

JUNE 2, 1994

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, June 2, 1994, at 6:02 p.m.

Present were Commissioners:

Stan Stephens, Chairman
 Joe McClash, First Vice-Chairman
 John R. Gause, Third Vice-Chairman
 Patricia M. Glass
 Lari Ann Harris
 Maxine M. Hooper

Absent was Commissioner

Kent G. Chetlain, Second Vice-Chairman (out of town)

Also present were:

Mark P. Barnebey, Assistant County Attorney
 Susan G. Romine, Deputy Clerk, representing
 R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

The meeting was called to order by Chairman Stephens.

ORDINANCE 94-09: LAND DEVELOPMENT CODE AND ADULT ENTERTAINMENT CODE

Public hearing (Notice in The Bradenton Herald 5/24/94) was held to consider

ORDINANCE 94-09 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):

1. ADDING, AMENDING AND DELETING CERTAIN DEFINITIONS;
2. AMENDING CERTAIN OPERATIVE PROVISIONS RELATING TO ADMINISTRATIVE ADJUSTMENTS;
3. AMEND THE RESPONSIBILITIES OF AND APPOINTMENTS TO THE BOARD OF COUNTY COMMISSIONERS, PLANNING COMMISSION, BOARD OF ZONING APPEALS, HEARING OFFICER, AND HISTORIC PRESERVATION BOARD;
4. AMENDING THE COMPOSITION OF THE SITE DESIGN DEVELOPMENT REVIEW COMMITTEE;
5. AMENDING CERTAIN STANDARDS FOR SITE AND DEVELOPMENT PLANS;
6. ADDING, DELETING, AND AMENDING THE CERTIFICATE OF APPROPRIATENESS CRITERIA AND APPLICABILITY;
7. AMEND CERTAIN ZONING DISTRICT PROVISIONS;
8. AMEND THE USE CHART, FIGURE 6-1;
9. AMEND CERTAIN PLANNED DEVELOPMENT REQUIREMENTS;
10. AMEND CERTAIN WATERSHED AND HISTORICAL/ARCHAEOLOGICAL OVERLAY DISTRICT STANDARDS;
11. AMEND AND ADD TO THE SPECIAL APPROVAL CHART;
12. AMEND CERTAIN PROVISIONS REGARDING ACCESSORY STRUCTURES AND USES;
13. AMEND CERTAIN CONDITIONAL USE STANDARDS INCLUDING, BUT NOT LIMITED TO, ANTENNAS, BED AND BREAKFASTS, DAY CARE CENTERS, RECREATION FACILITIES, MANUFACTURED HOMES, MOTOR VEHICLE REPAIR FACILITIES, BUILDING MATERIALS ESTABLISHMENTS, VILLAGE DISTRICTS, FARM SERVICE ESTABLISHMENTS, RURAL RECREATIONAL USES AND MINIWAREHOUSES;
14. AMEND CERTAIN PROVISIONS RELATING TO ADULT ENTERTAINMENT;
15. AMEND CERTAIN STANDARDS REGARDING THE SALE OF ALCOHOLIC BEVERAGES;
16. ADD AND AMEND CERTAIN OFF-STREET PARKING STANDARDS;
17. AMEND CERTAIN REQUIRED ACCESS STANDARDS;
18. AMEND CERTAIN TREE PROTECTION PROVISIONS;
19. AMEND CERTAIN LANDSCAPING PROVISIONS;
20. AMEND CERTAIN EMERGENCY SHELTER STANDARDS;
21. AMEND CERTAIN WETLAND PRESERVATION REQUIREMENTS;
22. AMEND THE STANDARDS FOR CERTAIN REQUIRED IMPROVEMENTS;
23. AMEND CERTAIN REQUIREMENTS FOR EXEMPT SIGNS, AND ALTERNATE, FREESTANDING SIGNS;
24. AMEND CERTAIN TRAFFIC STANDARDS;
25. AMEND CERTAIN WATERFRONT STRUCTURE STANDARDS;

26. AMEND CERTAIN PRIVATE STREET STANDARDS;
27. AMEND, ADD AND DELETE CERTAIN UNIVERSITY PARKWAY ACCESS STANDARDS;
28. RELOCATE AND AMEND THE ADDRESSING STANDARDS;
29. AMEND, DELETE AND ADD CERTAIN IMPACT FEE STANDARDS;
30. AMEND CERTAIN SUBDIVISION STANDARDS; (omitted from public notice)
31. AMEND CERTAIN ENTRANCEWAY STANDARDS;
32. AMEND CERTAIN STANDARDS REGARDING DEVELOPMENT AGREEMENTS;
33. AMEND CERTAIN TEMPORARY USE PROVISIONS;
34. AMEND CERTAIN AFFORDABLE HOUSING REQUIREMENTS; AND
35. AMEND CERTAIN PROVISIONS REGARDING MAILED NOTICE; FURTHER, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY ADULT ENTERTAINMENT CODE (ORDINANCE 84-11, AS AMENDED) INCLUDING THOSE RELATED TO DEFINITIONS AND COUNTY REVIEW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Carol Clarke, Director of Planning, Permitting and Inspections, advised that this is the first of two public hearings to consider amendments to the Land Development Code (LDC).

Items Entered Into The Record

Joaquin Servia, Planning, Permitting and Inspections, entered the following items into the record:

- = Ordinance 94-09;
- = Transmittal memorandum to the Board from Carol Clarke dated June 2, 1994;
- = Proposed LDC text amendments;
- = Annotated LDC text amendments;
- = Figure 6-1 with proposed changes;
- = Statement of Errors, Omissions and Typographics dated June 2, 1994;
- = Proof of advertising;
- = Tapes of the May 4, 1994, Planning Commission work session and May 18, 1994, public hearing;
- = Letter from William R. Cook, Jr., Larson Engineering, Inc., suggesting changes to Section 704.43.4, Golf Driving Ranges, Section 717.3.8, regarding detention or retention basins, and Section 719.11.1, Wetland Buffer;
- = Letter from Thomas C. McCollum, Zoller, Najjar & Shroyer, Inc., suggesting amendments to Chapter 5 of the LDC;
- = Letter from Jim Schrader, Coral Shores Owners Association, Inc., to members of the Cortez Peninsula Board of Associations commenting on his concerns with the amendments;
- = Letter from Carlos D. Ugarte, Ugarte & Associates, Inc., requesting an amendment to the LDC to allow RSF-3 lots, which meet RSF-1 requirements, the fence height exceptions noted in Section 703.2.8.2.3;
- = Letter from Jerry N. Zoller suggesting an amendment to the LDC to allow health clinics in the Village District of Myakka City;
- = Letter from Richard D. Ploughe requesting an amendment to the definition of "gross floor area" to exclude covered parking;
- = Letter from Robert C. Gause, Zoller, Najjar & Shroyer, Inc., addressing concerns with provisions regarding wetlands, specifically with the provision which allows a minimum mitigation ratio of 1.15:1.10.

Manufactured Homes

Betsy Benac, Planning, Permitting and Inspections, submitted handouts outlining manufactured homes, current LDC requirements, problems with the current requirements, and the proposed LDC amendments; individual manufactured homes by zoning; and two sheets of photographs (5) depicting standard and residential design manufactured housing. She stated that photographs C and D, as well as the photograph on the second sheet, represent what the design standards would create for manufactured homes, if approved.

She advised the amendments address manufactured homes in the A, A-1, and VIL Districts. She reviewed current requirements, which allow manufactured homes by administrative or special permit on a temporary basis in the A district, and the problems experienced by these requirements.

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(Cont'd)

She recommended the LDC be amended to allow only new manufactured homes as a permanent use in the A district, if certain design standards are met, as outlined in Section 704.45.4, Design Standards. Also, include language that would allow for renewal of administrative or special permits for a maximum of five years.

Ms. Benac and Ms. Clarke commented on the issue of enforcement of permitted and non-permitted manufactured homes.

Discussion: Additional permit renewal for five years is a transition period; has staff considered grandfathering existing manufactured homes; encourage owners of existing manufactured homes to bring them up to landscaping design standards; etc.

Required Notice

Ms. Benac reviewed the recommendation that Section 502.5.3.1 of the LDC be amended to delete the requirement that notices be mailed "by return receipt requested" and replace it with "by first class U.S. mail."

Changes to the Planned Development Process/Use Chart

Laurie Suess, Planning, Permitting and Inspections, reviewed recommended changes to Section 603.6.2.1(1), (6), and (9) and new section (11) regarding the planned development process. She stated the addition to Section 603.6.2.1(9) will not allow an administrative modification to setbacks, which have been approved on a site plan.

She advised that the majority of the changes to the Use Chart are to eliminate administrative and special permit uses from the planned development districts. This would require an applicant/developer to have a "P*" use approved with a general development plan and meet the standards for conditional uses in Section 704. She also advised that Section 603.6.2.1(11) outlines uses that may be administratively added to a general development plan. She also reviewed changes to Section 603.6.3, Board Modifications, and Section 603.6.4, New Plans Required.

Discussion: AP/SP (Administrative Permit/Special Permit) requirement in eating establishments; change of motor vehicle sales/rentals to AP/SP.

Adult Entertainment

Ms. Suess advised that changes are being made to the adult entertainment definitions to delete the reference to excluding minors by virtue of age (Section 707).

(Depart Mrs. Hooper)

She stated the definition of "Specified Anatomical Areas" has been changed to match the definition adopted with the public nudity ordinance. She also reviewed additions/changes to Section 707 with regard to "Minimum Age Requirements" and "Incidental Materials Vendors." She also pointed out the recommendations for amendments to the Adult Entertainment Ordinance (84-11, as amended).

Discussion: Proximity of adult material sales establishments to schools; distance from adult entertainment establishments to church, school, day care center, public recreation facility, and residential zoning districts outlined in Section 707.32; regulations on displaying incidental adult materials; lingerie sales establishments; etc.

Addressing

Ms. Suess advised that staff is proposing the addressing section be moved from Chapter 9 (Section 912), the subdivision section, to Chapter 7 (Section 742), the general provisions. She stated that the commemorative street naming provision has been added (Section 742.5.1), as adopted by resolution.

Other Issues

Mr. Servia advised of other issues discussed by the Planning Commission. He stated the Planning Commission recommended the Board not consider making any changes at this time with regard to vietnamese potbellied pigs; however, they would like to consider the issue during the next round of LDC amendments.

Another issue discussed was a change to temporary agriculture stands; taking them out of the administrative permit process and making them a temporary use. He stated the duration period for the temporary use has been changed to limit it to a three-month period, per location, and only one permit may be issued, per site, within a 12-month period. There is also a provision for access to sanitary facilities and a separation requirement of 2,000 feet between stands.

Discussion: The sale of watermelons/produce from a truck parked by the road causes traffic hazards; the issue is the unlicensed stands that are creating the hazards/generating complaints; the amendments also address portable agriculture stands that were not really "portable" and were in business for a long period of time.

(Mrs. Glass absent during a portion of the discussion)

Mr. Servia also pointed out an amendment, as outlined in the Errors, Omissions and Typographics statement, with regard to lingerie modeling (Section 724.2.29). He stated this section deals with regulating the signage.

Public Comment

Scott Scoville expressed concerns with the provisions dealing with temporary agriculture stands and stated they should be eliminated from the LDC.

Clayton Sutton agreed with Mr. Scogill. He also expressed concerns with requirements for distances from "permitted" fruit stands; location of stands within walking distance to restroom facilities; and disciplinary action.

Ramonia Lewis opposed changing provisions regarding potbellied pigs.

Board Discussion

It was noted that a second public hearing will be held on June 16, 1994, at 6:00 p.m.

(Depart Mrs. Glass)

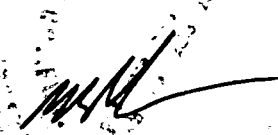
Discussion: Removal of the section pertaining to temporary agriculture stands; all the items outlined in the agenda packet are being considered for review, not just the items discussed; possibility of bringing back an item regarding sewer sludge spreading; newspaper article regarding regulations of other counties regarding sewer sludge spreading and a meeting held in Duette (5/28/94).

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 8/9/94

Adj: 7:02 p.m.
/dev