

ORDINANCE 24-44 / PA-24-04
COUNTY-INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT
CONCURRENCY-ALTERNATIVE TRANSPORTATION SYSTEM
PLN2403-0135

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING ORDINANCE NO. 89-01, AS AMENDED (THE MANATEE COUNTY COMPREHENSIVE PLAN); PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR A COUNTY-INITIATED TEXT AMENDMENT TO: ELEMENT 2, FUTURE LAND USE, ELEMENT 5, TRANSPORTATION, TRAFFIC AND AVIATION SUBELEMENTS AND ELEMENT10, CAPITAL IMPROVEMENTS, TO DELETE REFERENCE TO TRANSPORTATION CONCURRENCY AND REPLACE WITH AN ALTERNATIVE MULTIMODAL TRANSPORTATION FUNDING SYSTEM; ADDING REFERENCE TO A MULTIMODAL TRANSPORTATION IMPACT FEE; AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

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

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. 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,
2. The Community Planning Act (the “Act”) is codified in the applicable portions of Chapter 163, Part II, Florida Statutes (2022) 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,
3. 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,
4. Application PA-24-04 is a County-Initiated text amendment to the Comprehensive Plan, Element 2 – Future Land Use, Element 5 – Transportation/Traffic and Aviation Sub-Elements, and Element 10 – Capital Improvements; and,

5. On May 9th and 30th, 2024, at duly noticed public hearings, the Manatee County Planning Commission, as the County's Local Planning Agency for purposes of the Act, considered Application PA-24-04; and passed a motion to recommend transmittal of Plan Amendment 24-04 to the Board of County Commissioners; and,
6. Pursuant to Section 163.3187, Florida Statutes (2023), the Board of County Commissioners received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing June 6, 2024, to consider Plan Amendment PA-24-04 and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and
7. Florida Department of Economic Development (DEO), by letter dated July 11, 2024, did not identify any comments or objections.
8. Southwest Florida Water Management District (SWFWMD), by a letter dated June 26, 2024, did not identify any comments or objections.
9. Florida Fish and Wildlife Conservation Commission (FWC), by letter dated June 29, 2024, did not identify any comments or objections.
10. Florida Dept of Transportation, by letter dated July 12, 2024, did not identify any comments or objections.
11. The Town of Longboat Key, through communication dated July 14, 2024, did not identify any comments or objections.
12. The Tampa Bay Regional Planning Council, through communication dated July 12, 2024, did not identify any comments or objections.
13. Pursuant to Section 163.3187, Florida Statutes (2023), on August 8, 2024, 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,
14. 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,
15. In exercise of said authority, the Board of County Commissioners has determined that the adoption of Plan Amendment PA-24-024 would be in the public interest; and,
16. 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 (2023), and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

Section 3. Adoption of the Comprehensive Plan Text Amendment. Element 2 – Future Land Use; Element 5 – Transportation/Traffic and Aviation Sub-Elements; and Element 10 – Capital Improvements are hereby amended as set forth in Exhibit “A”, Exhibit “B”, and Exhibit “C” to this Ordinance.

Section 4. Codification. The publisher of the County’s Comprehensive Plan, CivicPlus, is directed to incorporate the amendments in Section 3 of this Ordinance into the Comprehensive Plan.

Section 5. Applicability. The amendments 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 this 8th day of August 2024.

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

By:

Chairperson

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

**By: _____
 Deputy Clerk**

EXHIBIT A

TEXT AMENDMENT

The proposed text amendments are provided and shown in ~~strike-through~~ and underline format.

ELEMENT 2 – FUTURE LAND USE

GOAL 2.1 - A distribution of land uses throughout unincorporated Manatee County which limit urban sprawl, providing a predictable and functional urban form, encouraging development and redevelopment in existing urban core area, allowing public facilities and services to be provided in a relatively cost efficient manner.

[***]

Objective 2.1.3. Revitalization of the Urban Core and Urban Service Areas.

Limit urban sprawl by encouraging infill and redevelopment of residential, nonresidential and mixed use developments in the urban core and urban service areas, thereby encouraging the continued vitality and economic prosperity of these areas.

Policy 2.1.3.1. Consider the establishment of minimum density requirements within the urban core area, in association with planning efforts for increased mobility through greater street connectivity and transit services. This effort shall respect the Comprehensive Plan policy structure to limit density within vulnerable coastal areas.

Policy 2.1.3.2. Continue using development standards that would permit multi-story mixed-use development in the urban service area.

Policy 2.1.3.3. Maintain and enforce urban development design criteria applicable to the commercial corridors within the Urban Core and Urban Service Areas.

Policy 2.1.3.4. Continue to work with the Manatee Sheriff's Office to understand and reduce criminal activity within the urban area.

Policy 2.1.3.5. Continue to fund infrastructure needs within the urban area.

Policy 2.1.3.6. Continue to implement innovative funding mechanisms to meet community needs.

Policy 2.1.3.7. Continue to leverage funds from the Community Development Block Grant Program and the Southwest County Tax Increment Finance district to implement redevelopment plans.

