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CLERK OF THE COURT
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ORDINANCE 06-16

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MANATEE COUNTY
CLERK OF THE COURT

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; SPECIFICALLY, LOT DRAINAGE; AMENDING CHAPTER 2, DEFINITION AND RULES OF CONSTRUCTION; AMENDING SECTION 702, BULK AND DIMENSIONAL REGULATIONS; AMENDING SECTION 706, ACCESS AND DRAINAGE REGULATIONS; AMENDING SECTION 711, DRIVEWAY ACCESS REGULATIONS; AMENDING SECTION 712, REQUIRED ACCESS TO LOTS; AMENDING SECTION 713, VISIBILITY TRIANGLES; AMENDING SECTION 722 INSTALLATION OF REQUIRED IMPROVEMENTS; AMENDING CHAPTER 9, SUBDIVISION PROCEDURES AND STANDARDS; AMENDING OTHER CODE PROVISIONS AS REQUIRED FOR INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida, is authorized under Chapters 125 and 163, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Manatee County, Florida; and

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211, and 163.3213, Florida Statutes, empower and require the Board of County Commissioners of Manatee County, Florida, to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specify the scope, content, and administrative review procedures for said regulations; and

WHEREAS, Section 163.3202, Florida Statutes, further provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the County; and

WHEREAS, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01, as amended, and in accordance with Sections 302 and 503 of said ordinance and Section 163.3194(2), Florida Statutes, said Commission is required to review proposed amendments to the Manatee County Land Development Code and to make its recommendations to the Board of County Commissioners after holding a public hearing on the matter; and

WHEREAS, the Manatee County Planning Commission has reviewed an amendment to the above cited Code to more adequately address and prepare for Manatee County's future development and growth and to implement the Manatee County Comprehensive Plan; and

WHEREAS, the Manatee County Planning Commission held a public hearing on December 8, 2005, on the above cited amendments with due public notice having been provided, and having reviewed and considered all comments received during said public hearing, including the staff comments and reports, recommended said amended version of the Manatee County Land Development Code as being consistent with the adopted Manatee County Comprehensive Plan and meeting the requirements of 163.3202(2) and 163.3213(1) and (2), Florida Statutes; and

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, and the provisions of

Sections 502 and 503 of the Manatee County Land Development Code, on December 20, 2005, and January 10, 2006, the Board of County Commissioners of Manatee County held public hearings, with due public notice having been provided, to consider proposed amendments to the above referenced Land Development Code; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments, including staff reports and studies received, during said public hearings along with the specific recommendations of the Planning Commission; and

WHEREAS, in exercise of said authority, the Board of County Commissioners of Manatee County, Florida, has determined it necessary and desirable to amend and revise in part the Manatee County Land Development Code in order to implement the Manatee County Comprehensive Plan and meet its responsibilities under Florida Statutes to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within Manatee County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, as follows:

Section 1. Purpose and Intent. This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Amendment of Section 702, Land Development Code. Section 702 of the Manatee County Land Development Code (Manatee County Ordinance No. 90-01, as amended) (the "Land Development Code") is hereby amended to , revise Sec.702.9, Minimum Floor Elevation, Sections 702.9.1, 702.9.2, 702.9.3 and 702.10 . Said amended sections shall provide as follows:

(Changes are in strikethrough/underline format)

702.9 Minimum Floor Elevation.

702.9.1 Generally. The minimum finished floor elevation for structures in the floodplain shall be in accordance with the requirements of Section 717, Stormwater Management and Section 718, Floodplain Management.

In all situations, the finished floor elevation shall be a minimum of eight (8) inches above the immediate surrounding grade on all sides of the building and the required finished floor elevation shall be determined as follows:

A. A minimum of ~~eighteen (18)~~ twenty one (21) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured along the entire frontage of the lot on which the building is located.

OR-AND

B. In accordance with adopted Transportation Highway and Drainage standards. As established on In special conditions, a professional engineer may submit a storm drainage plan prepared by an engineer and to be approved by the County Stormwater Engineer Transportation Director or designee.

The storm drainage plan shall provide:

(1) Sufficient relative or actual spot elevations to include: all necessary elevations at property lines or within two hundred (200) feet of the structure, whichever is less; street crown; right-of-way lines; inverts at culverts; existing and proposed finished floor elevations at all buildings;

- (2) Positive drainage away from buildings to a swale located in an easement or storm drainage system with minimum slopes per Transportation Highway and Drainage standards;
- (3) No flow onto adjacent property without a recorded drainage flowage easement;
- (4) Finished floor elevation of at least eighteen (18) inches above the average grade of the top of bank of either the swale or drainage facility;
- (5) Drainage flow arrows specifically indicating the direction of flow to all drainage outfalls; and
- (6) Construction details and cross sections in accordance with the Stormwater Management Design Manual and Highway and Drainage standards for lot drainage.

In addition to the permit fee, any costs associated with the County ~~Stormwater Engineer~~ Engineering staff verifying the accuracy of the plan and the drainage conditions shall be borne by the applicant.

OR

- C. ~~As established by In all new subdivision, the Engineer of Record and approved by the County on approved stormwater plans for the project, shall show~~ The finished floor elevation shall be shown for each lot on the construction drawing for the subdivision, prior to approval.

702.9.2 *Swales.* Swales shall be constructed along side and rear lot lines sloped toward and discharging into a retention/detention basin or into an acceptable drainage facility, drainage outfall, or drainage system, approved by the County Engineer in accordance with Section 717, Stormwater Management and the Manatee County ~~Public Works~~ Highway and Drainage Standards.

702.9.3 *Exclusions.* The minimum floor elevations of the Section shall not apply to:

1. Non-habitable residential attached or detached accessory structures;
2. Signs;
3. Less than one thousand (1,000) square feet of nonresidential floor area as either a whole building or an addition;
4. Additions to existing residential structures; and
5. Agricultural uses.

However, no such freestanding structure shall be located except in accordance with the applicable provisions of Section 717, Stormwater Management, and Section 718, Floodplain Management.

702.10. *Administrative Variances for Errors in Yard Measurements and Front Yard Setbacks in Established Neighborhoods.* (See Section 509.6).

Section 3. Amendment of Section 706, Land Development Code. Section 706, Access and Drainage Regulations, of the Manatee County Land Development Code (Manatee County Ordinance 90-01, as amended) (the "Land Development Code") is hereby amended to revise Sections 706.1, 706.2, 706.3, 706.3.1, 706.4, 706.5, 706.6, 706.1, 706.1.1, 706.1.2, 706.1.3, 706.1.4, 706.1.5, 706.1.6, 706.1.7, 706.1.8, 706.6.1.9, 706.6.2 and 706.3. Said amended sections shall provide as follows:

Section 706. Access and Drainage Regulations.

706.1 *Purpose and Intent.* The ~~Planning~~ Transportation Department administers and regulates requirements for rights-of-ways and construction elements including lot access—Section 712, driveways—Section 711, sidewalks—Section 722.1.4, handicap ramps—Section 727, within rights-of-ways; visibility triangles—Section 713, on-site drainage—Section 717, rights-of-way drainage—Section 717, and stormwater management structures—Section 717, and all construction within the rights-of-ways.

706.2 *Administration.* The ~~Environmental Management~~ Transportation Department shall be responsible for the administration of these regulations.

706.3. *Permit Required.* The Planning-Transportation Department shall receive, review and issue a comprehensive permit entitled "Access and Drainage Permit" which shall encompass where applicable, any or all elements mentioned in Section 706.1, above.

