

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 6J  
From: Staff  
Date: December 13, 2013 Council Meeting  
Subject: Model Local Manufacturing Development Program Ordinance

Introduction

The Florida Department of Economic Opportunity (DEO) has completed work on a model local government manufacturing development program ordinance, as required by Section 163.325, Florida Statutes, the Manufacturing Competitiveness Act. The attached model ordinance was prepared by DEO and is now available for use by local governments. Copies of the model ordinance in different file formats are available on DEO's website ([www.floridajobs.org](http://www.floridajobs.org)). A link to the *Manufacturing Competitiveness Act Development Approval Program* is under the *Technical Assistance* tab of the *Community Planning & Development* heading on the home page of the website.

Background

The Manufacturing Competitiveness Act (Chapter 2013-224, Laws of Florida) was approved by the Florida Legislature in April, 2013, and signed into law by Governor Rick Scott on June 27, 2013. The Act became effective July 1, 2013. The Act is intended to facilitate the development of new and the expansion of existing manufacturing businesses within the State of Florida.

The Act allows local governments (cities and counties) to establish a manufacturing master development plan review process. The process provides the ability for an applicant for a new or expanding manufacturing business to go through a single local-level master development plan process and, upon approval, proceed to development without requiring any additional approvals or permits, except for building permits. Approved applications would not expire for a minimum of 10 years.

Local governments may establish a manufacturing master development plan review program by adopting an enabling ordinance. The enabling ordinance must satisfy minimum applicable criteria in the Act, including identifying the locations where the program will apply, and the appropriate application review process. A local government that elects to establish a local manufacturing development program is expected to submit a copy of the ordinance establishing the program to DEO within 20 days after the ordinance is enacted.

The Act requires that DEO coordinate the manufacturing development approval process with participating agencies for those manufacturers developing or expanding in a city or county that has adopted an ordinance establishing a local manufacturing development program. The state-coordinated process includes collaboration and coordination among, and simultaneous review by, the participating agencies of applications for the following state development approvals:

- a) Wetland or environmental resource permits
- b) Surface water management permits
- c) Stormwater permits
- d) Consumptive water use permits
- e) Wastewater permits
- f) Air emission permits
- g) Permits relating to listed species
- h) Highway or roadway access permits
- i) Any other state development approval within the scope of a participating agency's authority

In addition to DEO, the following agencies are participating in the state-coordinated process:

- Florida Department of Environmental Protection
- Florida Department of Transportation
- Florida Fish and Wildlife Conservation Commission
- Water Management Districts

Questions about the local manufacturing development approval program should be directed to Adam Antony Biblo, Planning Analyst, Florida Department of Economic Opportunity (Telephone: 850-717-8503; email: [Adam.Biblo@deo.myflorida.com](mailto:Adam.Biblo@deo.myflorida.com)).

#### Recommendation

For informational purposes only.

Attachment



39           **NOW THEREFORE, BE IT ENACTED BY THE COMMISSION/BOARD OF THE CITY/COUNTY OF**  
40 **CITY/COUNTY, FLORIDA, AS FOLLOWS:**

41 **SECTION 1:** This Ordinance shall be known as the City/County Manufacturing Development Program  
42 Ordinance. The findings stated above are adopted and incorporated herein by reference.

43 **SECTION 2:** Section \_\_\_\_, Article \_\_\_\_ of the City/County Land Development Code, is hereby created to  
44 establish the manufacturing master development plan approval process, as follows:

45 Section 1. *Purpose and intent.* The manufacturing development plan approval process is intended to  
46 provide a quick, efficient, and comprehensive method whereby new manufacturing businesses may be  
47 established within a designated portion of the City/County and thereafter expanded with minimum  
48 further development review. The process ensures that manufacturing businesses will be supported with  
49 adequate facilities and infrastructure and that potential adverse impacts to natural resources and  
50 adjacent land uses are sufficiently mitigated.

51 The manufacturing master development plan enables master development approval, authorizing  
52 specified manufacturing uses at specified development intensities, for a specific site or geographic area.  
53 The approval of the master development plan constitutes a comprehensive approval; upon securing this  
54 approval, only building permits to ensure compliance with the State Building Code and any other  
55 applicable State-mandated life and safety code shall be required to build, operate, and subsequently  
56 expand or otherwise physically modify the manufacturing development established by the master  
57 development plan.

58 In conjunction with the local government manufacturing master development plan approval process,  
59 manufacturing businesses located within the designated area of the City/County eligible for approval  
60 pursuant to this Ordinance are eligible to apply for state-level permits through the state-level  
61 coordinated manufacturing development approval process established in Section 163.3253, F.S.

