

February 5th, 2019 – Special Land Use BOCC Hearing LDCT-17-07/Ord.19-03- LDC Amendments – Process Improvements

Summary of LDC Amendments by Chapter Recommended Motions by Chapter

PROPOSED LDC AMENDMENTS:

The following sections contain a general description of the amendments by chapter.

Changes made throughout the LDC include references to staff and departments (except for Section 303, Historic Preservation Board), updating cross-references, and revisiting references to Administrative Permit and Special Approval.

Proposed revisions to the various chapters are interrelated and should be acted upon together. A general description of the revisions, as well as those discussed and modified at the February 5th, 2019 hearing are proposed. The recommended motions are provided at the end of each chapter or grouping of chapters.

CHAPTER 1, INTRODUCTION

Changes made to all chapters include the following:

1. Deleting section referring to Special Exception projects. There are no known developments in the County with such status.
2. Clarifying language in Section 106.4 (Penalties).
3. Clarifying language in Section 107 (Nonconformities) and adding language deleted from the Special Approval Table in Chapter 3.
4. Deleting references to “Administrative Permit” (see Chapter 3 for detailed explanation).

CHAPTER 2, DEFINITIONS

Added new definitions for clarification purposes, deleted definitions of terms not used in the LDC, and rewrote several definitions for clarification purposes.

RECOMMEND MOTION FOR CHAPTERS 1 (GENERAL PROVISIONS) and 2 (DEFINITIONS):

I MOVED TO REMAND THE REVISIONS TO LDC CHAPTERS 1 AND 2, PURSUANT TO LDCT-17-07/ORD. 19-03, AS GENERALLY DESCRIBED HEREIN AND MODIFIED AT THE SPECIAL LAND USE PUBLIC HEARING ON FEBRUARY 5, 2019, BACK TO THE PLANNING COMMISSION AT THE FEBRUARY 28, 2019 SPECIAL PLANNING COMMISSION AT 9:00 OR SOON THEREAFTER.

CHAPTER 3, REVIEW AUTHORITY AND PROCEDURES

1. Deleted the list of members of the Development Review Committee, as the representatives are determined by the County Administrator and the membership and department names may change over time.
2. Revised Table 3-1, Development Order Review Authorities to add Modification of Standards for 10 to 30 percent, and eliminate the Pre-Application and Workshop columns as the two activities are encouraged, but optional.
3. Added Modification of Standards (10 to 30 percent), Public School Site Plans and Master Mining Plan Application and Operating Permit Application to the public notice table (Table 3-2).
4. Deleted Section 315 (Administrative Permit Approval).The previous code differentiated between Permitted Uses (P) and Administrative Permit Uses (AP) but they both follow the same review process for standard zoning districts.
5. Clarified in Section 316 that whenever the LDC requires Special Permit for an activity proposed in a PD, only the PD process is required provided that the Special Permit criteria are addressed as part of the PD application.
6. Amended Section 320.2.B (Preliminary Site Plan Review Required) to eliminate the list of project sizes and instead note that the PSP applies to Planned Development projects and Large Projects (as defined in the code), and to delete a provision related to “conceptual” development and site plans, which are terms no longer used.
7. Amended review process for PDs to reflect current practice.
8. Deleted Section 345, Special Approval.
9. Miscellaneous revisions to Section 353 (Erosion and Sedimentation Control Plan) to clarify process and reflect current practice.
10. Revised section 360.10 (Roadway Level of Service Review Process) to clarify and reflect current practice.
11. Added new Section 365.1 (Modification of Standards for Subdivisions and Streets) to require a multi-level approach for approving deviations from LDC standards. The current code allows these to be approved administratively.
12. Amended Section 367.2 (Prohibitions) to list a few other variances as prohibited (accessibility, visibility triangle, impact fees, wetlands and cultural resources, airport regulations and watershed overlays).

