3. **CONSISTENCY (WITH THE COMPREHENSIVE PLAN)**

**Compatible Objectives & Policies:**

Free Standing Emergency Departments (FSED) are proposed to be permitted uses in the PDC and PDMU Zoning Districts. A list of Comprehensive Plan Policies applicable to this request follows. It should be noted that an existing FSED is located in the PDC Zoning District in the ROR Future Land Use Classification along a collector or higher designated roadway. While any Future Land Use Classification may be appropriate for Planned District zoning, ROR and MU Future Land Use Classifications are analyzed here as an example to demonstrate consistency with a PDC or PDMU Zoning District which includes an FSED.

**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, and compatible with future areas of development.

**Response:** FSEDs offer value to patients and the community by providing medical services throughout the County in a wider range of locations, which may be more convenient and accessible for many County residents and visitors than traveling to in-hospital care in many circumstances. FSED has characteristics compatible with the other types of uses allowed in the proposed zoning districts.

**Policy 2.1.2.4.** Limit urban sprawl through the consideration of new development and redevelopment, when deemed compatible with existing and future development, in areas which are internal to, or are contiguous expansions of the built environment.

**Response:** FSEDs are best located near the populations that they serve. Therefore, they will not create urban sprawl and will limit urban sprawl by locating near urban corridors and in commercial districts. They are a compatible use in these designated Future Land Use Categories. FSEDs are becoming the mainstay in the continuum of care in the health care industry. FSEDs are needed to better reach and serve those in the community who are need of this type of medical assistance.

**Policy 2.1.2.7.** Review all proposed development for compatibility and appropriate timing of development. This analysis shall include the following:

- Consideration of existing development patterns;
- Types of land uses;
- Transition between land uses;
- Density and intensity of land uses;
- Natural features;
- Approved development in the area;
- Availability of adequate roadways;
- Adequate centralized water and sewer facilities;
- Other necessary infrastructure and services;
- Limiting urban sprawl;
- Applicable specific area plans;
• (See also policies under Objectives 2.6.1—2.6.3).

Response: The timing for this LDC text amendment is appropriate given the development trends in the County and throughout the State and Nation. FSEDs are best located near the populations that they serve. Therefore, they will not create urban sprawl, and they will limit urban sprawl by locating near urban corridors and in commercial districts. Because they will be located along urban corridors and in commercial Future Land Use Categories, they will have adequate public facilities available and have similar and compatible intensity to the uses already permitted in such areas. They are a compatible use in these designated Future Land Use Categories. FSEDs are becoming the mainstay in the continuum of care in the health care industry. FSEDs are needed to better reach and serve those in the community who are need of this type of medical assistance.

Objective 2.2.1. - Future Land Use Categories.

Establish and define future land use categories to be shown on the Future Land Use Map to guide the location of land uses, limit the general range of uses, and to provide limits on densities and intensities.

Policy 2.2.1.1. Establish the following land use categories comprising, in aggregate, a part of the Future Land Use Classification System, which shall be utilized to prepare the Future Land Use Map required by § 163.3177(6)(a), F.S. No land shall be designated on the Future Land Use Map using any future land use category or overlay district other than those listed in Table 2-1 as part of the Future Land Use Classification System. The future land use categories and overlays listed in this summary table are more completely defined and described in other policies contained within this Element.

TABLE 2-1
SUMMARY OF FUTURE LAND USE CLASSIFICATION SYSTEM

PART I: FUTURE LAND USE DISTRICTS
<table>
<thead>
<tr>
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<tr>
<td>Retail/Office/Residential (ROR)</td>
<td></td>
<td>Areas exhibiting a broad range of commercial, office, and residential. Typically planned with an integrated approach to mixed-use development, especially at major community or region-serving nodes resulting in horizontal or vertical integration of uses, internal trip capture, and an overall high quality environment for living, working, or visiting.</td>
<td>Commercial (including lodging and office but not intensive commercial) Medium density residential High density clustered residential Public/semi-public, recreation &amp; schools.</td>
<td>16 (9 if located within the CEA and/or CHHA) 32 along Urban Corridors (40 max. if a density bonus is approved), for affordable housing, and/or mixed-use development</td>
<td>20 36 for affordable housing and/or mixed-use development 0.5 1.0 for Hotels, the UIRA, mixed-use, and along Urban Corridors (2.0 if an FAR bonus is approved)</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>7) Mixed Use</td>
<td>MU</td>
<td>Major centers of suburban or urban activity in areas with a high level of public facility availability, and intended to develop with a horizontal or vertical mix of residential and nonresidential uses, achieving internal trip capture, and the development of a high quality environment for living, working, and visiting.</td>
<td>Commercial (including neighborhood, community and regional serving commercial, wholesale and lodging) Office Light industrial High density residential Public/semi-public, recreation &amp; schools</td>
<td>12 (9 if located within the CEA and/or CHHA) 30 along Urban Corridors (40 if a density bonus is approved), for mixed-use, and/or affordable housing 3 7.0 min. for affordable housing in the UIRA 20.0 36 for affordable housing and/or mixed-use 3 1.0 2.0 along Urban Corridors if an FAR bonus is approved 2.0 in UIRA</td>
<td></td>
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</table>

