

**LDCT-23-06 / ORDINANCE NO 23-64
COUNTY INITIATED LAND DEVELOPMENT CODE TEXT AMENDMENT
GENERAL DESIGN REQUIREMENTS FOR ALL PLANNED DEVELOPMENT SITE PLANS
PLN2302-0087**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING LAND DEVELOPMENT CODE CHAPTER 4, ZONING, SECTION 402.6., GENERAL DESIGN REQUIREMENTS FOR ALL PLANNED DEVELOPMENT SITE PLANS ; 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.

BE IT ORDAINED by the Board of County Commissioners of Manatee County:

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, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. The proposed text amendment includes Chapter 4 – Zoning, Section 402.6., General Design Requirements for all Planned Development Site Plans to address duplicative language that appears in the Manatee County Public Works Standards Manual.
2. The County has initiated LDC Text Amendment No. LDCT-23-06 (the “LDC Text Amendment”) to remove this duplicate language from the Land Development Code.
3. 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.
4. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendment to the text of the Land Development Code.
5. The Planning Commission, acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on April 13, 2022, as to the proposed LDC Text Amendment and found it to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 341, Land Development Code and has recommended their adoption to the Board.
6. The Board of County Commissioners held a duly noticed and advertised public hearings on April 27, 2023, and May 24, 2023, to receive public comments and consider the recommendation of the Planning Commission as to the LDC Text Amendment.

7. The adoption of the LDC Text Amendment will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly, and progressive development of Manatee County and thus will serve a valid public purpose.

Section 3. Adoption of the Land Development Code Text Amendment. The Land Development Code Text Amendment attached to this Ordinance and incorporated herein as Exhibit "A" are hereby adopted as an Amendment to the Land Development Code of the County. The Land Development Code Text Amendment shall consist of the following Chapter and Section of the Land Development Code as set forth in the following Exhibit "A", with deleted text indicated by ~~strikethrough~~ and added text indicated by underline:

CHAPTER 4, ZONING

- Section 402.6., *General Design Requirements for all Planned Development Site Plans*, to remove duplicative text which appears in other county documents (i.e., Manatee County Public Works Standards Manual) and to revise text to address grammatical corrections/updates.

Section 4. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendment in Section 3 of this Ordinance into the Land Development Code.

Section 5. Applicability. The amendment set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance 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.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 24th day of May 2023.

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

By: _____
Kevin Van Ostenbridge, Chairperson

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

EXHIBIT “A”

TEXT AMENDMENT

The proposed text amendment is provided and shown in ~~strike-through~~ or underline formatting.

CHAPTER 4 - ZONING

Section 402 - Planned Development (PD) Districts

[***]

402.6. General Design Requirements for all Planned Development Site Plans.

In addition to the specific requirements stated in the following sections for each PD district, planned developments shall meet the following standards. Compliance must be demonstrated at the first site plan submittal.

[***]

- E. **Transitions.** Planned development districts shall be responsive to the character of the area. ~~When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.~~
- F. **Design Quality.** All site plans in Planned Development districts shall be designed in such manner to address all of the standards set forth in this section and shall generally be superior innovative in design to conventional development site plans, and consistent with all other factors in this section. All Planned Developments proposing specific approval of requirements for development under standard zoning district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.
- G. **Relationship to Adjacent Property.** Projects in Planned Development districts shall include ~~additional~~ screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.
- H. **Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes, or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need. The location of specific access points shall not be required at the General Development Plan stage in the PDEZ District.

Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.

~~Pedestrian access shall, where practical, be separated from vehicular access points in order to reduce congestion, friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movement safety.~~

- I. **Streets, Drives, Parking and Service Areas.** Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and general facilities. Commercial and office uses shall be grouped in relation to parking areas so that after visitors arrive by automobile, establishments can be visited with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic. Loading zones where customers pick up goods shall be located and arranged so as to prevent interference with pedestrian movement, fire lanes, and other vehicular travel ways.

~~For all rights-of-way and private streets in planned developments, the following minimum design considerations shall be adequately addressed:-~~

- ~~1. Safe vehicular travel;~~
- ~~2. The manner in which pedestrians can traverse in the planned development;~~
- ~~3. Structural stability of all construction materials;~~
- ~~4. Utility distribution, power, sewer, cable, potable water and fire protection routing, location, and sizing;~~
- ~~5. Horizontal and vertical sight distances;~~
- ~~6. Traffic safety requirements;~~
- ~~7. Emergency vehicle maneuverability and access;~~
- ~~8. Logical future extension of inter-neighborhood ties.~~

- J. **Pedestrian Systems.** Development in all Planned Development districts shall provide internal or external walkways where pedestrian circulation requires them.

