

The complete text amendments and response to the October 17, 1997 Objections, Recommendations and Comments Report will be provided in separate binders for the Commissioners, and will also be on file at Board Records.

PA(EAR)-97-01 - (ORDINANCE 97-01) - TEXT AMENDMENTS

Request: Approval of an ordinance of the County of Manatee, Florida, amending Manatee County Ordinance 89-01, the Manatee County Comprehensive Plan; amending, revising, and reformatting in its entirety the Comprehensive Plan of Manatee County, Florida, which will control Future Land Use, Public Facilities, and Natural Resources pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (Part II of Chapter 163, Florida Statutes), including General Information and Definitions, Future Land Use, Conservation, Coastal Management, Traffic Circulation, Mass Transit, Aviation, Port, Historic & Cultural Resources, Housing, Recreation and Open Space, Public Facilities, Capital Improvements, Intragovernmental and Intergovernmental Coordination, and Plan Monitoring and Evaluation Elements; providing for severability; and providing for an effective date.

P.C.:	05/29/97, 06/05/97	B.O.C.C.	06/24/97, 07/22/97
	06/12/97, 06/26/97		07/29/97, 08/05/97
	07/10/97 - <i>recommended</i>		01/27/98, 02/17/98
			02/24/98

*adoption.*

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the Public Hearing, the action of the Planning Commission, upon the technical support documents, the Evaluation and Appraisal Report, finding the request to be CONSISTENT with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, and upon the comments received from the Florida Department of Community Affairs, I move to ADOPT Manatee County Ordinance 97-01 (Plan Amendment PA(EAR)-97-01).

*2/24/98 - Adopted*

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10-24-97. 10:00-11:00 AM by Mike D...

Carol

<p><b>MANATEE COUNTY GOVERNMENT</b>  <b>PLANNING DEPARTMENT</b>  <i>Interoffice Memorandum</i></p>
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Date: February 23, 1998

To: Manatee County Board of County Commissioners

From: Carol B. Clarke, AICP *CBC*  
 Director of Planning

Re: **Proposed Comprehensive Plan Wastewater Treatment Policies**

In the Board of County Commissioners meeting of February 17, 1998, the Board directed staff to simplify and maintain the existing operational status of the Comprehensive Plan policies regarding wastewater treatment.

The wastewater treatment collection areas are depicted on the attached map (**attachment 1**). This area was formerly know as the E.P.A. 201 Facilities Area, or the collection area. This is the area west of the striped line. This map also shows the Future Development Area Boundary, the area west of the heavy black line.

Since the previous BOCC meeting, staffs of the Public Works, Planning, Environmental Management, and the County Attorneys Office have worked together to develop the proposed language, (**attachment 2 - gold sheet**). The Plan revision document (**attachment 3**) shows the original language, proposed language, and explanation of the proposed changes.

In summary, the proposed language directs all development within the wastewater treatment collection area to connect to the central system, (see policy 9.2.1.2). If a development does not connect, a Special Approval is required. The Special Approval is the mechanism to allow for the "common sense" component to operate. Staff is proposing that the current system of review by the Public Works Department would be maintained in granting Special Approval.

Proposed policy 9.2.4.4 prohibits interim wastewater treatment plants within the wastewater treatment collection area unless granted Special Approval by the BOCC.

Proposed policy 9.2.4.5 requires dry lines for all non-residential development and any residential development of 1 du/ga and higher within the wastewater treatment collection area that cannot connect to the central system. This policy also contains a "common sense" component. When the development faces unknown engineering conditions a Special Approval will be required. This will allow for an alternative mechanism to be developed to meet the intent of the policy. This policy also maintains the existing language, regarding connection of the dry lines within two years of the central system becoming available.