706.3.1. No driveway, sidewalk, culvert, drainage or stormwater structure, swale, driveway apron, roadway shoulder or handicap ramp within the rights-of-ways, and construction within the visibility triangle and rights-of-ways shall be constructed, improved, or enlarged without a permit issued by the Planning-Transportation Department in accordance with this Section. Where such a permit is required, no building permit shall be issued for a structure on a lot until an Access and Drainage Permit has been issued. No drainage system or any development shall take a form that creates potential or actual impoundment of water on, or discharge water onto, adjacent property in such a manner as to affect existing development, or increase problems of future development on adjacent property, except with recorded easements of the adjoining property affected. The driveway access shall not be used to divert stormwater from on-site to the roadway.

706.4. *Final Approval.* Final approval by the Planning-Transportation Department for construction work required by this section and complete repairing of any damage to the rights-of-way shall be a prerequisite for an occupancy permit or final approval issued by the Building Department.

706.5. *Required Zoning.* The construction elements delineated in Section 706.3, must be considered as accessory uses for which they serve.

706.6. *Procedure.*

706.6.1. *Required Submissions.* Applicants for a Access and Drainage Permit shall submit a written application in a form as deemed necessary by the Planning-Transportation Department and a site plan. The application may be included as part of any site plan required by this Code. In addition to the specifics required to clearly describe the entire scope of work to be constructed, the general requirements to include as part of the application submission are:

706.6.1.1. Property address, parcel identification number, and zoning classification.

706.6.1.2. Boundary survey including lot area, easements, and date of survey.

706.6.1.3. Location of all existing and proposed buildings, structures and driveways on the property.

706.6.1.4. Design for all work required by Section 706.1.

706.6.1.5. The location of the proposed driveway(s), referenced to readily identifiable physical landmarks or survey markers, with dimensions that accurately indicate driveway width, material, and thickness.

706.6.1.6. Elevation of the first floor slab (reference Section 702.9 and Section 718).

706.6.1.7. For all property except single family and duplex residential lots, indicate the location of all stormwater management facilities required under Section 717. For single family and duplex residential lots, indicate the direction of surface water flow; and location of swales and ~~other~~ all drainage structures.

706.6.1.8. Site plan, sections, details and elevations; and existing and finish grades as per approved construction plans and in accordance with Manatee County lot drainage standards. (~~optional for single family and duplex residential lots~~).

706.6.1.9. Location of above ground utilities (if information is readily available).

706.6.2. *Approval.* The Planning-Transportation Department shall review the application and shall approve, or deny the application, stating in writing, the reasons for any denial.

706.6.3. *Access onto Emergency Maintained Roads.* The design and construction requirements stipulated in the Transportation Standards may be modified by the Transportation Director to suit the existing unimproved public rights-of-way conditions. The integrity of each construction element required by Section 706.1 shall be consistent with the proposed public construction of the rights-of-way.

Section 4. Amendment of Section 7II, Driveway Access Regulations. Section 7II, Driveway Access Regulations, of the Manatee County Land Development Code (Manatee County Ordinance No. 90-01, as amended) (the "Land Development Code") is hereby amended to revise Sections 711.1, 7II.2, 7II.3, 7II.3.1, 7II.3.2, 7II.3.3, 7II.4, 7II.4.1, 7II.4.2, 7II.4.3, 7II.4.4, 7II.4.4.1, 7II.4.4.2, 7II.4.4.3, 7II.4.4.4, 7II.4.6, 7II.4.7 , 7II.4.8 and 7II.5. Said amended sections shall provide as follows:

Section 711. Driveway Access Regulations.

711.1. *Purpose and Intent.* These regulations are established to provide for safe and efficient access to and from driveways intersecting any street, as well as for the safety and efficiency of pedestrian and vehicular movement, within any such rights-of-way.

711.2. *Permit Required.* No section of a driveway which extends from the right-of-way line outwards toward the travelway/edge of pavement shall be constructed, improved, or enlarged without an access and drainage permit issued by the Planning-Transportation Department in accordance with Section 706, Access and Drainage Regulations. A permit is not required for regular driveway maintenance.

