

OCTOBER 22, 1998

The Planning Commission, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, October 22, 1998, at 9:03 a.m.

Present were Commissioners:

Patrick McGinnis, Chairman
Steve Belack, First Vice-Chairman
Stanley K. Herbets, Third Vice-Chairman
E. H. Williams
Paul G. Sayers

Absent were:

Mary Sheppard, Second Vice-Chairman
Richard Bedford

Also present were:

Mark P. Barnebey, Chief Assistant County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

ORDINANCE 98-18: LAND DEVELOPMENT CODE AMENDMENT

Public hearing (Notice in the Bradenton Herald 10/9/98) was held to consider

ORDINANCE 98-18 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 STANDARDS RELATING TO THE CODE ENFORCEMENT BOARD; (3) AMENDING CERTAIN TEMPORARY USE PERMIT REQUIREMENTS; (4) AMENDING CERTAIN REQUIREMENTS REGARDING REQUIRED ACCESS TO LOTS; (5) AMENDING CERTAIN OFF-STREET PARKING STANDARDS; (6) AMENDING CERTAIN DRIVEWAY STANDARDS; (7) AMENDING CERTAIN ACCESS AND DRAINAGE REQUIREMENTS; (8) AMENDING CERTAIN STORMWATER MANAGEMENT STANDARDS; (9) AMENDING CERTAIN FLOODPLAIN MANAGEMENT STANDARDS; (10) AMENDING CERTAIN WETLAND PROTECTION STANDARDS; (11) AMENDING CERTAIN HABITAT AND SPECIES PROTECTION STANDARDS; (12) AMENDING CERTAIN REQUIRED IMPROVEMENTS STANDARDS; (13) ADDING NEW LANGUAGE REGARDING BONDING PRIVATE IMPROVEMENTS; (14) AMENDING CERTAIN ADVERSE IMPACT STANDARDS; (15) AMENDING CERTAIN AIRPORT LOCATION CRITERIA; (16) AMENDING CERTAIN TRANSIT FACILITY STANDARDS; (17) AMENDING CERTAIN PRIVATE STREET REQUIREMENTS; (18) AMENDING THE LIMITED ACCESS ON UNIVERSITY PARKWAY REQUIREMENTS; (19) AMENDING CERTAIN SUBDIVISION REQUIREMENTS; (20) AMENDING CERTAIN NON-CONFORMITY STANDARDS; (21) AMENDING CERTAIN LANDSCAPING REQUIREMENTS; (22) AMENDING CERTAIN ENFORCEMENT REQUIREMENTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Joaquin Servia, Planning Department, referred to a draft of **Ordinance 98-19**, and noted additional changes: (1) delete all reference to traffic calming, including the definitions; (2) amend the definition of wetland; (3) change **Section 719.3** and add Comprehensive Plan policies; (4) change the percentage in **719.10**, from (1.15) percent to (115) percent; (5) add landscaping requirements which were inadvertently deleted (Page 13); (6) add to parking chart, Private Neighborhood Parks/Pool Facilities, limiting requirements to facilities serving 100 lots or less; (7) significant changes made to **Sections 717.3.11, 717.3.11.1 and 718.6.1.9**; (8) change **Section 722.3.2.5.1**, private bonding of improvements. RECORD PC2-51

William O'Shea, Environmental Management Department, referred to his memorandum (10/20/98), wherein the following revised language to paragraph 2 of **Section 719.11.1**, reads as follows:

The Director of Environmental Management Department may increase wetland buffers adjacent to outstanding Florida waters, riverine systems or larger isolated wetlands, to enhance watershed protection, to maintain aesthetic viewsheds, to preserve native upland habitat, to provide wildlife corridors, or to minimize adverse impacts to the ecological value of uplands to aquatic or wetland dependent listed animal species.

OCTOBER 22, 1998

(Continued)

Discussion: Need authorization to make buffer changes, and guidelines for increase in wetland buffers; appeals regarding buffers are heard by Board of County Commissioners; compliance must be met with the Environmental Resource Permit and the Southwest Florida Water Management District; timing of changes, etc.

Mark Barnebey, Chief Assistant County Attorney, recommended adding the following language to the first sentence of paragraph 2 of Section 719.11.1, "The Planning Director after recommendation from...".

Sia Mollanazar, Transportation Department, outlined the changes to **Section 717, Stormwater/Floodplain Amendments**: (1) **717.3.4.**, adding a sentence that post-development and pre-development points of discharge are the same; (2) **717.3.11**, Paragraph 2, change County Building Official to Planning Director; (3) **717.3.11.1** add a new section regarding the 25-year floodplain bringing in the completed series of maps; (4) **717.3.11.1.1** adding a provision for independent floodplain analysis for map disputes; (5) **717.4.2.1** adding a provision using maps for design purposes; (6) **718.6.1.8**, calculations and allowances for fill compensation of stormwater storage; (7) **718.6.1.9**, delete entire Section and replace with a duplication of Section 717.3.11.

Jerome Gostkowski, Planning Department, addressed **Section 722.3.2, Performance Securities**, noting that the intent of this change is equity for developers that have private improvements as well as public improvements. He noted that staff recommended public improvements be bonded at 130 percent of the current construction costs and private improvements be set at 200 percent, plus a 3 percent refundable administrative fee. Mr. Gostkowski suggested that a time frame of one year be added to the language (**Section 722.3.2.5.1**).

Discussion: Bonding optional; can place infrastructure first or bond and then infrastructure; cannot expend public money on private improvements; percentage for bond improvements; eliminating bonds; common areas separate issue; adding wildlife habitat definition, etc.

Motion

Based upon staff report, evidence presented, any written and oral comments received before or 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, Mr. Williams moved to recommend ADOPTION of Manatee County Ordinance **98-19** amending certain provisions of the text of the Manatee County Land Development Code, also known as Ordinance 90-01, as amended, to include Paragraph 2 of **Section 719.11.1** submitted by staff at this meeting and amended by Mr. Barnebey; on Page 49, **Section 722.3.2.5.1**, add a one year time limit; **and** propose a definition for critical wildlife habitat prior to the Board of County Commission meeting. Motion was seconded by Mr. Belack.

Discussion: Concern regarding bonding issue, etc.

Motion - Amended

Motion was made by Mr. Sayers and seconded by Mr. Herbets, requesting the bonding of private improvements be handled as a separate motion. Motion **failed** 2 to 3, with Mr. McGinnis, Mr. Belack and Mr. Williams voting nay.

The original motion carried 4 to 1, with Mr. Sayers voting nay.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

Clerk

APPROVED:

Gene Belack
Chairman 1/14/99

Adj: 10:35 a.m.

/jk