

ORDINANCE NO. 12-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT TO ADD DORMITORIES TO THE RANGE OF POTENTIAL USES IN THE RES-9 (RESIDENTIAL - 9 DWELLING UNITS PER ACRE) AND RES-12 (RESIDENTIAL - 12 UNITS PER ACRE) FUTURE LAND USE CATEGORIES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED
2012 APR -9 PM 12:14
TALLAHASSEE, FLORIDA

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, The Local Government Comprehensive Planning and Land Development Regulation Act, Part II, Chapter 163, Florida Statutes, as amended and retitled the Community Planning Act in House Bill 7207 (the "Act") empowers and requires the County (a) to plan for the county's future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-12-03 initiated by Manatee County is a request to amend the text of the Future Land Use Element to add dormitories to the range of potential uses in the RES-9 and RES-12 Future Land Use Categories; and

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency for purposes of the Act, considered an amendment to the Manatee County Comprehensive Plan, recommended adoption of the amendment to the Future Land Use Element to add dormitories to the range of potential uses in the RES-9 and RES-12 Future Land Use Categories; and

WHEREAS, on January 12, 2012, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the amendment, and forwarded its recommendation to the Board of County Commissioners as required by law; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County

Planning Commission, and held a public hearing on February 2, 2012, to consider the amendment and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and

WHEREAS, the State Land Planning Agency by letter dated March 6, 2012 issued their comments on said amendment to the comprehensive plan; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2011), on April 5, 2012, the Board of County Commissioners of the County of Manatee, Florida held another public hearing, with due public notice having been provided, to consider said proposed amendment to the comprehensive plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, including appropriate changes to the technical support document as needed, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners hereby finds that the addition of dormitories to the range of potential uses within the RES-9 and RES-12 Future Land Use Categories would further the provision of residential support uses within the moderate density urban residential environment, consistent with the intent and purpose of the RES-9 and RES-12 Future Land Use Categories, respectively; and

WHEREAS, dormitories which may be contained within master planned campuses provide for the vertical integration of structures and a compact form of development in a village setting thus furthering the intent and purposes of the RES-9 and RES-12 Future Land Use Categories.

BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

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 Act, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the whereas clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, text of the Future Land Use Element is hereby amended regarding the RES-9 and RES-12 Future Land Use Categories as follows with additions indicated by underlining and deletions by ~~strikeout~~:

“Policy: 2.2.1.13 **RES-9:** Establish the Residential-9 Dwelling Units/Gross Acre future land use category as follows:

* * *

Policy: 2.2.1.13.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, neighborhood retail uses, dormitories, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

* * *

Policy: 2.2.1.14 **RES-12:** Establish the Residential-12 Dwelling Units/Gross Acre future land use category as follows:

* * *

Policy: 2.2.1.14.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, neighborhood retail uses, dormitories, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).”

Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 5. Effective Date: The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits

Page 4 of 4 – PA-12-06 / Ordinance 12-03 County Initiated Comprehensive Plan – add additional use or land uses dependent on this amendment may be issued or commence before it has become effective.



PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 5th day of April, 2012.

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

By: *John R. Chappie*
John R. Chappie, Chairman

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

By: *R. B. Shore*
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 6th day of April, 2012
R.B. SHORE
Clerk of Circuit Court
By: *Maggie Bester* D.C.



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 12, 2012

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

RECEIVED
APR 16 2012
BOARD RECORDS

Attention: Ms. Maggie Riester, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 6, 2012 and certified copies of Manatee County Ordinance Nos. 12-06 and MPI-12-01(Z)(IMP), which were filed in this office on April 9, 2012.

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

Sincerely,

Liz Cloud
Program Administrator

LC/sra

Enclosure