711.3. *Procedure.* In addition to the requirements of Section 706, Access and Drainage Regulations, the plan which accompanies the application shall include:

711.3.1. The location, size, and alignment of the proposed driveway, the curb and/or gutter line, sidewalks, and official rights-of-way line of the intersected street, approximate distances and location of all existing driveways of all adjoining lots along the same street line within one hundred (100) feet. In the case of a corner lot, the plan shall show the location of the driveway for the adjoining lots of both streets.

711.3.2. The location and dimensions of all existing and proposed parking areas on the lot within fifty (50) feet of the proposed curb cut. The location of trees adjacent to the proposed curb cut, structures including free standing signs, storm drains, and any fencing near the curb cut.

711.3.3. The location of each visibility triangle as required by Section 713 shall be shown on the plan.

711.4. *Standards.* No permit shall be issued except in conformance with the following requirements; provided, however, the ~~County Engineer~~ Transportation Director may increase the distance between driveways to the extent necessary to assure safe and efficient ingress and egress to a lot, based on existing roadway widths and Florida Department of Transportation standards.

711.4.1. *Minimum Distance From Intersections.* Where a site occupies a corner of two (2) intersecting streets, the driveway entrance or exit shall be as remote from the intersection as possible. Driveways shall not intersect a street corner radius, nor be closer to the intersection of extended street lines than provided below.

Principal Use of Lot Serviced	Highest Classification of Intersecting Streets	Minimum Required Distance (feet)
Residential	Arterial	60

	Major Collector	40
	Minor Collector	30
	Local	30
All other Uses	Arterial	75
	Major Collector	60
	Minor Collector	50
	Local	50

711.4.2. *Minimum and Maximum Driveway Width.* Driveways for residential zone lots shall not exceed twenty-four (24) feet in width at their intersection with the lot line, unless approved by the Transportation Director. Driveways for non-residential zone lots shall not exceed thirty-six (36) feet in width at their intersection with the lot line. The minimum driveway width in any zone shall be twelve (12) feet.

711.4.3. *Maximum Number of Driveways.* Except for agricultural-zoned property, and lots in excess of five (5) acres, there shall be no more than two (2) driveways from any project, fronting on a single street. In the case of a corner lot fronting on two (2) streets, no more than a maximum of three (3) driveways shall be allowed for the project. In the case of a project abutting three (3) roadways, a maximum of four (4) driveways shall be permitted for the project. Each project shall have a separate access to a street, except as stipulated under Section 711.4.4 below. The Planning Transportation Director shall have the authority to approve an increase or decrease in the number of driveways for individual projects where a superior design, based upon safety considerations, is available.

711.4.4. *Minimum Distance between Driveways.* No driveway shall be closer to another driveway, whether on the same or adjoining lots, than as provided below, nor shall any driveway be closer to a lot line, measured along the street line, than one-half (1/2) the distance provided below, unless the driveway serves the adjoining lot as well. A cooperative driveway for two adjoining contiguous lots may be approved upon submission of recorded easements to the County Engineer, Transportation Director indicating passage over the adjoining lot. Based on a review of the location, traffic and other site conditions, the County Engineer Transportation Director will either approve or disapprove the request.

711.4.4.1. For all non-residential and non-agricultural uses, the minimum requirements shall be:

Street Classification	Distance Between Driveways
Arterial	40 feet
Major Collector	30 feet
Minor Collector and all other roadways	25 feet

711.4.4.2. All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress at the site and minimize conflict with the flow of traffic on and off the site.

711.4.4.3. Driveways should intersect the road at an angle of as near ninety (90) degrees as site conditions will permit. In no case shall the angle be less than sixty (60) degrees measured from the roadway.

711.4.4.4 Driveway entrances shall not be utilized to convey stormwater from on-site to the right-of-way, except for single family detached, attached and duplex dwellings. 711.4.5. Construction Standards. Driveways shall be constructed in accordance with the Public Works Transportation Department Development Standards, but at a minimum, all driveways shall be constructed and maintained with a dustless surface, approved by the County Engineer Transportation Director, from the edge of the road's pavement to the right-of-way line.

