensive Plan.
- C. **Land Development Code.** The proposed plan must be in conformance with the purpose and intent of the Land Development Code.

Commented [LD172]: 72.This section was originally written for PD site plans. Moved all standards (508.6.1 to 24) to the zoning chapter. Kept 508.6.25 and 26 here.

~~508.6.25.4. Other Regulations. The proposal is in accordance with the provisions of any other applicable regulations or standards, as evidenced by the written approval of any other appropriate authorities whose approval is being sought as part of the site plan review process pursuant to Section 508.4.~~

D. Use and District Requirements. The proposal must conform to the requirements of the zoning district(s) in which it is located and, where applicable, to the requirements of Chapter 5 for the particular use or activity under

Commented [LD173]: 73.It is not the County responsibility to ensure compliance with other agency's regulations.

consideration.

~~Public Facilities and Services. All necessary public facilities and services (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, and other essential public facilities and services, must be adequate to serve the proposed use.~~

~~Public Health, Safety and Welfare. The proposal shall not adversely affect the public health, safety, welfare or quality of life.~~

Commented [LEA74]: 74.Per CAO, county does not require review of LOS at this level.

Commented [LEA75]: 75.Not applicable to technical site plan

E. Environment. The proposal shall not adversely impact environmentally sensitive lands or natural resources.

F. Circulation. Ingress and egress to the property and internal traffic patterns must be designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe.

~~508.6.25. Additional Factors for Review of Preliminary Site Plans. In addition to the foregoing factors, review of preliminary site plans shall also include consideration of the following factors:~~

Commented [LDI76]: 76.All these are covered in the previous section (introduction).

~~508.6.25.1. General Development Plans. The site plan substantially conforms to any valid General Development Plan previously approved for the development, and any conditions of approval.~~

~~508.6.25.2. Conditional Use. The proposal is in accordance with the terms and conditions of any applicable Administrative Permit or Special Permit.~~

G. 508.6.25.3. Concurrency. The site plan ~~has~~ must meetmet the requirements of Section ~~540~~360, Certificate of Level of Service, or the site plan ~~has been~~ must be conditioned upon a Certificate of Level of Service being granted prior to Construction Drawing approval (this second option is available only where the applicant is required to obtain Construction Drawing approval).

~~508.6.26. Factors for Administrative Review of Preliminary and Final Site Plans. Administrative review of preliminary and Final Site Plans shall include consideration of the following factors:~~

~~508.6.26.1. Preliminary Site Plans. The site plan substantially conforms to any valid preliminary site plan previously approved by the Board or Planning Director for the development, and any conditions of approval.~~

~~508.6.26.2. Required Improvements. The developer provides adequate assurance that he or she will comply with the provisions of Section 722, Installation of Required Improvements.~~

~~508.6.26.3. Concurrency. The development has received a Certificate of Level of Service.~~

322.3. Preliminary Site Plan Review Process.

A. Pre-Application Meeting. The applicant shall schedule and attend a first-step meeting consistent with the requirements of this Chapter.

B. Application submittal. The application shall be submitted per this Chapter. If the proposed development also requires Special Permit approval, the applications for PSP and ~~CUP~~Special Permit may be submitted concurrently.

C. Development Review Committee Review. The DRC must review the PSP in accordance with the provisions of this Chapter.

~~Neighborhood workshop. The applicant shall schedule and facilitate a neighborhood workshop per this Chapter.~~

Commented [LEA77]: 77.Deleted per workshop comments

D. Planning Commission Review. Upon issuance of the written ~~recommendation~~comments of ~~by~~ the DRC and the staff report, the ~~General Development~~Preliminary Site Plan shall be scheduled for a quasi-judicial hearing before the Planning Commission.

Commented [LEA78]: 78.Change d per workshop comments

E. Board of County Commissioner Review. The Board shall conduct a quasi-judicial hearing on the plan per the requirements of this Chapter.

322.4. ~~508.7.2~~Effect of Preliminary Site Plan Approval.

Upon approval of a preliminary site plan under this Section, the applicant may apply for Final Site Plan approval.

322.5. Expiration of Preliminary Site Plans.

~~508.8.1.2. Preliminary Site Plans. Preliminary site plans shall expire~~ The applicant must submit a Final Site Plan application within five (5) years of the preliminary site plan approval ~~after the date of approval unless a complete Final Site Plan is submitted within five (5) years.~~ If the applicant does not receive final site plan approval within this time, then the preliminary site plan is no longer valid.

~~508.8.2.2. Preliminary Site Plans.~~ The expiration date for a preliminary site plan may be extended by the Board for ~~not be extended more than a maximum of two (2) years beyond the original expiration date.~~ The applicant must request such an extension in writing. When reviewing requests for extension, the Board shall consider the following criteria:

- A. The proposal remains consistent with applicable provisions of the adopted Comprehensive Plan, including a consideration of any change to the future land use map designation for adjacent properties since the original approval of the preliminary site plan.
- B. Whether the proposal remains consistent with applicable provisions of the adopted Land Development Code, including a consideration of any change to the zoning map designation for adjacent properties since the original approval of the preliminary site plan.
- C. Whether the proposal remains compatible with existing development on adjacent properties, including a consideration of any new development on adjacent properties since the original approval of the preliminary site plan.

Commented [LD179]: 79. New language. The Board needs to have criteria to determine if an extension is warranted.

Section 323. ~~508.4.3.~~ Final Site Plan (FSP)s.

Final Site Plan review is intended to assess compliance of a proposed development with the specific use, dimensional, and other regulations of this Code and the terms of any prior approval of the project. Therefore, Final Site Plans shall be designed to show the specific arrangement of buildings and other improvements on a site in relation to each other, existing site conditions, and surrounding property, together with specific information on the nature and intensity of land use. ~~primarily for determination of compliance with the specific use, dimensional, and other regulations of this Code and the terms of any prior conditional approval of the project.~~ Final site plans shall be generally required:

- A. ~~a-~~ Prior to the application for a Building Permit,
- B. ~~b-~~ Prior to the establishment or expansion of a Special Permit use,
- C. ~~c-~~ Concurrently with the issuance of an Administrative Permit,
- D. ~~d-~~ Prior to the establishment, expansion, or change of any use, activity, or structure, pursuant to the provisions of this Code.

323.1. ~~508.5.~~ Staff Review and Approval.

A. Application submittal. The application for Final Site Plan review shall be submitted on a form prescribed by the County. A developer may apply for Final Site Plan and Building Permit concurrently, at his or her own risk, provided that no Building Permits shall be issued until the Final Site Plan is approved. All applications for site plan approval shall be reviewed and processed for completeness and sufficiency ~~pursuant to Sections 502.4 and 502.5-~~ prior to proceeding with the review.

B. Administrative Review. The Department ~~Planning~~ Director shall review the Final Site Plan for conformance with the land development code.

Commented [LD180]: 80. From 508.7.3

323.2. Final Site Plan Review Criteria.

Every site plan shall be evaluated based upon the following criteria, in addition to the criteria for General Development Plan approval:

- A. Whether the plan meets the requirements of the land development code:

- B. Whether the proposed development is consistent with the comprehensive plan;
- C. Whether the proposed development is consistent with prior applicable approvals; and
- D. Whether the proposed development meets the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applicable at the particular development review stage), or certificate of conditional concurrency reservation.

323.3. ~~508.7.~~Effect of Final Site Plan Approval.

~~508.7.3. Final Site Plan. Upon submission of a Final Site Plan under this Section a developer may apply for a Building Permit, at his or her own risk, provided that no Building Permits shall be issued until the Final Site Plan is approved.~~

Approval of the Final Site Plan authorizes the applicant to proceed with an application for Building Permit. Any comments issued by the DRC will need to be addressed prior to the approval of the Building Permit.

Prior to commencement of construction activities authorized with the approved Final Site Plan, an Erosion and Sediment Control Plan (ESCP) shall be approved by the ~~Planning~~ Department Director, as required pursuant to ~~Section 519 of this Code~~ the Manatee Public Works Standards Manual.

~~The approval of a Final Site Plan upon the issuance of the required Building Permits authorizes the start of construction. This authorization shall expire automatically without notice upon failure to obtain all principal structure Building Permits and other required Federal, State or local approval before the stated expiration date or the completion or expiration of such Building Permits.~~

~~Upon the satisfactory completion of the improvements and Building Permits, the Final Site Plan shall authorize the continued existence of the approved use, structure and improvements subject to the conditions and stipulations contained within and all applicable Federal, State and local regulations.~~

~~Substantive design and development standards for development that is subject to site plan approval shall not be imposed pursuant to this Section 508.3.~~

~~508.4.4. Site Plan to Serve as Mechanism for Other Required Approvals. Developments requiring approval of a tree protection plan and tree removal permit, parking lot landscaping plan, screening plan, off-street parking or loading plan, driveway permit, private street application and similar approvals, may be processed concurrently with the final site plan, within the discretion of the Department Director and based upon prior written approval of the appropriate County approving authority for such other plan or permit. A preliminary site plan or Final Site Plan may serve as the mechanism for granting other approvals required under this Code, provided that the intention to utilize the site plan in this manner is ~~The request for specific approvals shall be~~ clearly stated in the formal submission of such ~~the~~ site plan. Site plans processed in accordance with this Section may serve as any required tree protection plan and Tree Removal Permit, parking lot landscaping plan, screening plan, off-street parking or loading plan, driveway permit, Private Street application and approval otherwise required pursuant to this Code. Site plans may also serve as any other formal plan or permit required under this Code or other County ordinance, within the discretion of the Planning Director and based upon prior written approval of the appropriate County approving authority, if any, for such other plan or permit.~~

~~To implement this Section, the County Administrator may establish special review and approval procedures pursuant to Section 105 to facilitate a streamlined and simplified development approval process, which may include a reduced fee schedule if appropriate.~~

323.4. Expiration and Extension of Final Site Plans.

~~508.8.1.3. Final Site Plans. Final site plans shall be valid for four (4) years, unless the Board specifically approved a longer time frame as part of a DRI or large project, in which case such Final Site Plans may be valid for a maximum of ten (10) years. Except as otherwise provided above, the approval of a Final Site Plan approvals shall expire on its stated expiration date ~~as noted above~~, unless ~~before that date~~, all Building Permits for the principal structures are issued before that date.~~

~~508.8.1.4. Expedited Expirations. The ~~Board or Planning approval authority~~ Director may, as a condition of approval of a site plan, establish an expiration date that is sooner than otherwise required pursuant to this Section, in order to~~

Commented [LD181]: 81.Moved up.

Commented [LD182]: 82.Unnecessary. Section above only authorizes to pull building permit.

Commented [LD183]: 83.Same comment as previous.

Commented [LD184]: 84.Unnecessary

Commented [LD185]: 85.The "specific approval" noted in the previous sentence may have been for a different timeframe.

Chapter 3. Review Authority and Procedures

ensure prompt compliance with the Code in a case involving code enforcement action, or to further the public health, safety and welfare.

~~508.8.2.3.Final Site Plans. The expiration date of a final site plan may be extended by the Department Director for a maximum of The expiration date for a Final Site Plan may not be extended more than~~ three (3) years beyond the original expiration date. The expiration date of a Final Site Plan scheduled to expire concurrently with the expiration of a Certificate of Level of Service ~~pursuant to Section 508.8.1.4~~ may not be extended beyond the date of expiration of the Certificate. ~~When reviewing requests for extensions, the Director shall consider the criteria for preliminary site plan extensions (section 322.5).~~

~~508.8.2.4.Local Government Development Agreements. The expiration date for any approved site plan may be extended for a period longer than allowed pursuant to the above sections~~ three (3) years ~~508.8.2.1, 508.8.2.2, and 508.8.2.3, notwithstanding the limitations contained in those sections,~~ in connection with a development agreement.

Section 324. 508.8.3.Changes to Approved Site Plans (GDP, PSP and FSP).

~~Except for administrative changes authorized pursuant to Section 508.8.3.2., changes to site plans approved by the Board may be approved only by the Board. Changes to site plans approved by the Department Planning Director may be approved by the Department Planning Director.~~

324.1. 508.8.3.1.Requests for Change.

All requests for review of changes to site plans shall include a drawing indicating the property, a location drawing indicating the relationship of the portion to be revised with respect to the entire project; and such other information concerning the lot, adjoining lots, or other matters, to clearly represent the entire proposed change and any associated impacts upon the project and adjacent properties; and for determining whether the provisions of the district and this Code are being observed.

324.2. Approval Authority

A. 508.8.3.2.Administrative Changes Approval. The following ~~administrative~~ changes to ~~Board~~-approved site plans may be approved by the ~~Department Planning~~ Director:

1. ~~a.~~ Any change in the required number of parking areas resulting in an increase of less than ten (10%) percent in the number of spaces approved;
2. ~~b.~~ Structural alterations not significantly affecting the basic size and form of the building(s) as shown on the approved plan, ~~subject to an amended Building Permit approval;~~ Changes in form will only be considered substantial if they occur within fifty (50) feet of the boundaries of the ~~lot site (or district in the case of a PD GDP) or within fifty (50) feet of any part of any of the structures subject to the Special Permit~~ which ~~have~~ been constructed or sold to any owner or owners different from the applicant requesting the change.;
3. ~~c.~~ Any reduction in the amount of open space of less than five (5%) percent or any non-substantial change in the location or characteristics of open space, ~~except previously approved stormwater management facilities;~~ ~~Any reduction in the total amount of open space of less than five (5) percent or any minor change in the location or characteristics of open space;~~
4. ~~d.~~ Non-substantial changes in location or type of pedestrian or vehicular accesses or circulation, which will still adhere to the Manatee County Development Standards;
5. ~~e.~~ Any increase in density or intensity for a portion of the project beyond five hundred (500) feet of the ~~zoning lot site boundaries or beyond two hundred (200) feet from any part of the site~~ which has been constructed or sold to an owner or owners different from the applicant requesting the change. ~~For Planned Development GDPs, it shall be one hundred (100) feet from the district boundaries and beyond fifty (50) feet from any part of the site which has been constructed or sold to an owner or owners different from the applicant requesting the change.~~ (This does not authorize an increase in overall density or intensity);
6. ~~f.~~ An increase in structure height less than eight (8) feet, ~~or within fifteen (15) percent of the approved height, whichever is less,~~ provided there is no increase in number of stories;

Commented [LDI86]: 86.In conflict with the sections below which state which changes can be approved administratively vs. Board.

Commented [LDI87]: 87.No need to note the amended Building Permit (handled by Building Code).

Commented [LDI88]: 88.Repeats previous sentence.

Commented [LDI89]: 89.What is a "zoning lot"? Changed to "site". The County currently uses 500 feet for site plans but 100 feet (and 50 if sold) for GDPs. Should consider using tame distance for both.

Commented [LDI90]: 90.This part seems to have been left out. Without it, there is no criteria for distance from site boundaries. The Board approval list shows 200'.

Commented [LDI91]: 91.Not new, the Board approvals state 16% or more. Need to keep at 15% so that there is no question about what happens between 15 and 16%.

Chapter 3. Review Authority and Procedures

- 7. ~~g.~~ Any increase in the number of pedestrian access points;
- 8. ~~h.~~ Any changes in the phasing schedule which do not impact timing, amount, or completion of improvements; or the satisfaction of specific conditions;
- 9. ~~i.~~ Any change in required yard setbacks of less than ten (10%) percent, except any yard change which would encroach upon or affect any utility or drainage easement. In PDs, such changes may only be approved either on the perimeter of the project or in a nonresidential project. ;
- 10. ~~j.~~ Any increase in gross floor area of less than or equal to five (5%) percent of the gross floor area for the project, since the adoption of this Code; and
- 11. ~~k.~~ The addition of any of the following ~~Administrative Permit and accessory~~ uses, if no specific approval is required: family care homes, permitted home occupations, bed and breakfast facilities, utility uses, and waterfront structure (residential); provided that any applicable ~~conditional~~ use criteria in Chapter 5, Part IV Section 704, shall be met.
- 12. ~~However, a change from multi-family to single family shall not be considered a major modification, if it does not increase external impacts such as, but not limited to transportation, schools, parks or utilities; and is consistent in lot size, coverage and yards with other single family portions of the development. If the zoning district does not specify dimensional requirements for single family units, or no single family units were included in the original PD GDP approval project, the minimum requirements of the RMF-9 district shall be met.~~

Commented [LD192]: 92.The GDP section has this additional language: "Such changes may only be approved either on the perimeter of the project or in a nonresidential project."

Commented [LD193]: 93.From 508.8.3.5.

- ~~Such changes may only be approved if the Planning Director determines that such changes are consistent with the requirements of this Code and the Comprehensive Plan, but only upon making a finding that such changes are:~~
- ~~a. In accord with all applicable regulations in effect at the time of the amendment creating the Planned Development district, as modified in the amending action;~~
- ~~b. In accord with all applicable regulations currently in effect; and~~
- ~~c. In accord with all the conditions and requirements specified in the amendment creating the Planned Development.~~

Commented [LD194]: 94.508.8.3.3.board modifications. Not needed – board has to change anything that can't be changed administratively

B. 508.8.3.3. Board Modifications Approval. ~~The following All other changes shall be considered modifications that shall require approval by the Board at a noticed public hearings, except for those noted below as requiring a new application.:~~

- ~~a. Any change in required parking spaces resulting in an increase of ten (10%) percent or more in the number of spaces approved.~~
- ~~b. Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approval plan. Changes in form will only be considered significant if they occur within fifty (50) feet of the boundary of the Planned Development district or within fifty (50) feet of any part of the planned district which has been constructed or sold to any owner or owners different from the applicant requesting the change.~~
- ~~c. Any reduction in the amount of open space of more than five (5%) percent or any substantial change in the location or characteristics of open space.~~
- ~~d. Substantial changes in location or type of pedestrian or vehicular accesses or circulation.~~
- ~~e. Any increase in density or intensity within five hundred (500) feet of the zoning lot boundaries or within two hundred (200) feet of any part of the Planned Development district which has been constructed or sold to an owner or owners different from the applicant requesting the change. (This does not authorize an increase in overall density or intensity.)~~
- ~~f. An increase in structure height more than eight (8) feet, or sixteen (16) percent of the approved height, whichever is less.~~
- ~~g. Any change in the number of vehicular access points or decrease in the number of pedestrian access points.~~
- ~~h. Any changes in the phasing schedule which impact timing, amount, or completion of improvements; or the satisfaction of specific conditions.~~

- ~~i. Any change in required yard setbacks of more than ten (10%) percent.~~
- ~~j. Any change that the Planning Director is not authorized to approve administratively pursuant to Section 508.8.3.2. and which is not a substantial modification that requires approval of a new site plan pursuant to 508.8.3.5.~~

~~508.8.3.5. Changes Requiring a New Application Plans.~~

C. The following types of changes shall be considered substantial modifications requiring the submittal of a new application for GDP, PSP or FSP approval ~~of a new General Development Plan or preliminary site plan pursuant to this Section 508:~~

1. ~~a.~~ — An increase in intensity of use of more than five (5%) percent of the usable floor area, or an increase of more than three (3%) percent of the number of dwelling units, or an increase of more than five (5%) percent of the amount of outside land area devoted to sales, displays or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the Planned Development zoning district ~~in general~~ or the Comprehensive Plan.
2. ~~b.~~ — Any change in use from the ~~specifically~~ approved use, except as ~~listed in Section~~ noted in subsection A. above 603.6.2.1(11). ~~However, a change from multi family to single family shall not be considered a major modification, if it does not increase external impacts such as, but not limited to transportation, schools, parks or utilities; and is consistent in lot size, coverage and yards with other single family portions of the development. If no single family units are included in the project, the minimum requirements of the RME 9 district shall be met.~~
3. ~~c.~~ — Any increase in traffic generation by more than ten (10%) percent.
4. ~~d.~~ — Any increase in the area allocated to any land use type by more than ten (10%) percent.
5. ~~e.~~ — Any change in structure height greater than fifteen (15) feet.
6. ~~f.~~ — Any combination of changes which cumulatively are deemed by the Department Director to be of such significance that a rezoning new application is required.
7. ~~g.~~ — Any new airport runway or expansion to an existing airport runway.
8. ~~h.~~ — Any change of a similar nature to the foregoing.

Commented [LDI95]: 95. There were 2 sections addressing this topic: 508.8.3.5 and 603.6. Consolidated the 2 into 1.

Commented [LDI96]: 96. Moved to administrative approvals section.

324.3. Review Criteria:

~~Such Plan~~ changes may only be approved if the Department Planning Director ~~(for changes listed under section 324.2.A) or the Board (for changes listed under section 324.2.B)~~ determines that such changes are consistent with the requirements of this Code and the Comprehensive Plan, but only upon making a finding that such changes are:

- A. ~~a.~~ — In accord with all applicable regulations in effect at the time of the original plan approval ~~amendment creating the Planned Development district, as modified in the amending action;~~
- B. ~~b.~~ — In accord with all applicable regulations currently in effect; and
- C. ~~c.~~ — In accord with all the conditions and requirements specified in the amendment creating the Planned Development, in cases where the site is zone PD.

324.4. ~~508.8.3.4.~~ Effect on Expiration.

Changes approved pursuant to this Section shall not operate to extend the expiration date of a site plan.

Section 325. to 329 Reserved.

Part V. Chapter 9 – Subdivision Procedures and Standards.**Section 330. General Requirements****330.1. ~~Section 901.~~ Purpose.**

The purpose of this ~~section~~ ~~Chapter~~ is to set forth the procedures and standards for subdividing land, reviewing and approving subdivision plats.

330.2. ~~Section 902.~~ General Procedures Subdivision Approval Required.

~~902.1. General Requirements. The requirements set forth herein stipulate the procedure for three types of subdivision plat approvals which are: a minor subdivision, a major subdivision, and a certified lot(s). Each type is specifically identified in this Section. No person, firm, or corporation shall create a subdivision, pursuant to section 177.031(18), Florida Statutes, of any land, or proceed with the improvement of lots in a subdivision or the construction of ways streets, or the installation of utility services therein until the appropriate subdivision is approved by the Director and, when applicable, the construction drawings are approved by the Director/County.~~

There are three (3) levels of subdivision review based on the nature of the subdivision, as follows. Table 3-3 outlines the general steps required for each.

- A. ~~902.1.2.~~ Major subdivision** shall mean any subdivision of land creating eleven (11) or more residential lots or parcels of land; or any non-residential subdivision; or any time the division of land results in the establishment of a new street; or the creation of six (6) or more lots on an existing unpaved, county street.
- B. ~~902.1.1.~~ Minor subdivision** shall mean any residential subdivision of land creating three (3) to ten (10) lots or parcels of land; and does not include any type of non-residential subdivision. The minor subdivision shall front on an existing public street or private street built to the current Manatee County Development Standards; and which meets the following three (3) requirements:
- ~~1. 4-~~ Not involving the establishment of a new street;
 - ~~2. 2-~~ Not involving the extension of any public facility mains within the rights-of-way and creation of any new general public improvements involving the review or approval of construction drawings, as determined by the Manatee County excluding individual lot service connections; and
 - ~~3. 3-~~ Not in conflict with any provision of the Comprehensive Plan, Land Development Code, Building Code or other officially adopted plans, policies or regulations.
- C. ~~902.1.3.~~ Lot Split (Certified Lot(s))** shall mean any subdivision, dividing or splitting of unplatted land for no more than two lots, all of which are buildable per the current zoning of the proposed parcel(s) and consistent with the LDC and Comprehensive Plan and which meets the following three (3) requirements:
- ~~1. 4-~~ Not involving the establishment of a new street;
 - ~~2. 2-~~ Not involving the extension of any public facility mains within the rights-of-way and creation of any new general public improvements involving the review or approval of construction drawings, as determined by the Manatee County excluding individual lot service connections; and
 - ~~3. 3-~~ Not in conflict with any provision of the Comprehensive Plan, Land Development Code, Building Code.
 - ~~a. a-~~ Each new lot shall be a legal conforming lot of sufficient size to meet minimum zoning requirements, uplands, and setbacks as required by the Land Development Code. Flag lots shall not be permitted.
 - ~~b. b-~~ The parent parcel shall front on an existing public ~~street~~ or private street built to the current Manatee County Development Standards. Creation of a new public or private street shall require a Major Subdivision. Access by easement is permitted pursuant to LDC **Section 1001.1.C.5712.2.7.**

Commented [LEA97]: 97.Added per workshop comments

Table 3 - 3: Review by Subdivision Type

	<u>Preliminary Plat</u> (see Section 220)	<u>Construction Plans</u> (see Section 221)	<u>Final Plat</u> (see Section 222)
<u>Major Subdivision</u>	Required	Required	Required
<u>Minor Subdivision</u>	Not required	Not required	Required
<u>Lot Split (Certified Lots)</u>	Not required	Not required	Not required

902.1.4. The general processing of the subdivision plat application consists of:

Stage	Minor Subdivision	Major Subdivision
Pre-Application Conference	Required	—Required
Preliminary Plat	Not Required	—Required
Construction Plans	Not Required	—Required
Final Plat	Required	—Required

902.2. Pre-Application Conference.

902.2.1. Minor Subdivisions. A pre-application conference for a minor subdivision is mandatory.

902.2.2. Major Subdivisions. Applicants requiring Preliminary Plat approval of a major subdivision shall be required to attend a pre-application conference with the appropriate County Departments.

902.2.3. Certified Lot(s). A pre-application conference for a Certified Lot(s) is not mandatory, but encouraged.

902.2.4. For Minor, Major, Subdivisions and Certified Lot(s). At the pre-application conference, the applicant shall provide written proof of ownership or option to purchase subject property. The pre-application conference shall be recognized as a formal meeting and is not to be confused with general inquiries or with individual meetings with County staff involving general information.

902.3. Application Submission and Determination of Completeness.

902.3.1. All applications for approval of a plat for a subdivision shall be submitted to the Planning Director in accordance with the provisions of Chapter 5. If the application documents are incomplete, the application may, at the sole option of the Planning Director be returned to the applicant as disapproved and requiring no further obligation of the County to continue the application process. No application shall be deemed to be complete and therefore officially filed with the County, unless and until, all information and materials required by these Regulations have been submitted.

902.3.2. Required Document Submission.

Stage	Submit to and Determination of Completeness By
Preliminary Plat	Director
Construction Plans	Director
Final Plat	Director
Certified Lot(s)	Director

~~902.4. Lot Consolidation and Reconfiguration. Adjacent lots or portions thereof may be consolidated in accordance with this Section so long as doing so will not result in the creation of a new nonconformity under Chapter 11. Nothing herein shall be construed to require that adjacent lots be consolidated pursuant to this Section in order to be developed in common.~~

Commented [LD198]: 98.Deleted as requested by staff.

~~902.4.1. General. Applications for lot consolidation review shall be submitted to the Director for review and approval. The application shall include a Lot Consolidation Agreement ("Lot Consolidation Agreement"), sketch and parcel description, a completed land development application and an affidavit of ownership and agency appointment. The Lot Consolidation Agreement shall be in recordable form acceptable to Manatee County and shall provide that such lots shall be considered and developed as one (1) parcel of land, and that no portion of the parcel of land shall be transferred, devised or assigned separately, except as one (1) parcel of land. Any further subdivision of the parcel of land shall comply with this Code. This Lot Consolidation Agreement shall be deemed a covenant running with the land and shall remain in full force and effect and be binding upon the owner, any heirs and assigns.~~

~~902.4.2. Review. Review by Department within a reasonable period following receipt of the application, the Director~~

~~shall approve or deny the lot consolidation, furnishing the Owner with a statement in writing of its reason for disapproval. Upon approval, the Director shall cause the Lot Consolidation Agreement to be recorded in the Public Records of Manatee County, Florida.~~

~~902.4.3.Effect. Upon approval and recording in the public records, of a lot consolidation, the density of the overall subdivision development shall be calculated utilizing the consolidated parcel.~~

Section 331. ~~Section 911.~~ Vacation of Streets and ~~Transfer of Plats.~~

331.1. ~~911.1.~~ Purpose.

This ~~S~~ection is established to provide procedures for the exercise of the authority granted to the Board to vacate and annul plats or portions thereof, pursuant to Section 177.101, Florida Statutes, and to vacate, abandon, discontinue, close, renounce and disclaim streets, roads, alleys, and other appropriate property; or any portion thereof; and termination of County easements; pursuant to Section 336.09 through 336.12, Florida Statutes, lying within the unincorporated area of the County.

~~911.2.2. Title Documents and Tax Certifications. Title documents must accompany the application which indicates that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the Board will not affect the ownership or right of convenient access of persons owning other parts of the subdivision. The applicant shall also furnish certificates showing that all state and county taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under Section 194.171, Florida Statutes, the owner of the platted lands sought to be vacated shall post a cash bond, approved by the Manatee County Tax Collector and by the Florida Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to Section 194.192, Florida Statutes, adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable time frame for such litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond shall be attached to the application.~~

~~911.2.3. Receipt; Application Number. Upon the filing of said application and the payment of said filing fee as hereinabove set forth, and as nearly simultaneously therewith as practicable, the Transportation Department shall issue a receipt to the applicant for the filing fee and assign a file number to said application.~~

~~911.2.4. Review and Coordination by DPT. The Transportation Department shall be the coordinator and liaison between the applicant, the Board, and the appropriate reviewing agencies. The Transportation Department shall cause the original application to be transmitted to the Board to be filed among the public records. The Transportation Department shall within a reasonable time after receipt of an application, and based upon the report and recommendation of the reviewing agencies, prepare a written report and make a recommendation to the Board as to what action should be taken on the application.~~

331.2. ~~911.3.~~ Public Hearing Requirements ~~Review Process.~~

A. Pre-Application Meeting. The applicant shall attend a pre-application meeting as provided for in [Section 312.2](#).

~~911.2. Application Requirements.~~

B. ~~911.2.1.~~ Application Submittal. ~~Filing with the Public Transportation Department. An applicant proposing to for the vacation of vacate certain streets, roads, or other appropriate property, and to terminate County easements any real property pursuant to the provisions herein of this section shall duly complete and file submit an Application with the required documents and appropriate number of copies to the Transportation Department Director for the vacation of certain streets, roads, or other appropriate property, and termination of County easements subject to the provisions of Section 312.3. The submission of documents shall be in compliance with the "Application For The Vacation Of Certain Streets, Roads, Or Other Appropriate Property" form, together with the required filing fee as established by the Board. It will be the responsibility of the costs to be borne by the applicant to furnish any additional maps, charts, surveys, legal descriptions, title opinions, and title policies as required by the Public Transportation Department Director for clarification to the reviewing agencies and the Board.~~

Commented [LDI99]: 99.Current Code says to submit to Transportation Department Director. Propose channeling through Department Director just like all other applications.

Chapter 3. Review Authority and Procedures

~~911.3.1. Public Hearing and Notice. Subsequent to transmitting the original application to the Board by the Transportation Department, the Board shall schedule a public hearing for consideration of the adoption of a Resolution Declaring Public Hearing On Application For The Vacation Of Streets, Roads Or Other Appropriate Property, in connection with said application.~~

C. 911.3.2. Advertising Requirements ~~For Notice Of Public Hearing for Vacations.~~ In accordance with the Florida Statutes the Public Hearing Notice will be provided. It shall be the applicant's responsibility to give the proper notice in accordance with the provisions of Section 177.101, Florida Statutes, or Section 336.09 through 336.12, Florida Statutes, whichever is applicable, and the following:

Commented [LEA100]: 100.Simplified as requested by the CAO.

Vacations Pursuant to Application	Advertisement Must Appear
Plat Annulments pursuant to Section 177.101, F.S.	TwiceTwo separate weeks, both at least fifteen (15) days and no longer than forty five (45) working days prior to the public hearing (Sundays and holidays excluded). Also both advertisements shall not appear within the same week period.
Vacation pursuant to Section 336.09 through 336.12, F.S.	Once, at least fifteen (15) days and no longer than forty five (45) working days prior to the public hearing, (Sundays and holidays excluded.)