62 Section 2. *Definitions.*

63 (a) *Applicant* shall mean the manufacturer or manufacturing developer that applies for master  
64 development plan approval pursuant to this Ordinance.

65 (b) *Application* shall mean an application for master development plan approval for the purpose of  
66 developing new or expanding existing manufacturing uses within the specified area wherein  
67 manufacturing uses are authorized pursuant to this Ordinance.

68 (c) *Local Government Development Approval* shall mean all required local government development  
69 approvals necessary to initiate the development or expansion of a manufacturing use, consistent  
70 with the approved master development plan, other than building permits as may be necessary to  
71 ensure compliance with the state building code and any other applicable state-mandated life and  
72 safety code.

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

75 (e) *Manufacturer* shall mean a business that is classified in Sectors 31-33 of the North American  
76 Industry Classification System and is located, or intends to locate, within the geographic  
77 boundaries of an area designated by a local government, as provided under Section 163.3252, F.S.

78 (f) *Master Development Plan ("MDP")* shall mean that document that, upon approval by the  
79 City/County, pursuant to this Ordinance, authorizes manufacturing development within a  
80 specified geographic area and which sets forth applicable conditions, limitations, and standards.

81 (g) *Master Development Plan Eligibility Area ("MDPEA")* shall mean that area within the City/County  
82 depicted on Map 1, included in Appendix I.

83 (h) *Working Days* shall mean calendar days excluding Saturdays, Sundays, and legal holidays.

84 Section 3. *Applicability/Eligibility.* Applications for establishment of a master development plan ("MDP")  
85 shall comply with the following minimum eligibility criteria:

86 (a) *Location within the MDPEA.* An application may be made for any area of land located entirely  
87 within the boundaries of the MDPEA, shown on Map 1, included in Appendix I; and,

88 (b) *Configuration of the MDP.* The MDP may consist of either a single, discrete area of land, or of  
89 multiple discrete parcels or tracts, so long as each parcel or tract is located in the MDP eligibility  
90 area, and each discrete parcel or tract is of sufficient size and configuration to accommodate a  
91 principal use authorized in the MDP.

92 Section 4. *Vested Rights.* Those existing development rights authorized by the City/County before the  
93 approval of the MDP, and associated with the area of land included in an MDP application, shall be  
94 recognized as vested development rights, if so requested by the manufacturer.

95 Section 5. *Application for Master Development Plan approval.*

96 (a) Development Eligibility Form (DEF). The manufacturer intending to file a MDP application shall  
97 first apply for and obtain, from the City/County, a development eligibility form (DEF) documenting  
98 the applicant's eligibility to participate in the manufacturing development program. The form  
99 shall certify eligibility, based upon: i) whether the site wherein the applicant is seeking to  
100 establish, expand, modify, or improve a manufacturing business, is located within the MDPEA;  
101 and, ii) whether the associated use of the property qualifies as a *manufacturing use* as defined  
102 herein.

103 The certification of eligibility to participate in the local government manufacturing development  
104 program form shall be recognized as certification of the applicant's eligibility to participate in the  
105 state-level coordinated manufacturing development approval process as established in Section  
106 163.3253, F.S.

107 (b) Preapplication conference. Upon obtaining a DEF affirming eligibility, the manufacturer intending  
108 to file a MDP application shall first schedule a preapplication conference with the City's/County's  
109 (Agency of Preference). At the preapplication conference, the manufacturer and staff will meet to  
110 discuss the manufacturer's development plans and the application process. Staff will outline the  
111 applicable procedural steps for the development project, identify the application content  
112 requirements, identify criteria for approval, identify issues anticipated to arise during application  
113 review, and in collaboration with the manufacturer, establish a scope of review.

114 (c) Application process sequence. The application process consists of the following sequence:  
115 preapplication conference; the filing of the application by the applicant; staff's review of the  
116 application to determine completeness; staff's provision of notice to the public of receipt of the  
117 application; review by staff, who will provide a recommendation to the City/County elected  
118 commission as to whether the application should be approved; and, final determination by the  
119 City/County elected commission, at a public hearing, as to whether to approve the application.

