

B.C.C.: 6/1/2017

LDCT-17-01/ORDINANCE 17-30 – TOIT LAND DEVELOPMENT CODE TEXT AMENDMENT
(DTS20170018 / MEPS643)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; PROVIDING FINDINGS; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE: SECTION 200 DEFINITIONS, TO AMEND THE DEFINITIONS OF BOARDING HOUSE, BOAT LIVERY, DWELLING, GROUP HOUSING, HOTEL, AND RESIDENTIAL DEVELOPMENT, AND TO ADD A NEW DEFINITION FOR BOATEL; AMENDING SECTION 401.2, SCHEDULE OF USES IN AGRICULTURE AND RESIDENTIAL DISTRICTS (TABLE 4-1), SCHEDULE OF USES IN NON-RESIDENTIAL DISTRICTS (TABLE 4-2), TO ADD BOATEL AS A NEW USE UNDER THE CATEGORY OF LODGING PLACES, AND PROHIBITING THE USE IN ALL STANDARD ZONING DISTRICTS; AMENDING SECTION 402.5, SCHEDULE OF USES FOR PD DISTRICTS (TABLE 4-7) TO ADD BOATEL AS A NEW USE UNDER THE CATEGORY OF LODGING PLACES, PERMITTING THE USE IN THE PDMU (PLANNED DEVELOPMENT MIXED USE) AND PDW (PLANNED DEVELOPMENT WATERFRONT) ZONING DISTRICTS, AND PROHIBITING THE USE IN ALL OTHER PLANNED DEVELOPMENT ZONING DISTRICTS; AMENDING SECTION 531.28, STANDARDS FOR SPECIFIC USES, LODGING PLACES, TO ADD SUBSECTION 531.28.C TO ESTABLISH SPECIFIC USE STANDARDS FOR BOATEL USES; AMENDING CHAPTER 10, TRANSPORTATION MANAGEMENT, TO ESTABLISH STRUCTURE NUMBERING ASSIGNMENT PROCEDURES FOR BOATELS, TO ESTABLISH A PARKING RATIO FOR BOATELS; AND ADDING THE USE OF A “BOATEL” TO THE LOADING SPACE USES; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

P.C.: 05/11/2017

B.O.C.C.: 06/1/2017, 08/03/2017

No action necessary; this is the first of two required public hearings. The second public hearing is scheduled for August 3, 2017.

PLANNING COMMISSION ACTION:

On May 11, 2017, by a vote of 6 – 0, the Planning Commission recommended approval. Mr. Rhoades was absent.

PUBLIC COMMENT AND CORRESPONDENCE:

There was no public comment and nothing was entered into the record at the May 11, 2017 Planning Commission public hearing.

Background:

In November of 2016, the Applicant held a Pre-Application meeting pertaining to a proposed Boatel. Staff noted that the specific use of a Boatel was not clearly defined, and informed the applicant that they would be required to process a Land Development Code text amendment to clearly define the use. This LDC text amendment would also require the establishment of specific use criteria and applicable transportation management language to address the proposed use.

Purpose:

The Applicant has proposed the respective Land Development Code amendments to address a land use that is not currently clearly defined in the Code. This amendment is not tied to a formal application for the development of a Boatel; however, the regulations established in this request will allow for future entitlements for Boatels within Manatee County. The proposed amendments to allow Boatel land uses will also enable the expansion of lodging opportunities available for development in Manatee County, and allow for a new approach to waterfront utilization within the County.

Detailed Discussion:

The following amendments proposed by the Applicant are identified as attachments to this document (Exhibit A, Exhibit B, Exhibit C and Exhibit D) in strike-through/underline format:

- Amendments to Section 200 of the Manatee County Land Development Code, Definitions, to strike Boatel from the Hotel definition, and establish a new definition for Boatel as a standalone use. Amendments were made to the definition of Boarding Housing, Boat Livery, Dwelling, Group Housing and Residential Development to add the proposed use of a Boatel to their respective definitions. The exact amendments are provided in Exhibit A.
- Amendments to Section 401.2 of the Manatee County Land Development Code to make revisions to the Schedule of Uses in Agriculture and Residential Districts (Table 4-1) and the Schedule of Uses in Non-Residential Districts (Table 4-2) of the Land Development Code, to add Boatel as a new use under the category of lodging places, and prohibiting the use in all standard zoning districts established in Tables 4-1 and 4-2. The exact amendments are provided in Exhibit B.
- Amendments to Section 402.5 of the Manatee County Land Development Code to make revisions to the Schedule of Uses for PD Districts (Table 4-7), to add Boatel as a new use under the category of lodging places, and to establish the use as permitted in the Planned Development Mixed Use (PDMU) and Planned Development Waterfront (PDW) zoning districts, while also prohibiting the use in all other planned development zoning districts. The exact amendments are provided in Exhibit B.
- Amendments to Section 531.28 of the Manatee County Land Development Code, Standards for Specific Uses, Lodging Places, to add Subsection 531.28.C to establish specific use standards for boatel uses. The exact amendments are provided in Exhibit C.
- Amendments to Section 1001.8.H of the Manatee County Land Development Code to add Subsection 101.8.H.6 to establish structure numbering assignment procedures for boatels. The exact amendments are provided in Exhibit D.
- Amendments to Section 1005.3 of the Manatee County Land Development Code, Parking Ratios (Table 10-2), to add a new row to the table beneath Lodging Places: Boarding

House, to establish a parking ratio for boatels. The exact amendments are provided in Exhibit D.

