

ORDINANCE 12-11

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE REGARDING CHAPTER 5, EXPIRATION AND EXTENSION OF GENERAL DEVELOPMENT PLANS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

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 Community Planning Act as enacted by House Bill 7207 and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. Section 508.8 of the Manatee Land Development Code (the "Land Development Code" or the "Code") establishes durational limitations upon the validity of General Development Plans as a type of site plan regulated by the LDC within the unincorporated area of Manatee County.

2. The County has initiated an LDC text amendment pertaining to the expiration of General Development Plans.

3. It is in the interest of the public health, safety and welfare of the citizens of the County to amend Section 508.8, LDC, so as to delete the durational limitations on the validity of General Development Plans as specified in Section 508.8 and related sections of the LDC as described herein.

4. The Manatee County Planning Commission held a duly noticed and advertised public hearing as the County's Local Planning Agency on February 9, 2012 to receive public comment, the Staff Report and has reviewed the amendments set forth in this ordinance and has found these amendments to the LDC to be consistent with the Manatee County Comprehensive Plan and recommended their adoption to the Board.

5. The Board of County Commissioners held a duly noticed and advertised public hearing on March 1, 2012 and continued said public hearing to April 5, 2012 and May 3, 2012, to receive public comments, the Staff recommendation, the report of the

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DEPARTMENT OF COUNTY CLERK
TALLAHASSEE, FLORIDA
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Planning Commission and has found this ordinance would promote the public health, safety and welfare of the citizens of the County.

Section 3. Amendments of Chapter 5, Development Review Procedures, Land Development Code. Chapter 5, Development Review Procedures, Section 508.4.1.3, Phasing of Large Projects, Developments of Regional Impact, Section 508.8.1.1, General Development Plans, Section 508.8.2, Extensions, Section 508.2.1, General Development Plans, are hereby amended and restated in their entirety as set forth below.

* * *

“508.4.1.3 Phasing of Large Projects, Developments of Regional Impact. For large projects and DRI’s, a reasonable phasing schedule may be approved by the Board at the general development plan stage, for the submittal of future preliminary or final site plans. Such schedule shall provide for a logical division of the units and/or square footage between the phases. The approval of such schedule shall authorize the applicant to apply for construction drawing and final site plan approval in phases, so long as each preliminary site plan has not expired at the time of application. The timing of approvals for each phase of project approval within a preliminary site plan shall be subject to the requirements of Section 508.8.1.

* * *

508.8. *Expiration, Extensions and Changes.* All site plans shall be subject to the following requirements for expiration, extension and changes.

508.8.1. *Expiration.*

508.8.1.1. *General Development Plans*

General Development Plans in effect as of January 1, 2012 shall not expire, notwithstanding any stipulations to the contrary in any ordinances approving a general development plan. General Development Plans shall not contain an expiration date unless otherwise provided for in the development order approving the general development plan or a local development agreement.

* * *

508.8.2. *Extensions.* Extensions to expiration dates

for site plans approved by the Board may be granted only by the Board. Extensions to expiration dates for site plans approved by the Planning Director may be granted by the Planning Director.

508.8.2.1. *General Development Plans.* General development plans in effect as of January 1, 2012 shall not expire notwithstanding any stipulations to the contrary in any ordinances approving a general development plan. The build out dates in development orders for developments of regional impact are governed by the Florida Statutes and are not amended by this Code.

Section 4 Amendments of Chapter 6, Zoning Districts, Land Development Code.
Chapter 6, Zoning Districts, Section 603.17, PDUI-Planned Development Urban Industrial, Subsection 603.17.4.1, Expiration and Section 603.18, PDPM-Planned Development Port Manatee, Subsection 603.18.7, Review Process; Subsection 603.18.7.1, Plan Expiration, are hereby amended and restated in their entirety as set forth below.

“603.17 Planned Development—Urban Industrial

* * *

603.17.4.1 *Expiration.* [Reserved]

* * *

603.18. PDPM Planned Development--- Port Manatee.

* * *

603.18.7 *Review Process.* Development permitted in the PDPM District shall be in conformance with an approved general development plan. All such development shall meet the requirements for processing and review found in 603.5 and 603.6.

603.18.7.1. *Site Plans.* Each subsequent preliminary or final site plan shall meet the concurrency requirements in place at the time of their submittal.

Section 5. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to codify the amendments in Section 3 of this ordinance into the Land Development Code, but shall not codify the remaining Sections.

Section 6. Applicability. The amendments set forth in this ordinance shall apply to all applications, decision or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 7. 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 other 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 8. Effective Date. This ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 3rd day of May, 2012.

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



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

By: *Ausubert*
Deputy Clerk

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



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 May, 2012.
R.B. SHORE
Clerk of Circuit Court
By: *Diane E. Volmer* D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 15, 2012

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

RECEIVED
MAY 21 2012
BOARD RECORDS

Attention: Ms. Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 9, 2012 and certified copies of Manatee County Ordinance Nos. PDMU-10-16(P)(R), 12-11 and PDMU-05-19(G)(R5), which were filed in this office on May 14, 2012.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

Enclosure

From: ords@municode.com
To: candace.carver@mymanatee.org; [Diane Vollmer](#)
Subject: Manatee County, FL Land Development Code - 1990 (12202) Supplement 41
Date: Wednesday, May 16, 2012 9:12:48 AM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 41

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 12-08	2/2/2012	3/9/2012	Word
Ordinance No. 12-11	5/3/2012	5/16/2012	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.