Policy 2.1.3.8. Continue to develop and implement specific Community Improvement Plans for neighborhoods within the urban area.

Policy 2.1.3.9. Continue to identify needs and coordinate improvement activities in neighborhoods throughout the urban area.

~~**Policy 2.1.3.10.** Encourage projects within the established TCEAs to mitigate transportation impacts with multi-modal and design alternatives.~~

Policy 2.1.3.11. Establish a mechanism to track the transportation impacts from projects located within the Urban Infill Redevelopment Area to facilitate additional public transit and other alternative transportation modes serving those areas.

Implementation Mechanism:

- (a) Adopt provisions in the Land Development Code and Administrative Procedures.

Policy 2.1.3.12. Continue offering the following incentives for development along the Urban Corridors in the unincorporated part of the Urban Core Area:

- (a) Expedited development review and permitting approvals through a process tailored for the designated areas.
- (b) Density/intensity bonuses.
- (c) Transit access provision.
- (d) Targeted infrastructure.
- (e) Public/private partnerships.
- (f) Parcel assembly support.

Implementation Mechanism:

- (a) Monitor the LDC to ensure continued implementation of this policy.

[***]

GOAL 2.4 - Adequate and Available Public Facilities and Services Concurrent with New Development.

Objective 2.4.1. Level of Service and Concurrency.

Require the issuance of a Certificate of Level of Service for all development to ensure that required public facilities and services are available concurrent with development.

Policy 2.4.1.1. As may be permitted by the Land Development Code, the following development orders or approvals may have an option to obtain a Certificate of Level of Service for ~~traffic, mass transit~~, drainage, solid waste and parks facilities:

- (1) Development of Regional Impact development order, Florida Quality Development, General Development Plans meeting Large Project standards of the Land Development Code or subsequent amendments thereto.
- (2) Preliminary subdivision plat approval, or equivalent development order.
- (3) Preliminary site plan, or equivalent development order.

The potable water, educational facility and sanitary sewer components of concurrency will be reserved according to Policy 2.4.1.2.

Any development order that is applied for and that may be issued prior to requesting one (1) or more development orders for the activities listed above (1) through (3) may be approved (where consistent with the goals/objectives/policies of this Comprehensive Plan and where consistent with all other applicable development regulations) without the simultaneous issuance of a Certificate of Level of Service Compliance.

The educational facilities component of concurrency may be valid a maximum of five (5) years unless an extended term is granted pursuant to a Development Agreement. In no instance shall the term of the educational facilities component exceed the Certificate of Level of Service Issued by affected local government.

Policy 2.4.1.2. When a project has not received a Certificate of Level of Service Compliance during any of items (1)–(3) as referenced above in Policy 2.4.1.1, then such review shall occur as listed below:

The following development orders or approvals shall obtain a Certificate of Level of Service for ~~traffic, mass transit~~, drainage, sanitary sewer, solid waste, parks facilities, educational facility and potable water.

- (1) Earliest of the following (or equivalents thereof):
 - (a) Construction drawing approval,
 - (b) Final subdivision plat approval,
 - (c) Final site plan,
 - (d) Building permit, or
 - (e) Approval to commence development.

If a Certificate of Level of Service is obtained according to Policy 2.4.1.1, a subsequent CLOS for potable water and sanitary sewer shall have the same expiration date as the original CLOS. Obtaining a CLOS for potable water and sanitary sewer at final development stage does not extend the original expiration date of the CLOS.

Policy 2.4.1.3. Conditions may be imposed as part of the Certificate of Level of Service Compliance to ensure compliance with appropriate Level of Service Standards. Where authorized by ordinance, local government land development agreements pursuant to § 163.3220 et seq., F.S., and/or infrastructure assessment districts or similar mechanisms may be utilized to provide for infrastructure necessary to achieve level of service compliance or to provide a means of establishing and ensuring compliance with a commitment on which issuance of a Certificate of Level of Service Compliance is predicated.

Implementation Mechanism:

- (a) County coordination of all level of service review processes for review of development orders and issuance of Certificates of Level of Service Compliance in conformance with the Level of Service Standards as required in the Transportation, Recreation/Open Space, and Public Facilities Elements.

Policy 2.4.1.4. Require that all development orders issued by Manatee County are issued pursuant to at least one (1) of the following findings:

- (1) That all adopted level of service standards referenced in the ~~Transportation~~, Recreation/Open Space, and Public Facilities Elements are maintained by the proposed development or development phase. This finding shall cause the issuance of a Certificate of Level of Service Compliance, as described in Policy 2.4.1.1 and Policy 2.4.1.2 above.
- (2) That the issuance of the development order is conditioned on the phasing of the project, or implementation of improvements to public facilities which are impacted by the project, so as to ensure the achievement of adopted level of service standards.
- (3) That the issuance of the development order does not require the issuance of a Certificate of Level of Service Compliance.

Implementation Mechanism:

- ~~(a) County review of all appropriate development orders or approval of phasing to ensure policy compliance.~~
- ~~(4) The project is within a Transportation Concurrency Exception Area established pursuant to Policy 5.0.4.1 of this Plan and has met the impact mitigation standards required by this Plan, the Land Development Code and adopted Administrative Procedures.~~
- (a) County review of all appropriate development orders or approval of phasing to ensure policy compliance.

[***]

GOAL 2.10 - Commercial Development Consistent with Need for Office, Wholesale or Retail Uses, and Consistent with Sound Planning Principles.

Objective 2.10.3. Required Access to Commercial Uses.

Adequate, safe and appropriate access to new commercial uses is required.

Policy 2.10.3.1. Require that access to commercial uses be established on at least one (1) roadway classified as a collector or higher ~~and operating at, or better than, the adopted level of service~~. Access through single family residential neighborhoods shall not be allowed. An exception shall be made for projects on roadways under the State jurisdiction not allowing access from such road, and for projects that are approved with commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher.

Implementation Mechanism:

- (a) Review of level of service and generalized roadway function for roadways from which access to a commercial project is proposed.

[***]

EXHIBIT B

TEXT AMENDMENT

The proposed text amendments are provided and shown in ~~strike-through~~ and underline format.

ELEMENT 5 – TRANSPORTATION **TRAFFIC SUB-ELEMENT**

GOAL 5.0 - A Multimodal Transportation System that Serves to Increase Mobility, is Safe, Convenient, Efficient, and Meets Present Needs, Protects Roadway Capacity, is Coordinated with the Future Land Use Map, Provides for an Affordable Balance of Alternative Transportation Modes, and Encourages Intermodal Transportation Linkages.

Objective 5.0.2. Multi-modal Transportation System.

A safe, convenient, and energy efficient multi-modal transportation system shall be provided.

Policy 5.0.2.1. Coordinate roadway, transit, and railway improvements with future needs of Port Manatee and Sarasota Bradenton International Airport (see also Policies 5.3.1.2, 5.6.5.3, 5.7.4.1, 5.7.4.2, and 5.12.1.3).

Policy 5.0.2.2. Encourage transportation improvements for bicycle and pedestrian movement that will result in the development of bicycle and pedestrian networks coordinated with transportation and transit improvements (see also Policies 5.4.1.1, 5.4.1.2, 5.4.1.3, 5.4.1.4, 5.4.2.1, 5.4.2.2, 5.6.1.4, 5.6.1.5, 5.6.5.4, and 5.6.5.5).

Policy 5.0.2.3. Provide for the protection and potential acquisition of existing and future rights-of-way to accommodate traffic, transit, bicycle, and pedestrians on major thoroughfares within the future transportation plan (see also Policies 5.1.1.1, 5.1.1.8, 5.2.1.5, 5.2.1.6, 5.2.1.7, 5.2.2.4, 5.4.1.1, and 5.6.3.4).

Policy 5.0.2.4. Implement the adopted Congestion Management System as required by ~~the Intermodal Surface Transportation Efficiency Act of 1991~~ adopted federal transportation funding legislation. The Congestion Management System includes detailed solutions for improvements to eliminate transportation congestion, and shall be coordinated with other local jurisdictions, the Metropolitan Planning Organization (MPO) and regional, state, and federal agencies (see also Policy 3.1.1.5)

Objective 5.0.3. Intergovernmental Coordination.

All traffic, transit, port, airport, bicycle, and rail plans and programs shall be coordinated with the plans and programs of other local jurisdictions, the MPO, and regional, state, and federal agencies.

Policy 5.0.3.1. Coordination of implementation of this Transportation Element shall consider the transportation elements of: the Cities of Bradenton, Palmetto, Anna Maria, Holmes Beach, Bradenton Beach, Sarasota, and Town of Longboat Key, the Counties of Sarasota, DeSoto, Hardee, and Hillsborough; the long range plans of the Sarasota-Manatee MPO; the Strategic Regional Policy Plans of the Tampa Bay and Southwest Florida Regional Councils; the plans of the Florida Department of Transportation, and the State of Florida Comprehensive

Plan, as appropriate (see also Policies 4.4.1.2, 5.1.1.5, 5.2.1.4, 5.2.3.2, 5.3.1.6, 5.3.2.1, 5.5.1.1, 5.5.1.4, 5.6.3.5, and 5.12.2.2).

Policy 5.0.3.2. Implementation of the future transportation system shall, to the greatest extent possible, consider the transportation programs of: Jurisdictions within Manatee County; adjacent cities, towns, and counties; and the FDOT five-year work program (see also Policies 5.3.1.7, 5.5.1.2, 5.5.1.4, and 5.12.1.1).

Policy 5.0.3.3. Coordinate with the MPO in the development and updating of the MPO long range transportation needs plan, and with the FDOT in development and updating of the annual Transportation Improvements Program (see also Policies 5.5.1.1, 5.5.1.2, 5.5.1.3, and 5.6.3.3).

Policy 5.0.3.4. Coordinate with FDOT when reviewing development/ redevelopment of sites along designated urban corridors to assess the potential traffic impacts of the proposed development on State and Strategic Intermodal Systems (SIS) transportation facilities.

~~Objective 5.0.4. Expand Transportation Concurrency Exception Areas (TCEA) within the Urban Service Area to Promote Economic Revitalization and Achieve Community Redevelopment Goals.~~

- ~~(a) Any future plans to expand the TCEA must include coordination with FDOT to assess any potential impacts on State and/or Strategic Intermodal Systems (SIS) facilities within the expanded TCEA boundary.~~
- ~~(b) Any future plans to expand the TCEA must include a detailed transportation analysis supporting the expanded boundary.~~

~~Policy 5.0.4.1.~~ The maps graphically identified on the Future Land Use Map Series; Transportation Map Series and as Maps I and J in the Future Land Use Element are hereby established as Transportation Concurrency Exception Areas.

~~Policy 5.0.4.2.~~ Development/Redevelopment within the TCEA shall mitigate impacts through multi-modal objectives and policies of the Comprehensive Plan.

~~Policy 5.0.4.3.~~ Mitigating measure(s) shall be in proportion to the transportation impacts.

~~Policy 5.0.4.4.~~ Mitigating measure(s) shall advance the goals of adopted area or subject matter plans specific to the location of the development/redevelopment such as:

- ~~• Neighborhood Revitalization Plans.~~
- ~~• Corridor Revitalization Plans.~~
- ~~• Bike and Pedestrian Master Plan.~~
- ~~• Transit Development Plan.~~

~~Policy 5.0.4.5.~~ Mitigating measure(s) may include but not be limited to the following:

- ~~• Operational and/or Capital Enhancements for MCAT.~~
- ~~• Participation in a transit pass program for employees, van pooling and/or ride sharing programs.~~
- ~~• Pedestrian improvements.~~
- ~~• Bus shelter/Transit stop improvements.~~
- ~~• Bicycle improvements.~~
- ~~• Lighting improvements.~~
- ~~• Connectivity improvements.~~
- ~~• Roadway/Intersection improvements.~~
- ~~• Streetscape improvements.~~

- ~~• Enhancements to the Automated Traffic Management System (ATMS).~~
- ~~• Creating parallel travel ways connecting adjacent development.~~
- ~~• Financial contributions to implement actions consistent with this policy.~~
- ~~• Any other measures which increase mobility options and inter-modal connections as may be approved by the County.~~
- ~~• Where segment or intersection improvements are not possible due to policy, physical, or financial constraints, the County shall have the option of utilizing the funds collected to make improvements designed to alleviate congestion on other facilities in the TCEA.~~

Implementation Mechanism:

- ~~(a) Land development regulations developed pursuant to § 163.3202, F.S., and consistent with this policy.~~

~~**Policy 5.0.4.6.** Any development or redevelopment project within the TCEA that impacts roadway segments or intersections outside the TCEA shall be subject to concurrency requirements for those impacts outside the TCEA.~~

~~**Policy 5.0.4.7.** The County shall explore the establishment of Transportation Demand Management (TDM) strategies within the TCEA to minimize impacts on the transportation network during peak hours.~~

~~The County shall coordinate these efforts with the local business community and the MPO.~~

~~**Policy 5.0.4.8.** The effectiveness of the TCEA shall be periodically evaluated. This evaluation will take place at a minimum with the state required Evaluation and Appraisal of the Comprehensive Plan.~~

~~Performance measures may include:~~

- ~~• Level of development/redevelopment in the TCEA.~~
- ~~• Utilization of TDM programs.~~
- ~~• Mitigating actions described in Policy 5.0.4.5.~~
- ~~• Impacts on the roadway network outside the TCEA.~~

~~**Policy 5.0.4.9.** Manatee County shall seek funding and pursue creative financing methods to increase mobility within the Transportation Concurrency Exception Area.~~

[***]

GOAL - 5.1 - A Traffic Circulation System that Provides for the Needs of the Community in a Sensitive Manner, Which is Safe, Efficient, Economical and Environmentally Sound.

[***]

Objective 5.1.2. Level of Service Standards.

Implement adopted roadway Level of Service (infrastructure) Standards for review of ~~proposed development orders~~ Future Land Use Plan amendments and zoning amendments, for use in capital improvements programming, and for quantifying the long-range goals for operation of major roadways.

Policy 5.1.2.1. Implement the 2045 level of service (infrastructure) standard for each major roadway based on the projected traffic volumes on the planned road network as identified on the Future Traffic Circulation Maps. These adopted goals shall remain fixed and will represent a goal toward which annually revised five-year level of service standards (objectives) will be

targeted. These long-range level of service standards are contained in Table 5-1, under a separate tab at the end of this Sub Element.

The construction of roadway improvements reflected on the 2045 network (Maps 5-B, 5-C, 5-D, 5-F) shall be prioritized, at least in part, based on the number of years remaining through the 2045 planning time frame, and on the number and cost of the remaining improvements to be accomplished for completion of the 2045 roadway network.