- Amendments to Section 1006.4 of the Manatee County Land Development Code, Loading Space Uses (Table 10-7), to amend the row pertaining to Hotel, Motel by adding the phrase “Boatel” to the uses. The exact amendments are provided in Exhibit D.

Consistency with Comprehensive Plan

This proposed amendment is consistent with the following goals, objectives and policies of the Manatee County Comprehensive Plan:

Policy 2.1.2.3 Permit the consideration of new residential and nonresidential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

Objective 2.1.3 Revitalization of the Urban Core Area: Limit urban sprawl through the infill and redevelopment of residential and non-residential uses into the urban core area thereby encouraging the continued vitality and economic prosperity of these areas.

Objective 2.1.4 Economic Activity Areas. Encourage development of mixed use areas to strengthen and diversify the economy of Manatee County.

Objective 2.6.1 **Compatibility Through Screening, Buffering, Setbacks, And Other Mitigative Measures:** Require suitable separation between adjacent land uses to reduce the possibility of adverse impacts to residents and visitors, to protect the public health, and to provide for strong communities.

Policy 2.6.1.1 Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design
- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Implementation Mechanism(s):

- a) Maintain setback, screening, buffering, and other appropriate mitigation techniques in land development regulations.
- b) Planning Department review of development approvals to ensure policy compliance.

Objective 2.10.4.3 Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:

- 1) any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses.
- 2) any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential uses.
- 3) no proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of "infill commercial development," demonstrated through evaluation of existing land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2 shall not be required to meet this development standard. No such intrusion shall be found in neo-traditional developments approved as such by the County, as a mixture of uses are encouraged within those projects. No such intrusion shall be found in DRI and Large Project developments where commercial uses are internal to neighborhoods, approved as such by the County, as a mixture of uses are encouraged within those neighborhoods.
- 4) Commercial nodes meeting the requirements specified in the operative provisions of this Element shall, additionally, be spaced at least one-half mile apart, as measured between the center of two nodes. However, where two commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half mile, then a waiver of this commercial development standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one mile apart. Neo-traditional projects shall be exempt from this requirement. DRI and Large Project developments that have mixed uses with a residential component that receive approval to locate commercial uses internal to neighborhoods shall be exempt from this requirement.

Objective 4.2.1 Water depended and other uses: Give priority to the siting and development of water-dependent uses within the Coastal Planning Area, as compared with other shoreline uses and provide for compatibility of water-dependent and other uses in the Coastal Planning Area to protect natural shorelines, habitat and water quality.

Policy 4.2.1.1 Shoreline uses shall be prioritized according to the following list. Uses are prioritized in descending order with most preferable uses listed first and least preferable listed last.

- 1) Water dependent conservation uses such as fish, shellfish, and marine resource production, natural coastal habitat protection, shoreline stabilization, compatible passive recreational facilities and projects that enhance public safety and water dependent industrial uses associated with port facilities; Coastal Element Page 13;
- 2) Water-related uses such as certain utilities, commercial and industrial uses;
- 3) Water-enhanced uses such as certain recreational and commercial uses;
- 4) Non-water dependent and non-water enhanced uses which result in an irretrievable commitment of coastal resources.

Objective 4.4.1 Hurricane Evacuation: Maintain or reduce hurricane evacuation clearance times through mitigations, sheltering in place and response techniques to protect the health and safety of residents and visitors.

Summary

The proposed amendments are consistent with the Comprehensive Plan, and promotes the public health, safety and welfare.

Staff recommends APPROVAL of all proposed amendments as identified on Exhibit A, Exhibit B, Exhibit C and Exhibit D in strike-through/underline format attached to this document.

ATTACHMENTS

1. Exhibit A - Manatee County Land Development Code, Chapter 2 - Definitions
2. Exhibit B - Manatee County Land Development Code, Chapter 4 - Zoning
3. Exhibit C - Manatee County Land Development Code, Section 531 - Standards for Specific Uses
4. Exhibit D - Manatee County Land Development Code, Chapter 10 - Transportation Management
5. Newspaper Advertising
6. Ordinance 17-30