

FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 08-50

2009 JAN 14 PM 4: 08

CLERK OF THE COUNTY OF
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE ELEMENT, AND PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE ELEMENT - OPERATIVE PROVISIONS, TO ALLOW FOR: THE ADDITION OF A NEW FUTURE LAND USE OVERLAY CATEGORY "NCG OL" NORTH COUNTY GATEWAY OVERLAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2009 DEC 22 PM 2: 52

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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, Sections 163.3161 through 163.3215, Florida Statutes, titled the Local Government Comprehensive Planning and Land Development Regulation Act, (the "Act") empowers and requires the County (a) to plan for the county's future development and growth, (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county, (c) to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, and (d) to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of said Act; 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-08-20 initiated by the County is a request for a text amendment to amend the Future Land Use Element of the Manatee County Comprehensive Plan, and the Future Land Use Element - Operative Provisions, to allow for: the addition of a new Future Land Use overlay category "NCG OL" North County Gateway Overlay, consistent with Chapter 163, Part II; and

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency, as established by Ordinance 90-01, considered an amendment to the Manatee County Comprehensive Plan, to adopt the associated amendments of the Comprehensive Plan, as provided, in the Title of this ordinance, in order to more adequately address Manatee County's future development and growth; and

WHEREAS, the minimum statutory and plan administration requirements for public participation for the adoption of this Ordinance and the amendment of the

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County's Comprehensive Plan provided herein, have been met or exceeded; and

WHEREAS, on July 24, 2008, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the amendment, and forwarded its recommendation to the Board of County Commissioners as required by law; 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 August 7, 2008, to consider transmittal of the proposed amendment to the Florida Department of Community Affairs as the State Land Planning Agency in accordance with Sec. 163.3184, F.S.; and

WHEREAS, the State Land Planning Agency by letter dated October 17, 2008 transmitted their Objections, Recommendations, and Comments Report on the amendment to the Comprehensive Plan; and

WHEREAS, the amendment to the Comprehensive Plan was revised as appropriate in view of comments by the State Land Planning Agency; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on December 4, 2008, the Board of County Commissioners held another public hearing, with due public notice having been provided, to consider adoption of the proposed amendment to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during the public hearings, including appropriate changes to the technical support document as needed, the recommendations of the Planning Commission, and objections, recommendations, and comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners determined that the amendments to the Comprehensive Plan set forth herein are necessary to implement the requirements of Section 163, Part II; and

WHEREAS, in exercise of this authority, the Board of County Commissioners has determined it necessary and desirable to adopt this Ordinance to effect the amendment of the Comprehensive Plan to preserve and enhance present advantages: encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present deficiencies and deal effectively with future problems that may result from the use and development of land within Manatee County; and

WHEREAS, the Technical Support Document for the Manatee County Comprehensive Plan includes background material and justification for the amendment to the Comprehensive Plan; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to the Act, 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 Sections 163.3161 through 163.3215, Florida Statutes, 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. Based upon the findings made relative to the proposed map amendment to the Future Land Use Element, it has been determined that the existing map, sought to be amended are no longer in the best interest of the public and should be amended as described in Section 3 below.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to adopt the revisions to the Future Land Use Element, and the Future Land Use Element – Operative Provisions, to allow for: the addition of a new future land use overlay category "NCG OL" North County Gateway Overlay, as set forth below by underlining additional text and ~~striking through~~ deleted text:

A. AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN

The Future Land Use Element, and the Future Land Use Element Operative Provisions, of the Comprehensive Plan are amended by the addition of new text indicated by underlining and deletion of text indicated by strike-out.

Objective 2.1.4 Economic Activity Areas. Encourage development of mixed use areas to strengthen and diversify the economy of Manatee County.

Policy 2.1.4.1 Identify areas which are established for mixed use intense economic activity.

Policy 2.1.4.2 Ensure the compatibility of residential and light industrial uses through the utilization of the appropriate following measures: transition / landscape buffering, building design, set-backs, noise barriers, exterior lighting controls, operating hour limits, vibration limits, truck access / routing limits, binding agreements to benefit and protect the community, and

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other practices as necessary to protect and enhance neighborhoods and community character.