~~The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent to the district, with a minimum of conflicts with vehicular traffic.~~

~~Pedestrian systems through buildings shall be related to a network of exterior open spaces reserved for pedestrian use and enjoyment. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district, and shall connect to principal access points within and outside the district.~~

Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Where there are crossings of pedestrian ways and vehicular routes at edges of Planned Developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of

districts, safeguards shall be required to prevent crossings, except at designated points. Bicycle or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.

[***]

- L. **Density/Intensity.** Density and/or intensity shall not exceed the maximums established in the Comprehensive Plan. Planned ~~development~~ Development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.

[***]

- N. **Fences and Screening.** Fences or vegetative screening at periphery of Planned Development district ~~shall~~ may be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences. ~~When adjacent development is of either similar use or intensity, such screening may be reduced at the discretion of the Department Director.~~

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- ~~P. **Trash and Utility Plant Screens.** In the Planned Development district all central refuse, trash and garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development district.~~

- ~~Q. **Signs.** Signs in the Planned Development district shall be in accordance with Chapter 6.~~

- ~~R. **Landscaping.** Landscaping shall be equal to or exceed the standards stipulated pursuant to Section 701, Landscaping and Screening Standards.~~

- ~~S. **Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways.** The Comprehensive Plan establishes interstate interchanges as critical gateways to Manatee County. In these areas, additional scrutiny shall be given to the potential visual impacts of the proposed projects, pursuant to Section 900.~~

T.P. Environmental Factors.

1. *Water Conservation.* Creative site development concepts shall be considered ~~used in order~~ to promote water conservation. ~~Water requirements may be reduced by providing for:~~
 - a. ~~The preservation of existing plant communities;~~
 - b. ~~The reestablishment of native plant communities;~~
 - c. ~~Limited amount of lawn grass areas;~~
 - d. ~~The use of site specific plant materials;~~
 - e. ~~The use of shade trees to reduce transpiration rates of lower story plant materials;~~

- ~~f. Site development that retains stormwater runoff on site;~~
 - ~~g. The use of pervious paving materials;~~
 - ~~h. Site development that addresses the carrying capacity of the land in its present form; and~~
 - ~~i. Other environmentally sensitive site development concepts.~~
2. *Minimum Open Space Requirements.* Minimum open space requirements shall be established based upon a site-specific evaluation of the project and surrounding land uses.
3. *Preservation of Existing Plant Communities.*
- a. Existing native plant communities on sites proposed for development should be preserved and incorporated into the required open space wherever possible.
~~Existing native plant communities that are specified to remain shall be preserved in their entirety, with all desirable trees, understory, and ground covers left intact and undisturbed. In most cases, preservation of existing native plant communities will decrease the initial costs of site development, decrease future water and maintenance requirements and enhance the aesthetic appearance of the property.~~
 - b. When existing native plant communities occur on a parcel of land and are located within planned open spaces, thirty-five (35) percent of the required open space or seventy-five (75) percent of the existing native plant communities, whichever is less, shall be in the form of preserved native plant communities.
- ~~U. **Rights-of-Way and Utility Standards.** All improvements shall adhere to the requirements of the County's administrative procedures for all public and private rights-of-way construction.~~
- ~~V. **Stormwater Management.** Stormwater management facilities shall adhere to the requirements of Section 801, Stormwater Management, and the County's administrative procedures.~~
- W.Q. **Consistency with Comprehensive Plan.** No Planned Development shall be approved if it is inconsistent with the Comprehensive Plan
- ~~X. **Other Factors.** Other factors shall be applied which:~~
- ~~1.— Address views from interstates and major connectors;~~
 - ~~2.— Generally require greater open space than permitted in standard districts;~~
 - ~~3.— Prohibit visible exterior storage;~~
 - ~~4.— Prohibit parking and loading areas adjacent to interstate and connectors;~~
 - ~~5.— Provide quality construction material and superior design;~~
 - ~~6.— Maximize use of buffers and berms; and~~
 - ~~7.— Otherwise encourage the establishment of high quality projects at these critical locations.~~