~~911.3.3. Location of Advertisement. In general, all advertisements shall be published in a standard size newspaper of general circulation within unincorporated Manatee County in accordance with Ch. 163.3164 (14) Florida Statutes.~~

~~911.3.4. Mailed Notice. Mailed notice shall be provided at least fifteen (15) days prior to the public hearing, excluding Sundays and legal holidays. The applicant shall send a similar notice by first class mail, mailed to owners, as shown on the latest ad valorem tax records, of all lands contiguous to the entire parcel of land vacation under consideration that is owned by the applicant.~~

~~911.3.5. Posted Notice. The applicant shall post a notice on a sign furnished by the Transportation Department, on the affected property not less than fifteen (15) days nor more than thirty (30) days in advance of the scheduled hearing date. Notice shall be posted no more than fifteen (15) feet from the front lot line and no less than four (4) feet nor more than six (6) feet above grade, so as to be clearly visible from the public way. More than one sign may be required to be posted by the Transportation Director, if it is determined to be necessary to ensure adequate public notice. Such additional signs shall be posted in a number and location determined by the Transportation Director.~~

~~Posted notice shall include:~~

- ~~1. A headline entitled "A Change Affecting The Use Of Land; Vacating Of Certain Specific Property";~~
- ~~2. The scheduled date, time and location of the hearing;~~
- ~~3. A general description of the property to be vacated including a referenced project number; and~~
- ~~4. A telephone number for more information.~~

~~911.3.6. Affidavit of Notice. The applicant is required to provide an affidavit that the required mailing and posting of the notices stipulated under 911.3.4 and 911.3.5 were given, shall be filed with the Transportation Director, fifteen (15) days prior to the date of the hearing. Such affidavit shall be accompanied by a complete list of the names and last known addresses of the persons entitled to notice and the method by which notice was delivered. Failure to do so will require postponement of the hearing date and may require repeat of required notification procedures.~~

~~911.3.7. Defects in Notice. If a defect in notice, not caused by an intentional or negligent act or omission of the applicant, is discovered after the conclusion of the hearing, it shall not in any way affect the action taken at such hearing. If a defect in notice is discovered prior to the hearing, then such notice shall be redone and the hearing rescheduled.~~

~~911.3.8. Public Hearing Procedures Board Review. The Board shall conduct the public hearing in accordance with the general procedures of Section 312.8502 of this Code and as specifically delineated by this section.~~

D. 911.3.9. Action by the Board of County Commissioners. The Board shall, at the conclusion of the public hearing on

Chapter 3. Review Authority and Procedures

any particular application, or subsequent thereto, consider the adoption of a ~~resolution~~ "Resolution Vacating Certain Streets, Roads Or Other Appropriate Property" granting the particular application of any portion thereof, or such other actions as the Board may deem appropriate under the circumstances.

331.3. ~~911.4.~~ Notice of Adoption of Resolution Pursuant to Section 336, F.S. Only.

Upon the adoption of any such "Resolution Vacating Certain Streets, Roads or Other Appropriate Property," for streets and property vacated and County easements terminated under Section 336.09 through 336.12, Florida Statutes only, the applicant shall cause same to be duly published one (1) time in a newspaper of general circulation in Manatee County, Florida, within thirty (30) days following the adoption of said resolution. The Notice shall be in substantial compliance with the "Notice of Resolution Vacating Certain Streets, Roads ~~Or~~ Other Appropriate Property" form, established by the County.

331.4. ~~911.5.~~ Recording Requirements.

The applicant shall be responsible for filing the following documents ~~listed in 911.5.1 or 911.5.2~~, whichever is applicable, within thirty (30) days after adoption of the resolution by the Board, with the Clerk of Circuit Court and duly recorded in the Official Records Book among the Public Records of Manatee County, Florida.:

A. ~~911.5.1.~~ For vacations and annulment of plats or portions thereof, pursuant to Section 177.101, Florida Statutes:

1. ~~911.5.1.1.~~ A certified copy of the subject resolution.
2. ~~911.5.1.2.~~ Original proof of the two (2) publications of the Notice of Public Hearing.
3. ~~911.5.1.3.~~ Location maps, survey, legal description or other appropriate data as determined by the ~~Public Transportation Department~~ Director.
4. ~~911.5.1.4.~~ All applicable easements, if required.

B. ~~911.5.2.~~ For vacations, abandonment, discontinued, closed, renounced and disclaimed streets, roads, alleys and other appropriate property of portions thereof, and termination of County easements, pursuant to Section 336.09 through 336.12, Florida Statutes:

1. ~~911.5.2.1.~~ A certified copy of the subject resolution.
2. ~~911.5.2.2.~~ Original proof of the one (1) publication of the Notice of Public Hearing.
3. ~~911.5.2.3.~~ Location maps, survey, legal description or other appropriate data as determined by the ~~Department~~ ~~Public Transportation~~ Director.
4. ~~911.5.2.4.~~ Original proof of publication of the Notice of Adoption of the subject resolution. ~~This publication shall occur~~ within thirty (30) days after adoption of the resolution by the Board.
5. ~~911.5.2.5.~~ All applicable easements, if required.

~~911.5.3.~~ Within forty-five (45) days after the adoption of the resolution, the applicant shall provide the ~~Transportation Department, Land Acquisition Division~~ ~~Department~~ Director, with a copy of the recorded documents.

331.5. ~~911.8.~~ Effective Date.

No vacation shall become effective until the documents required ~~under Section 331.4.A or B~~ ~~911.5.1 or 911.5.2~~, whichever is applicable, have been filed with the Clerk of Circuit Court and duly recorded in the public records of Manatee County.

331.6. ~~911.7.~~ Applicants Responsibility.

The County, the Board, the reviewing agencies and all of the officers, employees and agents thereof shall not assume any responsibility or liability for any matters ~~and things~~ to be done or completed by the applicant, pursuant to the provisions required herein. It is recognized that this procedure may affect substantial interests in real property and other proprietary rights; and the applicant shall assume full and complete responsibility for compliance with the

requirements of law and these procedures in connection with or arising out of any vacation proceedings instituted by the applicant.

Section 332. ~~911.6.~~ Replatting Requirements.

~~In accordance with Chapter 177, F.S., whenever the lands embraced by a recorded plat or part thereof are to be subdivided differently under and by virtue of another plat of the same identical lands, and the first plat was also filed of public record at an earlier date; the following applicable requirements shall be adhered to:~~

~~911.6.1. When no conveyances of lots by reference to the first plat so filed appears of record with the Clerk of Circuit Court of Manatee County, the Board may, by resolution, vacate and annul the first plat of such lands appearing of record upon application of the developer of such lands under the first plat or upon application of the owners of all the lots shown and designated upon the second and subsequent plat of such lands.~~

~~911.6.2. Whenever it is discovered that after the filing of a plat subdividing a parcel of land, the developer of the lands therein and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the Board that the filing and recording of the second plat would not materially affect the right of convenient access to lots previously conveyed under the first plat, the Board may, by resolution, vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developer of such lands under the first plat or their successors, grantees, or assignees.~~

~~911.6.3. The Board may adopt resolutions vacating plats in whole or in part of subdivisions, returning the property covered by such plats either in whole or in part into acreage. Before such resolution to vacate any plat either in whole or in part shall be entered by the Board, the Board must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the Board will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.~~

~~911.6.4. Notwithstanding the [above previous section 911.6.4.1, 911.6.4.2, and 911.6.4.3](#), if replatting of lands previously platted or parts thereof is proposed, [a prerequisite to the filing of the application for the proposed plat with the Transportation Department under Section 911.2](#), the applicant shall provide a notation upon the face of the proposed plat which expressly states that the new plat vacates the same identical lands previously platted. The notation shall specifically reference the plat being vacated. The application, all advertisements, notices, Board agenda, and resolution shall specifically state the action being taken by the Board is to vacate specifically referenced identical lands previously platted, if applicable, in addition to the new plat being proposed. The specific notation placed on the proposed plat (replatted land) will eliminate the need to adopt a separate resolution to vacate the previous plat. The recording requirements stipulated under [Section 331.4911.5](#) shall be adhered to for all replatting.~~

Commented [LDI101]: 101. These section repeats the statutes word for word. Not needed in LDC.

Section 333. ~~903.~~ Preliminary Plat Review Procedures — Major Subdivisions.

333.1. ~~903.1.~~ Purpose.

The purpose of a preliminary plat review is to provide the County with sufficient information at an early stage of a major subdivision in order to permit alterations in plans as may be required prior to the developer preparing construction plans and a final subdivision plat; and prior to the County expending significant amounts of time reviewing incomplete or substandard plat applications. [Developments that require both ~~Concept~~ General Development Plan and Preliminary Plat approval may be submitted for concurrent review.](#)

333.2. ~~903.2.~~ Preliminary Plat ~~General~~ Review Process.

A. Pre-Application Meeting. The applicant shall attend a pre-application meeting as provided for in [Section 312.2](#).

B. Application Submittal. Applications for preliminary plat review shall be submitted to the ~~Planning~~ [Director](#) ~~Department Director~~ for review and approval in accordance with [Section 312.3](#). [If the proposed project](#)

Chapter 3. Review Authority and Procedures

triggers the thresholds for General Development Plan review, the applicant may submit the GDP and preliminary plat applications concurrently.

The preliminary plat shall be clearly and legibly drawn to scale showing sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the construction drawings and final plat. Such information shall address in sufficient detail all ~~the required items required by Code in Sections 508.3.3, 722 and 907 of this Code.~~ In addition, the general information required to be submitted as part of the ~~P~~preliminary ~~S~~subdivision ~~P~~plat shall include the location and classification of any proposed changes in zoning on the site. ~~These subdivisions being processed as a Planned Developments shall follow the timing requirements found in Section 508.5.4.~~ A preliminary subdivision plat shall be prepared under the direction of a professional land surveyor, engineer, architect or landscape architect, in accordance with the laws and regulations set forth by the State of Florida. ~~All drawings shall be at a scale not smaller than one inch equals two hundred feet (1" = 200').~~

~~C. 903.3. Review by Appropriate Reviewing Departments and Agencies. Development Review Committee. Once the application for approval of preliminary plat for a subdivision is determined to be complete, the Planning Director shall forward copies of the application documents to t~~The appropriate County Departments and reviewing and agencies ~~Development Review Committee~~ Development Review Committee ~~who shall review the request in accordance with Section 312.5~~ Development Review Committee ~~after a thorough review, submit a report to the Planning Director indicating whether the proposed plat complies with the provisions of this Code and make a recommendation to approve, approve with conditions, or disapprove the preliminary plat.~~

~~D. 903.4. Review by the Planning Director~~ Department Director. ~~Within a reasonable period of time following receipt of the recommendation of the appropriate County Departments and reviewing agencies, t~~The ~~Planning Director~~ Department Director shall ~~review and~~ review and approve, approve with conditions, or disapprove the preliminary plat, furnishing the developer a statement in writing of its reasons for any disapproval. The acquisition of necessary rights and the presentation of complete and correct information to the ~~Planning Director~~ Department Director are responsibilities of the applicant and the failure to do so, including the failure or inability to obtain all necessary permits, licenses, releases or rights may constitute a reason for disapproval and/or rescission of approval of the prepared subdivision plat.

~~Failure of the plat to meet the requirements of the Manatee County Comprehensive Plan and this Code shall require the Planning Director to disapprove the proposed preliminary subdivision plat.~~

333.3. 903.5.2.2. Phased Development.

~~A. Delineation of Phases. In conjunction with approval of the preliminary plat, the preliminary plat may include approved construction phases. Construction drawings for all phases must be submitted within three (3) years of preliminary subdivision plat approval, unless a Certificate of Level of Service was obtained with approval of the Preliminary Plat. In which case, construction drawings for all phases shall be submitted within one (1) year of preliminary plat approval. Any subdivision development project involving phased development shall be identified as such on a preliminary subdivision plat, which The preliminary plat shall designate specifically its the limits of the various construction phases and the proposed detailed development schedule. To ensure the overall project design is adequately integrated, the developer shall submit a master preliminary plat for the entire project or a separate preliminary plat for each phase. The master preliminary plat shall clearly indicate the limits of construction for each phase. When separate preliminary plats are submitted separately for each phase, the developer shall also submit a plan, for general informational purposes, showing all phases, phase lines, and other information to clearly represent the proposed project.~~

Commented [LDI102]: 102.This is addressed in the expiration section.

~~**CHAPTER 4** -- Any proposed project phasing must be limited to the life of the Certificate of Level of Service. If it is received with Preliminary Plat approval, the phasing must be within the three years that the plat is valid. If the Certificate of Level of Service is received with construction drawing approval, the phasing must be within the total four (4) year approval time frame.~~

~~B. 903.5.2.2.1. Phasing Identification. All projects shall identify phasing on their plats consistent with the numbering and titles listed below from the largest unit/increment to the smallest:~~

- ~~1. Phase - Roman Numeral (i.e. III).~~

Commented [LDI103]: 103.Not current practice. As long as the developer commences and continues construction, the CLOS does not expire

- 2. Sub phase - Capital Letter (i.e. G).
- 3. Unit - Number (i.e. 8).
- 4. Subunit - Small Case letter (i.e. j).
- 5. Tract - Number (i.e. 6).

C. 903.5.2.3. Independent Operation. All construction phases in a development shall be capable of operating independently with respect to drainage, circulation, utilities, and other applicable public facilities and services; provided however, the County may permit the posting of performance security to guarantee the installation of recreational facilities and similar improvements to serve particular phases of the development at a later time.

333.4. 903.5. Effect of Approval.

~~903.5.1. Generally.~~ Approval of a preliminary plat by the ~~Planning Director~~ Department Director shall not constitute approval of the final plat, nor authorize recording of the plat, nor effect the acceptance of any land or improvements proposed to be dedicated to the County. Upon approval or approval with conditions, the applicant may proceed to the construction ~~plan~~ drawings approval stage.

333.5. 903.5.2. Effective Period for Expiration of Preliminary Approval Plats.

~~903.5.2.1. Approval of a Preliminary Plats~~ shall expire ~~as follows: within one (1) year, unless the applicant submits construction drawings.~~

~~1. After three (3) years if a Certificate of Level of Service has been was obtained with approval of in conjunction with the Preliminary Plat, the expiration of the preliminary plat shall be three (3) years from approval date. and both the construction drawings and Final Plat have not been approved; or~~

~~2. The applicant has one (1) year after approval by both the Public Works and Planning Director to submit construction drawings. One (1) three year extension may be granted if the Certificate of Level of Service is obtained with construction drawing approval. During this three (3) year period the final plat must be approved by the Board.~~

~~3. Phase and plat timing shall be consistent with the requirements for DRI's and Large Projects shall be consistent with the requirements found in Sections 348 and 349~~ 508.3.2.2.

~~Any proposed project phasing must be limited to the life of the Certificate of Level of Service. If it is received with Preliminary Plat approval, the phasing must be within the three years that the plat is valid. If the Certificate of Level of Service is received with construction drawing approval, the phasing must be within the total four (4) year approval time frame.~~

333.6. 907.14. Graphic Standards.

Preliminary subdivision plats shall include the following information:

- A. ~~907.14.1.~~ The project name, boundaries, north arrow, legend and scales shall be indicated on each plan. The date drawn and revision dates shall be indicated on the subdivision plat.
- B. ~~907.14.2.~~ The name of the plat shall be shown in bold legible letters of uniform size and type, including the words "section," "unit," "replat," "amended," etc., although the latter need not be in bold letters of the same size as the basic name. The name of the subdivision shall be shown on each sheet. A prominent "North Arrow" shall be drawn on every sheet including showing any portion of the lands subdivided.
- C. ~~907.14.3.~~ The first sheet shall indicate the location and classification of zoning on the site; total acreage of the site; total number of lots, specified by type of intended use; and gross residential acreage.
- D. ~~907.14.4.~~ Names and address of record owner and applicant and the subdivision designer, engineer, and land surveyor shall be provided on the plat. In addition, any citation and general description of any existing covenants, private restrictions, easements and rights-of-way affecting the use and development of the property, including the Section, Township, Range, and if in a land grant, the plat will so state. The application shall include a complete legal description of the property.

Commented [LDI104]: 104. STAFF: We made a lot changes (moving around, consolidating, eliminating repetition, and rewording for clarity) to the expiration of preliminary plats, construction drawings and final plats. Please review all three sections to make sure this is the way it is done currently.

Commented [LDI105]: 105. Reworded to match current practice. The extension tied to construction drawing approval is really addressing the expiration of the construction drawings, not the preliminary plat.

Commented [LEA106]: 106. Wrong cross-reference.

Commented [LDI107]: 107. Consider moving to development review procedures manual later..

Chapter 3. Review Authority and Procedures

- E. ~~907.14.5.~~The plans shall be at a scale of one inch equals fifty (50) feet (1" = 50') or such other scale as the County may accept to show details clearly and adequately. In all cases, the scale used shall be of sufficient size to show all detail. Sheet sizes shall not exceed twenty-four (24) inches by thirty-six (36) inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire development with a key plan on each sheet properly orientated and a title box on each sheet properly labeled.
- F. ~~907.14.6.~~All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated.
- G. ~~907.14.7.~~The one hundred (100) year Floodplain and floodway within the subject project with references noted with respect to the panel number from the Flood Insurance Study shall be shown on the Subdivision Plat.
- H. ~~907.14.8.~~The twenty-five (25) year floodplain within the subject project (see requirements in Section ~~801.3717.3.14~~) shall be shown on the Subdivision Plat.
- I. ~~907.14.9.~~Location of waterways and water bodies existing within and adjacent to the subdivision.

Section 334. ~~Section 904.~~Construction Drawings.**334.1. ~~904.1.~~General Requirements.**

Construction drawings, which provide detailed technical information on all site improvements prior to actual construction, are required to ensure that development will be in conformance with County Codes and any conditions of the approved development. for all development requiring approval from the Public Works Department.
~~Construction drawings shall include all design and drawing requirements applicable to the respective development approval sought after and the drawings shall be complete to reflect the full extent of the proposed scope of work. The completeness and adequacy of the construction drawings shall be determined by the Department Director based on the type of development approval required.~~ Construction drawings shall be prepared and certified by an engineer, except as exempted by Chapter 471, Florida Statutes, ~~that~~ and all Construction Drawings shall conform to the requirements of the Manatee County Development Standards and the requirements of this Code.

Commented [LEA108]: 108.Moved from 722.2.1.

334.2. ~~904.2.~~Construction Drawings Not Required.

The review and approval of construction drawings will not be required when:

- A. ~~904.2.1.~~No improvements are required by this Code, or
- B. ~~904.2.2.~~Only rights-of-way, drainage, or utility easements are required by this Code, provided that such rights-of-way shall be dedicated and easements granted to the County by plat or separate instrument, or
- C. ~~904.2.3.~~The only improvements required by this Code are usually installed by the County and the developer has paid or posted security for such improvements.

334.3. ~~904.4.~~Review and Approval Procedures.

Prior to or concurrently with submission of the final plat, the developer shall submit ~~C~~construction ~~D~~drawings to the ~~Planning Department~~ Department Director for the installation of required improvements for the entire subdivision; or approved construction phase, if part of an approved phasing plan. The construction drawings shall be submitted and approved prior to commencing any site work, grading, or other on-site construction activities connected with the development, except brush removal in connection with surveying. If submitted in conjunction with or in advance of a Final Site Plan for a Planned Development project, no site work may commence until such Final Site Plan has been approved.

~~All drawings shall be proof read, clear, legible, and complete with all necessary plans, details, sections required to represent a complete set of engineered drawings. Incomplete drawings may be rejected and returned to the applicant for resubmission.~~

Within sixty (60) days after receipt of complete ~~C~~construction ~~D~~drawings, the ~~Planning Department Director~~ will

Chapter 3. Review Authority and Procedures

approve, approve with conditions, or disapprove the ~~C~~construction ~~D~~drawings, stating in writing any reasons for disapproval. The approval of the construction plans shall be subject to the approvals and permits by other necessary ~~S~~state and ~~F~~federal agencies. Construction drawing approval shall not be granted unless the applicant has secured a valid ~~C~~certificate of ~~L~~level of ~~S~~service compliance.

334.4. ~~904.3~~ Requirements Review Criteria.

Construction ~~D~~drawings duly submitted to the ~~Planning~~Department ~~Director~~ during the effective period of the preliminary plat approval shall conform to such approved plat, including any conditions, and shall state that all work shall be subject to the County's regulations and development standards in effect at the time of such plat approval. Construction ~~D~~drawings shall be approved by the ~~Planning~~Department ~~Director~~ for major subdivisions which comply with the requirements of the ~~P~~preliminary ~~P~~plat ~~A~~approval, Manatee County Development Standards and this Code.

334.5. ~~904.5~~ Effect of Approval.

Upon the written approval of the ~~C~~construction ~~D~~drawings by the ~~Planning~~Department~~Department~~ ~~Director~~, the developer shall schedule an inspection pursuant to Section ~~337.3910.3.4~~ of this code. After obtaining a pre-construction inspection by the ~~Planning~~Department ~~Director~~, the developer may commence site development and the installation of improvements, provided that all guarantees required by Section ~~337910~~ of this Code have been approved and posted. This approval shall not constitute approval to commence any construction which is subject to separate approval required by other federal, State, and local development codes including the Florida Building Code.

Prior to commencement of construction activities authorized with the approved ~~C~~construction ~~D~~drawings, an Erosion and Sediment Control Plan (ESCP) shall be approved ~~by the Environmental Management Department, as required pursuant to Section 508.3.4.7.j of this Code.~~

334.6. Expiration.

~~unless a Certificate of Level of Service was not obtained with Preliminary Plat approval, in which case, c~~Construction drawings shall expire three (3) years after approval ~~of the construction drawings of a Certificate of Level of Service with the construction drawings; the preliminary subdivision plat approval and any Construction Drawings approval shall automatically expire. In such event, any Construction Drawings for the subdivision, and the uncompleted construction phases shall be subject to review and approval as for an initial application in accordance with all current regulations.~~

~~Section 722. Performance Standards for Required Improvements.~~

334.7. ~~722.1~~ Required Improvements.

~~722.1.1. Applicability.~~ No development in the County shall be approved unless adequate assurance as stipulated under Section ~~337910~~, is provided that the improvements required under this ~~Section~~ Code will be ~~installed in accordance with professional engineering standards.~~

334.8. ~~722.2~~ Design Requirements for Construction Drawings

~~722.2.1. Purpose and Intent.~~ This subsection is established to provide standards for all construction drawings required for submission to the Planning Department. All plans, design, and construction required for any applicable development order shall conform to the Manatee County Public Works Standards and this Code.

~~722.2.2. Applicability.~~ Construction drawings are required for all development requiring approval of ~~from the Public Works Department.~~

A. ~~722.2.3~~ Preparation. Construction Drawings shall be prepared and certified for all required improvements by an engineer, except as exempted by Chapter 471, Florida Statutes. Plans shall be drawn at a scale no smaller than one (1) inch equals fifty (50) feet, unless otherwise specifically authorized in writing by the ~~Planning~~Department ~~Director~~. All revisions shall be prepared and submitted as required for original drawings. All drawings shall be proofread, clear, legible, and complete with all necessary plans, details, sections required to represent a complete set of engineered drawings. Incomplete drawings may be rejected and returned to the applicant for resubmission. Within sixty (60) days after receipt of complete construction drawings, the ~~Planning~~Department ~~Director~~ will

Commented [LDI109]: 109.From Sec. 906.1. The code requires the CLOS either at Prelim Plat or construction drawings. Code does not currently specify expiration date if the CLOS is approved with the preliminary plat, as opposed to construction drawings.

Commented [LDI110]: 110.Section 722.1.2 through 722.1.7 moved to Ch 10. Section 722.3 was repealed in 2014.

Commented [LEA111]: 111.This section was previously recommended for moving to the development review manual. Brought back as directed by staff.

approve, approve with conditions, or disapprove the construction drawings, stating in writing any reasons for disapproval.

B. Contents.

1. ~~722.2.4. Vicinity Map.~~ An accurate vicinity map shall be included on the construction plans, at a scale not less than one inch equals one mile (1" = 1 mile), which shows the site in relationship to its surroundings. The vicinity map shall include the rights-of-way lines of all proposed streets in the subdivision and their location in relation to one or more existing streets, or portions thereof, in the immediate vicinity which is shown and readily identifiable, as to locus on the County map.
2. ~~722.2.5. Existing Conditions.~~ The construction plans shall show:
 - a. ~~722.2.5.1.~~ The location of the property with respect to contiguous development, together with the existing zoning on adjoining property, and existing land uses adjacent to the property at a scale 100 feet = one inch minimum.
 - b. ~~722.2.5.2.~~ The name, location and width of existing or platted streets, street rights-of-way within or contiguous to the site.
 - c. ~~722.2.5.3.~~ The approximate location, size and depths of sewers, water mains, storm drains, electric power and cable and other underground facilities, within or contiguous to the site.
 - d. ~~722.2.5.4.~~ The location and width of easements for all above and below ground utilities, including electric power and cable lines, within and adjacent to the site.
 - e. ~~722.2.5.5.~~ Topographic contours at one (1) foot intervals, based on Mean Sea Level datum for the site and a minimum of fifty (50) feet beyond the property line for a single lot development and one hundred (100) feet beyond the limits of the site for subdivisions. Topographic survey information shall be furnished by a professional land surveyor which meets the minimum requirements as set forth in Chapter 21-HH-6, of the Florida Administrative Code. The survey must have been made within the last ten (10) years.
 - f. ~~722.2.5.6.~~ Major existing site features, such as stone walls, fences, buildings, identifiable historical sites, and special attention should be given to noting physical features which define the boundaries of the subdivision.
 - g. ~~722.2.5.7.~~ The type and location of trees, and native vegetation as defined in Section 700744, Tree Protection, within six (6) feet of, or within the limits of clearing; the type and approximate location of other trees more than four (4) inches DBH.
 - h. ~~722.2.5.8.~~ The twenty-five (25) year floodplain (see Section 801.3.P747.3-14), the one hundred (100) year floodplain (see Section 802748), watercourses, wetlands, and other significant and natural features.
 - i. ~~722.2.5.9.~~ Existing stormwater management facilities, and drainage structures.
 - j. ~~722.2.5.10.~~ Existing easements, both public and private.
3. ~~722.2.6. Required Improvements. In addition to the construction plan requirements of Chapter 9 and this Section 722 of this Code, which are required for all subdivisions,~~ The improvement requirements of this Section, shall apply only to subdivisions requiring a final subdivision plat. All improvements required by this Code shall be installed by and at the expense of the developer, as required by the ~~Planning~~ Department Director in accordance with professional engineering standards.
 - a. ~~722.2.6.1.~~ Plans shall show the overall project street layout, with street names and all traffic control signage as per the Manatee County ~~Development~~ Public Works Standards. Profiles on the lines of proposed streets and fifty (50) feet beyond, at a horizontal scale of 1" = 50' [50'] and a vertical scale of 1" = 5', or such other scales acceptable to the Planning Department. All elevations shall refer to NGVD of 1929 datum. Profiles shall also include the location of any intersecting public or private streets, and the location, material and size of proposed storm water management facilities, water mains, and sewers and their appurtenances; street lighting; and other underground utilities to be placed in the rights-of-way. The proposed topographic contours shall be at the same scale as the existing topographic contours. The exterior lines of existing streets ingressing to the subdivision and existing utility lines and appurtenances

Chapter 3. Review Authority and Procedures

or easements shall be shown on the plan to clearly indicate location of proposed connections.

- b. ~~722-2.6.2.~~ On the same sheet, there shall be drawn typical cross sections of the proposed street, properly located and identified by station number, at such intervals along the streets as will adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, sidewalks, and similar physical features.
- c. ~~722-2.6.3.~~ Utility and highway construction details shall be shown.
- d. ~~722-2.6.4.~~ Storm drainage system construction details shall be shown.
- e. ~~722-2.6.5.~~ Any special construction and safety details including guardrails or other pertinent information, as necessary, to construct the project based on the proposed design.
- f. ~~722-2.6.6.~~ Names of all streets, location of all proposed buildings and other structures, parking areas, loading areas, and other pedestrian and vehicular use areas, yards and open spaces.
- g. ~~722-2.6.7.~~ **Detail drawings:** Any special construction features, deviating from or not covered by Manatee County Public Works Standards shall be shown on detail drawings. Such detail drawings may be incorporated as part of a utility plan or profile or may be shown on a separate sheet or sheets; and shall provide information as to dimensions, location, elevations, cross sections, materials, etc., of the construction details involved. The requirement for detail drawings shall be applicable, but not limited to, culverts, structurally stabilized slopes, utility piping encased in concrete, ditches and brooks shaped or constructed to a definite cross section, spillways, and similar construction features.
- h. ~~722-2.6.8.~~ **Drainage Basin Plan:** A plan with a suitable scale, satisfactory to the ~~Planning Department~~ Director, outlining the entire drainage basin which includes the subject development therein shall be submitted indicating surface water flow to the development, within the development and impact after exiting the development. The plan shall cross reference the drainage calculations. Both the twenty-five (25) year floodplain (see Section ~~801.3.P717.3.11~~) and the one hundred (100) year floodplain shall be shown.
- i. ~~722-2.6.9.~~ Traffic sight distances, vertical and horizontal, for all intersections within the project and for the rights-of-way adjoining the project, at the location for ingress or egress, shall be shown.
- j. ~~722-2.6.10.~~ Details showing connections to existing and proposed utility systems.
- k. ~~722-2.6.11.~~ Easements required for any purpose including access easements for maintenance purposes.
- l. ~~722-2.6.12.~~ **Supplemental Information.** The following information shall be provided in graphic or narrative form, as necessary, to satisfy the requirements set forth below.
 - i. ~~722-2.6.12.1.~~ **Computation Sheets.** Computation sheets or other closure method showing closure of boundary surveys in accordance with Section ~~800.907~~, shall accompany submission of Final Plats.
 - ii. ~~722-2.6.12.2.~~ All calculations and descriptions, prepared by an engineer, needed to show evidence of compliance with Section ~~801.717~~, Stormwater Management, and Section ~~802.718~~, Floodplain Management.
 - iii. ~~722-2.6.12.3.~~ Type and location of any erosion and sedimentation controls to be used during the construction process.
 - iv. ~~722-2.6.12.4.~~ All calculations and descriptions, prepared by an engineer, used in sizing water and sewer mains, including any impact on existing systems and fire flow requirements.
 - v. ~~722-2.6.12.5.~~ All plans, calculations, and descriptions necessary to show that the sewage disposal system is in compliance with all applicable requirements of the HRS/Manatee County Public Health Unit and the Florida Administrative Code Chapter 10D-6.
 - vi. ~~722-2.6.12.6.~~ All plans, calculations, and descriptions necessary to show that the potable water supply system is in compliance with all applicable requirements of the ~~HRS/Manatee County Public Health Department, Environmental Health Services Unit~~ and the Florida Administrative Code Chapters ~~62-532, 62-555, 10D-6~~ and 17-22.

Chapter 3. Review Authority and Procedures

vii. ~~722.2.6.12.7.~~ Cost estimates for completion of all required improvements to be covered by performance security shall be prepared by an engineer for all required improvements, or bids by two (2) reputable bondable contractors. Cost estimates shall be submitted prior to approval and acceptance of all performance bonds and defect security.

viii. ~~722.2.6.12.8.~~ The location and dimensions of easements reserved or dedicated recreational open space, including the percent of open space. The nature, location, dimensions of any buffer areas.

ix. ~~722.2.6.12.9.~~ Such information may include the results of any tests or copies of calculations used in design, copies of agreements granting the developer rights essential to development of the land and construction work involved, including the right of access over existing ways.

~~722.2.7. Requirements for Developments that Require Administrative Approval.~~ Construction drawing requirements for developments which require the approval of the ~~Planning Department~~ Director, other than development of subdivisions stipulated under Section ~~334.8.B.3~~ ~~722.2.6.~~

4. ~~722.2.7.1. Construction drawings~~ shall be prepared by an engineer unless exempted by Chapter 471, Florida Statutes. The construction drawings shall include all design and drawing requirements applicable to the respective development approval sought after. The construction drawings shall be complete to reflect the full extent of the proposed scope of work and to insure that all parts of the construction can be adequately put together. The completeness and adequacy of the construction drawings shall be determined by the Planning Department based on the type of development approval required.

Section 335. Section 905. Final Plat Review Procedures.

335.1. 905.1. Purpose.

The purpose of final plat review is ~~to determine whether the final plat is in compliance with the approved preliminary plat, in the case of major subdivisions; and in the case of minor subdivisions~~ to ensure that the plat complies with the standards of this Code ~~and, in the case of major subdivisions, also to determine whether the final plat is in compliance with the approved preliminary plat.~~

335.2. Final Plat Preparation.

Final plats submitted to the County for review and approval shall meet the requirements of Section 177.091, Florida Statutes.

335.3. 905.2. General Review Procedures.

