

JUNE 16, 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 16, 1994, at 6:02 p.m.

Present were Commissioners:

Stan Stephens, Chairman  
 Joe McClash, First Vice-Chairman  
 Kent G. Chetlain, Second Vice-Chairman  
 John R. Gause, Third Vice-Chairman  
 Lari Ann Harris  
 Maxine M. Hooper

Absent was Commissioner:

Patricia M. Glass (previous commitment)

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 6/9/94) 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;
  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.

#### Items Entered Into The Record

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

- = Petition requesting the Board confirm the status of miniature potbellied pigs as domestic pets;
- = Letter (6/13/94) from Alan Hardy Prather recommending language be added to proposed Section 704.45.5 regarding manufactured homes;
- = Errors, Omissions and Typographics report dated June 16, 1994, which includes omissions and typographics from the June 2, 1994, public hearing; and
- = Memorandum (6/16/94) from Laurie Suess, Planning, Permitting and Inspections, regarding options for treatment of individual manufactured homes on property zoned A and VIL.

#### Manufactured Homes

Betsy Benac, Planning, Permitting and Inspections, reviewed options dealing with permitted manufactured homes and manufactured homes that have never been properly permitted (Items 2 and 3, Sections 704.45.5 and 704.45.5.1, in memo from Ms. Suess, entered earlier). RECORD S43-1831

Upon review of the suggested language by Mr. Prather (letter entered earlier), Ms. Benac recommended the wording "**that do not meet the design standards**" be added to Section 704.45.5, proposed options (Item 2, Options A through C) dealing with existing properly permitted manufactured homes, following "Administrative Permit" (Option A) and "Special Exception" (Options B and C).

Discussion: To ensure compliance with the Land Development Code (LDC), manufactured homes are inspected when an extension is requested; no current design standards; intent of the option (Item 2, Option C) for unlimited extensions subject to review every five years is to determine that a manufactured home meets requirements; etc.

Mark Barnebey, Assistant County Attorney, recommended the additional language suggested by Ms. Benac be inserted after "existing manufactured homes" in Section 704.45.5, Options A, B, and C. Option C, for example, would read "Existing manufactured homes that do not meet the design standards and were...."

Discussion: Options regarding manufactured homes that have not been permitted (Item 3); permit cost; storage of manufactured homes not allowed in A and VIL districts; deteriorating mobile homes next to single-family residences; leave code enforcement procedures as they exist and operate on a complaint basis; no specific policy to help manufactured home owners pay for impact fees; etc.

**Beverly Haynes**, representing her parents, advised that her parents have three years remaining on a five-year permit for a manufactured home. She requested action be taken to allow her parents to remain in their home without further approvals/permits. She stated a master bedroom/bath and entryway have been added to their manufactured home.

Further discussion: Would addition to a manufactured home be considered part of main body; add language to end of first paragraph under design standards (Section 704.45.4.1.) that would state "or at the direction of the Director, the structure meets the intent of this Code"; delete "of the main body" from that paragraph; manufactured home permits run with land; majority code enforcement complaints are manufactured homes; etc.

JUNE 16, 1994

(Cont'd)

**Alan Prather**, attorney representing Mr. and Mrs. Anthony Crews, supported the design standards. He stated that if his clients meet the standards they would like to be allowed to permanently remain in their manufactured home without further permits or extensions. If they do not meet the standards, they would like the opportunity to remain in the home and maintain it in a proper appearance.

With regard to existing, properly permitted manufactured homes, he agreed with Option A, grandfathering all existing permitted manufactured homes indefinitely. He also agreed to the additional language recommended under Section 704.45.5.

(NOTE: See further discussion/action later in the meeting.)

#### Required Notice

Ms. Benac reiterated the recommendation that the required notice process (Section 502.5.3.1 of the LDC) be amended from "by return receipt requested" to by first class U.S. mail.

**Alan Prather**, attorney, stated there has been a problem with the notice requirements when dealing with condominiums. He supported any change that would make the requirements easier.

(NOTE: See further discussion later in the meeting.)

#### Miniature Potbellied Pigs

Joaquin Servia, Planning, Permitting and Inspections, advised that staff is not proposing any change to the LDC with regard to miniature potbellied pigs. He stated the Planning Commission recommended that there be no change at this time; however, they recommended that the issue be re-examined during the next cycle of LDC amendments.

(NOTE: See further discussion later in the meeting.)

#### Temporary Agricultural Stands

Pursuant to direction (6/2/94), Mr. Servia reviewed the recommendation to remove language that allowed temporary agricultural stands.

**Scott Scoville** and **Diane Sutton** spoke in favor of the recommendation to remove the language and disallowing temporary agricultural stands.

**Patricia Reed** supported temporary agricultural stands. She responded to comments regarding her stand being located in the right-of-way, etc.

(NOTE: See further discussion later in the meeting.)

#### Public Comments - Miscellaneous Items

**James Schrader**, representing the Cortez Peninsula Board of Associations, commented on various amendments (letter submitted 6/2/94).

Ms. Clarke suggested additional language with regard to the residential dock density requirements (Section 734.2.4), as follows:

"One slip shall be permitted on single-family lots of record created prior to the adoption of the Comprehensive Plan."

**Jerry Pies** submitted a proposed change to Section 704.43.5, Screening. With regard to ministorage facilities, he recommended that a solid perimeter building wall be allowed in place of the fence option.

Mr. Barnebey stated that if the Board wished to consider this change, it would be more appropriate to do so during the next cycle of amendments.

#### Manufactured Homes (Cont'd)

Mr. McClash recommended additional language to Section 704.45.4, Design Standards, subsections 1 and 6, as follows:

- = 1. Add "or at the discretion of the Director, the manufactured home meets the intent of the 24-foot minimum width."
- = 6. Add "or at the discretion of the Director, the existing home meets the safety and construction standards intention of this Code."

#### Motion - Section 704.45.4

Motion was made by Mr. McClash, seconded by Mr. Chetlain and carried 6 to 0, to approve Item 1 (Section 704.45.4, Design Standards) with the amendments recommended by Mr. McClash.

(NOTE: Options listed in memorandum from Ms. Suess entered earlier.)

Motion - Section 704.45.5

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried 6 to 0, to approve Option C under Item 2 (Section 704.45.5, Special/Administrative Permit Renewals), as amended by Mr. Barnebey (earlier in the meeting).

Motion - Unpermitted Manufactured Homes

With regard to options dealing with manufactured homes that have never been properly permitted, Mr. Barnebey suggested the motion be for approval of Item 3, Option A, which would be no language at all with clarification that the enforcement procedure would be based on standard procedures for all other types of complaints.

Mr. McClash so moved. Motion was seconded by Mr. Chetlain. Following discussion, voting "Aye" were Mr. Chetlain, Mr. Stephens, Mrs. Hooper, and Mr. McClash. Voting "Nay" were Mr. Gause and Mrs. Harris. Motion carried.

Required Notice (Cont'd)

Mr. Barnebey stated that no motion is required unless the Board wishes to make a change to the recommendation.

Miniature Potbellied Pigs (Cont'd)

There was no change to the recommendation regarding miniature potbellied pigs.

Temporary Agricultural Stands (Cont'd)

Inasmuch as the Errors, Omissions and Typographics report provides for the deletion of temporary agricultural stands (Section 705), Mr. Barnebey stated a motion is not needed to delete that provision.

The Chairman clarified that by accepting the Errors, Omissions and Typographics report for Ordinance 94-09, the temporary stands will not be a permitted use.

Board Discussion

Upon question with regard to proposed Section 603.6.4(7), "any new airport runway or expansion to an existing airport runway" as outlined in the Errors, Omissions and Typographics, Ms. Benac advised that any change to a runway would be considered a major modification that would have to come before the Board.

Motion - Ordinance 94-09

Mr. Barnebey recommended the motion be  
Based upon the comments and documents presented at this public hearing, and at the June 2, 1994, public hearing, and with the amendments, finding this Ordinance to be consistent with the Manatee County Comprehensive Plan, move to approve Manatee County Ordinance 94-09 with the amendments as set forth in the June 16, 1994, Errors, Omissions and Typographics report and also with the amendments specifically voted on at this public hearing.

Mr. McClash so moved. Motion was seconded by Mrs. Harris and carried 6 to 0.

RECORD S43-1832

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

  
\_\_\_\_\_  
Clerk

APPROVED:

  
\_\_\_\_\_  
Chairman 8/9/94

Adj: 7:52 p.m.  
/dev