

Table 1. Special Approval as Required by the Manatee County Comprehensive Plan* (LDC Table 3-4) and Proposed Changes

		PROPOSED ACTION/RELEVANT SECTIONS	REZONE/GDP	SP	PREL. PLAN	PREL. PLAT	FINAL SITE	AP	FINAL PLAT	BLDG.	EARTHMOV.	CO
A.	Mixed and multi-use projects in residential, agricultural, urban fringe, low intensity office, and retail/office residential future land use categories, except for mixed-use projects in the UIRA or along Urban Corridors (11).	Delete requirement for SA. Per Sec. 401.2, developments can have mix of uses as long as all the proposed uses are allowed in the district. The development will need to go through AP or SP if one of the uses requires it. Sec. 401.3.B explains how to calculate density/intensity for mixed use developments (allow stacking) Sec. 401.3.I addresses dimensional standards for mixed-use.	X	X	X		X					
B.	Residential developments at or above a specified density in the Comprehensive Plan which require Special Approval (5), except for multifamily projects in the UIRA or along the Urban Corridors (11).	Delete requirement. Allow an applicant to request a rezoning to a district that allows the maximum density/intensity offered in the FLUC. The Board will still review the rezoning at a public hearing and will assess the appropriateness of the request (Sec. 342.3). The difference, however, is that the rezoning is not project specific, and therefore does not require a site plan. There are zoning standards already in place for current districts. S&ME is proposing to create some new zoning districts to reach the maximum potential density/intensity under each FLUC.	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, except for mixed-use projects in the UIRA or along Urban Corridors (11).	SP instead of SA. Sec. 316.6 lists criteria for review of SP, which is the same as SA (proposing to add environmental considerations). The main difference would be that the SA is reviewed by the Board, while SP applications are reviewed by the Hearing Officer.	See Note (9) Below									
D.	All projects in the mixed use future land use categories (5), except along the Urban Corridors (11)	Delete requirement. The zoning districts already contain provisions to review uses that are not fully compatible with other permitted uses in the district (SP).	X							X		

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E.	Any project which requires Preliminary Site Plan/Plat approval which is at least partially located in the Manatee or the Evers Watershed Reservoir Overlay category:(5)(7)	Delete requirement. Sec. 403.10 contains detailed regulations for projects located in the watershed overlays (proposing to add Peace River).	X									
F.	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) (1) All development proposed in the Coastal Wetland Habitat requires BOCC approval.	Delete requirement for SA if located in the CHHA. Sec. 403.8 contains detailed requirements for development in the CHHA. Staff approval for water-dependent uses; Board approval , instead of SA, for cases of overriding public interest. Sec. 403.8.C.8 prohibits the alteration of coastal wetlands except for water-dependent uses, or in the case of <i>overriding public interest</i> (natural resource restoration, or access to public rec facilities). Policy 4.1.2.2 requires the Planning Dept. to review the alterations. However, the overriding public interest should be reviewed by the Board (don't need SA for that).	X	X								
G.	Any project involving noise-sensitive uses within the Sarasota-Bradenton Airport's Airport Impact Overlay category: See Section 403.2 of this Code	Delete requirement. Sec. 403.2 contains requirements for properties within airport impact zones and requires most uses to go through PD. [Note: the county is currently working on amendments to this overlay]										
H.	Any project in which density is transferred from part of a wetland site to another part of the same project site (1)(2). (1) [See F]. (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).	Delete requirement for SA. Sec. 706.9 contains regulations for the transfer of density from wetlands. Footnote 2: Delete note. The ratios are stated in 706.6. If an applicant proposes different ratios, staff would need to deny the application. The applicant can appeal staff's denial to the Board.	X	X	X	X	X	X	X			