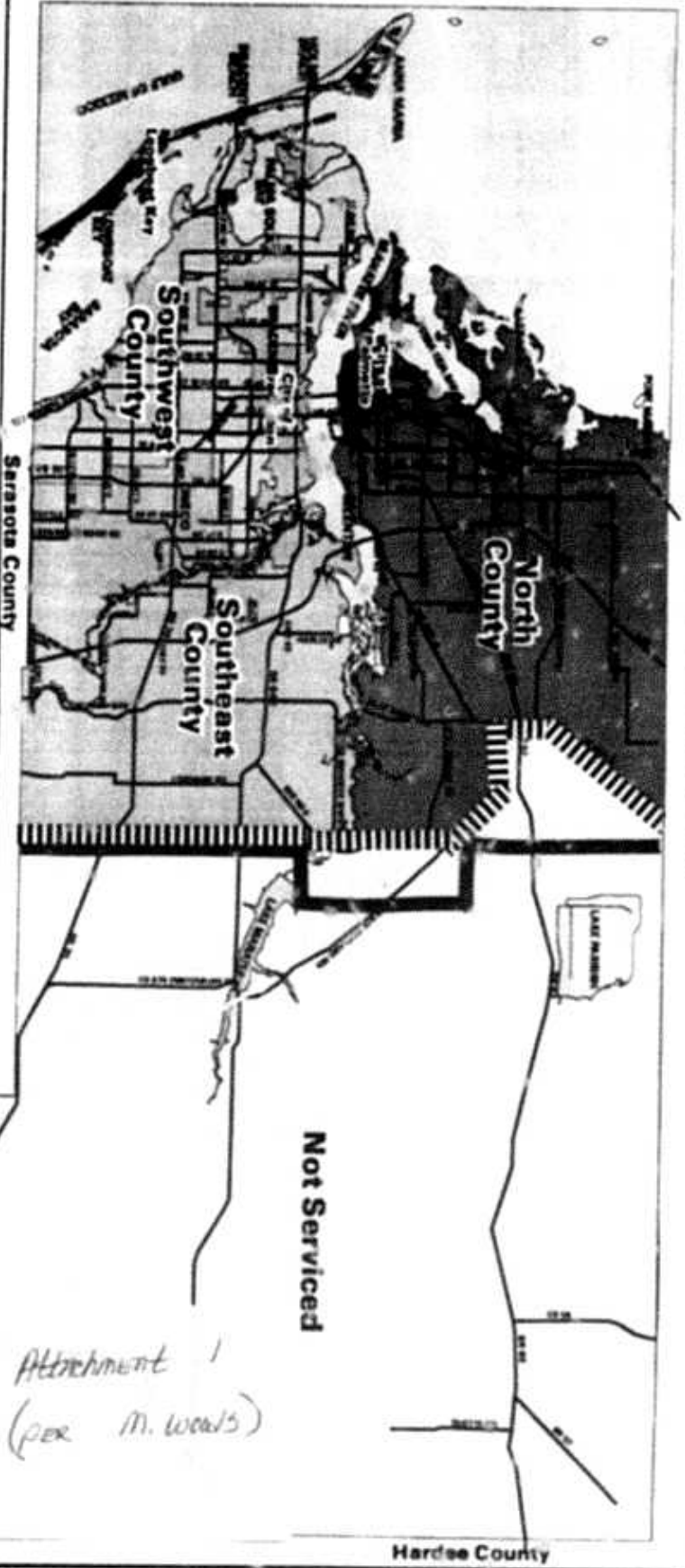
EXHIBIT C  
 BOCC  
 1. Carol B. Clarke  
 2/24/98

Board of County Commissioners  
February 23, 1998  
Page two

The BOCC also requested information in defining "reasonably available". The definition from F.A.C 10D-6.042 is attached, **(attachment 4)**. Depending on proposed use and wastewater needs, "reasonably available" is between one quarter mile and immediately adjacent.

Discussion also included status of other existing county ordinances related to mandatory sewer connection. Ordinance 89-02 addresses mandatory connection to the County's central system, **(attachment 5)**. Resolution 89-70 establishes criteria for waiver of mandatory connections to the central system, **(attachment 6)**.

CBC:MRW:fl  
cc: Ernie Padgett, County Administrator



**WASTEWATER TREATMENT COLLECTION AREAS**

- Legend**
- Longboat Key
  - City of Bradenton
  - City of Palmetto
  - North County
  - Southwest County
  - Southeast County
  - Not Serviced
  - Future Development Area Boundary Line

Manatee County, FL

1 inch = 25000 feet

Project: This map was produced by the Planning Department with the aid of Manatee County GIS staff. Information herein is provided for general reference only. Subject to change and is not guaranteed to any one.

