AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A TEXT AMENDMENT TO INCLUDE A NEW DEFINITION OF COMPLETE STREETS IN THE DEFINITIONS ELEMENT AND AN AMENDMENT TO THE TRAFFIC ELEMENT TO ESTABLISH A NEW GOAL, OBJECTIVE AND POLICY THAT IMPROVES PUBLIC HEALTH, ACTIVE MOBILITY AND ENVIRONMENTAL QUALITY BY CREATING AND MAINTAINING AN INTEGRATED NETWORK OF MULTI-MODAL ROADWAYS FOR USERS OF ALL AGES AND ABILITIES THROUGH THE COMPLETE STREET DESIGN, WHERE APPLICABLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, The Local Government Comprehensive Planning and Land Development Regulation Act, Part II, Chapter 163, Florida Statutes, as amended and retitled the Community Planning Act in House Bill 7207 (the "Act") empowers and requires the County (a) to plan for the county's future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-13-01 initiated by Manatee County is a request to amend the text of the Definition and Traffic Elements to include the Complete Streets design; and

WHEREAS, at a duly noticed public hearing on 12/13/12, the Manatee County Planning Commission, as the County's Local Planning Agency for purposes of the Act, considered application PA-13-01 recommended adoption of PA-13-01; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on January 3, 2013, to consider the
amendment and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and

WHEREAS, the State Land Planning Agency by letter dated February 15, 2013 issued their "no comment" on said amendment to the comprehensive plan; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2012), on April 4, 2013, the Board of County Commissioners of the County of Manatee, Florida held another public hearing, with due public notice having been provided, to consider said proposed amendment to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, including appropriate changes to the technical support document as needed, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the amendments to the Comprehensive Plan set forth herein are necessary to implement the requirements of Section 163 Part II, Florida Statutes; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to the Act, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

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 Act, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the whereas clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance.

Section 3. Text Amendment: The Manatee County Comprehensive Plan Definitions and Traffic Elements are hereby amended with reference to the text listed in this section as set forth below:

PROPOSED LANGUAGE

AMENDMENT TO DEFINITIONS (shown in underline format)

COMPLETE STREETS. Complete streets are those that adequately provide for roadway users, of all ages and abilities, including bicyclists, pedestrians, transit riders, and motorists, to the extent appropriate to the function and context of the street, within a connected roadway network.
AMENDMENT TO TRAFFIC ELEMENT (shown in underline format)

GOAL 5.6 Encourage and promote the Complete Streets concept throughout the county.

Objective 5.6.1 Integrate Complete Streets. Complete Streets are roadways designed to accommodate all users, including, but not limited to motorists, cyclists, pedestrians, transit and school bus riders, delivery and service personnel, freight haulers, and emergency responders.

Policy 5.6.1.1 Improve public health and safety, active mobility and environmental quality by creating and maintaining an integrated network of multi-modal roadways for users of all ages and abilities through the Complete Street design, where applicable.

Policy 5.6.1.2 Provide streets for walking, bicycling and public-private transportation to enable convenient and active travel as a part of daily activities for all users, where applicable.

Policy 5.6.1.3 Promote infrastructure that facilitates crossing of the right of way, such as accessible curb ramps, crosswalks, refuge islands and pedestrian signals, where applicable.

Policy 5.6.1.4 Promote complete streets that contribute to the slowing down of traffic, reduce pollution and emissions, improve environmental quality and provides for local economic opportunities, where applicable.

Implementation Mechanism(s):

a. Criteria and performance standards for Complete Streets shall be established by Manatee County Public Works Department.

b. Applicable revisions to the Land Development Code by the Building and Development Services Department.
Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 5. Effective Date: The effective date of this Plan Amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 4th day of April, 2013

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: ____________________________
Larry Bustle, Chairman

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

By: ____________________________
Deputy Clerk
April 4, 2013 Land Use Meeting
Agenda Item #7

Subject
PA-13-01-Ordinance 13-03 - Plan Amendment Complete Streets - Legislative - Kathleen Thompson

Briefings
Briefing Provided Upon Request

Contact and/or Presenter Information
Kathleen Thompson, AICP
Planning Manager
941-748-4501 ext. 6841

Action Requested

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the Public Hearing, the technical support documents, the action of the Planning Commission, and finding the request to be in compliance with the provisions of Chapter 163, Part II, Florida Statutes, and consistent with the Manatee County Comprehensive Plan, I move to ADOPT Manatee County Plan Amendment 13-01/Ordinance 13-03, as recommended by the Planning Commission.