120 (d) The application – function and content. The application for MDP approval shall include a site plan  
121 with a greater degree of detail but only to the extent necessary to achieve compliance with the  
122 purpose and intent of this Ordinance. This also includes zoning, permitting, concurrency, platting,  
123 and all other local government approvals prior to the issuance of a building permit. The  
124 application, required review submittals, and the review process shall be for a single unified staff  
125 review to avoid unnecessary costs, duplication, redundancy, waste of resources and to ensure  
126 efficiency in the approval process. Staff review shall be scheduled for completion and submittal  
127 for consideration by the City/County at a public hearing within (90-120) days of the application  
128 being determined complete, except and unless extended by mutual agreement of the applicant  
129 and the City/County.

130 Applications for MDP approval shall include the following:

- 131 i) A completed City/County application form.
- 132 ii) A site map with site boundaries identified and a legal description of the land included within  
133 the application along with proof of applicant's ownership, and, as applicable, designation of  
134 an authorized agent.
- 135 iii) An itemized list of uses to be allowed in the MDP. Uses may be more limited than those  
136 allowed by applicable zoning, but not more expansive. In all instances, principal uses  
137 authorized pursuant to this section shall be limited to *manufacturing uses*, as defined  
138 herein.
- 139 iv) Authorized development intensity, in terms of total maximum square footage, floor area  
140 ratio, and height limits.
- 141 v) Development regulations and standards for the MDP, such as, minimum standards for buffers  
142 and perimeter landscaping, setbacks from perimeter boundaries, lighting, signage, and off-  
143 street parking.
- 144 vi) Identification of development impacts, if applicable to the proposed site, which the local  
145 government will require to be addressed, including but limited to:
- 146 (1) Drainage  
147 (2) Wastewater  
148 (3) Potable water  
149 (4) Solid waste  
150 (5) Onsite and offsite natural resources  
151 (6) Preservation of historic and archaeological resources  
152 (7) Offsite infrastructure  
153 (8) Public services  
154 (9) Compatibility with adjacent land uses  
155 (10) Vehicular and pedestrian access  
156 (11) Off-site transportation impacts

157 (e) Application – Exceptional requirements. When applicable, the application for MDP approval shall  
158 also be required to comply with the following requirements:

- 159 (1) Planned Unit Development zoning district standards  
160 (2) Final site plan requirements  
161 (3) City/County environmental permitting requirements

- 162 (4) Concurrency management system requirements  
163 (5) Platting and subdivision requirements  
164 (6) Other City/County approvals as may be necessary, prior to the issuance of a building  
165 permit.
- 166 (f) Criteria for approval. In deciding whether to approve, approve with conditions, or deny a MDP  
167 application, the City/County elected commission shall determine whether the following criteria  
168 have been met:
- 169 i) That the application demonstrates that the entirety of the proposed development site is  
170 located within the boundaries of the MDP eligibility area, shown on Map 1 in Appendix I;  
171 ii) That the land uses proposed in the application are limited to *manufacturing uses*, as defined  
172 herein, and consistent with section 163.3251(4), F.S., and any accessory uses clearly incidental  
173 to manufacturing uses;  
174 iii) That the application demonstrates consistency with the Comprehensive Plan.  
175 iv) That the application demonstrates compliance with the Land Development Code.  
176 v) That the application demonstrates compliance with this Section.
- 177 (g) Decision to approve the application. The City/County elected commission shall, within *(90-120)* days  
178 of the MDP application being determined complete, hold a public hearing, to determine whether  
179 to approve the application. The elected commission's decision shall consist of an approval, denial,  
180 or continuation to a date-certain to enable additional information to be provided, and shall be  
181 based upon the application demonstrating compliance with the criteria for approval, set forth in  
182 part (f), and testimony and material entered into the record at the public hearing. [*Note: the*  
183 *local government may establish a threshold under which smaller or less intensive projects are*  
184 *subject to administrative review and approval.*]
- 185 Section 6. *Effect of approval of an application; rights, permissions, and obligations derived from Master*  
186 *Development Plan approval.*
- 187 The approval of an MDP application by the City/County elected commission shall constitute a  
188 development order allowing the property owner to apply for and receive building permits for any  
189 portion or all of the development approved and authorized in the MDP without further review of  
190 development impacts addressed in the MDP, so long as the property owner submits, along with the  
191 building permit application, a certification, signed by a licensed architect, engineer, or landscape  
192 architect, attesting that the proposed development is in compliance with the MDP. The development  
193 order shall not exempt or exclude the property owner from compliance with those building permitting  
194 requirements necessary to ensure compliance with the state building code and any other applicable  
195 state-mandated life and safety code, nor shall it exempt the property owner from compliance with any  
196 State or Federal requirements as may be applicable.
- 197 Section 7. *Development of the site consistent with the Master Development Plan approval.*
- 198 The City/County shall ensure continuing compliance with a MDP through code enforcement and other  
199 activities as may be necessary, and may call, revoke, or cause the forfeiture of bonds or other securities  
200 provided by or on the behalf of the developer to ensure the satisfactory completion or implementation  
201 of the MDP and compliance with applicable regulations and standards.
- 202