A. Application. An application for approval of a final plat shall be submitted to the ~~Planning Department~~ Department Director consistent with the requirements of Section 312.3, and shall be reviewed in accordance with the procedures of Section 905, 906 and 907. ~~In the case of a major subdivision with an approved phasing plan, final plats may be submitted in phases.~~

~~905.2.3. Developments of Regional Impact (DRI). Where a proposed subdivision is subject to the requirements of Chapter 380, Florida Statutes, as a Development of Regional Impact, the procedural requirements of these Regulations may be deemed modified to the extent they are in conflict with the DRI review process authorized by Florida law.~~

~~905.3. Staff Review by Planning Department.~~

B. ~~The Department Director shall review the application in accordance with the requirements of Section 312.5. Once the application for approval of the final subdivision plat is determined to be complete, the Planning Department shall forward copies of the application documents to the reviewing departments. If the application documents, after review are determined not to be in compliance with County requirements, said application shall be returned to the applicant disapproved, and requiring the documents to be corrected before the County processes the documents further. When the application is complete and determined by the Planning Department to be in compliance with County requirements, the Planning Department and shall submit the application and recommendation to the Board for approval of the final subdivision plat.~~

~~905.4. Review and Action by the Board of County Commissioners.~~

~~C. Upon receipt of the application and recommendation from the Department Director Planning, Permitting and Inspections Department for the final subdivision plat, the Board shall review the application in accordance with the standards and criteria as contained herein and all applicable provisions of this Code. The Board shall approve, approve with conditions, or disapprove the final plat. If the Board disapproves the plat, it shall notify the applicant in writing the reason for disapproval. If the final subdivision plat is approved by the Board, evidence of such approval shall be placed on such plat. [905.4.1. Reserved.]~~

335.4. 905.4.2. Review Standards.

No plat shall be approved unless the applicant demonstrates:

- A. ~~905.4.2.1.~~ That the plat complies with the requirements of the State Statutes, this Code and any previously approved Development Orders; and
- B. ~~905.4.2.2.~~ That all required improvements have been completed and installed and a Certificate of Completion issued therefor, or where the Board may permit, ~~in both subdivisions with public and private improvements~~, the developer has posted adequate performance security in accordance with Section ~~337.910~~, Installation of Improvements, and has received approval of all Construction Drawings, in accordance with Section ~~334.722.3.~~ and
- C. ~~905.4.2.3.~~ That all required fees or charges have been paid, dedications accepted, and any required escrow arrangements have been established.

~~905.4.2.4. Certificate of Level of Service Compliance has been issued.~~

~~905.2.1. All Final Plats shall comply with these Regulations and the Statutes of the State of Florida, Chapter 177. The number of copies required shall be determined by the Planning Department. In addition to the final plats being submitted, one (1) print of all Final Plats shall be submitted at a scale coordinated with the appropriate street address maps of the Planning Department.~~

Commented [LDI112]: 112.Delete d per staff

335.5. 905.2.2. Required Improvements Agreement.

In connection with the approval of any Final Subdivision Plat where the developer intends to install the required improvements after such approval, a Required Improvements Agreement, in substantial conformance with the ~~model form~~ agreement set forth by the County, shall be executed. All Required Improvements Agreements shall be recorded with the approved Final Subdivision Plat.

335.6. 905.5. Revision Modifications to Approved of Final Plat After Approval.

No changes, erasures, name changes, modifications, phase lines, or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted for a new approval by the Board. This shall not affect the right to file an affidavit confirming an error on a recorded plat, as provided by law.

335.7. 905.6. Recording.

Upon approval of the final plat, it shall be forwarded to the Clerk of the Circuit Court for recording together with ~~the approved drainage plan and~~ any other related legal documents as the County Attorney or other County Departments may require for recording. ~~The drainage plan shall be submitted for recording to the Clerk of the Circuit Court in the format and medium as may be required by the Clerk of the Circuit Court including but not limited to leaving a three-inch margin on the left side of the drainage plan for binding purposes and a one-half inch margin on each of the three remaining sides. The recording of the drainage plan shall not impair the title to the property in any manner, shall be for informational purposes only and shall not be referred to for the purpose of conveying title to property in accordance with Chapter 177, Florida Statutes.~~

Commented [LDI113]: 113.NOTE CHANGE: Deleted requirement for recording the drainage plan, as recommended by staff and CAO.

335.8. 905.7. Effect of Approval.

Approval of a final plat by the Board shall authorize the recording of the plat for all purposes under state law, ~~and shall constitute acceptance of all public ways, streets, walks, thoroughfares, parks, public use areas, and other easements.~~

~~shown on the final plat, except such areas and facilities which are specifically reserved or which are specifically refused in writing by Manatee County in connection with the approval of the plat.~~

Commented [LDI114]: 114. Not true. Final Plat does not constitute acceptance of dedications. Deleted as recommended by the CAO.

335.9. ~~906.2.~~ Condition of Approval.

If, for whatever reason, an approval from another governmental entity expires prior to the time frame herein established, and was a prerequisite approval necessary to obtain a final plat approval, or a required approval subsequent thereto; the final plat approval shall automatically expire. Active permits from all appropriate governmental agencies shall be necessary, at all times, for both major and minor final plats.

335.10. ~~906.1.~~ Time Limit; Minor and Major Subdivisions Expiration of Final Plat.

~~If a final approved plat for a minor or major subdivision shall expire if it is not recorded due to circumstances caused by the applicant within thirty (30) days of final plat approval; or~~

~~the subdivision improvements for major subdivision are not completely installed within three (3) years from the preliminary plat approval for such subdivision or approved phase;~~

Commented [LDI115]: 115. By law, final plats do not expire.

905.8. Property Description.

~~Each plat shall show a description of the lands subdivided including dedicated and reserved properties and easements. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined by metes and bounds. The legal description of the title certification and all mortgagee jointers shall be exactly the same.~~

Commented [LDI116]: 116. Deleted all the detailed requirements for final plat recording. It is all in the Statutes and they change, making the LDC outdated. Added a subsection at the beginning of this section referring to the specific section of the Statutes where the requirements are listed.

905.9. Section Lines; Metes and Bounds; Land Grants.

~~All section lines and quarter section lines occurring within the subdivision shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning, shall be indicated. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well established corner.~~

Commented [LDI117]: 117. Per CAO, current language may be inconsistent with the Statutes.

905.10. Contiguous Properties; Re-subdivisions.

~~All contiguous properties shall be identified by subdivision title, plat book, and page or, if unplatted, land shall be so designated. If the subdivision platted is a re-subdivision or a part of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. The fact of its being a re-subdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.~~

Section 906. Recording of Final Plats.

906.3. Certifications. All subdivisions plats made for recording shall have:

906.3.1. Title Certification. Every plat of subdivision must be accompanied by a title opinion of an attorney at law licensed in Florida or a certification by an abstractor or title company showing that apparent record title to the land as described and shown on the plat is in the name of the person, persons, or corporation executing the dedication, if any, as it is shown on the plat. If the plat does not contain a dedication, the developer has apparent record title to the land. The title opinion or certification shall also show all mortgages not satisfied or released or recorded. Such opinion or certification shall conform exactly to forms established by the County.

906.3.2. Surveyor's Certification. Every subdivision of lands made within the provisions of this Code shall be made under the responsible direction and supervision of a land surveyor who shall certify the plat in accordance with Chapter 177, Florida Statutes. A land surveyor shall include his certification and seal on the plat in exact conformance with forms established by the county.

906.3.3. Certificate of Approval of the Board. Before a plat is recorded, it shall be approved by the Board and evidence of such approval shall be placed on such plat. Such certificate shall conform exactly with forms established by the county.

906.3.4. Certificate of Ownership and Dedication. Every plat of subdivision filed for record shall contain all applicable

~~certificates of ownership and dedication in accordance with Section 909, and shall be in a form established by the County.~~

~~906.3.5. Evidence of Acceptance. Evidence of acceptance by the Clerk of the Circuit Court on the plat prior to recording, in exact conformance with forms established by the County shall be required.~~

~~906.3.6. Easement Dedication. Every plat of a subdivision filed for record must contain a reservation of easements for the express purpose of accommodating surface and underground drainage and overhead and underground utilities, as provided on forms established by the County or provide for the dedication of specific easements on the plat to accommodate the same purpose, under certain pre-approved conditions as determined by the Planning and Public Works Departments.~~

~~906.3.7. Notice to be Included Prominently on the Plat, Pursuant to Chapter 177.091(28), Florida Statutes. A notice shall be included on every plat of a subdivision filed for record stipulating "NOTICE: This plat, as recorded in its graphic form, is the official depiction of subdivided lands described herein and will in no circumstance be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this County."~~

~~906.3.8. Payment of Property Taxes. Every subdivision plat must be accompanied by proof of payment of property taxes.~~

335.11. ~~906.3.9.~~ Surveyor Review.

Prior to approval by the appropriate governing body, the plat shall be reviewed for conformity to this section by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs which shall be borne by the legal entity offering the plat recordation, and evidence of such review ~~must~~ shall be placed on such plat. Said surveyor/mapper shall certify as to the plat's conformity on the face of the plat.

335.12. ~~906.4.~~ Distribution of Certified Recorded Plat.

Prior to the Board approval the applicant shall deposit a fee with the ~~Planning~~ Department to cover the cost of obtaining two certified copies of the recorded final plat from the Clerk of the Circuit Court. One copy each shall be retained by the ~~Planning~~ Department.

~~907.11. Open Space.~~

~~In all residential subdivisions, the developer shall provide for open space in accordance with the requirements of Figure 6-2, Area, Height and Bulk Regulations, Section 604 Overlay Districts, Section 722.1.6.1, Required Improvements, if applicable and Section 603, Planned Developments.~~

~~907.12. Recreational Facilities.~~

~~907.12.1. Swimming pools shall comply with the provisions of Section 703.2.23 and 710.~~

~~396.2.335.13. **907.15. Survey Data Required for Final Subdivision Plats.**~~

~~Plats made for recording shall meet the requirements of Section 177.091, F. S., Plats Made for Recording.~~

~~907.15.1. Subdivision Plats Made for Recording. Subdivision plats made for recording shall be an original drawing made with black permanent drawing ink on a good grade linen tracing cloth or Mylar, in accordance with Chapter 177, Florida Statutes. Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink. A Mylar or linen and the appropriate number of prints as required by the Planning Department shall be submitted. The size of each sheet shall be eighteen (18) inches by twenty-four (24) inches and shall be drawn with a marginal line, or may be printed, completely around each sheet and placed so as to leave at least a one-half (1/2) inch margin on each of three (3) sides and a three (3) inch margin on the left side of the plat for binding purposes. Property being subdivided on a single plat may not be separated by more than an existing, dedicated roadway, watercourse, or a single out parcel.~~

Commented [LDI118]: [907.1 to 907.8, moved to ch 7] [907.9.2 to 907.9.6 have been moved to Chapter 9, Transportation Management] [Easements (907.10) moved to ch 7]

Commented [LDI119]: I 18. In chapter 3 now (dimensional standards tables)

Commented [LDI120]: I 19. Does not exactly match the provisions of the FS. No need to spell out in the LDC.

907.15.2. Permanent Reference Monuments (P.R.M.'s). Permanent reference monuments shall be placed at each corner or change in direction on the boundary of the lands being platted; and may not be more than one thousand four hundred (1,400) feet apart. Where such corners are in an inaccessible place, P.R.M.'s shall be set on a nearby offset within the boundary of the plat and such offset shall be noted on the plat. Where corners are found to coincide with a previously set P.R.M., the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity on the previously set P.R.M. shall be shown on the plat, or if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat.

907.15.3. Permanent Control Points (P.C.P.'s). Permanent Control Points shall be set on the centerline of the right-of-way at the intersection and terminus of all streets, at each change of direction, and no more than one thousand (1,000) feet apart. The Permanent Control Points shall be shown on the plat by an appropriate symbol or designation and shall be installed and certified by an official affidavit within one (1) year of the recording of the Plat or prior to the release of the improvement bond.

907.15.4. P.R.M. and P.C.P. Standards. P.R.M.'s and P.C.P.'s shall be constructed and installed in accordance with Chapter 177 Florida Statutes and Chapter 61G17-6, of the Florida Administrative Code. Except that P.C.P.'s along the right-of-way shall be four-inch by four-inch (4" X 4") concrete monuments a minimum of twenty-four (24) inches in length, or, if impractical, alternative monumentation as approved by the County Surveyor.

907.15.5. Coordinates. Each plat shall show the section, township and range as applicable, or, if in a land grant, the plat will so state. On major subdivision plats, the point of beginning (P.O.B.) of the plat description and one additional significant point on the plat boundary shall be referenced to the Florida State Plane Coordinate System (1983/1990 adjustment). For all subdivision plats a report shall be provided or machine-readable data file portraying boundary information for the closed and open legal entities on a subdivision, e.g. lots, parcels, subdivision boundaries, and centerlines or rights-of-way. The report shall represent all areas as closed traverses and other features as closed or open traverses and shall contain coordinates for boundary corners, bearings and distances between corners, curve definition data, and appropriate closure information. Curve definition data shall include radius point, point of curvature, and point of tangency along with support information that may include radius, delta, arc length, bearing, and chord distance. Information on closed traverses (lots and parcels) shall include area, perimeter, and error of closure. Information on open traverses (rights-of-way centerlines) shall include length and error of closure. Bearings shall be rounded to at least the nearest second, while distance and coordinate data shall be rounded to no less than two decimal places. When data files are submitted, they shall be ASCII text files on DOS or CP/M formatted diskettes. Any changes to the boundaries during project development shall require a resubmission of updated boundary information. The submission may also include machine-readable copies of all drafted materials for the subdivision. These submissions shall be formatted based on AutoCAD drawing exchange file specifications. For coordinates referenced to State Plane, West Zone, the submission shall also include descriptions of well-established reference points from which state plane coordinates have been determined along with scale factors and closed traverse.

907.15.6. Irregular Lot Line. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable.

907.15.7. Measurements. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.

907.15.8. United States Bureau of Standards Definitions. All measurements shall refer to horizontal plane and in accordance with the definition of a foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the $39.37/12 = 3.28083333333$ equation for conversion from a U.S. foot to a metric foot.

907.15.9. Curvilinear Lots. Curvilinear lots shall show the radii, arc distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction of radial or non-radial lines shall be indicated.

907.15.10. Street Centerlines. The centerlines of all streets shall be shown as follows: non-curved lines: with distances together with either angles, bearings, or azimuths. Curved lines: arc distances, central angles, and, radii, together with chord and chord bearing or azimuths.

907.15.11. Excepted Parcels. All interior excepted parcels shall be clearly indicated and labeled "Not a part of this plat."

907.15.12. Dedications and Reservations. The purpose and location of all areas dedicated or reserved must be clearly indicated or stated on the plat.

907.15.13. Curve Details. When it is not possible to show curve detail information on the map, a tabular form may be used.

907.15.14. *Geometric Requirements.* Sufficient data including lengths, bearings, radii, chord bearing, and central angles to determine the exact location, direction, and length of every street and right-of-way line, lot line, boundary line, and easement, and to establish these lines on the ground. Block corner radii dimensions shall be shown.

907.15.15. *Lot Corners.* Monuments shall be set at all lot corners, points of intersection, and changes of direction of lines within the subdivision which do not require a P.R.M. or a P.C.P. Such monument need not be set if a monument already exists at such corner, point, or change of direction or when a monument cannot be set due to a physical obstruction. Where a physical obstruction is present, a monument shall be set on an offset nearby. Such lot corners shall be installed prior to the expiration of the performance bond or other defect security for required subdivision improvements, or within one (1) year of the recording of the plat, and shall be confirmed by an affidavit from the land surveyor setting the corners.

907.15.16. *Bench Mark Reference.* A minimum of two (2) permanent bench marks referenced to the NGVD of 1929 shall be established within each development and shown on the plan. The identity, location and elevation of each of the two (2) bench marks shall be shown on the plat. The description and elevation of the original benchmark shall be shown on the plat.

907.15.17. *Area and Dimensions.* Boundary lines, areas in square feet, and dimensions of all proposed lots, with all lots designated numerically and in sequence.

907.15.18. *Waterbodies.* The location of all water courses exiting the project shall be tied into the nearest perimeter monument.

907.15.19. The plat name, boundaries, north arrow, legend and scales shall be indicated on each plat.

907.15.20. The name of the plat shall be shown in bold legible letters of a uniform size and type including the words "Section", "Unit", "Replat", "Amended," etc., although the latter need not be in bold letters of the same size as the basic name. The name of the subdivision shall be shown on each sheet. A prominent "North Arrow" shall be drawn on every sheet including showing any portion of the lands subdivided. The bearing or azimuth reference is required to be shown and shall be clearly stated on the face of the plat in the notes or legend.

907.15.21. Names and addresses of the land surveyor shall be provided on the plat. In addition, any citation and general description of any existing covenants, private restrictions, easements and rights-of-way affecting the use and development of the property, including the Section, Township, Range, and if in a land grant, the plat will so state.

907.15.22. The plat shall be at a scale of one inch equals fifty (50) feet (1" = 50') or such other scale as the County Surveyor may accept to show details clearly and adequately. In all cases, the scale used shall be of sufficient size to show all detail and shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided. Sheet sizes shall not exceed twenty-four (24) inches by thirty-six (36) inches for preliminary subdivision plats. See Section 907.15.1 for sheet size of final subdivision plats. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire development with a key plan on each sheet properly orientated and a title box on each sheet properly labeled. Match lines shall be shown on the index with plan numbers between the match lines. The match lines shall correspond to those which shall be on each sheet. The match lines shall be arranged and extended one (1) inch beyond the match line so that if two (2) adjacent plans are to be joined they will match by stationing and direction. All sheets shall be consecutively numbered, and must show the particular number of that sheet and the total number of sheets included. All lettering shall be neat and legible, and a minimum of three thirty seconds (3/32) inch in height. All dimensions shall be in feet and decimals of a foot.

907.15.23. All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.

907.15.24. Location of waterways and water bodies existing within and adjacent to the subdivision.

907.15.25. All subdivision plats made for recording shall conform to Chapter 177, F.S., or the regulations, whichever is more restrictive.

Section 336. Section 909. Dedications and Reservations.

336.1. 909.1. Authorization.

In connection with the approval of a final plat, the developer shall be required to dedicate or reserve any lands and

Chapter 3. Review Authority and Procedures

required improvements according to the provisions of this Code, and may be required to dedicate or reserve other land and improvements as provided by the Comprehensive Plan, to provide for circulation, stormwater management, drainage, utilities, open space, lighting, schools, fire service, public safety and law enforcement protection, park land and other appropriate public needs related to the development.

336.2. 909.2. Manner of Dedication to Manatee County.

- A. 909.2.1. Generally.** No final plat shall be approved unless it is accompanied by a dedication to Manatee County of all land, easements, and improvements which are required to be dedicated to Manatee County under this Code. Such dedication shall be in a form acceptable to the County.
- B. 909.2.2. Execution.** The dedications shall be executed by all persons having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the land being subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.
- C. 909.2.3. Notation on Plat.** All final plats shall bear the notation in a form prescribed by the County.
- D. 909.2.4. Protection of Reversionary Interests.** Nothing herein shall be construed as affecting or abridging any rights or responsibilities related to reversionary interests as provided in state law.

336.3. 909.3. Reservations.

~~909.3.1. Effective Period, Notice to Agencies. Any reservation of land required under this Code excluding easements shall be void upon written request of the property owner, if it is not acquired for a public purpose within five (5) years of the approval date of the final plat, or within such other time as may be fixed upon approval of the preliminary plat, whichever time is greater. The Planning Director shall notify in writing all applicable County agencies of any reservation of land by another public agency.~~

- A. 909.3.2. Release by Board of County Commissioners.** The Board, after ten (10) years, may release any reserved land at any time by formal resolution, if it is found to be no longer necessary for any public purpose.
- B. 909.3.3. Designation on Plat.** The developer shall be required to clearly show the location and purpose of all reservations on the final subdivision plat; and, to also show in dotted lines, or by other means specifically, how any reserved land shall be used in event the reservation is released or otherwise void.

~~909.3.4. Development Agreement; Compensation. Where reservation of land is required it shall be an express element of a Development Agreement, which shall fix the compensation due the developer, if the reservation is for land acquisition by Manatee County.~~

- C. 909.3.5. Common Areas and Common Improvements.** Any common areas or commonly used improvements in a subdivision which are not dedicated to Manatee County, shall be subject to the requirements of **Section 336.4909.5**, of this Code, unless otherwise provided for as the County may require or approve.

- D. 909.3.6. Jurisdictional areas and conservation areas.** All jurisdictional areas and conservation areas shall be shown as such on the final plat.

~~909.4. School Dedications.~~

~~The purpose of this section is to assist the School Board in ensuring that adequate public school sites are provided to accommodate residential development. School site needs and dedication requirements implement the provisions of the Comprehensive Plan in the spirit and intent of Florida Statutes, Chapters 163, 230, 235, and 380, which require coordination and cooperation between school boards and local governments regarding residential approvals and location of school sites and the construction of schools.~~

~~909.4.1. Statement of School Needs. Applicants for proposed residential developments shall request a "Statement of School Needs" from the School Board or its designee prior to preliminary plat, preliminary development plan, or preliminary site plan approval, or prior to final site plan or final subdivision plat approval where preliminary plan or preliminary subdivision plats are not required under this Code.~~

~~909.4.2. Required Information Submittals. Applicants for proposed residential preliminary site plan approvals shall~~

Commented [LDI121]: I20.Delete as directed by the CAO. Inconsistent with current practice.

Commented [LDI122]: I21.Delete as directed by the CAO. Inconsistent with current practice.

Commented [LDI123]: I22.Delete as directed by the CAO. Inconsistent with current practice.

~~advise the County and the School Board of the number and types of dwelling units being proposed, the schedule of projected dates for build-out, and such other information as may be required. The applicant shall update information submitted if there are any changes in the development. Any residential major subdivision or multi-family development of eleven (11) dwelling units or more should be located in an area in which public schools are or will be available and adequate for the uses proposed. If such necessary facilities are not to be provided by the public prior to the approval of the final development plan, final site plan, or final subdivision plat, the applicant may provide such facilities through dedication or contribution or post-adequate security to assure their future availability in the development.~~

~~909.4.3. The School Board or its designee may review the information submitted by the applicant and provide the County with a statement of school needs within thirty (30) calendar days, if such a statement is deemed appropriate by the School Board or its designees. Such statement shall include an indication that either all school needs are being met and no deficiencies of school facilities exist in the area of the proposed development, or provide a summary of the specific deficiencies and needs of the School Board in order to meet the following standards:~~

~~High School: 1 per 18,500 households~~

~~Middle School: 1 per 12,600 households~~

~~Elementary School: 1 per 4,100 households~~

~~909.4.4. The County shall consider the availability of school facilities for development in reviewing all such requests where such information is required to be provided, as appropriate.~~

~~909.4.5. *Dedication and Contribution.* Where dedication or contribution is made, such dedication or contribution shall be made prior to, or in conjunction with the final site plan, final development plan, or final subdivision plat approval, whichever comes first.~~

~~909.4.6. *Procedure for Conveying Sites to the School Board.* To convey school sites to the School Board the following provision shall be met at no cost to the County or the School Board. All documents shall be in a form approved by the School Board. Land dedicated or reserved for the School Board must be of suitable size, dimension, soil type, flood zone, topography, and general character to meet the need for a school site created by the development, as set forth in the "General Location and Accessibility Criteria" section that follows.~~

~~909.4.6.1. The delivery to the School Board of a complete and current abstract of the title together with a title insurance commitment, including the commitment to insure as to matters of survey, including boundary survey and legal description, insure said property in a sum to be agreed upon by the School Board.~~

~~909.4.6.2. Delivery to the School Board of a warranty deed conveying the right, title and interest in the described property.~~

~~909.4.6.3. The delivery to the School Board, or the title insurance agent, of a deed with sufficient funds for recording same.~~

~~909.4.6.4. The escrow of taxes for the current year pursuant to Chapter 196, Section 196.295, Florida Statutes, as the same may be amended, or the payment of said taxes for the year.~~

~~909.4.6.5. The issuance of a title insurance policy subsequent to recording of the deed and escrow taxes.~~

~~909.4.6.6. In the event that dedication of a site, or sites, does not totally satisfy the education site assessment of the particular development, then the developer may be required to pay the difference between the dedication and the total assessment at their discretion.~~

~~909.4.6.7. In the event that dedication of a site, or sites, more than satisfies the assessment of the particular development, the School Board of Manatee County may elect to pay the developer the difference between the dedication and the total assessment as calculated pursuant to the fee schedule adopted by the School Board of Manatee County.~~

~~909.4.7. *General Locational and Accessibility Criteria.*~~

~~909.4.7.1. *Schools.* Land to be utilized as school sites in connection with proposed developments shall be of sufficient size and dimensions, shall be in a suitable location, shall have adequate accessibility and shall be transferred in an appropriate manner.~~

~~909.4.7.2. There must be a current or projected need for the type of school facility that is envisioned to be located on the property being considered for dedication/reservation.~~

~~909.4.7.3. The required acreage for sites is described in the following Section 909.4.8. Guidelines for school site dedications/reservations follow:~~

~~909.4.7.4. It is recommended that the distance between schools be a minimum of one (1) mile for elementary schools, two (2) miles for middle schools, and three (3) miles for high schools. When a planned development does not generate enough students to create full enrollment, the sites should be located in such a way that students in adjacent residential areas can have easy access to the facility.~~

~~909.4.7.5. School sites shall be located in areas that are free from health or safety hazards and protected from noise, air pollution, or odors.~~

~~909.4.7.6. The site should be accessible from at least two public streets, with the streets constructed to County standards. Preferably one (1) of the streets should be a collector. These access areas shall provide adequate areas for safe bicycling and walking to and from the site. Median cuts and turning lanes shall be provided as required to facilitate access of buses, teachers, parents, students, and services.~~

~~909.4.7.7. The roadway level of service of streets providing access to the proposed site must be acceptable to handle the increased levels of service of traffic generated by the site and adequately handle the increased school traffic without creating risk to students traveling to the site or prohibit or delay building on the site.~~

~~909.4.7.8. Location of school sites immediately adjacent to major arterial streets is to be discouraged. If such a location is unavoidable, construction of overpasses or signalized pedestrian walkways should be part of the project, at the developer's expense.~~

~~909.4.7.9. The site should be appropriately located with references to existing and proposed traffic control and safety devices.~~

~~909.4.7.10. Review of the proposed site should ensure that sidewalks or walkways can be constructed to serve this site in a location that does not pose a potential threat to students. Residential development contiguous to the sites shall be connected to the site by sidewalks or walkways in order to facilitate pedestrian movement.~~

~~909.4.7.11. Sites should have a minimal amount of jurisdictional, environmentally sensitive, or conservation/preservation areas as designated by the Federal, State and Local governments.~~

~~909.4.7.12. Sites shall not be located within FEMA FIRM Flood Zone A, velocity, floodway, and preferably not in Flood Zone B.~~

~~909.4.7.13. Appropriate assurance that public water supply and sanitary sewer disposal will be available to serve all school buildings shall be evaluated. Such assurance shall also be given for electric and telephone service. It must be determined that positive drainage can be achieved on the site without extensive and costly drainage improvements.~~

~~909.4.7.14. Soils on the property should be suitable for building.~~

~~909.4.7.15. The location of the proposed site must be such that adequate police and fire services are available. Location in a public use area is to be encouraged.~~

~~909.4.8. *Stand Alone Schools.* The minimum size for stand-alone schools should be as follows: twelve (12) acres for an elementary school, twenty-five (25) acres for a middle school, and forty (40) acres for a high school.~~

~~909.4.9. *Public Use Areas.* Dedication or reservation of land for the use of schools, parks, and public safety in a public use area should follow the following criteria for acreage:~~

~~909.4.9.1. The minimum size for a public use area that will include an elementary school should be at least fifteen (15) acres. The school campus should be at least ten (10) acres, while the play field/local park area should be at least five (5) acres to include, but not being limited to, a playground, one (1) or two (2) multipurpose ballfields (i.e. softball/baseball/football), a basketball court, and a tennis court. If included, at least two (2) acres of the property should be reserved for a public safety facility.~~

~~909.4.9.2. The minimum size for a public use area that will include a middle school should be at least thirty (30) acres. The school campus should be at least twenty (20) acres, while the play field/local park area should be at least ten (10)~~

~~acres and include, but not being limited to, two (2) or three (3) multipurpose ballfields (i.e. softball/baseball/football), several basketball courts, several tennis courts, a two hundred and twenty (220) yard track, and six (6) tennis courts. If included, at least two (2) acres of the property should be reserved for a public safety facility.~~

~~909.4.9.3. The minimum size for a public use area that will include a high school should be at least one hundred and thirty five (135) acres. The school campus should be at least thirty five (35) acres. Recreational field/local park area of at least one hundred (100) acres to include ballfields, tennis courts, basketball court, six (6) handball courts, outdoor pool, soccer field, baseball and softball fields. If included, at least four (4) acres should be reserved for public safety facilities.~~

336.4. 909.5. Common Areas Open Space and Common Improvement Regulations and Dedications.

A. 909.5.1. Purpose and Intent. This subsection is established to assure that adequate ownership and management measures will be provided in residential and other developments to protect and perpetually maintain all common open space and common improvements required pursuant to this Code or other applicable County law or regulations, in order to ensure their continued availability and utility for the residents or occupants of the development, ~~and~~ ~~Also~~, to prevent such facilities or the need for such facilities from becoming an unnecessary burden or nuisance to the County or surrounding property; provided that nothing in this subsection shall be construed as creating any obligation upon the County to maintain such facilities or otherwise ensure their availability and condition.

B. 909.5.2. Applicability.

1. ~~909.5.2.1~~ Generally. Except as provided below, this Section ~~909.5~~ shall apply to all common open space and all common improvements, which are required to be provided, pursuant to this Code, the Comprehensive Plan, or other applicable County laws and regulations.

2. ~~909.5.2.2~~ Exceptions. This subsection shall not apply to:

- a. ~~909.5.2.2.1~~ Dedicated Lands and Improvements.** Any lands or improvements to be dedicated or conveyed to the County, or to an appropriate public agency, board or body, for designated or general public use.
- b. ~~909.5.2.2.2~~ Private Lands and Improvements.** Any lands or improvements to be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on the lot or parcel where such lands and improvements are situated or on other lots or parcels owned by the landlord, as for typical multi-family or shopping center development.
- c. ~~909.5.2.2.3~~ Condominiums and Cooperatives.** Any lands or improvements to be owned and maintained under a condominium or cooperative, which shall be established and regulated in accordance with Florida law.
- d. ~~909.5.2.2.4~~ Other Open Space and Improvements.** Any open space and improvements provided in excess of County requirements, unless such facilities are otherwise included, at the election of the developer, within any common ownership and management system established pursuant to this subsection.

C. 909.5.3. Common Ownership General Requirements. Prior to final approval of an application for development approval, the developer shall provide documents and other assurances satisfactory to the ~~Planning~~ Department ~~Director~~, to establish a means of common ownership and management of all common open space and common improvements subject to this subsection. Such means of common ownership and management shall conform to the following minimum requirements: Such documents, once approved, shall become part of the recorded subdivision plat or approved special use.

1. ~~909.5.3.1~~ Establishment of Non-profit Organization. The applicant or developer shall provide for and establish a non-profit organization or other legal entity under the laws of Florida for the ownership, care, and maintenance of all such lands and improvements.

2. ~~909.5.3.2~~ Membership; Responsibilities. Such organization ~~shall be created by covenants and restrictions running with the land and~~ shall be composed of all persons having ownership within the development. Such organization shall be responsible for the perpetuation, maintenance, and function of all common lands, uses

Commented [LDI124]: 123. This section gets into too much detail that is out of the County's purview (HOAs). Revisit in the future. No changes proposed at this time.

Chapter 3. Review Authority and Procedures

and facilities, subject to these regulations.

3. ~~909.5.3.3.~~ *Covenants and Restrictions—Generally.* All such common lands and improvements shall be described and identified as to location, size, use and control in a restrictive covenant, and such covenant shall set forth the method of assessment for the maintenance of such land. These restrictive covenants shall be written so as to run with the land and be in full force and effect for a period of not less than twenty-five (25) years, and shall be automatically extended for successive periods of ten (10) years unless terminated in a manner set forth in this subsection. These covenants shall become part of the deed to each lot or parcel within the development.

4. ~~909.5.3.4.~~ *Covenants and Restrictions—Responsibilities; Disposition of Common Open Space.* Such restrictive covenant and organization shall continue in effect so as to control the availability of the facilities and land thereby provided, to maintain the land and facilities for their intended function, and to protect the development from additional and unplanned densities of use. Such organization shall not be dissolved, nor shall such organization dispose of any common open space, by sale or otherwise except to an organization conceived and organized to own and maintain the common open space, without first offering to dedicate the same to the County or other appropriate governmental agency.

5. ~~909.5.3.5.~~ *Conservation Easements within Common Open Space.* No lands in common open spaces shall be denuded, defaced or otherwise disturbed in any manner at any time, except for maintenance or repair, without the prior written approval of the ~~Planning Director~~ Department Director.

~~909.5.3.5.1.~~ Activities within Common Open Space Conservation Easements, other than those ~~listed in Section 719.11.1.2 specifically allowed by~~ of this Code, shall be prohibited. Restrictive covenants relating specifically to the Conservation Easement shall be ~~reviewed and approved by the Environmental Management Department (EMD), and~~ included in the documentation prepared to satisfy requirements set forth in ~~Section 909.5.3336.4.C~~ of this Code.