RECOMMEND MOTION FOR CHAPTER 3 (REVIEW AUTHORITY AND PROCEDURES):

I MOVED TO REMAND THE REVISIONS TO LDC CHAPTER 3, PURSUANT TO LDCT-17-07/ORD. 19-03, AS GENERALLY DESCRIBED HEREIN AND MODIFIED AT THE SPECIAL LAND USE PUBLIC HEARING ON FEBRUARY 5, 2019, BACK TO THE PLANNING COMMISSION AT THE FEBRUARY 28, 2019 SPECIAL PLANNING COMMISSION AT 9:00 OR SOON THEREAFTER.

CHAPTER 4, ZONING

1. Added a new table listing the potential zoning districts which may be appropriate within each Future Land Use category. The table specifies also the potential zoning districts for activity centers.
2. Created new zoning districts: RSF-9, RMF-12, RMF-16, MX to implement certain future land use categories and avoid having to rezone to PD.
3. Reorganized the table of uses (Table 4-2, Table 4-3 and 4-12) by use categories.
4. Added notes to table 4-2 noting that acute medical facilities are not allowed in the CEA (per Plan policies).
5. Changed all AP to P in Table 4-2 (see explanation under Chapter 3, above).
6. Added notes to Table 4-2 noting that waterfront structures shall meet the use and dimensional standards contained in Section 402.14, PDW—Planned Development Waterfront, but may not necessarily require a rezone to PD.
7. Added multifamily as allowable use in some non-residential districts to implement the Activity Center/Node concept.
8. Changed the calculation of development intensity to count FAR and density separately in vertical mixed-use developments.
9. Proposing to measure building height in stories instead of feet. This practice encourages better design by not forcing designers to fit as many stories within a fixed measurement.
10. Amended tables of Bulk and Dimensional Standards to:
 - a. Add the new RSF-9, RMF-12, RMF-16 and MX districts;
 - b. Eliminate densities from single family and duplex districts as they are already subject to minimum lot sizes and those sizes are within the permitted densities allowed by the Plan;
 - c. Delete minimum unit sizes for residential uses;
 - d. Eliminate densities and intensities from non-residential districts and refer to the Future Land Use categories instead;
 - e. Regulate building height in stories rather than feet.
11. Deleted Section on Expansion of existing large commercial projects. Regular zoning provisions should apply.
12. Added a section on development compatibility, similar to the one applicable to Urban Corridors, requiring step backs when next to single family zoned property.
13. Added the Coastal Evacuation Area (CEA) and Coastal Planning Area (CPA) as a new Overlay Zoning Districts (they are established in the Plan but currently not implemented in the LDC). The CHHA regulations will apply to all three, with some exceptions.
14. Proposing minor changes to the Commercial Parrish Village Overlay, allowing larger buildings

(20,000 vs. 5,000) without requiring Special Permit and revisions to size and height of monument signs.

15. Added the Peace River to the Section that regulates the other two watershed districts. No longer requiring Special Approval and PD for projects within the watershed overlays; but all projects in the watershed districts will be required to meet this section. Any deviations based on an overriding public interest will be heard by the Board and require PD.
16. Various LDC Sections regarding the Airport Impact Overlay District are pending, and will be processed as a separate ordinance, to be heard at future public hearings.

CHAPTER 5, STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES

1. Generally, tightened up regulations for uses that previously required Special Approval and/or PD
2. Added public schools to the uses that may have an 8 foot fence within the required front yard.
3. Added standards for Short-Term Ag, which previously required Special Approval.
4. Whenever an activity is allowed based on overriding public interest, a requirement to rezone to PD was added.
5. Added notes regarding uses that are prohibited in the Watershed Overlays per Chapter 4, so that they are not missed.
6. Added notes regarding certain uses that are not allowed or are restricted if located within the coastal overlays.
7. Added language to reiterate that schools are exempt from certain regulations based on the interlocal agreement.
8. Added a provision allowing offices of less than 3,000 sq. ft. within the UF-3, RES-6 through RES-16 FLUCs to locate on arterials without having to meet commercial locational criteria.
9. Added a new section addressing the conversion of former agricultural, golf course, or nursery site into other uses (Section 542.7.M).
10. Revised Affordable Housing program to specify density bonuses based on various FLUCs, to eliminate requirement to rezone to PD. Rezoning to a zoning district may still be necessary to allow higher densities.