203 Section 8. *Expiration of Master Development Plan approval.*

204 The MDP approval shall be in effect for a period of ten years from the date of issuance. [Section  
205 163.3252(2)(f), F.S., requires a minimum period of 10 years; the local government may select a longer  
206 period, or choose not to have approvals expire] After the ten-year period has ended, no new physical  
207 development shall occur on those lands subject to the MDP, except as may be authorized by a building  
208 permit issued prior to the end of that period, or by the extension of the effective date through the  
209 modification of the approved MDP, as established in Section 9, or by approval of a new development  
210 application. Any physical development activities otherwise conducted after the expiration of the MDP  
211 approval shall be in violation of this Code and subject to those penalties and remedies provided therein.

212 Section 9. *Modification of an approved Master Development Plan.*

213 (a) A manufacturer may request to modify an approved MDP by filing an application with the  
214 City's/County's (Agency of Preference). The designated official of the City's/County's (Agency of  
215 Preference) shall approve the revision if it is consistent with the comprehensive plan, complies  
216 with the land development code, and has no adverse impacts in regard to those items specified in  
217 Section 5(d)vi of this Ordinance other than those previously identified during the MDP application  
218 process or prior modification to the MDP.

219 (b) In those instances wherein a requested modification represents potential adverse impacts in  
220 regard to those items specified in Section 5(d)vi of this Ordinance not previously addressed, the  
221 modification shall be reviewed subject to those requirements pertaining to a new application for  
222 MDP approval.

223 (c) In no instance shall the City/County require a modification to MDP, except and unless such  
224 modification is required in response to enactment of a state law or local ordinance addressing an  
225 immediate and direct threat to the public safety. In such instances, the modification shall be  
226 limited to those aspects necessary to bring the MDP into compliance with the newly enacted state  
227 law or local ordinance. Such modifications shall be subject to approval by the designated official  
228 of the City's/County's (Agency of Preference).

229 (d) Review of a proposed modification to a MDP shall be limited to the proposed amendment and  
230 shall not subject any other aspect of the approved MDP to further review.

231 Section 10. *Repeal.*

232 Consistent with Section 163.3253, F.S., this Ordinance, as embodied herein in Sections 1 through 11,  
233 may not be repealed until it has been in effect for at least 24 months.

234 Should the City/County repeal this Ordinance, any application for a MDP submitted to the Local  
235 Government before the effective date of repeal shall be reviewed in accordance with those provisions of  
236 the manufacturing master development plan ordinance in effect when the application was submitted.  
237 The manufacturer that submitted the application is entitled to participate in the manufacturing  
238 development coordinated approval process established in section 163.3253, F.S.

239 Section 11. *Administration.*

240 This section [the *Manufacturing Development Program Ordinance*, as embodied herein in Sections 1  
241 through 11], shall be administered by City's/County's (Agency of Preference), and any successor  
242 department or agency, as delegated and authorized by the Chief Executive Officer of the City/County.  
243 The actions of that department in the administration of this section shall be construed to be the same as  
244 those of the City/County. Code enforcement and compliance activities related to the implementation of  
245 this section may be delegated to other departments by the Chief Executive Officer.

246           **SECTION 3: Copy to Department of Economic Opportunity.** The Clerk of the City/County is  
247 directed to forward a copy of this Ordinance to the Florida Department of Economic Opportunity,  
248 Division of Community Development, 107 East Madison Street, Tallahassee, Florida 32399-4128, within  
249 20 days after enactment.

250           **SECTION 4: Conflicts.** All ordinances or parts of ordinances in conflict herewith be and the  
251 same are hereby repealed.

252           **SECTION 5: Severability.** If any provision or portion of this ordinance is declared by any court of  
253 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and  
254 portions of this ordinance shall remain in full force and effect.

255           **SECTION 6: Effective Date.** This ordinance shall become effective \_\_\_\_\_.

256 **INTRODUCED** in the City/County Commission on the X<sup>th</sup> day of *Month*, A.D., 2014.

257 **PASSED** in the City/County Commission on the X<sup>th</sup> day of *Month*, A.D., 2014.

258

