

MEMORANDUM



County Administrator's Office
1112 Manatee Avenue West
Bradenton, FL 34205

MANATEE COUNTY FLORIDA

Phone: 941.745.3717
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www.mymanatee.org

DATE: January 5, 2012
TO: Bob Schmitt, Planning Division Manager
FROM: Marianne Lopata, Agenda Coordinator
SUBJECT: AGENDA UPDATE FOR MEETING OF JANUARY 5, 2012

CHANGES TO ADVERTISED PUBLIC HEARINGS

BUILDING AND DEVELOPMENT SERVICES

1. **Z-11-08 Manatee Memorial Hospital Foundation, Inc./Manatee Memorial Hospital Rezone**
Public comment letters (attached)
2. **Z-11-09 Cortez Reinvestments, LLC.**
Ordinance with legal (attached)
3. **Ordinance No. 12-04 fka 11-30 Land Development Code Amendment for Sexually Oriented Business**
Exhibit D with proposed revisions (attached)
4. **ORDINANCE 12-07 fka 11-41 Land Development Code Text Amendment Master Planned Institutional Zoning District**
Changes to staff report and Ordinance (attached)



To:
Cc:
Bcc:
Subject: Fw: Manatee Foundation Thrift Shop from Robin Cox

FW: Manatee Foundation Thrift Shop from Robin Cox

John Chappie

to: Shirley.talley

01/02/2012 06:53 PM

Shirley,

I just received this email from a good friend. The email deals with an upcoming 1-05-12 Quasi-Judicial Land Use Meeting Issue. Please make both emails part of the public record and respond to Ms. Robin Cox and inform her of the Quasi-Judicial procedures.

Take care,

John

From: Robin Cox [<mailto:robco418@live.com>]
Sent: Monday, January 02, 2012 5:44 PM
To: jchappie2@tampabay.rr.com
Subject: Manatee Foundation Thrift Shop from Robin Cox

Hi John!

Hope you had a great Christmas and that 2012 will be blessed with health, wealth, and happiness for you!

Were your ears burning? Danette was here for a few days and I was fortunate enough to have her visit the Thrift Shop to chat for about 30 minutes. My, how time flies!!! Wasn't that long ago all of us were hanging out at "The Wreck"! And, how things change for all of us.

I am contacting you for some input and "government help" at your Land Use Meeting on Thursday. The Manatee Memorial Foundation bought the house behind the Thrift Shop. It is almost uninhabitable... we cannot even store "stuff" in there because of the mold and leaky roof. I don't know how it could have been a rental. It passed the planning commission last month. If it can be rezoned, it would turn into a parking lot, landscaped and fenced, and eventually we could add on to the shop. I haven't seen you in there for awhile, so I don't know if you know we are busting at the seams! Fiscal year 2010/2011 we finished the year over \$400K! And, as you know, all of the proceeds stay in Manatee County to benefit scholarships and other charities. Last year the MMF gave out over \$260K. From this past fiscal year, the proceeds will be given out on Jan. 18. I know you have been a good customer and am appealing for your help!

Hope all is well with you! Like me, you are probably facing some Mom challenges. Currently my Mom is in rehab... 89 years old.... and I certainly don't know what will happen next. I haven't seen your Mom,

brother, or you for a while. I hope all is good with you.

Watched the meeting from December on tv. You should just stand up and shout to McClash.... SHUT UP!.....

I've sent this to your personal address.... please confirm and if you need me to send it to the county address I can as well... But, I WILL change the verbage.

Your friend,
Robin



To:
Cc:
Bcc:
Subject: Fw: Land Use Meeting, Manatee Memorial Foundation Rezoning

"robin cox"

Dear Commissioner Chappie, I am hoping you w...

01/04/2012 10:23:20 AM



Land Use Meeting, Manatee Memorial Foundation Rezoning

robin cox to: john.chappie

01/04/2012 10:23 AM

Dear Commissioner Chappie,

I am hoping you will consider voting for the rezoning of the property at 601 46th St. West, from residential to commercial at the January 5th Land Use Meeting.

As you know, the proceeds from the Thrift Shop stay in Manatee County by benefitting charities and developing medical and nursing scholarships. The shop is "bursting at the seams" with merchandise and, by having this property, we can increase the parking area and hopefully the size of the shop in the future. I have spoken to some of the neighbors and they are in agreement that as a rental the property was not maintained properly, and they have no objections to the change.

Thank you for your time.

Sincerely,
Robin

Robin Cox, Manager
Manatee Memorial Foundation Thrift Shop
4517 Manatee Ave. West Bradenton, FL 34209
941-745-2047 robinthrift@verizon.net

MANATEE COUNTY ZONING ORDINANCE
Z-11-09 – CORTEZ REINVESTMENTS, LLC (DTS # 20110312)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 1.46 ACRES NORTH OF SR 684 (CORTEZ ROAD W) AND APPROXIMATELY 2,750 FEET WEST OF THE INTERSECTION OF CORTEZ ROAD AND 86TH STREET WEST, AT 9416 CORTEZ ROAD W., BRADENTON FROM THE RSF-4.5 (RESIDENTIAL SINGLE-FAMILY, 4.5 DWELLING UNITS PER ACRE) AND RSF-4.5/CH (RESIDENTIAL SINGLE-FAMILY, 4.5 DWELLING UNITS PER ACRE/COASTAL HIGH HAZARD AREA OVERLAY DISTRICT) TO THE PR-M (PROFESSIONAL-MEDIUM) AND PR-M/CH (PROFESSIONAL-MEDIUM/COASTAL HIGH HAZARD AREA OVERLAY DISTRICT) ZONING DISTRICTS; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Cortez Reinvestments, LLC (the "Applicant") filed an application to rezone approximately 1.46 acres described in Exhibit "A", attached hereto, (the "Property") from the RSF-4.5 (Residential Single-Family 4.5 dwelling units per gross acre) and RSF 4.5/CH (Residential Single-Family 4.5 dwelling units per gross acre/Coastal High Hazard Area Overlay District) to the PR-M (Professional – Medium) and PR-M/CH (Professional-Medium/Coastal High Hazard Area Overlay District) zoning districts; and

WHEREAS, the Planning staff has recommended approval of the rezone, as described in the Planning staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on December 8, 2011 to consider the rezone, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the rezone consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of the County, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from the RSF-4.5 (Residential Single-Family 4.5 dwelling units per gross acre) and RSF 4.5/CH (Residential Single-Family 4.5 dwelling units per gross acre/Coastal High Hazard Area Overlay District) to the PR-M (Professional – Medium) and PR-M/CH (Professional-Medium/Coastal High Hazard Area Overlay District) zoning districts.

B. The Board of County Commissioners, after due public notice, held a public hearing on January 5, 2012 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), and has further considered the information received at the public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan) and to satisfy the criteria for approval in the Land Development Code.

D. The Board finds that the request is considered "appropriate infill commercial" and does not represent an intrusion into a residential area based on compatibility, appropriate timing, existing development patterns, types of land uses, and transition between uses and intensity.

Section 2. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property described in Exhibit "A", incorporated by reference herein, from the RSF-4.5 (Residential Single-Family 4.5 dwelling units per gross acre) and RSF 4.5/CH (Residential Single-Family 4.5 dwelling units per gross acre/Coastal High Hazard Area Overlay District) to the PR-M (Professional – Medium) and PR-M/CH (Professional-Medium/Coastal High Hazard Area Overlay District) zoning districts, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 3. 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 section, sentence, clause, or provision shall be deemed severable, and 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 4. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 5th day of January, 2012.

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

BY: _____
John R. Chappie, Chairman

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

BY: _____
Deputy Clerk

Exhibit "A"

Legal Description

Begin at the Southeast corner of Section 2, Township 35 South, Range 16 East, Manatee County, Florida; thence run South 89 deg 23 min 30 sec East along the South line of Section 1, Township 35 South, Range 16 East, for a distance of 1485.55 feet; thence run North 00 deg 36 min 30 sec East, for a distance of 50 feet to a point on the Northerly right-of-way line of Cortez Road (State Road 684); thence run South 89 deg 23 min 30 sec East along said Northerly line, 779.08 feet for a POINT OF BEGINNING; thence South 89 deg 23 min 30 sec East along said Northerly line, 250 feet; thence North 00 deg 29 min 14 sec East, for 246.61 feet; thence North 89 deg 26 min 09 sec West, for 100 feet; thence North 43 deg 01 min 46 sec West for 35.55 feet to a point of common curvature on an existing concrete seawall; thence run along said seawall on the arc of a curve to the right having a radius of 75 feet (chord distance 107.67 feet, chord bearing North 87 deg 09 min 32 sec West) for 120.09 feet to a point of reverse curvature; thence along said seawall on the arc of a curve to the left and having a radius of 75 feet (chord distance 23.20 feet, chord bearing North 50 deg 11 min 09 sec West) for 23.29 feet; thence leaving said seawall run south 00 deg 29 min 14 sec West, for 291.12 feet to the POINT OF BEGINNING.

TOGETHER WITH a non-exclusive easement recorded in Official Records Book 823, Page 44, of the public records of Manatee County, Florida.

0801204

Exhibit D

1/4/12 Revisions

relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

707.1.1. *Applicability of Other Code or Regulatory Requirements.* Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Code, or other applicable law or regulation, including but not limited to, Ordinance No. 05-21, codified as the Sexually Oriented Business Code in the Manatee County Code of Ordinances, as Chapter 2-2.5.

707.1.2. *Locational Requirements for Sexually Oriented Businesses.* No sexually oriented businesses shall be located within five hundred (500) feet of any unincorporated area in Manatee County zoned A-1, the RSF districts, RDD districts, RSMH districts, RMF districts, PDR, PDMH, PDMU, PDRV, VIL districts, nor within two thousand (2,000) of any day care center or public recreation facility. No sexually oriented business shall be located within two thousand, five hundred (2,500) feet of any church or school.

707.1.3. *Entranceway Prohibition.* No sexually oriented business shall be located within or adjacent to property designated as an entranceway, pursuant to Section 737 of this Code.

707.1.4. *Locational Restrictions in Relation to Other Sexually Oriented Businesses.* It shall be unlawful to locate any sexually oriented business within one thousand (1,000) feet of any other sexually oriented business.

707.1.5. *Method of Measuring Distances.* Distances shall be measured from property line to property line along the shortest distance between property lines, without regard to the route of normal travel.

→ 707.2. *Waiver.*

~~707.2.1 *Process to Request Waiver of Locational Requirements.* Waivers, as specified in this section, may be permitted subject to the criteria set forth below. Applications for waivers shall be reviewed and considered for approval without imposing a limitation or restriction on the content of any communicative materials. Each waiver shall be considered unique and shall not set a precedent for the authorization of other waivers.~~

~~707.2.2. *Application Requirements*~~

- ~~(a) An application for a waiver shall be accompanied by documentation that establishes how the applicant meets the criteria of this section.~~
- ~~(b) The application for a waiver shall be accompanied by data and analysis including a scaled drawing that indicates the distance proposed from the sexually oriented business to the other uses specified in Sections 707.1 of~~

this Code. The scale drawing accompanying the waiver shall depict the location of the sexually oriented business requesting the waiver and the existing locations of any of the zone districts specified in Section 707.1 of this Code, whether the proposed sexually oriented business will be located in an entranceway, the location of other sexually oriented businesses, day care centers or public recreation facilities or churches or schools.

707.2.3. Criteria for Considering Waivers.

- (a) The Board of County Commissioners, upon receipt of a recommendation and report from the Building and Development Services Department, may approve, approve with modifications or deny a waiver. The action of the Board to grant a waiver or grant a waiver with conditions or safeguards or deny waivers shall be documented in the form of a resolution containing the legal description of the property to which the waiver applies, together with the terms of the waiver and any additional conditions or safeguards imposed. Violation of any conditions and safeguards when made a part of the terms under which the waiver was granted, shall be deemed a violation of this Code. The Board shall conduct a public hearing to hear applications for waivers and the proceeding shall be advertised and conducted in accordance with the procedures in this Code.
- (b) The Board of County Commissioners shall receive the proposed waiver, shall consider the written staff analysis and the testimony at the public hearing, and shall grant, grant with conditions or deny the application. The criteria considered by the Board shall be as follows:
 - i. That the proposed sexually oriented business will not be contrary to the public interest or interest to nearby properties and that the spirit and intent of this Code will be observed; and
 - ii. That the proposed sexually oriented business will not enlarge or encourage the development of a "skid row" or blighted area; and
 - iii. That the establishment of an additional sexually oriented business in the area will not be contrary to any program of neighborhood preservation and will not interfere with any program of urban redevelopment.

