

P.C. 05/09/02

ORDINANCE 02-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED):AMENDING CERTAIN REQUIREMENTS WITHIN THE SIGN REGULATIONS REGARDING SUBDIVISION SIGNS WITHIN RIGHTS OF WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

P.C. 04/11/02, 05/09/02

B.O.C.C. 04/23/02, 05/28/02,  
06/18/02

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, and CONSISTENT with the general purpose and standards of Section 503 of the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Ordinance 02-29, amending the Manatee County Land Development Code (Ordinance 90-01, as amended), as recommended by staff.**

PLANNING COMMISSION ACTION:

On April 11, 2002, by a vote of 7 - 0, the Planning Commission CONTINUED the public hearing for this item to May 9, 2002.

BOARD OF COUNTY COMMISSION ACTION:

On April 23, 2002, by a vote of 7 - 0, the Board of County Commissioners CONTINUED the public hearing for this item to May 28, 2002.

PUBLIC COMMENT/CORRESPONDENCE:

There was no public comment and no correspondence was entered into the record for this case at the April 11, 2002 Planning Commission and April 23, 2002 Board of County Commission public hearings.

**ORDINANCE 02-29  
SIGNS IN RIGHT OF WAY  
DISCUSSION**

- ▶ There are existing signs within medians in the right of way that do not meet the current code standards for separation between the sign and the back of the curb around the median.
- ▶ Manatee County Standards currently require a 6 foot separation between the back of the curb around the median and the sign structure if the sign is frangible or breakaway.
- ▶ FDOT Roadway and Traffic Design Standards require only a distance of 2 feet, 6 inches, if the sign is frangible or breakaway and a five inch (5") vertical curb is in place.
- ▶ In order to both assist current existing signs and future signs, Transportation staff has proposed that the distance be reduced from 6 ft. to 2 ft., 6 inches between a frangible sign and the front of a five inch (5") or greater height vertical curb.
- ▶ The proposed change reduces the distance between the sign and the back of curb, which potentially may increase the driving hazard to the motoring public, however it meets the current FDOT standards.
- ▶ There is also a proposal to eliminate the requirement that the median and rights of way be contained within and bordered on both sides by the project shown in the proposed sign. Staff has had much discussion on this point. By eliminating the requirement, it allows more flexibility on the placement of the median signs. But this also allows for the possibility of signs in the right of way that are advertising a project not immediately adjacent, which may have the unintended effect of off-site sign proliferation. Staff has recommended this change, however, the Board should be made aware of the potential long term drawbacks as mentioned.
- ▶ The proposed change appears to be consistent with the Comprehensive Plan and Land Development Code.

**ORDINANCE 02-29  
SIGNS IN THE RIGHT OF WAY  
TEXT**

724.6.2.9. Subdivision identification signs may be located in a county public rights-of-way median subject to the following conditions:

724.6.2.9.1. The sign and sign structure shall maintain a clearance measure between the closest edge of the sign and/or structure, and the face of curb or edge of pavement as noted in the Median Width and Required Clearance Table.

Median Width and Required Clearance Table

Curbing Provided	Turn Lanes Provided	Minimum Median Width Required	Minimum Clearance Required
Yes	Yes, No	12'0"	6'0" from curb
No	Yes	28'0"	18'0" from edge of pavement of the through travel lanes
			10'0" from the edge of pavement of the turning or auxiliary lanes
No	No	36'0"	18'0" from edge of pavement of the through travel lanes
			10'0" from edge of pavement of the turning or auxiliary lanes

[724.6.2.9.2.] Median Width and Required Clearance Table Exception:

If the median sign and sign support structure is a frangible (breakaway) type that is certified for use on public roadways by the Florida Department of Transportation a six-foot clearance is acceptable between the sign and sign structure, and the face of curb or edge of pavement. If the subdivision sign and sign support structure can not be located in compliance with the Median Width and Required Clearance Table, due to right of way limitations, natural physical constraints, or existing curb meeting current Manatee County Standards, the sign supports shall be of frangible or breakaway type. All frangible and breakaway sign supports shall comply with the Florida Department of Transportation's Roadway and Traffic Design Standards (latest edition) Index Nos. 9535, 11863, and/or 11865, as applicable. A minimum clearance distance of no less than two feet, six inches (2'6") shall be maintained between the face of the sign and/or sign structure and the face of a minimum five inch (5") height, vertical curb.

724.6.2.9.3. The sign and sign structure shall be located outside of the required visibility triangles.

724.6.2.9.4. A subdivision identification median sign is allowed to be located in county public right of way in planned development districts for projects greater than ten (10) acres in lieu of subdivision identification signs adjacent to the rights-of-way.

724.6.2.9.5. The median and rights-of-way shall be adjacent to, contained within, and or bordered on both sides of the right-of-way by the project identified by the subdivision identification sign.

724.6.2.9.6. A hold harmless and indemnification agreement acceptable to the e County a Attorney's o Office shall be executed before the issuance of a sign permit.

724.6.2.9.7. The sign owner shall be responsible for any and all maintenance, repair and/or replacement for the sign, sign support, structure, illumination, associated landscaping, and other items contained within the median. The county shall not be responsible for any maintenance, repair and/or replacement for the sign, sign support structure, illumination and associated landscape. The county shall not be obligated to repair or replace the sign, or compensate the owner of the sign for any damage caused by the county or other parties.

724.6.2.9.8. The sign permit approval, when filed with the ~~highway operations manager of the transportation department~~, Highway Operations Manager of the Transportation Department will serve as the right-of-way use permit.

724.6.2.9.9. [*Reserved.*]

724.6.2.9.10. The e County may require, upon thirty-day written notice to the sign owner, that the sign owner perform maintenance, repair, relocation, or removal of the sign, sign structure, and any associated landscaping. After expiration of the thirty-day notice, the county may cause the maintenance, repair or removal of the sign at the expense of the sign owner.

In the event that the county needs to perform improvements, maintenance, or repairs of infrastructure within the right-of-way, the county may cause the removal or alteration of the sign or sign structure and landscaping without repair, replacement, or compensation to the sign owner, without providing thirty-day written notice.

# NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended), with the intent to make recommendations to the Board of County Commissioners on:

Date: Thursday, April 11, 2002  
Time: 9:00 AM or soon thereafter  
Place: Manatee County Government Administrative Center  
1112 Manatee Avenue West, 1st Floor Chambers

## ORDINANCE 02-22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): AMENDING CERTAIN DEFINITIONS RELATED TO AFFORDABLE HOUSING, AMENDING CERTAIN PROVISIONS REGARDING IMPACT FEES AND AFFORDABLE HOUSING, AND AMENDING CERTAIN REGULATIONS REGARDING AFFORDABLE HOUSING INCLUDING INCENTIVES AND EXPEDITED PERMITTING; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

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

Rules of Procedure for this public hearing are in effect pursuant to Resolution 94-104(PC). Copies of this Resolution are available for review or purchase at cost from the Manatee County Planning Department (see address below).

Please Send Comments To: Manatee County Planning Department  
Attn: Agenda Coordinator  
1112 Manatee Ave. West 4th floor  
Bradenton, FL 34205

All written comments will be entered into the record.

**For More Information:** Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 749-3070 x 6829, between 8:00 AM - 5:00 PM, or by e-mail at [planning.agenda@co.manatee.fl.us](mailto:planning.agenda@co.manatee.fl.us).

**Americans With Disabilities:** The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodations for this meeting as provided for in the ADA, should contact Rita Dralus at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, FAX 745-3790.

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

3/29/02

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SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION  
Manatee County Planning Department  
Manatee County, Florida

Published: March 29, 2002.

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# BRADENTON HERALD

www.bradenton.com  
P.O. Box 921  
Bradenton, FL 34206-0921  
102 Manatee Avenue West  
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941/748-0411 ext. 7065

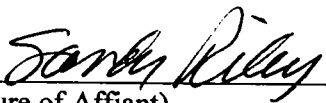
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Bradenton Herald  
Published Daily  
Bradenton, Manatee, Florida

STATE OF FLORIDA  
COUNTY OF MANATEE;

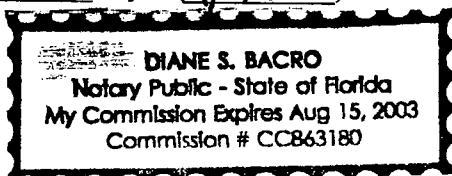
Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter **NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY** in the Court, was published in said newspaper in the issues of **3/29,'02**

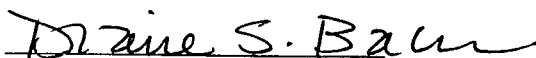
Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



(Signature of Affiant)

Sworn to and subscribed before me this  
2nd Day of April, 2002





SEAL & Notary Public

Personally Known  OR Produced Identification   
Type of Identification Produced \_\_\_\_\_

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3/29/02



SARASOTA HERALD TRIBUNE  
PUBLISHED DAILY  
SARASOTA, SARASOTA COUNTY, FLORIDA

MANATEE COUNTY GOVERNMENT  
ATTN: KIM SPARKS  
1112 MANATEE AVENUE W., 4<sup>TH</sup> FLOOR  
BRADENTON, FL 34206

STATE OF FLORIDA  
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED MOYA NEVILLE, WHO ON OATH SAYS SHE IS THE ADVERTISING DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY, FLORIDA; AND CIRCULATED IN MANATEE COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

ORDINANCE 02-22 & 02-29

IN THE \_\_\_\_\_ COURT, WAS PUBLISHED IN MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

MARCH 29, 2002

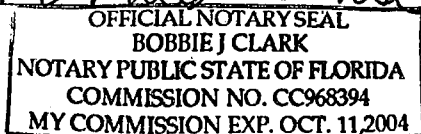
AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED \_\_\_\_\_

*Moya Neville*

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29TH DAY OF MARCH, 2002 BY MOYA NEVILLE WHO IS PERSONALLY KNOWN TO ME.

(SEAL)



\_\_\_\_\_  
NOTARY PUBLIC

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Manatee County Planning Department  
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Published: March 29, 2002

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