

LDCT-17-05/ORDINANCE 19-03 fka 18-03 – LAND DEVELOPMENT CODE
TEXT AMENDMENT (COUNTY INITIATED)/PROCESS IMPROVEMENTS

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF MANATEE COUNTY; PROVIDING FINDINGS; PROVIDING FOR PURPOSE AND INTENT; AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 103.2 EXCEPTIONS BY DELETING REFERENCE TO SPECIAL EXCEPTIONS, REVISING SECTION 106.4 PENALTIES, REVISING SECTION 107.5 NONCONFORMING USES, REVISING SECTION 107.8 NONCONFORMING LOTS; AMENDING CHAPTER 2, DEFINITIONS; SECTION 200, DEFINITIONS BY ADDING DEFINITIONS FOR “ACUTE CARE MEDICAL FACILITIES”, “AVAILABLE” AS APPLIED TO REQUIRED CONNECTION TO MANATEE COUNTY PUBLIC SEWERAGE SYSTEM, “COASTAL AREA”, “CONCRETE PROCESSING, MANUFACTURING, OR RECYCLING FACILITY”, “ENVIRONMENTAL EDUCATION FACILITY”, “GREENHOUSE”, “HAZARDOUS TREE”, “LANDSCAPING EQUIPMENT SALE, LEASING, STORAGE AND REPAIR (SEE EQUIPMENT SALES, LEASING, STORAGE AND REPAIR, HEAVY)”, “LARGE PROJECT”, “NURSERY, WHOLESALE”, “ORCHARD”, “SPECIAL AGRICULTURAL USE”, “WETLAND DELINEATION; BY DELETING DEFINITIONS FOR “DISTRICT, NON-RESIDENTIAL”, “RESOURCE RECOVERY FACILITY” BY REFERRING READER TO SOLID WASTE FACILITY, “SEWER USE ORDINANCE”, “SPECIAL EXCEPTION”; AND BY AMENDING DEFINITIONS FOR “AGRICULTURAL USES, SHORT TERM”, “BUILDING OFFICIAL”, “CLUSTER DEVELOPMENT”, “COASTAL HIGH HAZARD AREAS (CHHA)”, “CONSERVATION AREA”, “DEPARTMENT DIRECTOR”, “DEVELOPMENT”, “DRY CLEAN, GENERAL”, “EQUIPMENT SALES, RENTAL, LEASING, STORAGE AND REPAIR, HEAVY”, “EQUIPMENT SALES, RENTAL, LEASING, STORAGE AND REPAIR, LIGHT”, “FLOOR AREA, GROSS”, “FLOOR AREA RATIO (FAR)”, “GROSS NON-RESIDENTIAL ACREAGE”, “GROSS RESIDENTIAL ACREAGE”, “HEIGHT, BUILDING”, “INTENSIVE SERVICES” “LANDFILL”, “MASTER MINING AND RECLAMATION PLAN”, “NATIVE (NATURAL) VEGETATION”, “OPEN SPACE”, “PERENNIAL LAKE OR STREAM” TO ONLY INCLUDE LAKE, “PERRENIAL STREAM”, “PERSONAL SERVICE ESTABLISHMENT”, “PROJECT”, “RECREATION, MEDIUM INTENSITY”, “REPLAT”, “RETAIL SALES, GENERAL”, “ROLL-OFF CONTAINER”, “SCHOOLS, PUBLIC”, “SOLID WASTE”, “SOLID WASTE FACILITY”, “TREE CANOPY”; AMENDING CHAPTER 3, REVIEW AUTHORITY AND PROCEDURES, SECTION 301, DEVELOPMENT REVIEW COMMITTEE, BY REVISING SECTION 304.3 MEMBERSHIP, OFFICERS AND MEETINGS, TABLE 3-1 DEVELOPMENT ORDER REVIEW AUTHORITIES, TABLE 3-2 REQUIRED PUBLIC NOTICE FOR DEVELOPMENT APPLICATIONS, PART III, ADMINISTRATIVE AND SPECIAL PERMIT APPROVAL; SECTION 312.10 ENFORCEMENT AND ADMINISTRATIVE ERRORS; SECTION 315 ADMINISTRATIVE APPROVAL, SECTION 316 SPECIAL PERMITS, PART IV SITE PLAN REVIEW, SECTION 320.2 APPLICABILITY, BY ADDING SECTION 321.1.C. LARGE PROJECTS; AMENDING SECTION 321 GENERAL DEVELOPMENT PLANS; AMENDING SECTION 322 PRELIMINARY SITE PLANS; AMENDING SECTION 322.3 PRELIMINARY SITE PLAN REVIEW PROCESS; BY DELETING SECTION 345 AND TABLE 3-4, SPECIAL APPROVAL PROCESS AS REQUIRED BY THE

MANATEE COUNTY COMPREHENSIVE PLAN, BY REVISING SECTION 354.1 MINING APPROVAL TYPES, BY REVISING SECTION 360.10 ROADWAY LEVEL OF SERVICE REVIEW PROCESS, AMENDING PART IX. VARIANCES AND MODIFICATIONS, BY ADDING NEW SECTION 365. MODIFICATION OF STANDARDS, BY AMENDING SECTION 367. VARIANCES, SECTION 367.2 PROHIBITIONS; AMENDING CHAPTER 4, ZONING; BY AMENDING SECTION 400.8 FUTURE LAND USE CATEGORIES AND ZONING DISTRICTS BY ADDING TABLE 4-1 FUTURE LAND USE CATEGORIES AND ZONING DISTRICTS; BY CREATING NEW ZONING DISTRICTS RESIDENTIAL SINGLE FAMILY-9 (RSF-9), RESIDENTIAL MULTI-FAMILY DISTRICTS RMF-12 AND RMF-16, AND MIXED USE (MX) TO IMPLEMENT CERTAIN FUTURE LAND USE CATEGORIES; AMENDING SECTION 401 STANDARD ZONING DISTRICTS ESTABLISHED; BY REORGANIZING THE TABLES OF USES (TABLES 4-2, USES IN AGRICULTURE AND RESIDENTIAL DISTRICTS, 4-3 USES IN NON-RESIDENTIAL DISTRICTS AND TABLE 4-12 SCHEDULE OF USES FOR PD DISTRICTS) BY USE CATEGORIES, BY REVISING THE TABLES 4-2, 4-3, AND 4-12 TO PROHIBIT ACUTE MEDICAL FACILITIES IN THE COASTAL EVACUATION AREA (CEA), BY CHANGING TABLES 4-2, 4-3, AND 4-12 TO REVISE “AP” USES (ADMINISTRATIVE PERMIT) TO “P” (PERMITTED) USES; BY ADDING NOTES TO TABLES OF USES (TABLES 4-2 AND 4-3) THAT WATERFRONT STRUCTURES SHALL MEET THE USE AND DIMENSIONAL STANDARDS CONTAINED IN THE PDW (PLANNED DEVELOPMENT WATERFRONT) ZONING DISTRICT, BY ADDING MULTI-FAMILY AS AN ALLOWABLE USE IN SOME NON-RESIDENTIAL DISTRICTS TO IMPLEMENT THE ACTIVITY CENTER/NODE CONCEPT; BY ADDING SECTION 401.3.D.5. BUILDING HEIGHT; BY REVISING THE BULK AND DIMENSIONAL STANDARDS TABLES (TABLE 4-4. SCHEDULE OF BULK AND DIMENSIONAL STANDARDS FOR VILLAGE DISTRICTS, 4-5. SCHEDULE OF BULK AND DIMENSIONAL STANDARDS FOR SINGLE FAMILY RESIDENTIAL DISTRICTS, 4-6. SCHEDULE OF BULK AND DIMENSION STANDARDS FOR DUPLEX AND MULTI-FAMILY RESIDENTIAL DISTRICTS, 4-7. SCHEDULE OF BULK AND DIMENSIONAL STANDARDS FOR MOBILE HOME DISTRICTS, 4-8. SCHEDULE OF BULK AND DIMENSIONAL STANDARDS FOR OFFICE, COMMERCIAL AND MIXED-USE DISTRICTS, AND 4-9. SCHEDULE OF BULK AND DIMENSIONAL STANDARDS FOR INDUSTRIAL, EXTRACTION AND INSTITUTIONAL DISTRICTS) BY ADDING THE NEW RSF-9, RMF-12, RMF-16 AND MX DISTRICTS, BY ELIMINATING DENSITIES FROM SINGLE FAMILY AND DUPLEX DISTRICTS, BY DELETING MINIMUM UNIT SIZES FOR RESIDENTIAL USES, BY ELIMINATING DENSITIES AND INTENSITIES FROM NON-RESIDENTIAL DISTRICTS BY REFERRING TO THE FUTURE LAND USE CATEGORIES, BY REGULATING BUILDING HEIGHT IN STORIES RATHER THAN FEET; SECTION 401.3.E.9 WATERFRONT YARDS BY SPECIFYING MINIMUM SETBACK; BY DELETING SECTION 401.5 EXPANSION OF EXISTING LARGE COMMERCIAL PROJECTS IN ITS ENTIRETY; BY ADDING SECTION 401.5 BUILDING HEIGHT COMPATABILITY; AMENDING SECTION 402 PLANNED DEVELOPMENT (PD) DISTRICTS; BY REVISING SECTION 402.7.D.9. PDR BUILDING HEIGHT BY CHANGING HEIGHT TO STORIES AND AMENDING HOW COMPATIBILITY IS DETERMINED BY REFERENCE TO SECTION 401.5.B.; BY REVISING PORTIONS OF SECTION 403.4 PARRISH COMMERCIAL VILLAGE OVERLAY (PCV); BY CLARIFYING SECTION 403.7

DUPLEX ACCESS OVERLAY DISTRICT (DA); BY ADDING THE COASTAL EVACUATION AREA (CEA) AND THE COASTAL PLANNING AREA (CPA) AS OVERLAY DISTRICTS; BY REVISING SECTION 403.10 WATERSHED PROTECTION OVERLAY DISTRICTS (WP) BY ADDING THE PEACE RIVER, BY NO LONGER REQUIRING SPECIAL APPROVAL AND PLANNED DEVELOPMENT (PD) FOR PROJECTS IN THE WATERSHED OVERLAYS; AMENDING CHAPTER 5 – ACCESSORY AND SPECIFIC USES AND STRUCTURES; BY REVISING SECTION 531.1.A.7. SHORT-TERM AGRICULTURAL USES; AMENDING SECTION 531.1. AGRICULTURAL USES, SECTION 531.2. AIRCRAFT LANDING FIELDS, SECTION 531.3. AIRPORTS, SECTION 531.4. ALCOHOLIC BEVERAGE ESTABLISHMENTS, SECTION 531.7. BED AND BREAKFAST, SECTION 531.12. CHILD CARE CENTERS, SECTION 531.13. CHURCHES/PLACES OF WORSHIP, SECTION 531.19. FARM WORKER HOUSING, SECTION 531.24. HELIPORTS AND HELISTOPS, SECTION 531.25. INDUSTRIAL, LIGHT/HEAVY/FIREWORKS/MANUFACTURING (HEAVY INDUSTRIAL), SECTION 531.26. INTENSIVE SERVICES, SECTION 531.29. MARINAS, SECTION 531.30. MINING OPERATIONS, SECTION 531.31. MINI-WAREHOUSES/SELF-STORAGE, SECTION 531.32. MOBILE HOMES, SECTION 531.35. NURSING HOMES, SECTION 531.41. RECREATION USES AND FACILITIES, SECTION 531.42. RECREATIONAL VEHICLE PARKS AND SUBDIVISIONS, SECTION 531.45. RESIDENTIAL CARE FACILITIES (INCLUDING ASSISTED LIVING FACILITIES, COMMUNITY RESIDENTIAL HOMES, RECOVERY HOMES, AND EMERGENCY SHELTERS), SECTION 531.47. RESIDENTIAL USES, SECTION 531.49 RETAIL/COMMERCIAL USES, TABLE 5-2. COMMERCIAL SIZE LIMITATION PER FUTURE LAND USE, SECTION 531.50. SCHOOLS, SECTION 531.53. SOLID WASTE MANAGEMENT FACILITIES, SECTION 531.54. UTILITY USES, BY ADDING SECTION 531.61 OFFICE TO ALLOW OFFICES OF LESS THAN 3,000 SQUARE FEET WITHIN CERTAIN FUTURE LAND USE CATEGORIES; BY ADDING SECTION 542.7.M. FORMER AGRICULTURAL, GOLF COURSE, OR NURSERY SITE LAND CONVERSION/CHANGE OF USE; BY REVISING SECTION 545 HOUSING PROGRAM TO SPECIFY DENSITY BONUSES BASED ON VARIOUS FUTURE LAND USE CATEGORIES AND BY ELIMINATING THE REQUIREMENT TO REZONE TO PLANNED DEVELOPMENT; AMENDING CHAPTER 6 SIGNS BY REVISING SECTION 605.4 CHANGEABLE COPY SIGNS (MANUAL OR LED SIGNS); AMENDING CHAPTER 7 ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION BY REVISING SECTION 701.8 REMOVING REFERENCE TO SPECIAL APPROVAL, AMENDING CHAPTER 8 ENGINEERING DESIGN AND UTILITIES BY ADDING SECTION 800.11 CLUSTER SUBDIVISIONS – CONSERVATION; BY ADDING SECTION 800.12 CLUSTERING SUBDIVISIONS – SHORT-TERM AGRICULTURE; AMENDING SECTION 803. UTILITY SERVICE REQUIREMENTS, BY REVISING SECTION 803.1 SANITARY SEWERAGE TO REFLECT THE REQUIREMENTS OF FLORIDA STATUTE; BY REVISING 803.2.A. MANDATORY CONNECTION (WATER); AMENDING SECTION 806. OUTDOOR LIGHTING; AMENDING CHAPTER 9 DESIGN GUIDELINES; BY AMENDING SECTION 900.4. LAND USES PERMITTED WITHIN ENTRANCEWAYS; BY AMENDING SECTION 902.4. BLOCKS, LOTS, AND BUILDINGS E. FRONT SETBACK ZONE; BY REVISING SECTION 902.6 DEVELOPMENT COMPATIBILITY; BY DELETING 902.9.A.3. WORKFORCE

HOUSING IN ITS ENTIRETY; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance 18-04 was adopted by the Board of County Commissioners on August 23, 2018, to amend the text and maps of the Comprehensive Plan generally described as the “Process Improvements – Comprehensive Plan Amendments PA-17-08/Ordinance 18-04”; and,

WHEREAS, Application LDCT Amendment 17-05 has been initiated by the County as an amendment to the Land Development Code to provide, among other matters, the updating of Land Development Code for consistency with the Process Improvements – Comprehensive Plan (PA-17-08/Ordinance 18-04); and,

WHEREAS, Section 163.3174(1), Florida Statutes, requires that the governing body of each local government in Florida shall designate and by ordinance establish a “local planning agency”; and

WHEREAS, the Manatee County Planning Commission has been duly designated in Section 301 of the Land Development Code as the Local Planning Agency of the County; and

WHEREAS, Section 163.3174(4)(c), Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

WHEREAS, Section 301.1.D. of the Land Development Code authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code; and

WHEREAS, the purpose of LDCT Amendment 17-05 is to implement the amendments to the Comprehensive Plan previously adopted by Ordinance 18-04 so as to provide implementing land development regulations; and,

WHEREAS, the Planning Commission acting in its capacity as Local Planning Agency, held a duly advertised public hearing on September 13, 2018 and February 28, 2019 in accordance with Section 341.2.E of the Land Development Code to receive public comments on the Process Improvements – Land Development Code Amendments as contained within LDC Application 17-05; and,

WHEREAS, the Board held three adoption public hearings on December 6, 2018, March 7, 2019 and March 21, 2019 and one public hearing (not held as an adoption public hearing) to receive additional public comment on February 5, 2019, considered the public comments and received the recommendations of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, as codified in the applicable portions of Chapter 163, Part II, Florida Statutes (2018) as amended, and Chapter 125, Florida Statutes, as amended. Specifically, Section 163.3202 (2), Florida Statutes (2018) requires local land development regulations to contain specific and detailed provisions necessary or desirable to implement the adopted Comprehensive Plan.

Section 2. Findings. The Board hereby finds and determines that:

- (a) The findings set forth in the recitals to this Ordinance are true and correct.
- (b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County held two public hearings on September 13, 2018 and February 28, 2019, to consider the Process Improvements – Land Development Code Amendments contained within LDCT Application 17-05 and found them to be consistent with the Comprehensive Plan, and recommended to the Board the adoption of the Process Improvements – Land Development Code Amendments.
- (c) The adoption of Land Development Code Text Amendments 17-05 (Process Improvements – Land Development Code Amendments) as described herein will foster and preserve the public health, safety and welfare, and aid in the harmonious, orderly and progressive development of the County, and thus serve a valid public purpose.

Section 3. Adoption of the Process Improvements – Land Development Code Amendments.

(a) The Process Improvements – Land Development Code Amendments attached to this Ordinance and incorporated herein by reference as Exhibits “A-1 through A-9” are hereby adopted as amendments to the Land Development Code of the County. The Process Improvements – Land Development Code Amendments shall consist of the following chapters and sections of the Land Development Code as set forth in the following nine exhibits with new text indicated by underline and deleted text indicated by ~~strikethrough~~.

(b) The LDC Text and Map Amendments contained within Ordinance No. 19-05 adopted by the Board on February 7, 2019 shall supersede all references to the Airport Impact Overlay District contained within Exhibits “A-1 through A-9” of this Ordinance.

- (a) CHAPTER 1, GENERAL PROVISIONS (Exhibit A-1),
- (b) CHAPTER 2, DEFINITIONS (Exhibit A-2),
- (c) CHAPTER 3, REVIEWING AUTHORITY AND PROCEDURES (Exhibit A-3),
- (d) CHAPTER 4, ZONING (Exhibit A-4),
- (e) CHAPTER 5, STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES (Exhibit A-5),
- (f) CHAPTER 6, SIGNS (Exhibit A-6),
- (g) CHAPTER 7, ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION (Exhibit A-7),
- (h) CHAPTER 8, ENGINEERING DESIGN AND UTILITIES (Exhibit A-8),

(i) CHAPTER 9, DESIGN GUIDELINES AND STANDARDS (Exhibit A-9).

Section 4. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 of this Ordinance into the Land Development Code. The LDC Text and Map Amendments contained within Ordinance No. 19-05 adopted by the Board on February 7, 2019 shall supersede all references to the Airport Impact Overlay District contained within Exhibits "A-1 through A-9" of this Ordinance.

Section 5. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies filed or initiated with the County on or after April 15, 2019.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance, or any provision of the Process Improvements - Land Development Code Text Amendment contained within Application LDCT-17-05, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, or the Process Improvements – Land Development Code Text Amendment, as the case may be.

Section 7. Effective Date. This Ordinance shall become effective on April 15, 2019.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida this 21st day of March 2019.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Stephen R. Jonsson, Chairman

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPROLLER**

By: _____
Deputy Clerk