No long-range (2045) level of service standard may be altered except through subsequent updates to the Comprehensive Plan (See also Policy 5.1.2.6).

Policy 5.1.2.2. Implement the five-year level of service (infrastructure) standard for each functionally-classified roadway segment which is either currently existing or which is scheduled for construction within the five-year Capital Improvements Element of this Comprehensive Plan.

These five-year level of service standards shall reflect the extent and projected impact of programmed roadway improvements on level of service of each roadway. The five-year level of service standards shall be revised annually to reflect change in the programmed improvements contained in the Capital Improvements Element. The five-year level of service standard shall also be used, in part, as a prioritization criterion for the scheduling of roadway improvements with the five-year capital improvements program. As the number of years remaining to implement a roadway improvement necessary to achieve the five-year level of service standard on a particular roadway decreases, priority for that improvement shall generally increase.

In the process of the annual revision of five-year level of service standards, where the five-year standard recognizes a worse level of service than the 2045 level of service standard for the same roadway, the five-year level of service standard shall not be permitted to decline over time.

These five-year level of service standards are contained in Table 5-1, under a separate tab at the end of this Sub Element (See also Policy 5.1.2.6).

Policy 5.1.2.3. Implement the "current year" level of service (infrastructure) standard, or policy, for each functionally-classified roadway segment currently existing or scheduled for completion during the first year of the capital improvement program within the Capital Improvements Element of this Comprehensive Plan. These infrastructure standards may be revised annually to reflect the impact of improvements programmed for the current fiscal year, or be revised to reflect a change in the development character of an area from rural to urban. [For the purposes of considering zoning amendments](#) ~~Where~~ a project constituting ~~a Florida Quality Development (FQD) or~~ a General Development Plan meeting Large Project standards of the Land Development Code is proposed, Manatee County may permit the use of a peak hour Level of Service Standard of "D" for traffic impact studies associated with the ~~FQD or~~ GDP meeting large project standards of the Land Development Code, on a roadway whose current year standard is (peak hour) "C", if the approval of the project constitutes a rural to urban change in land uses, and if a plan amendment changing the peak hour standard from "C" to "D" is approved simultaneous with the adoption of a ~~FQD or~~ GDP meeting large project standards development order.

The "current year" level of service standard shall generally be prohibited from showing a decline in value over time, and shall generally not be established at a level which is better than the

adopted five-year level of service standard for that roadway. The "current year" standard shall not be adopted at a level which is better than the adopted 2045 level of service standard. The "current year" level of service standards, or policies, shall be used for purpose of review for Level of Service Compliance, as described in the Operative Provisions of the Future Land Use Element. No violation of these "current year" level of service standards shall be permitted through issuance of any development order. These "current year" level of service standards are shown in Table 5-1, under a separate tab at the end of this Sub Element (see also Policy 5.1.2.6).

Policy 5.1.2.4. Implement a peak hour level of service standard for each functionally-classified roadway segment as shown in Table 5-1 under a separate tab at the end of this Sub Element. At least once a year, the Board of County Commissioners of Manatee County shall reevaluate the peak hour LOS standard for each functionally-classified roadway segment and shall amend, where appropriate, such peak hour level of service standards through a Comprehensive Plan Amendment. This evaluation may include revisions to Table 5-1 of the Traffic Circulation Sub-Element. Changes to roadway functional classification also shall be reflected in the form of appropriate changes to Table 5-1 of the Traffic Circulation Sub-Element. Level of Service Compliance review conducted using service volumes developed pursuant to this policy shall not substitute for a more detailed traffic analysis, where such analysis is required by Manatee County. Detailed traffic analysis may also be required or provided to determine project impacts on intersections, using appropriate standards from the latest edition of the "Highway Capacity Manual".

Implementation Mechanism(s):

- (a) ~~Concurrency~~ Review of consistency of Future Land Use Plan amendments and zoning amendments with the Capital Improvements Element and Transportation Element shall utilize Table 5-1 of the Traffic Circulation Sub-Element.
- (b) Use Florida Department of Transportation Level of Service software and/or tables to derive peak hour maximum service traffic volumes for maintaining adopted level of service.
- (c) ~~Review of proposed developments pursuant to the Operative Provision within the Future Land Use Element, and for compliance with goals, objectives and policies of the comprehensive plan, to ensure that no development orders are issued which either causes a violation of an adopted Level of Service standard, or would otherwise not be eligible for issuance of a Certificate of Level of Service Compliance (e.g., for reasons of non-compliance with Objective 5.2.2).~~

Policy 5.1.2.5. Interpret the adoption of a "current year" Level of Service Standard "F" as meaning that current traffic volumes may not be increased, to any extent, without causing a violation of the adopted level of service standard. ~~Special procedures for considering the issuance of any development order proposed in a manner so as to potentially impact a roadway operating at Level of Service "F" are contained in the Roadway Level of Service Review Process of the Land Development Code (See LDC subsection 360.10). As referenced in that subsection, Manatee County may determine and identify at time of adopting a "current year" level of service standard of "F" for any roadway, one (1) or more roadways which will be considered as parallel facilities and which are suitable for the diversion of traffic from the subject roadway. Any such parallel facilities shall be identified through the plan amendment process.~~

Policy 5.1.2.6. Prohibit the adoption of any current year, five-year, or 2045 Level of Service standard on any segment of I-275 and I-75 which is lower than Level of Service "C".

