

**PA-22-05 / ORDINANCE NO. 22-40
NORTHEAST QUADRANT TEXT AMENDMENT
PLN2203-0098**

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 A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR A PRIVATELY-INITIATED TEXT AMENDMENT TO ELEMENT 2 - FUTURE LAND USE ELEMENT POLICY 2.14.1.6 / D.5.6 TO: REDUCE THE SINGLE-FAMILY DETACHED FROM 10,000 TO 9,665 UNITS, AND SINGLE-FAMILY ATTACHED UNITS FROM 3,000 TO 2,900 UNITS RESIDENTIAL ENTITLEMENTS, FOR A TOTAL REDUCTION OF 435 UNITS, TO THE NORTHEAST QUADRANT, ESTABLISHED UNDER ORDINANCE 09-12/PA-09-06; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

THE NORTHEAST QUADRANT IS GENERALLY LOCATED EAST OF LORRAINE ROAD, WITH BOURNESIDE BOULEVARD SERVING AS THE EASTERN BOUNDAR, THE NORTH BOUNDARY BEGING APPROXIMATELY 2,200 FEET NORTH OF STATE ROAD 64 EAST AND THE MASTERS AVENUE TO THE SOUTH, BRADENTON (MANATEE COUNTY).

WHEREAS, Chapter 125, Florida Statutes (2021) 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 Local Government Comprehensive Planning and Land Development Regulation Act, Part II, Chapter 163, Florida Statutes (2021), as amended and retitled the Community Planning Act in House Bill 7207 (the "Act") 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, with Ordinance 09-12 (PA-09-06) the Northeast Quadrant, consisting of 6,595 acres, was approved, and limited to the following maximum development totals:

- Ten thousand (10,000) Single Family Detached Residential Units. **
- Three thousand (3,000) Single Family Attached Residential Units. **
- One thousand five hundred (1,500) Multi-Family Residential Units. **
- Eight hundred thousand (800,000) square feet of Retail Development.
- Nine hundred thousand (900,000) square feet of Office Development.

- Nine hundred thousand (900,000) square feet of Light Industrial Development.

Land Use Form.

(1) The project shall consist of mixed use and neo-traditional development as such terms are defined in this Comprehensive Plan.

(2) Phasing and mixing of land uses to achieve the above shall be addressed with project approval.

****Residential unit types may be exchanged provided there is no increase in external vehicle trips.**

WHEREAS, the application is a privately-initiated text amendment to decrease the maximum development total potential within the Northeast Quadrant by 435 units, for a total of 9,665 single-family detached units and 2,900 single-family attached residential units.

WHEREAS, the proposed amendment encompasses over 50 acres, is not considered a small-scale plan amendment under Section 163.3187(1)(a) and (1)(c), Florida Statutes (2021), and must therefore be reviewed as a large-scale plan amendment; and

WHEREAS, on April 14, 2022, 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 May 19, 2022, to consider the amendment 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 1, 2022 had no comments related to Plan Amendment PA-22-05, if adopted; and,

WHEREAS, the staff of the Tampa Bay Regional Planning Council, by a report dated May 26, 2022 – June 23, 2022, had no comments related to Plan Amendment PA-22-05; and,

WHEREAS, the Florida Department of Environmental Protection, by email correspondence dated July 6, 2022, had no comments related to Plan Amendment PA-22-05; and,

WHEREAS, the Florida Department of Agriculture and Consumer Services, by letter dated June 30, 2022, had no comments related to Plan Amendment PA-22-05; and,

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2021), on August 4, 2022, the Board of County Commissioners of the County of Manatee, Florida held another 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, including appropriate changes to the technical support document as needed, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because a change in circumstance has been demonstrated by the Applicant; and,

WHEREAS, in exercise of said authority, the Board of County Commissioners of the County of Manatee has determined it necessary and desirable to adopt said 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 Applicant has submitted with its application information and analysis on the compatibility of the proposed uses with surrounding development.

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 (2021), 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 this proposed text amendment to the Comprehensive Plan, and the compatibility analysis submitted by the Applicant, it has been determined that the existing Future Land Use Element of the Comprehensive Plan Policy for the property should be amended, subject to the Text Amendment as described in Section 3 below. This amendment is in the best interest of the public. Ordinance 22-40 is conditioned upon the approval of the Map Amendment described in Ordinance 22-30.

Section 3. Text Amendment: The Manatee County Comprehensive Plan Chapter entitled "Future Land Use Element" is hereby amended to add language as shown below (additions to text indicated by underline, deletions by ~~strike-out~~):

Policy 2.14.1.6. D.5.6/Ordinance No. 09-12 (PA-09-06) Revised pursuant to Ordinance 22-40 / PA-22-05. The ~~6,595~~ 6,393+ acre property identified as the Northeast Quadrant and designated MU-C on the Future Land Use Map Pursuant to Manatee County Ordinance No. 09-12 and Ordinance 22-40 shall be limited to the following maximum development totals:

- ~~Ten thousand (10,000)~~ Nine Thousand Six Hundred Sixty-Five (9,665) Single Family Detached Residential Units. **

- ~~Three thousand (3,000)~~ Two Thousand Nine Hundred (2,900) Single Family Attached Residential Units. **
- One thousand five hundred (1,500) Multi-Family Residential Units. **
- Eight hundred thousand (800,000) square feet of Retail Development.
- Nine hundred thousand (900,000) square feet of Office Development.
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Section 4. 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 5. Codification: The publisher of the County's Comprehensive Plan, the Municipal Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Comprehensive Plan.

Section 6. Effective Date: This effective date of this text amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5)(a), F.S. If challenged within 30 days after adoption, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission respectfully, finding the Amendments in compliance with the Act.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 4th day of August 2022.

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

By: _____
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

By: _____
Deputy Clerk