Commented [LD1125]: I24.Section does not exist.

6. ~~909.5.3.6.~~ *Maintenance by County.* If the ~~Planning Director~~ Department Director determines that the public interest requires assurance as to adequate maintenance of common open space areas and improvements, the ~~Planning Director~~ Department Director may require that the covenants creating such organization shall provide that in the event the organization established to own and maintain such common open/improvements, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space/improvements in reasonable order and condition in accordance with the approved plans, then the following provisions shall apply:

Commented [LEA126]: I25.CAO requested PW staff to review to see if it could be trimmed. Per email dated 1/6/15, no changes proposed at this time.

a. ~~909.5.3.6.1.~~ *Initial Notice.* The County may serve notice in writing upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common space/improvements in reasonable condition, and said notice shall contain a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of public hearing thereon which shall be held within twenty (20) days of the notice.

If the ~~Planning Director~~ Department Director, after consultations with the Public Works Department, Manatee County Sheriff, Parks and Recreation Department, Health Department, or the Building Division of the Building and Development Services Department, determines an emergency exists which is detrimental to the health, safety and welfare of the public, [he] may direct in writing the non-profit organization to immediately correct the deficiency. If the non-profit organization fails to correct the deficiency within seven (7) days, the ~~Planning Director~~ Department Director may cause the emergency deficiency to be corrected and all charges related thereto shall be borne by the non-profit organization in accordance with ~~sub~~Section ~~b, below~~ 909.5.3.6.2., Modification of Initial Notice. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured.

b. ~~909.5.3.6.2.~~ *Modification of Initial Notice.* At such hearing the Board may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured.

c. ~~909.5.3.6.3.~~ *Failure to Comply.* If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within said thirty (30) days or any authorized written extension thereof, the County, in order to preserve the taxable values of the properties within the development and to prevent

Chapter 3. Review Authority and Procedures

the common open space/improvements from becoming a public nuisance, may, at its option, enter upon said common space/improvements and maintain the same for one (1) year.

- d. ~~909.5.3.6.4.~~ *Public Use Excluded.* Said entry and maintenance shall not vest in the public any rights to use the common open space/improvements, except when the same is voluntarily dedicated to the County by the owners and accepted by the County.
 - e. ~~909.5.3.6.5.~~ *Subsequent Periods.* Before the expiration of said one (1) year period, the County, shall, upon its initiative or upon the request of the organization responsible for the maintenance of the common open space/improvements, call a public hearing, upon notice in writing, to such organization or to the residents of such development, to be held by the Board; at which hearing the organization shall show cause why such maintenance by the County shall not, at the election of the Board, continue for a succeeding one (1) year period.
 - f. ~~909.5.3.6.6.~~ *Termination of County Maintenance.* If the Board shall determine that such organization is ready and able to maintain the common open space/improvements in reasonable condition; the County shall cease to maintain the common open space/improvements at the end of said one (1) year period.
 - g. ~~909.5.3.6.7.~~ *Continuation of County Maintenance.* If the Board shall determine that such organization is not ready and able to maintain the common open space/improvements in a reasonable condition, the County may, in its discretion, continue to maintain the common open space/improvements during the next succeeding year, and subject to a similar hearing and determination in each year thereafter.
 - h. ~~909.5.3.6.8.~~ *Assessment of Costs.* The covenants creating such organization shall further provide that the cost of such maintenance by the County shall be assessed pro-ratedly, against the properties within the development that have a right of enjoyment of the common open space/improvements, and shall become a charge on said properties, and such charge shall be paid by the owners of said properties within sixty (60) days after receipt of a statement therefor, and shall become a lien on the property if unpaid at the end of such period.
7. ~~909.5.4.~~ *Submission Requirements.* Before an applicant or developer can establish a non-profit organization as required in ~~Section 909.5.3.4~~ ~~336.4.C.1~~ above, the following documents shall be submitted to the ~~Planning Director~~ ~~Department Director~~:
- a. ~~909.5.4.1.~~ *Articles of Incorporation.* The articles of incorporation or other organizational documentation for the non-profit organization.
 - b. ~~909.5.4.2.~~ *By-laws.* The by-laws of the non-profit organization.
 - c. ~~909.5.4.3.~~ *Covenants and Restriction.* The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.
 - d. ~~909.5.4.4.~~ *Fiscal Program.* A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the non-profit organization.
 - e. ~~909.5.4.5.~~ *Right of Entry by County.* A documentation granting the right of entry upon such common property to the County law enforcement officers, health and pollution control personnel, emergency medical service personnel, and ~~fire fighting~~ ~~firefighting~~ personnel while in the pursuit of their duties and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access.
 - f. ~~909.5.4.6.~~ *Listing of Holdings.* A complete listing of all land, buildings, equipment, facilities, and other holdings of the non-profit organization, as proposed, and a complete description of each.
 - g. ~~909.5.4.7.~~ *Maintenance Program.* A recommended program for the maintenance of all major facilities, including streets, street signs, stormwater facilities, pools, sidewalks, parking areas and buildings.
 - h. ~~909.5.4.8.~~ *Notice to Buyers.* A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program.
 - i. ~~909.5.4.9.~~ *Lands to be Dedicated.* A copy of the deed of conveyance and title certificate, or dedication,

Chapter 3. Review Authority and Procedures

where applicable, for all lands proposed to be conveyed or dedicated to the County or other appropriate governmental agency.

8. ~~909.5.5. Required Approval; Filing.~~ The documents set forth in ~~Section 336.4.C.7~~ ~~909.5.4,~~ above shall be ~~reviewed and approved by~~ submitted to the Director ~~for filing before any final plat is recorded or building permit is approved,~~ and such approval shall be obtained before any Final Plat is recorded or Building Permit is approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved ~~conditional special~~ use.

D. ~~909.5.6. Election of Officers.~~ In no event shall a ~~C~~certificate of ~~C~~completion be issued for a development until it has been substantiated that the non-profit organization ~~responsible for the ownership, care, and maintenance of common open space and common improvements~~ has been constituted and ~~has~~ elected officers.

Section 337. Section 910. Installation of Required Improvements

~~396.3.337.1.~~ 910.1. Certification, Approval of Plans.

The engineer of record shall certify the design of all required improvements such as streets, drainage structures, bridges, bulkheads, and water and wastewater facilities. All construction drawings for improvements shall be prepared by such engineer in a form acceptable to the County Engineer and, prior to construction, must be approved by the County Engineer.

337.2. 722.1.3.7. Deferred Improvements.

Where the ~~Department~~ Director deems ~~such that~~ improvements ~~are~~ currently infeasible for the County, or to minimize traffic or safety problems, the developer shall provide funds or proper security for his current share of the cost to pay for such improvements at a later ~~date.~~

337.3. 910.2. Construction.

Upon approval of all construction drawings, and the approval of any required performance security and written notification to the County Engineer, the developer may commence installation of the required improvements in accordance with such approved drawings, or approved written modifications thereto, and the performance standards set forth in ~~Section 722~~ Chapter 8. Such installation shall be subject at all times to inspection by Federal, State and County agencies, and the developer shall employ an engineer, which need not be full time, for complete observation and approval during such construction activities as necessary to assure compliance with the approved plans. All field and construction changes shall require approval of the County Engineer and shall be filed in such written form and detail as specified by the County Engineer; and incorporated into the record drawing as applicable.

- A. ~~910.2.1. Posting of Permit.~~ Work requiring a development order, approved plans or permit shall not commence until the permit holder posts the development order, one set of approved plans and permit card in a conspicuous place on the property. The permit placard for all inspection services will be issued by the County Engineer. The development order and permit card shall be protected from the weather and located in such position as to permit the County Engineer to conveniently make the required entries thereon. The development order and permit card shall be maintained in such position by the permit holder until the Certificate of Completion or final approval is issued in writing by the County Engineer.
- B. ~~910.2.2. Survey Layout.~~ The developer shall establish lines and levels, to locate and layout, by instrumentation and similar appropriate means, all construction work required to be done under the development order. The physical laying out of the construction work shall be a prerequisite for any field inspection by the County Engineer.
- C. ~~910.2.3. Access for Inspections.~~ Inspections by County agencies and all other agencies having jurisdiction shall be permitted at all times during the installation of all improvements. The applicant shall provide safe and convenient access to all parts of the work for inspections.
- D. ~~910.2.4. Inspections During Construction.~~ At each of the stages hereinafter indicated, inspections shall be requested by the applicant at least two (2) working days in advance by notice to the County Engineer.
 - 1. ~~910.2.4.1. Clearing, grubbing, filling, grading, and erosion control.~~ (Spot inspection required at beginning and

Commented [LEA127]: 126.Moved from Transportation Mang. Chapter 10.

Chapter 3. Review Authority and Procedures

at completion. See also inspection required by [Section 717.3.47801.](#))

2. ~~910.2.4.2.~~–The installation of underground utilities and services including the storm drainage system. (Spot inspections required before the backfilling of trenches or other covering of structures.)
 3. ~~910.2.4.3.~~–The storm water management system. (Spot inspection required at completion.)
 4. ~~910.2.4.4.~~–All rights-of-way (inspections required at completion of the subgrade, subbase, base course, and curbing prior to the placement of the surface course).
 5. ~~910.2.4.5.~~–All rights-of-way and easements (spot inspections required during completion of surface course, sidewalks, finish grading, stripping, traffic control and street signs, sodding, seeding and final cleanup).
 6. ~~910.2.4.6.~~–Final inspection of all components required by [Section 910.337.3.](#)
- E. ~~910.2.5. Material Testing.~~** The County Engineer may require tests and test reports for any and all materials incorporated into the work, as proof of compliance with County engineering specifications. Required tests are to be made at the expense of the owner, by an approved testing laboratory or other approved agency.
- F. ~~910.2.6. Correction or Removal of Defective Work.~~** If required by the County Engineer, the developer shall promptly, as directed, either correct all defective work, whether or not fabricated, installed or completed, or if the work has been rejected by the County Engineer, remove it from the site and replace it with non-defective work. The developer shall bear all costs associated with the removal and replacement.
- G. ~~910.2.7. Construction Subject to Continued Compliance.~~** Unless the approval of the work completed, including approval of type of materials specified on the approved plans, to each stage has been given by the County Engineer, no further work shall be done on that particular aspect of construction until such work is subsequently completed to the satisfaction of the County Engineer.
- H. ~~910.2.8. Notice to Stop Work.~~** Upon notice by the Public Works Department that work at any stage is being done contrary to the provisions of this Code, the Public Works Development Standards, or in a dangerous or unsafe manner, the work shall immediately cease. Such notice shall be given in writing and shall be given to developer, owner or agent or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Public Works Department shall not be required to give a written notice prior to stopping the work.
- I. ~~910.2.9. Damage to Public Property.~~** It shall be the responsibility of the developer to restore and/or replace all public property damaged or destroyed which was caused by work of the developer. A pre-inspection of the contiguous and adjacent public property will be conducted by the County Engineer prior to the developer commencing any work of the development order. An inspection will be conducted by the County Engineer, as a prerequisite to the final approval, which inspection shall review and observe the same contiguous and adjacent public property for possible damage thereto.

337.4. ~~910.3.~~ Final Inspection of Improvements.

After all required improvements have been installed, the engineer of record shall submit certified record drawings, in a form acceptable to the County Engineer, to the County that the improvements have been constructed substantially according to approved plans and specifications. The County Engineer shall periodically inspect all construction subject to this Section. Noncompliance with approved plans or specifications or evidence of faulty materials or workmanship shall be immediately called to the attention of the developer or the engineer and, if not corrected in an expeditious manner, all work on the project will be suspended.

337.5. ~~910.4.~~ Performance Security.

When platting is proposed prior to completion of construction, the developer shall:

J.A. ~~910.4.1.~~ Agreement. Record an agreement acceptable to the Board of County Commissioners which commits the developer and/or financial institution to comply with this Section [337.910.](#) and

K.B. ~~910.4.2.~~ Security. Submit a performance security that satisfies the requirements of Section [337.10910.10.](#)

Such performance security shall be in the penal sum of one hundred and thirty percent (130%) of the estimated cost of the required improvements. The performance security shall cover the cost of all improvements and may be

adjusted by the County Engineer to reflect the completion or partial completion of such improvements.

In the event that the County Engineer determines that the developer has failed to complete required improvements, or has failed to provide the County with a substitute performance security in advance of expiration of a performance security, the County Engineer shall exercise the County's rights under the developer's agreement and performance security to assure the completion of such required improvements.

337.6. ~~940.5.~~ Defect Security.

Before issuance of a certificate of completion, the developer shall submit to the County Engineer a defect security that satisfies the requirements of Section ~~337.10~~940.10. Such defect security shall be in the penal sum of ten (10) percent of the actual construction cost of all the required public improvements and any private water or wastewater utility improvements. The defect security shall have an expiration date of three (3) years from the date of issuance of the certificate of completion. The financial institution shall be responsible for notifying the County Engineer in writing of the expiration date no less than thirty (30) days before the expiration date. (The defect security shall be renewed for an additional ninety (90) days upon the written request of the County Engineer.) Defect Securities are required for public improvements that are county maintained

L.A. ~~940.5.1.~~ Guarantee of Workmanship. The purpose of the defect security is to guarantee the materials, workmanship, structural integrity, functioning, and maintenance of the required improvements during the three-year period following issuance of the certificate of completion.

M.B. ~~940.5.2.~~ Determination of Defect. If the County Engineer determines after issuance of the certificate of completion that the materials, workmanship, structural integrity, functioning, or maintenance of any of the required improvements is unacceptable, or if he determines that the developer has failed to provide the County with a substitute defect security in advance of expiration of a defect security, he shall so notify the developer by registered mail of the unacceptable condition, and, subject to subsection 940.5.3C below, he shall afford the developer a reasonable period of time in which to correct the unacceptable condition. If the County Engineer thereafter determines that the unacceptable condition has not been corrected, the County may present to the financial institution a demand for payment on the defect security.

N.C. ~~940.5.3.~~ Expiration. The reasonable period of time referenced in subsection 940.5.2B above may be shortened or waived at the discretion of the County Engineer (a) if the defect security will expire before the end of a reasonable period of time, unless the defect security is renewed for an additional ninety (90) days before the expiration date, or (b) if the unacceptable condition poses a risk or danger to the health, safety, and welfare of the people of the County.

~~396.4.337.7.~~ 940.6. Certificate of Completion: Approval for Maintenance; Acceptance.

A. ~~940.6.1.~~ Maintenance Prior to Acceptance. The developer shall be responsible for the maintenance and operation associated with the public improvements facilities until approval for maintenance is issued.

B. ~~940.6.2.~~ Certificate of Completion. After successful completion of all improvements, and after receipt of the required documents, the County Engineer will provide a certificate of completion verifying the satisfactory construction of all required improvements. The required documents shall include the following:

1. ~~940.6.2.1.~~ Completion of satisfactory final inspections.
2. ~~940.6.2.2.~~ Submission and approval of a certification by the engineer and registered land surveyor of record, on forms prescribed by the County.
3. ~~940.6.2.3.~~ Posting and approval of the required defect security, in accordance with Section ~~337.5~~940.5.

C. ~~940.6.3.~~ Acceptance of Public Required Improvements. Upon the issuance of any Certificate of Completion by the County Engineer for any public required improvements, the County shall thereby accept responsibility for the maintenance of such improvements, provided such improvements are on land which the County owns, or for which it has accepted an offer of dedication. Maintenance of improvements to be owned by a community development district or other government or private entity shall remain the responsibility of such district or entity.

~~396.5.337.8.~~ 940.7. Monuments.

- A. **~~940.7.1. Permanent reference monuments.~~** Permanent reference monuments shall be placed as required by **Ch. 177, F.S.**, as amended. Monuments shall be set in the ground so that the top is flush or no more than one (1) foot below the finished grade.
- B. **~~940.7.2. Permanent control points.~~** Permanent control points shall be placed as required by **Ch. 177, F.S.**, as amended. Points shall not be more than one (1) foot below finished grade.

~~337.9.~~ 940.8. Certified record drawings.

Certified record drawings shall contain the following:

- A. ~~i.~~ Original approved design;
- B. ~~ii.~~ All field modifications;
- C. ~~iii.~~ Field verified elevations and locations as required under the engineer's certification of completion. Field elevations and locations shall be shown on the record drawings and denoted as such; and
- D. ~~iv.~~ Engineer's certification in accordance with Section ~~337.9~~**940.9**.

~~337.10.~~ 940.9. Engineer's certification of completion.

The engineer of record shall provide the following certification on certified record drawings:

In the professional opinion of _____ P.E., as a registered engineer in the State of Florida, I certify that the improvements for grading, paving, drainage facilities, water distribution system and wastewater collection system for the project (description of platted lands) have been completed substantially in compliance with the engineering plans approved by Manatee County and in compliance with the Manatee County Code and the [Public Works Standards Manual of Standards and Specifications for Wastewater and Water Main Construction](#). This determination is based on construction site observations and review of test reports by me or a representative under my direction. Enclosed are record drawings which I have reviewed prior to this certification.

~~337.11.~~ 940.10. Requirements for Performance and Defect Securities.

Each performance security posted in accordance with Section ~~337.49~~**940.4**, and each defect security posted in accordance with Section ~~337.59~~**940.5**, shall be an irrevocable letter of credit or surety bond, in a form acceptable to, and issued by a financial institution acceptable to, the County Administrator.

~~C.A.~~ 940.10.1. Replacement Security. If, at any time after posting of a performance or defect security, a material change occurs in the condition of the financial institution, or if the financial institution fails to honor the posted security, and the developer fails to provide a replacement security in satisfaction of this Section ~~337.9~~**940**, (a) the developer may be deemed in violation of this Code, and may be subject to a stop work order or any other remedy available hereunder, and (b) the County Engineer may draw upon the security.

~~D.B.~~ 940.10.2. Cash Security. The County Engineer may, in his or her discretion, ~~A~~ accept cash in lieu of a performance security or defect security, to be held by the County in its depository accounts, if and only if (a) the amount to be secured by such cash deposit does not exceed twenty five thousand dollars (\$25,000), and (b) the total amount of improvements secured through cash deposits by the developer and its affiliates for all projects in the County does not exceed fifty thousand dollars (\$50,000).

~~337.12.~~ 940.11. Designation of County Engineer.

The County Administrator shall designate an employee in the Public Works Department to serve as the County Engineer and carry out the functions set forth in this Section. The County Engineer may designate subordinate employees to carry out such functions under his authority and supervision.

Part VI. Comprehensive Plan, Land Development Code and Zoning Atlas Amendments.

Section 340. Comprehensive Plan Amendments

Commented [LDI128]: I27.NEW

340.1. Purpose.

The Comprehensive Plan (Goals, Objectives and Policies, and Map Series) may be amended from time to time in accordance with the procedures and standards set forth in the Florida Statutes and this section. The purpose of this section is to outline the general review requirements for plan amendments.

340.2. Review procedures.

Comprehensive plan amendments may be initiated by a property owner or the County. The following procedures shall apply to all applications for comprehensive plan amendment.

A. Pre-Application Meeting. A pre-application meeting is required. See Section 312.2 for specific requirements.

B. Application submittal. Applications shall be filed as prescribed in Section 312.3.

C. Department Director and DRC Review. The Development Review Committee shall review the application as prescribed in Section 312.5. The Department Director shall prepare a written report that includes analysis of the application and a recommendation based on the findings required in this Section.

~~Neighborhood workshop. The applicant shall hold a neighborhood workshop per Section 311.4.~~

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D. Planning Commission Review. The Planning Commission shall review the proposed application at a public hearing. After consideration of the petition, the Commission shall transmit the petition and its recommendation thereon either to the Board of County Commissioners.

Commented [LEA130]: I29.Deleted per workshop comments

E. Board of County Commissioners Review.

The Board shall consider the application at one (1) public hearing for small-scale comprehensive plan amendments as required by Section 163.3187, Florida Statutes, or two (2) hearings (transmittal/first reading and adoption) for expedited comprehensive plan amendments per Section 163.3184(3), Florida Statutes.

340.3. Review Criteria for Future Land Use Map and Comprehensive Plan Text Amendments

In reviewing proposed changes to the future land use map that are privately initiated, the reviewing authorities shall consider and evaluate the changes in relation to all pertinent factors, including the following:

- A. The goals, objectives and policies of the comprehensive plan.
- B. An analysis, conducted by the Department Director, of the need for the additional land based on the projected population of the County and the availability of property designated for the land use being requested by the petitioner.
- C. The location of the site in relation to adjacent uses and other similar uses.
- D. The potential impact of the proposed use on adopted level of service standards.

Section 341. ~~Section 503.~~ LDC Text Amendments.

341.1. ~~503.1.~~ Purpose.

The text of this Land Development Code may be amended from time to time in accordance with the procedures and standards set forth in this Ssection. The purpose of this Ssection is not to relieve particular hardships, and not to confer special privileges or rights on any person, but only to make adjustments to the text of this Code that are

Chapter 3. Review Authority and Procedures

necessary in light of changed conditions or changes in public policy or that are necessary to implement the Comprehensive Plan, to resolve issues of interpretation, or to advance the general welfare of the County.

341.2. Review Procedures

Land Development Code amendments may be initiated by a property owner or the County. The following procedures shall apply to all applications for amendment.

A. Pre-Application Meeting. A pre-application meeting is required. See Section 312.2 for specific requirements.

B. ~~503.2. Initiation; Required Information Application Submittal.~~ An amendment to the text of this Code may be initiated by any public body or any applicant. The LDC Amendment application must be submitted as provided in Section 312.3. ~~Pursuant to Section 105, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with any request for an amendment initiated by an applicant or a public body other than the County, or by any officer or department of the County other than the Board or County Attorney.~~

C. Development Review Committee Review. The DRC shall review the application as prescribed in Section 312.5.

~~E.D. 503.3. Staff Department Director Review.~~ ~~For any amendment to this Code not initiated by the County, within a reasonable time after receipt of the review comments, the Planning Department Director shall deliver to the Planning Commission a copy of the application and a written report summarizing the amendment, including all relevant documents and incorporating or summarizing the comments and recommendations of the Planning Department County and the input of reviewing departments and agencies, and schedule a date for a public hearing review the request as provided in Section 312.5.~~

~~F.E. 503.4. Public Hearings Planning Commission Review.~~ Public hearings shall be conducted in accordance with the general procedures and requirements of Section 312.8502 of this Code, Section 125.66, Florida Statutes, and other applicable law. Public hearings to enact emergency ordinances to amend the text of this Code need not comply with the notice requirements of Section 502, hereof, so long as they comply with the requirements of Section 125.66(3), Florida Statutes.

~~The Planning Commission shall hold an advertised public hearing to consider the proposed amendment, provided additional hearings may be held at the option of the Planning Commission.~~

~~The Board shall hold an advertised public hearing to consider the proposed amendment, provided additional hearings shall be held when required by applicable law and when at the option of the Board.~~

~~503.5. Recommendation of the Planning Commission. The Planning Commission shall consider the proposed amendment and provide a recommendation to the Board addressing consistency with the Comprehensive Plan. The Planning Commission may also provide comments, including recommended changes to the proposed amendment and additional issues to be considered. The Planning Department shall forward the recommendation and comments of the Planning Commission, together with the report of the Planning Department and any written and oral comments received before or at the public hearing, to the Board for consideration in the public hearing or hearings in which the proposed amendment will be considered.~~

F. 503.6. Action by the Board of County Commissioners Review. At the hearing, the Board may:

1. ~~a-~~ Determine that the proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare, and adopt the proposed amendment as proposed, or with such modifications as are necessary to assure consistency with the Comprehensive Plan and to promote public health, safety and welfare;
2. ~~b-~~ Refer the matter back to the Planning Commission for further consideration; or
3. ~~c-~~ Determine that the proposed amendment is not consistent with the Comprehensive Plan or does not promote the public health, safety or welfare, and reject/deny the proposed amendment.

Section 342. Section 504.—Amendments to Official Zoning Atlas.**342.1. 504.1.Purpose.**

The Official Zoning Atlas may be amended from time to time in accordance with the procedures and standards set forth in this ~~S~~section. The purpose of this ~~S~~section is not to relieve particular hardships, ~~and-or~~not to confer special privileges or rights on any person, but ~~only~~to ~~make~~allow adjustments to the Official Zoning Atlas that are necessary to:

- A. ~~in light of~~Accommodate changed conditions or changes in public policy; ~~or that are necessary~~
- B. ~~to~~implement the Comprehensive Plan;
- C. Create a new zoning district; or
- D. ~~or to a~~Advance the general welfare of the County.

504.2.Initiation.

An amendment to the Official Zoning Atlas may be initiated:

- ~~a. By motion of the Board expressing its intent to consider amending the Official Zoning Atlas;~~
- ~~b. By application of any person owning of the property that is subject to the proposed amendment to the Official Zoning Atlas; or~~
- ~~c. By application of the owners of fifty (50) percent or more of the land area that is subject to the proposed amendment to the Official Zoning Atlas.~~

342.2. Review Procedures.

The following procedures shall apply to all applications for amendment to the Official Zoning Atlas:

504.2.Initiation.

A. Applicant: An amendment to the Official Zoning Atlas may be initiated by:

- 1. ~~a. By~~A motion of the Board expressing its intent to consider amending the Official Zoning Atlas;
- 2. ~~b. By~~A application of any person owning of the property that is subject to the proposed amendment ~~to the Official Zoning Atlas; or~~
- 3. ~~c. By application of~~The owners of fifty (50) percent or more of a parcel of the land area that is subject to the proposed amendment ~~to the Official Zoning Atlas.~~

B. Pre-Application Meeting. A pre-application meeting is required, as provided in Section 312.2.

504.3.County-Initiated Amendments.

~~Planning Director Preparation.~~ The Planning Director shall prepare and file the applications initiated by the Board unless another County department is so directed.

— 504.4.Staff Review.

C. Application Submittal. All applications for amendments to the Official Zoning Atlas shall be ~~reviewed and processed for completeness and sufficiency~~prepared and submitted pursuant to Sections 312.3, 502.4 and 502.5. ~~The Planning Department~~ Director shall prepare and file the applications initiated by the Board unless another County department is so directed.

504.4.2.Zoning Disclosure Forms.

In addition to the information required ~~by administrative procedure~~in Section 312.3, the following shall be submitted with each application:

- 1. ~~each application for an Official Zoning Atlas amendment shall be accompanied by c~~Completed disclosure forms listing the individuals who have a material interest in the approval of the application. ~~Such forms shall~~

Commented [LEA131]: 130.Chan
ged per workshop comment

Chapter 3. Review Authority and Procedures

~~be established by the County Administrator by administrative procedure pursuant to Section 105.~~ The completed disclosure forms shall be included in the materials distributed to the Planning Commission and the Board for all Official Zoning Atlas amendment requests. Completed disclosure forms shall not be required for County initiated Official Zoning Atlas amendments, or for applications filed by governmental entities for the rezoning of property for the purpose of developing public facilities.

2. Applications for rezoning to Planned Development shall be accompanied by a General Development Plan and a Developers Agreement.

Commented [LEA132]: 131.Deleted per workshop comments

~~Neighborhood Workshop. The following types of zoning atlas amendments require a neighborhood workshop:~~

~~— Rezones to Planned Development (PD) district;~~

~~— Rezones to non-residential zoning districts; and~~

~~— Rezones to residential districts that result in an increase of more than two potential dwelling units on the site.~~

Commented [LEA133]: 132.Deleted per workshop comments

D. Department Director and Development Review Committee Review. ~~The Director and DRC shall review the application. Within a reasonable time after receipt of the sufficiency review comments pursuant to Section 502.5.1., the Planning Director shall deliver to the Planning Commission a copy of the application and a written report summarizing the facts of the case, including all relevant documents and incorporating or summarizing the comments and recommendations of the Planning Department and the input of reviewing departments and agencies, and schedule a date for a public hearing.~~

E. Planning Commission Review. Public hearings shall be conducted in accordance with the general procedures and requirements of this Chapter.

F. Board of County Commissioners Review. At the hearing, the Board may:

1. Determine that the proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare, and adopt the proposed amendment as proposed, or with such modifications as are necessary to assure consistency with the Comprehensive Plan and to promote public health, safety and welfare;

2. Refer the matter back to the Planning Commission for further consideration; or

3. Determine that the proposed amendment is not consistent with the Comprehensive Plan or does not promote the public health, safety or welfare, and deny the proposed amendment.

~~504.4.1. Application Requirements. Pursuant to Section 105, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with any application for an amendment to the Official Zoning Atlas, which may include special requirements for applications for amendments to rezone property to Planned Development districts.~~

342.3. 504.5.Factors for Review and Adoption of Review Criteria for Zoning Map Proposed Amendments.

In deciding whether to recommend adoption of, or to adopt, a proposed amendment, the ~~Planning Director~~ Department Director, Planning Commission or the Board, as the case may be, shall consider whether the proposed amendment is consistent with this Code and the Comprehensive Plan. In determining such consistency, the following factors shall be addressed and considered:

A. ~~a. Compatibility Is the requested change compatible~~ with the existing development pattern and the zoning of nearby properties. ~~?~~

B. ~~b. Has there been a~~ Changes in the land use or conditions upon which the original zoning designation was based. ~~?~~ Have major land uses or conditions changed since the zoning was established?

C. ~~c. Does the current zoning or the proposed zoning better conform~~ Consistency with the current Comprehensive Plan. ~~?~~

D. ~~d. Will the proposed change~~ Conflicts with existing or planned public improvements. ~~?~~

E. ~~e. Whether the proposed change will be supported by sufficient~~ Availability of public facilities, based

upon a consideration of the following factors:

- ~~1. (i) Will the proposed change adversely affect~~ Impact on the traffic characteristics related to the site, specifically trip generation potential, patterns or congestion?
- ~~2. (ii) Will the proposed change adversely impact~~ Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are adversely affected?
- ~~3. (iii) Are sufficient~~ Impact on public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the ~~C~~omprehensive Plan and applicable law?
- ~~F. f. Will the proposed change adversely affect the~~ Health, safety or welfare of the neighborhood and County?
- ~~G. g. Is the proposed amendment in~~ conformance with all applicable requirements of this Code?
- ~~H. h. Is the proposed amendment c~~ onsistency with the development patterns in the area and appropriateness for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.
- ~~I. i. Is the proposed amendment the~~ logical expansion of adjacent zoning districts?
- ~~j. Is the timing of the request appropriate given the development trends in the area?~~
- ~~J. k. Will the proposed change adversely i~~ mpact on historic resources?
- ~~K. l. Will the proposed change have an adverse e~~ nvironmental impacts, on the vicinity?
- ~~L. m. Will the proposed change allow~~ Types of allowable uses and impact of those on surrounding that require so much outdoor lighting that even the light from shielded fixtures may reflect off-site with potentially adverse effects on residential areas?
- ~~n. Will the proposed change adversely affect the health, safety and welfare of the County as a whole?~~
- ~~M. o. For any rezoning that would result in the removal or relocation of mobile home owners residing in a mobile home park, has the applicant demonstrated that adequate mobile home parks or other suitable facilities exist for the r~~ elocation of the mobile home owners, if applicable, within the meaning of, and pursuant to, Section 723.083, Florida Statutes.
- ~~N. In the case of rezones to Planned Development, consistency with the Planned Development District standards contained in~~ Chapter 4.
- ~~O. p. Any other matters which may be appropriate for consideration pursuant to this Code, the~~ Comprehensive Plan or applicable law.

Commented [LDI134]: 133.New language added per Bob Agrusa Comment on 10.4.11

Commented [LEA135]: 134.Added per workshop comments

342.4. 504.6. Additional Requirements for Amendments to Planned Development Zoning Districts.

A. Submittal Requirements

In addition to the other requirements of ~~this the previous S~~ section, applications for amendments to rezone property to a Planned Development district shall be subject to the following requirements.

~~504.6.1. Site Plans Not Necessarily Required. Planned Development Application Without Site Plan.~~

- ~~1. Applications for amending the Official Zoning Atlas to Planned Development districts may be submitted and approved without an accompanying General Development Plan or preliminary site plan, unless required by the Department Director. Pursuant to Section 508, and applicant may also submit, or be required to submit, a General Development Plan or preliminary site plan to be approved simultaneously with the Official Zoning Atlas amendment. Alternatively, an applicant may submit, or be required to submit, a General Development Plan or preliminary site plan after the approval of an Official Zoning Atlas amendment, in accordance with Section 508.~~

Chapter 3. Review Authority and Procedures

~~504.6.2. Amendments Approved Without a Site Plan.~~

2. An application which does not include a General Development Plan or preliminary site plan shall be reviewed for the range of potential uses allowed within that zoning district. The density/intensity of the use shall be reviewed when the General Development Plan or preliminary site plan is submitted. The zoning map amendment to a Planned Development district may include conditions, limitations and specific approvals. The approval of a Planned Development zoning category without the approval of a General Development Plan or preliminary site plan shall authorize the submittal of a General Development Plan or preliminary site plan by the property owner, but shall not authorize any development on the subject property.

