

ORDINANCE NO. 16-07 – URBAN CORRIDOR AMENDMENTS

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE FUTURE LAND USE ELEMENT TO DESIGNATE THE GEOGRAPHIC EXTENT OF THE URBAN CORRIDORS WITHIN THE EXISTING URBAN SERVICE AREA ON APPLICABLE MAPS; PROVIDING FOR DEFINITIONS; SAID DEFINITIONS ARE AMENDED TO INCLUDE A DEFINITION OF “URBAN CORRIDOR” ENCOMPASSING PROPERTIES THAT ABUT SPECIFIED ROADWAYS AS DESIGNATED ON MAP “M” OF THE FUTURE LAND USE MAP SERIES WITHIN THE URBAN SERVICE AREA OF MANATEE COUNTY AS DESIGNATED ON EXISTING MAP “K” OF THE FUTURE LAND USE MAP SERIES; SAID ROADWAYS INCLUDE PORTIONS OF MANATEE AVENUE WEST, CORTEZ ROAD WEST/44TH AVENUE EAST, 53RD AVENUE WEST/ SR 70, TAMiami TRAIL (US 41)/14TH STREET WEST (BUSINESS US 41), 15TH STREET EAST AND 1ST STREET; PROVIDING FOR THE FOLLOWING TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT: AMENDING THE POTENTIAL FOR DEVELOPMENT IN TERMS OF EITHER INTENSITY OF USE OR DENSITY (RESIDENTIAL UNITS) FOR PROPERTIES WITHIN THE FOLLOWING FUTURE LAND USE CATEGORIES IF LOCATED WITHIN THE DESIGNATED URBAN CORRIDORS AND SUBJECT TO STANDARDS IN THE LAND DEVELOPMENT CODE FOR: RESIDENTIAL-6 (RES-6), RESIDENTIAL-9 (RES-9), RESIDENTIAL -12 (RES-12) RESIDENTIAL-16 (RES-16), RETAIL OFFICE RESIDENTIAL (ROR), INDUSTRIAL LIGHT (IL), INDUSTRIAL HEAVY (IH), MIXED USE (MU), FUTURE LAND USE CATEGORIES; AMENDING THE ALLOWABLE USES WITHIN THE RESIDENTIAL 6 (RES-6), RESIDENTIAL 9 (RES-9), RESIDENTIAL 12 (RES-12) FUTURE LAND USE CATEGORIES WITHIN DESIGNATED URBAN CORRIDORS TO ALLOW HOTELS AS POTENTIAL USES, SUBJECT TO APPLICABLE COMMERCIAL LOCATIONAL CRITERIA; DELETING THE LIMITATIONS AS TO MAXIMUM SQUARE FOOTAGE FOR COMMERCIAL DEVELOPMENT ALONG DESIGNATED URBAN CORRIDORS; AMENDING THE NET DENSITY RESTRICTIONS FOR SPECIFIED DEVELOPMENT ALONG DESIGNATED URBAN CORRIDORS; DELETING THE REQUIREMENT FOR SPECIAL APPROVAL FOR SPECIFIED DEVELOPMENT ALONG DESIGNATED URBAN CORRIDORS; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and,

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WHEREAS, The Community Planning Act (the “Act”) is codified in the applicable portions of Chapter 163, Part II, Florida Statutes (2016) as amended, empowers and requires the County (a) to plan for the county’s future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and,

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and,

WHEREAS, Application PA-16-01 has been initiated by the County to amend the Comprehensive Plan, to delineate the extent of designated Urban Corridors within the existing Urban Service Area and includes amendments to the maps and the text of the Future Land Use Element as well as the definitions of the Comprehensive Plan; and,

WHEREAS, Application LDCT 16-02 has been initiated by the County as an amendment to the Land Development Code to provide, among other matters, design guidelines and standards applicable to properties within the Urban Corridors; and,

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County’s Local Planning Agency for purposes of the Act, considered Application PA-16-01; and passed a motion to recommend transmittal of Plan Amendment 16-01 to the Board of County Commissioners; and,

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on June 21, 2016, to consider Plan Amendment 16-01 and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and,

