

MEMORANDUM



To: Nicole Knapp, Planning Section Manager
From: Bobbi Roy, Planning Coordinator
Date: **December 6, 2017**
Subject: Agenda Update for the December 7, 2017 Board of County Commissioners Land Use Meeting

THIS MEMO AND THE CHANGES INDICATED BELOW ARE REFLECTED IN THE ELECTRONIC AGENDA (E-AGENDA)

ADD-ON Item

Consent – Florida Building Code (6th Edition) Resolution R-17-153 – Agenda Memo and Resolution attached

4. 9:00 AM Time Certain Interlocal Agreement with City of Anna Maria (City Pier renovation) – Revised agreement attached.

10. Impact Fee Administrative Procedures Manual – Revised Resolution R-17-107 and Procedures Manual attached and a revised Motion to read in its entirety: Based upon the staff recommendation to adopt the Impact Fee Administrative Procedures Manual (dated December 5, 2017), the Management Action Plan from the Impact Fee Audit by the Clerk of the Circuit Court, the 2015 County Impact Fee Study, the Planning Commission finding that Resolution No. R-17-107 is consistent with the Comprehensive Plan and in accordance with the Land Development Code, and after consideration of public comments, the Board of County Commissioners adopts Resolution No. R-17-107.

11. LDC Chapter 11 (Impact Fees) and Chapter 2 (Definitions) – A public comment letter attached and a revised motion to read in its entirety: Based on recommended changes by staff to Land Development Code Chapter 11 (Impact Fees dated November 3, 2017) and Chapter 2 (Definitions related to impact fees dated September 18, 2017), the Management Action Plan from the Impact Fee of the public comments, the Board of County Commissioners adopts Ordinance No. 17-24.

12. PDR-15-30(Z)(P) – Myarra Property Joint Venture, LLC/Myara Subdivision (fka ESME I, LLC/Myara Subdivision), 20150439, MEPS519, Quasi-Judicial, Rossina Leider, Principal Planner – Revised Stipulations C.1 and C.2 to be stricken in their entirety to be replaced with language below and revisions to Ordinance. The revised Ordinance is attached. Letter from the applicant requesting additional presentation time attached.

C. Stormwater Conditions

1. This project shall be required to reduce the calculated pre-development flow rate by twenty-five percent (25%) for all stormwater outfall flow directly or indirectly into Braden River Watershed. Modeling shall be used to determine pre- and post-development flows.

2. All fill within the 25- and 100-Year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table or drainage modeling shall utilize the adopted Braden River Watershed Study to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property based upon a “no-rise” flood stage condition.

Building and Development Services
Public Hearings
1112 Manatee Avenue West
Phone number: (941) 748-4501 ext. 6878

REVISED December 7, 2017 Land Use Meeting
Agenda Item #15

Subject

Florida Building Code 6th Edition (2017)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Carroll (CJ) Dupre, Building Official ext. 3072

Lacy Pritchard, Fiscal Analyst ext. 3827

Action Requested

Adoption of Resolution R-17-153

Enabling/Regulating Authority

The Florida Building Commission adopted the Florida Building Code 6th Edition (2017) and will go in to effect on December 31, 2017.

Background Discussion

The Florida Building Commission adopts the Florida Building Code for the State of Florida pursuant to Florida Statute 553. The Florida Building Commission has adopted Florida Building Code 6th Edition (2017) to go into effect on December 31, 2017. By adoption of the Florida Building Code 6th Edition (2017) allows the county to participate in the National Flood Insurance Program and Community Rating System which provides discounts to our flood insurance policy holders.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Forward copy of signed Resolution to Carroll Dupre, Building Official
carroll.dupre@mymanatee.org

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: R-17-153 BLDG CODE Revised 12-6-2017.pdf

R-17-153

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RELATING TO BUILDING CODE; ADOPTING FLORIDA BUILDING CODE 6TH EDITION (2017); PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, participates in the National Flood Insurance Program for the unincorporated areas of the County; and

WHEREAS, Manatee County, Florida, is ranked as a Class 5 community in the Community Rating System which provides discounts to flood insurance policy holders; and

WHEREAS, Manatee County, Florida, may increase the discounts to flood insurance policy holders by petitioning to become a Class 4 community; and

WHEREAS, the Community Rating System provides credits that may be applied to potential additional flood insurance discounts for communities which coordinate local building codes with floodplain management; and

WHEREAS, the Florida Building Commission adopted the Florida Building Code, 6th Edition (2017) as the building code for the State of Florida; and

WHEREAS, by adopting the Florida Building Code, Manatee County, Florida may receive credits for potential additional flood insurance discounts; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida has determined that it is in the best interest of the residents and the flood insurance policy holders of unincorporated Manatee County to adopt said Florida Building Code.

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

Section 1. The Florida Building Code, 6th Edition (2017), as adopted by the Florida Building Commission, is hereby adopted. A copy of the Florida Building Code is on file in the office of the Clerk of the Circuit Court of Manatee County, Florida.

Section 2. This resolution shall not be codified in the Manatee County Code of Resolutions.

Section 3. Upon the effective date of this resolution, all resolutions and parts of resolutions in conflict with the provisions of this resolution, including, but not limited to,

Resolution No. R-15-105 shall be repealed, rescinded, superseded and replaced by this resolution to the extent of such conflict.

Section 4. In the event any provisions, portion or section of this resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall, in no manner affect the remaining provisions, portions or sections of this resolution, which shall remain in full force and effect.

Section 5. This resolution shall take effect December 31, 2017.

DULY ADOPTED with a quorum present and voting this 7th day of December, 2017.

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

By: _____
Betsy Benac, Chairman

**ATTEST: Angelina M. Colonnese
Clerk of the Circuit Court**

By: _____
Deputy Clerk

INTERLOCAL AGREEMENT

regarding

ANNA MARIA PIER PROJECT

MANATEE COUNTY, FLORIDA
CITY OF ANNA MARIA, FLORIDA

This Interlocal Agreement (“Interlocal Agreement” or “Agreement”) is made and entered into as of the 7th day of December, 2017, by and between **Manatee County**, a political subdivision of the State of Florida, hereinafter referred to as the “County”, and the **City of Anna Maria**, a municipal corporation created and existing under the laws of the State of Florida, hereinafter referred to as the “City”.

RECITALS

WHEREAS, pursuant to and in accordance with Section 125.0104, *Florida Statutes* (the “Act”) and Article II of Chapter 2-29 of the Manatee County Code of Ordinances (the “Code”) the County levies and collects a five percent (5%) tourist development tax, a portion of the proceeds of which are legally authorized to be used to pay the cost of remodeling, repair and improvement of publicly-owned fishing piers within the meaning of the Act; and

WHEREAS, the City owns and operates a publicly-owned fishing pier known as the Anna Maria City Pier, and intends to remodel, repair and improve the pier within the meaning of the Act, as described in Exhibit “A” attached hereto (the “Project”); and

WHEREAS, Section 163.01, *Florida Statutes*, the “Florida Interlocal Cooperation Act”, permits the County and City to enter into this Interlocal Agreement to exercise the powers, privileges and authority which they share in common and which each might exercise separately, in order to make the most efficient use of their powers; and

WHEREAS, the County and the City wish to enter into this Interlocal Agreement to establish their mutual rights and obligations with respect to joint participation in the funding of the Project.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the County and the City agree as follows:

Article I
AUTHORITY

This Interlocal Agreement is entered into pursuant to the powers and authority granted to the parties hereto under the Constitution and laws of the State of Florida, including expressly (but not limited to) Sections 1 and 2 of Article VIII of the Constitution of the State of Florida, Chapters 125 and 166 of Florida Statutes and Section 163.01 of Florida Statutes.

Article II
COUNTY CONTRIBUTION TOWARD PROJECT FUNDING

2.1 City Completion of Project. The City shall complete the Project, either with its own forces or through contracted service providers, substantially in accordance with the description of the Project set forth in Exhibit “A”.

2.2 County Matching Fund Contribution Toward Project Funding. The County shall reimburse the City for actual costs incurred in the design, permitting and construction of the Project, except for such costs that are reimbursed to the City by the Federal Emergency Management Agency (“FEMA”) (such eligible costs to be referred to herein as “Project Costs”), incurred on or after October 1, 2017, in an amount not to exceed one million five hundred thousand dollars (\$1,500,000.00), subject to:

- (i) On or before March 31, 2018, the City providing the County with (a) satisfactory evidence that the City has obtained the necessary permits for the Project, and (b) an engineer’s estimate for the Project, based on ninety (90%) design, stating an aggregate Project cost that does not exceed three million two hundred thousand dollars (\$3,200,000.00), to be reduced by any reimbursement to be received by the City from FEMA; and
- (ii) Throughout the course of the Project, the City paying at least fifty percent (50%) of such Project Costs up to a total reimbursement of one million five hundred thousand dollars (\$1,500,000.00), incurred on or after October 1, 2017, as a dollar-for-dollar match of City and County funding of the Project.

The City shall also be responsible for paying one hundred percent of such Project Costs in excess of aggregate City and County funded Project Costs of three million two hundred thousand dollars (\$3,200,000), as may be necessary to complete construction of the Project.

2.3 Invoice and Payment. The County shall reimburse the City for fifty percent (50%) of the Project Costs up to a total of one million five hundred thousand dollars (\$1,500,000.00) described in Section 2.2 within ninety (90) days of receipt of an application for payment that meets the requirements of this Section. The City’s applications for payment shall be submitted as written

requests to the Bradenton Area Convention & Visitors Bureau and shall: (i) identify all Project Costs funded by the City for which a fifty percent (50%) matching fund reimbursement is requested; and (ii) include detailed invoices (indicated as paid with reference to date of payment and check number), copy of cancelled check (front & back) and a completed W-9 and any other documentation acceptable to the County reasonably necessary to identify the Project Costs incurred and funded by the City. The City shall apportion reimbursable costs on a monthly basis, and shall submit applications for payment no more frequently than once every three (3) months. The City shall not submit application for payment of, and shall not be entitled to receive, reimbursement of any Project Costs unless and until the conditions set forth in Section 2.2 have been satisfied.

2.4 Use of County Payments. The City shall use the funds paid by the County to the City hereunder solely for the purpose of paying Project Costs.

Article III
TERM AND TERMINATION.

3.1 Effective Date. This Interlocal Agreement shall take effect as of its date set forth above.

3.2 Termination. Unless terminated for cause in accordance with applicable law, this Interlocal Agreement shall terminate on January 1, 2020.

Article IV
AMENDMENTS; ENFORCEMENT

4.1 Amendments Generally. This Interlocal Agreement may be amended, and its material provisions may be waived, only by written instrument expressly approved for the County by the Board of County Commissioners and for the City by the City Council, and only if properly executed by all the parties hereto.

4.2. Enforcement. The parties to this Interlocal Agreement shall have all legal and equitable remedies provided by Florida law for enforcement hereof.

Article V
MISCELLANEOUS PROVISIONS

5.1 Validity. After consultation with their respective legal counsel, the County and the City each represents and warrants to the other its respective authority and power under Florida law to enter into this Interlocal Agreement, acknowledges the validity and enforceability of this Interlocal Agreement, and waives any future right of defense based on claim of illegality, invalidity or unenforceability of any nature. The City and the County each hereby represents, warrants and covenants to and with the other (i) that this Interlocal Agreement has been validly approved by its

respective governing body at a duly held public meeting, and (ii) that this Interlocal Agreement constitutes a legal, valid and binding contract enforceable against the respective party in accordance with the terms hereof (assuming the due authorization, execution and delivery hereof by the other party hereto).

5.2 No General Obligation. Notwithstanding any other provisions of this Interlocal Agreement, the obligations undertaken by the parties hereto shall not be construed to be or constitute general obligations, debts or liabilities of the City, the County or the State of Florida or any political subdivision thereof within the meaning of the Constitution and laws of the State of Florida, but shall be payable solely in the manner and to the extent provided in or contemplated by the respective authorizing instruments and this Interlocal Agreement.

5.3 Indemnification. To the extent permitted by law, and from legally available funds, each of the parties hereto (in such context, an “indemnifying party”) shall defend, indemnify and save harmless the other, its officers, agents, employees and assigns, from and against any and all liabilities, claims, damages, losses and expenses, including costs and attorneys fees, arising out of or resulting from the negligent or wrongful acts or omissions of such indemnifying party, its officers, agents or employees, made in connection with the performance of the acts, duties, covenants and obligations contemplated in, or imposed pursuant to, this Interlocal Agreement.

5.4 Force Majeure. No party shall be liable for any failure to perform, or delay in the performance of, any obligation under this Interlocal Agreement if such failure is caused directly by hurricane, tornado, fire, earthquake, civil commotion or failure or disruption of utility services, or other like cause beyond the reasonable control of the party obliged to perform.

5.5 Ambiguities. Both parties have been allowed equal input regarding the terms and wording of this Interlocal Agreement and have had the benefit of consultation with legal counsel prior to its execution, such that all language herein shall be construed equally against the parties, and no language shall be construed strictly against its drafter.

5.6 Headings; Pronouns. The headings or captions of sections or paragraphs used in this Interlocal Agreement are for convenience of reference only and are not intended to define or limit their contents, nor are they to affect the construction of or to be taken into consideration in interpreting this Interlocal Agreement. All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine and neuter, singular or plural, as the identities of the party or parties, personal representatives, subcontractors, successors or assigns may require.

5.7 Severability. The provisions of this Interlocal Agreement are declared by the parties to be severable.

5.8 Governing Law; Venue. This Interlocal Agreement shall be governed by and construed in accordance with laws of the State of Florida, and venue for any action arising out of or

related to this Interlocal Agreement shall be in the Circuit Court for the Twelfth Judicial Circuit in Manatee County, Florida.

5.9 Full Agreement; Filing with Clerk of Circuit Court. This Interlocal Agreement contains the entire agreement of the parties with respect to the matters addressed herein. Previous agreements and understandings of the parties, including without limitation the Agreement in Principle, with respect to such matters are null and void and of no effect. As required by Subsection 163.01(11) of Florida Statutes, this Interlocal Agreement and all amendments thereto shall be filed with the Clerk to the Circuit Court for Manatee County.

5.10 Notices. All notices, elections, requests and other communications hereunder shall be in writing and shall be deemed given in the following circumstances: when personally delivered; or three (3) business days after being deposited in the United States Mail, postage prepaid, certified or registered; or the next business day after being deposited with a recognized overnight mail or courier delivery service; or when transmitted by facsimile or telecopy transmission, with receipt acknowledged upon transmission; and addressed as follows (or to such other person or at such other address, of which any party hereto shall give written notice as provided herein):

If to County: Manatee County Administrator
Manatee County Administration Center
1112 Manatee Avenue, Suite 920
Bradenton, Florida 34205
Facsimile: (941)745-3790

With copies to: Manatee County Clerk of the Circuit Court
Angelina Colonnese
1115 Manatee Avenue West
Bradenton, Florida 34205
Facsimile: (941)741-4082

And

Manatee County Attorney's Office
1112 Manatee Avenue West, Suite 969
Bradenton, Florida 34205
Attention: County Attorney
Facsimile: (941)749-3089

If to City: City of Anna Maria
10005 Gulf Drive, P.O. Box 779
Anna Maria, FL 34216
Attention: Mayor

Facsimile: (941) 708-6134

In all cases, notices shall be deemed delivered to a party only upon delivery of copies to the persons indicated above in the same manner as for the party being notified.

[signature page to follow]

WHEREFORE, the County and the City have executed this Interlocal Agreement as of the date and year first above written.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
County Administrator

**CITY OF ANNA MARIA,
FLORIDA**

By: _____
Mayor/Pro Tem

ATTEST: _____, City Clerk

EXHIBIT “A”
to
Interlocal Agreement
Description of Project

ANNA MARIA CITY PIER PROJECT

Permitting

Due to Hurricane Irma damage, some permitting requirements have either been escalated or eliminated. The permitting process is already underway with an anticipated completion date of late 1st Qtr. 2018. Agencies involved include the Army Corps of Engineers, the Department of Natural Resources, FEMA, State of Florida and Manatee County.

Design and Engineering

Partially concurrent with the permitting process, the design and engineering process is focused upon replicating the look and feel of the City Pier, but with state-of-the-art components to ensure the 75-100 year service life. The primary structural components, such as the composition of the pilings and the pier deck planking have not been finalized and require commission approval prior to construction. Overall, the focus of this plan is to build an environmental and eco-friendly showcase, employing green technology and components in every step of the process, but with the look and feel of a 100 year old pier. Assuming no delays in the permitting process, the design and engineering process is anticipated to be complete by the end of the 2nd quarter of 2018.

Construction

Once the above steps are completed, construction will commence, using local qualified contractors whenever possible. The construction effort will be supervised and inspected by city resources throughout the process. Construction is anticipated to conclude no later than the end of the 4th Quarter, 2019, barring any unforeseen delays in the foregoing steps.

Total Projected Cost - \$3,200,000

The maximum anticipated costs to rebuild the pier to the specifications listed above with an anticipated service life of 75 – 100 years is \$3,200,000 (*not including the cost of the restaurant, which will be a separate renovation that would be managed by the City of Anna Maria; the County will not be participating in that part of the renovation process*). Efficiencies and material savings may be found during each step and process resulting in budgeted under-runs.

RESOLUTION NO. R-17-107

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; ADOPTING A MANATEE COUNTY IMPACT FEE ADMINISTRATIVE PROCEDURES MANUAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Part II, Chapter 163, Florida Statutes, has adopted the Manatee County Comprehensive Plan, pursuant to Ordinance 89-01 (as amended, the “Comprehensive Plan”) to guide growth and development in Manatee County; and

WHEREAS, the County has implemented the Manatee County Comprehensive Plan through the adoption of land development regulations, pursuant to Ordinance 90-01, codified as the Manatee County Land Development Code (as amended, the “Code”); and

WHEREAS, pursuant to Ordinance No. 04-19, codified as Chapter 11 of the Land Development Code (the “Impact Fee Ordinance”), and in accordance with Section 163.31801, Florida Statutes, the County has established a system of impact fees to fund capital facilities needed in order to accommodate new development, based upon an impact fee study and other testimony and evidence entered into the record at the public hearings held for the adoption of the Impact Fee Ordinance; and

WHEREAS, the Code authorizes the adoption of regulations and manuals to establish the technical standards for development in accordance with the Code; and

WHEREAS, the Manatee County Planning Commission held a duly noticed and advertised public hearing on October 12, 2017, received public comments and the staff recommendation, reviewed the Impact Fee Administrative Procedures Manual set forth in this resolution, found the Manual to be consistent with the Manatee County Comprehensive Plan, and recommended the adoption of this Resolution to the Board; and,

WHEREAS, in order to fully implement the requirements of the Comprehensive Plan and Code, it is in the interest of the public health, safety and welfare to adopt a Manatee County Impact Fee Administrative Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. ADOPTION OF MANATEE COUNTY IMPACT FEE ADMINISTRATIVE PROCEDURES MANUAL. The Board of County Commissioners hereby adopts the Manatee County Impact Fee Administrative Procedures Manual, dated December 5, 2017.

SECTION 2. APPLICABILITY. The standards and procedures set forth in the Impact Fee Administrative Procedures Manual shall be applied in accordance with the requirements of the Code and Comprehensive Plan, to all applications, decisions or development approvals pending before the County upon the effective date hereof or filed or initiated thereafter. In the event of any conflict between a provision of the Impact Fee Administrative Procedures Manual and a provision of the Code or Comprehensive Plan, the provision of the Code or Comprehensive Plan shall supersede the conflicting provision of the Manual.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Resolution or any exhibit incorporated herein 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 Resolution or any exhibit incorporated herein.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

ADOPTED THIS 7th DAY OF DECEMBER, 2017.

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

By: _____
Chairperson

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court**

By: _____
Deputy Clerk

EXHIBIT A-1
MANATEE COUNTY IMPACT FEE ADMINISTRATIVE PROCEDURES MANUAL

Impact Fee Administrative Procedures Manual

Multimodal Transportation, Parks & Natural
Resource, Law Enforcement, Public Safety, and
Library Capital Facilities

December 5, 2017



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Introduction

This Administrative Procedures Manual contains supplemental details and forms used in the administration of Manatee County's Land Development Code (LDC) as it relates to multimodal transportation, parks/natural resource, law enforcement, libraries, and public safety impact fees, which are referred to collectively as "County capital facilities." Each type of infrastructure funded by impact fee is defined in Chapter 2 of the LDC.

The Manual is organized roughly according to the section headings in Chapter 11 of the LDC, but does not repeat the text contained in the LDC. It is important, therefore, that property owners, fee payers, and staff reference the current versions of Chapter 11 of the LDC, as well as the most current version this manual.

In LDC Chapter 2, terms unique to impact fee administration are listed in a subsection under the heading "Impact Fees." However, several general definitions listed alphabetically throughout Chapter 2 are also relevant to a complete understanding of how impact fees are administered.

The designated "County Impact Fee Administrator" is primarily responsible for implementation of impact fees; and specific responsibilities include:

- 1) Management of the impact fee program,
- 2) Calculation of impact fees for new development, based on the adopted fee schedule or by an independent impact analysis,
- 3) Determination of credits for system improvements, as specified in a local development agreement, and
- 4) Coordination of impact fee expenditures for system improvements.

Legislative Findings, Reliance on Impact Fee Study and Intent

The Board of County Commissioners approved this manual by Resolution No. 17-107. The most recent impact fee study is dated December 3, 2015. In Manatee County, impact fees are codified in Chapter 11 of the LDC, with definitions of impact fee terms in Chapter 2 of the LDC.

It is the intent of Manatee County to have administrative decisions governed by specific criteria and impact fee methods documented in the Impact Fee Study and the legislative findings and intent articulated by the Board of County Commissioners in the LDC. The Commissioner's findings and the legislative intent guide implementation and administration of impact fees.

Impact Fee Determination

Section 1102 of the LDC describes the manner in which impact fees are imposed and calculated, the land uses exempt from the impact fee obligation, the means by which an independent impact analysis may be performed to verify the impact of a proposed use on County capital facilities, and the award and use of credits against impact fees. This section of the manual clarifies the manner in which those sections of the LDC are to be implemented to maintain consistency with Florida law and generally-accepted impact fee practices in the state.

Impact Fee Obligation

Unless expressly exempt by LDC subsection 1102.2, all new development that creates additional impacts on County capital facilities will be subject to the impact fee obligations of section 1102.1. This requirement may include new developments, additions to existing developments, changes

of use, and may involve both indoor and outdoor land uses. The amount of impact fees owed is determined when a building permit application is submitted or as otherwise provided in section 1102.1(C) of the LDC.

Residential Dwelling

Impact fee obligations for *residential-only* land uses are made by the Building and Development Services Department, based on the current impact fee schedule and information from the permit application. Per unit residential impact fees are imposed according to the size thresholds established in the fee schedule. Unit size is based on square feet of climate-controlled floor area (excluding garages, porches, and patios), which is consistent with the methodology and data in the impact fee study.

For a residential building containing two or more dwelling units, the size threshold for purposes of calculating the impact fee obligation is determined by dividing the total climate-controlled square feet by the total number of dwellings in the building.

Nonresidential and Mixed Use Developments

Impact fees for mixed use and nonresidential developments are determined by the County Impact Fee Administrator, based on the LDC and the provisions of this manual. Mixed use and some nonresidential uses are more complex, so additional guidelines are provided in the subsection below titled “Impact Fee Calculations.” Also, definitions for nonresidential development categories are provided in Chapter 2 of the LDC.

Unlisted Uses

For uses not specifically listed on the fees schedule, the County Impact Fee Administrator may determine the fee category into which the proposed land use most accurately fits, based on the assumptions and methodology in the impact fee study and other relevant and professionally-accepted indicators of demand. However, if the County Impact Fee Administrator determines that a proposed use does not fit any listed category in the schedule, the County Impact Fee Administrator may conduct an independent impact analysis to determine the appropriate fee.

In these instances, the County Impact Fee Administrator will maintain a list of determinations made as to proposed *unlisted* land uses; first, to ensure the LDC is applied consistently the next time a unique use is proposed; and second, to inform stakeholders during subsequent impact fee studies, LDC revisions, and updates to the Procedures Manual.

Changes of Use

In the case of a change in the use or redevelopment of an existing building, the impact fee will be assessed based on the net increase in the impact fee for the new use compared to the previous use, for each individual type of infrastructure. The County Impact Fee Administrator will determine whether the new use amounts to a change in use, or might be an accessory or ancillary use that would not require additional impact fees. For example, if an office were converted to retail space, then the new retail space would generate additional demand for law enforcement and transportation facilities (based on Vehicles Miles of Travel per development unit) but not public safety and the administrative surcharge (based on job density). Note that no refund of impact fees previously paid is appropriate for changes of use from a higher to a lower intensity, since capital facilities have already been provided based on prior impacts.

Building Additions and Expansions of Existing Uses

When an existing structure or land use is expanded, an additional impact fee may be required in instances where the expansion increases the number of “development units” present on site. Development units include dwelling units, lodging rooms, and one thousand square foot increments of nonresidential floor area.

For each category of County capital facilities for which impact fees are assessed (*e.g.*, for park/natural resources or public safety facilities), fees assessed will be based on the net increase in fees owed under the current impact fee schedule as applied to the existing building or use compared to impact fees owed for the proposed new building or use. The applicant is notified of any net additional impact fees to be assessed due to a building addition or expansion of an existing use.

Exemptions

LDC Section 1102.2 exempts certain land uses from the collection of impacts fees. These exemptions include land uses that do not create a permanent and significant impact on County capital facilities (*e.g.*, replacement of a destroyed building), as well as exemptions required by state law or allowed as a matter of policy of the Board of County Commissioners (*e.g.*, public schools and port authority developments).

Previously existing structures

Under subsections 1102.2(A) and (B) of the LDC, impact fees are not to be collected for expansion of residential structures that do not increase the number of dwelling units or for replacement of nonresidential structures.

Governmental uses

LDC subsections 1102.2 (D)-(F) exempt certain governmental uses from the payment of impact fees. It should be noted that charter schools, like all public schools, are exempt from the payment of impact fees by state statute.

Accessory and Ancillary Uses

Some proposed developments may include “accessory” or “ancillary” uses or structures that are associated with, but incidental and subordinate to, the primary land use. These uses do not generate impacts on capital facilities separate from the primary use. For example, an apartment complex may have a clubhouse or fitness center for use of the tenants. These private amenities are ancillary uses and will not be assessed an impact fee because the impact fee methodology attributes service units (*i.e.* residents and vehicle miles of travel) to the residential dwellings. Chapter 2 of the LDC defines what constitutes both accessory and ancillary structures.

Impact Fee Calculations

Fee Schedule

Current impact fees were adopted in 2015 and became effective in April 2016. The LDC contains a phased in schedule, starting at 80% of the maximum fee, then 90% in April 2017, and scheduled to be 100% on April 18, 2018. The County Impact Fee Administrator determines the appropriate land use category, based on the nature of the use, the intent of the LDC, and the methodology and assumptions in the impact fee study.

Implementation of impact fees and any necessary administrative interpretations are based on the impact a proposed use has on County capital facilities – whether measured by additional vehicle miles of travel, employees, residents, or other service units upon which the impact fee study was based.

As is addressed in the section titled “Miscellaneous” below, there are occasions when the County Impact Fee Administrator will have to assess fees on a development that does not match a type of development listed in the fee schedule. The objective is to narrow the number of situations that require interpretation or, in instances where an interpretation is unavoidable, to provide specific direction to staff and the development community and to achieve *consistent* application of the LDC, based on the impact fee study and documentable indicators of County capital facility demand.

The following types of structures and land uses are frequently proposed in Manatee County. Therefore, the manner in which the County applies LDC Chapter 11 to them is set forth below.

Shell Permits

Often a builder constructs the “shell” of a nonresidential building, for which a particular use is unknown at the time of building permit, but which will be confirmed when they later apply for one or more permits to finish or remodel the building’s interior. Since shell permits involve nonresidential or mixed use projects, the fee will be determined by the County Impact Fee Administrator. The most common shell permits are for “Commercial / Shopping Center” and “Light Industrial”. Please see Chapter 2 of the LDC for definitions of these development types.

In these cases, impact fees will be assessed at the time a building permit is obtained for the shell building, and the fee amount will be based on the applicant’s intended use of the entire shell structure, with consideration of zoning, land use plan designation, and surrounding uses. Subsequent permits for interior finish do not require additional impact fees if there is no change in use.

If a building is converted from a single owner to multiple owners of individual units (i.e. a condominium), then impact fees will be assessed based on the characteristics of each individual residential or nonresidential unit.

Mixed Use

In urban areas or suburban activity centers, if buildings include a vertical mix of uses, impact fees will be assessed for each type of development and the results aggregated. An independent impact analysis may be performed for a proposed mixed use development to determine the overall impacts on County capital facilities and the appropriate impact fee. If a mixed use determination is complex and amounts to an administrative interpretation, the County Impact Fee Administrator’s determination and rationale should be maintained on a list of staff interpretations as discussed in the “Miscellaneous Provisions” section of this Manual (see below).

For suburban development, the unit of analysis is the entire building. Consistent with methods described by the Institute of Transportation Engineers (ITE), a particular structure may include minor secondary uses associated with the primary land use. For example, in addition to the production of goods, a manufacturing building may include some office and warehouse space. The impact fee will be assessed based on the total floor area of the entire building, using the rate for the primary land use.

Open-air Commercial Space under a Permanent Roof

For commercial development with fuel pumps, impact fees will be assessed based on the total square feet of any climate-controlled building, plus the outdoor area covered by a permanent roof structure above the fuel pumps. For restaurants with outdoor seating, additional impact fees will not be imposed for the open-air commercial space under a permanent roof, unless it exceeds 25% of the floor area of the climate-controlled building.

Places of Worship and Religious Education

Daycare and private school facilities operated on weekdays by churches or similar religious organizations will be assessed impact fees using the Daycare/School rate applied to the total floor area of the building(s). For places of worship and religious education that do not operate weekday daycare or school facilities, impact fees will be assessed using the Office & Other Services rate applied to the floor area of the office space, which is the primary use on an average weekday. Floor area primarily used in the evenings and weekends for worship and religious education is not Impact-Generating Land Development according to the Impact Fee Study.

Recreational Vehicles (RVs)

RV sites will be assessed impact fees at the Lodging rate set out in the fee schedule, with each pad considered to be equivalent to a room for purposes of calculating impact fees.

Temporary Uses/Buildings

Temporary structures (e.g. construction trailers) are exempt from impact fees. Temporary uses are defined in Chapter 2 of the LDC.

Independent Impact Analysis

Under section 1102(D) of the LDC, an applicant may submit an “independent impact analysis” in order to demonstrate that a different level of impact from a particular development should be the basis for the impact fee obligation, not the fee schedule in the LDC. In addition, the County Impact Fee Administrator may perform an independent impact analysis using County staff and current local data in order to verify the appropriate impact fee obligation for a proposed development, including uses not listed in the fee schedule, mixed uses, changes in use, and the extent to which a particular use or structure is accessory or ancillary to a primary use. The following procedures apply to independent impact analyses.

Pre-Application Meeting

Before beginning the independent impact analysis, the Feepayer and the qualified preparer (discussed below) will attend a pre-application meeting with the County Impact Fee Administrator. The purpose of the meeting will be to discuss the procedures, requirements, methodology, and standards to be used in the independent impact analysis.

Qualifications of Preparer

An independent impact analysis will be prepared and certified by an expert approved by the County Impact Fee Administrator, based on relevant training and experience (e.g. a registered professional engineer or member of the American Institute of Certified Planners). The preparer should be qualified in the fields of planning, engineering, or economics, or an impact fee consultant.

Optional Independent Impact Analysis

In lieu of determining impact fees based on the current schedule, a Feepayer may submit an application requesting that impact fees be determined by an independent impact analysis. The burden will be on the Feepayer requesting the independent impact analysis to demonstrate by competent substantial evidence that the data, assumptions, and service units used in the impact fee study are less accurate than the results of the independent impact analysis.

Mandatory Independent Impact Analysis

The County Impact Fee Administrator may require a Feepayer to perform an independent impact analysis if the type of Impact-Generating Land Development is not comparable to a category listed in the impact fee schedule. If the Feepayer is required to perform an independent impact analysis, the Feepayer will retain a qualified professional at the Feepayer's expense. However, the expense of preparing the independent impact analysis will be an impact fee credit applied to reduce the Administrative Surcharge.

Requirements for Independent Impact Analysis

An independent impact analysis will use most recent and localized data. It will be based on the same methodologies, infrastructure standards, and costs used in the impact fee study. In the case of multimodal transportation impact fees, the independent impact analysis will use the formulas in the impact fee study to determine travel demand, but may attempt to demonstrate that alternate trip generation rates, alternate trip rate adjustments, and alternate trip length adjustments more accurately reflect the transportation impacts of the proposed Impact-Generating Land Development. Supporting documentation will be provided through local data, and may include statistically valid surveys or a review of relevant professional literature.

In the case of impact fees for other types of infrastructure, the independent impact analysis will use the formulas in the impact fee study for the appropriate fee, but may attempt to demonstrate that applicable service units per development unit vary from the rates used in the impact fee study. Supporting documentation will include recent and local data, and may include statistically valid surveys or a review of relevant professional literature.

Sufficiency of Analysis

Within ten (10) days, the County Impact Fee Administrator will review the Request for Independent Impact Analysis and the Feepayer's application for completeness and sufficiency. If additional material is required for effective review of the independent impact analysis, the County Impact Fee Administrator will notify the applicant of the need for such additional material. The applicant will provide the requested additional materials within thirty (30) days of receipt of notice from the County Impact Fee Administrator, or the application will be considered withdrawn.

Decision by the County Impact Fee Administrator

Within thirty (30) days after a determination that the application and accompanying analysis are complete, the County Impact Fee Administrator will render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis based on the review standards below. The County Impact Fee Administrator will consult with other County staff and may seek the advice of impact fee consultants before rendering a decision. If an Independent Impact Analysis is accepted, or accepted with modifications, then the impact fees will be determined by the independent impact analysis.

The standards for acceptance, acceptance with modifications, or rejection will be whether the Independent Impact Analysis demonstrates, by competent substantial evidence, that an alternative impact fee amount more accurately reflects the demands for County capital facilities than the current impact fee schedule. Supporting documentation will include recent and localized data, and may include statistically valid surveys or a review of relevant professional literature.

Use of Impact Fee Funds

Under Florida case law, impact fees must be spent in a manner that ensures a rational nexus, or “reasonable connection,” between fees paid and the benefit to the payer resulting from the public facilities constructed with impact fee revenues. This is accomplished by maintaining a Capital improvements Plan (or “CIP”) that includes improvements to County capital facilities within reasonable timeframes, which are set forth in the LDC. In addition, impact fees must be spent within the geographic area, or Benefit District established in the impact fee study. Therefore, the County will review its CIP each year to ensure improvements funded by impact fees are scheduled and completed, as is provided in the “Annual Review” section below.

Furthermore, the Florida Impact Fee Act requires that revenues and expenditures of each type of impact fee be accounted for separately. This ensures that impact fee revenues are not spent for purposes other than providing infrastructure capacity that benefits Feepayers. Accordingly, the Manatee County Clerk of Courts maintains separate funds and subaccounts to earmark the collection and expenditure of impact fees as required by law. The specific requirements for accounting for impact fees are set forth in the LDC.

Benefit Districts

Effective April 18, 2016, impact fee collections and expenditures are maintained and accounted for according to the Benefit Districts described in the LDC. Impact fees collected prior to April 18, 2016, imposed pursuant to prior studies and assumptions, must also be spent to ensure a benefit accrues to those who paid the fees, as required by law. Therefore, prior to the expenditure of countywide impact fee funds collected before April 18, 2016, the County Impact Fee Administrator will consult with other County staff to determine appropriate and lawful expenditures of such funds. Based on the recommendations of staff, the County Impact Fee Administrator will then provide input to the Board of County Commissioners on applicable legal requirements and recommend expenditures accordingly.

Credits for System Improvements

Credits have the effect of providing capacity to County capital facilities, which will fully or partially address the demand from new development. Credits are necessary to ensure that a property owner or developer who provides infrastructure capacity is not subject to double payment for County capital facilities. Typically, credits will offset impact fees due on building permits issued within the development for which a credit for system improvements was approved. In no case shall the credit be greater than the amount of impact fees paid by new development within the area specified by the Credit Agreement. Further, the total credit for system improvements should not exceed the total amount of impact fees due to Manatee County, less the transportation fee percentage for bond principal and interest, as documented in the 2015 Impact Fee Study. In the SE Benefit District, 79% of transportation impact fees are supposed to be used for debt payments and in the SW Benefit District, 39% of the transportation impact fees are supposed to be used for debt payments.

Consistent with Florida Statutes subsection 163.3180(5)(h), transportation impact fee credits will be provided for proportionate share payments made to satisfy transportation concurrency requirements. Such credits will be pursuant to the terms of a development agreement between the County and the applicant. Such agreement may include provisions addressing the identification of one or more mobility improvements to benefit a regionally significant transportation facility to be fully funded and completed by or on behalf of the applicant, the County, and/or another governmental or quasi-governmental entity. Such agreement may also include provisions for the timing of impact fee credits or refunds to reflect the need for particular system improvements for which credits are awarded.

Eligible Improvements

Any person commencing an Impact-Generating Land Development may apply for a site-specific credit for contributions, construction of improvements, or dedications of land accepted and received by the County for system improvements, which are defined in Chapter 2 of the LDC. If a development site is adjacent to an arterial or collector street, as depicted in Map 5B (Future Traffic Circulation Functional Classification) of the Manatee County Comprehensive Plan, that is not yet constructed, the owner/developer will be required to provide adequate transportation access. Transportation access to residential subdivisions, multifamily housing, and all nonresidential development, must meet the minimum standards listed below (Option A or B). A credit agreement between the owner/developer and Manatee County is not required to obtain impact fee credits for constructing a street type with 84 feet of Right-Of-Way (ROW) or less. To obtain impact fee credits, please see the application and authorization process described below.

Option A - Two Lane Divided Urban*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	19.34	19.34
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	8	16
7. Sidewalks	2	5	10
Total ROW Width			84

* Source: Page T-81 in Manatee County
Public Works Manual, November 2016.

Option B - Complete Streets Collector**			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	9	18
6. Sidewalks	2	8	16
Total ROW Width			84

** Based on recommended standards from page T-20 in
Manatee County Public Works Manual, November 2016.

If a property owner or developer will request impact fee credits for constructing any of the street options specified below (see Options C through J), the owner/developer must have a pre-application meeting with Manatee County’s Impact Fee Manager and Public Works staff to reach consensus on the general terms of a credit agreement. The Impact Fee Manager will provide a written summary of the general terms to be incorporated into a draft Credit Agreement, which will be prepared by the owner/developer. The Credit Agreement must include the eleven information items required of all credit applications, as specified below. Credit Agreements will be reviewed by the County Impact Fee Administrator, and then scheduled for approval by the Board of County Commissioners as a consent agenda item.

Options C and D below can accommodate either two or four travel lanes within 100 feet of ROW. Option C (two lanes) has 48 feet of asphalt with on-street parking. Option D (four lanes) has 54 feet of asphalt for moving automobiles and bikes, with no parking.

Option C - Principal Street with Two Lanes*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Parking	2	8	16
5. Curbs	2	2	4
6. Landscape Buffers	2	9	18
7. Sidewalks	2	8	16
Total ROW Width			100
Option D - Principal Street with Four Lanes*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	10	10
2. Travel Lanes	4	11	44
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	8	16
6. Sidewalks	2	8	16
Total ROW Width			100

* Based on recommended standards from page T-20 in Manatee County Public Works Manual, November 2016.

The table below provides three options for a street with 120 feet of ROW. Option E is for two travel lanes in a suburban setting where stormwater swales are appropriate. Options F and G have four travel lanes but different design features. Option F has 48 feet of asphalt for vehicular travel and wide multiuse paths that are 12 feet wide. Option G has 56 feet of asphalt for automobiles and bikes, with sidewalks that are five feet wide.

Option E - Two Lane Divided Suburban*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	16	16
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Curbs	2	2	4
5. Stormwater Swales	2	29	58
6. Sidewalks	2	5	10
Total ROW Width			120

* Source: Page T-82 in Manatee County Public Works Manual, November 2016.

Option F - Urban Parkway***			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	20	20
2. Travel Lanes	4	12	48
3. Curbs	4	2	8
4. Landscape Buffers	2	10	20
5. Multiuse Paths	2	12	24
Total ROW Width			120

*** Based on recommended standards from page T-20 in Manatee County Public Works Manual, November 2016.

Option G - Four Lane Divided**			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	19.34	19.34
2. Travel Lanes	4	12	48
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	14	28
7. Sidewalks	2	5	10
Total ROW Width			120

** Source: Page T-80 in Manatee County Public Works Manual, November 2016.

Another four lane street, that includes on-street parking, is Option H below. Although infrequent in the unincorporated area, Option I is for a six lane County arterial.

Option H - Boulevard*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	18	18
2. Travel Lanes	4	11	44
3. Bike Lanes	2	4	8
4. Parking	2	7	14
5. Curbs	4	2	8
6. Landscape Buffers	2	8	16
7. Sidewalks	2	8	16
Total ROW Width			124

* Based on recommended standards from page T-20 in Manatee County Public Works Manual, November 2016.

Option I - Six Lane Divided**			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	19.34	19.34
2. Travel Lanes	6	12	72
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	17	34
7. Sidewalks	2	5	10
Total ROW Width			150

** Source: Page T-79 in Manatee County Public Works Manual, November 2016.

Outside Manatee County’s water and wastewater service area, a property owner or developer may elect to construct a Rural Parkway, according to the standards in the table below (see Option J). If a property owner or developer will request impact fee credits for a Rural Parkway, the owner/developer must have a pre-application meeting with Manatee County’s Impact Fee Manager and Public Works staff to reach consensus on the general terms of a credit agreement. The Impact Fee Manager will provide a written summary of the general terms to be incorporated into a draft Credit Agreement, which will be prepared by the owner/developer. The Credit Agreement must include the eleven information items required of all credit applications, as specified below. Credit Agreements will be reviewed by the County Impact Fee Administrator, and then scheduled for approval by the Board of County Commissioners as a consent agenda item.

Option J - Rural Parkway*			
	Count	Feet	Total Feet
1. Median	1	40	40
2. Travel Lanes	4	12	48
3. Bike Lanes	2	6	12
4. Landscape Buffers	2	8	16
5. Multuse Paths	2	12	24
Total ROW Width			140

* Based on recommended standards from page T-20 in Manatee County Public Works Manual, November 2016.

Credit Application and Completeness Review

A written Application for Impact Fee Credit must be submitted to the County Impact Fee Administrator. The amount of credit must be specified in the application. The general intent of Manatee County is to limit impact fee credits to the actual costs of system improvements, up to but not to exceed, the infrastructure costs used in the Impact Fee Study. If requested credits routinely exceed cost assumptions used in the Impact Fee Study, the County Impact Fee Administrator will request a study update to evaluate cost factors.

For multimodal transportation improvements, the application for Impact Fee Credit must include the following information.

1. Total Right-Of-Way (ROW) land value
2. Square feet of ROW land dedicated (average ROW width multiplied by centerline length)
3. Land value per square foot (item 1 divided by item 2)
4. Actual construction cost of transportation improvements
5. Number of travel lanes
6. Centerline miles
7. Lane miles (item 5 multiplied by item 6)
8. Total project cost (item 1 plus item 4)
9. Total project cost per lane mile (item 8 divided by item 7)
10. Percent system improvement (see paragraph and table below)
11. Requested credit (item 8 multiplied by item 10)

Manatee County will individually review and grant impact fee credits for system improvements using the percentage shown below for specific types of streets. For example, if a developer constructs a Principal Street (Option C or D), with a recommended ROW width of 100 feet, then 50% (i.e. 50 feet divided by 100 feet) of the cost for land and improvements is site-related and 50% is considered to be a system improvement that is eligible for impact fee credits. If a developer constructs an Urban Parkway (Option F), with a recommended ROW width of 120 feet, then 42% (i.e. 50 feet divided by 120 feet) of the cost for land and improvements is site-related and 58% is considered to be a system improvement that is eligible for impact fee credits.

<i>Area</i>	<i>Street Type</i>	<i>Recommended ROW Width (feet) *</i>	<i>Percent Site-Related</i>	<i>Percent System Improvement</i>
Urban	Urban and Suburban Local (base for credit in urban and suburban area)	50	100%	0%
Urban	Main	74	68%	32%
Urban	Avenue	80	63%	37%
Urban	Option A Two Lane Divided Urban	84	60%	40%
Urban	Option B Complete Streets Collector	84	60%	40%
Urban	Option C Principal with Two Lanes	100	50%	50%
Urban	Option D Principal with Four Lanes	100	50%	50%
Suburban	Option E Two Lane Divided Suburban	120	42%	58%
Urban	Option F Urban Parkway	120	42%	58%
Urban	Option G Four Lane Divided	120	42%	58%
Urban	Option H Boulevard	124	40%	60%
Urban	Option I Six Lane Divided	150	33%	67%
Rural	Rural Local (base for credit in rural area)	72	100%	0%
Rural	Option J Rural Parkway	140	51%	49%

** Based on recommended standards from pages T-20, T-79, T-80, T-81, and T-82 in Manatee County Public Works Manual, November 2016.*

For all other types of infrastructure, the application for Impact Fee Credit must include the following information.

1. Capital cost requested for credit
2. Infrastructure quantity
3. Infrastructure units
4. Cost per infrastructure unit (item 1 divided by item 2)

Within thirty (30) days of receiving an Application for Impact Fee Credit, the County Impact Fee Administrator will determine if it is complete. If the Application is found to be incomplete, the County Impact Fee Administrator will notify the applicant. The Administrator's notification will detail the deficiencies in the application. If the applicant does not submit the information requested, or request an extension within thirty (30) days, the application will be considered withdrawn.

Valuation of System Improvements

The value of any contribution, construction of improvements, or dedication of land, for which an impact fee credit is sought, must be calculated as of the earliest point in the development-approval process when the need for the system improvement was identified. Documentation supporting the land valuation and actual cost of improvements must be provided with the application.

If a developer submits a real estate appraisal for land valuation, the developer must identify the date of valuation and name Manatee County as an "intended user" of the report. Manatee County may outsource a review of any land valuation with a professional real estate appraiser, who will work directly with the developer's appraiser to recommend a reasonable land valuation for a particular site.

For transportation Rights-Of-Way (ROW), or any other land parcel for which impact fee credits are requested, Manatee County will provide an expedited approval of credits if land value is based on the most recent assessed valuation from the Manatee County Property Appraiser website, or derived from the land cost per acre documented by the most recent real estate sale for the site. For land valuations determined by these methods, review by Manatee County Property Management Department is not necessary and impact fee credits for land will be approved within thirty (30) days. All land valuation based on a real estate appraisal must be reviewed by Manatee County Property Management Department. For impact fee credits, the maximum land value should not significantly exceed the maximum cost factor assumed in the Impact Fee Study.

Impact Fee credits for system improvements other than land shall be based on the actual cost of capital improvements accepted by the County, in accordance with credit or development agreements, and the Public Works Manual.

Credit Recommendation and Final Authorization

Within thirty (30) days after an Application for Impact Fee Credit is deemed to be complete, it will be reviewed by the County Impact Fee Administrator to determine whether it meets the standards outlined below, whether it should be accepted, and the amount of credit to be authorized. The County Impact Fee Administrator may consult with other County staff and impact fee experts before rendering a decision to issue a Final Credit Authorization. No credit may be redeemed in satisfaction of the impact fee obligation until credits are issued. Final Credit Authorization may not be issued until all land dedications and improvements have been completed and accepted by the County.

Standards for Evaluation of Credit

Unless a particular system improvement was required as a condition of development approval or a credit is otherwise required by law, the County Impact Fee Administrator will decide whether to accept, accept with modifications, or reject a requested credit based on the extent to which granting the impact fee credit will result in a cost reduction to the County for the applicable category of County capital facilities. In addition, the County Impact Fee Administrator, will evaluate the impact of a requested credit on County infrastructure planning and capital improvements programming to ensure improvements eligible for credits occur concurrent with, not prior to, the need for additional infrastructure capacity.

Use of Credits

Authorized credits may be used to satisfy impact fee obligations for developments proposed within the same Benefit District, whether as part of the same property or a different property, regardless of property ownership. Developers or builders wishing to apply such offsets must submit the form Use of Impact Fee Credit to the County Impact Fee Administrator. If credits will be used by a person other than the person who received the credit, an Assignment of Impact Fee Credit must be signed by the assignor and assignee and the form notarized.

Miscellaneous Provisions

Impact Fee Refunds

In order to initiate a request for the refund of impact fees, an applicant may submit a Request for Impact Fee Refund form to the County Impact Fee Administrator. The procedures and criteria for impact refunds are set out in the LDC. If a Successor-in-Interest to the original Feepayer claims a refund, written documentation must be submitted to verify that rights to a refund have been lawfully conveyed to the claimant.

Annual Review

In order to ensure ongoing consistency with the LDC, state law, and this manual, the County Impact Fee Administrator will annually review impact fee determinations with the Impact Fee Coordinator and Building Department staff. In coordination with County staff, at least once during each fiscal year, the County Impact Fee Administrator will prepare and present an annual report to the Board of County Commissioners documenting impact fee collections and expenditures by type of infrastructure and Benefit District. The report will include end of fiscal year fund balances, showing cash available after deducting appropriations.

The annual report may include recommendations needed to ensure that the County's impact fee program remains in compliance with the provisions of the LDC, the Florida Impact Fee Act, F.S. § 163.31801, and applicable case law. Such recommendations may include, without limitation, revisions to the Land Development Code, changes to the Capital Improvements Plan, changes to accounting procedures, changes to the administrative surcharge, amendments to this manual and the possible need for an updated impact fee study.

In addition, the director of the Financial Management Department, or the director's designee, will conduct quarterly audits of impact fee determinations using a random sampling of building permits and development applications. The Florida Impact Fee Act requires any audits performed under F.S. § 218.39 and submitted to the Auditor General to include an affidavit signed by the County's chief financial officer stating that the County has complied with the Florida Impact Fee Act.

Administrative Interpretations

The primary objective is to ensure that impact fees are assessed consistently over time and in a manner that is grounded in the impact fee study assumptions and methodologies.

The intent of this manual is to define for current and future County staff and the public the criteria for making interpretations when they are needed – *which always is tied to verified demand for capital facilities for which impact fees are assessed.*

In order to advance consistency in the County's administrative procedures over time, the County Impact Fee Administrator will document any administrative interpretations of the LDC related to impact fees, along with the rationale for the decision. This

will encourage consistent interpretations in the future, may inform the need for revisions to the impact fee program during the annual review, and may suggest the need for revisions during the next impact fee study update.

Each entry should:

- a. Explain why an interpretation is needed (*i.e.*, what is it about the proposed land use that creates a question under the language of the LDC);

- b. Identify any prior administrative interpretations that are relevant and provide guidance;
- c. Identify components of the current impact fee study and methodology which bear on the administrative interpretation; and
- d. Describe why the interpretation is believed to most closely follow requirements of Florida case and statutory law.

Administrative interpretations should be made after consultation with the County Attorney's office and should be guided by the findings and intent of the LDC and the methodology and rationale set out in the impact fee study. An applicant may appeal a determination of the County Impact Fee Administrator, as provided in § 1107 of the LDC, including administrative procedures related to impact fees. As needed, the Impact Fee Administrator should craft and propose amendments to the LDC to clarify impact fee policies and administrative procedures.

Appeal of Administrative Decisions

A decision made by the County Impact Fee Administrator on any matter governed by Chapter 11, Manatee County Land Development Code, may be appealed to the Board of County Commissioners. To initiate an appeal, the Feepayer submits an application titled Appeal of Impact Fee Administrative Decision within sixty (60) days of the decision, according to the procedures set forth in section 1107 of the LDC.

Forms Related to Impact Fee Administration

(Start on next page)

Request for Independent Impact Analysis

Attach any supplementary documentation referenced below.

FOR STAFF USE ONLY

Application Date: _____ Independent Impact Fee Analysis
File Tracking Number: _____
File Name: _____
Date of Pre-Application Conference: _____
Staff Recommendation Due Date (90 days from complete Application): _____

Reason for Independent
Impact Fee Analysis:

PROPOSED USE NOT LISTED ON ADOPTED FEE SCHEDULE
IMPACT ANTICIPATED TO BE LESS THAN FEE SCHEDULE

APPLICANT INFORMATION

Applicant Name: _____
Contact Name: _____
Mailing Address: _____

Telephone Number: _____
E-mail Address: _____

PROJECT INFORMATION

Project Name: _____
Project Location: _____
Project Description: _____

Development Units (# of dwelling or lodging
units or square feet of non-residential use): _____
Impact Fee based on Fee Schedule: _____
Permit # (If Applicable): _____

CONSULTANT INFORMATION *(Attach resume indicating relevant education and experience)*

Company Name: _____

Responsible Professional: _____

Registration/License Number: _____

State of Registration Number: _____

(Please attach consultant resume to application)

PROPOSED INDEPENDENT IMPACT ANALYSIS

Proposed Methodology &
Service Unit Impact: _____

(Attach detailed documentation describing type and scope of proposed analysis)

APPLICANT SIGNATURE AND DATE

Undersigned hereby requests an independent impact fee analysis and proposes that, by competent substantial evidence, an alternative impact fee amount more accurately reflects the demands for County Capital Facilities than the currently-effective impact fee schedule, as supported by recent and local data, statistically valid surveys, and a review of relevant professional literature.

Signature

Date

Printed Name

Request for Impact Fee Refund

Refund requests must be accompanied by a receipt, cancelled check, or other evidence of fees paid. If a refund is approved, refund checks will be made out to the person/company/contractor that made the impact fee payment or a successor-in-interest.

Date of Request: _____ Permit Number: _____

Permit Application/Issue Date (Circle One): _____

Petitioner's Name: _____ \$ Amount Requested: _____

Fee Payer (Person/Contractor/Company): _____

Successor-in-Interest (if applicable): _____

Address for Refund Check: _____

Reason for Refund Request: _____

For Staff Use Only	
Account Number: _____	Amount: _____
Account Number: _____	Amount: _____
Account Number: _____	Amount: _____
Account Number: _____	Amount: _____
Account Number: _____	Amount: _____
Account Number: _____	Amount: _____
TOTAL REFUND:	_____
Permit Notes Updated: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Application for Impact Fee Credit

Attach any supplementary documentation referenced below.

FOR STAFF USE ONLY

Application Date: _____ Credit Authorization Number: _____

File Name: _____

Type of County Capital Facility:	<input type="checkbox"/>	LAW ENFORCEMENT
	<input type="checkbox"/>	LIBRARIES
	<input type="checkbox"/>	PARKS
	<input type="checkbox"/>	PUBLIC SAFETY
	<input type="checkbox"/>	MULTIMODAL TRANSPORTATION

Type of improvement:	<input type="checkbox"/>	LAND DEDICATION
	<input type="checkbox"/>	CONSTRUCTION
	<input type="checkbox"/>	OTHER (EXPLAIN BELOW)

APPLICANT INFORMATION

I. OWNER OF PROPERTY

Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

II. DEVELOPER (IF DIFFERENT THAN OWNER)

Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

III. OTHER AGENT

Name _____
Mailing Address _____

Telephone Number _____
E-mail Address _____

IV. AUTHORIZED SIGNER

Print Name: _____
Signature: _____

DEVELOPMENT PROJECT/PROPERTY INFORMATION

1. Manatee County Project Number: _____

2. Project Name: _____

3. Type of Development Project: _____

4. Address or Location of Property for Which Impact Fee Credit is Requested: _____

5. Parcel ID Number(s): _____

6. General Description of Property (e.g., existing and proposed uses, Benefit District):

7. Description of System Improvements to be constructed, paid for, or dedicated (if applicable):

MULTIMODAL TRANSPORTATION SYSTEM IMPROVEMENT INFORMATION

1. Total Right-Of-Way (ROW) land value _____
2. Square feet of ROW land dedicated (average ROW width multiplied by centerline length)

3. Land value per square foot (item 1 divided by item 2) _____
4. Actual construction cost of transportation improvements _____
5. Number of travel lanes _____
6. Centerline miles _____
7. Lane miles (item 5 multiplied by item 6) _____
8. Total project cost (item 1 plus item 4) _____
9. Total project cost per lane mile (item 8 divided by item 7) _____
10. Percent system improvement (see Procedures Manual) _____
11. Requested credit (item 8 multiplied by item 10) _____

(NOTE: Attach copies of project costs indicating materials and quantities, invoices with canceled checks, and other related project documentation.)

OTHER SYSTEM IMPROVEMENT INFORMATION

1. Capital cost requested for credit _____
2. Infrastructure quantity _____
3. Infrastructure units _____
4. Cost per infrastructure unit (item 1 divided by item 2) _____

(NOTE: Attach copies of project costs indicating materials and quantities, invoices with canceled checks, and other related project documentation.)

Use of Impact Fee Credit

Date: _____

Permit Number: _____

Credit Authorization Number: _____

NAME OF PERSON REQUESTING USE OF IMPACT FEE CREDIT:

PROJECT NAME:

STREET ADDRESS:

DEVELOPMENT UNITS (DWELLINGS, SQUARE FEET, HOTEL ROOMS)

Pursuant to an Impact Fee Credit Authorization, please **deduct** \$ _____ from the **(Law Enforcement/Public Safety/Transportation/Parks/Library)** impact fees due on the above building permit.

BY: _____

AUTHORIZED SIGNATURE

TITLE: _____

FOR OFFICE USE ONLY

Credit Voucher #: _____

Benefit District: _____

Credit Given By: _____

Date: _____

Template for Assignment of Impact Fee Credit

(Credit Assignor), a (entity/origin description), for good and valuable consideration received, does hereby assign and transfer to (Credit Assignee), a (entity/origin description), Impact Fee Credits in the amount of (dollar amount in words) (\$ _____), issued by Manatee County via Impact Fee Credit Authorization #CA-__-__ (____); and (Credit Assignee) hereby accepts this assignment and transfer. All remaining Impact Fee Credits not transferred are reserved by (Credit Assignor).

(CREDIT ASSIGNOR)

(CREDIT ASSIGNEE)

By: _____

By: _____

Title: _____

Title: _____

STATE OF (_____)

COUNTY OF (_____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by ____ (name) _____, the ____ (title) _____ of (Credit Assignor), on behalf of the (entity description). The person has produced _____ as identification.

(NOTARY SEAL)

Notary Public, State of _____

Print Name: _____

Commission No.: _____

My Commission Expires: _____

Appeal of Impact Fee Administrative Decision

Under the provisions of the Manatee County Land Development Code, a Feepayer may appeal any decision of the County Impact Fee Administrator to the Board of County Commissioners as provided in section 1107, including but not limited to any of the following matters:

- Independent Impact Analysis
- Impact Fee Refund
- Impact Fee Credit

To appeal a decision on any of these matters, you MUST submit an Appeal to the County Impact Fee Administrator via certified mail within sixty (60) calendar days of the decision being appealed.

Date of Appeal _____

Appellant Name _____

Address _____

Telephone Number _____

E-mail Address _____

Type of Decision to be appealed _____

Date of Decision _____

Please attach a detailed description of the decision of the County Impact Fee Administrator being appealed and any supporting documentation in support of this appeal. The description should identify the relevant sections of the LDC and the asserted basis for a reversal or modification of the decision of the County Impact Fee Administrator.

By: _____

Title: _____

FOR STAFF USE

Request Received By _____ Date _____

15-day Notice of Hearing on Administrative Decision Sent _____ (insert date)

Notice of Hearing on Administrative Decision

DATE

APPELLANT NAME

APPELLANT ADDRESS

RE:

You are hereby advised that the Manatee County Impact Fee Administrator has received your appeal of the above referenced determination, and has scheduled a public hearing before the Board of County Commissioners for _____.

This hearing will be conducted in accordance with Section 1107 of the Manatee County Land Development Code. At the hearing, you will be provided an opportunity to identify the grounds for your appeal and the basis for the alleged error, based on the record. The County Impact Fee Administrator will be afforded the opportunity to respond, based on the record.

Manatee County Impact Fee Administrator

Name:

Title:

Telephone #:

E-mail:

Bobbi Roy

From: Marianne Lopata
Sent: Tuesday, December 05, 2017 8:14 AM
To: Kathy Sasse
Cc: Bobbi Roy; Debbie Bassett
Subject: RE: Impact Fee Credit Ordinance - Ordinance 17-24
Attachments: BoCC Proposed Impact Fee Credit Ordinance 12 4 17.pdf

Thank you for sharing your comments with the Board of County Commissioners regarding Ordinance 17-24. The letter has been forwarded to staff of Building & Development Services and the County Attorney's Office and will be added to the official public record for this hearing.

