

ORDINANCE NO. 15-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; PROVIDING PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING SECTION 200 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE TO PROVIDE NEW DEFINITIONS FOR A MANUFACTURING DEVELOPMENT PROGRAM PURSUANT TO THE FLORIDA MANUFACTURING COMPETITIVENESS ACT; AMENDING CHAPTER 3 OF THE LAND DEVELOPMENT CODE TO CREATE A NEW SECTION 357 ESTABLISHING A MANUFACTURING DEVELOPMENT PROGRAM PURSUANT TO THE FLORIDA MANUFACTURING COMPETITIVENESS ACT, INCLUDING PROVISIONS FOR AUTHORITY AND TITLE, PURPOSE AND INTENT, A MASTER DEVELOPMENT PLAN ELIGIBILITY AREA, APPLICABILITY AND ELIGIBILITY, VESTED RIGHTS, MASTER DEVELOPMENT PLAN APPROVAL PROCESS, EFFECT OF APPROVAL, DEVELOPMENT CONSISTENT WITH MASTER DEVELOPMENT PLANS, EXPIRATION OF MASTER DEVELOPMENT PLANS, MODIFICATION OF AN APPROVED MASTER DEVELOPMENT PLAN AND REPEAL OF THE MANUFACTURING DEVELOPMENT PROGRAM; AMENDING CHAPTER 4 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE TO CREATE A NEW SECTION 403.15 ESTABLISHING A MANUFACTURING DEVELOPMENT OVERLAY DISTRICT; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR A PROHIBITION ON REPEAL FOR AT LEAST 24 MONTHS; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, 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 in the adoption of this Ordinance:

1. The establishment and maintenance of a strong and competitive manufacturing sector is essential to the viability and well-being of Manatee County's economic base.

2. 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 County.
3. The purpose and intent of this Ordinance is to provide for the establishment of a local manufacturing development program for Manatee County through which manufacturers may obtain master development plan approval as provided by the Act.
4. This Ordinance, by providing for the establishment of a local manufacturing development program for the County, 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.
5. 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.
6. Through the establishment of a local manufacturing development program, this Ordinance furthers the economic development strategy and manufacturing policy established in the Manatee County Comprehensive Plan.
7. It is in the interest of the public health, safety and welfare to amend Section 200 of the Code to provide definitions of certain terms used in the new Section 357 created by this Ordinance.
8. It is in the interest of the public health, safety and welfare to amend Chapter 3 of the Code to create a new Section 357 as provided herein, in order to establish a local manufacturing development program for the County in accordance with the Act.
9. It is in the interest of the public health, safety and welfare to amend Chapter 4 of the Code to create a new Section 403.15 as provided herein, in order to establish manufacturing development overlay district to implement the local manufacturing development program for the County in accordance with the Act.
10. The Manatee County Planning Commission reviewed the amendments set forth in this Ordinance, found them to be consistent with the Comprehensive Plan, and recommended their adoption by the Board, on May 15, 2015.

11. The Board of County Commissioners has held two duly noticed and advertised public hearings on August 6, 2015 and September 3, 2015, received public comments, the staff recommendation and report of the Planning Commission and has found this Ordinance will protect the public health, safety and general welfare.

Section 3. Amendment of Section 200 of the Land Development Code Section 200 of the Land Development Code is hereby amended to add the defined terms set forth in Exhibit "A" to this Ordinance.

Section 4. Amendment of Chapter 3 of the Land Development Code. Chapter 3 of the Land Development Code is hereby amended to add a new Section 357 to read in its entirety as set forth in Exhibit "B" to this Ordinance.

Section 5. Amendment of Chapter 4 of the Land Development Code. Chapter 4 of the Land Development Code is hereby amended to add a new Section 403.15 to read in its entirety as set forth in Exhibit "C" to this Ordinance.

Section 6. Transmittal to Department of Economic Opportunity. The Clerk's Office of Manatee County is directed to forward a copy of this Ordinance to the Florida Department of Economic Opportunity within 20 days of enactment.

Section 7. Repeal. As provided in the Act, the County shall not repeal this Ordinance, or otherwise remove from Code the Amendments adopted pursuant to Sections 3, 4 and 5 hereof, until it has been in effect for at least 24 months.

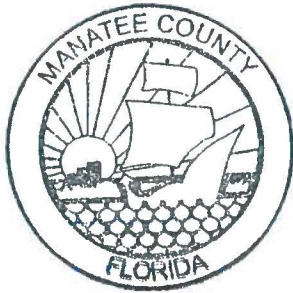
Section 8. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 2, 3 and 4 of this Ordinance into the Land Development Code.

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.

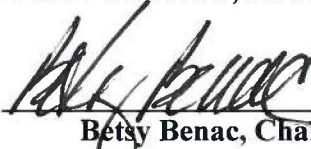
Section 10. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 11. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 3rd day of September, 2015.



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

By: 
Betsy Benac, Chairman

ATTEST: ANGELINA M. COLONNESO
Clerk Ad Interim Clerk of the Circuit Court

By: 
Deputy Clerk

**ORDINANCE EXHIBIT “A”
NEW OR RESTATED DEFINED TERMS FOR SECTION 200**

MANUFACTURING DEVELOPMENT PLAN PROGRAM

Manufacturing use shall mean those land uses established for the purpose of conducting those businesses classified within Sectors 31-33 of the North American Industry Classification System (NAICS).

Manufacturer / manufacturing developer shall mean either a specific business that is classified as a *Manufacturing use* or a developer of a *Manufacturing use* located in or intended to be located within the *Master Development Plan Eligibility Area*.

Master Development Plan (“MDP”) shall mean the development order that, upon approval by Manatee County pursuant to Section 357, authorizes manufacturing development within a specified geographic area and which sets forth applicable conditions, limitations, and standards.

Master Development Plan Eligibility Area (“MDPEA”) shall mean only those areas within unincorporated Manatee County designated as the MDPEA pursuant to Sections 357.3 and 403.15.

ORDINANCE EXHIBIT “B”
SECTION 357
MANUFACTURING DEVELOPMENT PROGRAM

Section 357. Manufacturing Development Program.

357.1. *Authority and Title.* This Section 357 is adopted to establish a local manufacturing development program for the County pursuant to Sections 163.325-163.3252, *Florida Statutes* (the “Manufacturing Competitiveness Act” or “Act”). This Section 357 may be referred to as the Manatee County Manufacturing Development Program Ordinance.

357.2. *Purpose and intent.* The manufacturing development program established pursuant to this Section 357 is intended to provide a quick, efficient and comprehensive method whereby new manufacturing businesses may be established within a designated portion of Manatee County and thereafter expanded with minimum further 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 357 provides for master development plan (MDP) approval authorizing specified manufacturing uses at specified development intensities for a specific site or geographic area. The MDP constitutes a comprehensive local government development approval and upon securing this approval (and except as provided in Section 357.6.5), only building permits to ensure compliance with the State 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 Section 357 that, in conjunction with the County’s master development plan approval process, manufacturing businesses located within the Master Development Plan Eligibility Area (MDPEA) established pursuant to Section 357.3 shall be eligible to apply for state-level permits through the state-level coordinated manufacturing development approval process established pursuant to the Act.

357.3. *Master development plan eligibility area (MDPEA).* The County has established the master development plan eligibility area (MDPEA) as the areas of land included within the manufacturing development overlay district established pursuant to Section 403.15 of this Code, inclusive of the areas of the unincorporated County delineated in Figure 403.15.1.

