

Planning Commission: 08/13/2020

**ORDINANCE NO. 20-33**

**An Ordinance of the Board of County Commissioners of Manatee County, Florida, Regarding Land Development; Providing for Purpose and Intent; Providing Findings; Amending Section 706.8.B of the Land Development Code to Clarify the Requirements for Post-Development Conservation Easements for Wetlands and Wetland Buffers; Providing for Codification; Providing for Applicability; Providing for Severability; and Providing an Effective Date.**

**P.C.:** 07/09/2020 and 08/13/2020

**B.O.C.C.:** 09/03/2020 and 10/01/2020

**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 in accordance with Section 341 of the Land Development Code, I move to recommend ADOPTION of Ordinance 20-33, amending the Manatee County Code of Ordinances, as recommended by staff.

**PLANNING COMMISSION ACTION:**

On July 9, 2020, by a vote of 6 – 0, the Planning Commission continued the public hearing to August 13, 2020. Mr. Smock was absent.

**PUBLIC COMMENT AND CORRESPONDENCE:**

July 9, 2020 Planning Commission

There was no public comment.

Nothing was entered into the record.

## **SUMMARY/BACKGROUND**

Section 706.8.B of the Land Development Code (LDC) requires conservation easements over post-development wetlands and wetland buffers. As currently written, LDC Section 706.8.B requires such conservation easements in all cases, regardless of whether development includes impacts to the environment, and regardless of whether the amount of environmental impacts are roughly proportional to the amount of wetlands and/or wetland buffers to be included within a conservation easement. Because this is not consistent with court decisions regarding exactions, the County Attorney's Office (CAO) recommends that LDC Section 706.8.B be amended.

## **PROPOSED CHANGES**

To be consistent with court decision, LDC Section 706.8.B will be amended to require post-development conservation easements if and only if the County makes an individualized determination of rough proportionality of (i) the needed conservation area and (ii) the environmental impacts generated by the applicant's project, based upon an environmental impact analysis.

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The Land Development Code is enacted pursuant to Section 163.3202 of the Florida Statutes and its purpose is to implement the Comprehensive Plan of the County by establishing regulations, procedures, and standards for review and approval of all development and use of land in the unincorporated portions of the County. It is stated in Chapter 1 of the LDC that "*the Code is adopted in order to foster and preserve public health, safety, comfort, and welfare in the unincorporated areas of the County.*"

- Policy 3.3.1.5 of the Comprehensive Plan requires the County to "Protect all wetlands and watercourses from land development activities by requiring the establishment of natural area buffers adjacent to all post-development wetlands and watercourses within a watershed overlay."

Wetlands and wetland buffer areas that are not subject to conservation easements will still be subject to the development prohibitions set forth in the Comprehensive Plan and the LDC.

## **ATTACHMENTS**

1. Newspaper Advertising
2. Ordinance No. 20-33.