711.4.6. Vehicular Use of Right-of-Way Shoulders Prohibited. Except for the approved driveway entrance and exits, the area between the travelway of a street, road or highway and the property line shall not be used for vehicle maneuvering or parking.

711.4.7. Stacking Lanes, Local Frontage Roads. Where deemed necessary by the County Traffic Engineer or ~~Planning Concurrence Manager~~, to prevent traffic hazards or congestion stacking lanes adequate to accommodate maximum queuing of vehicles turning into the subject driveway shall be provided in accordance with the Public Works Transportation Department Development Standards. A local frontage road may be provided in lieu of any necessary stacking lanes.

711.4.8. Measurement. Measurement of driveway width or spacing shall not include any necessary corner radii, for turning movements.

711.5. Appeal Process. All appeals of the Public Works Transportation standards as herein stated shall be in accordance with Chapter 5.

Section 5. Amended of Section 712 of the Land Development Code. Section 712, Required Access To Lots, of the Manatee County Land Development Code (Manatee County Ordinance No. 90-01, as amended) (the "Land Development Code") is hereby amended to the entire section to provide as follows:

Section 712. Required Access to Lots.

712.1. Intent. It is the intent of this Section to provide for adequate access to lots for egress and ingress, emergency vehicle access, proper maintenance of streets, inspection, related

governmental functions, and for the protection of public safety, health and welfare.

712.2. *General Requirements.* All streets proposed to be public streets shall be built to County Standards, as delineated in the Manatee County ~~Public Works~~ Transportation Standards and this Code. All streets proposed to be private streets shall be built in accordance with Section 740. No building permit for a substantial improvement or for the establishment of a new single family or multifamily use shall be issued by the County Building Official unless the lot has adequate access to a street or easement which is open for use and which is identified and complies with one of the following:

712.2.1. *Public Streets in New Subdivisions.*

712.2.2. *Public Streets other than Public Streets in New Subdivisions.* A street which has been constructed to the Manatee County ~~Public Works~~ Transportation standards or is listed in the official and approved inventory of County maintained, public streets, and which:

712.2.2.1. Has been dedicated or conveyed by plat, deed, or other legal process and accepted as a public street by the State of Florida or the County of Manatee; or

712.2.2.2. Has become a public street by act of Florida law.

712.2.3. *Streets Not Accepted for Maintenance (Emergency Maintained).* For a street not constructed to Manatee County ~~Public Works~~ Transportation Standards or not listed in the official and approved inventory of County maintained streets, building permits shall only be issued when the owner has complied with the following conditions:

712.2.3.1. The applicant has submitted verifiable proof of ownership of the lot or property to the County Building Official, and

712.2.3.2. The lot owner has executed and delivered to the Planning Transportation Director an affidavit and agreement between the lot owner and the County which complies with Section 712.2.3.3 below, and the affidavit and agreement have been approved by the Planning Transportation Director. After acceptance by the ~~Public-Transportation~~ Director, the affidavit and agreement shall be recorded with the Clerk of the Circuit Court. A copy of the recorded affidavit and agreement shall be on file with the Planning Transportation Director.

712.2.3.3. The affidavit and agreement shall contain, as a minimum, the following information:

712.2.3.3.1. An Acknowledgement by the applicant, which shall bind himself, his heirs, assignees, grantees, purchasers for value and successors in interest, that the County shall not be responsible for the maintenance of the street until the street has been improved or constructed to County standards and accepted by the ~~Public-Transportation~~ Director.

712.2.3.3.2. An acknowledgement by the applicant, which shall bind himself, his heirs, assignees, grantees, purchasers for value and successors in interest, to participate in any project pursuant to a County initiated participation project for the construction of the roadway.

712.2.3.3.3. An acknowledgement by the applicant, which shall bind himself, his heirs, assignees, grantees, purchasers for value and successors in interest, that the County assumes no liability or responsibility for any construction, improvements or work performed on the street by private individuals.