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I.	Any project involving the siting of marina-type uses	Delete requirement. Standards in sections 531.60 (Water Dependent Uses), 531.29 (Marinas), 402.14 (PDW), and 511.17 (Waterfront Structures)	X									
J.	All new recreational vehicle parks. Must rezone to RVP.	Delete requirement. During the rezoning, the Board will have an opportunity to review the appropriateness of the request to allow RVs on the proposed site. The difference, however, is that the rezoning is not project specific, and therefore, does not require a site plan. RV standards are already in place (Chapters 4 and 5).			X		X					
K.	Development in ROR (Retail/Office/ Residential), IL (light industrial) and OL (Office Light) Future Land Use categories at special approval floor area ratios or maximum commercial project square footage specified in the Plan plus any development exceeding 6 du/ac in the ROR designation. (5) Developments in the UIRA, or in the ROR and IL categories along Urban Corridors are exempt from the Special Approval Requirement. (11) Note: In IL categories retail commercial uses over 3,000 square feet require planned development, except along Urban Corridors (11).	Delete requirement. The Board will still review the rezoning of the site to a more intensive district and will assess the appropriateness of the request (342.3). The difference, however, is that the rezoning is not project specific and, therefore, does not require a site plan. Zoning standards already in place for most districts. S&ME is proposing to create some new districts. (PD addressed in memo #2)	X									
L.	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.	SP instead of SA. Section 403.10 addresses the review of industrial in the watershed overlays. Hearing officer to look at evidence that demonstrates that there will be no water quality degradation or adverse water quantity impacts.	X									
M.	Modifications to Special Exception projects, see note (3).	There are no Special Exception projects anymore										
N.	Any projects involving continued agricultural uses where clustering 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.	Delete requirement. Proposing specific clustering regulations. See Sec. 532.						X				

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O.	Any project adjacent to an entranceway and not meeting the entranceway standards of Section 900.5. Developments along designated Urban Corridors do not require Special Approval (11).	Delete requirement for SA, but keep the requirement for PD for projects not meeting the Entranceways standards.	See Section 900									
P.	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.	This language comes from Policy 5.2.2.6, which is proposed for deletion.						X				
Q.	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	Delete. Policies 2.2.1.18.4 and 19.4 already exempt support uses in an office or industrial park in IL and IH from the commercial locational criteria. Added provision to 531.49 restating this.	X	X	X		X	X		X		X
R.	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)	Delete requirement. The Board has to review the required rezone to EX and the mining plan anyway.	X									
S.	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:	AP or SP (depending on the district) instead of SA. Tables 4-2 and 4-3 specify where earthmoving activities are permitted and where they require AP or SP. Sec. 702 contains standards for earthmoving and requires an earthmoving site plan, which is reviewed through AP or SP depending on the district. Section 403.10 contains standards for earthmoving activities in a watershed overlay.		X							X	
T.	Mineral resource extraction activities 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:	See S.									X	

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U.	Any project adjacent to perennial lake or stream	Delete requirement. The LDC requires all waterfront structures to meet the standards for PDW (Sec. 402.14). The code also requires a waterfront yard of 30 feet (25 for platted lots). Fish houses in the Cortez Village, mobile homes and RVs are exempt from the setback.	X	X	X	X	X	X	X			
V.	Any project in the Airport Impact Overlay District: See Section 403.2	Delete requirement. Sec. 403.2 contains requirements for properties within airport impact zones and requires most uses to go through PD. [Note: the county is currently working on amendments to this overlay]										
W.	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) except if located in the UIRA or along an Urban Corridor (11)	Delete. Size of projects now managed through zoning districts, rather than FLUCs. GC allows up to 50,000 sq. ft. (or 150,000 through SP); HC allows up to 50,000, and the new MX district allows 150,000 (300,000 through SP). <i>Considering eliminating maximum square footage for non-residential districts and relying on FAR, setbacks and height instead.</i>	X	X	X		X	X		X		
X.	Additions over 50,000 square feet to existing non-residential projects located within the R/O/R and MU future land use categories (5), except if located in the UIRA or along an Urban Corridor (11).	Delete. Same as previous	X									
Y.	New non-residential projects located within the R/O/R and MU future land use categories having more than 50,000 square feet. (5) Projects in the UIRA or along an Urban Corridor do not require Special Approval (11).	Delete. Same as previous Moved requirement to Section 401.3.J but showing it as proposed to be deleted.	X									