707.3. Non-Conforming Sexually Oriented Businesses. Sexually oriented businesses which have been established at their existing locations as of the effective date of Ordinance No. 12-04 which have become non-conforming as a result of the adoption of Ordinance No. 12-04 may be continued or maintained only in conformance with prior to August 21, 1987 shall be considered a non-conforming use and may continue to operate subject to Chapter 11 of this Code regarding non-conformities and compliance with Chapter 2-2.5 of the Manatee County Code of Ordinances shall also be required.

BOCC: 01/05/12

Item # 4

Ordinance 12-07 fka 11-41

Land Development Code Text Amendment – Master Planned Institutional Zoning District

Revised Language

The following revision is proposed to minimize any potential confusion with campus master plans that are statutorily required for public universities and colleges.

(Text shown in ~~strike-through~~/underline format)

Section 201 Definitions

Institution Campus Master Plan shall mean the master plan approved in association with the Master Planned - Institutional zoning district. Such plan shall be similar to a General Development Plan. (see Chapter 6 regarding details required to be shown on the Institution Campus Master Plan)

Section 602. Standard Zoning Districts.

602.1.8. *MP-I: Master Planned Institutional District.* The MP-I District is established to provide for areas for institutional uses such as churches, schools, medical facilities, or other similar uses with multiple buildings and/or facilities in a campus setting. The district is designed to allow for future expansions and eventual build-out of master planned campuses while ensuring compatibility with adjacent land uses. In addition, this district shall allow for vertical integration of structures and a compact form of development in a village setting. This zoning district shall not be construed to grant entitlements to any property approved for an Institution Campus Master Plan in excess of any statutorily prescribed threshold for a development-of-regional-impact review under applicable state law. The permissible uses within the MP-I District shall be limited to those uses authorized pursuant to Figure 6-1 within such District.

602.6.1. *Application for Approval of Rezoning; Institution Campus Master Plan Review.*

602.6.1.1 *Filing of Application.* Any person wishing to rezone property into the MP-I District and to undertake development within the MP-I district shall file an application with the Director in accordance with the provisions of Section 504, and this Section. Such application shall include a copy of an Institution Campus Master Plan.

602.6.1.3 *Institution Campus Master Plan.* In addition to the application required under Section 504, the applicant shall provide an Institution Campus Master Plan for review and approval. The plan shall provide sufficient detail for the Board to determine that compatibility between

adjacent uses will be achieved upon build out. The plan shall include, at a minimum, the following information:

602.6.1.4 *Board of County Commissioner Approval.* In review of the Institution Campus Master Plan, the Board of County Commissioners may limit the range of uses to ensure compatibility with adjacent existing or future land uses. The Board may also approve specific building heights, perimeter buffers, and setbacks not in strict compliance with Figure 6-6 based upon a review of the plan. The Board of County Commissioners shall also be authorized to grant Special Approval with the approval of the Institution Campus Master Plan.

602.6.2 *Further Development Review Procedures.* Upon approval of a Zoning Atlas Amendment and accompanying Institution Campus Master Plan by the Board of County Commissioners, the applicant may proceed with approvals of site plans in accordance with Section 508. Such approvals shall be consistent with the approved Institution Campus Master Plan and may be approved in phases. Future development shall occur in accordance with regulations in effect at the time, with the exception of the information contained on the Institution Campus Master Plan. (e.g., details of landscaping, lighting, parking, etc. will not be shown on the master plan but future approvals will be required to comply with the most current regulations).

602.6.3 *Uses Proposed.* Uses must be consistent with and allowed under the range of potential uses for the applicable Future Land Use Category of the Comprehensive Plan. Uses listed as permitted in Figure 6-1 must be declared as either principal or accessory on the Institution Campus Master Plan.

All remaining uses permitted in Figure 6-1 shall be allowed as accessory uses if they are listed on the Institution Campus Master Plan.

602.6.4 *Effect of Approval.* Upon approval of the Institution Campus Master Plan by the Board through adoption of a Development Order, the applicant may apply directly for approval of a Preliminary/Final Site plan and may indicate phases on that plan. Subsequent applications may depart from the phasing plan if each site plan provides access and other common improvements adequate to serve all cumulative developments in the event other phases fail to develop timely.