Implementation Mechanism:

- (a) Implementation of Policies 5.1.2.1, 5.1.2.2, and 5.1.2.3 in a manner consistent with this policy.

[***]

GOAL 5.2 - Use of the Traffic Circulation Map Series to Implement an Adequate Major Roadway System

Policy 5.2.1.5. Implement, through this Comprehensive Plan and land use regulations, standards which shall limit or prohibit development of structures, parking areas, or drainage facilities within the location of further transportation corridors and rights-of-way as generally configured and indicated on the Future Traffic Circulation: Right-of-Way Needs Map, (Map 5-C) and specified on Table 5-1. Other thoroughfare uses may be allowed within designated Future Transportation Corridors, including temporary uses.

Future transportation corridors and rights-of-way to be protected shall be established during the review of each individual proposed project in proximity to the future transportation corridors generally located on the Future Traffic Circulation Map Series. These transportation corridors shall be designed so as to provide for a continuous travel corridor of sufficient width to accommodate an appropriate cross-section as required for facility types specified on the Major Thoroughfare Map Series. Protected future transportation corridors rights-of-way shall be identified during project review for development order approval. Dedication, where required, shall occur on or before issuance of a ~~Certificate of Level of Service Compliance~~ final site plan approval, final plat, or building permit (whichever is the earliest applicable development order), unless a development order specifies a later dedication date.

Mitigation measures shall be utilized to preclude the taking of private property without compensation. These measures shall address properties which are located in a manner, or exhibit characteristics, which preclude the reasonable use of such property if the protected right-of-way is dedicated or maintained free of structures, drainage facilities, or parking areas during development of the property. These measures also shall consider the transportation impacts of the specific development being proposed on the roadway. Mitigation measures may include, but not be limited to:

- Granting of impact fee credits in accordance with land development regulations;
- Repositioning the roadway through the land to maximize development potential;
- Transferring of development rights which may be considered pursuant to the Future Land Use Map from the area within the protected right-of-way to an area outside the protected right-of-way on the project site;
- Granting alternative and more valuable land uses;
- Offering development opportunities for clustering the increasing densities at key nodes and parcels within the project site off the protected transportation corridors;
- Altering or changing the road pattern; and
- Reduce the building setbacks, required buffers, and other requirements otherwise contained in this Comprehensive Plan or contained in other local land development regulations, if such requirement is considered on a case-by-case basis.

Implementation Mechanism(s):

- (a) Update, as needed the Future Traffic Circulation: Rights-of-Way Needs Map (Map 5C), the Rights-of-Way Needs Table (Table 5.1), the Existing Roadway Functional Classification Map (Map 5A), and applicable land development regulations consistent with this policy.

- (b) Maintenance of land development regulations consistent with § 163.3202, F.S., and consistent with this policy.

[***]

Policy 5.2.2.3. Designate where determined to be necessary by the Board of County Commissioners, any roadway shown on the Future Traffic Circulation Map (Map 5-E) as a "controlled access facility," as defined herein. This designation should not be confused with the category of roadway used for functional classification purposes called "limited access facility". Also, for any controlled access facility, limit the rights of abutting lands to direct or indirect access to the facility in a manner specific to that facility. Furthermore, to prohibit the issuance of a ~~Certificate of Level of Service Compliance~~ final site plan approval, final plat, or building permit on any project unless project design meets all criteria adopted for adjacent controlled access facilities. A list of approved intersections may also be developed for each controlled access facility to identify permitted access points to the facility.

All "entranceways," as described in Policies 2.9.4.1 and 2.9.4.2, shall also be designated as controlled access facilities, with access limitations specified at time of defining the extent of these facilities pursuant to Policies 2.9.4.1 and 2.9.4.2.

At a minimum, the following roadways shall be considered as Manatee County Designated "Controlled Access Facilities":

- (1) University Parkway between U.S. 301 and SR70.
- (2) State Route 70 between I-75 and Verna Bethany Road.
- (3) State Route 64 between I-75 and Verna Bethany Road.
- (4) U.S. 301 Between I-75 and North Manatee County line.
- (5) U.S. 41 between 49th Street East (Experimental Farm Road) and north Manatee County Line.

All Manatee County "Controlled Access Facilities" shall be shown on the Future Traffic Circulation Map (Map 5-E) via the plan amendment process, and a description of access limitations shall be contained in land development regulations developed pursuant to § 163.3202, F.S.

