

LDCT-23-02/ORDINANCE 23-05
COUNTY INITIATED LAND DEVELOPMENT CODE TEXT AMENDMENT
SPECULATIVE HOME PLN2210-0047

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE LAND DEVELOPMENT CODE BY ADDING THE DEFINITION OF SPECULATIVE HOME (SPEC HOME) TO CHAPTER 2, SECTION 200, DEFINITIONS; AND BY ADDING A SECTION TO CHAPTER 5 STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES, PART IV. – STANDARDS FOR SPECIFIC USES, SECTION 531.63, SPECULATIVE HOME TO ADD STANDARDS FOR SPECULATIVE HOMES; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

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

1. It is in the interest of the public health, safety and welfare to adopt the amendments set forth in this Ordinance (LDC Text Amendments) amending the Land Development Code to:

- Add new definition of “Speculative Home” to Chapter 2, Section 200 Definitions
- Add Section 531.63 – Speculative Home to Chapter 5 – Standards for Accessory and Specific Uses and Structures, Part IV. Standards for Specific Uses.

2. The Manatee County Planning Commission has been duly designated in Section 301, Land Development Code as the Local Planning Agency of the County.

3. Section 163.3174(4)c, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan.

4. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code.

5. The Planning Commission acting its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on December 8, 2022, as to the proposed LDC Text Amendment.

6. The Board held two (2) duly noticed and advertised public hearings on December 15, 2022, and January 19, 2023, to receive public comments and consider the recommendation of the Planning Commission as to the LDC Text Amendments.

7. The adoption of the LDC Text Amendments will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the County and thus will serve a valid public purpose.

Section 3. Adoption of the Land Development Code Text Amendment. The proposed LDC Text Amendments attached to this Ordinance and incorporated herein as Exhibit “A” are hereby adopted as Amendments to the Land Development Code of the County. The LDC Text Amendments shall consist of the following Chapters and Sections of the Land Development Code as set forth in the Exhibit “A:”

- (a) Chapter 2, Definitions, Section 200, Definitions; and
- (b) Chapter 5, Standards for Accessory and Specific Uses and Structures, Part IV. – Standards for Specific Uses, Section 531.63, Speculative Home to provide standards for Speculative Homes.

Section 4. Codification. The publisher of the County's Land Development Code, CivicPlus, is directed to incorporate the amendments in Section 3 of this Ordinance into the Land Development Code.

Section 5. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 6. 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 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. 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 19th day of January 2023.



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

By: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court and Comptroller

By: 
Deputy Clerk

EXHIBIT A

Chapter 2, Section 200 Definitions

[...]

Speculative Home (Spec Home) shall mean a new single-family dwelling unit that has been issued a building permit prior to Final Plat approval. This definition shall not include multi-family units, or model homes as a temporary use.

[...]

Chapter 5, Standards for Accessory and Specific Uses and Structures

[...]

Part IV. – Standards for Specific Uses.

[...]

531.63. - Speculative Home (Spec Home)

- A. Spec Homes may be permitted in any zoning district, provided the unit is constructed in compliance with the regulations for the applicable zoning district, or zoning ordinance.
- B. Construction of a Spec Home may commence prior to the recording of the Final Plat, provided all of the following conditions are met:
 - 1. All applicable Preliminary Site Plan, Preliminary Plat, and Final Site Plan/ Construction Drawings are approved by the County.
 - 2. The Building Permit shall serve as administrative approval for the Spec Home.
 - 3. The landowner has executed a County approved Indemnification and Hold Harmless Agreement, signed by the Department Director or designee, acknowledging the following:
 - a) Building Permits are being requested prior to recordation of the Final Plat; and
 - b) The landowner is obligated to obtain Final Plat approval from the County as soon as practicable; and

- c) The landowner understands that the County will not issue a temporary or permanent certificate of occupancy for a Spec Home until the Final Plat is approved and recorded in accordance with this Code; and
- d) The landowner indemnifies the County from any damages, costs, or claims arising from the issuance of building permits prior to approval and recordation of the Final Plat.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

January 19, 2023

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, FL 34206

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 23-05, which was filed in this office on January 19, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra

From: ords@municode.com
To: [Vicki Tessmer](#); nicole.knapp@mymanatee.org
Subject: Manatee County, FL Land Development Code - 2016 (12202) Supplement 15 Update 3
Date: Saturday, February 4, 2023 5:56:07 PM

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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 15 Update 3

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 23-05	1/19/2023	2/4/2023	Word
Ordinance No. 23-19	1/19/2023	2/4/2023	Word
Ordinance No. 23-20	1/19/2023	2/4/2023	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.