Policy 2.1.4.3 Within the areas designated for planned residential and light industrial mixed use intense development and other intense economic activity, consider an array of incentives which may include:

- a. expedited development review and permitting approvals through a process tailored for the designated areas,
- b. density /intensity bonuses,
- c. transit access provision,
- d. linkages with adjoining or related authorities (e.g. Airport / Port Manatee provisions such as joint marketing / branding, foreign trade zone (FTZ) status, and master stormwater management,
- e. targeted infrastructure,
- f. public/private partnerships,
- g. parcel assembly supports,
- h. workforce training,

Imp. Mech.

(a) Revise the Land Development Code by 2010 as necessary to implement policy.

Policy 2.11.2.3 Implement, in the land development regulations required by Section 163.3202, F.S., a specialized district, or otherwise specialized development review and regulation mechanism, ~~for projects under the manatee County Port Authority.~~ Such district or mechanism establishes a broad spectrum of seaport, waterborne commerce, industrial and transportation uses as permitted uses. Such district or mechanism also imposes only those requirements on land uses, buffers, screening and other land use parameters which are necessary to ensure compatibility between ~~this seaport district and adjacent sites or uses.~~ Development within any such specialized district, or development reviewed pursuant to any alternative regulatory and review mechanism, ~~shall~~ may also be exempt from any required maximum Floor Area Ratio associated with the Industrial-Heavy or Industrial-

Light future land use categories. The adoption of this policy hereby establishes an overriding public interest as the basis for any such specialized district, and for reduced requirements for the regulation of on site uses or activities.

Implementation Mechanism:

- a) Land development regulations consistent with this policy, and required by § 163.3202, F.S.

GOAL: 2.12 **Ensure that future development in the North County Gateway area is compatible and complementary to existing and proposed uses.**

Objective: 2.12.1 Future development which ~~limits nuisance complaints~~ is compatible and provides for efficient transportation mobility that includes adequate road, rail, water and air facilities.

Policy: 2.12.1.1 Consider ~~establishment of a~~ Designate the North County Gateway Future Land Use Overlay with appropriate boundaries, in 2004 consistent with Objective 2.1.4.

Policy: 2.12.1.2 Conduct an evaluation of needed transportation corridors, with particular emphasis on access to and from Port Manatee to meet the needs of commerce and trade to maintain the time travel ~~Protect freight mobility, and facilitate the establishment of the Port Connector Road~~ between Port Manatee and I-75 and extended rail service as necessary.

Policy: 2.12.1.3 Evaluate the existing Future Land Use and Zoning designations within the North County Gateway, to promote compatible land uses that support the long term viability of Port Manatee and the economic diversification of Manatee County.

Policy: 2.12.1.4 Establish zoning district(s) which provide design parameters to ensure compatibility between residential and light industrial uses.

Policy: 2.12.1.5 Annually review the existing, approved, and pending development applications within the North County Gateway overlay and amend the facility impact projections, population projections, and capital

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improvement schedules as appropriate.

Policy: 2.12.1.6 Review the effectiveness of the Port Manatee Encouragement Zone. At a minimum, this will be done with the state required Evaluation and Appraisal of the Comprehensive Plan.

Policy: 2.2.2.9 NCG: Establish the North County Gateway Overlay District as follows:

Policy: 2.2.2.9.1 Definition: A specific geographic area designated on the Future Land Use Map for the purpose of encouraging growth which is consistent, with the long term needs of Port Manatee and the economic health of Manatee County (see also Objective 2.1.4).

Policy: 2.2.2.9.2 Purpose:

- a) To define a specific geographic area where a range of light industrial, mixed use, other employment-oriented uses, may be considered in addition to the existing Future Land Use Designation when compatible and planned infrastructure will be built concurrent with development to support that growth.
- b) To provide for compatibility between light industrial, non-residential and residential uses providing a high quality built and natural environment for living, working, or visiting;
- c) To promote transportation choices, intermodal connections, internal trip capture, and freight mobility,

Policy: 2.2.2.9.3 Applicable Goals, Objectives, and Policies: Goals, objectives and policies pertaining to the NCG Overlay District are contained under Objective 2.1.4, 2.11.1, 2.11.2, 2.12.1 of the Future Land Use Element. Consistency with other goals, objectives, and policies of this Manatee County Comprehensive Plan, and land development regulations prepared pursuant to § 163.3202 F.S. is required for all activity within the NCG Overlay District.