Implementation Mechanism(s):

- (a) Coordination with the Florida Department of Transportation to recommend, as necessary, proposed controlled access facilities and related limitations on direct or indirect access.
- (b) Inclusion in any land development regulations developed pursuant to § 163.3202, F.S., descriptions of access intersections and adjacent land access limitations for controlled access facilities.

[***]

Policy 5.2.2.8. Utilize the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) as the guidelines for determining the need or requirement for traffic control devices on roadways within Manatee County. ~~No Certificate of Level of Service Compliance~~ final site plan approval, final plat, or building permit shall be issued for any project phase unless signalization required by the guidelines is accomplished or is required by appropriate conditions on ~~the Certificate of Level of Service Compliance and~~ related development order(s).

Implementation Mechanism:

- (a) Review applications for Certificates of Level of Service Compliance and related development order(s) to ensure consistency with this policy, and recommendations to the Board of County Commissioners, as required by this policy.

[***]

Objective 5.2.3. ~~Concurrency~~ Alternative Transportation System and Timing and Phasing of Development Orders

To guarantee that transportation facilities are available ~~concurrent with~~ to support the impacts of development approved by Manatee County ~~and requiring the issuance of a Certificate of Level of Service Compliance~~, in a manner consistent with adopted level of service standards.

Policy 5.2.3.1. ~~Prohibit the issuance of certain development orders unless compliance of the particular project is established, at time of review of development orders listed under Policy 2.4.1.1.(1)–(4), with regard to adopted infrastructure and performance (level of service) standards. Compliance shall be established only when the development order is issued at the same time, or following, the issuance of a Certificate of Level of Service Compliance for that project, as described in policies under Objective 2.4.1. Adopted level of service standards are listed in policies under Objective 5.1.2 above.~~ For development orders including site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals, the development's impacts to the transportation system shall be mitigated through payment of the County's Multimodal Transportation Impact Fee adopted pursuant to applicable law.

In addition to analysis of net new automobile and/or person-trip generation necessary to calculate a development's Multimodal Transportation Impact Fee, Manatee County shall require large-scale developments, as defined in the County's Land Development Code, to evaluate the distribution of the development's automobile trips on the County's thoroughfare map for the purpose of understanding how development approvals impact future roadway level of service.

Implementation Mechanism:

- (a) ~~Level of Service Compliance review, and issuance of a Certificate of Level of Service Compliance, where appropriate.~~ Administration of an alternative transportation system.

Policy 5.2.3.2. Manatee County shall require developments to evaluate and mitigate operational issues related to development site access and circulation consistent with Objective 5.2.2. Improvements necessary to safely and efficiently connect development projects to the County's public roadway network, including provision of necessary bicycle, pedestrian, and transit facilities in reasonable proximity to the development site shall be the responsibility of the development and shall not offset the development's obligations pursuant to Policy 5.2.3.1.

Policy 5.2.3.23. Permit consideration of local development agreements that define and schedule specific roadway facilities to be improved by the developer of a project approved as a Development of Regional Impact (DRI), FQD, or General Development Plan meeting large project standards of the Land Development Code. Where traffic impacts analyzed during review of the Development of Regional Impact, FQD or General Development Plan meeting large project standards of the Land Development Code, also:

- Cause the violation of adopted Level of Service Standards on certain roadways not to be improved under a local development agreement; or
- Cause increased traffic volumes on roadways not to be improved under a local development agreement, and already in violation of adopted Level of Service Standards.

Then any local development agreement providing for improvements funded by a developer shall also contain best possible guarantees that necessary improvements are scheduled to all other roadways on which the DRIs, FQDs or GDP's meeting large project standards of the Land Development Code impacts are analyzed, and that are projected to exhibit a violation of adopted Level of Service Standards. Best possible guarantees for funding these other scheduled improvements shall also be identified in the local development agreement. Best possible scheduling and funding guarantees may include Florida Department of Transportation commitments to the improvements within the first three years of the adopted five-year work program, other local government programming of construction of the improvements within the first three years of the adopted five-year capital improvements program, Manatee County's inclusion of construction of the improvements in the first three years of the adopted five-year capital improvements program, or completion of improvements pursuant to another local development agreement.

The sole intent of this policy is to facilitate and provide incentives for appropriate development to occur as a Florida Quality Development or General Development Plan meeting large project standards of the Land Development Code where such development has paid for a fair share of needed infrastructure within Manatee County.

Implementation Mechanism:

- (a) Local development agreements negotiated to provide mitigation required pursuant to a development order issued for a Florida Quality Development or a General Development Plan meeting large project standards of the Land Development Code.

~~Policy 5.2.3.3. Establish a proportional fair share mitigation ordinance.~~

~~Policy 5.2.3.4. Consider the establishment of multi-modal concurrency and/or long-term concurrency management strategies for specific areas within the county, consistent with state regulations.~~ Manatee County shall adopt transportation review standards in the Land Development Code for the review of proposed development orders in order to evaluate the potential transportation impacts of the development. The regulations may contain exemptions and standards to encourage and incentivize development forms and development types and locations and shall provide for use of proportionate share as one mechanism for development approvals to address adverse transportation impacts.

Implementation Mechanism:

- (a) ~~Internal coordination between departments to develop ordinance~~ Adopt Land Development Code with transportation review procedures and corresponding administrative procedures.

~~(Ord. No. 17-12, § 3, 5-23-17; Ord. No. 18-04, § 9(Exh. G), 8-23-18; Ord. No. 22-07, § 3(Exh. A), 1-6-22~~

[***]

GOAL 5.3 - A Traffic Circulation System Coordinated with Future Land Uses, Other Public Facilities, and Natural Resource Constraints.

Policy 5.3.1.5. ~~Reserved~~ Ensure that amendments to the Future Land Use Plan and Future Land Use Plan Map are consistent with the 2045 and 5-year level of service standards adopted pursuant to Policies 5.1.2.1 and 5.1.2.2 and the adopted Capital Infrastructure Element.

Implementation Mechanism:

- (a) Review of all proposed amendments to the Future Land Use Map for compliance with this policy.

[***]

ELEMENT 5 – TRANSPORTATION
AVIATION SUB-ELEMENT

GOAL 5.14 - Effective Coordination of the Operation, Development, or Expansion of All Airports in Manatee County with All Appropriate Federal, State, Regional and Local Agencies.

[***]

~~**Policy 5.14.1.3.** Require the provision of concurrent improvements to the roadway and mass transit system serving the airport with the development of any new or expanded airport facility, so as to meet adopted roadway and transit level of service standards contained in this Transportation Element (Table 5-1 and Objective 5.5.1) and ensure continued development of intermodal transportation facilities.~~

~~**Implementation Mechanism(s):**~~

- ~~(a) Manatee County Building and Development Services, Public Works, and Community Services Department (Transit Division) review of any proposed development order for any new or expanded airport facility for compliance with this policy.~~
- ~~(b) Manatee County Building and Development Services review of the Sarasota-Manatee Metropolitan Planning Organization planning program and long range transportation planning documents, and monitoring of Sarasota-Manatee Airport Authority plans to ensure that the Authority's transportation improvement plans are coordinated with this Transportation Element.~~

[***]

EXHIBIT C

TEXT AMENDMENT

The proposed text amendments are provided and shown in ~~strike-through~~ and underline format.

ELEMENT 10 – CAPITAL IMPROVEMENTS

GOAL 10.1 - Adequate Public Facilities as Determined by Adopted Level of Service (LOS) Standards.

[***]

Objective 10.1.4. - Level of Service Standards.

Maintenance of adopted Level of Service standards, and meeting existing and future facility needs by coordinating land use decisions with a schedule of capital improvements.

Policy 10.1.4.1. Require that all public facilities constructed in unincorporated Manatee County, and using County funds, are consistent with the Capital Improvements Element.

Policy 10.1.4.2. Require public facilities and services needed to support development to be available concurrent with the impacts of development approved by Manatee County and requiring issuance of a Certificate of Level of Service Compliance. "Concurrent" shall mean that all adopted Level of Service Standards be maintained during and following the development of all such projects, or be achieved within a reasonable time frame, as provided for and defined within this Comprehensive Plan. Where issuance of a Certificate of Level of Service Compliance is based (in part or in total) on completion of a capital improvement schedule beyond the current and second year's capital budget, funding of any such improvement shall be guaranteed by Manatee County and/or by the project's developer through an enforceable development agreement adopted at time of issuance of the development order or an infrastructure assessment district or similar mechanism. Where an enforceable development agreement or an infrastructure assessment district or similar mechanism is not utilized to ensure the availability of a public facility, then any improvement, then any improvement not funded in Manatee County's current and second year's capital improvement or following schedule shall ~~either be:~~

- ~~The subject of a binding executed contract for the construction of the facilities at the time the Certificate of Level of Service Compliance is issued; or~~
- ~~Required as a condition of the Certificate of Level of Service Compliance which would preclude the establishment of vested rights for a project, and would preclude the issuance of any building permit on the project or project phase, until the improvement is constructed or until a binding contract or agreement for construction of the facility is available at time of the issuance of the building permit. This procedure shall be used where any improvement to be implemented by the Florida Department of Transportation outside the current and second fiscal years is used as a basis for issuing a Certificate of Level of Service Compliance.~~

The Certificate of Level of Service Compliance for a project or project phase (See Objective 2.4.1 of the Future Land Use Element) shall comprise the major component of Manatee County's Concurrency Management System. Other components of this Concurrency Management System include:

- The Growth Management public meeting process which serves to structure Manatee County's response to changing infrastructure needs to ensure effective capital improvements programming.
- The capital projects list (Table 10-1) contained in this element that identifies the capital improvements necessary to address existing deficiencies and new growth needs in major public facilities.
- The capital projects funds (CPFs), funding package more completely described in policy 10.1.6.4.

Implementation Mechanism:

- (a) Land Development regulations developed pursuant to § 163.3202, F.S., so as to guarantee compliance with this policy