**Response:** The LDC text amendment to add FSEDs to the PDC and PDMU is consistent with the purpose, intent, and requirements of the ROR and MU Future Land Use Categories.

*Policy 2.2.1.5.* Describe the general range of potential uses for each future land use category in this Element in a manner which:

- Is generalized;

- Is not all-inclusive;

- May be interpreted to include other land uses which are similar to or consistent with those set forth in the general range of potential uses during the development of any land development regulations used to implement this element; and
• Provides guidance to establishing any list of permitted uses in land development regulations which may be linked, through the use of zoning districts or via other mechanisms, to this element.

Policy 2.2.1.17. ROR: Establish the Retail/Office/Residential future land use category as follows:

Policy 2.2.1.17.1. Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas exhibiting a broad range of commercial, office, and residential uses and to prohibit the intrusion of new industrial uses into these ROR areas. ROR areas are especially found at major community or region-serving nodes and are encouraged to develop with horizontal or vertical integration of uses, internal trip capture, and an overall high quality environment for living, working, or visiting.

Response: ROR provides for a broad range of commercial, office and residential uses. The LDC text amendment to add FSEDs to the PDC and PDMU zoning districts is consistent with the purpose, intent, and requirements of the ROR and MU Future Land Use Categories. FSEDs are the same or similar to, and compatible with, the existing uses permitted in these Future Land Use Categories.

Policy 2.2.1.17.2. Range of Potential Uses (see Policy 2.2.1.5): Neighborhood, community and regional serving commercial uses, mixed with medium and high density residential, lodging, office, public/semi-public, schools, and recreational uses (see also Objective 4.2.1).

Response: ROR provides for a broad range of commercial, office and residential uses. FSEDs are the same or similar to, and compatible with, the existing uses permitted in these Future Land Use Categories.

Policy 2.2.1.17.3. Range of Potential Density/Intensity:

Maximum gross residential density:

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

Sixteen (16) dwelling units per acre.

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

Thirty-two (32) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."
Thirty-two (32) dwelling units per acre for mixed-use development that includes a commercial or office component.

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

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

Maximum net residential density:

Twenty (20) dwelling units per acre.

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

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

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

Maximum floor area ratio:

0.5.
1.0 in the UIRA.
1.0 for Hotels.
1.0 for mixed-use.
1.0 along designated Urban Corridors; 2.0 along Urban Corridors if an FAR bonus is approved.

Response: Projects with FSEDs will not exceed the maximum FAR requirements of this plan and/or the Land Development Code (LDC).

Policy 2.2.1.17.4. Other Information:

(a) Generally, limit the use of the ROR future land use category on vacant land to locations adjacent to arterial or higher classification roadways (as shown on the Future Traffic Circulation: Functional Classification Map (Map 5B)), or adjacent to ROR designated lands that meet the criteria. Response: FSEDs will be located in ROR or MU Future Land Use Categories and along urban corridors or collector or higher classification roadways.
(b) Development or redevelopment within the ROR area shall not be required to achieve compliance with the Commercial Locational Criteria described in Sections 2.10.4.1 and 2.10.4.2 of this element. However, any such development or redevelopment shall still be required to achieve compliance with other commercial development standards contained in this element, and be consistent with other goals, objectives, and policies in this Comprehensive Plan (see also Policy 2.10.4.2). FSEDs located in ROR and MU will not be required to achieve compliance with the Commercial Locational Criteria described in Sections 2.10.4.1 and 2.10.4.2. However, FSEDs will comply with other applicable commercial standards as necessary and otherwise be consistent with the Comprehensive Plan.

(c) No industrial uses, or uses which have a primary purpose of wholesale distribution of goods from that site shall be permitted in the Retail/Office/Residential designation.

(d) Expansion of legally established light industrial uses may be approved within the same parcel if there are no additional impacts to adjoining properties. The Land Development Code shall provide for a process to approve the expansion.