In any zoning district established without an accompanying General Development Plan or preliminary site plan, or any zoning district in which a General Development Plan or preliminary site plan has been approved pursuant to ~~Section 508~~[this Chapter](#) but has subsequently expired, a General Development Plan or preliminary site plan shall be submitted and reviewed pursuant to ~~Section 508~~[this Code](#) in the same manner as a General Development Plan or preliminary site plan submitted in conjunction with an application to rezone to a Planned Development district.

B. Section 603.4 — Planned Districts – Review Criteria.

~~603.4. Planned Districts—Review Criteria. Planned Development Districts may hereafter be established by amendment to the Official Zoning Atlas.~~

Planned development districts may be established in appropriate locations, with respect to intended function; in conformance with the goals, objectives, and policies of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where they will not adversely impact facilities and services of the County; where they will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage nonresidential strip development along streets.

~~The following General Review Criteria shall be utilized in evaluating requests and establishing conditions for Planned Development districts.~~

~~1. Physical Characteristics of the Site; Relation to Surrounding Property. The tract shall be suitable, or it shall be possible to make the tract suitable for development in the manner proposed without hazard to persons or property, on or off the tract, free from the probability of erosion, subsidence, slipping of the soil, flood hazard, destruction of wetlands or other dangers. Conditions of soil, ground-water level, drainage and topography shall all be appropriate to both type and pattern of use intended.~~

~~2. Relation to Public Utilities, Facilities and Services. Planned Development districts shall be so located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations that services can reasonably be expected to be available at the time of request for Certificate of Level of Service.~~

~~3. Relation to Major Transportation Facilities. Planned Development districts, where appropriate because of the size or intensity of the proposed district, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the district.~~

~~4. Compatibility. Planned Development districts shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.~~

~~5. Transitions. Planned Development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.~~

~~6. Design Quality. All planned developments proposing specific approval of requirements for development under standard zoning district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.~~

~~7. Relationship to Adjacent Property. The Planned Development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding~~

Commented [LDI136]: 135. This section repeats the PD standards included in Sections 508.6.1 through 508.6.23. See Chapter 4 (Zoning).

property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.

~~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.~~

~~Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.~~

~~Pedestrian access shall, where practical, be separated from vehicular access points in order to reduce congestion, friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movement safety.~~

~~9. Streets, Drives, Parking and Service Areas. Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and general facilities. Commercial and office uses shall be grouped in relation to parking areas so after visitors arrive by automobile, establishments can be visited with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic. Loading zones where customers pick up goods shall be located and arranged as to prevent interference with pedestrian movement, fire lanes, and other vehicular travel ways.~~

~~For all rights of way and private streets in planned developments, the following minimum design considerations shall be adequately addressed:~~

- ~~a. Safe vehicular travel;~~
- ~~b. The manner in which pedestrians, including the physically handicapped, can traverse in the planned development;~~
- ~~c. Structural stability of all construction materials;~~
- ~~d. Utility distribution, power, sewer, cable, potable water and fire protection routing, location, and sizing;~~
- ~~e. Horizontal and vertical sight distances;~~
- ~~f. Traffic safety requirements;~~
- ~~g. Emergency vehicle maneuverability and access;~~
- ~~h. Logical future extension of inter-neighborhood ties.~~

~~10. Pedestrian Systems. All residential Planned Development districts and other Planned Development districts, shall provide internal or external walkways where pedestrian circulation requires them.~~

~~The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent, to the district, with a minimum of conflicts with vehicular traffic.~~

~~Pedestrian systems through buildings shall be related to a network of exterior open spaces reserved for pedestrian use and enjoyment, consistent with the handicap accessibility standards. Interior and exterior pedestrian ways shall be sealed for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district, and shall connect to principal access points within and outside the district.~~

~~Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Where there are crossings of pedestrian ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, safeguards shall be required to prevent crossings, except at designated points. Bicycle or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.~~

~~11. Natural and Historic Features, Conservation and Preservation Areas. Planned Development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography, and archaeological and historic sites, as much as possible.~~

Chapter 3. Review Authority and Procedures

~~12. *Density/Intensity.* Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.~~

~~13. *Height.* Height in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.~~

~~14. *Fences and Screening.* Fences or vegetative screening at periphery of Planned Development district shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences. When adjacent development is of either similar use or intensity, such screening may be reduced at the discretion of the Planning Director.~~

~~15. *Yards and Setbacks.* Yard and setback requirements shall be consistent in each Planned Development district to promote general health, safety, welfare, design excellence and neighborhood compatibility. Notwithstanding other required wetland and jurisdictional buffer requirements, all setbacks within a planned development subphase shall maintain consistency with the approved General Development Plan throughout the development. All setbacks within the Planned Development Districts shall be measured from property lines, not zoning district lines. All proposed setbacks shall be shown on the General Development Plan in either graphic or tabular form.~~

~~16. *Trash and Utility Plant Screens.* In the Planned Development district all central refuse, trash, and garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development district.~~

~~17. *Signs.* Signs in the Planned Development district shall be in accordance with Section 724 Chapter 6. The provisions of the planned development approvals may be more restrictive, as necessary to meet the other standards contained in this Section 603.4, but not less restrictive than Section 724 Chapter 6. Stipulations contained in Planned Development Ordinances shall not be interpreted to regulate signage based upon sign content.~~

~~18. *Landscaping.* Landscaping shall be equal to or exceed the standards stipulated under Section 715 Chapter 7, Landscaping.~~

~~19. *Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways.* The Comprehensive Plan establishes interstate interchange as critical gateways to Manatee County. In these areas, additional scrutiny shall be given to the potential visual impacts of the proposed projects, per Section 737900.~~

~~20. *Water Conservation.*~~

~~**A. Site Plan Alternatives.**~~

~~*Creative Site Development Concepts for Water Conservation.* Creative site development concepts shall be used in order to promote water conservation. Water requirements may be reduced by providing for:~~

~~The preservation of existing plant communities;~~

~~The reestablishment of native plant communities;~~

~~Limited amount of lawn grass areas;~~

~~The use of site specific plant materials;~~

~~The use of shade trees to reduce transpiration rates of lower story plant materials;~~

~~Site development that retains stormwater runoff on site;~~

~~The use of pervious paving materials;~~

~~Site development that addresses the carrying capacity of the land in its present form; and~~

~~Other environmentally sensitive site development concepts.~~

~~**B. Preservation of Existing Plant Communities.**~~

~~*General.* Existing native plant communities on sites proposed for development should be preserved and incorporated~~

~~into the required open space wherever possible. Existing native plant communities that are specified to remain shall be preserved in their entirety, with all desirable trees, understory, and ground covers left intact and undisturbed. In most cases, preservation of existing native plant communities will decrease the initial costs of site development, decrease future water and maintenance requirements and enhance the aesthetic appearance of the property.~~

~~*Existing Native Plant Communities Required to Remain.* When existing native natural plant communities occur on a parcel of land and are located within planned open spaces, thirty-five (35%) percent of the required open space or 75% of the existing native plant communities, whichever is less, shall be in the form of preserved native plant communities.~~

~~21. *Utility Standards.* All utility improvements shall adhere to the requirements of the Manatee County Public Works Standards for all construction. Specific deviations from the Standards, due to an existing site constraint or dimensional conflict, may individually be approved in writing by the Public Works Director. The remote radio alarm system is not required for privately owned lift stations. No utility system will be accepted for operation and maintenance by the County until all aspects adhere to the Manatee County Public Works standards.~~

~~22. *Stormwater Management.* Stormwater Management facilities shall adhere to the requirements of Section 717, Stormwater Management and the Manatee County Development Standards.~~

~~23. *No Planned Development shall be approved if it is inconsistent with the Comprehensive Plan.*~~

~~24. *Minimum Open Space Requirements.* Minimum open space requirements shall be as required by each specific planned development.~~

C. ~~603.4.1.~~ Procedures for Planned Development Zoning Atlas Amendments.

~~—603.4.1.1. *Applications for Planned Development Zoning.*~~

~~1. *Applications for Planned Development Zoning Atlas.* Applications for Planned Development Zoning Atlas amendments shall be submitted, processed and reviewed as for other amendments to the Official Zoning Atlas. Material submitted with the application, or on subsequent request by the ~~Planning Director~~ [Department Director](#), shall include the specific zoning district classification requested, the material required by Chapter 5 and other plans, maps, studies and reports, as required below, with sufficient copies for necessary referrals and records.~~

An application which does not include a General Development Plan shall be reviewed for the range of potential uses allowed within that zoning district. The density/intensity of the use shall be reviewed when the General Development Plan is submitted. The approval of a Planned Development zoning category without the approval of a General Development Plan shall authorize the submittal of a General Development Plan by the property owner, but shall not authorize any development on the subject property.

Applications for zoning atlas amendments for the Planned Development Districts may include submission for approval of a General Development Plan or a General Development Plan may be submitted after the approval of a zoning atlas amendment for the Planned Development District.

If Planned Development Zoning Atlas amendment is submitted without a General Development Plan, conditions, limitations, and specific approval may be placed on the application and approval of a Planned Development Zoning Atlas amendment.

~~—603.4.1.2. *General Development Plan Requirements.*~~

~~2. *Where No Plan Exists.* A General Development Plan shall be submitted in accordance with the requirements for and reviewed in the same manner as a General Development Plan which is submitted with an application for a rezone.~~

~~—504.7. *Public Hearings.*~~

~~3. *Except as modified below,* public hearings shall be conducted in accordance with the general procedures and requirements of ~~Section 312.8502~~ of this Code.~~

~~—504.7.1. *Planning Commission.* The Planning Commission shall hold a public hearing on each application for amendment of the Official Zoning Atlas. The Planning Commission shall submit a recommendation to the Board, after considering each of the factors for reviewing amendments, as to whether the Planning Commission finds the~~

~~proposed amendment to be consistent with this Code and the Comprehensive Plan.~~

~~504.7.2. Board of County Commissioners. The Board shall conduct a public hearing or public hearings in accordance with the procedures and requirements of Section 502 of this Code. Based upon the evidence submitted at the public hearing(s), the Planning Commission recommendation, and the criteria set forth in Section 504.5, the Board may:~~

- ~~a. Adopt the proposed amendment and, in the case of rezonings to Planned Development districts, impose stipulations or conditions necessary to assure consistency with this Code and the Comprehensive Plan;~~
- ~~b. Refer the matter back to the Planning Commission for further consideration; or~~
- ~~c. Reject the proposed amendment.~~

D. Effect of Approval.

1. Approval of an amendment to the Official Zoning Atlas or rezone to PD does not entitle the owner/applicant to do any work on the property, unless the appropriate approvals are obtained.
2. Approval of a PD entitles the applicant to proceed with final site plan review for the entire development or individual phases. Prior to submitting an application for final site plan approval or within ninety (90) days from the approval of the PD, whichever is first, the applicant shall submit the general development plan approved in conjunction with the PD to the Department Director for signature. The ~~Concept~~General Development Plan shall reflect all changes and conditions approved by the Board.
3. With each application for development plan approval, the developer of a planned development shall submit a progress report to the review body. At a minimum, the progress report shall include the following information listed below. If the required progress report is not up to date or is not filed, additional development approvals shall not be granted.
 - a. Updated ~~concept~~general development plan for the entire development indicating the status of approvals, phasing schedule, undeveloped areas and within developed areas, the number, size, type and locations of all structures and improvements that have been installed or constructed.
 - b. Subsequent developers or owners. The names of any subsequent developers and owners of any increments, phases or portions of the planned development.

Commented [LEA137]: I36.Changed back per workshop comments

Commented [LEA138]: I37.Changed back per workshop comments

E. 504.8. Typographical or Drafting Errors.

Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors on the Official Zoning Atlas may be adopted by the Board at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.

F. 504.9. Resubmission of Application after Denial.

An application for amendment of the Official Zoning Atlas shall not be resubmitted for consideration for a period of one (1) year after the date on which an application for substantially the same proposed amendment has been rejected. This ~~S~~section shall not apply to proposed amendments initiated by the County ~~pursuant to Section 504.2~~, or where the Board specifically authorizes resubmittal based upon new information.

342.5. 602.6. Procedures Additional Requirements for Rezoning to ~~for~~ the MP-I District.

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

- A. 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 504.342~~, and this Section. Such application shall include a copy of an Institution Master Plan.
- B. 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 504.342~~. Amendments to Official Zoning Atlas.
- C. 602.6.1.3. Institution Master Plan.** In addition to the application ~~required under Section 504~~requirements for rezoning, 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

Chapter 3. Review Authority and Procedures

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

D. ~~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~~Chapter 4 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.

E. ~~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~~this chapter. 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).

F. ~~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~~Chapter 4 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.

G. ~~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.

H. ~~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.

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

J. ~~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.

K. ~~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~~ exceedance 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.

~~(Ord. No. 01-20, § 3, 11-20-01; Ord. No. 02-60, § 3, 12-14-02; Ord. No. 04-09, § 3(l), 6-16-04; Ord. No. 08-50, § 3, 12-15-08; Ord. No. 07-41, § 2B, 5-24-07; Ord. No. 12-07, § 5, 1-5-12)~~

Section 343. to 344 Reserved.

~~Part XI.~~ Part VII. Other Applications.

~~+Section 345. Section 605~~ **Special Approval Process as Required by the Manatee County Comprehensive Plan.**

345.1. 605.1.Purpose.

~~2.~~ Special approval is a process requiring an additional level of review that is required pursuant to the Comprehensive Plan. The special approval process as required by the Manatee County Comprehensive Plan is outlined in ~~the attached Chart 605~~ Table 3-4.

~~3.~~ ~~605.1.2.~~ The Special Approval ~~table~~ Chart 605 is not intended to replace any development review procedures which are required pursuant to ~~Figure 6-1~~ Tables 4-1 and 4-2 and ~~this~~ Chapter 5 of this Code, but rather must be read in conjunction with those development review procedures.

345.2. 605.2.Timing of Special Approval.

~~4.~~ Special approval needs only to be granted on a single development application. ~~Table 3-4~~ Chart 605 indicates with regard to many types of special approvals that there are options as to what type of development review process may simultaneously provide the review necessary to grant special approval; however, special approval is not required to be granted at each stage of review. No development order, administrative or otherwise, may be approved for projects which require special approval prior to the granting of special approval. Therefore, special approval shall be granted prior to or concurrent with the earliest approval required.

345.3. 605.3.Duration of Special Approval.

~~5.~~ A special approval shall continue in effect until such time as the use for which the special approval was granted is discontinued for a period exceeding one (1) year. However, the use must have been established prior to the expiration of the special approval. A special approval shall expire at the time specified in the instrument granting the special approval or, if no time was specified in the instrument, the special approval shall expire seven (7) years

from the date on which the special approval was granted.

345.4. ~~605.4.~~Manner of Granting Special Approval.

~~6.~~ Special approval may be granted as part of another development order when allowed pursuant to [Table 3-4](#) ~~Chart 605~~ or may be granted through the adoption of a resolution following a duly noticed public hearing before the Board.

~~7.~~ ~~605.4.1.~~ To the maximum extent possible, special approval is to be granted with whatever development application is required elsewhere in this Code. In many cases, special approval may be granted with administrative approvals (Preliminary and Final Site Plans, Preliminary Plats, etc.). In other cases, only the Board or a Hearing Officer may grant special approval (Rezone, General Development Plans, Special Permits, etc.). Where rezoning is required pursuant to [Table 3-4](#) ~~Chart 605~~, the Planned Development process will be required to obtain special approval.

345.5. ~~605.5.~~Standards for Granting Special Approval.

~~8.~~ Special approval may be granted only upon findings that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities and only when the specific criteria for the special approval established in the Comprehensive Plan or this Code, if any, have been satisfied. Conditions may be placed on the special approval to ensure the standards for granting are met and maintained through the life of the special approval.

345.6. ~~605.6.~~Submittal Requirements.

~~9.~~ The County Administrator shall establish by administrative regulation the submittal requirements for special approval. At a minimum, the regulations shall require (i) preliminary data and analysis regarding existing public facilities and the impact of the project on those facilities, and (ii) an aerial photograph and project plan showing the arrangements of existing and proposed buildings; existing wetlands, trees, and other natural resources; proposed buffers and landscaping; neighboring land uses and the distances of those uses from the uses within the project.

Table 3 - 4: Special Approval as Required by the Manatee County Comprehensive Plan CHART 605

SPECIAL APPROVAL AS REQUIRED BY THE MANATEE COUNTY COMPREHENSIVE PLAN CHART 605											
		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
A.	Mixed and multi-use projects in residential, agricultural, urban fringe, low intensity office, and retail/office residential categories:	X	X	X		X					
B.	Residential developments at or above a specified density in the Comprehensive Plan which require Special Approval(5)	X									
C.	Non-residential projects which exceed 30,000 square feet of gross building area and are located in the RES-1, RES-3, UF-3, RES-6, RES-9, RES-12, or RES-16 future land use categories.	(9) See Note (9) Below									
D.	All projects in the mixed use future land use categories (5)	X							X		
E.	Any project which requires Preliminary Site Plan/plat approval which is at least partially located in the Manatee Watershed Reservoir Overlay category:(5)(7)	X									
F.	Any project which requires Preliminary Site Plan/Plat Approval which is at least partially located in the Evers Watershed Reservoir Overlay category. (5)(7)	X									
G.	Any project at least partially located in the Coastal High Hazard category which requires Preliminary Site Plan/Plat Approval except a project located on land owned, leased or operated by the Manatee County Port Authority; (1)(5)(6)(7)	X	X								

**SPECIAL APPROVAL AS REQUIRED
BY THE MANATEE COUNTY
COMPREHENSIVE PLAN
CHART 605**

		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
H.	Any project involving noise-sensitive uses within the Sarasota-Bradenton Airport's Airport Impact Overlay category: See Section 403.2604.5.2 and 604.5.3 of this Code										
I.	Any project in which density is transferred from part of a wetland site to another part of the same project site (1)(2).	X	X	X	X	X	X	X			
J.	Any project involving the siting of marina-type uses	X									
K.	All new recreational vehicle parks. Must rezone to CRV.			X		X					
L.	Development in ROR (retail/office/residential) IL (light industrial) and OL (office light) Future Land Use categories at special approval floor area ratios specified in the Plan plus any development exceeding 6 du/ac in the R/O/R F.L.U. designation (5)	X									
	Note: In IL categories retail commercial uses over 3,000 square feet require planned development.										
M.	Newly proposed non-residential non-agricultural development in the Manatee and Evers Watershed Overlay categories which require a construction or operating permit for industrial waste treatment as referred to in F.A.C., Chapter 17-4.	X									
N.	Modifications to Special Exception projects, see note (3).										
O.	Any projects involving continued agricultural uses where clustering						X				

Chapter 3. Review Authority and Procedures

SPECIAL APPROVAL AS REQUIRED BY THE MANATEE COUNTY COMPREHENSIVE PLAN CHART 605											
		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
	option farm working housing has been utilized in the AG/R or implementing the cluster option for farmworker housing until approved development is started on the project.										
P.	Any project adjacent to all interstate connectors designated as entranceways	See Section 737.900									
Q.	When alternative scenarios for project access yield substantially different impacts on the number and magnitude of impediments to traffic on any functionally classified roadway or on any roadways shown on the Future Traffic or Circulation Map.						X				
R.	Any support uses located within a planned office or industrial park in the light industry and heavy industry land use categories seeking exemption from commercial location criteria	X	X	X		X	X		X		X
S.	Mineral resource extraction activities which are regulated by the Manatee County Mining and Reclamation Ordinance and which are within the Manatee or Evers Watershed Overlay categories: (6)	X									
T.	Mineral resource extraction activities which are exempted by the Manatee County Mining and Reclamation Ordinance but which are defined as major earthmoving under the Land Development Code and which are within the Manatee or Evers Watershed Overlay categories:		X							X	
U.	Mineral resource extraction activities									X	

SPECIAL APPROVAL AS REQUIRED BY THE MANATEE COUNTY COMPREHENSIVE PLAN CHART 605											
		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
	which are exempted by the Manatee County Mining and Reclamation Ordinance but which are defined as minor earth moving under the Land Development Code and which are within the Manatee or Evers Watershed Overlay categories:										
V.	Any project adjacent to perennial lake or stream	X	X	X	X	X	X	X			
W.	Any project in the Aviation Overlay District: See Section 725.403.2										
X.	Additions under 50,000 square feet to existing (prior to approval of the LDC) non-residential projects which already exceed 50,000 square feet in size, located within the R/O/R and MU future land use categories: (5)	X	X	X		X	X		X		
Y.	Additions over 50,000 square feet to existing non-residential projects located within the R/O/R and MU future land use categories: (5)	X									
Z.	New non-residential projects located within the R/O/R and MU future land use categories having more than 50,000 square feet: (5)	X									
AA.	Legally established light industrial uses located within the R/O/R who wish to change light industrial uses or increase their square footage. (See Note 3 below)										
BB.	Permit consideration of densities in excess of the maximum densities in a residential zoning category for projects which qualify as affordable housing, pursuant to the criteria										

SPECIAL APPROVAL AS REQUIRED BY THE MANATEE COUNTY COMPREHENSIVE PLAN CHART 605											
		REZONE AND GD PLAN	SPECIAL PERMIT	PREL. PLAN	PREL. PLAT	FINAL SITE	ADM. PERMIT	FINAL PLAT	BLDG. PERMIT	EARTH/ MOVING	CO
	approved by the Board of County Commissioners. (See note 8).										
CC.	Additions under of less than 50,000 sq. ft. to existing (prior to approval of the Code) nonresidential projects located within the IL and IH Future Land Use Categories. (5)	X	X	X		X	X		X		
DD.	Additions over 50,000 sq. ft. to existing nonresidential projects located within the IL and IH future land use categories. (5)	X									
EE.	Projects where nuisance, exotic vegetation will not be removed, pursuant to Section 715.4.E701.4.E.	X	X	X	X	X	X	X	X	X	X
FF.	When a project in the Wastewater Service Area proposes use of a septic tank in conjunction with development. (10)										

NOTES:

- (1) All development proposed in the Coastal Wetland Habitat requires BOCC approval.
- (2) Any proposed mitigation ratios below 2:1 for herbaceous wetlands and 4:1 for forested wetlands require approval by the BOCC (excluding single family homes on a lot of record).
- (3) All modifications, except those which are listed under **Section 508.5.4.3324.2.A** of this Code require BOCC approval. Those items listed as minor modifications may be approved administratively.
- (4) In AG/R, and OL Category non-residential development over 3,000 s.f. requires Planned Development.
- (5) Parcels which already have a Planned Development category do not need to be rezoned.
- (6) Mineral Resource extraction requires a rezone to EX. The Master Mining Plan may serve as the General Development Plan.
- (7) Commercial RV Parks may be established on property zone CRV.
- (8) A Land Use and Deed Restriction Agreement must be approved pursuant to **Section 1302.5.3 of this Code.**
- (9) Special approval for non-residential projects which exceed 30,000 square feet and are located in a residential (FLU) category shall be heard and decided by the Board of County Commissioners. Notwithstanding the Board review of special approval, such projects shall comply with ~~the all other~~ development review procedures ~~set forth in Figure 6-1 and all other~~ applicable provisions of this Code. Special approval may be granted by the Board as part of any other development order or through a separate process. Where special approval is granted by the Board through a separate review process, the granting of any other development order for such a project shall occur only subsequent to the Board's adoption of a resolution granting special approval for that project, and the granting of any other development order must be consistent with the Board's special approval resolution.

Commented [LDI139]: 138.Wrong cross-section. Used reference to Admin approvals of site plan changes inst

Commented [LDI140]: 139.Section number does not exist.

(10) ~~Special~~ Approval shall be determined as ~~shown~~ provided in ~~Section 722.1.8.1.3~~ [the Manatee County Public Works Standards Manual \(Utilities\)](#).

Section 346. Zoning Compliance Permit.

Commented [LDI141]: 140.NEW

346.1. Zoning Compliance Permit Required.

Except as otherwise specifically provided in this chapter, it shall be unlawful to conduct any of the following activities until the Department Director or designee has issued a zoning compliance permit confirming that such activity complies with the applicable provisions of this chapter.

- A. Make a change of use, as the term is defined in Chapter 2 of this Code, of any land or structure, or to extend any use or any lot on which exists a nonconforming use.
- B. Establish any business, profession or occupation, or to change the location of a business, profession or occupation which is subject to an occupational license (local business tax receipt).

346.2. Review Procedures.

- A. **Application Submittal.** An application for a zoning compliance permit shall be submitted to the Department Director.
- B. **Department Director Review.** Upon receipt of a completed application, the Department Director or designee shall cause an analysis to be made as expeditiously as possible by qualified representatives of the County and such other agencies or officials as appear appropriate in the circumstances of the case, to determine compliance with the applicable provisions of this chapter. Final action shall be based on findings as to compliance with all applicable provisions of this chapter. The permit may be approved, approved subject to conditions, or denied.
- C. **Actions Subsequent to Decision.** In the case of approval or approval with conditions, the Department Director or designee shall issue the zoning compliance permit. In the case of denial of an application, the applicant shall be notified as soon as possible, in writing, of the reasons for such denial.

346.3. Expiration.

If the use, construction or activity authorized by approval of an application for a zoning compliance permit is not commenced within six (6) months of the date of issuance of the permit, or within such further time stipulated in such permit, the zoning compliance permit shall automatically expire. Any other approval, grant, certificate, building permit or special permit issued or granted by the County pursuant to or in conjunction with the zoning compliance permit shall become null and void unless any required work thereon is substantially underway or lawful use has begun within six (6) months after the effective date of the issuance of such approval, certificate, grant, building permit or special permit, unless otherwise provided in this chapter. The Department Director or designee shall determine whether the use, construction or activity is substantially underway or has begun upon review of substantial competent evidence.

Section 347. ~~Section 514.~~ Certificate of Appropriateness.Commented [LDI142]: 141.Consi
dered moving to the same chapter
where the HP regulations are, but
decided to keep the procedures
portion in this chapter with all the
other approvals required by Code.**347.1. ~~514.2.~~ Applicability Certificate of Appropriateness Required.**

No person may remove, relocate, alter, restore, renovate, demolish, destroy, excavate or build on a historic landmark, ~~or in an H~~historical and ~~A~~archaeological ~~O~~verlay ~~D~~istrict, or in a ~~H~~historic ~~V~~ista ~~P~~rotection ~~A~~rea without first obtaining a ~~C~~ertificate of ~~A~~ppropriateness. ~~The following are the specific activities requiring a certificate of appropriateness in each designated district Sections 514.2.1 through 514.2.3 are applicable in the Whitfield, Cortez Fishing Village, and Terra Ceia Historic and Archaeological Overlay Districts.;~~

- A. **514.2.1. Whitfield Estates Historical and Archaeological Overlay District.** ~~No person may.~~The removal, relocation, alteration, restoration, or renovation that includes using a change in exterior facade materials; the ~~destroy~~ demolition or ~~build~~ construction on any site in the Whitfield Estates Historic and Archaeological Overlay District that contains a principal building built prior to 1932, ~~without first obtaining a Certificate of Appropriateness.~~

Chapter 3. Review Authority and Procedures

B. ~~514.2.2.~~ Terra Ceia Historical and Archaeological Overlay District. ~~No person may~~The removal, relocation, alteration, restoration or renovation that includes using a change in exterior facade materials; ~~or destroy the~~ destruction of any exterior portion of a building built prior to 1942; or ~~the construction of~~ build any waterfront structure in excess of two hundred (200) square feet in area ~~without first obtaining a Certificate of Appropriateness.~~

C. ~~514.2.3.~~ Cortez Fishing Village Historical and Archaeological Overlay District. ~~No person may~~The removal, relocation, alteration, restoration, renovation, destruction or building of any structure or ~~the excavation of~~ any site ~~in the Cortez Village Overlay District~~, except for mobile homes and ~~R~~recreational ~~V~~ehicles located in the Cortez Trailer Park, ~~without first obtaining a Certificate of Appropriateness.~~

~~514.3. Procedure.~~

347.2. ~~514.3.2.~~ Criteria for Review of Application Authority.

Unless the application meets criteria for administrative approval as adopted by the Historic Preservation Board by resolution, the Historic Preservation Board shall review all applications for a Certificate of Appropriateness.

347.3. ~~514.3.2.5.1.~~ Review Procedures.

A. Pre-Application Meeting. The applicant shall schedule a pre-application meeting in accordance with this Chapter. The pre-application meeting shall be optional for Certificates of Appropriateness requiring administrative approval.

B. ~~514.3.1.~~ Submission of Application Submittal. A person desiring a ~~C~~ertificate of ~~A~~ppropriateness shall submit a written application to the ~~Historic Preservation Board~~Department Director ~~on a form approved and provided by the Historic Preservation Board.~~

C. Department Director Review. Upon receipt of the complete ~~C~~ertificate of ~~A~~ppropriateness application, the ~~Planning Director~~Department Director shall review and act on the application in accordance with ~~Section 312~~ if the request qualifies for administrative review.

D. Historic Preservation Board Review. Applications that do not qualify for administrative approval shall be forwarded ~~it~~ to the ~~H~~Historic ~~P~~reservation ~~B~~oard, ~~who will, within a reasonable period of time, meet to review and approve the application, for review and approval subject to the provisions of Section 312.8.~~

~~514.3.5. The Historic Preservation Board shall approve, deny, or approve with conditions Certificates of Appropriateness.~~

~~514.3.3. Fees. The application shall be accompanied by a Certificate of Appropriateness fee in an amount to be prescribed by the Board.~~

E. Criteria for Board Review. In approving or denying applications for ~~C~~ertificates of ~~A~~ppropriateness for alterations, new construction, demolition or relocation, the Historic Preservation Board shall consider:

- ~~— (1) the effect of the proposed work on the Historical and Archaeological Overlay District or historic landmark upon which such work is to be done;~~
- 1. ~~(2)~~ the relationship between such work and other structures in the landmark Historical and Archaeological Overlay District or on the historic landmark;
- 2. ~~(3)~~ the extent to which the historic, architectural, or archaeological significance, ~~architectural style, design, arrangement, texture, materials and color~~ of the ~~historic landmark or H~~historical and ~~A~~rchaeological ~~O~~verlay ~~D~~istrict will be affected;
- 3. ~~the extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the historic or archaeological landmark will be affected;~~
- 4. ~~(4)~~ whether the denial of a ~~C~~ertificate of ~~A~~ppropriateness would deprive the property owner of reasonable beneficial use of his property; and
- 5. ~~(5)~~ whether the plans may be reasonably carried out by the applicant.

F. ~~514.3.2.4.1.~~ Deferral of Application for Demolition. The Historic Preservation Board may approve, deny or

Commented [LDI143]: 142.514.3. 1 moved below.

Commented [LDI144]: 143.Last two sentences moved. Had previously added specific criteria provided by staff to determine if the CAO needed Board or admin approval. Deleted all the additional text and updated to reflect most recent ordinance.

Commented [LDI145]: 144.Split section into 2 for clarification purposes

Chapter 3. Review Authority and Procedures

continue a decision for a period not to exceed one (1) year on an application for a Certificate of Appropriateness for demolition in order to:

1. ~~a-~~ Contact interested individuals and organizations for assistance in seeking an alternative to demolition; or
2. ~~b-~~ Allow an applicant to supply additional information as requested by the historic preservation board which may include, but is not limited to, evidence showing that plans for a new building on the site will be implemented.

Section 348. ~~Section 736~~—Developments of Regional Impact (DRI's) and Large Projects.

~~736.1. Developments of Regional Impact (DRI).~~

~~736.1.1.~~ A Development of Regional Impact (DRI) shall be as defined in Chapter 380, ~~Florida Statutes~~ Florida Statutes ~~F.S.~~. All review shall occur as specified by the ~~S~~ statutes, and in accordance with the procedures established by the Regional Planning Council.

~~736.1.2.~~ Any request for an ~~Official~~ Zoning Atlas Amendment, or, where an ~~Zoning Atlas~~ Amendment is not required, the first request for any other type of ~~D~~ development ~~A~~ application for a project which is deemed to be a DRI shall be processed simultaneously with a request for approval of a ~~DRI~~ Development of Regional Impact ~~development~~ order. Prior to a review of the ~~development order~~ ~~D~~ development ~~O~~ order, the ~~R~~ rezone ~~O~~ ordinance shall be considered for approval by the Board. Generally, local conditions of approval shall be stipulated in the ~~R~~ rezone ~~O~~ ordinance and regional conditions of approval shall be stipulated in the ~~D~~ development ~~O~~ order. However, applicable conditions of approval which have both regional and local impact may be stipulated in both the ~~D~~ development ~~O~~ order and ~~R~~ rezone ~~O~~ ordinance.

