

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

August 28, 2018

Ms. Catherine Hartley, AICP, CNU-a
Director
City of Bradenton
Planning and Community Development
101 Old Main Street
Bradenton, Florida 34205-7865

Dear Ms. Hartley:

Thank you for submitting your Local Manufacturing Development Program ordinance that was adopted by Ordinance No(s). 3030 on July 25, 2018 for our records. The adopted ordinance was received by the State Land Planning Agency on August 27, 2018.

The Department of Economic Opportunity **will not** conduct a compliance review of this ordinance in accordance with procedures contained in Section 163.3252, Florida Statutes.

If you have any questions, please feel free to contact Donna Harris of my staff by phone at 850.717.8491 or by e-mail at donna.harris@deo.myflorida.com.

Sincerely,

D. Ray Eubanks, Administrator
Plan and DRI Processing Unit

DRE/dh

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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CITY OF BRADENTON

101 Old Main Street
Bradenton, Florida 34205-7865
(941) 932-9400
www.cityofbradenton.com

Wayne Poston
Mayor

Gene Gallo
Ward 1

Gene Brown
Ward 2

Patrick Roff
Ward 3

Bemis Smith
Ward 4

Harold Byrd, Jr.
Ward 5

Department of Economic Opportunity
Division of Community Development
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

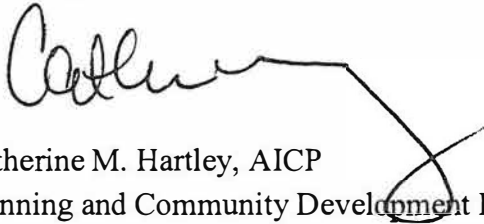
August 15, 2018

To Whom It May Concern:

Pursuant to Section 163.325-163.3252, the City of Bradenton opted to adopt a Manufacturing Development Plan in its Land Use Regulations (Land Development Code). The Ordinance is attached for your records.

If you need anything else, please feel free to contact me at 941-932-9408 or at Catherine.hartley@cityofbradenton.com.

Sincerely,



Catherine M. Hartley, AICP
Planning and Community Development Director

RECEIVED
Dir. of Community Planning & Growth
AUG 27 2018
CITY OF BRADENTON
PLANNING & COMMUNITY DEVELOPMENT

CITY OF BRADENTON, FLORIDA, ORDINANCE NO. 3030

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, REGARDING AMENDMENT TO THE CITY OF BRADENTON LAND USE REGULATIONS (LUR) TO ESTABLISH MANUFACTURING DEVELOPMENT PROGRAM REGULATIONS TO IMPLEMENT THE STATE MANUFACTURING COMPETITIVENESS ACT; PROVIDING FOR AUTHORITY AND TITLE; PROVIDING PURPOSE AND INTENT; PROVIDING FOR FINDINGS OF FACT; REPEALING CHAPTER 9.0 GREEN BUILDING STANDARDS, RESERVED, CREATING CHAPTER 9.0, THE MANUFACTURING DEVELOPMENT OVERLAY (MDO) AND MANUFACTURING DEVELOPMENT PROGRAM INCLUDING PROVISIONS FOR A MASTER DEVELOPMENT PLAN ELIGIBILITY AREA; APPLICABILITY AND ELIGIBILITY; VESTED RIGHTS; DEFINITIONS; PERMITTED AND ACCESSORY USES; DIMENSIONAL AND AREA CRITERIA; MASTER DEVELOPMENT PLAN APPROVAL PROCESS; EFFECT OF APPROVAL AND EXPANDED CERTIFICATE OF LEVEL OF SERVICE; DEVELOPMENT CONSISTENT WITH MASTER DEVELOPMENT PLANS; EXPIRATION OF MASTER DEVELOPMENT PLANS; MODIFICATION OF AN APPROVED MASTER DEVELOPMENT PLAN AND RESTRICTING CANCELLATION AND REPEAL OF THE MANUFACTURING DEVELOPMENT PROGRAM; - PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR A PROHIBITION ON REPEAL FOR AT LEAST 24 MONTHS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AS FOLLOWS:

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, as revised in 1968, provides for and establishes municipalities and grants to those municipalities governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and authorizes said municipalities to exercise any power for municipal purposes, except as otherwise provided by law; and