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

- (a) *Location within the MDPEA.* The area of land included in the application shall be located within the boundaries of the MDPEA;
- (b) *Future Land Use Category.* The area of land included in the application shall be located within the Industrial Light (IL), Industrial Heavy (IH), Industrial Urban (IU)

or the Florida International Gateway Overlay District (FIG) future land use category (FLUC) set forth in the Comprehensive Plan;

(c) *Zoning.* The area of land included in the application shall be located within the following planned development zoning districts set forth in Chapter 4 of this Code: Planned Development Urban Industrial (PDUI), Planned Development Encouragement Zone (PDEZ), Planned Development Port Manatee (PDPM) or Planned Development Industrial (PDI), as well as also within Planned Development Mixed Use (PDMU) with a General Development Plan specifically allowing light industrial use for that PDMU development.

(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 and is of sufficient size and configuration to accommodate a principal use authorized in the MDP.

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

357.6. *MDP approval process.*

357.6.1. *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 357.4; 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 Section 357 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 County's building and development services department shall establish the necessary forms for application for, and issuance of, MDPCEs in accordance with this Section 357 and the Act.

357.6.2. *Pre-application conference.* Upon obtaining a MDPCE, the applicant shall schedule and attend a pre-application conference with County 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 Section 357.

357.6.3. *Application process.* In addition to being subject to the requirements of Section 312 (procedures of general applicability), applications for MDP approval shall be reviewed and processed in the same manner as site plans, pursuant to Chapter 3 Part IV (site plans), with only those modifications to the site plan process that are expressly set forth in this Section 357. Accordingly, a MDP may serve as the mechanism for granting other approvals required under this Code in the same manner as a preliminary site plan or final site plan.

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 County) and transmitted to the Board for action pursuant to subsection 357.6.7.

357.6.4. *Application function and content.* The application for MDP approval shall include a proposed MDP, consistent with the review criteria set forth in Chapter 3 Part IV and including the following:

- (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 consistent with GDP requirements 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 FLUC. Uses may be more limited than those allowed by applicable zoning, but not more expansive. In all instances, principal uses authorized pursuant to this section shall be limited to 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:
 - (1) Drainage;
 - (2) Wastewater;
 - (3) Potable water;
 - (4) Solid waste;
 - (5) Onsite and offsite natural resources;

- (6) Preservation of historic and archaeological resources;
- (7) Offsite infrastructure;
- (8) Public services;
- (9) Compatibility with adjacent land uses;
- (10) Vehicular and pedestrian access;
- (11) Off-site transportation impacts; and
- (12) Any other impacts required to be addressed pursuant to this Code or the Comprehensive Plan.

An existing planned development and site plan approved in accordance with Chapter 3 Part IV may serve as a proposed MDP so long as it meets the requirements of this Section 357.

357.6.5. Additional Requirements. When applicable, an application for MDP approval shall also be required to comply with the following requirements:

- (a) Any County-imposed or managed environmental permitting requirements;
- (b) Concurrency management system requirements; and
- (c) Platting and subdivision requirements.

357.6.6. Criteria for approval. In deciding whether to approve, approve with conditions, or deny a MDP application, the Board 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 Chapter 3 Part IV and this Section 357.

357.6.7. 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 staff. The Board shall hold a public hearing on the proposed MDP within forty-five (45) days of the Planning Commission's recommendation. The Board'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 Board's decision shall be based upon the application demonstrating compliance with the provisions and criteria in this Section 357. The consideration and approval of a MDP shall be treated as a quasi-judicial matter pursuant to Sections 302.8.b and 302.8.c.

357.7. Effect of approval. Notwithstanding any provisions of Chapter 3 Part IV that otherwise requires additional site plan approvals, the approval of an MDP application by the Board shall constitute a development order allowing an applicant to apply for and receive building permits for any portion or all of the development approved and authorized in the MDP, without further review of development impacts addressed in the MDP, so long as the applicant (a) complies with any requirements applicable pursuant to subsection 357.6.5, and (b) submits, along with the building permit application, a certification, signed by a licensed architect, engineer or landscape architect, attesting that the proposed development is in compliance with the MDP. The MDP shall be synonymous with and for the purpose of this Section function as the General Development, Preliminary and Final Site Plans identified in Sections 322 and 323 and throughout the LDC.