Map Prepared November 12, 1997

*Attachment 1  
(per M. Woods)*



## Draft Wastewater Treatment Policies

February 22, 1998

*Proposed Policy:* 9.2.1.2 *Require all wastewater from any project located within the wastewater treatment collection area as shown on Map 9-A, to be collected and treated through Manatee County's public sanitary sewer system, except as allowed by special approval. Special approval under this policy shall include analysis of the following factors;*

- *Proposed wastewater impacts,*
- *Accessibility of the central system,*
- *Proposed infrastructure improvements,*
- *Environmental sensitivity,*
- *Development trends and timing,*
- *Compatibility of development, and*
- *Proposed mitigation measures.*

### *Implementation Mechanisms:*

- (a) *Implementation and revision of the Manatee County Sewer Collection Ordinance, consistent with this policy.*
- (b) *Revision of the Land Development Code and other appropriate ordinances consistent with this policy.*
- (c) *Coordination between the Departments of Public Works, Building, Planning, and the Manatee County Public Health Unit.*

*Proposed Objective* 9.2.4 *ONSITE WASTEWATER TREATMENT SYSTEMS: Provide for the limited use of septic tanks and interim wastewater treatment plants only in areas where sanitary sewer extension is not reasonably feasible. (See also policy 9.2.1.2)*

*Proposed Policy:* 9.2.4.1 *Require that any on-site sewage disposal system be located and constructed in accordance with all local, state, and federal regulations.*

*Proposed Policy:* 9.2.4.2 *Require that all new septic tanks and associated drain fields located within the Watershed Overlay (WO) District shall be located no closer than 200 feet to any jurisdictional wetland (including in flowing watercourses).*

*Implementation Mechanisms:*

(a) *Review of agency approved wetland survey, or other appropriate delineation, and preliminary site plan by the Manatee County Planning Department prior to issuance of septic tank permit by Manatee County Public Health Unit and conditioning of any development order approval to ensure compliance with this policy.*

(b) *Coordination between the Manatee County Public Health Unit, Public Works, Building, and Environmental Management Departments.*

*Proposed Policy:* 9.2.4.3 *Require that all septic tank drain fields be elevated no less than 36 inches above the seasonal high water table (measured from the bottom of the drain field) within the Watershed Overlay (WO) Districts.*

*Implementation Mechanism:*

(a) *Review, by Manatee County Public Health Unit, of all septic tank permit requests located within the Watershed Overlay (WO) Districts.*

*Proposed Policy:* 9.2.4.4 *Prohibit the development of any interim wastewater treatment plants for any project located within the wastewater treatment collection areas as shown on Map 9-A, unless Special Approval is granted not to connect to the public sanitary sewer system under policy 9.2.1.2 and approved by the Board of County Commissioners.*

*Analysis of the following factors shall be included in the approval of any interim wastewater treatment plants:*

- *Analysis of impacts from individual on site systems, versus an interim treatment plant.*

- *Level of treatment proposed.*
- *Possible connection to other municipal wastewater treatment systems,*
- *Location within or adjacent to environmentally sensitive areas,*
- *Location within areas subject to flooding, and*
- *Consideration of the appropriate timing and type of proposed development.*

*See also policies under Objective 2.1.2*

*Implementation Mechanisms*

- (a) *Review by the Public Works, Planning, Building, Environmental Management Departments, and the Manatee County Public Health Unit to implement this policy.*
- (b) *Revisions to the Land Development Code and other regulatory documents as appropriate to implement this policy.*

**Proposed Policy: 9.2.4.5**

*Require, where connection to the Manatee County public wastewater system is not required under policy 9.2.1.2, that any project within the Wastewater Treatment Collection Areas utilizing septic tanks or an interim wastewater treatment plant shall be constructed with dry-lines so as to readily permit connection to the public sanitary sewer system for all residential development of 1 du/ga and higher, and all non-residential development.*

*Dry-lines shall be extended to the appropriate project boundary or boundaries. The interim wastewater treatment plant and associated collection system shall be installed so as to readily provide for a connection to the Manatee County sanitary sewer system.*

*Developed portions of a project shall connect within two years of the reasonable availability of a central system sanitary sewer line which has adequate capacity to accommodate wastewater flows.*

*When the requirement for dry lines are not appropriate due to unknown engineering conditions, special approval is required to ensure compliance with the intent of this policy.*



*Implementation Mechanism:*

- (a) *Coordination between the Public Works and Planning Departments to ensure policy compliance.*
- (b) *Revision of the Land Development Code and other regulatory documents as appropriate to implement policy.*