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Z.	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) (3) All modifications, except those which are listed under Section 324.2.A of this Code require BOCC approval. Those items listed as minor modifications may be approved administratively.	Moved to Sec. 107.5.A.2 and changed SA to SP .										
AA.	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 approved by the Board of County Commissioners. (See note 8).	SP instead of PD and SA. No need to require PD or SA. Recommending SP and compatibility standards. The Board would not review the proposed development (the Hearing Officer would), but will see the agreement to keep the homes affordable.										
BB.	Additions 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), except along an Urban Corridor (11).	Delete. Size of projects in industrial districts managed through FAR, setbacks and height instead.	X	X	X		X	X		X		
CC.	Additions over 50,000 sq. ft. to existing nonresidential projects located within the IL and IH future land use categories (5), except along an Urban Corridor (11).	Same as previous.	X									
DD.	Projects where nuisance, exotic vegetation will not be removed, pursuant to Section 701.4.E.	Department Director instead of SA. Sec. 701.4.F already states that the DD may modify removal provided an Exotic Species Management Plan is approved. Then goes to say that SA must ensure the application meets two criterion: vegetation acts as screening in a redevelopment project, or the removal cannot be phased or would result in costly and extreme soil stabilization measures.	X	X	X	X	X	X	X	X	X	X

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EE.	When a project in the Wastewater Service Area proposes use of a septic tank in conjunction with development. (10)	Eliminate requirement for SA. Section 803.1 was cleaned up to note that exceptions will not be allowed if central service is “available” as defined in the FS. If not available, but within service area, Staff can waive connection based on specific criteria. Variances and appeals are the only other way to waive the requirement.										

* This table is not intended to be all inclusive. The comprehensive plan may list other instances where Special Approval is required.

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 324.2.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.
- (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 all other development review procedures and 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.
- (10) Approval shall be determined as provided in the Manatee County Public Works Standards Manual (Utilities).
- (11) Developments along Urban Corridors can only be exempt from Special Approval if they meet the requirements of Section 902.

Table 2. Other LDC Provisions requiring SA, but not listed in Table 3-4:

LDC Provision	Proposed Change
<p>LDC Section 531.49.D requires development with HC zoning and IL future land use to meet the locational criteria and limits retail commercial uses to 3,000 square feet, or 30,000 square feet if Special Approval is obtained.</p>	<p>SP instead of SA. Commercial sizes proposed to be addressed through SP instead of SA.</p>
<p>LDC Section 531.49.F contains Table 5-1, which specifies the retail size restrictions by future land use category and specifies the levels that require Special Approval.</p>	<p>SP instead of SA.</p>

Table 3. Other Policies requiring SA, but not listed in Table 3-4:

Policy	Proposed Change
<p>Policy 2.2.1.20.4 Any expansion proposed to any area designated as IU on the Future Land Use Map may only be approved through the plan amendment process and shall require special approval at time of rezoning.</p>	<p>Eliminate requirement for SA. The Board is already responsible for reviewing applications to expand the land use category and rezoning.</p>
<p>Policy 2.2.1.22.4 Recognizing that the relocation of any utility transmission corridor may occur to the benefit of current and future Manatee County residents, or visitors, any such relocation within the boundaries of a proposed project site may be considered without the approval of a plan amendment, as defined in § 1631.31.87, F. S., only if such relocation is determined, during the review of a proposed project through the special approval process, to reduce any adverse impact of such corridor on adjacent existing and future land uses. Where such proposed relocation generates an increased adverse impact on adjacent land uses, a plan amendment would be required unless mitigation of such increase in adverse impact is successfully accomplished through the special approval process.</p>	<p>SP instead of SA. The purpose of the review is to make sure there are no impacts on surrounding properties. This can be handled by the Hearing Officer.</p>
<p>Policy 2.2.1.24.4 (AT) All uses under this category shall require special approval.</p>	<p>PD already required. No need for both.</p>
<p>Policy 2.2.2.4.4 Any project which is at least partially within the CEA Overlay District shall be submitted for approval under the special approval process, except in the instance of any project on lands owned, leased or operated by the Manatee County Port Authority. The area designated under the CEA Overlay District on the Future Land Use Map shall also be subject to all goals, objectives and policies for any future land use category overlaid by the CEA District, except where policies associated with the CEA Overlay conflict with such goals, objectives and policies. In this event, policies associated with the CEA Overlay shall override other goals, objectives and policies.</p>	<p>AP instead of SA. Section 403.8 includes standards for development in the CHHA. It addresses prohibited uses/activities, restrictions on permitted uses, setbacks and buffers, submittal requirements, etc. We are proposing to add to this section the standards for the CEA, which currently are only in the Plan. <i>In some instances, it states that the Board may waive a standard based on overriding public interest.</i> The SA process is intended to make sure a development proposal will not have a negative impact on natural resources, adjacent uses, or public facilities. The purpose of the SP to provide individual review of the location, design, configuration, operation and the public need for the particular use at the particular location proposed to assure consistency with the Code and the Comprehensive Plan.</p>
<p>Policy 2.2.2.9.4 (FIG) All such development shall require Special Approval pursuant to this Comprehensive Plan</p>	<p>PD already required. No need for both.</p>
<p>Policy 2.3.3.4 Prohibit habitable structures and major public and private investment within the 25-year flood plain except for projects which obtain a Special approval. This policy shall not preclude the development of water-dependent uses, water-related and water-enhanced uses, stormwater</p>	<p>AP instead of SA. LDC Sec. 801.3.P already requires AP instead of SA.</p>

Policy	Proposed Change
management structures, non-habitable structures, and passive recreational uses where appropriate.	
Policies 2.5.2.2, 2.5.2.3, and 2.5.2.4 allow clustering of development for the purpose of accommodating existing or new short-term agricultural uses and require Special Approval.	SP instead of SA. S&ME drafted clustering standards (See Sec. 532). May consider allowing through administrative approval.
Policy 2.6.1.2 Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conjunction with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses. Projects in the UIRA and designated Urban Corridors that meet all the requirements of the Land Development Code, including the buffer and screening standards, shall not require planned development or Special Approval.	Eliminate requirement. The LDC already includes buffer and screening standards. PDs may get stricter standards through the review process.
Policy 2.6.3.3 Prohibit the special approval of increased intensity for any industrial use unless the Board of County Commissioners finds, at time of issuance of any development order granting the increased intensity, that the proposed development is compatible with adjacent development and consistent with the policies under Objective 2.6.1.	Delete the policy. If the use is non-conforming (located in the wrong zoning district), chapter 1 addresses expansion of non-conforming uses. If it is located in a district that allows the use, the district already has standards for development size and compatibility. There is no need to have additional review.
Policy 2.9.3.2 Allow for the redevelopment of existing non-conforming sub-divisions within the Ag/R future land use category when consistent with all Comprehensive Plan provisions, except for density. Density shall not exceed the maximum allowed based upon provisions contained within the Land Development Code and this Comprehensive Plan. Implementation Mechanism(s): a) Revision of the Land Development Code consistent with this policy. b) Special Approval required.	SP instead of SA. Language clarified and moved to Sec. 107.7.
Policy 2.10.2.2 contains the development thresholds used in conjunction with the commercial locational criteria. It states that the thresholds may be exceeded only through the special approval process, to ensure that the increased impacts generally associated with larger commercial projects are adequately evaluated and mitigated.	SP instead of SA. The purpose of the review is to determine compatibility, which is what SP is intended to do.
Policy 2.10.4.2 Prohibit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with commercial locational criteria. Consistency shall be determined through the application of the commercial location review process described in the operative provisions contained in this Element. Permitted exceptions to these requirements are limited to: * * *	Delete requirement for SA. The use already require SP.