Marianne Lopata

Executive Administrative Assistant
Board of County Commissioners
Phone: (941) 745-3707; Fax: (941) 745-3790
E-mail: marianne.lopata@mymanatee.org



From: Kathy Sasse [mailto:ksasse@mbrfirm.com]
Sent: Monday, December 04, 2017 5:11 PM
To: Betsy Benac <betsy.benac@mymanatee.org>
Cc: Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>; Marianne Lopata <marianne.lopata@mymanatee.org>; Sheri Smith <sheri.smith@mymanatee.org>; Charles Smith <Charles.Smith@mymanatee.org>; Vida Gordon <vida.gordon@mymanatee.org>; Stephen R Jonsson <steve.jonsson@mymanatee.org>; Robin DiSabatino <robin.disabatino@mymanatee.org>; Vanessa Baugh <vanessa.baugh@mymanatee.org>; Carol Whitmore <carol.whitmore@mymanatee.org>; Mitchell Palmer <mitchell.palmer@mymanatee.org>; Jon Mast (jon@ms-bia.org) <jon@ms-bia.org>; Bill Moore <bmoore@mbrfirm.com>
Subject: Impact Fee Credit Ordinance - Proposed / Manatee-Sarasota Building Industry Association (BIA)

Good afternoon,

Please find the attached correspondence from Mr. Moore regarding the above-referenced matter.

Original to be sent via U.S. Mail.

Thank you,
Kathy

Kathy L. Sasse
Legal Assistant to S. William Moore

MOORE BOWMAN & RIX, P.A.
EMINENT DOMAIN & PROPERTY RIGHTS LAWYERS

Attorneys at Law
3277 Fruitville Road
Unit E
Sarasota, Florida 34237
T: 941.365.3800
F: 941.952.1414
ksasse@mbrfirm.com
www.mbrfirm.com

Sarasota ♦ Tampa

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S. William Moore, Esquire
(941) 365-3800
bmoore@mbrfirm.com

December 4, 2017

The Honorable Betsy Benac
Board of County Commissioners
P.O. Box 1000
Bradenton, FL 34206-1000

VIA ELECTRONIC & U.S. MAIL

Re: Impact Fee Credit Ordinance - Proposed

Dear Madame Chairperson:

On behalf of the Manatee-Sarasota Building Industry Association (BIA), I offer the following concerns affecting our membership, regarding the pending proposed County Impact Fee Ordinance:

1. Does the proposed ordinance permit a landowner/developer to negotiate credits in a land development agreement which may be different from those credits allowed in the proposed ordinance and its accompanying procedures manual?
2. What assurances are contained in the proposed ordinance that it will be consistent with those provisions of State law that mandate credits under certain circumstances?
3. Will the proposed ordinance/procedures allow for a landowner/developer to challenge appraisal values proposed by the County, which are inconsistent with valuations made on behalf of the landowner/developer?
4. In accordance with accepted constitutional law regarding rights of way (and impact fee requirements), will credits be available under the proposed ordinance for those roadways that are not required to meet a demand created by a particular development? And, will those credits be limited to right of way required that is in excess of the minimum width of 50 feet; or, will the entire right of way required be eligible for credits?

Sarasota Office

3277 Fruitville Rd., Unit E
Sarasota, Florida 34237
941.365.3800
800.380.3337
Fax: 941.952.1414

www.mbrfirm.com

Tampa Office

300 W. Platt St., Ste. 100
Tampa, Florida 33606
813.318.9000
877.908.2800
Fax: 877.203.5748

Madame Chairperson

December 4, 2017

Page 2

We have not received, thus, far, any satisfactory responses to those concerns. We ask that you direct your Staff to address these issues forthrightly and expeditiously, before the Board votes on this significant ordinance. There is no need for future litigation on those matters, if they are appropriately addressed prior to adopting the impact fee credit ordinance.

Thank you for your careful consideration of these issues on behalf of your constituents.

Sincerely,



S. William Moore

SWM/kpt

cc: The Honorable Priscilla Whisenant Trace
The Honorable Charles B. Smith
The Honorable Stephen R. Jonsson
The Honorable Robin DiSabatino
The Honorable Vanessa Baugh
The Honorable Carol Whitmore
Mitchell O. Palmer, County Attorney
Mr. Jon Mast

MANATEE COUNTY ZONING ORDINANCE
PDR-15-30(Z)(P) – MYARRA PROPERTY JOINT VENTURE, LLC / MYARA SUBDIVISION
(F.K.A ESME I, LLC / MYARA SUBDIVISION)
DTS20150439 / MEPS519

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 13.71 ACRES ON THE NORTHERN PORTION OF A 32.38 ±ACRE SITE (18.67 ACRES ALREADY ZONED PDR) LOCATED WEST OF 99TH STREET EAST (PINE MEADOW WAY) AND CLUBHOUSE DRIVE AT 6804 99TH STREET EAST, BRADENTON (MANATEE COUNTY), FROM RSF-1/WP-E/ST (RESIDENTIAL SINGLE-FAMILY – ONE DWELLING UNIT PER ACRE/WATERSHED PROTECTION EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS) TO THE PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/WATERSHED PROTECTION EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS); APPROVAL OF A PRELIMINARY SITE PLAN FOR 32 SINGLE-FAMILY DETACHED RESIDENCES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Myarra Property Joint Venture, LLC (f.k.a. ESME I, LLC) (the “Applicant”) filed an application to rezone approximately 13.87 acres on the northern portion of a 32.38± acres site (18.67 ± acres already zoned PDR) described in Exhibit “A”, attached hereto, (the “property”) from RSF-1/WP-E/ST (Residential Single-Family – one dwelling unit per acre/Watershed Protection Evers/Special Treatment Overlay Districts) to the PDR/WP-E/ST (Planned Development Residential/Watershed Protection Evers/Special Treatment Overlay Districts); and

WHEREAS, the applicant also filed a Preliminary Site Plan for 32 single-family detached residences (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Special Approval for: 1) adjacent to perennial stream, 2) within the Watershed Protection Evers Overlay District, 3) within the Special Treatment Overlay District, 4) within the Coastal Evacuation Area Overlay District, 5) partially within the Coastal High Hazard Overlay District, and 6) exceeding a net density of 1.0 dwelling unit per acre in the RES-1 FLUC; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to the Land Development Code Section 1001.4.D.1 (Cul-de-sac length); and

WHEREAS, Building and Development Services staff recommended approval of the rezone, Preliminary Site Plan, Special Approval and Specific Approval applications subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on July 14, August 11, and October 13, 2016 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval applications, received the staff recommendation

and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County’s Local Planning Agency, found the applications inconsistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended denial of the applications.

WHEREAS, subsequent to the October 13, 2016 public hearing held by the Planning Commission, the Board of County Commissioners adopted Ordinance No. 17-18 on October 5, 2017 to amend the Comprehensive Plan so as to delete a segment of Linger Lodge Road from the Traffic Circulation Map Series, and the Future Traffic Circulation Plan Network, thus the subject segment of Linger Lodge Road is no longer a Planned County Facility.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit “A” of this Ordinance from RSF-1/WP-E/ST (Residential Single-Family – one dwelling unit per acre/Watershed Protection Evers/Special Treatment Overlay Districts) to the PDR/WP-E/ST (Planned Development Residential/Watershed Protection Evers/Special Treatment Overlay Districts).

B. The Board of County Commissioners held duly noticed public hearings on August 4, 2016 and December 7, 2017 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 15-17, the Manatee County Land Development Code, and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit “A” herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan, as amended by Ordinance No. 17-18.

D. For the purposes of granting Special Approval, the Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates the proposed project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 1001.4.D.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by a proposed turnaround and 20 feet emergency access provided from the terminus of the cul-de-sac to the subdivision entrance.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 32 single-family detached residences upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. No lots shall be platted through any greenbelts, landscape buffers, retention ponds, wetland, or wetland buffer.
2. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners in the project of the following:
 - a. The internal streets within this subdivision are privately owned and maintained by the Homeowner's Association or other appropriate legal entity.
 - b. The project is located within the Coastal Evacuation Area, the Coastal Planning Area, and partially within the Coastal High Hazard Area.
 - c. A Hurricane Evacuation Plan shall be submitted for review and approval to the Public Safety Department prior to approval of the Final Site Plan/Construction Drawings Plan.
3. Any gates within the project shall be accessible to emergency providers in accordance with the requirements of County and Fire Department ordinances and resolutions.
4. Final Site Plan (FSP) review and approval is required for any proposed recreational area and/or any proposed amenities. Any structures and/or uses shall comply with the LDC requirements for parking, screening buffer (recreational use to single family), structure height, signage, etc. Recreation Area structure(s) shall have a minimum setback of 20-feet from property lines.
5. All other applicable state or federal permits shall be obtained before commencement of the development.

B. INFRASTRUCTURE CONDITIONS:

1. Connection to the County potable water and wastewater systems is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extensions shall be designed and constructed in accordance with the County's Wastewater System Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public

Works Standards and approved by the County Engineer through the construction plans review process for this project.

2. Water, sewer, and reclaimed water infrastructure at or above ground level (i.e., water meters, fire hydrants, blow-off assemblies, backflow devices, sewer cleanouts, manholes, lift stations) dedicated to Manatee County shall be elevated above the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. In order for the sanitary sewer, potable water and reclaimed water infrastructure installed at, above, or below ground within the Myara project to be owned and maintained by Manatee County, all infrastructure installed at or above ground shall be a minimum elevation of 5.00 feet NAVD. This elevation is based on the “Storm Tide Atlas for Manatee County, Volume 7”.

C. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by twenty-five percent (25%) for all stormwater outfall flow directly or indirectly into Braden River Watershed. Modeling shall be used to determine pre- and post-development flows.
2. All fill within the 25- and 100-Year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table or drainage modeling shall utilize the adopted Braden River Watershed Study to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property based upon a “no-rise” flood stage condition.
3. Project shall be required to provide 150% water quality treatment for Evers Reservoir.
4. A 20 feet-wide stabilized emergency access shall be shown on the Final Site Plan/Construction Plan submittals. The emergency access shall provide a connection from the southeast end of the cul-de-sac, around the eastern limits of the proposed stormwater pond, and northward to the entrance of the project. The emergency access shall comply with the Public Works Standards Manual and Fire Department specifications consisting of 6" thick stabilized ground with a lime rock bearing ratio of forty (40) and compacted to a modified proctor density of ninety-five (95) percent.

D. ENVIRONMENTAL CONDITIONS:

1. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas that will serve as wetland mitigation shall be dedicated to the County prior to or concurrent with Final Plat approval.
2. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. Specifically, a gopher tortoise inventory should be provided along with the updated study. A Management Plan, approved by the appropriate State or

federal agency, shall be provided to the County for any listed species found on-site, prior to Final Site Plan approval.