602.6.5 *Modification.* Minor Modifications may be approved by the Director after a finding of consistency with the Institution Campus Master Plan and Comprehensive Plan. Should future development conditions warrant a major modification to the Institution Campus Master Plan, such an amendment shall be reviewed and approved in the same manner as the original plan.

602.6.6 *Expiration.* Upon approval, the Institution Campus Master Plan shall not expire.

602.6.8 Revocability. In the event the Director determines, in his or her sole discretion, that the applicant has failed to suitably monitor the progress of the development under the Institution Campus Master Plan so as to trigger or have a factual basis to conclude that the numerical thresholds will be exceeded such as to trigger review as a development-of-regional-impact, the Director shall notify the applicant in writing of his or her determination. The applicant(s) receiving such notice shall have the right to appeal pursuant to Section 516, LDC, of the decision or interpretation of the Director in the enforcement of this Code requirement. The applicant shall record a notice to buyers in the public records at such time as any parcel or portion of the property is sold or transferred to another legal entity of the requirement of a subsequent purchaser to comply with the monitoring requirements regarding numerical thresholds and development-of-regional-impact review.

Such appeal shall be heard by the Board. The Board, at its option, based upon evidence in the record and exclusive of all other remedies available to the Board pursuant to Land Development Code and applicable law, may revoke the approval of a portion of the Institution Campus Master Plan for which no Preliminary/Final Site Plan has been issued in order to prevent issuance of further development orders and prevent the exceedence of numerical thresholds for development-of-regional-impact-review. In the event the approval of all or a portion of the Institution Campus Master Plan is revoked by the Board, the Board shall adopt a resolution providing for such revocation and a Notice of Revocation shall be recorded in the public records.

FIGURE 6-6 MASTER PLANNED – INSTITUTIONAL BULK, PLACEMENT AND DIMENSIONAL REQUIREMENTS:

Unless otherwise specified on the Institution Campus Master Plan, the following minimum requirements shall apply:

ORDINANCE 12-07 fka 11-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT – “MASTER PLANNED – INSTITUTIONAL” (MP-I) – AND AMENDING THE LAND DEVELOPMENT CODE TO EFFECTUATE THAT ZONING DISTRICT; INCLUDING AMENDMENTS TO CHAPTER 2 – DEFINITIONS; CHAPTER 6 – ZONING DISTRICTS; FIGURE 6-1, USE CHART; FIGURE 6-2, SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS; AND ANY OTHER REVISIONS DEEMED NECESSARY OR APPROPRIATE DURING THE PUBLIC HEARING PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 Local Government Comprehensive Planning and Land Development Regulation 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 for the adoption of this ordinance:

1. Sections 601 and 602 of the Manatee County Land Development Code (“the Code”), and Definitions, in Section 201 of the Code establish zoning districts for the County and set forth the permissible uses and procedures for developments within such districts.
2. It is in the interest of the public health, safety and welfare to adopt the amendments to Sections 601 and 602, and Section 201 of the Code, in order to establish a new zoning district, “Master Planned - Institutional” (MP-I), and to set forth the permissible uses and procedures for development within the MP-I District, and to provide definitions to implement such amendments.
3. The Manatee County Planning Commission held a duly noticed and advertised public hearing on December 8, 2011, the staff report has reviewed the amendments set forth in this ordinance and has found these amendments to the Land Development Code to be consistent with the Manatee County Comprehensive Plan and recommended their adoption to the Board.

4. The Board of County Commissioners held a duly noticed public hearing on January 5, 2012 on proposed Ordinance 12-07 fka 11-41 to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance.
5. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found proposed Ordinance 12-07 fka 11-41 consistent with the Comprehensive Plan, and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

Section 3. Amendment of Chapter 2, Definitions and Rules of Construction, Land Development Code.

Chapter 2, Section 201 is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

Institution Master Plan shall mean the master plan approved in association with the Master Planned - Institutional zoning district. Such plan shall be similar to a General Development Plan. (see Chapter 6 regarding details required to be shown on the Institution Master Plan)

Section 4. Amendment of Section 601. Districts Established. Section 601, Districts Established, is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

MP-I: Master Planned - Institutional

Section 5. Amendment of Section 602. Standard Zoning Districts. Section 602, Standard Zoning Districts, is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

602.1.8. *MP-I: Master Planned Institutional District.* The MP-I District is established to provide for areas for institutional uses such as churches, schools, medical facilities, or other similar uses with multiple buildings and/or facilities in a campus setting. The district is designed to allow for future expansions and eventual build-out of master planned campuses while ensuring compatibility with adjacent land uses. In addition, this district shall allow for vertical integration of structures and a compact form of development in a village setting. This zoning district shall not be construed to grant entitlements to any property approved for an Institution Master Plan in excess of any statutorily prescribed threshold for a development-of-regional-impact review under applicable state law. The permissible uses within the MP-I District shall be limited to those uses authorized pursuant to Figure 6-1 within such District.

602.6 Procedures for MP-I District.

602.6.1. Application for Approval of Rezoning; Institution Master Plan Review.

602.6.1.1 Filing of Application. Any person wishing to rezone property into the MP-I District and to undertake development within the MP-I district shall file an application with the Director in accordance with the provisions of Section 504, and this Section. Such application shall include a copy of an Institution Master Plan.

602.6.1.2. Review Procedures. The review and approval procedures for an Institutional Development shall be the same as for a rezoning pursuant to Section 504, Amendments to Official Zoning Atlas.

602.6.1.3 Institution Master Plan. In addition to the application required under Section 504, the applicant shall provide an Institution Master Plan for review and approval. The plan shall provide sufficient detail for the Board to determine that compatibility between adjacent uses will be achieved upon build out. The plan shall include, at a minimum, the following information:

- Property Boundary
- General Range of Uses, including principal and accessory uses
- Range of Density and/or Intensity as appropriate
- Building Height
- External Access Points
- Minimum Setbacks from Property Boundary
- Upland Preservation Areas
- Wetlands, wetland buffers and proposed wetland impacts
- Perimeter buffers

602.6.1.4 Board of County Commissioner Approval. In review of the Institution Master Plan, the Board of County Commissioners may limit the range of uses to ensure compatibility with adjacent existing or future land uses. The Board may also approve specific building heights, perimeter buffers, and setbacks not in strict compliance with Figure 6-6 based upon a review of the plan. The Board of County Commissioners shall also be authorized to grant Special Approval with the approval of the Institution Master Plan.

602.6.2 Further Development Review Procedures. Upon approval of a Zoning Atlas Amendment and accompanying Institution Master Plan by the Board of County Commissioners, the applicant may proceed with approvals of site plans in accordance with Section 508. Such approvals shall be consistent with the approved Institution Master Plan and may be approved in phases. Future development shall occur in

accordance with regulations in effect at the time, with the exception of the information contained on the Institution Master Plan. (e.g., details of landscaping, lighting, parking, etc. will not be shown on the master plan but future approvals will be required to comply with the most current regulations).

602.6.3 *Uses Proposed.* Uses must be consistent with and allowed under the range of potential uses for the applicable Future Land Use Category of the Comprehensive Plan. Uses listed as permitted in Figure 6-1 must be declared as either principal or accessory on the Institution Master Plan.

The following uses may be considered principal uses: Office, Hospital, Research and Development Activity, Churches or other places of worship, College/University, Schools of Special Education, Cultural Facilities, and Nursing Home.

All remaining uses permitted in Figure 6-1 shall be allowed as accessory uses if they are listed on the Institution Master Plan.

602.6.4 *Effect of Approval.* Upon approval of the Institution Master Plan by the Board through adoption of a Development Order, the applicant may apply directly for approval of a Preliminary/Final Site plan and may indicate phases on that plan. Subsequent applications may depart from the phasing plan if each site plan provides access and other common improvements adequate to serve all cumulative developments in the event other phases fail to develop timely.

602.6.5 *Modification.* Minor Modifications may be approved by the Director after a finding of consistency with the Institution Master Plan and Comprehensive Plan. Should future development conditions warrant a major modification to the Institution Master Plan, such an amendment shall be reviewed and approved in the same manner as the original plan.

602.6.6 *Expiration.* Upon approval, the Institution Master Plan shall not expire.

602.6.7 *Other Permits Required.* Nothing in this Section shall eliminate the obligation of the applicant to obtain any required permits from State or Federal agencies.

602.6.8 *Revocability.* In the event the Director determines, in his or her sole discretion, that the applicant has failed to suitably monitor the progress of the development under the Institution Master Plan so as to trigger or have a factual basis to conclude that the numerical thresholds will be exceeded such as to trigger review as a development-of-regional-impact, the Director shall notify the applicant in writing of his or her determination. The applicant(s) receiving such notice shall have the right to appeal pursuant to Section 516, LDC, of the decision or interpretation of the Director in the enforcement of this Code requirement. The applicant shall record a notice to buyers in the public records at such time as any parcel or portion of the property is sold or

transferred to another legal entity of the requirement of a subsequent purchaser to comply with the monitoring requirements regarding numerical thresholds and development-of-regional-impact review.

Such appeal shall be heard by the Board. The Board, at its option, based upon evidence in the record and exclusive of all other remedies available to the Board pursuant to Land Development Code and applicable law, may revoke the approval of a portion of the Institution Master Plan for which no Preliminary/Final Site Plan has been issued in order to prevent issuance of further development orders and prevent the exceedence of numerical thresholds for development-of-regional-impact-review. In the event the approval of all or a portion of the Institution Master Plan is revoked by the Board, the Board shall adopt a resolution providing for such revocation and a Notice of Revocation shall be recorded in the public records.

Section 6. Amendment of Figure 6-1. Schedule of Permitted, Administrative and Special Use by District. Figure 6-1, Schedule of Permitted, Administrative and Special Use by District, is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

FIGURE 6-1: The following uses shall be Permitted under the "MP-I" zoning category. All other uses shall not be allowed.

- Retail Sales, Neighborhood Convenience
- Retail Sales, Neighborhood General
- Eating Establishment
- General Retail Sales Uses
- Bank
- Bank/Drive Through
- Business Services
- Professional Office
- Clinic
- Hospital
- Medical and Dental Laboratories
- Nursing Home
- Bed and Breakfast
- Boarding House
- Dormitories
- Hospital Guest House
- Hotel
- Office
- Personal Service Establishment
- Research and Development Activity
- Cultural Facilities

- Low Intensity Recreation
- Medium Intensity Recreation
- Passive Recreational Uses
- Group Housing
- Residential Care Facilities, Large and Small
- Residential (attached, detached, semi-detached, duplex dwellings)
- Churches or other Places of Worship
- College or University
- Day Care Center, Small, Medium or Large or Accessory
- Schools, Elementary, Middle or High
- Schools of Special Education

Section 7. Creation of Figure 6-6. MP-I Master Planned – Institutional Bulk, Placement and Dimensional Requirements. Figure 6-6, MP-I – Master Planned – Institutional Bulk, Placement and Dimensional Requirements is hereby created as follows, with additions to text indicated by underlining and deletions indicated by ~~strike out~~:

FIGURE 6-6 MASTER PLANNED – INSTITUTIONAL BULK, PLACEMENT AND DIMENSIONAL REQUIREMENTS:

Unless otherwise specified on the Institution Master Plan, the following minimum requirements shall apply:

<u>Minimum Land Area:</u>	<u>40 acres</u>
<u>Roadway Buffer/Setback from exterior roadways: (structures)</u>	<u>25 feet/40 feet</u>
<u>Perimeter Buffer/Setback from adjacent property*: (structures)</u>	<u>20 feet/30 feet</u>
<u>Maximum Density and F.A.R</u>	<u>: Based upon maximums in Future Land Use Categories</u>
<u>Maximum Building Height:</u>	<u>7 stories or 84 feet**</u>
<u>Minimum Open Space:</u>	<u>25%</u>

*Perimeter buffer/setback from residential property: 30 feet/40 feet

**Building in excess of 35 feet must be located a minimum of 100 feet from any property boundary or 500 feet from any waterfront property boundary. The Board of County Commissioners may allow structures in excess of 35 feet within closer proximity to property boundaries under the provisions of Section 603.7.4.9.

Section 8. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this ordinance into the Land Development Code.

Section 9. 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 10. 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 section, sentence, clause, or other provision shall be deemed severable, and 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 11. Effective Date. This Ordinance shall become 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 5th day of January, 2012

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

By: _____
John R. Chappie, Chairman

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

By: _____
Deputy Clerk