Policy	Proposed Change
<p>- rural recreational facilities located in the Ag/R future land use category meeting adverse impact standards as established within the Manatee County Land Development Code. All such uses must receive Special Approval.</p>	
<p>Policy 2.10.5.2 Maintain land development regulations which: * * *</p> <p>- require that all new recreational vehicle parks be established pursuant to the special approval process, * * *</p>	<p>Eliminate requirement for SA. If already zoned RVP, the district contains standards for such use. If proposing a new district, the Board reviews the rezoning application.</p>
<p>Policy 5.1.1.5 Require that any proposed project for which the applicant is initiating an amendment to the Existing Roadway Functional Classification Map be reviewed under the special approval process.</p>	<p>Eliminate. Modified language to allow some administrative amendments.</p>
<p>Policy 5.2.3.4 Consider the establishment of multi-modal concurrency and/or long term concurrency management strategies for discreet areas within the county, consistent with state regulations. Special approval by the Board of County Commissioners is required.</p>	<p>Eliminate. Establishing strategies already requires Board review.</p>
<p>Policy 5.3.1.5 Generally limit the locations of projects which achieve any increased density and intensity reserved for projects accomplished under the special approval process to sites which have direct access to roadways shown on the Existing Roadway Functional Classification Map (Map 5A) as collector or higher.</p>	<p>Delete policy. Other policies require more intensive development to locate along major roadways.</p>
<p>Policy 9.2.4.4 Prohibit the development of any interim wastewater treatment plants for any project located within the wastewater treatment collection areas as shown on Potable Water/Waste Water Service Area map, unless Special Approval is granted not to connect to the public sanitary sewer system under Policy 9.2.1.2 and approved by the Board of County Commissioners. Analysis of the following factors shall be included in the approval of any interim wastewater treatment plants:</p>	<p>See item EE.</p>
<p>Policy 9.2.4.5 Require, where connection to the Manatee County public wastewater system is not required under Policy 9.2.1.2, that any project within the Wastewater Treatment Collection Areas utilizing septic tanks or an interim wastewater treatment plant shall be constructed with dry-lines so as to readily permit connection to the public sanitary sewer system for all residential development of 1 du/ga and higher, and all non-residential development. *** When the requirement for dry lines are not appropriate due to unforeseeable engineering conditions, special approval is required to ensure compliance with the intent of this policy.</p>	<p>See item EE.</p>
<p>Policy 9.4.4.4 Protect natural drainage features such as streams, lakes, wetlands, and estuaries and preserve the function of these natural features by allowing the utilization of isolated wetlands prohibiting the alteration of these natural watercourses and floodways except in cases of overriding public interest as determined by the Board of County Commissioners. Implementation Mechanism: a) Review for developments proposing alteration of natural watercourses and floodways through the Special Approval process.</p>	<p>Eliminate SA requirement. The LDC contains regulations to protect waterways. If a developer cannot meet the regulations, there is a variance or appeal process in place. The Board can waive in cases of overriding public interest.</p>

Policy	Proposed Change
<p>Policy 5.2.2.12 Create greater transportation mobility through the requirement for cross access between adjacent properties impacting thoroughfare roadways during development. Allow exceptions to this policy by Special Approval where:</p> <ul style="list-style-type: none"> - no logical connection(s) can be established which would improve system mobility or - compatibility concerns are created due to creation of undesirable travel routes. 	<p>AP instead of SA. Section 1001.1.D provides for exceptions based on criteria. Appeal process in place.</p>