*Proposed Policy:*      9.2.4.6      *Request for connection to Manatee County's central sewer system may be denied based solely on the development's location outside the Future Development Area Boundary.*

*Proposed Policy:*      9.2.4.7      *Continue review and analysis of the wastewater treatment policies and procedures for effectiveness.*

*Implementation Mechanism:*

- (a) *Public Works and Information Services Department continue modernization of data collection and mapping.*
- (b) *Coordination between Public Works, Planning, Environmental Management, Building, and the Public Health Unit in conducting review.*

**Original Policy:**

11.1.1.5

Require that all wastewater from any new project located within the following categories shown on the Future Land Use Map shall be collected and treated through the Manatee County public sanitary sewer system:

- o Residential-9 (RES-9)
- o Residential-16 (RES-16)
- o Retail/Office/Residential (ROR)
- o Mixed Use (MU)
- o Industrial-Light (IL)
- o Industrial-Heavy (IH)
- o Industrial-Urban (IU)

This policy shall not be appropriate if all of the following are met:

1. The proposed project is located within either the Mixed Use or the Industrial-Light Category on the Future Land use Map, and
2. The proposed project consists of a single family dwelling unit located on a lot of record which is not subject to any change in property boundary lines during the development of the proposed land use, and
3. The proposed project is to be developed without generating a requirement for either subdivision review, or final site or development plan review, or equivalent development order review.
4. The proposed project does not have reasonable availability to the Manatee County sewer system.

**Implementation Mechanism:**

- (a) Public Works Department review of development approval requests in accordance with the Manatee County Sewer Connection Ordinance.

**Proposed Policy:** 9.2.1.2 *Require all wastewater from any project located within the wastewater treatment collection area as shown on Map 9-A, to be collected and treated through Manatee County's public sanitary sewer system, except as allowed by special approval. Special approval under this policy shall include analysis of the following factors;*

- *Proposed wastewater impacts,*
- *Accessibility of the central system,*
- *Proposed infrastructure improvements,*
- *Environmental sensitivity,*
- *Development trends and timing,*
- *Compatibility of development, and*
- *Proposed mitigation measures.*

**Implementation Mechanisms:**

- (a) *Implementation and revision of the Manatee County Sewer Collection Ordinance, consistent with this policy.*
- (b) *Revision of the Land Development Code and other appropriate ordinances consistent with this policy.*
- (c) *Coordination between the Departments of Public Works, Building, Planning, and the Manatee County Public Health Unit.*

**Explanation:** The proposed policy expands the area in which sanitary sewer connection is required. The requirements shift from the listing of the Future Land Use Categories to the sanitary sewer collection area. Any exception to this requirement will require a Special Approval with a minimum analysis of the listed factors to be considered. As part of the special approval, appropriate mitigation measures would be instituted on a case specific basis.

**PC Recommendations:** Policy not reviewed by the Planning Commission

**Public Comment:**

Original Objective

New Objective:

*Proposed Objective* 9.2.4

***ONSITE WASTEWATER TREATMENT SYSTEMS: Provide for the limited use of septic tanks and interim wastewater treatment plants only in areas where sanitary sewer extension is not reasonably feasible. (See also policy 9.2.1.2)***

Explanation:

The County allows for the use of septic systems in cases where sanitary sewer extension is not feasible. The proposed objective recognizes the need for onsite systems and consolidates the language regarding the regulation of onsite systems under one objective as an aid to the reader. The cross reference is to the policy which requires sewer connection.

PC Recommendations:

Public Comment:

**Original Policy:** 11.1.1.9 Require that any on-site sewage disposal system shall be located and constructed in a manner consistent with all applicable local, state, and federal regulations, and will be permitted only where consistent with other applicable goals, objectives, and policies contained in this Comprehensive Plan.

**Proposed Policy:** 9.2.4.1 *Require that any on-site sewage disposal system be located and constructed in accordance with all local, state, and federal regulations.*

**Explanation:** The proposed policy condenses the language of the original policy which is redundant since local regulations include the Comprehensive Plan.

**PC Recommendations:** No comment

**Public Comment:**

**Original Policy:** 3.2.1.6 Require that all new septic tanks and associated drainfields located within the WO-E and WO-M Overlay Districts shall be located no closer than 200 feet to any DER jurisdictional wetland (including inflowing watercourses).

