

ORDINANCE 01-58

Nov 16 12 55 PM '01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FLORIDA AMENDING SECTION 510 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED), RELATING TO POTABLE WATER CONCURRENCY, RESERVATION, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, 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, empowers and requires the Board of County Commissioners of Manatee County, Florida to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specifies 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 jurisdiction; 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, is required to review proposed amendments to the Manatee County Land Development Code after holding a public hearing on the matter, make its recommendations to the Board of County Commissioners; and

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

WHEREAS, the Manatee County Planning Commission held a public hearing session on October 11, 2001 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 Section 5, 163.3202(2) and 163.3213(1) and (2), Florida Statutes; and

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MANATEE COUNTY, FLORIDA

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, and the provisions of the Sections 502 and 503 of the Manatee County Land Development Code, on October 23, 2001, and November 6, 2001 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; and

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 Existing Land Development Code. This ordinance hereby amends and revises the Manatee County Land Development Code, also known as Manatee County Ordinance 90-01, as amended, as follows:

510.2.2. *Optional Certification.* The following development orders or approvals shall have an option to obtain a Certificate of Level of Service Compliance and, in the event of not obtaining a Certificate, shall not grant any rights or entitlements to a Certificate, shall not exempt the proposed development from eventual requirements for a Certificate, and shall not grant any rights to commence development without a Certificate:

1. Development of Regional Impact or Florida Quality Development.
2. Preliminary site plan.
3. Preliminary subdivision plat.

4. Special permit with a preliminary site plan.

The Optional Certification provided in this section shall not be available for the potable water component of concurrency. The sole means of obtaining the potable water component of concurrency shall be through Section 510.2.1.

510.4.2.1. *Time Period.* All Certificates of Level of Service Compliance shall contain an expiration date of three years from the date of issuance. - If a Certificate of Level of Service Compliance (CLOS) is issued, at the time of approval listed in 510.2.2 above, a subsequent CLOS for potable water shall be given the same expiration date as the original CLOS. Obtaining a CLOS for potable water at the final development stage does not extend the length of the original CLOS. Subject to the exceptions provided herein:

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Copy on File. A codified copy of the Land Development Code, as amended, shall be filed in the office of the Director of the Planning Department of the County of Manatee as soon as reasonably possible after adoption of this ordinance.

Section 6. Effective Date. This ordinance shall take effect immediately upon the filing of a certified copy of the ordinance with the Secretary of State. Projects which have been approved or have an application deemed complete for a Development of Regional Impact development order, preliminary site plan or plat, final site plan or plat or building permit prior to October 3, 2001, shall not be subject to provisions of this ordinance provided that such approval was lawfully granted and has not expired or otherwise been terminated. All projects shall be subject to all provisions of this ordinance which are not specifically addressed in such approval or are not inconsistent with such approval.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of the County of Manatee, Florida this the 6th day of November, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



By: *J. Milase*
Chairman

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

By: *R. B. Shore*



STATE OF FLORIDA, 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 7th day of November, 2001.
R.B. SHORE
Clerk of Circuit Court
By: *Siare & Vollmer*

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

01-58
HISTORIC PRESERVATION BOARDS
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Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

November 14, 2001

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 7, 2001 and certified copies of Manatee County Ordinance Nos. Z-89-46(C)(R-5), 01-03, 01-12 through 01-14 and 01-58, which were filed in this office on November 13, 2001.

As requested, the original date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

FILED FOR RECORD
R.B. SHORE
CLERK - CIRCUIT COURT
MANATEE COUNTY
NOV 16 12 55 PM '01

RECEIVED

Municipal Code Corporation
info@mail.municode.com
PO Box 2235
Tallahassee, FL 32316-2235

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BOARD RECORDS

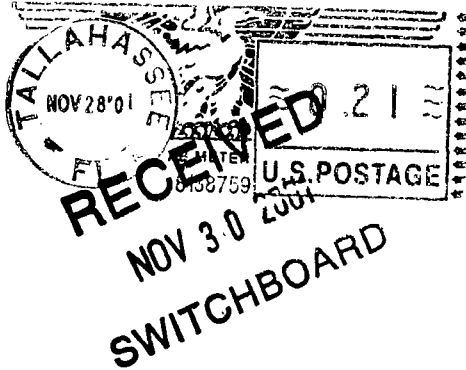
Supplement 51

11/27/2001

We have received the following material through hard copy. Thank you for your assistance and cooperation.

Ordinance Nos. 01-03, 01-12, 01-14, 01-58, 01-36 and 01-13.

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TO:
Ms. Susan Rowine
Board Records Supervisor
Manatee County
PO Box 25400
Bradenton, FL 34206

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