712.2.3.3.4. That the applicant shall cause the filing and recording of the affidavit and agreement with the Clerk of the Circuit Court and shall mail notice of the filing and recording of the affidavit and agreement to any heir, assignees, grantee, purchaser for value or successor in interest upon the transfer of the real property or structure associated herewith within a reasonable time after such filing.

712.2.3.3.5. The owner/applicant has provided construction drawings which indicate the construction of a stabilized base meeting minimum county standards.

712.2.4. *Private Streets.* Private streets that have been approved in accordance with Section 740 and recorded with the Clerk of the Circuit Court. Refer to Section 740 for other private street construction requirements.

712.2.5. *Private Internal Roadway(s) Utilizing Cross-Access Easements* with an adjacent parcel or parcels which does specifically meet the commercial node frontage requirements stipulated in

the Manatee County Comprehensive Plan. The joint use of the private internal roadway(s) shall be strictly limited to small and medium commercial subdivisions or individual commercial or industrial lots of record that can utilize the private internal roadway provision. Approved access is restricted to a site where the proposed use, though located on a parcel that is within the distance criteria of a small or medium commercial node, as defined in the Manatee County Comprehensive Plan, does not have frontage on a roadway classified as a collector or arterial shown on Map 5B of the Manatee County Comprehensive Plan. Each private internal roadway shall be specifically identified and designated on a plan as an easement for vehicular travel of the public and the easement(s) shall be duly recorded with the Clerk of the Circuit Court.

712.2.6. A recorded, non-exclusive ingress/egress, utility and drainage easement may provide the required access to a single-family semi-detached lot which has been created by the split of an existing duplex, where only one (1) unit of the duplex faces the street, and therefore the rear unit did not have frontage on the street.

712.2.7. *Ingress and Egress Easement.* An Ingress Egress Easement with a minimum width of twenty (20) feet may be used for access in the A, A-1, RSF, RDD, RMF and VIL zoning districts for access to one single family dwelling unit, or one existing, permitted, manufactured home unit in the A District, in lieu of public or approved private streets under the following conditions:

712.2.7.1. The easement shall serve one (1) lot only, which meets the minimum district size;

712.2.7.2. An affidavit for maintenance shall be recorded with the easement. The affidavit shall state that it is the sole responsibility of the applicant to both construct and maintain the easement in a condition suitable for daily travel by residents and access for emergency vehicles. The affidavit shall also eliminate any County responsibility for the easement and acknowledge that if there is a time in the future when the resident wishes the County to take over maintenance of the easement, it is the responsibility of the resident to create a public street and build it to County standards prior to takeover by the County. This affidavit shall contain language stating that the owners of the two lots shall split any assessment fees for roads, water or sewer assessed to the frontage of the property. The lot with frontage shall not bear the entire cost of the assessment.

712.2.7.3. The easement provides for an adequate turnaround area for emergency vehicles which meets Manatee County Public Works Transportation Standards.

712.2.7.4. The easement shall be constructed with a stabilized base and subbase to be approved by the Planning Transportation Director.

712.2.7.5. All Ingress and Egress Easements shall be recorded with the Clerk of the Court in a manner to run with the land before issuance of building or access and drainage permits. The required Affidavit shall also be recorded with the easement at this time. All such easements shall grant Manatee County exclusive vehicular access rights. The easement shall be reviewed by the ~~Growth Management Division of the~~ Planning Transportation Department and the County Attorney's Office prior to issuance of the Access and Drainage Permit.

712.2.7.6. Such ingress/egress easements shall not be allowed in established subdivisions or for use as a resubdivision. Such easement shall not be allowed in the creation of a new subdivision.

712.2.7.7. A subdivision shall not be required for the creation of access to one lot by easement, unless the creation of this lot is the third lot from the parent parcel.

712.2.7.8. An affidavit shall be filed that grants access to the easement to the lot being split and accessed by easement. These documents shall be provided prior to approval of the easement for access.