Enabling/Regulating Authority

Manatee County Comprehensive Plan
Manatee County Land Development Code

Background Discussion

- In March 2012, the Manatee County Health Department was awarded a grant by the American Public Health Association to assist Manatee County in developing and implementing a Complete Streets policy aimed at improving public health in the county.

- The main objective of a Complete Streets policy is to support healthy activity opportunities through the
design and construction of integrated and multi-modal roadways.

- Complete Streets contribute to healthy and livable communities by encouraging walking and biking to work, shopping, schools, parks, and other local destinations through the design of multi-modal options on roadways.

- Complete Streets contribute to slowing down traffic, reducing emissions by automobiles and trucks, improves environmental quality and provides for local economic opportunities.

- Complete Streets are roadways designed to accommodate all users, including, but not limited to motorists, cyclists, pedestrians, transit and school bus riders, delivery and service personnel, freight haulers, and emergency responders. “All users” includes people of all ages and abilities.

- Staff is proposing a comprehensive plan text amendment to establish the goal, objective and policies for the Complete Streets concept.

- Staff recommends adoption.

- On December 13, 2012, by a vote of 6 – 0, the Planning Commission recommended approval.

- On January 3, 2013, by a vote of 7 – 0, the Board of County Commissioners transmitted to DEO.

- On February 15, 2013, the Department of Economic Opportunity issued their “no comment” letter on the text amendment.

**County Attorney Review**
Other (Requires explanation in field below)

**Explanation of Other**
Written comments available from Sarah Schenk.
Reviewing Attorney
N/A

Instructions to Board Records
Please forward a copy of the signed document to bobbi.roy@mymanatee.org

Cost and Funds Source Account Number and Name
n/a

Amount and Frequency of Recurring Costs
n/a

Attachment:  Staff Report - Complete Streets - PA-13-01 - Ord. 13-03 - 4-4-13 BC.pdf
Attachment:  Copy of Newspaper Advertising - Complete Streets - PA-13-01 Ord. 13-03 - 4-4-13 BC.pdf
Attachment:  Ordinance - Complete Streets - PA-13-01 Ord. 13-03 - 4-4-13 BC.pdf
PLAN AMENDMENT PA-13-01 (ORDINANCE 13-03)

Adoption of a Plan Amendment of the Board of County Commissioners of Manatee County, Florida, amending Ordinance 89-01, as amended, (the Manatee County Comprehensive Plan); providing a Purpose and Intent; providing for a Text Amendment to include a new definition of Complete Streets in the Definitions Element and providing for an amendment to the Traffic Element to establish a new goal, objective and policy that improves public health, active mobility and environmental quality by creating and maintaining an integrated network of multi-modal roadways for users of all ages and abilities through the Complete Street design, where applicable; and providing an effective date.

P.C. 12/13/12 B.C.: transmittal 01/03/13 Adoption 04/04/13
App.Rec. County Initiated Type of Amendment: Text

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the Public Hearing, the technical support documents, the action of the Planning Commission, and finding the request to be in compliance with the provisions of Chapter 163, Part II, Florida Statutes, and consistent with the Manatee County Comprehensive Plan, I move to ADOPT Manatee County Plan Amendment 13-01/Ordinance 13-03, as recommended by the Planning Commission.

PLANNING COMMISSION ACTION:
On December 13, 2012, by a vote of 6 – 0, the Planning Commission recommended transmittal.

BOARD OF COUNTY COMMISSIONERS ACTION:
On January 3, 2013, by a vote of 7 – 0, the Board of County Commissioners transmitted to the DEO.
PUBLIC COMMENT AND CORRESPONDENCE:
There was no public comment and nothing was entered into the record at the December 13, 2012 Planning Commission public hearing.

There was no public comment and nothing was entered into the record at the January 3, 2013 Board of County Commissioners public hearing.
PLAN AMENDMENT SUMMARY SHEET

Name: County Initiated Text Amendments

File Number: PA-13-01/Ordinance-13-03

REQUEST: Adoption of a Plan Amendment of the Board of County Commissioners of Manatee County, Florida, amending Ordinance 89-01, as amended, (the Manatee County Comprehensive Plan); providing a Purpose and Intent; providing for a Text Amendment to include a new definition of Complete Streets in the Definitions Element and providing for an amendment to the Traffic Element to establish a new goal, objective and policy that improves public health, active mobility and environmental quality by creating and maintaining an integrated network of multi-modal roadways for users of all ages and abilities through the Complete Street design, where applicable.