WHEREAS, Chapter 166, Florida Statutes, the Municipal Home Rule Powers Act, implements by general law the authority and jurisdiction granted to

municipalities by the Florida Constitution and establishes home rule for said municipalities; and

WHEREAS, the establishment and maintenance of a strong and competitive manufacturing sector is essential to the viability and well-being of the City's economic base; and

WHEREAS, the Local Manufacturing Development Program, established pursuant to Sections 163.325-163.3252, *Florida Statutes* (the "Manufacturing Competitiveness Act" or "Act"), is designed to assist local governments in the State of Florida to attract, establish, and maintain manufacturing enterprises, in furtherance of creating a competitive economic environment, resulting in increased employment opportunities and the general economic betterment of the City; and

WHEREAS, the purpose and intent of this Ordinance is to provide for the establishment of a local manufacturing development program for the City through which manufacturers may obtain master development plan approval as provided by the Act; and

WHEREAS, this Ordinance, by providing for the establishment of a local manufacturing development program for the City, recognizes the deterrents of risk, unpredictability, and excessive resource commitment to the establishment and expansion of manufacturing enterprises, and establishes a process for the expeditious and predictable review and approval of manufacturing development projects and their future expansion; and

WHEREAS, the establishment of a local manufacturing development program pursuant to the Act entitles manufacturers and manufacturing developers to participate in the State's coordinated manufacturing development approval process, intended to facilitate the expeditious receipt of those State permits necessary to establish or expand a manufacturing enterprise; and

WHEREAS, through the establishment of a local manufacturing development program, this Ordinance furthers the economic development strategy and manufacturing policy established in the City Comprehensive Plan; and

WHEREAS, pursuant to the provisions of the City's Land Use Regulations, the Planning Commission has reviewed and considered in a public hearing the advisability of recommending adoption of Amendments to the Land Use Regulations as provided in Attachment "A", here to establish a "Manufacturing Development Program" with appropriate regulations to implement the State Manufacturing Competitiveness Act to the City Council and found said regulations consistent with the Comprehensive Plan, and has forwarded to the City Council the Planning Commission's recommendation that they be approved and adopted by this Ordinance; and

WHEREAS, the City Council has held the required public hearings with due public notice pursuant to the provisions and the requirements of Florida law, and the City Council has determined that it is necessary and desirable and in the best interest of the citizens of the City in order to protect the public health, safety and welfare to adopt this Ordinance amending the Land Use Regulations as provided in Attachment "A" to establish a "Manufacturing Development Program" with appropriate regulations to implement the State Manufacturing Competitiveness Act. Attachment "B" includes a map of the area currently eligible for the manufacturing program.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Bradenton, Florida, as follows:

1. The Land Use Regulations provided in Attachment "A" establish a "Manufacturing Development Program", with appropriate regulations to implement the State Manufacturing Competitiveness Act, as incorporated herein, is hereby adopted as amending the Land Use Regulations of the City. Attachment "B" includes a map of the area currently eligible for the manufacturing program.
2. To the extent that the provisions of this Ordinance are in conflict with the various existing provisions of the City of Bradenton Land Use Regulations, the provisions of this Ordinance shall control. The applicability and effect of this Land Use Regulations Ordinance to establish a Manufacturing Development Program to implement the Act shall be in keeping with the provisions of the Land Use Regulations and of Florida law.
3. The City Clerk is directed to forward a copy of this Ordinance to the Florida Department of Economic Opportunity within twenty (20) days of enactment.
4. As provided in the Act, the City shall not repeal this Ordinance or otherwise remove from the LUR the Amendments adopted by this Ordinance until it has been in effect for at least twenty-four (24) months.
5. In the event, any provision, paragraph, section or any other portion of this Ordinance is declared by a court of competent jurisdiction to be void, unconstitutional or unenforceable, then, and in that event, all of the remaining provisions and portions not so affected shall remain in full force and effect.
6. This Ordinance shall take effect immediately upon adoption.

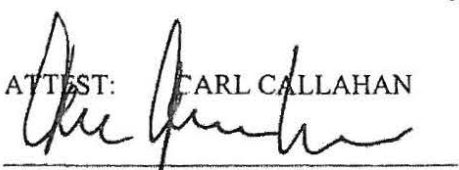
PASSED AND DULY ADOPTED by the City Council, with a quorum present and voting, this 25th day of July, 2018.