Policy: 2.2.2.9.4 Effect of Mapping:

- a) Any project, or portion of a project which is included within the NCG Overlay District shall be subject to the applicable requirements listed under Policies 2.2.2.9.1, 2.2.2.9.2, and 2.2.2.9.3 above.
- b) The area designated under the NCG Overlay District on the Future Land Use Map may also be developed pursuant to the goals, objectives, and policies of the future land use category underlying the NCG Overlay.
- c) In addition to the range of uses, density and intensity provided for in the underlying Future Land Use Category, land within the NCG Overlay may also be considered for the range of uses, and intensity provided for under the 2.2.1.18 policies upon a determination that:
 - (1) compatibility between residential and non-residential uses has been established, and
 - (2) provisions have been made for all required public facilities.

All such development shall require Special Approval pursuant to this Comprehensive Plan.

B. Amend Table 2-1 Part II Future Land Use Overlay Districts, to add item 7) as shown in strikethrough and underline format

**TABLE 2-1
SUMMARY OF FUTURE LAND USE CLASSIFICATION SYSTEM**

PART II: FUTURE LAND USE OVERLAY DISTRICTS

Page 4 of 4

Future Land Use Overlay Districts	Map Symbol	Function
6) Regional Activity Center	RAC	Encourage Growth Into Suitable Areas Capable of Supporting Additional Infrastructure And Population, With Consideration Given To Transportation Accessibility, Infrastructure Service Capability, and Capital Improvements Programming.

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7) <u>North County Gateway Overlay</u>	NCG	Provide an area to meet the long term needs of Manatee County, near Port Manatee, for industrial light development integrated with low density or clustered low-moderate density mixed use environment.
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C. AMENDMENTS TO THE FUTURE LAND USE ELEMENT – OPERATIVE PROVISIONS

B. Industrial Uses Prohibited in Residential Categories

In no instance will industrial uses (other than office uses which may be permitted within the ROR category, or other than small office uses which may be permitted within residential designations at certain locations, or light industrial and office uses which may be permitted within the MU category or NCG Overlay or water-dependent industrial uses within residential designations at locations with existing and operating industrial facilities as of the adoption date of the Comprehensive Plan - May 11, 1989), be permitted to locate within any future land use category permitting residential development.

3) **Large Commercial Projects**

Any large commercial projects (i.e. exceeding 150,000 square feet of gross building area) shall be located completely within an area designated as ROR or MU on the Future Land Use Map. Also, any retail commercial projects exceeding 300,000 square feet of gross building area shall generally be located within one and one-half mile of the intersection of any limited access facility and an arterial. Office, and other non-retail projects, may exceed 300,000 square feet within ROR, MU or NCG designations without being located within one and one-half mile of such an intersection.

Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be deemed severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 5. Effective Date: This Ordinance shall take effect immediately upon the State Land Planning Agency, as defined in Section 163.3164, Florida Statutes, issuing a final order finding the Ordinance in compliance with Section 163.3184(9), Florida Statutes, or upon the Administration Commission issuing a final order finding the Ordinance to be in compliance if a petition challenging the finding of compliance by the Department of Community Affairs is filed with the Division of Administrative Hearing in accordance with Section 163.3184(10), Florida Statutes, whichever occurs first.

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PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 4th day of December, 2008 and as amended on 16th day of December, 2008.

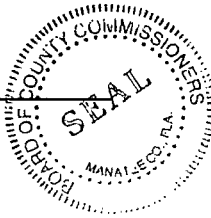
**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: Gwendolyn Y. Brown
Dr. Gwendolyn Y. Brown, Chairman

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ATTEST: **R. B. SHORE**
Clerk of the Circuit Court

By: Susan Romine
Deputy Clerk



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 18th day of December, 2008
R. B. SHORE
Clerk of Circuit Court
By: R. B. Shore D.C.

FILED FOR RECORD
R. B. SHORE



2009 JAN 14 PM 4:09

CLEARING OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

FLORIDA DEPARTMENT of STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 30, 2008

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 18, 2008 and certified copies of Manatee County Ordinance Nos. 08-50 and 08-60, which were filed in this office on December 22, 2008.

As requested, one date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/jru
Enclosure

DIRECTOR'S OFFICE

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