CHAPTER 9, DESIGN GUIDELINES

1. Moved the Urban Corridor floor height provisions to Chapter 4 so they apply countywide. This floor height provision is necessary as the building height is proposed to be regulated by stories rather than feet.

2. Moved the Urban Corridor development compatibility provisions to Chapter 4 so they apply countywide. The standards address the location of taller buildings adjacent to single family zoned districts and require a step-back approach.
3. Deleted option to provide workforce housing to obtain a bonus within the Urban Corridors, but retained affordable housing. This revision is being made to encourage more affordable housing.

RECOMMEND MOTION FOR CHAPTERS 4 (ZONING), 5 (ACCESSORY AND SPECIFIC USES AND STRUCTURES) AND 9 (DESIGN GUIDELINES):

I MOVED TO REMAND THE REVISIONS TO LDC CHAPTERS 4, 5, AND 9, PURSUANT TO LDCT-17-07/ORD. 19-03, AS GENERALLY DESCRIBED HEREIN AND MODIFIED AT THE SPECIAL LAND USE PUBLIC HEARING ON FEBRUARY 5, 2019, BACK TO THE PLANNING COMMISSION AT THE FEBRUARY 28, 2019 SPECIAL PLANNING COMMISSION AT 9:00 OR SOON THEREAFTER.

CHAPTER 6, SIGNS

1. Revisions to the Changeable Copy Sign section only. Substantive amendments to Chapter 6, Signs are pending and will be processed as separate ordinances, to be heard at future public hearings.

CHAPTER 7, ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION

1. Made minor changes for consistency and clarification regarding Special Approval.

RECOMMEND MOTION FOR CHAPTERS 6 (SIGNS) AND 7 (ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION)

I MOVED TO REMAND THE REVISIONS TO LDC CHAPTERS 6 AND 7, PURSUANT TO LDCT-17-07/ORD. 19-03, AS GENERALLY DESCRIBED HEREIN AND MODIFIED AT THE SPECIAL LAND USE PUBLIC HEARING ON FEBRUARY 5, 2019, BACK TO THE PLANNING COMMISSION AT THE FEBRUARY 28, 2019 SPECIAL PLANNING COMMISSION AT 9:00 OR SOON THEREAFTER.

CHAPTER 8, ENGINEERING DESIGN AND UTILITIES

1. Added standards for clustering subdivisions (previously required PD and Special Approval).
2. Proposing a two-tiered system to exempt developments from connecting to the central sewer system.

RECOMMEND MOTION FOR CHAPTER 8 (ENGINEERING DESIGN AND UTILITIES):

I MOVED TO REMAND THE REVISIONS TO LDC CHAPTER 8, PURSUANT TO LDCT-17-07/ORD. 19-03, AS GENERALLY DESCRIBED HEREIN AND MODIFIED AT THE SPECIAL LAND USE PUBLIC HEARING ON FEBRUARY 5, 2019, BACK TO THE PLANNING COMMISSION AT THE FEBRUARY 28, 2019 SPECIAL PLANNING COMMISSION AT 9:00 OR SOON THEREAFTER.

CHAPTER 10, TRANSPORTATION MANAGEMENT

1. No changes proposed at this time.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

JUSTIFICATION FOR LDC AMENDMENTS

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.” Further, that it is the intent of the Code that the development process in Manatee County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County.

Manatee County has reviewed the proposed changes to the LDC to ensure the purpose and intent stated in the Code (and above) will continue to be met.

In addition, the proposed LDC amendments are consistent with and implement the Process Improvements Comprehensive Plan Amendments contained within Ordinance No. 18-04, adopted by the Board of County Commission on August 23, 2018.