**Implementation Mechanisms:**

- (a) Review of agency approved wetland survey, or other appropriate delineation, and preliminary site plan by the Manatee County Planning, Permitting, and Inspections Department prior to issuance of septic tank permit by the Manatee County Public Health Unit and conditioning of any development order approval to ensure compliance with this policy.

**Proposed Policy:** 9.7.4.2 *Require that all new septic tanks and associated drain fields located within the Watershed Overlay (WO) District shall be located no closer than 200 feet to any jurisdictional wetland (including in flowing watercourses).*

**Implementation Mechanisms:**

- (a) *Review of agency approved wetland survey, or other appropriate delineation, and preliminary site plan by the Manatee County Planning Department prior to issuance of septic tank permit by Manatee County Public Health Unit and conditioning of any development order approval to ensure compliance with this policy.*
- (b) *Coordination between the Manatee County Public Health Unit, Public Works, Building, and Environmental Management Departments.*

**Explanation:** The original policy was moved from the Conservation Element to this location under the new objective 9.2.4 in the interest of consistency since this objective is designed to deal specifically with septic systems. Language reflects the consolidation of the watershed overlays into the new WO.

**PC Recommendations:** No Comment

**Public Comment:**

**Original Policy:** 9.2.1.7 Require that all septic tank drainfields be elevated no less than 36 inches above the seasonal high water table within the WO-M and WO-E Overlay Districts.

**Implementation Mechanism:**

- (a) Review, by Manatee County Public Health Unit, of all septic tank permit requests located within the WO-M and WO-E Overlay Districts.

**Proposed Policy:** 9.2.4.3 *Require that all septic tank drain fields be elevated no less than 36 inches above the seasonal high water table (measured from the bottom of the drain field) within the Watershed Overlay (WO) Districts.*

**Implementation Mechanism:**

- (a) *Review, by Manatee County Public Health Unit, of all septic tank permit requests located within the Watershed Overlay (WO) Districts.*

**Explanation:** The original policy was moved from the Conservation Element to this location under the new objective 9.2.4 in the interest of consistency since this objective is designed to deal specifically with septic systems. Language reflects consolidation of the watershed overlays into the WO. Language now specifies that the 36" is measured from the bottom of the drainfield.

**PC Recommendations:** No Comment

**Public Comment:**

**Original Policy:** 11.1.1.4

Prohibit the use of any interim wastewater treatment plant to provide for sanitary sewer service for any project within the defined EPA 201 Facilities Plan Service Area as shown on Map 11A, unless such plant is currently operational and is to be taken off-line pursuant to Manatee County's planned sanitary sewer system; or unless a finding of overriding public interest is made by the Board of County Commissioners, after recommendation by the Planning Commission; or unless all of the following areas are applicable

- (1) Manatee County has issued a development order for the project which is subject to further review for compliance with these Level of Service Standards, and the development order permits density, intensity, uses, or total development potential in excess of that which may be adequately served by an on-site sewage disposal system or systems other than an interim wastewater treatment plant.
- (2) Connection to the Manatee County public treatment or effluent disposal sewer system cannot be provided by an extension of the County's collection system paid for by the developer of the project. Cost to the developer will not be considered in making this determination (e.g., as may be the case within an unincorporated enclave surrounded by incorporated areas).
- (3) The proposed interim wastewater treatment plant and associated effluent disposal areas are located completely outside the WO-M, WO-E, and CH Overlay Districts, as shown on the Future Land Use Map. Exceptions to this Level of Service standard may be granted pursuant to a finding of overriding public interest by the Board of County Commissioners.
- (4) The interim wastewater treatment plant and associated collection system shall be installed so as to readily provide for a connection to the County sanitary sewer system, at the property boundary of the project, upon availability of a sanitary sewer line with adequate capacity to accommodate wastewater flows from the developed portions of the project.