712.2.7.9. No new lot shall be created by utilizing access by easement across any existing flag lot.

712.2.7.10. *Minimum Lot Frontage.* The minimum required lot width shall be met for any lot proposing to grant an access easement. If the lot does not contain this minimum frontage, then access by easement shall not be allowed.

712.2.7.11. The access easement may cross only one (1) lot to provide access to another parcel. Those easements that cross more than one (1) lot shall not be permitted for this type of approval.

712.2.8. *Second Means of Access.* All residential developments or parts of phases thereof, containing more than one hundred (100) residential dwelling units; and all professional, commercial, and manufacturing development, or parts of phases thereof, containing more than fifty (50) lots, shall have a second separate means of access (street), which shall afford an alternate means of safe entry to and egress from the development (see second means of access, Diagram A). The second means of access (street) shall have the access to a through street, either public or private, constructed to county standards, other than that street on which the primary access is located, (see Diagram A, Number 1 preferred). If a second means of access is not available to another street, another direct access street to the same primary access street is acceptable if the primary access street is a public thoroughfare available for travel in either direction, and separated from the other access by a minimum of three hundred (300) feet (see Diagram A, Number 2). If a separate secondary access street other than from another street or a separate secondary access street from the same primary street separated by at least three hundred (300) feet is not available; then the separation of three hundred (300) feet may be reduced between streets subject to other design considerations addressing fire protection, public safety, traffic, storm water management and other Manatee County Development Standards (see Diagram A, Number 3). Upon request of the property owner submitting an application for a Planned Development Residential, where a specific design incorporates site security elements for the planned development residential; the Board, Planning Director and Design Review Committee may consider an alternative design for the construction of the secondary means of access within or at the property line. The alternative design shall incorporate specific security provisions to allow satisfactory ingress by emergency vehicles. The right-of-way design standards for width and radii shall be adhered to. In addition, the design shall retain the construction of appropriate utilities and drainage requirements. The security components shall include the construction of and maintenance criteria for security gates and signage, in addition to the road base and surface stability for emergency vehicles. The area above the ground surface shall remain free and unobstructed to allow ready access by emergency vehicles to the planned development.

GRAPHIC LINK: Diagram A. Second Means of Access

712.3. *Frontage.* All lots and parcels of land shall have frontage along an approved public or private street, pursuant to the requirements set forth in Section 702.4.4; except an existing duplex in the Operation Face Lift area as defined in section 702.4.4, which has been split into two (2) single-family semi-detached units where the rear unit obtains access to the street via a recorded, non-exclusive ingress/egress, utility and drainage easement.

Section 6. Amendment of Section 713 of the Land Development Code. Section 713, Visibility Triangles, of the Manatee County Land Development Code (Manatee County Ordinance No. 90-01, as amended) (the "Land Development Code") is hereby amended to revise Section 713 in its entirety. Said amended section shall provide as follows:

Section 713. Visibility Triangles.

713.1. *Applicability.* In order to provide a clear view of intersecting streets and travel lanes to the motorist, there shall be a triangular area of clear visibility. On every corner lot, at every driveway intersection with streets, and in parking areas, there shall be a visibility triangle clear of any structure, fence, obstruction planting, or parking, unless exempted by Section 713.3 below. The area formed by the visibility triangle constitutes an important horizontal and vertical sight distance for vehicular traffic.

713.2. *Location.*

713.2.1. *For a Corner Lot.* The visibility triangle shall be formed by extending the rights-of-way lines of any corner lot to a point where the lines intersect each other designated as point (A); and from that intersecting point (A), measuring to a point thirty (30) feet along both rights-of-way lines points (B and C); and then, connecting those same two points (B and C), forming a line which measures 42.43 feet.

At an intersection and where two adjacent corner lots exist or are planned, the visibility triangle requirements shall include the segment of the rights-of-way thirty (30) feet from the rights-of-way line of the intersecting rights-of-way line. See visibility triangle illustration 713.

If a future rights-of-way line has been established by the Environmental Management Transportation Department, the thirty (30) foot line of the triangle shall be measured along the future rights-of-way line, as indicated in the visibility triangle illustration 713.