CITY OF BRADENTON, FLORIDA, BY
AND THROUGH THE CITY COUNCIL
OF THE CITY OF BRADENTON

By: 

Wayne Poston, Mayor

ATTEST: EARL CALLAHAN

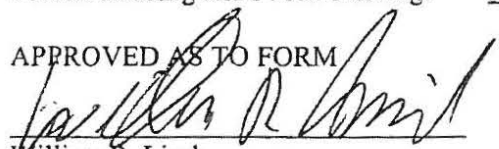

City Administrator

Planning Commission Public Hearing: June 20, 2018

First Reading: July 11, 2018

Second Reading and Public Hearing: July 25, 2018

APPROVED AS TO FORM


William R. Lisch
City Attorney

Attachment A

“MANUFACTURING DEVELOPMENT PROGRAM”

Chapter 9 Manufacturing Development Program.

9.1 . *Authority.* This chapter is adopted to establish a local manufacturing development program for the City pursuant to Sections 163.325-163.3252, *Florida Statutes* (the “Manufacturing Competitiveness Act” or “Act”).

9.2 *Purpose and intent.* The manufacturing development program established pursuant to this Chapter is intended to provide a quick, efficient, and comprehensive method whereby manufacturing businesses may be established or expanded within a designated portion of the City with minimum further local development review. The process ensures that manufacturing businesses will be supported with adequate facilities and infrastructure and that potential adverse impacts to natural resources and adjacent land uses are sufficiently mitigated.

This Section provides for master development plan (MDP) approval authorizing specified manufacturing uses at specified development intensities for a specific site. The MDP constitutes a comprehensive local government development approval and upon securing this approval, only building permits to ensure compliance with the Florida Building Code and any other applicable State mandated life safety code shall be required to build, operate and subsequently expand or otherwise physically modify for an extensive period of time the manufacturing development established by the MDP.

It is also the intent of this Chapter that, in conjunction with the City’s master development plan approval process, manufacturing businesses located within the Master Development Plan Eligibility Area (MDPEA) established herein shall be eligible to apply for state-level permits through the state-level coordinated manufacturing development approval process established pursuant to the Act.

9.3. *Master development plan eligibility area (MDPEA).* The City establishes the master development plan eligibility area (MDPEA) as the real property included within the Manufacturing Development Overlay (MDO) as outlined in Section 9.4.

9.4. *Applicability and Eligibility.* An application for MDP approval shall comply with the following eligibility criteria:

- a. *Location within the MDPEA.* The real property included in the application shall be located within the boundaries of the MDPEA;
- b. *Future Land Use Category.* The applicable Comprehensive Plan future land use category (FLUC) for real property to be included in the application shall be 1. The Industrial FLUM category; and 2. The Urban Commercial Corridor FLUM, but only when such real property is owned by the manufacturer or manufacturing developer, is adjacent to the

Industrial FLUM category property and is to be incorporated into the manufacturing project master development plan.

- c. *Zoning.* The real property included in the application shall be located within Industrial zoning district (I) and when applicable as above in the Urban Commercial Corridor zoning district (UCC).
- d. *Configuration of the MDP.* The MDP project may consist of either a single parcel of land, or of multiple parcels or tracts, so long as each parcel or tract is located in the MDPEA, owned by one entity, and is of sufficient size and configuration to accommodate a principal use authorized in the MDP.

9.5. *Vested Rights.* Those existing development rights authorized by the City before the approval of the MDP, and associated with the real property included in an MDP application, shall be recognized as vested development rights (subject to the requirements of the Comprehensive Plan and applicable law), if so requested by the manufacturer.

9.6. *MDP approval process.*

9.6.1. *Master development plan certification of eligibility.* An applicant who intends to file a MDP application shall first apply for a master development plan certification of eligibility (MDPCE) which documents the applicant's eligibility to participate in the manufacturing development program. Issuance of a MDPCE shall be based upon the applicant demonstrating that:

- a. The site that the applicant seeks to establish, expand, modify, or improve for a manufacturing use meets the criteria set forth in subsection 9.4; and
- b. The proposed or existing use of the property qualifies as a manufacturing use.