3. Existing vegetation proposed to remain to serve as screening material in the required perimeter buffers shall be evaluated at time of Final Site Plan and may result in the requirement for additional screening material to achieve compatibility with surrounding uses. The details of this vegetation and any additional materials shall be reviewed and approved with the Final Site Plan.
4. Other than a launch area for canoes or kayaks, railings and “No Mooring”/ “Manatee Awareness” signs shall be installed on the proposed launch area. Details shall be included in the Final Site Plan. A separate permit will be required for the structure from Manatee County.
5. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
6. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 355 (519) of the LDC.
7. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.
8. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited. Comprehensive Plan Policy 3.2.1.8 prohibits the use of treated effluent within the WO Overlay District.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) adjacent to perennial stream, 2) within the Watershed Protection Evers Overlay District, 3) within the Special Treatment Overlay District, 4) within the Coastal Evacuation Area Overlay District, 5) partially within the Coastal High Hazard Overlay District, and 6) exceeding a net density of 1.0 dwelling unit per acre in the RES-1 FLUC. Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for an alternative to Section 1001.4.D.1 (Cul-de-sac length) of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning classification of the property identified in Exhibit “A” herein from RSF-1/WP-E/ST (Residential Single-Family – one dwelling unit per acre/Watershed Protection Evers/Special Treatment Overlay Districts) to the PDR/WP-E/ST (Planned Development Residential/Watershed Protection Evers/Special Treatment Overlay Districts) and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 5. 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 section, clause, sentence, or other provision shall be deemed severable, and 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 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County,
Florida on the 7th day of December, 2017.

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

BY: _____
Betsy Benac, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court and Comptroller

BY: _____
Deputy Clerk

EXHIBIT “A”

LEGAL DESCRIPTION

PARCEL 1 (PARCEL ID 583900006)

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 35 SOUTH, RANGE 18 EAST, OF MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT, SAID MONUMENT BEING THE SOUTHWEST CORNER OF THE SOUTHWEST ¼ OF SAID SECTION 19; THENCE N00°13'42"W, ALONG THE WEST LINE OF SOUTHWEST ¼ OF SAID SECTION 19, A DISTANCE OF 1,330.09 FEET TO A CONCRETE MONUMENT BEING THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 19; THENCE S89°18'52"E, ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, A DISTANCE OF 544.70 FEET TO A CONCRETE MONUMENT, SAID MONUMENT BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID LINE S89°18'52"E, A DISTANCE OF 595.00 FEET TO A CONCRETE MONUMENT, SAID MONUMENT BEING THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 19; THENCE S00°14'25"E, ALONG THE EAST LINE OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 19, A DISTANCE OF 711.45 FEET TO A CONCRETE MONUMENT KNOWN AS REFERENCE POINT "A"; THENCE CONTINUE S00°14'25"E, ALONG SAID EAST LINE, A DISTANCE OF 220 FEET (PLUS OR MINUS) TO THE NORTH BANK OF THE "BRADEN RIVER"; THENCE SOUTHWESTERLY AND SOUTHERLY ALONG THE NORTH BANK OF SAID "BRADEN RIVER" AND ITS SINUOSITIES, A DISTANCE OF 450 FEET (PLUS OR MINUS) TO A POINT THAT IS S81°16'01"E, A DISTANCE OF 6 FEET (PLUS OR MINUS) FROM A CONCRETE MONUMENT KNOWN AS REFERENCE POINT "B"; SAID REFERENCE POINT "B" BEING LOCATED FROM THE AFOREMENTIONED REFERENCE POINT "A" ALONG A SURVEY CONTROL LINE DEFINED BY THE NEXT TWO COURSES;

- 1) S33°58'33"W, A DISTANCE OF 480.00 FEET;
- 2) THENCE S02°11'23"E, A DISTANCE OF 175.00 FEET TO THE AFOREMENTIONED REFERENCE POINT "B";

THENCE N81°16'01"W, A DISTANCE OF 82.24 FEET TO A CONCRETE MONUMENT; THENCE N00°13'42"W, SAID LINE BEING PARALLEL TO THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 19, A DISTANCE OF 875.97 FEET TO A CONCRETE MONUMENT; THENCE N31°58'32"W, A DISTANCE OF 475.13 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MANATEE COUNTY, FLORIDA.

PARCEL 2 (PARCEL ID 583910104)

COMMENCE AT A CONCRETE MONUMENT, MARKING THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 35 SOUTH, RANGE 19 EAST; THENCE N00°13'42"W, ALONG THE WEST LINE OF SAID SECTION 19, 1330.09 FEET TO A CONCRETE MONUMENT, MARKING THE N.W. CORNER OF THE S.W. ¼ OF THE S.W. ¼ OF SAID SECTION 19; THENCE S89°18'52"E, ALONG THE NORTH LINE OF SAID S.W. ¼ OF THE S.W. 1/4 , 267.00 FEET TO A CONCRETE MONUMENT, FOR A P.O.B.; THENCE CONTINUE S89°18'52"E, 277.7 FEET TO A CONCRETE MONUMENT; THENCE S31°58'32"E, 475.13 FEET TO A CONCRETE MONUMENT; THENCE S00°13'42"E, PARALLEL TO THE WEST LINE OF SAID SECTION 19, 875.97 FEET TO A CONCRETE MONUMENT; THENCE S81°16'01"E, 82.24 FEET TO A CONCRETE MONUMENT ON THE WESTERLY BANK OF THE "BRADEN RIVER"; THENCE CONTINUE S81°16'01"E, 6.0 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WATERS OF THE "BRADEN RIVER"; THENCE SOUTHERLY AND SOUTHWESTERLY, ALONG THE SINUOSITIES OF THE WATERS OF SAID "BRADEN RIVER", 500.00 FEET, MORE OR LESS; THENCE N59°13'42"W, 14.0 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE NORTHERLY BANK OF SAID "BRADEN RIVER", SAID MONUMENT LYING S20°41'12"W, 440.84 FEET FROM THE PREVIOUSLY MENTIONED MONUMENT ON SAID WESTERLY BANK; THENCE CONTINUE N59°13'42"W, 235.11 FEET TO A CONCRETE MONUMENT; THENCE N00°13'42"W, PARALLEL TO THE WEST LINE OF SAID SECTION 19, AND SOUTHERLY EXTENSION THEREOF, 1183.91 FEET TO A CONCRETE MONUMENT; THENCE N31°58'32"W, 475.13 FEET TO THE P.O.B., BEING AND LYING IN SECTIONS 19 & 30, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

PARCEL 3 (PARCEL ID 583910054)

COMMENCE AT A CONCRETE MONUMENT, MARKING THE S.W. CORNER OF SECTION 19, TOWNSHIP 35 SOUTH, RANGE 19 EAST; THENCE N00°13'42"W, ALONG THE WEST LINE OF SAID SECTION 19, 1330.09 FEET TO A CONCRETE MONUMENT, MARKING THE N.W. CORNER OF THE S.W. ¼ OF THE S.W. ¼ OF SAID SECTION 19, FOR A POINT OF BEGINNING; THENCE S89°18'52"E, ALONG THE NORTH LINE OF SAID S.W. ¼ OF THE S.W. ¼, 267.00 FEET TO A CONCRETE MONUMENT; THENCE S31°58'32"E, 475.13 FEET TO A CONCRETE MONUMENT; THENCE S00°13'42"E, PARALLEL TO THE WEST LINE OF SAID SECTION 19, AND SOUTHERLY EXTENSION THEREOF, 1183.91 FEET TO A CONCRETE MONUMENT; THENCE S59°13'42"E, 235.11 FEET TO A CONCRETE MONUMENT ON THE NORTHERLY BANK OF THE "BRADEN RIVER"; THENCE CONTINUE S59°13'42"E, 14.0 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WATERS OF SAID "BRADEN RIVER"; THENCE SOUTHWESTERLY ALONG THE SINUOSITIES OF THE WATERS OF SAID "BRADEN RIVER", 500.0 FEET, MORE OR LESS; THENCE N15°43'42"W, 3.0 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE NORTHERLY BANK OF SAID "BRADEN RIVER", SAID MONUMENT LYING S69°48'57"W, 442.81 FEET FROM THE PREVIOUSLY MENTIONED MONUMENT ON SAID NORTHERLY BANK; THENCE CONTINUE N15°43'42"W, 195.59 FEET TO A CONCRETE MONUMENT; THENCE N00°13'42"W, PARALLEL TO THE WEST LINE OF SAID SECTION 19, AND SOUTHERLY EXTENSION THEREOF, 1271.91 FEET TO A CONCRETE MONUMENT; THENCE N31°58'32"W, 475.13 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN

Page 10 of 10 – PDR-15-30(Z)(P) – MYARRA PROPERTY JOINT VENTURE, LLC / Myara Subdivision
(f.k.a ESME I, LLC / Myara Subdivision) DTS20150439 / MEPS519

SECTIONS 19 & 30, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY,
FLORIDA.

December 6, 2017

Manatee County Board of County Commissioners
1112 Manatee Avenue West
Bradenton, FL 34205
Attn: Chair Betsy Benac

Re: Myarra Property Joint Venture, LLC/Myara Subdivision
Rezoned to Preliminary Site Plan Standards
MEPS519/20150439/PDR-15-30(Z)(P)

Honorable Chair Benac,

ZNS Engineering, LC on behalf of Myarra Property Joint Venture, LLC respectfully requests an additional 15 minutes of presentation time for the Rezoning to Planned Development Residential to Preliminary Site Plan standards application scheduled for the December 7, 2017 Board of County Commissioners agenda. This request is necessary so as to have sufficient time for the full and complete presentation of evidence and testimony in support of the application. We are respectful of the Board's time and the length of the agenda and we will use only so much of the time as is required to provide an efficient presentation. We would be grateful for this necessary accommodation.

We appreciate your consideration of this request. Please do not hesitate to contact us with any questions or comments regarding this request.

Very truly yours,
ZNS ENGINEERING, L.C.



RACHEL W. LAYTON, AICP

Director of Planning

cc: Rossina Leider, Manatee County Building and Development Services
Nicole Knapp, Manatee County Building and Development Services
Bobbi Roy, Manatee County Building and Development Services
Patrick Neal, Neal Communities of Southwest Florida, LLC
Edward Vogler, Vogler Ashton, PA
Nathan Kragt, PE, ZNS Engineering, LC