The development order shall not exempt or exclude the property owner from compliance with those building permitting requirements necessary to ensure compliance with the state building code and any other applicable state-mandated life safety code, nor shall it exempt the property owner from permitting and compliance with any State or Federal requirements as may be applicable.

357.8. Development Consistent with Master Development Plans. The County shall ensure continuing compliance with a MDP through code enforcement and other available enforcement mechanisms as may be necessary, and may call, revoke, or cause the forfeiture of bonds or other securities provided by or on the behalf of the developer to ensure the satisfactory completion or implementation of the MDP and compliance with applicable regulations and standards.

357.9. Expiration of MDP. Notwithstanding the requirements of Sections 322.5 and 323.4 , a MDP shall expire twenty (20) years from the date of Board approval. Upon MDP expiration, no new physical development shall occur pursuant to the MDP, except as may have been authorized by a building permit issued prior to expiration. Any physical development activities otherwise conducted after the expiration of the MDP approval shall be in violation of this Code and subject to those penalties and remedies provided herein.

357.10. Modification of an approved MDP.

357.10.1. Notwithstanding the requirements of Section 324, an applicant may request to modify an approved MDP by filing an application with Manatee County. The Director shall approve the revision if it is consistent with the comprehensive plan, complies with the land development code, and has no adverse impacts in regard to those items specified in subsection 357.6.4(f) other than those previously addressed during the original MDP application process or prior modification to the MDP.

357.10.2. In those instances where a requested modification would result in potential adverse impacts in regard to those items specified in subsection 357.6.4(f) not previously addressed, the modification shall be reviewed and processed as a new application for MDP approval pursuant to subsection 357.6., subject to consideration and approval by the Planning Commission and Board.

357.10.3. In no instance shall the County require a modification to MDP, except and unless such modification is required in response to enactment of a state law or local ordinance addressing an immediate and direct threat to the public safety. In such instances, the modification shall be limited to those aspects necessary to bring the MDP into compliance with the newly enacted state law or local ordinance. Such modifications shall be subject to approval by the County Administrator or designee.

357.10.4. Review of a proposed modification to a MDP shall be limited to the proposed amendment and shall not subject any other aspect of the previously approved MDP to further review or new conditions for development.

357.11. *Repeal of Manufacturing Development Program.* As provided in the Act, the County shall not repeal this Section 357 or otherwise remove it from Code, until it has been in effect for at least 24 months (no earlier than September 3, 2017). Should the County repeal this Section 357 after September 3, 2017, any application for a MDP submitted to the County before the effective date of repeal shall be reviewed in accordance with those provisions of this Section 357 in effect when the application was submitted. The applicant that submits the application shall be entitled to participate in the manufacturing development coordinated approval process established in the Act.

ORDINANCE EXHIBIT “C”
SECTION 403.15
MANUFACTURING DEVELOPMENT OVERLAY DISTRICT

403.15. *Manufacturing Development Overlay District.*

403.15.1. *Purpose and Intent.* This Section establishes the Manufacturing Development Overlay District (MDO) for purposes of implementing the Local Manufacturing Development Program, established pursuant to Sections 163.325-163.3252, *Florida Statutes* (the “Manufacturing Competitiveness Act” or “Act”). The boundaries of the MDO and the areas of land included in the MDO shall be as set forth in Figure 403.15.1. The MDO shall also constitute the County’s master development plan eligibility area (MDPEA) for purposes of Section 357.3.

403.15.2. *Applicability.* Lands included in the MDO shall be eligible to participate in the County’s manufacturing development plan program, subject to and in accordance with Section 357 and the Act.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 8, 2015

Honorable Angelina M. Coloneso
Clerk Ad Interim of the Circuit Court
Comptroller of Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Ms Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 15-03, which was filed in this office on September 4, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb