

ORDINANCE NO. 16-23- COUNTYWIDE 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 INTRODUCTION CHAPTER OF THE COMPREHENSIVE PLAN TO DELETE SECTION D.2 SPECIAL EXCEPTIONS; DELETE SECTION D.3 NONCONFORMITIES; DELETE SECTION D.5 SPECIFIC PROPERTY DEVELOPMENT CONDITIONS; AND TO DELETE SECTION E.3.2.1 WORKSHOPS AND HEARINGS; AMENDING DEFINITIONS AS DESCRIBED HEREIN; PROVIDING FOR THE FOLLOWING TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT: THE RELOCATION OF SECTION D.5 SPECIFIC PROPERTY DEVELOPMENT CONDITIONS FROM THE INTRODUCTION CHAPTER OF THE COMPREHENSIVE PLAN TO THE FUTURE LAND USE ELEMENT; AMENDING OBJECTIVE 2.1.3 TO INCLUDE THE URBAN SERVICE AREA; AMENDING TABLE 2-1, SUMMARY OF FUTURE LAND USE CLASSIFICATION SYSTEM, PART I-FUTURE LAND USE DISTRICTS AND PART II-FUTURE LAND USE OVERLAY DISTRICTS; AMENDING GOALS, OBJECTIVES, AND POLICIES APPLICABLE TO THE FOLLOWING LAND USE CATEGORIES: CONSERVATION LANDS (CON), AGRICULTURAL/RURAL (AG/R), RESIDENTIAL-1 (RES-1), RESIDENTIAL-3 (RES-3), RESIDENTIAL-6 (RES-6), RESIDENTIAL-9 (RES-9), RESIDENTIAL-12 (RES-12), RESIDENTIAL-16 (RES-16), URBAN FRINGE-3 (UF-3), LOW INTENSITY OFFICE (OL), RETAIL/OFFICE/RESIDENTIAL (ROR), INDUSTRIAL LIGHT (IL), INDUSTRIAL HEAVY (IH), INDUSTRIAL URBAN (IU), MIXED USE (MU), RECREATION/OPEN SPACE (R/OS), MEDIUM INTENSITY OFFICE (OM), MIXED USE COMMUNITY (MU-C), FUTURE LAND USE OVERLAY DISTRICTS WATERSHED OVERLAY DISTRICTS; AMENDING CERTIFICATE OF LEVEL OF SERVICE COMPLIANCE (ADDING LANGUAGE FROM THE LAND USE OPERATIVE PROVISIONS); AMENDING THE LAND USE OPERATIVE PROVISIONS TO DELETE TEXT REGARDING BOUNDARY INTERPRETATIONS, RELOCATING SECTION B. INDUSTRIAL USES PROHIBITED RESIDENTIAL CATEGORIES, RELOCATING SECTION C. RESIDENTIAL USES PERMITTED IN INDUSTRIAL CATEGORIES, DELETING SECTION D. DISTRIBUTING COMMERCIAL POTENTIAL ON A PROJECT SITE, DELETING SECTION F(2). LEVEL OF SERVICE REVIEW PROCESS; RELOCATING VARIOUS PROVISIONS FROM THE LAND USE OPERATIVE PROVISIONS TO THE FUTURE LAND USE ELEMENT, DELETING SECTION G. COMMUNITY DESIGN COMPATIBILITY; AMENDING THE TRAFFIC SUB-ELEMENT TO UPDATE REFERENCE TO SPECIFIC DATES AND TIME PERIODS FOR IMPLEMENTATION; AMENDING TABLE 5-1, MANATEE COUNTY PEAK HOUR LEVEL OF SERVICE STANDARDS REGARDING BUSINESS US 41; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 16-23

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,

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-16-03 has been initiated by the County to amend the Comprehensive Plan, to amend text and maps within the Future Land Use Element and the definitions chapter of the Comprehensive Plan; and,

WHEREAS, Application LDCT 16-05 has been initiated by the County as an amendment to the Land Development Code to provide, among other matters, implementation of the amendments to the Comprehensive Plan described in Application PA-16-03 applicable to properties within Manatee County; 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-16-03; and passed a motion to recommend transmittal of Plan Amendment 16-03 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 16-03 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 29, 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 16-03, if adopted; and,

WHEREAS, the Florida Department of Transportation by letter dated July 28, 2016 transmitted its review comments on Plan Amendment 16-03 as to transportation resources and facilities of State importance; and,

WHEREAS, the Southwest Florida Water Management District, by letter dated July 25, 2016, provided comments stating no adverse impact on regional water supply resources; 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 with regard to Plan Amendment PA-16-03; and,

WHEREAS, the staff of the Tampa Bay Regional Planning Council prepared a report on Plan Amendment PA 16-03 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 Department of Education by letter dated July 16, 2016, identified no potential for Plan Amendment PA-16-03 to significantly adversely impact public school facilities; and,

WHEREAS, the Florida Department of Environmental Protection, by correspondence dated July 22, 2016, transmitted its review comments for Plan Amendment PA-16-03 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-16-03 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: Revised the boundaries of the Urban Core, Map H, the map legend is amended to add a new Map “K” Urban Service Area, Map “L” Character Vision Graphics and to add a new Map L- Character Vision Graphic, and to update references to the Land Use Operative Provisions, previously Section D.5. Said Maps are described in Exhibit “A”, attached hereto and made a part hereof by reference.

Section 4. Introduction Chapter of Comprehensive Plan: The Manatee County Comprehensive Plan, Chapter entitled “Introduction” is hereby amended to delete various references to text some of which has been relocated to other areas of the Comprehensive Plan and the remainder deleted as described in Exhibit “B” attached hereto and made a part hereof by reference.

Section 5. Text Amendments to Definitions: The Manatee County Comprehensive Plan Chapter entitled “Definitions” is hereby amended to add new definitions and amend or delete definitions as described in Exhibit “C” attached hereto and made a part hereof by reference.

Section 6. Text Amendment to Future Land Use Element: The Manatee County Comprehensive Plan, Future Land Use Element is hereby amended to add new or amend goals, objectives, and policies as described in Exhibit “D” attached hereto and made a part hereof by reference.

Section 7. Text Amendment to Land Use Operative Provisions: The Manatee County Comprehensive Plan, Future Land Use Operative Provisions is hereby amended to add new or amend sections and delete outdated sections as described in Exhibit “E” attached hereto and made a part hereof by reference.

Section 8. Traffic Sub-Element: The Manatee County Comprehensive Plan Traffic Sub-Element is hereby amended to add various date references and to modify Table 5-1 regarding Business US 41 as described in Exhibit “F” attached hereto and made a part hereof by reference.

Section 9. 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 10. 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 11. Effective Date: The effective date of this Plan Amendment PA-16-03, if the amendment

ORDINANCE NO. 16-23

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-16-03 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-16-03 to be in compliance. No development orders, development permits, or land uses dependent on this Plan Amendment PA-16-03 may be issued or commenced before it has become effective.

PASSED AND DULY ADOPTED with a quorum present and voting this 1st 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