

FILED FOR RECORD
R. B. SHORE

2008 DEC 23 PM 3:38

ORDINANCE 08-81

CLERK OF COUNTY COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING SECTION 809.8 REGARDING AUTOMATIC ADJUSTMENTS TO IMPACT FEES TO OFFSET INFLATION; AMENDING OTHER PROVISIONS AS REQUIRED FOR INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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 November 13, 2008 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

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 4, 2008 the Board of County Commissioners of Manatee County held a public hearing, 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 Land Development Code. The Manatee County Land Development Code (Manatee County Ordinance No. 90-01, as amended) (the "Land Development Code") is hereby amended as follows:

(Underlined language to be added/struck-through language to be deleted)

A. Section 809.8, amend as follows:

809.8. Automatic Adjustment to Offset Inflation.
Beginning in ~~January 2008~~, August 3, 2009, the Impact fees shown in Exhibit 8-1: Impact Fee Schedule shall be adjusted annually to reflect the effects of inflation on those costs for Capital Countywide Parks

Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities set forth in The Impact Fee Study. On the ~~second first~~ Monday in ~~January 2008~~ August 2009, and on the ~~second first~~ Monday of ~~January~~ August of each following year, unless (a) and until the Fees in Exhibit 8 – 1 are revised or replaced by action of the Board, or (b) the automatic increase is deferred pursuant to Section 809.8.1, each Impact Fee amount set forth in Exhibit 8-1 shall be adjusted to account for inflationary increases in the costs of providing the Capital County Facilities using the Construction Cost Index calculated by the Engineering News-Record (ENR). Notice of such increase shall be provided in accordance with Section 163.31801, Florida Statutes. For each such adjustment, the Impact Fees shown in Exhibit 8-1 shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one-year prior to the period reflected in the numerator.

B. Section 809.8.1, add as follows:

809.8.1 Deferral of Automatic Increase.

The Board of County Commissioners may elect to defer the automatic adjustment to offset inflation. The election of deferral shall be done by adoption of a Resolution of the Board.

Section 3. 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 4. 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 section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

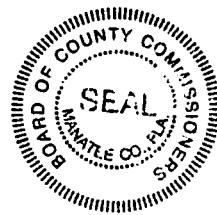
PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 4th day of December, 2008.

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

By: *Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

By: *Susan Brown*
Deputy Clerk



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 9th day of December, 2008
R.B. SHORE
Clerk of Circuit Court
By: *Victoria ...* D.C.



FILED FOR RECORD
R. B. SHORE

2008 DEC 23 AM 10:42

FLORIDA DEPARTMENT of STATE

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 16, 2008

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

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-27, 08-30, 08-52, 08-60, 08-81, PDR-05-67(Z) (P), PDR-06-73(Z) (P), PDR-08-13(Z) (P), Z-08-02, PDEZ-08-19(Z) (G) (R), PDEZ-08-20(Z) (G), PDEZ-08-21(Z) (G) (R), PDEZ-08-22(Z) (G) (R), PDPI-06-43(Z) (P), , which were filed in this office on December 15, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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From: ords@municode.com

Sent: Thursday, January 15, 2009 9:21 AM

To: Vicki Tessmer

Subject: Acknowledgment of material received

This is a computer generated email, please do not reply to this message.



Manatee County, FL Code of Ordinances - 1981(10428)

Supplement 75

Recorded: **1/8/2009 10:54:41 AM**

We have received the following material through **Hard Copy/Electronic**.

Document	Adoption
Ordinance No. 08-07	12/4/2008
Ordinance No. 08-27	12/4/2008
Ordinance No. 08-30	12/4/2008
Ordinance No. 08-50	12/4/2008
Ordinance No. 08-51	12/4/2008
Ordinance No. 08-52	12/4/2008
Ordinance No. 08-60	12/4/2008
Ordinance No. 08-69	12/4/2008
Ordinance No. 08-81	12/4/2008
Ordinance No. 08-82	12/16/2008

[Click here](#) to see the full list of recorded ordinances for the next supplement.

Or point your browsers at: <http://www.municode.com/disposition/dislist.asp?jobid=103644>

If you are sending the ordinances in electronic form and printed form, we assume the electronic version of the ordinances reflects the ordinances as adopted. We do not proofread against the printed version of the ordinance if the printed copy is submitted. Please contact us if you have questions.

- You can also "GO GREEN" and reduce the number of supplement copies you receive or just get a PDF of the supplement to print your own copies. ask us how - email info@municode.com.
- Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly. For additional information email info@municode.com.
- We can post newly enacted ordinances in the online Code after each meeting. E-mail us for more information at info@municode.com.

- Automate your agenda and complete legislative process. Visit MCCi for more information. <http://www.mccinnovations.com/products/agenda.asp>
- We can provide a solution for Document and Records Management, imaging or scanning services. Contact us for more information at info@mccinnovations.com or visit [MCCi](#).
- Billing got you down? We can provide invoice and statement printing and processing utility bills and tax bills. For more information email us at info@mccadvantage.com.
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- Ever need to search in several online Codes for a sample ordinance? Try our Multiple Code Searching. For more information email us at info@municode.com.
- We can do more than just codes... Please visit our Company On-line Brochure at: <http://www.municode.com/about/brochure.pdf>

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