

ORDINANCE 09-36

FILED FOR RECORD  
R. B. SHORE

2009 JUN -4 AM 7:33

**AN ORDINANCE REGARDING EDUCATIONAL FACILITIES; AMENDING SECTION 2-29-86 OF THE MANATEE COUNTY CODE OF ORDINANCES TO SUSPEND THE CHARGING AND COLLECTION OF EDUCATIONAL FACILITIES IMPACT FEES FOR A PERIOD OF 2 YEARS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE OF JULY 27, 2009.**

CLERK OF DISTRICT COURT  
MANATEE CO. FLORIDA

**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 Local Government Comprehensive Planning and Land Development Regulation 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 for the adoption of this Ordinance:

1. Based on forecasts in the Manatee County Comprehensive Plan, new growth and development in the County are expected to continue into the foreseeable future, placing ever-increasing demands on Educational Facilities ("Educational Facilities") of the Manatee County School Board ("School Board"), requiring expansion of these Educational Facilities to accommodate new growth and development.

2. Educational Facilities are provided by the School Board to serve the residents of the County.

3. The adoption of Educational Facilities Impact Fees that impose a proportionate share of the costs the School Board will incur in providing for the expansion of Educational Facilities ensures new growth and development pays a fair share of the costs the School Board will incur in accommodating it.

4. Pursuant to Article VII of Chapter 2-29 of the Manatee County Code of Ordinances (the "Code") the County levies Educational Facilities Impact Fees to fund the cost of providing Educational Facilities to accommodate new growth and development.

5. Historically, Educational Facilities Impact Fees have been based on the most recent and localized data, established by an impact fee study, and therefore have not exceeded the costs incurred by the School Board to accommodate the new development that will pay the Educational Facilities Impact Fees.

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6. In recent months a severe economic recession, both nationally and in the State of Florida, has resulted in a significant reduction in growth and development, and a significant reduction in the cost of, and need for, providing Educational Facilities.

7. In order to assure that the Educational Facilities Impact Fees accurately reflect the cost of, and need for, providing Educational Facilities to accommodate new growth and development, and in order to provide additional economic relief to the housing and development sectors of the local economy, it is in the best interests of the County to temporarily suspend the levy of Educational Facilities Fees as provided in this Ordinance.

8. Pursuant to Section 163.31801, *Florida Statutes*, on April 22, 2009, the County published notice of the suspension of Educational Facilities Impact Fees, and specified an effective date for this Ordinance of July 27, 2009, which is more than 90 days after such date of publication.

9. The Board of County Commissioners held a duly noticed public hearing on May 19, 2009, on this Ordinance to receive public comment and review and consider the Staff Report on this Ordinance.

10. The Board of County Commissioners after considering public comment and the report of the Planning staff, has found this Ordinance to be in furtherance of the public health, safety and welfare, and has adopted this Ordinance as set forth herein.

Section 3. Amendments to Section 2-29-86 of the Code. Section 2-29-86 of the Code is hereby amended to read in as follows (underlined text to be added):

**Sec. 2-29-86. Imposition of educational facilities impact fee.**

(a) After the effective date of the ordinance, the applicant shall pay an educational facilities impact fee, per dwelling unit, in the amount and on the terms as set forth in this division. The liability for the impact fee shall accrue upon issuance of a residential development permit for land development activity. The fee shall be payable not later than the issuance of a certificate of occupancy related to the residential development permitting or occupancy of a structure, whichever occurs first.

(b) No certificate of occupancy for any land development activity requiring payment of an educational facilities impact fee shall be issued until the impact fee has been finally determined and paid.

(c) Notwithstanding the foregoing, in response to the significant reduction in construction costs resulting from economic recession, and reduced growth and development and enrollment in the public schools, during the two-year period commencing July 27, 2009, and ending July 27, 2011, the educational facilities impact fee shall not be levied. Such suspension of the levy of the educational facilities impact fee shall apply to any dwelling

unit for which a residential development permit application is filed on or after January 1, 2009, and for which a certificate of occupancy is issued on or after July 27, 2009. During the aforesaid two-year period the County, in cooperation with the school board, shall conduct a study of the educational facilities impact fee, and at the end of such two year period shall make such modifications to Section 2-29-85 as are necessary to assure that the rates established thereunder are based on the most recent and localized data in accordance with the requirements of Section 163.31801, Florida Statutes.

Section 4. Applicability. The amendment set forth in Section 3 of this Ordinance shall apply to any residential dwelling unit for which a building permit application is filed on or after January 1, 2009, and for which a certificate of occupancy is issued on or after July 27, 2009.

Section 5. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Code.

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 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 7. Effective Date. Pursuant to the requirements of Section 163.31801, Florida Statutes, this Ordinance shall become effective July 27, 2009.

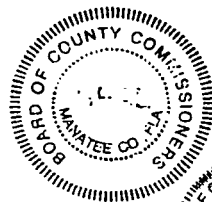
**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 19<sup>th</sup> day of May, 2009.

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

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

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

By: Susan 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 20<sup>th</sup> day of May, 2009  
R.B. SHORE  
Clerk of Circuit Court  
By: Chicki Jensen p.c.



FILED FOR RECORD  
R. B. SHORE

**FLORIDA DEPARTMENT of STATE** 2009 JUN -4 AM 7:33

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CLERK OF CIRCUIT COURT  
MANATEE COUNTY, FLORIDA  
**KURT S. BROWNING**  
Secretary of State

May 29, 2009

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 20, 2009 and certified copies of Manatee County Ordinance Nos. 09-36, 09-37 and 09-45, which were filed in this office on May 26, 2009.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

DIRECTOR'S OFFICE

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

**Supplement 76**

Recorded: **3/23/2009 2:08:35 PM**

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

Document	Adoption
Resolution No. R-09-059	3/17/2009
Ordinance No. 09-01	3/5/2009
Ordinance No. 09-21	3/17/2009
Ordinance No. 09-23	3/17/2009
Ordinance No. 09-27	4/7/2009
Ordinance No. 09-41	5/7/2009
Ordinance No. 09-36	5/19/2009
Ordinance No. 09-45	5/19/2009

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