WHEREAS, the State Land Planning Agency by letter dated July 30, 2016, identified no comments related to important State resources and facilities within the Department of Economic Opportunity’s (DEO) authorized scope of review that would be adversely impacted by Plan Amendment 16-01, if adopted; and,

WHEREAS, the Florida Department of Transportation by letter dated July 27, 2016 transmitted its review comments on Plan Amendment 16-01 as to transportation resources and facilities of State importance; and,

WHEREAS, the Southwest Florida Water Management District, by letter dated July 27, 2016 provided comments regarding flood protection, wetlands and other surface waters, and regional water supply; and,

WHEREAS, the staff of the Tampa Bay Regional Planning Council prepared a report on Plan Amendment PA 16-01 and had their report affirmed by the Tampa Bay Regional Planning Council at the meeting of August 8, 2016; and,

WHEREAS, the report of the Tampa Bay Regional Planning Council (the TBRPC) identified no adverse effects on regional resources or facilities as identified in *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region 2005* and no extra- jurisdictional impacts were identified that would be inconsistent with the comprehensive plan of any affected local government; and,

WHEREAS, the Florida Fish and Wildlife Commission (FFWC) by letter dated July 13, 2016, identified no comments related to fish and wildlife or listed species and their habitat; and,

WHEREAS, the Florida Department of Education by letter dated July 6, 2016, identified no potential to significantly adversely affect public educational facilities; and,

WHEREAS, the Florida Department of Environmental Protection, by correspondence dated July 22, 2016, transmitted its review comments for Plan Amendment PA-16-01 and determined no provision in the Plan Amendment, if adopted, would adversely impact important State resources, specifically air and water pollution, wetlands and other surface waters of the State, federal and State owned lands and interests in lands including state parks, greenways and trails, conservation easements, solid waste, and water and wastewater treatment; and,

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2016), on September 1, 2016, the Board of County Commissioners held an adoption public hearing, with due public notice having been provided, to consider said proposed amendment to the Comprehensive Plan; and,

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency and all applicable State or local review agencies; and,

WHEREAS, in exercise of said authority, the Board of County Commissioners has determined that the adoption of Plan Amendment PA-16-01 would be in the public interest; and,

WHEREAS, the Board of County Commissioners, based upon the foregoing findings, has determined that the requirements for amending the Comprehensive Plan in Section C.2.3.3, Introduction of the Comprehensive Plan have been satisfied; and,

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to Chapter 163, Part II, Florida Statutes (2016), and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

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

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 Act, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the “Whereas” clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance.

Section 3. Map Amendment: The Manatee County Comprehensive Plan, Chapter entitled “Future Land Use Maps and Future Land Use Maps Series” is hereby amended in the following respects: the map legend is amended to re-label Map K-Urban Service Area, and to add a new Map L- Character Vision Graphic, and a new Map M-Urban Corridors, said Maps are described in Exhibit “A”, attached hereto and made a part hereof by reference.

Section 4. Text Amendment to Definitions: The Manatee County Comprehensive Plan, Chapter entitled “Definitions” is hereby amended to add the new definitions and amend the definitions as described in Exhibit “B” attached hereto and made a part hereof by reference.

Section 5. Text Amendment to Future Land Use Element: The Manatee County Comprehensive Plan, Future Land Use Element is hereby amended to add new or amended goals, objectives, and policies as described in Exhibit “C” attached hereto and made a part hereof by reference.

Section 6. Text Amendment to Traffic Element: The Manatee County Comprehensive Plan, “Traffic Element” is hereby amended to add Policy 5.0.3.4 providing for coordination with FDOT as described in Exhibit “D” attached hereto and made part hereof by reference.

Section 7. Severability: If any section, sentence, clause or other provision of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 8. Codification: Pursuant to Section 125.68(1), Fla. Stat., this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 9. Effective Date: The effective date of this Plan Amendment PA-16-01, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies Manatee County that the adopted plan amendment package for Plan Amendment PA-16-01 is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted Amendment PA-16-01 to be in compliance. No development orders, development permits, or land uses dependent on this Plan Amendment PA-16-01 may be issued or commenced before it has become effective.

PASSED AND DULY ADOPTED with a quorum present and voting this 19th day of September, 2016.

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

By: _____
Vanessa Baugh, Chairman

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

By: _____
Deputy Clerk