**Proposed Policy:** 9.2.4.2

***Prohibit the development of any interim wastewater treatment plants for any project located within the wastewater treatment collection areas as shown on Map 9-A, unless Special Approval is granted not to connect to the public sanitary sewer system under policy 9.2.1.2 and approved by the Board of County***



*Commissioners.*

*Analysis of the following factors shall be included in the approval of any interim wastewater treatment plants:*

- *Analysis of impacts from individual on site systems, versus an interim treatment plant,*
- *Level of treatment proposed,*
- *Possible connection to other municipal wastewater treatment systems,*
- *Location within or adjacent to environmentally sensitive areas,*
- *Location within areas subject to flooding, and*
- *Consideration of the appropriate timing and type of proposed development.*

*See also policies under Objective 2.1.2*

*Implementation Mechanisms*

- (a) *Review by the Public Works, Planning, Building, Environmental Management Departments, and the Manatee County Public Health Unit to implement this policy.*
- (b) *Revisions to the Land Development Code and other regulatory documents as appropriate to implement this policy.*

**Explanation:**

The proposed language consolidates and clarifies the original language detailing under which set of circumstances an interim treatment plant would be allowed. Provisions are made for the few existing treatment plants to continue use as the language has been changed to "development of interim plants". All interim plants would have to obtain special approval as required in proposed 9.2.1.2 and then also be approved by the BOCC with the analysis of factors as listed in this policy.

Item number (4) in the original language has been incorporated into policy 9.2.4.6 which addresses design of the plant and collection system to be consistent with county to provide ready connection.

**PC Recommendations:**

Language not reviewed by the Planning Commission.

**Public Comment:**

**Original Policy:** 11.1.1.8

Require, where connection to the Manatee County public wastewater system is not feasible for any reason, that any project within the EPA 201 Facilities Service Area, meeting one or both of the two conditions described above in Policy 11.1.1.7(1) or (2), and utilizing septic tanks or an interim wastewater treatment plant approved pursuant to Policy 11.1.1.4 above, shall be constructed with dry-lines so as to readily permit connection to the public sanitary sewer system. Dry-lines shall be extended to the appropriate project boundary or boundaries. Within two years of the availability of a sanitary sewer line with adequate capacity to accommodate wastewater flows from the developed portions of the project, all dry-lines for the project shall be connected to the available sanitary sewer line(s). Projects outside the EPA 201 Facilities Service Area shall generally be exempted from this policy, unless a requirement for installation of dry-lines in any such project is adopted as a condition of development order approval.

**Proposed Policy:** 9.2.4.5

*Require, where connection to the Manatee County public wastewater system is not required under policy 9.2.1.2, that any project within the Wastewater Treatment Collection Areas utilizing septic tanks or an interim wastewater treatment plant shall be constructed with dry-lines so as to readily permit connection to the public sanitary sewer system for all residential development of 1 du/ga and higher, and all non-residential development.*

*Dry-lines shall be extended to the appropriate project boundary or boundaries. The interim wastewater treatment plant and associated collection system shall be installed so as to readily provide for a connection to the Manatee County sanitary sewer system.*

*Developed portions of a project shall connect within two years of the reasonable availability of a central system sanitary sewer line which has adequate capacity to accommodate wastewater flows.*

*When the requirement for dry lines are not appropriate due to unknown engineering conditions, special approval is required to ensure compliance with the intent of this policy.*

**Implementation Mechanism:**

- (a) *Coordination between the Public Works and Planning Departments to ensure policy compliance.*
- (b) *Revision of the Land Development Code and other*

*regulatory documents as appropriate to implement policy.*

**Explanation:**

The language has been clarified and broken up to facilitate ease in reading. The term wastewater treatment collection areas is now used for consistency with the remainder of the Comprehensive Plan. Language from the previous policy regarding design of an interim plant and collection system has been consolidated into this policy. Dry lines are required on all non-residential development and any residential development of 1 du/ga or greater within the wastewater treatment collection area when immediate connection is not feasible. When the dry line requirement cannot be met due to unknown engineering conditions, special approval will be required.

**PC Recommendations:**

Language not reviewed by the Planning Commission.

**Public Comment:**

**Original Policy:** 11.1.1.7 Require that a written request for connection to Manatee County's public sanitary sewer system shall be made for any proposed project located outside of the EPA 201 Facilities Service Area shown on Map 11A, and meeting any of the following criteria:

- (1) Location within any of the following categories on the Future Land Use Map: RES-1, RES-3, UF-3, RES-6, RES-9, OL.
- (2) Net residential density within the applicable project, or part thereof, is equal to or greater than three (3) dwelling units per net acre.

Manatee County will not deny a request for wastewater service to a proposed project solely on the basis of the project's location east of the estimated wastewater service area (as shown on Map 11A), but may deny a request for service solely based on location outside the "Future Development Area Boundary" (See Appendix 2B of the Technical Support Document).