713.2.2. *For a Driveway.* The driveway visibility triangle is the triangle formed by extending the edge of driveway and extending the adjacent rights-of-way line to a point where the lines intersect each other, designated as point (D); and from that intersecting point (D), measuring to a point fifteen (15) feet along the rights-of-way line to a point designated as (E); and measuring from point (D) fifteen (15) feet along the edge of the driveway to a point designated as (F); and then, connecting points (E) and (F) to form a line which measures 21.21 feet. The visibility triangle requirements shall include the segment of the driveway fifteen (15) feet from the intersecting street line, as indicated in the visibility triangle illustration 713.

713.2.3. *In Parking Areas.* Within any parking area, the placement of trees, shrubs, or other obstruction within any landscaped medium, island or peninsula shall observe the requirements as a visibility triangle for all conditions, at each location, where one drive aisle intersects another drive aisle. The dimensions are shown on the Visibility Triangle Illustration 713.

713.3. *Exemptions.* The following items are exempt from the visibility triangle requirement.

713.3.1. All structures and plantings not within a vision clearance area between thirty (30) inches and eight (8) feet above the average elevation of the existing pavement surface of both streets measured along the high point of the street pavement surface, adjacent to the rights-of-way line.

713.3.2. The visibility triangle requirement shall not apply at existing visibility triangle locations to the trunk of an existing, established tree. However, the branches or foliage shall meet the vision clearance area required of paragraph 713.3.1.

713.3.3. A single post or column or similar structure other than signs or sign structures, which is no greater than twelve (12) inches in cross section or diameter.

713.3.4. Non-opaque fences such as chain link are exempt from these requirements.

713.3.5. Fire hydrants, public utility poles, street markers, governmental signs, traffic control devices and public bus benches and U.S Post Office authorized mailboxes are exempt from these requirements.

713.3.6. Directional signs, as permitted by Section 724--Signs.

713.3.7. In RSMH, CRV and PDRV zones, driveway visibility triangles to individual lots are not required.

713.4. Telephone booths, parking areas, bicycle racks, signs and like structures are not exempted from the visibility triangle requirements.

713.5. *Illustration.*

713.5.1. The visibility triangle is identified as illustration number 713.

713.6. *Responsibility.*

713.6.1. It shall be the responsibility of the property owner to maintain the visibility triangle horizontal and vertical clearances at all times.

713.7. *Safety Hazards Within the Visibility Triangle.*

713.7.1. Any safety hazard violation of the Visibility Triangle shall be subject to immediate removal, without prior notification to violator, by the Environmental Management Transportation Department, ~~or the Planning Department~~, at the expense of the property owner.

(GRAPHIC LINK: Illustration 713. Visibility Triangle)

Section 7. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the above amendments into the Land Development Code.

Section 8. 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 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentence, clauses, or provisions of this Ordinance.

Section 9 Effective Date. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida .

Section 10. Applicability. Development projects shall be required to comply with the Land Development Code, as amended by this ordinance and the Manatee County Transportation Highway and Drainage Standards, as amended by resolution adopted the same date as this ordinance, with the exception of development projects for which an application for a building permit has been filed with Manatee County on or before February 20, 2006 and development projects for which new construction plans or Final Site Plans have been filed with Manatee County on or before April 1, 2006.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 10th day of January, 2006.

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



J. McClask

Chairman

**ATTEST: R.B. SHORE
Clerk of the Circuit Court**

By: *Rosa Romine*

Deputy Clerk



SEAL OF BOARD OF COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 10th day of January 2006
R.B. SHORE
Clerk of Circuit Court
By: *R. Rovedo* D.C.

FILED FOR RECORD
R. B. SHORE



2006 FEB -1 AM 10: 22

CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

January 24, 2006

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 11, 2006 and certified copy of Manatee County Ordinance No. 06-16, which was filed in this office on January 19, 2006.

As requested, the date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/kcs

Enclosure