

**LDCT-19-04/ORDINANCE 20-06**

**LAND DEVELOPMENT CODE AMENDMENT – DEVELOPMENT REVIEW PROCEDURES**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF MANATEE COUNTY; PROVIDING FINDINGS; PROVIDING FOR PURPOSE AND INTENT; AMENDING CHAPTER 2, DEFINITIONS; SECTION 200, DEFINITIONS, TO ADD AND AMEND DEFINITIONS; AMENDING CHAPTER 3, REVIEW AUTHORITY AND PROCEDURES, TO ADD, DELETE, AND AMEND TEXT; SPECIFICALLY SECTION 304, DEVELOPMENT REVIEW COMMITTEE (DRC); SECTION 310, DEVELOPMENT REVIEW PROCEDURES; SECTION 312, PROCEDURES OF GENERAL APPLICABILITY, TABLE 3-1, DEVELOPMENT ORDER REVIEW AUTHORITIES; SECTION 312.2, PRE-APPLICATION MEETINGS; SECTION 312.4, COMPLETENESS REVIEW OF APPLICATION; AND SECTION 312.5, SUFFICIENCY REVIEW OF APPLICATION; 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.**

**WHEREAS**, the Florida Legislature in 2019 enacted Chapter 2019-165, Laws of Florida (a/k/a House Bill 7103) codified in pertinent part as Section 125.022, Florida Statutes; and

**WHEREAS**, Application LDCT 19-04 has been initiated by the County as an amendment to the Land Development Code (the "LDC") to provide for the updating of development procedures applicable to development review within Manatee County consistent with applicable law; and

**WHEREAS**, Section 125.022, Florida Statutes, sets forth timeframes for the review of development orders and permits as defined by applicable law; and

**WHEREAS**, the Board finds that it would be in the best interest of the public to amend the development review procedures as codified in the applicable portions of Chapters 2 and 3 of the LDC to implement Section 125.022, Florida Statutes; and

**WHEREAS**, Section 163.3174(1), Florida Statutes, requires that the governing body of each local government in Florida shall designate and by ordinance establish a "local planning agency"; and

**WHEREAS**, the Manatee County Planning Commission has been duly designated in Section 301 of the LDC as the Local Planning Agency of the County; and

**WHEREAS**, 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; and

**WHEREAS**, the Planning Commission acting in its capacity as Local Planning Agency, held a duly advertised public hearing on December 12, 2019, in accordance with Section 341.2.E of the LDC to receive public comments on Application LDCT 19-04; and

**WHEREAS**, the Board held one adoption public hearing on January 9, 2020, to receive public comments and to receive the recommendation of the Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County:

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 codified in the applicable portions of Chapter 163, Part II, Florida Statutes, as amended, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board hereby finds and determines that:

- (a) The findings set forth in the recitals to this Ordinance are true and correct.
- (b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County held a public hearing on December 12, 2019, to consider the Amendments contained within LDCT Application 19-04 and found them to be consistent with the Comprehensive Plan, and recommended to the Board the adoption of the Land Development Code Amendments.

Section 3. Adoption of the Land Development Code Amendments. The Land Development Code Amendments attached to this Ordinance and incorporated herein by reference as Exhibits "A-1 and A-2" are hereby adopted as amendments to the LDC of the County. The Land Development Code Amendments shall consist of the following chapters and sections of the LDC as set forth in the following exhibits with new text indicated by underline and deleted text indicated by ~~strike through~~.

- (a) Chapter 2, DEFINITIONS (Exhibit A-1).
- (b) Chapter 3, REVIEW AUTHORITY AND PROCEDURES (Exhibit A-2).

Section 4. Codification. The publisher of the County's LDC, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 of this Ordinance into the LDC.

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, or any provision of the Land Development Code Amendments contained within Application LDCT-19-04, 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, or the Land Development Code Amendments, as the case may be.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

**DULY ADOPTED** with a quorum present and voting this 9th day of January, 2020.

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

By: \_\_\_\_\_  
Betsy, Benac, Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk