

# Manatee County Land Development Code Update – Phase I

## Staff Report

### Introduction

The current Manatee County Land Development Code (LDC) was adopted on July 25, 1990. The Land Development Code is enacted pursuant to Section 163.3202 of the Florida Statutes and its purpose is to implement the Comprehensive Plan of the County by establishing regulations, procedures, and standards for review and approval of all development and use of land in the unincorporated portions of the County.

Since 1990, the LDC has only been updated incrementally, never reviewed and updated holistically. The current LDC is very large (900+ pages) and cumbersome to use and implement. Many subjects and key regulatory information are not logically organized.

Given the size and complex nature of the document, it was decided that a phased approach to any changes would make the update easier to understand. This first phase of the LDC rewrite process is considered a major “housecleaning,” primarily targeted at reorganizing and better clarifying the language and regulations in the LDC.

This first phase also includes taking language out of the LDC that is not specifically zoning or land use related. For example, language that is specifically engineering standards is moving to the appropriate Public Works Manual (i.e., Highway and Traffic Standards Manual, Utility Standards Manual, and Stormwater Management Design Manual).

Proposed to be removed from the LDC are requirements pertaining to standards and procedures for maintenance of property and structures within the unincorporated area of the County. These requirements are proposed to be put into a Property Maintenance section of the County’s Code of Ordinances, similar to other jurisdictions.

The second phase or future phases of the LDC update will be implementation of recommendations from the How Will We Grow? project. This will include the creation of a more urban code for the older and more established areas of Southwest County which has been called for by the Comprehensive Plan for many years. It will also include further stream-lining of the development review process, and updating the County’s Comprehensive Plan.

## **LDC Update – Phase I**

To help assist staff with the LDC update, Manatee County retained the Littlejohn Engineering Associates in March 2011. Littlejohn staff are experienced experts in Land Development Code creation, updates and rewrites.

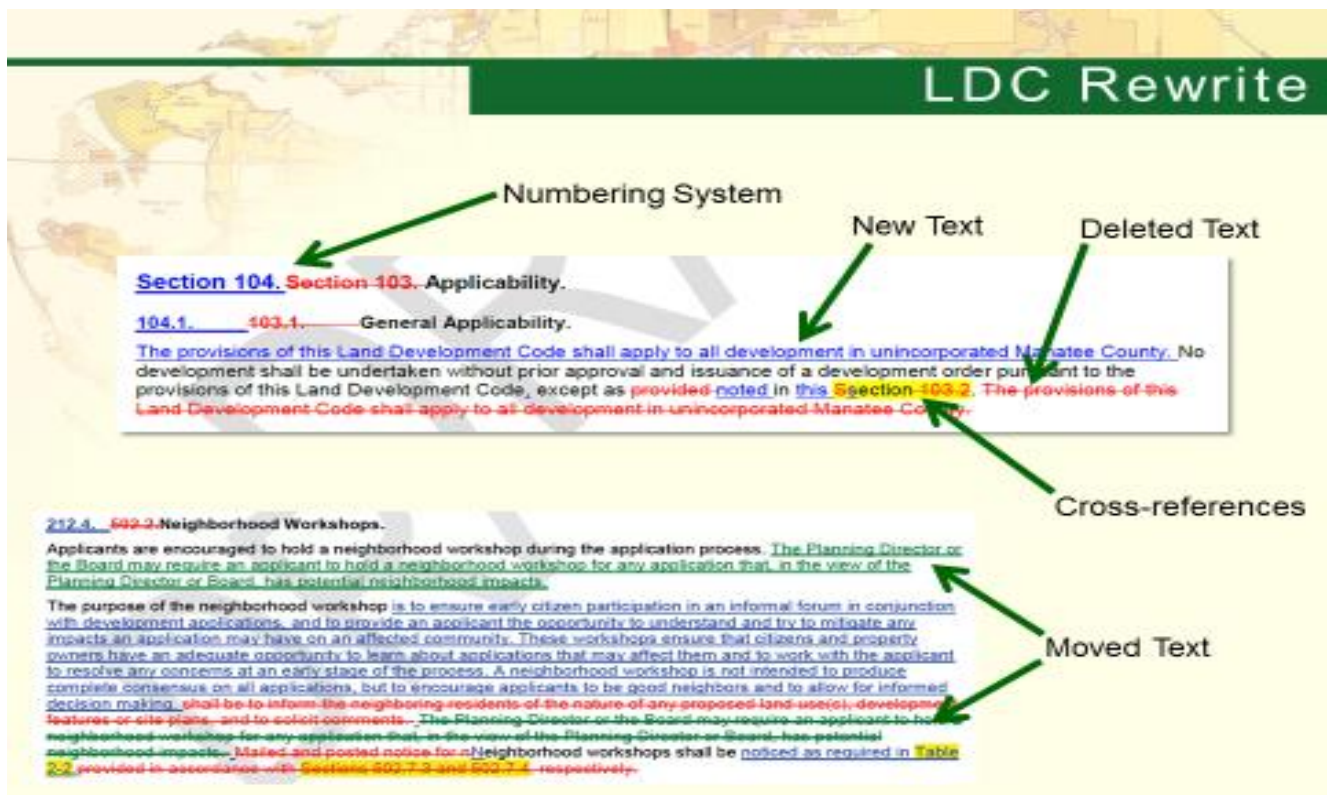
In March 2014, Littlejohn and County Staff conducted a multi-day work-session with the Board of County Commission and the Planning Commission to discuss the proposed changes to the LDC. Littlejohn, County Staff, and Board members reviewed the proposed edits for Phase I and identified revisions that were better suited to be dealt with in Phase II or future phases of the LDC rewrite. As already stated, Phase I is mainly a clean-up of the LDC and the more substantive changes will occur with later phases.

### **LDC Update – Phase I, Types of Changes**

Phase I update consists of major “housecleaning” items, including:

1. Reorganization (moved, consolidated, deleted repetitive language).
2. Deletion of some titles and added others for consistency purposes.
3. Updating LDC cross-references. Deleted cross-references where deemed unnecessary. Generalized where possible to avoid ending up with wrong cross-references in the future (e.g. as required in Chapter 5, instead of as required in Section 504.3.2).
4. Updating cross-references to Florida Statutes, Florida Administrative Code, and other documents.
5. References to departments and staff changed to “Department Director”, which is defined as County Administrator designee.
6. Made modifications to reflect current practice.

The proposed revisions to the LDC are attached and shown in strike-thru/underline format. Below is an example of the format provided.



In addition, Littlejohn has prepared a list of changes to each chapter of the LDC which is attached. The Chapters also include comments on the right margin explaining in more detail the changes made to the document.

**LDC Update – Phase I, Consistency with the Manatee County Comprehensive Plan**

The Land Development Code is enacted pursuant to Section 163.3202 of the Florida Statutes and its purpose is to implement the Comprehensive Plan of the County by establishing regulations, procedures, and standards for review and approval of all development and use of land in the unincorporated portions of the County. It is stated in Chapter 1 of the LDC that *“the Code is adopted in order to foster and preserve public health, safety, comfort, and welfare in the unincorporated areas of the County.”* Further, that it is the intent of the Code that the development process in Manatee County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County.

Manatee County has reviewed the proposed changes to the LDC to ensure the purpose and intent stated in the Code (and above) will continue to be met. Since the proposed

revisions are primarily “housecleaning” items a detailed, listed review of each change against the Comprehensive Plan is not needed. The required rules and regulations are not being amended at this time and are therefore still compliant with the existing Comprehensive Plan. In fact, some of the changes are providing for better consistency and clarification between the two documents. For example, definitions that exist or that are different in the Comprehensive Plan versus the LDC are now being added or revised with this update in order to be consistent with those in the Comprehensive Plan.

Future phases of the LDC update will require a more thorough review of the rules and regulations along with amendments to both the Comprehensive Plan and the Code.

Staff recommends approval of the revisions as proposed.

### **Recommended Motion**

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, as conditioned herein, I move to recommend ADOPTION of Manatee County Ordinance 15-17.

### **Attachments**

1. Memo from Littlejohn, dated March 24, 2015, outlining changes to the LDC.
2. Index Sorted by Old Numbering
3. Legend for Strike-thru/underline of changes
4. “Strike-thru/underline” Version of Chapters 1 thru 11.
5. Ordinance No. 15-17 w/ “Clean” Version of Chapters 1 thru 11 attached as exhibits.
6. Copy of Newspaper Advertisement