UPDATE: On February 15, 2013, the Department of Economic Opportunity issued their “no comment” letter on the text amendment.

BACKGROUND

In March 2012, the Manatee County Health Department was awarded a grant by the American Public Health Association as part of the Power of Policy: Innovation to Improve Health program. The grant funding supported Manatee County Government in the development and implementation of a Complete Streets policy aimed at improving public health in the county. Its main objective is to support healthy activity opportunities through the design and construction of integrated and multi-modal roadways. Complete Streets contribute to healthy and livable communities by encouraging walking and biking to work, shopping, schools, parks, and other local destinations through the design of multi-modal options on roadways. Complete Streets contribute to slowing down traffic, reducing emissions by automobiles and trucks, improves environmental quality and provides for local economic opportunities. Complete Streets are roadways designed to accommodate all users, including, but not limited to motorists, cyclists, pedestrians, transit and school bus riders, delivery and service personnel, freight haulers, and emergency responders. “All users” includes people of all ages and abilities.

To promote the use of Complete Streets, where appropriate, staff recommends the following text amendment.
PROPOSED LANGUAGE

DEFINITIONS (shown in underline format)

COMPLETE STREETS. Complete streets are those that adequately provide for roadway users, of all ages and abilities, including bicyclists, pedestrians, transit riders, and motorists, to the extent appropriate to the function and context of the street, within a connected roadway network.

TRAFFIC ELEMENT (shown in underline format)

Proposed new Goal, Objective and Policies promoting the Complete Streets design:

GOAL 5.6 Encourage and promote the Complete Streets concept throughout the county.

Objective 5.6.1 Integrate Complete Streets. Complete Streets are roadways designed to accommodate all users, including, but not limited to motorists, cyclists, pedestrians, transit and school bus riders, delivery and service personnel, freight haulers, and emergency responders.

Policy 5.6.1.1 Improve public health and safety, active mobility and environmental quality by creating and maintaining an integrated network of multi-modal roadways for users of all ages and abilities through the Complete Street design, where applicable.

Policy 5.6.1.2 Provide streets for walking, bicycling and public-private transportation to enable convenient and active travel as a part of daily activities for all users, where applicable.

Policy 5.6.1.3 Promote infrastructure that facilitates crossing of the right of way, such as accessible curb ramps, crosswalks, refuge islands and pedestrian signals, where applicable.

Policy 5.6.1.4. Promote complete streets that contribute to the slowing down of traffic, reduce pollution and emissions, improve environmental quality and provides for local economic opportunities, where applicable.

Implementation Mechanism(s):

a. Criteria and performance standards for Complete Streets shall be established by Manatee County Public Works Department.
b. Applicable revisions to the Land Development Code by the Building and Development Services Department.

ATTACHMENTS:

1. Consistency with State Statutes
2. Copy of Newspaper Advertising
3. Ordinance 13-03
ATTACHMENT #1

CONSISTENCY OF THE LOCAL COMPREHENSIVE PLAN AMENDMENT WITH FLORIDA STATUTES

PA-13-01

The proposed amendment is consistent with Florida Statutes 163 Part II

163.3184 Process for adoption of comprehensive plan or plan amendment states “in compliance” means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245 and 163.3248

163.3177 Required and optional elements of comprehensive plan; studies and surveys
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3178 Coastal Management
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3180 Concurrency
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3191 Evaluation and appraisal of comprehensive plan
Manatee County completed the required EAR and the EAR based plan amendments in 2004 and 2006. The next EAR update is scheduled for December 2013.

163.3245 Sector plans
There are no sector plans established at this time.

163.3248 Rural Land Stewardship areas
There are no Rural Land Stewardship areas established at this time.

All State goals and policies taken from Chapter 187.201, Florida Statutes.

The proposed amendment is consistent with the following goals and policies of the State Comprehensive Plan:

187.201 (21)(b)(1)
NOTICE OF LAND USE CHANGE

Official Actions Will Affect and Regulate Use of Real Property in Unincorporated Manatee County – Notice to Real Property Owners and General Public.

The Manatee County Board of County Commissioners will hold a public hearing to consider the adoption of an amendment to the Manatee County Comprehensive Plan. Said amendment pertains to the unincorporated area of Manatee County. At the conclusion of the public hearing the Board of County Commissioners shall determine whether to adopt, adopt with modifications or not adopt the amendment to the Manatee County Comprehensive Plan.

Date: Thursday, April 4, 2013
Time: 9:00 a.m. or soon thereafter
Place: Manatee County Government Administrative Center
1112 Manatee Ave. West, Board Chambers (1st Floor)

Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

PLAN AMENDMENT PA-13-01 (ORDINANCE 13-02) – COMPLETE STREETS

Adoption of a Plan Amendment of the Board of County Commissioners of Manatee County, Florida, amending Ordinance 09-01, as amended, (the Manatee County Comprehensive Plan); providing a Purpose and Intent; providing for a Text Amendment to include a new definition of Complete Streets in the Definitions Element and providing for an amendment to the Traffic Element to establish a new goal, objective and policy that improves public health, active mobility and environmental quality by creating and maintaining an integrated network of multi-modal roadways for users of all ages and abilities through the Complete Street design, where applicable, and providing an effective date.

Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Board of County Commissioners to consider.

Please Send Comments To: Manatee County Building and Development Services
Department
Attn: Agenda Coordinator
1112 Manatee Ave. West, Suite 200
Bradenton, FL 34208
planning.agenda@mymanatee.org

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to this public hearing. Information may also be obtained by calling 745-4501, Ext. 6879, between 8:00 AM and 5:00 PM.

Americans with Disabilities: The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy applies to all aspects of employment and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA should contact Keycee Ellis at 745-5800; TDD ONLY 745-5802; and 1-800-999-8668, Telecommunication Relay Service (TRS).

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings. The record will include any testimony or evidence upon which the appeal is to be based.

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Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

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Adoption of a Plan Amendment of the Board of County Commissioners of Manatee County, Florida, amending Ordinance 09-01, as amended, (the Manatee County Comprehensive Plan); providing a Purpose and Intent; providing for a Text Amendment to include a new definition of Complete Streets in the Definitions Element and providing for an amendment to the Traffic Element to establish a new goal, objective and policy that improves public health, active mobility and environmental quality by creating and maintaining an integrated network of multi-modal roadways for users of all ages and abilities through the Complete Street design, where applicable, and providing an effective date.

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ORDINANCE NO. 13-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A TEXT AMENDMENT TO INCLUDE A NEW DEFINITION OF COMPLETE STREETS IN THE DEFINITIONS ELEMENT AND AN AMENDMENT TO THE TRAFFIC ELEMENT TO ESTABLISH A NEW GOAL, OBJECTIVE AND POLICY THAT IMPROVES PUBLIC HEALTH, ACTIVE MOBILITY AND ENVIRONMENTAL QUALITY BY CREATING AND MAINTAINING AN INTEGRATED NETWORK OF MULTI-MODAL ROADWAYS FOR USERS OF ALL AGES AND ABILITIES THROUGH THE COMPLETE STREET DESIGN, WHERE APPLICABLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, The Local Government Comprehensive Planning and Land Development Regulation Act, Part II, Chapter 163, Florida Statutes, as amended and retitled the Community Planning Act in House Bill 7207 (the “Act”) empowers and requires the County (a) to plan for the county’s future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-13-01 initiated by Manatee County is a request to amend the text of the Definition and Traffic Elements to include the Complete Streets design; and

WHEREAS, at a duly noticed public hearing on 12/13/12, the Manatee County Planning Commission, as the County’s Local Planning Agency for purposes of the Act, considered application PA-13-01 recommended adoption of PA-13-01; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on January 3, 2013, to consider the
amendment and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and

WHEREAS, the State Land Planning Agency by letter dated February 15, 2013 issued their “no comment” on said amendment to the comprehensive plan; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2012), on April 4, 2013, the Board of County Commissioners of the County of Manatee, Florida held another public hearing, with due public notice having been provided, to consider said proposed amendment to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, including appropriate changes to the technical support document as needed, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the amendments to the Comprehensive Plan set forth herein are necessary to implement the requirements of Section 163 Part II, Florida Statutes; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to the Act, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

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 Act, and Chapter 125, Florida Statutes, as amended.

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GOAL 5.6 Encourage and promote the Complete Streets concept throughout the county.

Objective 5.6.1 Integrate Complete Streets. Complete Streets are roadways designed to accommodate all users, including, but not limited to motorists, cyclists, pedestrians, transit and school bus riders, delivery and service personnel, freight haulers, and emergency responders.

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Implementation Mechanism(s):

a. Criteria and performance standards for Complete Streets shall be established by Manatee County Public Works Department.

b. Applicable revisions to the Land Development Code by the Building and Development Services Department.
Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 5. Effective Date: The effective date of this Plan Amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 4th day of April, 2013

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: __________________________
Larry Bustle, Chairman

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

By: __________________________
Deputy Clerk