

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Ordinance 98-50 - Land Development Code Amendments	TYPE AGENDA ITEM	Public Hearing
DATE REQUESTED	December 15, 1998	DATE SUBMITTED/REVISED	December 4, 1998
BRIEFINGS?/WHO?	None	CONSEQUENCES IF DEFERRED	Delay in Amendment
DEPARTMENT/DIVISION	Planning Administration	AUTHORIZED BY TITLE	Carol B. Clarke, Director <i>abc</i>
CONTACT PERSON TELEPHONE/EXTENSION	Carol B. Clarke 6825	PRESENTER/TITLE TELEPHONE/EXTENSION	Carol B. Clarke, Director 6825

ADMINISTRATIVE APPROVAL

[Handwritten Signature]

ACTION DESIRED

INDICATE WHETHER "REPORT or "DISCUSSION, "FORM OF MOTION, or "OTHER ACTION REQUIRED"

Based upon the staff report, evidence presented, any written and oral comments received before or at the Public Hearing, the action of the Planning Commission, and finding the request to be **CONSISTENT** with the Manatee County Comprehensive Plan, and **CONSISTENT** with the general purpose and standards of Section 503 of the Manatee County Land Development Code, I move to **ADOPT** Manatee County Ordinance No. 98-50, amending the Manatee County Land Development Code (Ordinance 90-01, as amended).

ENABLING/REGULATING AUTHORITY

Federal/State laws), administrative rulings(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

Land Development Code; Florida Statutes

BACKGROUND/DISCUSSION

SEE PAGE TWO

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" at right.

If "NO," proceed to 1A/1B below. If "YES," proceed to 2A/2B below

Yes

1) IF "NO" TO ABOVE:

A) PLEASE EXPLAIN BELOW (see also following section 1B re: contract, agreement, lease, etc.)

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED **APPROVED IN OPEN SESSION**
@ RIGHT

2) IF "YES" TO FIRST QUESTION IN THIS SECTION:

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION? **BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

Entire matter has been reviewed

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED. IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (If comments were verbal, so indicate.)

Verbal comments, and all have been addressed

DEC 15 1998

ATTACHMENTS (List in order as attached) Exhibit A (Draft Language)	INSTRUCTIONS TO BOARD RECORDS
COST N/A	SOURCE (ACCT# & NAME) N/A
COMMENTS	AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT) N/A

BACKGROUND/DISCUSSION

- At its October 27, 1998 meeting, the Board considered PDR-98-12(Z) - Arrasmith/Fifty-Eight, Inc.
- The proposed PDR was designed to address a conflict between Land Development Code minimum lot size requirements and the actual parcelization which had occurred.
- The Board directed staff to develop a Code amendment for consideration which would not require a Planned Development.
- As shown in Exhibit A, staff is recommending that lots in the "A" zoning district created prior to November 16, 1998 contain a minimum of one upland acre (of the total 5 acre lot), provided the parcels are consistent with the Comprehensive Plan.
- This amendment would eliminate the need for the Arrasmith PDR.
- The Planning Commission held a public hearing on this amendment November 12, 1998 and unanimously (6-0) recommended approval.
- The Board held the first public hearing on this amendment November 24, 1998. The language of the amendment has been modified to change the date of applicability and to add additional cross references.
- Staff also recommends future action to address this issue:
 - * Amending Comprehensive Plan definition of "density" for lot splits, and
 - * Amending Land Development Code provisions regarding subdivisions to reduce the number of lot splits without review.

Both of these approaches have been previously discussed by the Board.

EXHIBIT "A"

Ordinance 98-50
LDC Text Amendments
BOARD OF COUNTY COMMISSIONERS DRAFT
Public Hearing - 12/15/98

Chapter 6

Add to Section 602.1 2.1:

(See Figure 6-2 and Section 702.4.3 for minimum lot size requirements.)

Amend Figure 6-2 as follows:

Add a *** to the minimum lot size figure in the A District.

Add a note to the first page of the chart as follows:

*** The minimum lot size cannot include wetlands, unless the standards of Section 702.4.3 are met.

Chapter 7

Amend Section 702.4.3 as follows:

702.4.3 Waterfront Lots and Inclusion of Wetlands. No land below a shoreline or part of a wetland shall be considered part of a lot for the purposes of determining compliance with the required minimum lot area or size under this Code, nor shall such land be part of any required yard; except that twenty (20) percent of the required minimum lot area or size in the General Agriculture (A) Land Use District, that is outside of the Coastal High Hazard (CH) Overlay District, may include wetlands. For lots in the General Agriculture (A) District, created before November 16, 1998, a minimum of one (1) acre of the required lot area shall be upland, if consistent with the Comprehensive Plan. Any wetland impacts on these lots shall be consistent with Section 719.