~~736.1.3.~~ Following approval of a ~~D~~ development ~~O~~ order and ~~R~~ rezone ~~O~~ ordinance, all subsequent requests for development approval shall be processed in accordance with the provisions of this Code.

Section 349. ~~736.2.~~ Large Projects.

349.1. Large Project Application Required.

~~736.3.1.~~ Projects which are not deemed to be a DRI, but which meet one or more of the following criteria, shall be considered large projects, and shall file, in addition to all requests for approval as required by this Code, a large project application (LPA):

- A. ~~a-~~ Residential development project containing eight hundred (800) units or more.
- B. ~~b-~~ Projects which are between eighty (80) and one hundred and twenty (120) percent of a numerical threshold for DRI's, as provided in Section 380.0651(3)(a) through (h), Florida Statutes (~~Supp. 1998~~).

349.2. ~~736.2.1.~~ Binding Letter.

A Binding letter of Interpretation (BLI) shall be required for the following projects. A BLI, however, shall not be required if the applicant submits an Application for Development Approval (ADA) for a DRI.

- A. ~~736.2.1.1. For any p~~ Projects ~~which is~~ between one hundred (100) percent and one hundred twenty (120) percent of a numerical threshold for DRI's, as established in Chapter 380.06, Florida Statutes, ~~the Planning Director shall require that the applicant obtain a Binding Letter of Interpretation (BLI) prior to submitting a request for a Zoning Atlas Amendment for that project. A BLI shall not be required if the applicant submits an Application for Development Approval (ADA) for a DRI.~~
- B. ~~736.2.1.2. The Planning Director shall require a binding letter for any p~~ Projects ~~(at the development stage) which is~~ between eighty (80) percent and one hundred (100) percent of a numerical threshold for DRI's, as established in Chapter 380.06, Florida Statutes, ~~require a BLI at the development stage~~ upon findings that the character and magnitude of the development creates a likelihood that the development will have a substantial effect on the health, safety and welfare of citizens of more than one County. ~~A BLI shall not be required if the applicant submits an Application for Development Approval (ADA) for a DRI.~~

Commented [LD1146]: 145. Will revisit this section in a future phase.

Chapter 3. Review Authority and Procedures

349.3. ~~736.3.~~ Large Project Application (LPA).

~~736.3.2.~~ The Large Project Application shall be processed simultaneously with the first application for development approval.

A. ~~736.3.3.~~ Pre-Application. Prior to submittal of a Large Project, the applicant shall have a pre-application conference with the ~~Planning~~ Building and Development Services Department and the Environmental Management Department.

B. ~~736.3.4.~~ Required Information. Information that shall be required upon submittal of a Large Project Application shall include, but not be limited to:

1. Recent aerial photo, including at one (1) foot contours (for areas within five hundred (500) feet of project boundaries).
2. Topographic map at one (1) foot contours (for areas within five hundred (500) feet of project boundaries).
3. Map showing existing land uses within the development area and adjacent land within five hundred (500) feet of the project boundaries. (Note: all above information may be combined on a single map or aerial photo, if appropriate.)
4. Master Development Plan for site, including a breakdown (acreage and percentages) of the types of proposed land uses; rights-of-way (major roads); open space areas; general areas of stormwater retention; acreage and number of proposed residential units for each parcel, acreage and size (square feet) of each non-residential component of the project.
5. Development Phasing Plan: ~~depicting~~ ~~G~~ general breakdown in types of proposed land uses by project phase (including acreage, number of residential units and size of non-residential components).
6. An existing native habitat map or list. Indicate on this map or list, acreage for each native habitat area lying within the project site.
7. A native habitat preservation, alteration and mitigation plan. Indicate on this map acreage of each native habitat area to be preserved, conserved, altered or mitigated, if applicable. Provide on this map a summary of native habitat acreage to be preserved, conserved, and mitigated by habitat type.
8. An existing drainage map. Indicate on this map existing basin/subbasin boundaries, drainage flow directions, drainage easements, discharge points, natural creeks, manmade canals, lakes, other waterbodies, drainage structures (both on-site and within one (1) mile downstream), coastal construction control lines, DEP jurisdictional lines, floodplains and floodways, as determined by FEMA and any other studies available through the Engineering Division of the Public Works Department. Summarize in tabular form on this map the following information:
 - a. ~~a.~~ Basin area(s), slope(s) and length(s);
 - b. ~~b.~~ Acreage and percent impervious coverage for each basin;
 - c. ~~c.~~ Acreage and percent directly connected impervious coverage for each basin;
 - d. ~~d.~~ Acreage and percent wetland/depression surface coverage for each basin; and
 - e. ~~e.~~ Wetland/depression storage capacity within each basin.

Commented [LEA147]: 146.The following can be moved to a development review manual.

- ~~— A map or list of the roadway segments and intersections included within the transportation impact area.~~
- ~~— A map or table showing existing peak-hour peak-season traffic volume and level of service conditions on the roadway segments and intersections within the transportation impact area.~~
- ~~— A map (or map series) showing projected development generated traffic (daily and peak-hour by development phase) on the roadway segments and intersections within the transportation impact area.~~
- ~~— A map (or map series) showing projected peak-hour peak-season traffic volume and level of service conditions on the roadway segments and intersections within the transportation impact area (by development phase), excluding traffic generated by the proposed development project.~~
- ~~— A map (or map series) showing projected peak-hour peak-season traffic volume and level of service~~

Commented [LDI148]: 147.Delete d per CAO

Chapter 3. Review Authority and Procedures

~~conditions on the roadway segments and intersections within the transportation impact area (by development phase), including traffic generated by the proposed development project.~~

9. A traffic impact analysis that satisfies the standard for a DRI traffic impact analysis.

10. A map or list identifying any locations of existing public facilities (e.g., water supply, wastewater treatment, transportation facilities, emergency service facilities, recreational parks, schools, etc.) which would serve the project site.

11. A map showing future improvements necessitated by the proposed development (e.g., water supply, wastewater treatment, transportation facilities, emergency service facilities, recreational parks, schools, etc.).

C. ~~736.3.5. General Project Description.~~

1. ~~736.3.5.1.~~ Describe and discuss in general terms all major elements of the proposed development in its completed form. Include in this discussion the proposed phases of development, and expected beginning and completion dates for construction. For non-residential Large Projects, also include target dates for facility operation or utilization. If the development will have a proposed build-out of ten (10) years or less, phasing should be shown on an annual or biannual basis.

2. ~~736.3.5.2.~~ Project the number of on-site permanent fulltime employees with low or moderate incomes that could afford to rent or purchase within the development. Specify if any affordable housing provisions will be available to these employees within the development.

3. ~~736.3.5.3.~~ If the proposed project would include low and moderate income housing units, describe how these units would be provided. Indicate what available mechanisms or incentives the applicant is seeking to achieve affordable housing within the project.

4. ~~736.3.5.4.~~ Provide a market study which has been prepared for the proposed commercial development. If such a study has not been prepared, describe in general terms how the overall demand for this project has been determined.

D. ~~736.3.6. Industrial Uses.~~

Indicate the type of anticipated operations that would occupy the proposed industrial park (e.g., manufacturing).

E. ~~736.3.7. Environmental Systems.~~

1. ~~736.3.7.1. Native Habitats.~~

a. ~~736.3.7.1.1. Methodology.~~

i. The applicant shall use a methodology for determining on-site hydroperiods and flow conditions which has been approved by the Pollution Control Department prior to submittal of this application.

ii. Describe the acreage, species composition and degrees of disturbance for each habitat existing within the development site, based on the Comprehensive Plan Conservation Element. Identify the occurrence of any on-site unique habitats such as those listed by the Florida Natural Areas Inventory, and describe the ecological values and functions of these unique habitats.

iii. Provide an analysis of historic flow conditions and hydroperiods, with seasonal water elevations, of on-site wetlands.

b. ~~736.3.7.1.2. Post-Development Conditions.~~

i. Discuss how the project would not adversely affect the base flow or the periodicity of flow in water courses.

ii. Indicate all native habitats that will be preserved in their natural or existing state.

iii. Indicate all native habitats that will be conserved. Discuss how this proposal is consistent with the Comprehensive Plan Conservation.

iv. Indicate all wetlands, or portions thereof, that are proposed for alteration. Discuss the reason for alteration, and indicate whether alternatives were investigated to either limit or eliminate the need for wetland alteration. Discuss how this proposal is consistent with the Comprehensive Plan

Chapter 3. Review Authority and Procedures

Conservation Element residential component of the project.

v. Development Phasing Plan. General breakdown in types of proposed land uses by project phase (including acreage, number of residential units and size of non-residential components).

c. ~~736.3.7.1.3~~. Conceptual Mitigation Plan for all wetlands, meeting the criteria for alterations as specified in Section 719.

d. ~~736.3.7.1.4~~. A list of species likely to occur or present within the development area listed as threatened, endangered, rare, unique, or of special concern.

F. ~~736.3.8~~. Drainage.

1. ~~736.3.8.1~~. Provide a general overview of existing drainage conditions, including any potential flooding and/or erosion problems.

2. ~~736.3.8.2~~. Indicate that steps will be taken during development construction and maintenance to prevent or control soil erosion caused by wind and/or water action.

G. ~~736.3.9~~. Surface Water—Existing Conditions.

1. ~~736.3.9.1~~. Indicate any surface water quality monitoring stations existing on and near the development.

2. ~~736.3.9.2~~. Describe in terms of appropriate water quality parameters the existing surface water quality conditions on and abutting the project site.

3. ~~736.3.9.3~~. Provide the existing surface water pollutant loading rates for the site based on site-specific data and/or literature sources.

H. ~~736.3.10~~. Surface Water—Post Development Conditions.

1. ~~736.3.10.1~~. Identify any potential sources and the significance of pollution to the surface waters of the development area which could adversely affect the quality of water resources.

2. ~~736.3.10.2~~. Estimate post-development pollutant loading rates of the surface waters and compare with pre-development loading rates.

3. ~~736.3.10.3~~. Provide a surface water quality monitoring program for the development which identifies proposed monitoring stations, frequency of sampling, parameters and method for reporting results.

4. ~~736.3.10.4~~. Indicate what measures would be utilized in the proposed drainage system to ensure acceptable water quality.

I. ~~736.3.11~~. Groundwater—Existing -Conditions.

1. ~~736.3.11.1~~. Indicate any groundwater quality monitoring stations existing on and near the development site.

2. ~~736.3.11.2~~. Describe in terms of appropriate water quality parameters the existing groundwater conditions on and abutting the project site.

J. ~~736.3.12~~. Groundwater—Post-Development Conditions.

~~736.3.12.1~~. Identify any potential sources and the significance of pollution to the groundwater of the development area which could adversely affect the quality of water resources.

K. ~~736.3.13~~. Floodplains.

1. ~~736.3.13.1~~. If any structures and roadways are proposed within the 100-year flood prone area as identified by FEMA, indicate what measures will be taken to mitigate the potential flood hazard and to maintain the 100-year floodplain storage volume.

2. ~~736.3.13.2~~. Identify all areas within the 25-year floodplain.

L. ~~736.3.14~~. Historical and Archaeological Sites.

1. ~~736.3.14.1~~. Describe any known historical or archaeological sites on the development site. Provide a letter from the Department of State, Division of Historical Resources (DHR) which includes:

a. A list of archaeological and historic sites located within the development site;

b. The results of any site surveys; and

c. Whether a site survey is needed.

2. ~~736.3.14.2~~ If available, indicate the results of any archaeological or historical survey conducted for the development site.

M. ~~736.3.15~~ Public Facilities.

~~736.3.15.1~~ *Transportation.*

1. ~~736.3.15.1.1~~ *Methodology*—The applicant shall use a traffic impact assessment methodology that has been approved by the Manatee County Planning Department.

2. ~~736.3.16~~ *Water Supply.*

a. ~~736.3.16.1~~ Provide a general description of the type of potable water system or combination of systems, available within the development area.

b. ~~736.3.16.2~~ Project water usage for the proposed development, in accordance with the Manatee County Comprehensive Plan standards.

~~736.3.17~~ *Non-Potable Water—Existing Conditions.*

3. ~~736.3.17.1~~ Provide a general description of the type of non-potable water system (e.g., private wells) existing within the development area.

4. ~~736.3.18~~ *Non-Potable Water—Post-Development Conditions.*

a. ~~736.3.18.1~~ Project average daily non-potable water demands generated by the proposed development. Indicate any large consumers of water (e.g., domestic irrigation) and seasonal peaks. Specify what consumption rates have been assumed in this analysis.

b. ~~736.3.18.2~~ Identify the non-potable water sources to meet project demands (e.g., proposed wells). Provide pumping rates (average and maximum) for each existing and proposed well within the development area.

~~736.3.19~~ *Wastewater Management.*

5. ~~736.3.19.1~~ Provide a general description of the wastewater treatment and disposal system, or combination of systems available within the development area (e.g., septic systems or central system(s)).

6. ~~736.3.20~~ *[Wastewater Management—]Post-Development Conditions.*

a. ~~736.3.20.1~~ Project wastewater generation for the proposed development by land use classification. These projections are to be based on County infrastructure standards.

b. ~~736.3.20.2~~ If applicable, generally describe the volumes, characteristics and pre-treatment techniques of any industrial or other effluents prior to discharge from proposed industrial-related use(s).

7. ~~736.3.21~~ *Solid Waste Management.*

a. ~~736.3.21.1~~ Provide a general description of the solid waste management system, including methods of collection and disposal, existing within the development area.

b. ~~736.3.21.2~~ Identify any proposed uses that are potential generators of hazardous waste. Hazardous waste has been defined by EPA as any substance that exhibits ignitable, corrosive, reactive and/or toxic properties. Identify the proper on-site handling and temporary storage procedures for any hazardous waste that may be generated on site, in accordance with local, regional, state, and federal hazardous waste programs. Discuss provisions that will be made for disposal of these hazardous materials.

8. ~~736.3.22~~ *Education.*

~~736.3.22.1~~ *Site Selection.*

a. ~~736.3.22.1.1~~ If any school facilities and/or sites within the project boundaries are proposed to be dedicated to the Manatee County School Board, the applicant shall meet with representatives from the School Board prior to submittal of the application to discuss site suitability and any other relevant issues.

Chapter 3. Review Authority and Procedures

- b. ~~736.3.22.1.2~~ Indicate what existing public schools would serve the development area. Identify any present excess student capacities within these schools that would be available for the proposed development.
 - c. ~~736.3.22.1.3~~ Based on the demographic information given, estimate the number of school-aged children by development phase that would be attending public schools.
 - d. ~~736.3.22.1.4~~ Attach a letter from the Manatee County School Board, acknowledging approval of the public school age population estimates given above, and providing a statement of what capital improvements would be necessary to accommodate these students for each phase of development.
 - e. ~~736.3.22.1.5~~ Indicate any school facilities and/or sites within the project boundaries which are proposed to be dedicated to the Manatee County School Board. Describe the suitability of each proposed site dedication to support a school based on size and configuration criteria and other aspects including environmental, drainage, transportation and land use compatibility. Discuss what measures will be taken to reduce or eliminate any potential compatibility conflicts.
 - f. ~~736.3.22.1.6~~ Indicate any private and/or proprietary schools proposed within the project boundaries. Identify type of school, student capacity, schedule of facility utilization, and service area. In addition, for each proposed school facility, estimate the number and percentage of students drawn from individual counties.
9. ~~736.3.23~~ *Recreation.*
- a. ~~736.3.23.1~~ If any park facilities and/or sites within the project boundaries are proposed to be dedicated to Manatee County, the applicant shall meet with representatives from the County's Parks and Recreation Department prior to submittal of the application to discuss site suitability and any other relevant issues.
 - b. ~~736.3.23.2~~ Inventory any existing passive and active recreation facilities or open space areas within the development area. Indicate whether public access to these areas is currently provided.
 - c. ~~736.3.23.3~~ Indicate any recreational areas within the development that would not be dedicated to Manatee County. Provide information on each of these recreational areas as follows:
 - i. ~~736.3.23.3.1~~ Type of recreational area (active vs. passive);
 - ii. ~~736.3.23.3.2~~ Acreage of the recreational area;
 - iii. ~~736.3.23.3.3~~ The development stage in which the recreational area would become operational;
 - iv. ~~736.3.23.3.4~~ The entity or entities responsible for the operation and maintenance of the recreational area; and
 - v. ~~736.3.23.3.5~~ The users (residents vs. open to the general public).
- ~~736.3.24~~ *Emergency Services.*
10. ~~736.3.24.1~~ Provide a letter of service availability and capacity from the appropriate ambulance service for the proposed project. This letter should contain a statement of the ambulance service's ability to provide service with adequate emergency response time as the project is currently phased.
11. ~~736.3.25~~ *Fire Protection.*
- a. ~~736.3.25.1~~ Provide correspondence from the appropriate fire protection agency indicating: (1) whether or not the present facilities and manpower of the department are capable of serving the project with adequate emergency response times as the project is currently phased, and (2) what additional manpower and equipment the project would require.
 - b. ~~736.3.25.2~~ Identify any proposed on-site facilities or services (e.g., land dedication for fire station, private fire protection service, built-in fire protection systems) that would be utilized to compliment public protection and safety services. Provide an estimated percentage of total service that would be provided by private fire protection services.
 - c. ~~736.3.25.3~~ Identify any proposed development that would create a demand beyond present fire flow capabilities (sustained and immediate). Indicate what steps (e.g., sprinkler system) would be taken to ensure adequate fire protection for this development.

~~736.3.26. Police Protection.~~

12. ~~736.3.26.1.~~ Identify any proposed on-site facilities or services (e.g., private security service, built-in alarm systems) that would be utilized to compliment public protection and safety services.

~~736.3.27. Hurricane Evacuation.~~

13. ~~736.3.27.1.~~ Provide a breakdown of proposed land uses to be located within Category 1, 2 and/or 3 storm zones.

Section 350. ~~Section 518~~ — Development Agreements.

350.1. ~~518.1.~~ Purpose and Intent.

Pursuant to ~~the Local Government Comprehensive Planning and Land Development Regulation Act (the "Act"), Sections 163.3220 through 163.3243, Florida Statutes,~~ development agreements may be entered into by a developer and the County to secure the completion of improvements or performance of other developer obligations in consideration for any procedural or substantive right or entitlement, as may be authorized and required by this Code, the ~~C~~omprehensive ~~P~~lan and applicable law.

Development agreements may be required in conjunction with a rezone to Planned Development (PD) district.

350.2. ~~518.2.~~ Application.

Application for a development agreement shall be made to the ~~Planning Director~~Department Director, and may be filed in conjunction with an application for development approval. ~~Applications shall be signed by all property owners.~~

Development agreements shall be reviewed, approved and administered as provided in this ~~S~~ection and ~~the Act~~Sections 163.3220 through 163.3243, Florida Statutes. ~~If, in the course of such review, approval or administration of a development agreement, a conflict arises between this Ssection and the Actstate law, the Actstate law shall govern. Amendments and modifications to development agreements shall be treated in the same manner as approvals of development agreements under this Ssection.~~

350.3. ~~518.3.~~ Form of Agreement for Public Improvements.

Applicants shall be responsible for preparing a draft development agreement using the standardized form provided by the County ~~Attorney~~, and shall specifically identify each substantive change to such form in the draft. ~~All development agreements shall include such information and such substantive terms as are required pursuant to the Act.~~

350.4. ~~518.5.~~ Standards of Review Procedures.

A. ~~518.4.~~ Staff Review. All development agreements shall be reviewed and processed for completeness and sufficiency pursuant to the requirements of this Chapter. ~~Sections 502.4 and 502.5. Within a reasonable time after receipt of the sufficiency review comments pursuant to Section 502.5.1., the Planning Director shall act upon the application pursuant to Section 502.5.6.~~

B. Standards of Review. All proposed development agreements shall be reviewed to assure that:

1. ~~a-~~ Any requirement for Manatee County or a private party to invest in any new construction or improvement of any facility is based upon compliance with all other applicable level of service standards, unless compliance, with adopted level of service standards is made a condition of the local government land development agreement;
2. ~~b-~~ Any construction or improvement complies with the County's design, engineering and construction standards; and
3. ~~c-~~ Any rights or entitlements granted pursuant to the development agreement are consistent with this Code and the ~~C~~omprehensive ~~P~~lan.

C. ~~518.6.~~ Approval. ~~All development agreements are subject to the approval of the Board of County~~

Commented [LDI149]: 148. The DA sections brought in from current Chapter 10 were deleted, as they were supposed to have been repealed in 2005 when 518 was established.

Commented [LDI150]: 149.2nd paragraph moved below.

Commented [LEA151]: 150. Removed per workshop comments

Chapter 3. Review Authority and Procedures

~~Commissioners. To assure compliance with applicable law, d~~ Development agreements are to be treated as quasi-judicial matters ~~pursuant to Section 502.6.2.~~ Accordingly, the applicant shall bear the burden to demonstrate that a development agreement satisfies the requirements of this Section. Except to the extent otherwise required by applicable law, the approval of any development agreement that requires the County to accept or to construct public improvements, or requires the County to accept funds or other consideration toward public improvements, shall be subject to the fiscal and managerial discretion of the Board of County Commissioners.

~~518.7. Public Hearings; Notice.~~

~~D. Pursuant to the requirements of the Act, a~~ At least two (2) public hearings shall be held prior to the approval of a development agreement by the Board, ~~such hearings to be noticed and conducted in accordance with Section 502 and applicable law.~~ One (1) of the two (2) required public hearings may be held before the Planning Commission. The hearings must be noticed in accordance with this Chapter.

~~350.5. 518.8. Recording.~~

The County, at the applicant's expense, shall record the development agreement in accordance with the ~~Act~~ State Statutes.

~~350.6. 518.9. Administration of Development Agreements.~~

Development agreements shall be subject to periodic review, amendment or cancellation, modification or revocation, and enforcement, pursuant to and in accordance with this ~~e-Act~~ section.

~~350.7. 518.10. Application of Subsequently Adopted Local Laws and Policies.~~

The County may apply subsequently adopted laws and policies to a development that is subject to a development agreement only in accordance with the requirements of the ~~Act~~ State Statutes.

~~Chapter 10 – DEVELOPMENT AGREEMENTS~~

~~Section 1001. – Purpose and Intent.~~

~~Development agreements may be entered into by a developer and the Board of County Commissioners to guarantee that the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act are followed.~~

~~Section 1002. – Procedures for Adoption.~~

~~1002.1. Application. Application for a development agreement should be made to the Planning Director in conjunction with an application for development approval in a form to be prescribed by the Planning Director. Applications shall be signed by all property owners.~~

~~1002.1.1. The applicant shall demonstrate that the adoption of a local government land development agreement requiring or committing either Manatee County or a private party, to invest in any new construction or improvement of any facility is based upon compliance with all other applicable level of service standards, or unless compliance, with adopted level of service standards is made a condition of the local government land development agreement.~~

~~1002.2. Development Agreement.~~

~~1002.2.1. The development agreement shall include the following:~~

~~1002.2.1.1. A legal description of the land subject to the agreement and the names of all persons with a legal or equitable interest in such land;~~

~~1002.2.1.2. A listing of all parties to the agreement and the relationship between said parties;~~

~~1002.2.1.3. The duration of the agreement, which shall not exceed the maximum length of time allowed by law;~~

~~1002.2.1.4. A statement indicating the sole means of relief from this agreement shall be by an action for injunctive relief filed in a Circuit Court of Manatee County and any appropriate appeal thereof;~~

~~1002.2.1.5. The development uses permitted on the land, including population and unit densities, and building intensities and height;~~

Commented [LDI152]: 151. Chapter 10 was supposed to be repealed when section 518 was established in 2005.

Chapter 3. Review Authority and Procedures

~~4002.2.1.6. A description of the public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;~~

~~4002.2.1.7. A description of any reservation or dedication of land for public purposes;~~

~~4002.2.1.8. A description of all local development permits approved or needed to be approved for the development of land;~~

~~4002.2.1.9. A finding that the development, permitted or proposed, is consistent with the Comprehensive Plan and this Code;~~

~~4002.2.1.10. A description of any conditions, terms, restriction, or any other requirements determined to be necessary by local government for the public health, safety, or welfare of its citizens;~~

~~4002.2.1.11. A statement indicating that failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions; and~~

~~4002.2.1.12. A statement that the burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest including all mortgages to the parties of the agreement; and~~

~~4002.2.1.13. The effective dates shall not begin until all time periods for appeals have expired.~~

~~4002.3. Public Hearings; Notice.~~

~~4002.3.1. There shall be two (2) public hearings prior to approval of a proposed development agreement or a proposed amendment or revocation.~~

~~4002.3.2. Public hearings shall be conducted in accordance with the procedures and requirements of Section 502 of this Code.~~

~~4002.3.3. Notice of intent to consider a development agreement shall be published and shall also be mailed to all affected property owners in accordance with Section 502 of this Code. The day, time and place at which the second public hearing will be held shall be announced at the first public hearing.~~

~~4002.4. Preparation of Draft Agreement. With their application, the applicant shall provide sufficient information to staff for preparation of the draft development agreement. Upon preparation, the draft shall be forwarded to the County Attorney for review.~~

~~4002.5. Review and Recommendation. Review of a development agreement shall be performed by the Planning Director and the Public Works Director or their designees. Recommendations on the proposed development agreement shall be provided to the applicant the Planning Commission, and to the Board.~~

~~4002.6. Review and Action by the Planning Commission and Board of County Commissioners. The Board and Planning Commission shall each hold a public hearing to review the application for development agreement and hear recommendations from the Planning Director and Public Works Director.~~

~~4002.6.1. Planning Commission. The Planning Commission shall hold a public hearing on each application for a development agreement. After conducting the public hearing the Planning Commission shall make a recommendation to the Board on each application for a development agreement.~~

~~4002.6.2. Board of County Commissioners. The Board shall conduct a public hearing in accordance with the procedures and requirements of Section 502 of this Code and after a review by the County Attorney for consistency with prior approvals and actions of the Board, the Chairman shall execute the development agreement on behalf of the County. If the application is denied, the Board shall provide reasons for said action.~~

~~4002.7. Recording. The County, at the applicant's expense, shall record the development agreement within fourteen (14) days after execution by the Chairman, and shall provide a copy to the applicant. The Planning Director shall forward a copy to the state land planning agency within one (1) month after recording.~~

~~4002.8. Periodic Review. The Planning Director shall review land subject to a development agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the Planning Director finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the Planning Director, shall notify the parties to~~

Chapter 3. Review Authority and Procedures

~~the agreement of the failure. A reasonable time period, not less than fourteen (14) days shall be provided for the parties to come into compliance with the agreement. If the violating parties have failed to comply within the specified time period, the Planning Director shall forward to the Board a recommendation that the agreement be revoked or modified. Notice of this recommendation, the reasons therefore, and the time and place of the hearing on this matter will be sent to all parties not less than fourteen (14) days prior to said hearings.~~

~~1002.9. Amendment or Cancellation. A development agreement may be amended or canceled by mutual consent of the parties to the agreement or their successors in interest.~~

~~1002.10. Modification or Revocation.~~

~~1002.10.1. The development agreement may be modified or revoked by the Board:~~

~~1002.10.1.1. For failure to comply with the terms of the agreement, or~~

~~1002.10.1.2. In order to apply subsequently adopted local laws pursuant to subsection.~~

~~1002.10.2. A development agreement shall be modified as is necessary to comply with relevant state or federal laws enacted after the execution of the agreement which preclude the parties' compliance with the terms of the agreement.~~

~~1002.11. Application of Subsequently Adopted Local Laws and Policies. The County may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the Board has held a public hearing and determined that the subsequently adopted laws and policies:~~

~~1002.11.1. Are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement; or~~

~~1002.11.2. Are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement; or~~

~~1002.11.3. Are specifically anticipated and provided for in the development agreement; or~~

~~1002.11.4. The development agreement was based on inaccurate information supplied by the parties to the agreement or their agents.~~

~~1002.12. Enforcement. Any party, any aggrieved or adversely affected person as defined herein, or the state land planning agency may file an action for injunctive relief in the Circuit Court of Manatee County to enforce the terms of a development agreement.~~

Section 351. ~~Section 517~~—Environmental Preserve Management Plan (EPMP).

351.1. ~~517.1. Purpose and Applicability~~ EPMP Required.

A. Purpose and Intent. An environmental preserve management plan (EPMP) is required to ensure improvements and uses within an Environmental Preserve are designed to adequately protect natural features on the site.

B. Applicability. Environmental preserve management plans ("EPMP")s prepared and approved in accordance with the provisions of this section, shall be utilized to assure compliance with all applicable requirements of this Code. The EPMP shall include appropriate measures for stormwater management, wetland protection, and habitat, wildlife and endangered species protection.

351.2. ~~517.3. Information-Plan~~ Requirements.

The EPMP shall include a site plan that contains ~~have~~ sufficient detail to ensure compliance with all applicable ~~the~~ development standards ~~enumerated in the Code Section 517.2~~. In circumstances where detailed development information is not available at the time of the EPMP, acknowledgement of the need to comply with the applicable ~~the applicable~~ development standards ~~identified in Section 517.2~~ will suffice.

The application for an EPMP shall be submitted by the County Administrator to appropriate reviewing agencies including the Development Review Committee.

~~517.4.3. Special Approval.~~ Notwithstanding the provision of **Section 605.345** Special Approval, an EPMP may be used as the vehicle to obtain special approval as required by the Comprehensive Plan.

Chapter 3. Review Authority and Procedures

351.3. ~~517.4.~~ Review Procedures.

A. ~~517.4.1. Public Meeting Required~~ **Planning Commission Review.** Prior to consideration of an EPMP by the Board of County Commissioners, ~~the County staff~~ **Planning Commission** shall hold a public meeting pursuant to this Chapter about to review the proposed management plan. ~~Property owners shall receive mailed notice as would be required for public hearings. The County shall also provide notice, in the form required pursuant to Section 502.7, to persons who have requested such notification.~~

B. ~~517.4.2. Board of County Commission Meeting~~ **Review.** The **Environmental Management Plan** EPMP shall be considered by the Board at a ~~regular or special meeting~~ **public hearing pursuant to this Chapter.**

~~Written notice of the meeting shall be provided to the persons/property owners noticed in Section 517.4.1., and additional persons who have requested such notice.~~

~~At the meeting, the Board may approve, deny or approve with conditions, the EPMP. Additionally, the Board may continue consideration of the item until another date.~~

~~517.4.3. Special Approval. Notwithstanding the provision of Section 605, Special Approval, an EPMP may be used as the vehicle to obtain special approval as required by the Comprehensive Plan.~~

C. ~~517.4.4. Specific Approval~~ **Modifications.** Where action, designs, or solutions proposed are not literally in accord with applicable general regulations, but the Board makes a written finding in the particular case, that the public purposes of the regulation are satisfied to an equivalent or greater degree, the Board may grant ~~specific approval~~ **modifications** for the particular case. However, where floor area and similar building ratios, as well as maximum permitted densities have been established by these regulations, the Board shall not grant specific approval to increase such ratios ~~ne~~, maximums, or minimums.

~~517.4.5. Modification. Minor modifications may be made during the development process. All such modifications shall be consistent with the Comprehensive Plan. Such modifications may be approved by the Planning Director~~ **Department Director**, after a finding of Comprehensive Plan consistency.

351.4. ~~517.2.~~ Development Standards **Review Criteria.**

Environmental preserves ~~management plans shall show compliance with~~ ~~shall be subject to the development standards outlined in the following~~ **Code** ~~S~~ sections:

~~507~~ **354.** Temporary uses.

~~510~~ ~~360.~~ Certificates of Level of Service.

~~512~~ ~~310.~~ **3.** Building permits.

~~705~~ ~~520.~~ Standards for Temporary ~~u~~ **Uses** ~~criteria.~~

~~709~~ ~~806.~~ Lighting.

~~713~~ ~~1002.~~ Visibility triangles.

~~718~~ ~~802.~~ Floodplain management.

~~720~~ ~~403.~~ **6.** Historic vista protection.

~~722.1.8.1~~ ~~803.~~ Utility ~~ies~~ **Service Requirements.**

~~722.1.8.2.~~ **Water.**

~~722.1.8.4.~~ **Fire protection.**

~~722.1.8.6~~ ~~801.~~ **Stormwater Management** **Drainage.**

Commented [LDI153]: 152. Water and Fire are included in 704.

351.5. ~~517.6.~~ Other Permits Required.

Nothing in this ~~S~~ section shall eliminate the obligation of the County to obtain any required permits from ~~S~~ state or ~~F~~ federal agencies. ~~A~~ **C**ertificates of ~~L~~ **l**evel of ~~S~~ **s**ervice compliance, all required County permits, ~~and approval for utility connections shall be obtained.~~

351.6. ~~517.5.~~ Effect of Approval.

The approval of an EPMP pursuant to this ~~S~~ section shall satisfy the requirement for Final Site Plan approval for purposes of compliance with this Code. In circumstances where a property is zoned Planned Development, the approved EPMP shall supersede any previously approved plan and/or stipulation. All required Building Permits, Floodplain Management Permits, Erosion, and Sedimentation Control Plans, Certificates of Level of Service and Construction Drawing approvals for utility connections shall be obtained.

Chapter 3. Review Authority and Procedures

Section 352. ~~Section 520~~ Public School Determinations of Consistency.**352.1. ~~520.1~~ Purpose and Intent.**

This ~~S~~section sets forth the procedures and criteria for issuance of determinations of consistency for public educational facilities pursuant to Section 1013.33(~~426~~), Florida Statutes, and the alternative procedures adopted pursuant to Section 1013.33(~~448~~), Florida Statutes, under the Amended and Restated Interlocal Agreement ("Interlocal Agreement") for Public School Facility Planning ~~among-between~~ the School Board of Manatee County ("School Board"), the County and certain municipalities.

352.2. ~~520.2~~ Applicability.

This ~~S~~section shall apply to the development of all public educational facilities by the School Board within the meaning of Section 1013.01, ~~Florida Statutes S. Florida Statutes~~. Pursuant to Section 1002.33(16), ~~Florida Statutes F.S. Florida Statutes~~, this Section shall not apply to the development of charter schools.

~~520.3. Reserved.~~**352.3. ~~520.4~~ Review Procedures for Application, Consideration, and Approval.**

With respect to each proposed educational facility, the School Board and the County shall follow the procedures and requirements set forth in Section 1013.33(~~426~~), ~~Florida Statutes S. Florida Statutes~~, as amended, for the issuance of a determination of consistency with the ~~C~~comprehensive ~~P~~plan (including, without limitation, the requirement that a complete request be deemed approved if the County fails to act upon it within ninety (90) days), subject to the following conditions:

Commented [LDI154]: 153. There is no 1013.33(12).

A. ~~520.4.1~~ Completeness. In order to be deemed "complete", a request for determination of consistency must include the following items:

1. ~~(i)~~ School site plan application;
2. ~~(ii)~~ All applicable information required by the School Site Plan standards set forth in Exhibit "C" to the Interlocal Agreement, as amended from time to time; and
3. ~~(iii)~~ Pedestrian plan for new educational facilities illustrating sidewalks which exist or are proposed on thoroughfare roads within a two-mile radius of the school site.
4. Other items may be requested of the School Board and considered by the County, but are not required in order for the request to be deemed "complete".

B. ~~520.4.2~~ Statutory Time Limit. The time periods set forth in Section 1013.33(~~426~~), ~~Florida Statutes Florida Statutes~~, shall begin to run from the date that the Director acknowledges in writing that the County has received a complete request for determination of consistency. If the County does not issue either (a) a written acknowledgement that the request is complete, or (b) a written determination that the request is incomplete with a list of the specific items from the School Site Plan standards set forth in ~~Section 520.4-1352.3.A~~ that should be provided in order to complete the request, then, within ten (10) business days from the initial date of submittal and within five (5) business days of subsequent submittals, the request shall be deemed to have been determined to be complete. The ninety (90) day window for issuing the determination of consistency shall not apply if the school board submits a General School Plan to the County for review.

C. ~~520.4.3~~ Board Consideration. A request for determination of consistency for a public school facility shall be decided by the Board. A determination of consistency shall also constitute the sole method for special approval of an educational facility pursuant to the ~~C~~comprehensive ~~P~~plan.

D. ~~520.4.4~~ Quasi-Judicial Procedures. The Board shall consider determinations of consistency in accordance with the requirements for quasi-judicial decisions pursuant to ~~Sections 502.6, 502.7 and 502.8312.8~~. No affected party shall be deemed to have waived any requirement of any statutory provision referenced herein unless such waiver is made by written instrument expressly stating such party's intent to waive such provision.

E. ~~520.4.5~~ Existing Schools. With respect to the expansion of any proposed educational facility, the County shall adhere to the requirements of Sections 1013.33(~~3~~) and (~~15~~), Florida Statutes. Existing educational facilities shall be considered consistent with the ~~C~~comprehensive ~~P~~plan. When the need for closure of an education facility is identified, the School Board's superintendent shall notify the County in writing and shall give due consideration to

Chapter 3. Review Authority and Procedures

any concerns and alternatives set forth by the County. Any expansion of an existing educational facility shall only be subject to the informational requirements, procedures, timeframes, and review process requirements of this ~~Section~~ Section, and only if the proposed expansion constitutes a major renovation or construction in that the expansion:

1. ~~(i)~~ Increases school permanent FISH capacity by more than ten (10) percent;
2. ~~(ii)~~ Provides for a change to the primary use of the educational facility (with respect to change in type of school from elementary, middle or high school to a different type of school); or
3. ~~(iii)~~ Provides for the construction of a stadium.
4. Review of any such expansion shall be limited to those aspects of the educational facility affected by the expansion.

F. ~~520.4.6. Compliance with Decision.~~ As required pursuant to the Interlocal Agreement, the School Board shall not act in a manner that is contrary to the County's decision regarding a determination of consistency. In the event the School Board does not agree with the County's decision, the School Board may initiate dispute resolution procedures in accordance with the Interlocal Agreement.

352.4. ~~520.5. Standards and Criteria.~~

All determinations of ~~consideration~~ consistency shall be subject to the following standards and criteria:

A. ~~520.5.1. Zoning Districts.~~ Public educational facilities shall be allowable uses in all zoning districts, except heavy manufacturing and conservation zoning districts subject to compliance with applicable development standards set forth in this ~~S~~ S section. Public Educational Facilities may be allowed in heavy manufacturing and conservation zoning districts at the discretion of the County.

B. ~~520.5.2. Criteria for Approval.~~ The Board shall review for consistency with the ~~C~~ C comprehensive ~~P~~ P plan in regard to impacts on natural resources, surrounding land uses and public facilities. If the request is determined to be consistent with the County's ~~C~~ C comprehensive ~~P~~ P plan land use policies and categories in which public school facilities are allowable uses, and with this ~~S~~ S section, then the County shall not deny the request for determination of consistency but shall issue a determination of consistency. The issues to be considered by the Board in deciding whether to grant a determination of consistency request shall be limited to those specified in Section 1013.33~~(43)~~, Florida Statutes.

C. ~~520.5.3. Conditions of Approval.~~ With respect to each proposed educational facility, the Board may place reasonable development standards and conditions upon the approval of a determination of consistency relating to environmental concerns, health, safety and welfare, and effects on surrounding property. Any condition requiring off-site improvements by the School Board shall be subject to the limitations established by Section 1013.51, Florida Statutes.

~~**520.5.4. Determination of, Agreement for, On-Site and Off-Site Improvements.** In conjunction with a determination of consistency provided pursuant to Section 520, the School Board and the County shall determine the need for and timing of on-site and off-site improvements necessary to support a proposed Educational Facility construction or renovation and the needs and/or opportunities for construction of additional area improvements on a cooperative basis. Any improvements by the School Board required or agreed to in order to fulfill the requirements of this Section shall be subject to the limitations established by Section 1013.51, Florida Statutes. A written agreement between the School Board and the County may be entered into concerning the timing, location, and the party or parties responsible for constructing, operating and maintaining such improvements.~~

352.5. ~~521.8. Determination of, Agreement for, On-Site and Off-Site Improvements.~~

In conjunction with a determination of consistency ~~provided pursuant to Section 520,~~ the School Board and the County shall determine the need for and timing of on-site and off-site improvements necessary to support a proposed ~~E~~ E educational ~~F~~ F facility construction or renovation and the needs and/or opportunities for construction of additional area improvements on a cooperative basis. Any improvements by the School Board required or agreed to in order to fulfill the requirements of this ~~S~~ S section shall be subject to the limitations established by Section 1013.51, Florida Statutes. A written agreement between the School Board and the County may be entered into concerning the timing, location, and the party or parties responsible for constructing, operating and maintaining such improvements.

Commented [LDI155]: 154.Repeat of old section 521.8 (see below).

Chapter 3. Review Authority and Procedures

352.6. ~~520.6.~~Effect of Determination of Consistency.

Issuance of a determination of consistency by the County for an educational facility shall satisfy the requirements for development approval for the education facility, including without limitation:

- A. ~~(i)~~ All development approvals required pursuant to this Code and the Comprehensive Plan; and
- B. ~~(ii)~~ All development approvals required from the County pursuant to Section 1013.33, Florida Statutes.

Accordingly, upon issuance of a determination of consistency by the County, the School Board shall not be required to seek any additional approvals from the County for development of the subject educational facility, so long as it is developed in accordance with the determination of consistency and any conditions imposed there under pursuant to this Section.

Section 353. ~~Section 521~~—General Plans for Educational Facilities.**353.1. ~~521.1.~~Purpose and Intent.**

This Section sets for the procedures and criteria for submission by the School Board, at their option, of a General School Plan for purposes of long-range school planning. The submittal of a General School Plan is intended to facilitate implementation of the Public School Facilities Element of the Comprehensive Plan so as to provide for a collaboration in the planning for future sites for educational facility site selection consistent with the Comprehensive Plan and growth and development patterns of Manatee County. The submittal of a General School Plan by the School Board shall be supplemental to the procedure for the future determination of a school site plan as to consistency pursuant to Section 352.6 of this Code.

353.2. ~~521.2.~~Review Procedures for Application, Consideration and Approval.

~~If the School Board elects to submit a General School Plan, the 90-day timeframe for reviewing and making a determination of consistency referenced in Section 520.4 shall not be applicable.~~

~~521.3.~~Completeness Application.

A. In order to be deemed "complete", a request for review of a General School Plan must include the following items:

1. ~~(i)~~ School General Plan application;
2. ~~(ii)~~ All applicable information required by the General School Plan standards set forth in Exhibit "B" to Ordinance 09-59.
3. Other items may be requested of the School Board and considered by the County, but are not required in order for the request to be deemed "complete."

~~521.4.~~Board Consideration. ~~521.5.~~ Quasi-Judicial Procedures.

B. The Board shall consider and comment on a General School Plan in accordance with the requirements for quasi-judicial decisions pursuant to this Chapter Sections 502.6, 502.7 and 502.8. A request for consideration of a General School Plan shall be decided by the Board. A General School Plan shall not be the method for special approval of an educational facility pursuant to the Comprehensive Plan.

~~521.7.~~Conditions of Approval.

C. ~~With respect to General School Plans,~~ There shall be no conditions of approval placed upon the review of the General School Plan by the Board. Provided, however, the Board may place reasonable development standards and conditions upon the future consideration of a determination of consistency relating to environmental concerns, health, safety and welfare, and effects on surrounding property ~~in accordance with Section 520.5.3, LDC.~~

353.3. ~~521.6.~~Standards and Review Criteria.

~~A review of General School Plans shall be subject to the following standards and criteria:~~

~~(i)~~ The Board shall review the degree to which the proposed General School Plan complies with the standards set forth in Exhibit "B" to Ordinance 09-59.

Chapter 3. Review Authority and Procedures

353.4. ~~521.9.~~Effect of Review and Consideration of General School Plan.

The review of a General School Plan by the Board shall serve as a planning tool for the following:

- A. ~~(i)~~ The General School Plan shall guide the siting of schools and remain in effect until such time ~~and~~ the School Board submits a school site plan which is approved by the Board for the subject site. The action by the Board shall be codified as a resolution to approve or deny the proposed General School Plan.
- B. ~~(ii)~~ The General School Plan shall serve only as a planning tool and shall not be relied upon for determinations of satisfying school concurrency requirements as described in **Article VII of the Interlocal Agreement** and in Chapter 163, Part II, Florida Statutes.

Section 354. ~~Section 507.~~Temporary Uses Permits.**354.1. ~~507.1.~~Temporary Use Permit Required.**

No temporary use which is not otherwise treated by this Code as a permitted use or ~~conditional~~ Special Permit use in a particular zoning district shall be conducted or erected without a temporary use ~~or Building P~~ permit issued by the ~~Planning Director~~ Department Director, ~~Building Official or the Board~~. The issuance of a temporary use permit shall not be deemed to amend the Official Zoning Atlas or this Code. The issuance of a ~~T~~temporary ~~U~~use ~~P~~permit does not waive any requirements for a Building Permit. ~~For instance, where a Building Permit is required, the Building Permit may serve as a Temporary Use Permit if specially stated as such and approved by the Planning Director and Building Official.~~

354.2. ~~507.2.~~Application Requirements Review Procedures.

~~Pursuant to Section 105, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with any application for a Temporary Use Permit. Each application shall include Construction Drawings, which shall prescribe the nature of the activities and temporary improvements involved, and the time period for which the permit is requested.~~

~~705.1.2. Application. All a~~Applications for a temporary use shall be made at least thirty (30) days prior to the proposed commencement date for the use. ~~Applications reviewed within thirty (30) days prior to the proposed commencement date for such use may not permit ample time for all agencies to review same. All such~~The applications shall include a description of the proposed activities, the time period for which the permit is requested, a site plan which shall describe the nature of the activities, depicting the proposed use of the site and any temporary site or building improvements proposed, and any additional information and documentation as may be required by the Department Director. Plans for sanitation and public health protection including temporary bathroom facilities, inspection of food facilities, drainage, garbage and litter control, and recycling, shall be approved by the Department Director and the Health Department, when applicable.

~~507.3. Standards for Review and Approval. Unless otherwise provided herein, the Department Director has the authority to approve a temporary use permit. Applications for temporary use shall be reviewed and approved in accordance with procedures for Administrative Permits set forth in Section 315506, and standards and uses set forth in this Section and Section 705.~~

~~507.5. Conditions.~~

The ~~Planning Director~~ Department Director may impose reasonable conditions upon the ~~T~~temporary ~~U~~use ~~P~~permit ~~or Building Permit~~ including, without limitations, any conditions or restrictions placed on the proposed use activities to address hours of operation, traffic control and access, lighting, sanitation, and noise control to ensure compliance with the standards above.

354.3. ~~507.6.~~Expiration of Permits; ExtensionDuration of Temporary Use Permit.

Unless specifically authorized in **Chapter 57**, no ~~T~~temporary ~~U~~use ~~P~~permit shall allow continuation of the use ~~for~~ a period of more than six (6) months, ~~unless approved at a public hearing of the Board of County Commissioners in accordance with Section 312.8.~~Such a request shall not require a Planning Commission review.

~~705.1.4. Termination.~~By the end of the time period for which the temporary use was permitted, including any renewal or extension periods, the use shall be discontinued, all temporary structures involved removed, and the site restored

Chapter 3. Review Authority and Procedures

to an acceptable condition free of debris and code violations.

354.4. Extension of Temporary Use Permit.

~~a~~An applicant who has obtained a ~~T~~emporary ~~U~~se ~~P~~ermit may request an extension of the permit period by filing, before expiration, a letter stating the reasons for the request with the ~~Planning Director~~Department Director. ~~The Planning Director may grant the request for good cause shown by the applicant. Only one extension may be granted under this subsection. The extension of any Building Permit associated with a temporary use shall also require the written approval of the Building Official.~~

~~705.1.5. Renewals, Extensions. The Director may grant, for good cause shown by the applicant, One (1) renewal or extension of a temporary use permit may be made for a maximum period not to exceed ninety (90) days, unless otherwise specified in this Chapter 57, or by the authority initially approving the temporary use permit. Such renewal or extension may be granted, subject to the standards and procedures of this Ssection. Only one extension may be granted under this subsection~~

354.5. ~~705.1.6.~~ Consolidated Permits.

Where an activity or project, such as a construction project, involves more than one (1) temporary use regulated under this Ssection, a consolidated temporary use permit may be issued for all such uses involved in the activity or project.

354.6. ~~705.1.3.~~ Violations.

~~If the applicant violates the conditions of the Temporary use permit, this permit is subject to revocation. Enforcement and violations of this section shall be addressed as specified in Chapter 1 of this Code.~~

~~The appeals procedures in Section 516 shall be utilized.~~

~~Section 912. Reserved.~~

~~Editor's note~~

~~Ord. No. 94-09, § 3(l), adopted June 16, 1994, renumbered section 912 as section 742. The user's attention is directed to said section 742 for the street and structure numbering standards. See also the Table of Amendments.~~

Section 355. ~~Section 519~~ Erosion and Sediment Control Plan.

Commented [LDI156]: 155.Consi der moving to Admin Procedures or Public Works Manual

355.1. ~~519.1.~~ Applicability.

Development approval that, pursuant to this Code, requires a Ffinal Ssite Plan or construction plan shall also be subject to the requirement of an Erosion and Sediment Control Plan (ESCP) pursuant to this Section.

355.2. ~~519.2.~~ Application Requirements.

Prior to commencement of construction activities, the applicant shall submit an ESCP to the ~~Planning~~Department Director for review and approval. Construction activities shall not commence unless and until such approval is obtained. Pursuant to **Section 405.102**, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with any application for an ESCP.

355.3. ~~519.3.~~ On-Site Meeting.

The applicant shall schedule an on-site meeting with ~~staff from the Building and Development Services~~Planning Department ~~staff~~ and ~~staff of the County's~~Public Works Department, as well as the engineer of record and the contractor. Final approval of the ESCP and authorization of construction will be granted only after an on-site meeting has been conducted.

Prior to scheduling the on-site meeting the developer shall:

- A. ~~a-~~ Obtain all applicable approvals (Ffinal Ssite Pplan, construction plans, environmental resource permit and NPDES permit);
- B. ~~b-~~ Stake the boundaries of the wetland buffers, upland preservation areas or other environmentally sensitive

Chapter 3. Review Authority and Procedures

areas, as indicated on the approved Final Site Plan/construction plans; and

- ~~C. 6.~~ Stake all silt screen locations every one hundred (100) feet, as indicated on the approved Final Site Plan/construction plans.

355.4. 519.4.Changes.

Prior to approval of the ESCP, the applicant shall make any changes to the ESCP that staff deem necessary to assure compliance with this Code and the Comprehensive Plan. Changes to an approved ESCP must be submitted to staff by the engineer of record for review and approval prior to implementation, and are subject to the approval of the ~~Planning Director~~ Department Director. Additionally, changes to an ESCP that also constitute changes to a Final Site Plan are subject to the requirements of Section 508.8.3324. Changes to an ESCP that also constitute changes to construction plans are subject to the approval of the ~~Planning Director~~ Department Director.

Section 356. Mining Activity Permitting

~~602.4.1.2—Mining operations require the approval of a All-Master Mining and Reclamation Plans approved in this district shall meeting the requirements of Ordinance 81-22the Manatee County Phosphate Mining Code (Chapter 220, Code of Ordinances), and all subsequent revisions. In addition, all Approval of such plans shall follow the procedures defined herein.~~

356.1. 602.4.2—Review and Approval Procedures.

~~A. 602.4.2.1—Pre-application Conference.~~ The developer of a proposed mining activity shall meet ~~jointly with staff of the Planning Department Director, Phosphate Mining Coordinator~~ and other affected County agencies prior to the preparation or submission of a Master Mining and Reclamation Plan. The purpose of this meeting shall be to discuss informally the minimum requirements and design standards for proposed mining activities as well as to discuss existing or proposed developments which may affect, or be affected by the proposed activities. For the purpose of such discussion, it is advised that the applicant have a sketch plan indicating the proposed project area, its relationship to the surrounding area, and its general development scheme. Formal application or filing of a plan with the ~~Planning Department~~ Director is not required for the Pre-application Conference.

~~602.4.2.2—Application for Approval of Rezoning: General Development Review.~~

~~B. 602.4.2.2.1—Filing of Application.~~ Following the Pre-application Conference, a developer wishing to undertake a mining activity shall file an application with the ~~Planning Department~~ Director in accordance with the provisions of Section 504342, Amendments to Official Zoning Atlas, and this Section. Such application shall include a copy of ~~the~~ Master Mining and Reclamation Plan.

~~C. 602.4.2.3—Review Procedures.~~ The review and approval procedures for Master Mining and Reclamation Plan shall be the same as for a rezoning pursuant to Section 504342, Amendments to Official Zoning Atlas.

~~D. 602.4.2.3.1—Modifications.~~ In approving a Master Mining and Reclamation Plan, the Board ~~of County Commissioners~~ may require such modifications as shall assure compliance with the purpose and intent of the EX district regulations.

~~E. 602.4.2.3.2—Rezoning Application.~~ In the event that a Master Mining and Reclamation Plan shall be disapproved by the Board ~~of County Commissioners~~, the application for rezoning shall thereby be deemed to be denied. In the event that the Board ~~of County Commissioners~~ shall approve, or approve with modifications or conditions, a Conceptual Site Plan, the Board ~~of County Commissioners~~ may thereupon grant the rezoning application accompanying said plan.

~~F. 602.4.2.3.3—Additional Information.~~ Prior to or in addition to approval of a Master Mining and Reclamation Plan, and upon a determination that additional information is necessary for proper review of the proposed mining activity, the Board ~~of County Commissioners~~ may require the submission of additional information by the applicant. The review of such additional information shall follow the same procedures applicable to review of the Master Mining and Reclamation Plan with which such information is to be associated.

~~G. 602.4.2.3.4—Amendment.~~ Once a Master Mining and Reclamation Plan has been approved, and there is cause for amendment of same or any portion thereof, such amendment shall be processed in like manner as the original submission. However, there shall be no requirement to file an amended rezoning application unless the proposed

amendment would so dictate.

356.2. ~~602.4.3.~~ Deviations from Approved Plans.

Deviations from the approved plans or failure to comply with any requirements or safeguard imposed by the Board of ~~County Commissioners~~ during the approval procedure shall constitute a violation of this Code.

Section 357. to 359 Reserved.

Part VIII. Concurrency Management.

~~396.1.~~ Section 360. ~~Section 510.~~ Certificate of Level of Service Compliance.

360.1. ~~510.1.~~ Purpose.

This ~~S~~section is intended to ~~ensure that development is consistent with the level of service standards for public facilities which are contained in the Comprehensive Plan and to~~ prevent the issuance of Development Orders which result in a reduction in the adopted level of service standards for public facilities below the level required by the Comprehensive Plan.

360.2. ~~510.2.~~ Applicability.

The following ~~D~~development order requests shall not ~~commence be issued without unless the applicant has obtained~~ a ~~C~~certificate of ~~L~~level of ~~S~~service ~~C~~compliance ~~(Certificate)~~. All development shall obtain a certificate. If proposed development qualifies as a special exception to the Comprehensive Plan, the certificate will be issued indicating the exception.

~~510.2.1. Required Certification. The following development orders, approvals, or requests shall not be issued unless the applicant has obtained a Certificate of Level of Service Compliance:~~

- A. ~~a.~~ Approval to commence development.
- B. ~~b.~~ Construction drawing approval.
- C. ~~c.~~ Final site plan.
- D. ~~d.~~ Final subdivision plat.
- E. ~~e.~~ Administrative permit with a Final Site Plan.
- F. ~~f.~~ Earthmoving permit, minor or major.
- G. ~~g.~~ Off-street parking plan.
- H. ~~h.~~ Building permits for the following:
 - 1. ~~i.~~ More than one thousand (1,000) square feet of non-residential floor area as either a whole-new building or an addition.
 - 2. ~~ii.~~ Dwelling unit as a whole unit but not an addition to a unit.
 - 3. ~~iii.~~ Other use that would increase parking spaces, traffic generation, potable water use, wastewater generation, or solid waste generation beyond that of a dwelling unit or an office with one thousand (1,000) square feet of floor area.
 - 4. ~~iv. Required improvements to a site such as i~~ installation of drainage, water, sewer or roadway improvements.
 - 5. Request for public water or wastewater service. (Comprehensive Plan special exception status does not

Chapter 3. Review Authority and Procedures

give applicant automatic approval for water or wastewater service.)

- 1. Construction approval for required improvements (except as performed by Manatee County) to a site, such as the installation of drainage, water, sewer, parking or roadway improvements.

360.3. 510.2.2. Optional Certification.

A. Concurrent Approvals. An applicant may apply for and receive a certificate concurrently with the approval of the following ~~Development Orders~~ or approvals:

- 1. ~~a.~~ Development of regional impact or Florida ~~Quality Development~~.
- 2. ~~b.~~ Preliminary site plan.
- 3. ~~c.~~ Preliminary subdivision plat.
- 4. ~~d.~~ Special permit with a preliminary site plan.

B. Exceptions. The optional certification provided in this section shall not be available for the wastewater and potable water components of concurrency. ~~The sole means of obtaining the potable water component of concurrency shall be through Section 510.2.1.~~ In the event an applicant does not apply for and receive a certificate concurrently with any of the forgoing ~~development order~~ ~~Development Orders~~ and approvals, such ~~development order~~ ~~Development Orders~~ and approvals shall not grant any rights or entitlements to a certificate, shall not exempt the proposed development from eventual requirements for a certificate, and shall not grant any rights to commence development without a certificate.

~~510.2.3. Prohibited Certificate.~~

~~An applicant may not apply for or receive a certificate concurrently with the approval of the following development orders, actions or approvals:~~

- ~~a. Administrative appeal.~~
- ~~b. Adult entertainment permit.~~
- ~~c. Comprehensive Plan Future Land Use Map amendment.~~
- ~~d. Floodplain management permit.~~
- ~~e. General development plan.~~
- ~~f. Private street approval.~~
- ~~g. Tree removal permit.~~
- ~~h. Variance.~~
- ~~i. Verification or determination of compliance with land development regulations or the Comprehensive Plan.~~
- ~~j. Zoning atlas amendment, zoning change, rezoning, zoning permit, or zoning action of any kind.~~
- ~~k. Gateway Overlay District Master Plans unless otherwise provided for in Section 604.12 of this Code.~~

~~An applicant who has obtained any of the foregoing development orders or approvals shall not receive any rights or entitlements to a certificate or an exemption from the requirements for a certificate and may not commence development until the applicant has obtained a certificate in connection with a development order or approval pursuant to Section 510.2.1 or 510.2.2 or as otherwise provided for in Section 604.12 of this Code.~~

360.4. 510.2.4. Special Permits, Rezoning and Site Plan Approvals.

A. 510.2.4.1. No Certificate Not Required, Public Facilities Considered. A certificate shall not be required in connection with a Special Permit, rezoning or approval of a General Development Plan or ~~p~~ Preliminary ~~s~~ Site ~~p~~ Plan. However, the County may consider the availability of public services and facilities when evaluating the appropriateness of any such approval, and may deny a request for any such approval if public facilities and services are not expected to be available as required pursuant to the Comprehensive Plan.

B. 510.2.4.2. Recommendation for Denial. In the case where there is a recommendation of denial of the requested future land use map, comprehensive policy plan, rezoning, or site plan application, the applicant is not precluded

Commented [LDI157]: 156. Not needed. Already addressed above.

Chapter 3. Review Authority and Procedures

from applying for a development agreement ~~or proportionate fair share mitigation in~~ accordance with this Code, or otherwise proposing conditions of approval that would achieve consistency with the requirements of the Comprehensive Plan.

Commented [LDI158]: 157.Prop Fair Share ordinance deleted.

Commented [LEA159]: 158.Brought back.

360.5. 510.3. Application Review Requirements Procedures.

~~Pursuant to Section 105, the County Administrator shall establish administrative procedures setting forth the requirements for information to be submitted with applications for certificates and for the review and analysis of such applications.~~

A. 510.4. Staff Review. All applications for certificates shall be reviewed and processed for completeness and sufficiency pursuant to ~~Sections 312.4 and 312.5~~ 502.4 and 502.5. Within a reasonable time after receipt of the sufficiency review comments ~~pursuant to Section 502.5.1,~~ the ~~Planning Director~~ Department Director shall act upon the application ~~pursuant to Section 510.6.~~

B. 510.5. Standards of Review and Approval. All proposed certificates shall be reviewed under, and shall only be approved if found to be in compliance with, the following standards:

1. ~~a.~~ — The standards for concurrency and level of service set forth in the Comprehensive Plan;
2. ~~b.~~ — Any professionally accepted techniques for measuring level of service in order to assure compliance with the Comprehensive Plan and applicable law; and
3. ~~c.~~ — The procedures established for concurrency review ~~pursuant to Section 510.3.~~

A.C. 510.6. Action by ~~Planning Director~~ Department Director. Upon receipt of all comments from reviewing departments and agencies ~~pursuant to Section 502.5,~~ the ~~Planning Director~~ Department Director shall:

1. ~~a.~~ — Approve the application and issue the certificate with ~~such conditions as may be imposed pursuant to Section 510.7;~~ or
2. ~~b.~~ — Issue to the applicant a Notice of Intent to deny the application and:
 - ~~a.~~ — if the applicant fails to respond within thirty (30) days of the date of such notice, requesting to undertake proportionate fair share mitigation ~~pursuant to Section 514,~~ the application shall be deemed denied without further notice to the applicant.
 - ~~b. ii.~~ — If the applicant responds and requests to undertake proportionate fair share mitigation ~~pursuant to Section 514,~~ the certificate shall be issued if and when the requirements of ~~that Section 514~~ are satisfied.

D. 510.7. Conditions of Approval. The ~~Planning Director~~ Department Director may attach such conditions to the approval of a certificate as are necessary to assure compliance with ~~this~~ Section 510.9, which may include, but shall not be limited to, development phasing, facility phasing, and capital improvements programming, ~~and/or proportionate share mitigation pursuant to Section 514,~~ and may be required to be secured by land development agreements, construction contracts, and/or posting of performance security.

Commented [LDI160]: 159.Prop Fair section deleted.

E. 510.8. Effect of Approval. Issuance of a certificate shall satisfy the concurrency requirements of the Comprehensive Plan, subject to all conditions imposed pursuant to the certificate, and any other conditions or requirements imposed pursuant to any other applicable ~~development order~~ Development Order or approval, this Code or the Comprehensive Plan.

~~510.9. Succession, Expiration, Extension and Modification.~~

F. 510.9.1. Succession. If a ~~proposed~~ development ~~order~~ requires subsequent development orders, e.g., a preliminary site plan followed by a Final Site Plan followed by a Building Permit, the original certificate will serve all such subsequent development orders, unless and until such certificate expires.

G. 510.9.4. Modification. Requests for modifications to certificates shall be reviewed and approved in the same manner as applications for ~~new~~ certificates ~~pursuant to Section 510.5.~~ An applicant that has received approval of a certificate may request approval of a modification to such certificate, and the ~~Planning Director~~ Department Director may approve such request, so long as such modification:

1. ~~a.~~ — Does not result in a reservation of additional infrastructure capacity over and above capacity reserved in the original certificate, unless there are no complete applications for certificates pending before the County that would require such additional capacity; and

Chapter 3. Review Authority and Procedures

2. ~~b.~~ — Does not result in the release of the applicant from any obligation to construct public improvements, or provide payment in lieu thereof, for impacts to public facilities.

H. **510.10.Appeals.** Appeals of decisions to approve and issue, or deny, certificates shall be heard by ~~the Board~~ a Hearing Officer pursuant to Section 516Part X of this Chapter.

360.6. 510.9.2.Expiration.

~~510.9.2.1.Time Period.~~ All certificates shall expire three (3) years from the date of issuance except as otherwise provided in this Section ~~510.~~ If a certificate is issued for transportation concurrency ~~pursuant to Section 510.2.2,~~ a subsequent certificate for potable water and sanitary sewer shall be given the same expiration date as the original certificate for transportation. The issuance of a certificate for potable water at the final development stage shall not operate to extend the expiration of a prior certificate for other concurrency requirements.

~~510.9.2.1.1.Developments of Regional Impact, Florida Quality Developments, and Local Government Development Agreements.~~ Certificates valid for more than three (3) years may be issued in connection with a development order for a development of regional impact, Florida quality development or a development agreement.

A. **510.9.2.1.2.Building Permits.** Building permits shall be obtained prior to the expiration of a certificate. Construction may continue to completion after the certificate's expiration if the Building Permits remain valid and do not expire.

B. **510.9.2.1.3.Subdivisions.** Building permits for single family and duplex dwelling units on individual lots within a residential subdivision, which previously received a certificate, shall not be required to obtain a new certificate if:

- 1. ~~a.~~ — Said subdivision received final subdivision plat approval;
- 2. ~~b.~~ — Such Final Plat was recorded in the public records before its certificate expired; and
- 3. ~~c.~~ — All necessary conditions of the certificate have been met.

Commented [LEA161]: I60.A & B brought back.