The MDPCE establishes eligibility to participate in the manufacturing development program. It is the intent of this Chapter that an MDPCE shall also be recognized by agencies of the State of Florida as certification of the applicant's eligibility to participate in the state-level coordinated manufacturing development approval process as established in the Act. The City's Planning and Community Development (PCD) Department shall establish the necessary forms for application and issuance of MDPCEs in accordance with this Chapter and the Act.

9.7. *Pre-application conference.* Upon obtaining a MDPCE, the applicant shall schedule and attend a pre-application conference with PCD staff. At the pre-application conference, the applicant and staff will meet to discuss the applicant's proposed development plans and the application process. The applicant and staff will discuss the development project and identify any requirements which may not be applicable for the specific proposed MDP, and discuss issues anticipated to arise during the proposed MDP review in keeping with this Chapter.

9.8. *Application process.* Upon payment of an appropriate review fee established by the City, applications for MDP approval shall be generally reviewed as would site plans with only those modifications to the site plan process that are expressly set forth in this Chapter. Accordingly, a MDP may serve as the mechanism for granting other local development approvals required under these LUR including CLOS in the same manner as a final site plan but for the effective term of the MDP.

The application, required review submittals, and the review process shall provide for a comprehensive, unified staff review to avoid unnecessary costs, duplication, redundancy, and waste of resources, and to ensure efficiency in the approval process for the MDP. Staff review shall be completed within ninety (90) days of the application being determined complete (unless extended by mutual agreement of the applicant and the City) and transmitted for action pursuant to this chapter.

9.9 *Application function and content.* The application for MDP approval shall include a proposed MDP consistent with the following review criteria:

- a. A completed land development application form along with proof of applicant's interest in or ownership of the property, as applicable, and designation of an authorized agent.
- b. A site map prepared with site boundaries identified and a legal description of the land included within the application.
- c. An itemized list of intended uses allowed by the applicable FLUM classification. In all instances, principal and accessory uses authorized and permitted pursuant to this section shall be limited to those associated with manufacturing uses.
- d. Proposed development intensity, in terms of total maximum square footage, floor area ratio and height limits.
- e. Proposed development standards for buffers and perimeter landscaping, setbacks from perimeter boundaries, lighting, signage, and off-street parking.
- f. Identification of development impacts, if applicable to the proposed site, which the development conditions will address, including but not limited to:
 - i. Drainage;
 - ii. Wastewater;
 - iii. Potable water;
 - iv. Solid waste;
 - v. Onsite and offsite natural resources;
 - vi. Preservation of historic and archaeological resources;
 - vii. Offsite infrastructure;
 - viii. Public services;

- ix. Compatibility with adjacent land uses;
- x. Vehicular and pedestrian access;
- xi. Off-site transportation impacts; and
- xii. Any other impacts required to be addressed pursuant to these LUR or the Comprehensive Plan.

9.10. *Additional Requirements.* If applicable, a MDP approval shall address, comply with and incorporate into the MDP review process the following:

- a. Any City-imposed or managed environmental permitting requirements;
- b. Certificate of Level of Service (CLOS) requirements for the effective term of the MDP; and
- c. Platting and subdivision requirements.

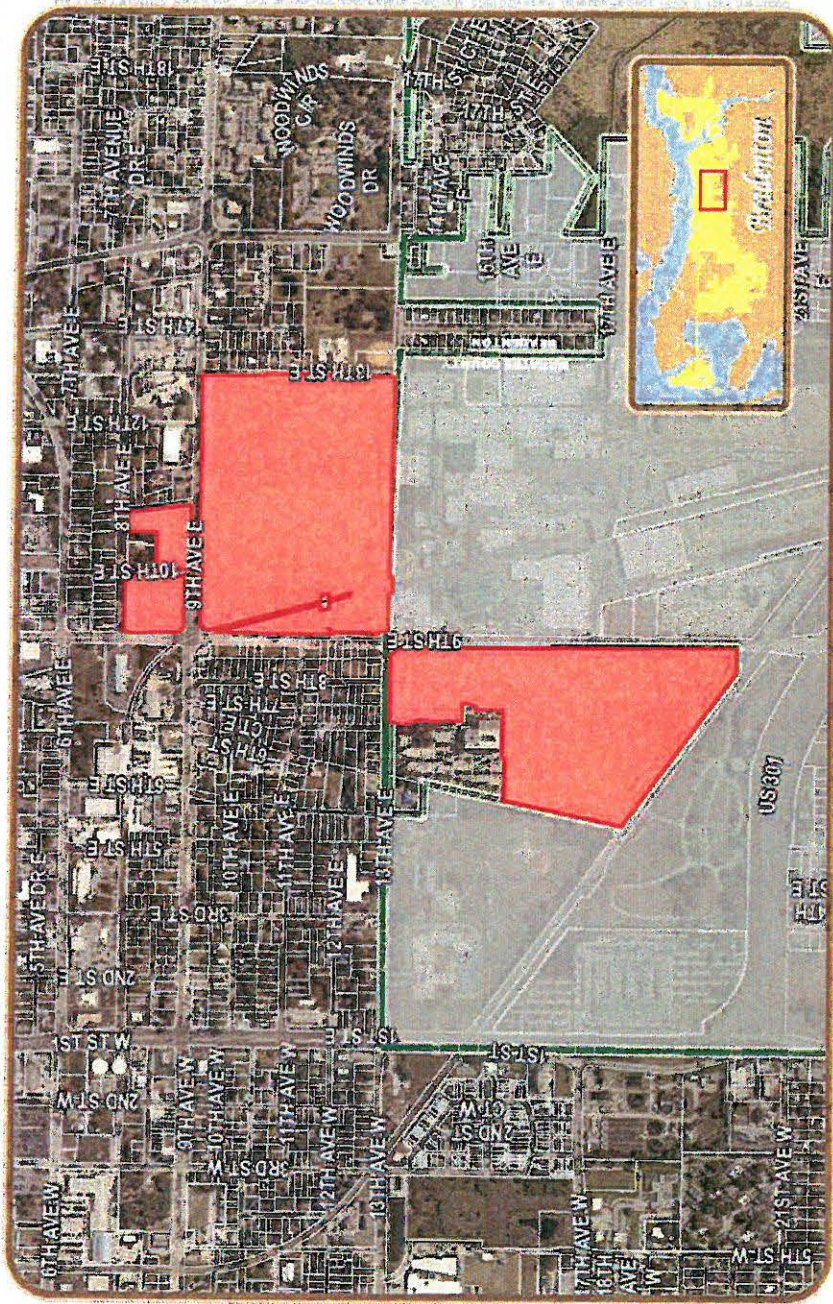
9.11 *Criteria for approval.* In deciding whether to approve, approve with conditions, or deny a MDP application, the City Council shall consider the following criteria:

- a. Whether the application demonstrates that the proposed development site is located within the boundaries of the MDPEA;
- b. Whether the land uses proposed in the application are limited to manufacturing uses, and consistent with the Act, and any accessory uses clearly incidental to manufacturing uses;
- c. Whether the application demonstrates consistency with the Comprehensive Plan; and
- d. Whether the application demonstrates compliance with this Section 3.4.7.

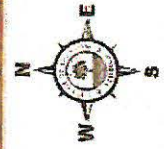
9.12. *Public Hearings.* The Planning Commission shall hold a public hearing and give its recommendation on the MDP within forty-five (45) days of the application being transmitted by PCD staff. The City Council shall hold a public hearing on the proposed MDP within forty-five (45) days of the Planning Commission's recommendation. The City Council's decision shall consist of an approval, approval with agreed upon revisions, denial, or continuation to a date-certain to enable additional information to be provided. The City Council's decision shall be based upon the application demonstrating compliance with the provisions and criteria in this Chapter. The consideration and approval of a MDP shall be treated as a quasi-judicial matter.

9.13 *Effect of approval.* Notwithstanding any other provisions of these LURs that may otherwise require additional separate local development approvals, the approval of an MDP application by the City Council shall constitute the single development order necessary to allow an applicant to apply for and receive building permits for any portion or all of the development approved and authorized in the MDP for the term of the MDP, without further review of development impacts addressed in the MDP, so long as the applicant (a) complies with any requirements applicable

“Attachment B”



Legend
[Red Box] Sited Parcels
[Green Box] Other Parcels
[Green Outline] City of Bradenton
Prepared by the City of Bradenton
Department of Planning and
Community Development



**Parcels Qualifying for
Manufacturing
Development Plan**