Where connection is approved, public sanitary sewer service shall be used, unless the Board of County Commissioners approves an alternate sewage disposal system for the project. Development of a single family dwelling unit on a lot of record, or residential development not constituting a subdivision or requiring site plan (or similar) approval, will be exempted from this performance standard unless a public sanitary sewer line is available at the subject property boundary.

**Proposed Policy:** 9.2.4.6 *Request for connection to Manatee County's central sewer system may be denied based solely on the developments location outside the Future Development Area Boundary.*

**Explanation:** The main portion of this policy has become obsolete due to the changes in proposed policy 9.2.1.2 which requires connection within all Future Land Use Categories within the Sanitary Sewer Collection Area. The Future Development Area Boundary in a small portion in the northern portion of the County is east of the collection area. This policy allows for connection within the area outside of the wastewater treatment collection area, but does allow the county to refuse to extend lines beyond the FDAB. This will assist in limiting urban sprawl, since area is beyond the county's growth area.

In policy 9.2.4.7, if development is approved in this area and is above 1 dwelling unit per gross acre it must either connect to the

central system, if it is reasonable available or install dry lines to prepare for the eventual connection.

**PC Recommendations:**

Language was not reviewed by the Planning Commission.

**Public Comment:**

<b>Original Policy:</b>	None. New policy
<b>Proposed Policy:</b>	<p>9.2.4.7 <i>Continue review and analysis of the wastewater treatment policies and procedures for effectiveness.</i></p> <p><b>Implementation Mechanism</b></p> <p>(a) <i>Public Works and Information Services: Department continue modernization of data collection and mapping.</i></p> <p>(b) <i>Coordination between Public Works, Planning, Environmental Management, Building, and the Health Departments in conducting review.</i></p>
<b>Explanation:</b>	<p>The policy recognizes the changing nature of the data associated with wastewater treatment. Much of the relevant data will become part of the County's Land Information System over the upcoming years. This computerization should allow for procedural changes in the review process. This will provide additional analysis techniques in a shorter time frame than the standard review period associated with the evaluation of the entire Comprehensive Plan.</p>
<b>PC Recommendations:</b>	Policy not reviewed by the Planning Commission.
<b>Public Comment:</b>	

(2) **Aerobic treatment unit** — a sewage treatment unit which incorporates a means of introducing air into sewage so as to provide aerobic biochemical stabilization within a treatment structure.

(3) **Alternative system** — any approved onsite sewage disposal system used in lieu of, including modifications to, a standard subsurface system.

(4) **American National Standards Institute**, hereafter referred to as ANSI — an organization comprised of trade associations, technical societies, professional groups, consumer organizations, and individual companies with headquarters located at 1430 Broadway, New York, New York 10018. This organization acts as a clearinghouse and coordinating body for voluntary standards activities in the United States, and approves as American National Standards those standards that have been developed according to its principles of openness, due process and consensus. Among its activities is accreditation of third-party certification programs.

(5) **American Society for Testing Materials** hereafter referred to as ASTM — a technical society with headquarters located at 1916 Race Street, Philadelphia, Pennsylvania, 19103, which develops and publishes national standards for the testing and quality assurance of construction materials.

(6) **Approved** — an onsite sewage disposal system constructed and installed in compliance with technical standards and requirements of this Chapter and which has received final installation approval. "Approved" installation does not imply that a system will perform satisfactorily for a specific period of time.

(7) **Approved maintenance entity** — any person or business entity which has been issued a written permit by the HRS county public health unit to provide maintenance services associated with approved onsite aerobic treatment units.

(8) **Aquifer** — a geological formation, group of formations, or part of a formation that is capable of yielding potentially usable quantities of potable water from wells or springs.

(9) **Available** — a municipal or investor-owned sewerage system shall be deemed available for the connection of the building plumbing if all of the following requirements are met:

(a) The sewerage system is not under a Department of Environmental Regulation moratorium.

(b) The sewerage system has adequate hydraulic capacity to accept the quantity of sewage to be generated at the proposed establishment.

(c) For all single family residences or for establishments with estimated sewage flows of 600 or less gallons per day, a sewerage system shall be considered available if a sewer line exists in a public easement or right-of-way which abuts the property, and if gravity flow can be maintained from the building drain to the sewer line.