360.7. 510.9.3.Extensions.

No later than thirty (30) days before the expiration date of a certificate originally issued for three (3) years, the applicant may request one (1) extension, not to exceed two (2) additional years. Such extension shall be subject to ~~the approval of the Board.~~ In connection with any requested extension, a limit may be placed on the amount of capacity which may be carried forward and allocated to the two-year extension term, and a limit may be placed upon the timeframe for which the extension is granted. The Board ~~of County Commissioners~~ may, by resolution, approve blanket extensions to certificates for development projects in all or part of the County to reflect market conditions or availability of unused infrastructure capacity. The ~~Planning Department~~ Director shall recommend to the Board whether the extension is warranted, based on criteria including, but not limited to, the following:

Commented [LEA162]: I61.Brought back per workshop comments

- A. ~~a.~~ — Size of the project;
- B. ~~b.~~ — Amount of capacity requested;
- C. ~~c.~~ — Phasing;
- D. ~~d.~~ — Location of the project;
- E. ~~e.~~ — Capacity availability within the service area;
- F. ~~f.~~ — Reasons for requesting the reservation time period extension;
- G. ~~g.~~ — Whether the developer exercised good faith in attempting to secure issuance of a Building Permit;
- H. ~~h.~~ — Whether the applicant has substantially completed all required improvements to public facilities or provided the County with payment in lieu of such improvements; and
- I. ~~i.~~ — Whether the applicant has applied for or has made a proportionate fair-share contribution for the provision of transportation facilities or pre-paid estimated transportation impact fees.

~~Section 511 Proportionate Fair Share Program.~~

~~511.1.Applicability.~~

~~The proportionate fair share mitigation procedures set forth in this Section 511 shall be available for any development~~

Commented [LDI163]: I62.Per CAO, no longer needed in the Code.

Chapter 3. Review Authority and Procedures

project for which:

~~511.1.1. The applicant has filed, or intends to file, an application for a Transportation CLOS, or renewal or extension of an existing transportation CLOS, in accordance with the requirements of Section 352510, on or after December 1, 2006; and~~

~~511.1.2. The Planning Director has, pursuant to Section 511.4.1., issued a Notice of Intent to deny the application for transportation CLOS, or the applicant anticipates that such a notice will be issued because the applicant expects to impact a deficient roadway.~~

~~The procedures set forth herein shall not be available for developments of regional impact (DRIs) using proportionate fair share under Section 163.3180(12), Florida Statutes, or to developments exempted from transportation concurrency pursuant to general law.~~

~~511.2. General Requirements.~~

~~An application to satisfy the County's transportation concurrency requirements through proportionate fair share mitigation shall be subject to the following requirements:~~

~~511.2.1. The subject development project must be consistent with the Comprehensive Plan and this Code;~~

~~511.2.2. The improvement project proposed to meet the developer's fair share obligation must meet design standards of the County for locally maintained roadways (and of the Florida Department of Transportation ("FDOT") in the case of projects in the state highway system ("SHS")), as well as any conditions necessary to satisfy the requirements of the Comprehensive Plan and this Code; and~~

~~511.2.3. One (1) of the following must apply:~~

~~511.2.3.1. The five-year schedule of capital improvements in the 5-Year CIE must include construction of a transportation improvement(s) that, upon completion, will satisfy the requirements of the Transportation CMS; or~~

~~511.2.3.2. The County chooses, in its discretion, to allow an applicant to satisfy transportation concurrency through proportionate fair share mitigation by contributing to an improvement that, upon completion, will satisfy the requirements of the Transportation CMS, but is not contained in the five-year schedule of capital improvements in the 5-Year CIE, where the following apply:~~

~~511.2.3.2.1. The County adopts, by resolution, a commitment to add the improvement to the five-year schedule of capital improvements in the 5-Year CIE no later than the next regularly scheduled update of the 5-Year CIE. Such resolution shall include a finding by the Board of County Commissioners that the proposed improvement is (a) financially feasible pursuant to Part II, Chapter 163, Florida Statutes, (b) consistent with the Comprehensive Plan, and (c) in compliance with the provisions of this Section.~~

~~511.2.3.2.2. In the case of a transportation improvement for which funds allocated for the five-year schedule of capital improvements in the 5-Year CIE are insufficient to fully fund construction, the County may still enter into a binding proportionate fair share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair share is calculated, if the proportionate fair share amount is sufficient to pay for one (1) or more improvements which will, in the opinion of the County (and FDOT, in the case of improvements to the state highway system), significantly benefit the impacted transportation system. The improvement(s) funded by the proportionate fair share component must be adopted into the 5-Year CIE at the next annual capital improvements element update.~~

~~511.3. Intergovernmental Coordination.~~

~~Pursuant to policies in the Intergovernmental Coordination Element of the Comprehensive Plan and applicable policies in the Tampa Bay Strategic Regional Policy Plan and other adopted regional plans for transportation, the County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the County's jurisdiction.~~

~~511.4. Application Process.~~

~~511.4.1. Any Notice of Intent to deny an application for transportation CLOS because of lack of transportation capacity shall identify in writing any deficient impacted transportation facilities.~~

~~511.4.2. An applicant shall file with the Planning Director a request to undertake proportionate share mitigation pursuant to this Section and, in the case of an application to undertake mitigation by improving a state road, provide notice of such to the FDOT.~~

Commented [LD1164]: 163.Sec. 163.3180(12), FS, was deleted in 2011.

Chapter 3. Review Authority and Procedures

~~511.4.3. A pre-application meeting may be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is a State or Federal facility, then FDOT will be notified and invited to participate in the pre-application meeting.~~

~~511.4.4. An applicant shall submit a formal application to the County that includes the application fee established pursuant to the County's fee ordinance, and the following:~~

- ~~a. Name, address and phone number of owner(s), developer and agent;~~
- ~~b. Property location, including parcel identification numbers;~~
- ~~c. Legal description of property;~~
- ~~d. Project description, including type, intensity and amount of development;~~
- ~~e. Phasing schedule, if applicable;~~
- ~~f. Description of requested proportionate fair share mitigation method(s);~~
- ~~g. Copy of Transportation CLOS application; and~~
- ~~h. Such other items as may be required by the County Administrator.~~

~~511.4.5. The application shall be reviewed and processed for completeness and sufficiency pursuant to Sections 502.4 and 502.5. If an application is determined to be insufficient, incomplete or inconsistent with the requirements of this Section, then the applicant will be notified in writing of the reasons for such deficiencies. If such deficiencies are not remedied by the applicant within thirty (30) days of receipt of the written notification, then the application will be deemed abandoned. The Planning Director may grant an extension of time to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to affect a cure.~~

~~511.4.6. For any application to undertake proportionate fair share mitigation for development impacts to facilities on the SIS, the applicant shall submit evidence satisfactory to the County of an agreement between the applicant and the FDOT for inclusion in the proportionate fair share agreement.~~

~~511.4.7. When an application is deemed sufficient, complete and eligible, the applicant shall be advised in writing and a proposed proportionate fair share obligation and binding agreement will be prepared by the County, or by the applicant with direction from the County, and delivered to the appropriate parties for review, including a copy to FDOT for any proposed proportionate fair share mitigation on a SIS facility.~~

~~511.4.8. The County shall provide reasonable notice to the applicant of the date of the Board meeting when the agreement will be considered for final approval. No proportionate fair share agreement will be effective until approved by the Board.~~

~~511.5. Determining Proportionate Fair Share Obligation.~~

~~511.5.1. Proportionate fair share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities. So long as the mitigation obligation of an applicant is determined in accordance with Subsection C511.5.3., hereof, the County shall retain the discretion to determine which form of mitigation is acceptable.~~

~~511.5.2. A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.~~

~~511.5.3. Pursuant to Section 163.3180(12), Florida Statutes, the methodology used to calculate an applicant's proportionate fair share obligation shall be:~~

~~The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.~~

~~OR~~

~~Proportionate Fair Share = $\frac{\text{Development Trips}}{\text{SV Increase}} \times \text{Cost}$~~

Chapter 3. Review Authority and Procedures

Where:

Development Trips _i ==	These trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;
SV Increase _i ==	Service volume increase provided by the eligible improvement to roadway segment "i" per Section E [§ 511.2];
Cost _i ==	Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year or years each will be incurred.

511.5.4. For the purposes of determining proportionate fair share obligations, the County shall determine improvement costs based upon the actual cost of the improvement as obtained from the 5 Year CIE (subject to any inflation or cost increase factors set forth in the 5-Year CIE). Where such information is not available, improvement cost shall be determined using one (1) of the following methods:

511.5.4.1. For projects to improve roads other than State and Federal roads, an estimate by the County of project costs acceptable to the County Administrator. In order to accommodate increases in construction material costs, project costs shall be based upon the type of cross section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events; and

511.5.4.2. For projects to improve State or Federal roads, the most recently available data from FDOT regarding transportation improvement costs and inflation factors, as adjusted based upon the type of cross section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.

511.5.5. If the County has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one (1) of the methods provided in this Section.

511.5.6. If the County has accepted right-of-way dedication for the proportionate fair share payment, credit for the dedication of the non-site related right-of-way shall be valued in accordance with Section 807.7.6.3 hereof. The applicant shall supply a drawing and legal description of the land and a Certificate of Title or Title Search of the land to the County at no expense to the County. If the estimated value of the right-of-way dedication proposed by the applicant is less than the County estimated total proportionate fair share obligation for that development, then the applicant must also provide addition/mitigation in a value equal to the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair share mitigation for projects funded in whole or in part with State or Federal funds, public or private partners should contact the FDOT for essential information about compliance with Federal law and regulations.

511.6. Impact Fee Credit for Proportionate Fair Share Mitigation.

511.6.1. Proportionate fair share mitigation made pursuant to this Section shall be applied as a credit against impact fees in accordance with the following requirements:

511.6.1.1. The mitigation provided by the applicant must be used to mitigate impacts to a transportation facility that is a component of the transportation facilities for which the applicant is required to pay transportation impact fees for the subject development.

511.6.1.2. The credit shall be an amount equal to the value of such mitigation, as determined pursuant to Section 353511.5.

511.6.1.3. The credit shall be applied against only the portion of the applicant's impact fee that is a pro-rata equivalent of the specific transportation facility in relation to the aggregate transportation facilities for which impact fees must be paid. The applicant shall still be responsible for paying the remaining impact fee obligation that corresponds to the transportation facilities for which no mitigation has been made, notwithstanding that the value of the mitigation may exceed the component of impact fees that correspond to the mitigated transportation facilities.

Chapter 3. Review Authority and Procedures

~~511.6.2. Impact fee credits for the proportionate fair share contribution shall be determined at the time of approval of a proportionate fair share agreement. Impact fees owed by the applicant shall be reduced per the applicable proportionate fair share agreement as they become due per Section 807, or the County may collect impact fees from the applicant without reducing them and reimburse the applicant in an amount equal to such credit.~~

~~511.6.3. Major projects undertaken pursuant to Sections 511.2.3.1 and 2 which can demonstrate a significant benefit to the impacted transportation system may be eligible, pursuant to Section 807 of this Code, for impact fee credits notwithstanding that such projects are not included in the transportation facilities for which the applicant's impact fees are levied.~~

~~511.6.4. The proportionate fair share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair share contributions for a proposed development cannot be transferred to any other location unless authorized pursuant to Section 807.~~

~~511.7. Proportionate Fair Share Agreements.~~

~~All agreements for proportionate fair share mitigation shall be approved in the form of development agreements pursuant to Section 518 of this Code, and in accordance with the requirements of this Section 511.7. Additionally, an agreement for proportionate fair share mitigation shall not be scheduled for consideration and approval by the Planning Commission or Board until the applicant has submitted an executed original agreement to the County in a form acceptable to the County Administrator and the County Attorney.~~

~~511.7.1. Upon execution of a proportionate fair share agreement by the County, the applicant shall be eligible to receive a transportation CLOS, subject to the requirements of the Comprehensive Plan and this Code. Should the applicant fail to commence or complete development during the term of the transportation CLOS, then the agreement shall automatically terminate, and the applicant shall be required to reapply.~~

~~511.7.2. Payment of the proportionate fair share contribution is due in full no later than recording of the Final Plat or equivalent approval, or as otherwise provided in a proportionate fair share agreement, and shall be non-refundable. If the payment is submitted more than one (1) year from the date of execution of the agreement, then the proportionate fair share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to this Section, and adjusted accordingly.~~

~~511.7.3. All developer improvements authorized under this Section must be completed prior to recording of a Final Plat or equivalent approval, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed before issuance of Building Permits or Certificates of Occupancy.~~

~~511.7.4. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair share agreement must be completed prior to recording of the Final Plat or equivalent approval.~~

~~511.7.5. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair share contributions to the extent the change would generate additional traffic that would require mitigation.~~

~~511.7.6. An applicant may submit a letter to withdraw its application at any time prior to its execution of the agreement. The application fee and any associated advertising costs to the County will be nonrefundable.~~

~~511.7.7. The County may enter into proportionate fair share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.~~

~~511.8. Appropriation of Fair Share Revenues.~~

~~511.8.1. Revenues received pursuant to this Section as proportionate fair share mitigation shall be placed in the appropriate project account for funding of scheduled improvements in the 5-Year CIE, or as otherwise established in the terms of the proportionate fair share agreement. At the discretion of the County, proportionate fair share revenues may be used for operational improvements prior to construction of the capacity project for which the proportionate fair share revenues were contributed. Proportionate fair share revenues may also be used as the local match for funding under various FDOT cost-sharing programs.~~

~~511.8.2. In the event a scheduled facility improvement is removed from the 5-Year CIE then the revenues collected for its construction may, in the discretion of the County, be applied toward the construction of another improvement that would mitigate the impacts of development pursuant to the requirements of Section 511.2.3.2.~~

Chapter 3. Review Authority and Procedures

511.8.3. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, Florida Statutes, the County may coordinate with other impacted jurisdictions and agencies to apply proportionate fair share contributions and public contributions to seek funding for improving the impacted regional facility under a FDOT cost-sharing program. Such coordination shall be ratified by the County through an inter-local agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

511.8.4. Where an applicant, in performance of an agreement approved pursuant to this Section 511, constructs a transportation facility that is set forth in the 5-Year CIE as required pursuant to Section 511.2.3.1., hereof, and the cost of such construction exceeds the applicant's proportionate fair share obligation calculated under Section 511.5, the County shall reimburse the applicant for the excess contribution using one or more of the following methods:

511.8.4.1. Impact fee credits may be awarded to the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the County.

511.8.4.2. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair share payments from future applicants on the facility.

511.8.4.3. The County may compensate the applicant for the excess contribution through payment or other consideration, or combination thereof, acceptable to the County and the applicant.

Section 361. to 364 Reserved.

Part IX. Variances and Modifications.

Section 365. Section 908. Modifications of Standards.

365.1. 908.1. Authorization and Procedure Applicability.

In connection with any development approval, the final approving authority of the development application Planning Director or the Board, as applicable, may modify any of the following requirements of in accordance with this section:

A. Section 337.722, Installation of Required Improvements,

B. Section 907.7-13, General Standards Section 800.8, Lot Requirements

C. Section 800.9, Blocks

D. Section 805, Easements

E. Section 1000, Right-of-Way Standards

F. Section 1001, Street Standards

G. Open Space requirements per Table 4-3 to 4-6

H. Section 800.10, Non-Residential Subdivisions

I. Section 1001.1.C.5 712.2.7, Ingress and Egress Easements, or

Section 740, Private Streets in accordance with this Section. Requests made for specific approval in conjunction with Planned Development applications shall be done so during the public hearing process.

Commented [LDI165]: 164. Section 722 was renamed from "Installation of" to "Performance Standards for" Required Improvements. Sec. 722.3 was replaced by 910, "Installation of Required Improvements"

Commented [LDI166]: 165. Sections 907.7 to 13 are now in various chapters, therefore they had to be listed individually. 907.12, titled "Recreation" only contained a reference to swimming pools. Left out of this list as any modifications to swimming pools would need to go through other procedures.

Commented [LDI167]: 166. Covered above (1000 and 1001)

365.2. 908.2. General Standards Review Criteria.

908.2.1. No modification may be granted under this Code unless:

A. 908.2.1.1. The modification is consistent with the stated purpose and intent of this Code and with the Comprehensive Plan; and

Chapter 3. Review Authority and Procedures

~~B. 908.2.1.2.~~ The modification would not have an adverse impact on the public interest, or on adjacent property; and

~~C. 908.2.1.3.~~ The modification shall is not be discriminatory. Similar situations in the general area and in past decisions under this Code shall be reviewed prior to a modification being granted; and

~~908.2.2. Specific Standards. No modification may be granted unless the developer clearly shows the existence of all of the following circumstances:~~

~~D. 908.2.2.1. Where the development will provide an alternative which will achieve the purposes of the requirement through~~ The modification will permit clearly superior design, efficiency, and performance.;

~~E. 908.2.2.2. Where~~ If applicable, the modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic or archeological sites or public facilities, related to the development site.;

~~F. 908.2.2.3. Where~~ The strict application of the requirement would be technically impractical or effectively deprive the owner of all reasonable use of the land to be subdivided, due to it unusual size, shape, topography, natural conditions, or location; Provided, such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case. Also, the unusual conditions involved are not personal to, nor the result of actions of the developer or property owner which occurred after the effective date of this Code.;

~~G. 908.2.2.4. Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, existing conditions, natural conditions, or location, of the land, or due to~~ The deferral of the installation of required improvements will allow for improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvements; provided, the development will provide an alternative adequate to achieve the purposes of the requirement, including security for the current construction cost, adjusted for inflation, of any required improvements which may be deferred. Also, any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner which occurred after the effective date of this Code.; and

~~H. 908.2.2.5. Where all or any part of~~ The requirement has no relationship to the needs of the development, or to the modification will not result in a negative impact of the development on the public facilities, land use, traffic, or environment of the neighborhood and the general community, due to the location, scale, or type of development involved. Provided, that any specific waiver or modification requirements set forth in this Code are met.

Commented [LDI168]: 167.This repeats the previous criterion

365.3. Approval of Modification.

~~908.2.3. Conditions.~~ The approving authority may approve, approve subject to conditions or deny the application. Reasonable conditions, and additional or alternative requirements, including, but are not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any waiver or modification of any requirements under this Section.

~~908.2.1.4.~~ All modifications shall be duly noted in writing on the final plat or site plan documents as a public record of each specific modification granted.

Section 366. 509.8. Administrative Adjustments Variance Approvals.

Commented [LDI169]: 168.Changed name so that they are not confused with regular variances.

366.1. Types of Administrative Adjustments.

~~The Planning Director may approve the following three (3) types of Administrative Variances. The review of such Administrative Variances shall be conducted by the Planning Director in conformance with the following criteria for each type of Administrative Variances:~~

509.8.1. Errors in Yard Measurements.

~~A. The Department Director is authorized to approve a deviation to a yard requirement if it is determined that there~~

Chapter 3. Review Authority and Procedures

~~was~~ an error ~~is discovered~~ in the location of an existing building or structure relative to the minimum yard requirements, ~~the property owner, or their authorized representative, may file apply for and receive an~~ Administrative Variances provided that:

1. a. — The ~~Administrative Variances~~ requested adjustment shall not exceed ~~more than~~ ten (10) percent of the required yard or one (1) foot, whichever is ~~less~~ greater; and
2. b. — The error was unintentional and unforeseen.

~~509.8.2. Front Yard Setbacks Consistent With Established Neighborhoods.~~

B. The Department Director may approve an adjustment to the front yard setback to allow a setback that meets or exceeds the average setback of the existing homes on the same side of the street, provided that:

1. The use is either:

- a. A new ~~if a residential~~, single-family or duplex dwelling ~~is proposed~~ within an established neighborhood, r
- b. An expansion of existing, non-elevated single-family or duplex dwellings ~~or, if in the Cortez Fishing Village HA Overlay District an expansion of an existing, non-elevated home is proposed, and the existing zoning district front yard setbacks are in excess of the prevailing front yard setbacks for existing homes, as described below, the property owner, or their authorized representative may apply for and receive an~~ Administrative Variances.

~~These setbacks shall then be averaged, and the applicant may apply for a setback that meets or exceeds that average and provided that:~~

~~(i.) The minimum approved front yard setback allowed is not less than twenty (20) feet, and or fifteen (15) feet if located within in the Cortez Fishing Village HA Overlay District, a minimum of fifteen (15) feet; and~~

2. (ii.) The maximum Variance from the zoning district setback allowed for front yard setbacks the adjustment is less than ten (10) feet; and

3. ~~The request must meet the following standards:~~ a. The average front yard setback ~~for of~~ existing homes shall be ~~taken calculated based on by measuring~~ the front yard setbacks ~~for of~~ existing homes on the same side of the street for a distance of either four (4) homes on either side of the lot in question or the length of the block, whichever is less.

~~(iii.) This shall apply to single family and duplex dwellings only.~~

~~509.8.3. Errors of Structure Encroachments of Buildings or Other Structures into County Easements or Rights-of-Way.~~

C. If it is discovered that an error has been made in the location of a building or structure, including a swimming pool, fence, wall, or similar structure, such that the structure is partially located within a County easement or right-of-way, the property owner, or ~~its~~ authorized representative agent, may apply for ~~and receive an A~~ Administrative Variances adjustment seeking to allow the structure to remain within the easement or right-of-way provided that:

1. a. — The ~~Administrative Variances~~ adjustment is limited to five (5) feet or fifty (50) percent of the width of the easement, whichever is less, ~~unless prior to the approval of the Administrative Variances by the Planning Director, the Planning Director receives authorization by the Board;~~

2. b. — The structure does not obstruct, impede, or unreasonably interfere with the intended use of the right-of-way or easement; and

3. c. — The error was unintentional and unforeseen.

366.2. Review and Approval of Administrative Adjustments.

~~509.8.4. Denial of Administrative Variance.~~

~~Any r~~ Requests for an ~~A~~ Administrative Variances adjustments which ~~does not~~ shall meet the criteria listed above, will be ~~if the adjustment is denied, and~~ the applicant shall comply with the yard/setback code requirements or cure the encroachments, or unless the applicant receives apply for a v variance pursuant to Section 366 ~~509.8.~~

~~509.8.3.1 Applications.~~ Property owners with ~~such~~ errors of encroachment shall file an application for vacation of the easement or right-of-way in accordance with the standards for such applications, which shall include a release of

Chapter 3. Review Authority and Procedures

Manatee County for any claims or damages that may result from such encroachment. After review by the appropriate agencies, the County may approve an Administrative ~~Variance~~ Adjustment if the standards above are met.

366.3. ~~509.8.5.~~Effect of Approval.

The granting of an ~~A~~ administrative ~~Variances~~ adjustment ~~by the Planning Director~~ authorizes the applicant to proceed with any additional applications for development approval, ~~C~~certificates of ~~O~~ccupancy, and other permits which the County may require for any proposed development of the property, or to continue and use or encroachment permitted by such ~~Administrative Variances~~ adjustment.

~~509.8.6.~~Appeal.

~~Any appeal of a Planning Director determination shall be per Section 516 of this Code.~~

Section 367. ~~Section 509.~~Variances.**367.1. ~~509.1.~~Purpose and Scope.**

The purpose of ~~this Section~~ a variance is to provide limited relief from the requirements of this Code in those cases where strict application of those requirements will create a practical difficulty or unnecessary hardship, ~~or, as distinguished from a mere inconvenience,~~ where the requirements of this Code render the land difficult to use because of some rare and unique physical attribute of the property itself or some other factor unique to the property for which the ~~V~~variance is requested. ~~Further Floodplain elevation variances are addressed specific limitations on granting of Variances are contained in~~ Section 748 ~~302, Floodplain Management and Section 724, Signs,~~ of this Code.

367.2. ~~509.2.~~Limitations on Granting of Variances.

Variances may be granted for no other purpose than to allow ~~no more than~~ a single lot or parcel to depart from the dimensional regulations of this Code that restrict the following matters:

- ~~A. a.~~ — Minimum floor area per dwelling units;
- ~~B. b.~~ — Required yards, buffers, or setbacks;
- ~~C. c.~~ — Maximum lot coverages;
- ~~D. d.~~ — Maximum heights; and
- ~~E. e.~~ — Errors of encroachments.

~~— Variances may not be granted for any other purpose.~~

367.3. ~~509.3.~~Additional Prohibitions.

Even if a requested ~~V~~variance complies with the requirements of this ~~Section 509.2~~, such ~~V~~variance shall not be granted if such ~~V~~variance:

- ~~A. a.~~ — Allows the expansion or establishment of a use in a zone or district in which such use is not permitted by this Code;
- ~~B. b.~~ — Permits the establishment or expansion of a Special Permit or Administrative Permit use without the required approvals ~~under Sections 505 and 506~~;
- ~~C. c.~~ — Relates in any way to a nonconforming use, except to the extent such use has been approved pursuant to Chapter 11, Nonconformities ~~this Code~~;
- ~~D. d.~~ — Purports to modify any definitions set forth in Chapter 2, Definitions;
- ~~E. e.~~ — Results in an increase in density above that permitted in the applicable zoning district regulations;
- ~~F. f.~~ — Will be inconsistent with the Manatee County Comprehensive Plan;
- ~~G. g.~~ — Results in approval of any action which would violate any floodplain management provision of Manatee County ~~Ordinance No. 89-10~~; any floodplain management provision of the National Flood Insurance Program;

Chapter 3. Review Authority and Procedures

and/or any floodplain management provision of the Community Rating System Program; or

~~h. For Variances from floodplain management standards requested pursuant to Section 718, fails to comply with the requirements of Section 718.10.~~

367.4. Certificate of Appropriateness.

Any proposed work in any historical overlay district established pursuant to this Code must first be granted a ~~C~~A Certificate of Appropriateness by the Manatee County Historic Preservation Board in accordance with the requirements of ~~Section 514~~this Chapter, ~~and the proposed lowest habitable floor of the renovation/addition must be equal to or higher than the elevation of the existing historical structure without the use of fill.~~

~~509.4. Issuing Officer or Board.~~

~~The following Variances shall be issued by the following officers or boards: a. The Historic Preservation Board shall be authorized to issue any Variance regarding proposed floodplain elevation of structures within the Cortez Fishing Village Historical and Archaeological Overlay District. b. All other Variance shall be issued by a Hearing Officer.~~

Commented [LDI170]: 169. Already stated in the Review Procedures section.

367.5. 509.5. Staff Review Procedures.

A. Application. All applications for ~~V~~Variances shall be reviewed and processed for completeness and sufficiency pursuant to ~~Sections 502.4 and 502.5~~. Within a reasonable time after receipt of the sufficiency review comments pursuant to ~~Section 502.5.1.~~, the ~~Planning Director~~Department Director shall deliver to the Hearing Officer ~~appropriate official or board~~ a copy of the application and a written report summarizing the facts of the case including all relevant documents and incorporating or summarizing the comments from the appropriate reviewing departments and agencies, and schedule a date for a public hearing.

Commented [LDI171]: 170. Section 509.5.1 (Review of Floodplain Variances) was moved to Chapter 8.

B. 509.7. Action by Review Issuing Official or Board.

1. ~~509.7.1. Public Hearing.~~ Upon receiving the report from the ~~Planning Director~~Department Director, the Hearing Officer shall hold at least one (1) public hearing on the proposed ~~V~~Variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with ~~Section 502~~ of this Chapter.
2. ~~509.7.2. Review and Issuance by Hearing Officer.~~ The ~~issuing official or board~~Hearing Officer shall review the application, the report of the ~~Planning Director~~Department Director, and the evidence presented ~~and~~. ~~The issuing official or board~~ shall issue a ~~V~~Variance only if ~~the issuing official or board finds it is found~~ that all the standards set forth in this ~~S~~Section 509 have been satisfied.
3. ~~509.7.3. Conditions.~~ The ~~issuing official or board~~Hearing Officer may impose such conditions and restrictions upon the ~~V~~Variance as may be necessary to comply with the requirements of this ~~S~~Section and the ~~C~~Comprehensive ~~P~~Plan, and to prevent or minimize adverse effects on other property in the neighborhood. Such conditions may include, but shall not be limited to: limitations on size, bulk and location; requirements for landscaping, signage, outdoor lighting, and the provision of adequate ingress and egress; hours of operation; and the mitigation of environmental impacts. Such conditions may also include limitations on the duration of a ~~V~~Variance.

367.6. 509.6. Standards of Review and Approval Criteria.

All ~~V~~Variances shall comply with the following ~~standards~~criteria:

- A. ~~a.~~ The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- B. ~~b.~~ The conditions upon which the request for a ~~V~~Variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity;
- C. ~~c.~~ The ~~V~~Variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application, ~~except that physical handicaps or disability may be considered where relevant to the request;~~
- D. ~~d.~~ The alleged hardship has not been created by any person presently having an interest in the property or was created as a result of a bona fide error;

Chapter 3. Review Authority and Procedures

- E. ~~e.~~The granting of the ~~V~~variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity;
- F. ~~f.~~The proposed ~~V~~variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, ~~or substantially diminish or impair property values within the vicinity;~~
- G. ~~g.~~The ~~V~~variance granted is the minimum ~~V~~variance that will make possible the reasonable use of the property; and
- H. ~~h.~~The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the ~~V~~variance is granted.
- I. ~~i.~~Alternatively, a ~~V~~variance may be issued to correct a bona fide staff error that has been made and has led to construction that does not comply with the Code.

Commented [LDI172]: 171.Delete d per CAO.

367.7. ~~509.7.4.~~Effect of Approval.

The granting of a ~~V~~variance authorizes the applicant to proceed with any additional applications for development approval, ~~C~~certificates of ~~O~~ccupancy, and other permits which the County may require for any proposed development of the property.

~~509.7.5. Appeal. Any appeal of a determination by an issuing official or board shall be per Section 516 of this Code.~~

Section 368. to 369 Reserved.

Part X. Section 516. Appeals.

Section 370. ~~516.1.~~Purpose and Applicability Appeals of Administrative Decisions.

~~This Section is intended to provide for a~~ Appeals from the decisions from any written order, requirement, decision, determination or interpretation made by an administrative official in the enforcement of these regulations. ~~Except where expressly provided otherwise in this Code, the Board shall be heard by the Board and decide appeals of decisions regarding all matters decided administratively pursuant to this Code.~~

370.1. ~~516.2.~~Application. Filing of Application and Notice of Appeal.

An application and notice of appeal authorized under the provisions of this Section shall be filed with the ~~Planning Director~~ Department Director in accordance with the general requirements of Section ~~312~~ 502 of this Code; provided however that the ~~Planning Director shall not be required to consider an~~ application ~~shall be filed no~~ more than thirty (30) days after the date of the decision to be appealed.

370.2. ~~516.3.~~Hearing Scheduled. Review.

Within forty-five (45) days after receipt of a complete application and notice of appeal, the ~~Planning Director~~ Department Director shall schedule a public hearing. ~~Published N~~notice of the public hearing shall be given in accordance with the requirements of Section ~~312~~ 502. ~~Mailed notice and posted notices under Sections 502.7.3 and 502.7.4, respectively, shall not be required.~~

370.3. Department Director Recommendation.

At least ten (10) days prior to the date of the hearing, the ~~Planning Director~~ Department Director shall forward a copy of the application to the ~~Hearing Officer or~~ Board together with a report and recommendation summarizing the facts of the case, any relevant documents and any comments received.

~~502.7.7. Public Hearings for Administrative Appeals. Published notice of public hearings for administrative appeals shall be provided in accordance with Sections 502.7.1 and 502.7.2. Mailed notice and posted notice under Sections~~

Chapter 3. Review Authority and Procedures

~~502.7.3 and 502.7.4, respectively, shall not be required.~~

370.4. ~~516.4.~~ Review and Decision. Action by the Board or Hearing Officer.

The Board ~~or Hearing Officer~~ shall review the application and report and recommendation of the ~~Planning Director~~ ~~Department Director~~ and conduct a public hearing on the application in accordance with the requirements of Section ~~312~~ ~~502~~. After the public hearing is held, the ~~Board or the~~ Hearing Officer shall issue a written decision and order granting the relief sought in the application, with or without conditions, or denying the appeal.

Section 371. ~~304.7.~~ Appeals of Quasi-Judicial Decisions.

Any final action, including final order, and/or any ~~alleged~~ impropriety of the ~~Hearing Officer~~ ~~approving authority~~ may be appealed, within thirty (30) days of the date of the action taken ~~by the Hearing Officer~~, by any aggrieved person, including Manatee County, or any officer, or department thereof, with the appropriate court of record as provided by law. All such appeals shall be filed with the court of record and shall include a petition, duly verified, setting forth that such decision is illegal, and/or improper, and specifying the grounds of the illegality.

Commented [LDI173]: 172.Per
PC/Attorney