**Policy 2.6.5.2.** Encourage, in locations which are suited to diverse uses, mixed and multiple use projects to provide for integration and synergy between land uses. Nothing in this policy shall preclude single use or homogenous projects if mixing of uses on a single project, or intrusion of a different use into a homogenous area, will create inappropriate diversity or incompatibilities between adjacent land uses.

Response: FSEDs in PDC and PDMU zoning districts will be consistent with this policy.

**Policy 2.9.4.1** Maintain all interstate connectors as "Entranceways" to permit implementation of special landscaping, project design, and signage control criteria to achieve a boulevard image and positive sense of place.

Response: If the proposed FSED project is located within the Entranceway, the project is required to meet the Entranceway criteria.

**Objective 2.10.3.** - Required Access to Commercial Uses.

Adequate, safe and appropriate access to new commercial uses is required.

**Policy 2.10.3.1.** Require that access to commercial uses be established on at least one (1) roadway classified as a collector or higher and operating at, or better than, the adopted level of service. Access through single family residential neighborhoods shall not be allowed. An exception shall be made for projects on roadways under the State jurisdiction not allowing access from such road, and for projects that are approved with commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher.
**Response:** PDC and PDMU zoning districts with FSEDs will have to meet and be consistent with this policy.

**Objective 2.10.4.** - Locational Criteria and Development Standards.

Consistency of all commercial uses approved with required locational criteria and development standards.

**Policy 2.10.4.1.** Limit the location of all new commercial development to well-defined nodes, or compact groupings, to:

- Provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County.

- Increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development.

- Facilitate compliance with the commercial project access criteria contained in Objective 2.10.3.

- Maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site.

- Establish conveniently located commercial uses for residents of Manatee County. PDC and PDMU zoning districts with FSEDs will have to meet and be consistent with this policy except as otherwise provided in the Comprehensive Plan. PDC and PDMU zoning districts with FSEDs will be located along collector or higher designated roadways.

**Policy 2.10.4.2.** Prohibit the consideration of any development order establishing the potential for commercial development in the residential future land use categories, 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:

- Existing commercial uses that were legally established prior to the adoption of the Commercial Locational Criteria in May 15, 1989 shall be allowed to remain as originally approved. However, where such uses are nonconforming to other development regulations, nothing in this policy shall render those uses conforming to the subject regulations.

- Redevelopment, but not expansion or intensification, of a legally established commercial use which does not meet the commercial locational criteria, subject to the finding by the Board of County Commissioners that the proposed project is consistent with the general welfare of Manatee County residents.
• Locations designated as Retail/Office/Residential or Low Intensity Office (OL), Medium Intensity Office (OM) or Mixed Use (MU) or within the MU-C Mixed Use Community and its Sub Areas [see Policies 2.2.1.16.4(b) and 2.2.1.17.4(f)].

• Recreational vehicle parks. However, compliance with Policy 2.10.5.2 shall be required.

• Establishments providing nursing services as described in Ch. 464, F.S.

• Sale of agricultural produce at roadside stands.

• Agricultural service establishments (e.g. farm equipment sales and service).

• Low intensity commercial recreational facilities (e.g., driving range).

• 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.

• Appropriate water-dependent, water-related, and water-enhanced commercial uses, as described under Objective 4.2.1.

• Commercial uses located within Port Manatee.

• Commercial uses located within the rural community of Myakka City which is designated as those lands on Sheet 29 of the Future Land Use Map shown as Res-3 or Res-1 on May 15, 1989, provided that they are located along State Road 70 within one thousand six hundred forty (1,640) feet west from its intersection with Wauchula Road, and one thousand five hundred (1,500) feet east from its intersection with Wauchula Road and located within one thousand (1,000) feet along Wauchula Road from its intersection with State Road 70. Further, properties developed commercially, or having commercial zoning in place at the time of adoption of this Comprehensive Plan if they have frontage on State Road 70 and are within three-quarters (¾) mile of the State Road 70 and Wauchula Road intersection are also exceptions. Furthermore, all commercial uses allowable under this provision will be exempt from the one-half (½) mile spacing requirement denoted in Policy 2.10.4.3(4).

• Office uses which operate as an accessory use to a place of worship are permitted in RES-1 and RES-3 future land use categories and are exempt from compliance with any locational criteria specified under Policy 2.10.4.1 and detailed in the operative provisions (see also Policies 2.2.1.9, 2.2.1.10, 2.2.1.11, 2.2.1.12.4, 2.2.1.13.4, 2.2.1.14.4 and 2.2.1.15.2).

• Neo-traditional developments that have commercial and office developments located internal to the project and whose main project access is located on a road designated as a collector or higher.

• DRI's and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics (see Neo-Traditional Development definition for development characteristics), have commercial uses located
internal to neighborhoods and whose main neighborhood access is located on a road
designated as a collector or higher.

- Commercial uses located within the Parrish area for properties fronting US 301, from
  Moccasin Wallow Road to the realigned Ft. Hamer Road. These commercial uses are limited to
  a building footprint of five thousand (5,000) square feet except at nodes.

No exception to commercial locational criteria provided for under this policy shall be
used as a precedent for establishing other commercial development inconsistent with this
Comprehensive Plan.

Nothing in this policy shall require the issuance of a development order solely on the
basis of compliance with commercial locational criteria. Compliance with other commercial
development standards contained in Policy 2.10.4.3 below, and with all other goals, objectives,
and policies of this Comprehensive Plan is also required for issuance of a development order
approving commercial uses. In particular, compliance with the policies of Objectives 2.6.1 and
2.6.2 is mandatory for approval of any commercial use within a residential designation.

Response: PDC and PDMU zoning districts with FSEDs will have to meet and be consistent
with this policy except as otherwise provided in the Comprehensive Plan. PDC and PDMU zoning
districts with FSEDs will be located along collector or higher designated roadways.

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 use.

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 “mixed use” or “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) Activity nodes meeting the requirements specified in the operative provisions of this Element shall, additionally, be spaced at least one-half (1/2) mile apart, as measured between the center of two (2) nodes. However, where two (2) activity 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.

Response: PDC and PDMU zoning districts with FSEDS will have to meet and be consistent with this policy except as otherwise provided in the Comprehensive Plan.

**Incompatible Objectives & Policies:**

None
3. **CONSISTENCY (WITH THE LDC)**

**Compatible Sections:**

**Section 341. LDC Amendments**

**Section 341.1 Purpose**—This LDC text amendment to add FSEDs as a permitted use in the PDC and MU Zoning Districts meets the purposes on this section and is necessary to make adjustments to the text of this Code that are 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.

- Changed conditions
- Changes in public policy
- Implementation of Comprehensive Plan
- Resolve issues of interpretation
- Advances the general welfare of the County

**Section 341.2**

F. “Consistent with the Comprehensive Plan and promotes public health, safety and welfare”-- The proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare.

**Section 402.1**

A. **Purpose and Intent**—Planned development districts are intended to be established for: specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a planned development review process; or when the ability to attach conditions to a site plan is warranted.

B. **PD Designations**—PDC and PDMU are planned development districts governed by these sections.

**Section 402.2** **Consistency with the Comprehensive Plan and Other Ordinances**—PD Districts are allowed within all Comprehensive Plan Future Land Use Map categories; however, the proposed PD shall be consistent with the Comprehensive Plan. FSEDs intensity shall not exceed maximums established in the Comprehensive Plan. FSEDs intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design. FSED building height in PDC and PDMU zoning districts 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. Unless specifically noted in a PDC and PDMU zoning district, minimum open space requirements shall be established based upon a site-specific evaluation of the project and surrounding land uses.
Section 402.3 Planned Development, Defined—FSEDs will meet the definition.

Section 402.4 Relation of PD Regulations to General Zoning, Subdivision or Other Regulations—FSEDs in the PDC and PDMU Zoning Districts will meet these requirements.

Section 402.5 Schedule of Uses for PD Districts—FSEDs will be added to the Schedule of Uses for PD Districts in the PDC and PDMU Zoning Districts.

Tables 4-12 Schedule of Uses for PD Districts—FSEDs will be added to the Schedule of Uses for PD Districts in the PDC and PDMU Zoning Districts.

Section 402.6 General Design Requirement for all Planned Development Site Plans—Planned Developments with an FSED will be required to meet the applicable requirements of this section.

Section 402.11 PDC—Planned Development Commercial—Planned Developments with an FSED will meet the intent of PDC and will be required to meet the applicable requirements of this section.

Section 402.16 PDMU—Planned Development Mixed Use—Planned Developments with an FSED will meet the intent of PDMU and will be required to meet the applicable requirements of this section.

Section 900.3 Designated entranceways—Planned Developments with an FSED will be required to meet the applicable requirements of this section if they are in an Entranceway.

Section 900.4 Land Uses Permitted within entranceways—Planned Developments with an FSED will be required to meet the applicable requirements of this section if they are in an Entranceway.

Section 900.5 PD Application Required—Planned Developments with an FSED will be required to meet the applicable requirements of this section if they are in an Entranceway.

Section 900.6 Standards for Development—Planned Developments with an FSED will be required to meet the applicable requirements of this section if they are in an Entranceway.

Incompatible Sections:

None