(d) For estimated sewage flows exceeding 600 gallons per day, with the exception of single family residences, a sewerage system shall be considered

available if a sewer line, force main, or lift station exists in a public easement or right-of-way which abuts the property or is within 100 feet of the property as accessed via rights-of-way or easements.

(e) For areas zoned or used for industrial or manufacturing purposes or its equivalent, a sewer line existing within 1/4 mile of the development as accessed via easements or rights-of-way shall be considered available. For repair or modification purposes, an available sewer is any sewer line within 500 feet of the building sewer stub out as accessed via rights-of-way or easements.

(10) **Base flood** — the flood having a one percent chance of being equaled or exceeded in any given year.

(11) **Bedroom** — a room designed primarily for sleeping or a room which is expected to routinely provide sleeping accommodations for occupants.

(12) **Building Area** — that enclosed habitable area of a dwelling unit, excluding the garage, carport, exterior storage shed, or open or fully screened patio or decks. Calculations of building area shall be made by measurements of the outside building dimensions. Building area of each story of the structure shall be added to determine the total building area.

(13) **Commercial Sewage Waste** — Non-toxic, non-hazardous wastewater from commercial facilities which is usually similar in composition to domestic wastewater, but which may occasionally have one or more of its constituents exceed domestic ranges. Included in this definition are commercial and institutional food operations, self-service laundries with no more than 4 machines, and animal holding facilities.

(14) **Department** — the Department of Health and Rehabilitative Services including authorized agents of the individual HRS county public health units.

(15) **Domestic sewage waste** — human body waste and household type wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste and other similar waste from household or establishment apartments. Domestic sewage waste are further categorized as:

(a) **Blackwater** — waste carried off by toilets, urinals, and kitchen drains.

(b) **Graywater** — all domestic waste not covered in (a) above and including bath, lavatory, laundry and sink except kitchen sink waste.

(16) **Drainage Ditch** — a manmade trench dug for the purpose of draining water from the land or for transporting water for use on the land. Swales are excluded from this definition.

(17) **Drainfield** — a system of open-jointed or perforated piping, approved alternative distribution units, or other treatment facilities designed to distribute effluent for filtration, oxidation and absorption by the soil within the zone of aeration.

(18) **Dwelling unit** — a residence for the housing of a single family whether such residence is a detached structure or a unit of a multiple family building.



ORDINANCE 89-02

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR MATERIAL AND INSTALLATION SPECIFICATIONS FOR CONNECTION TO THE MANATEE COUNTY SANITARY SEWER SYSTEM; PROVIDING FOR ABANDONMENT OF SEPTIC TANKS; PROVIDING FOR A PERMIT TO CONNECT TO THE MANATEE COUNTY SEWER SYSTEM; PROVIDING FOR FEES AND ISSUANCE OF PERMITS; PROVIDING FOR INSPECTIONS; PROVIDING FOR PROHIBITIONS AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; REPEALING MANATEE COUNTY ORDINANCE 87-03; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, Manatee County, Florida is presently engaged in the construction of a sanitary sewage system for a portion of the County for the purposes of collection, treatment and disposal of sewage; and

WHEREAS, Sections 153.12 and 381.272, Florida Statutes, and Chapter 100-6, Florida Administrative Code, mandate connection to public-owned or investor-owned sewage systems upon availability of such systems to service adjacent properties; and

WHEREAS, in order to promote the public health, safety and welfare, and in accordance with authorization granted by state law, it is determined to be in the best public interest for the County to adopt an Ordinance establishing material and installation specifications for making said connections and establishing a permitting and inspection procedure for said connections.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA that:

Section 1. Applicability.

This Ordinance shall be applicable to all unincorporated areas of Manatee County, Florida. This Ordinance requires the disconnection of existing septic tanks and the connection of all plumbing fixtures to the Manatee County Centralized Sanitary Sewer System. Connection of all existing buildings and structures to the Manatee County sanitary sewer system is mandatory, subject to the conditions and parameters of Section 381.272, Florida Statutes. Notwithstanding any provision of Section 381.272, Florida Statutes to the contrary, the Board of County Commissioners has

determined that connections shall be made, at no cost to the County, within one hundred twenty (120) days of certification of availability of sanitary sewer service. Applications for waiver of mandatory connection requirements will be considered by the County in accordance with criteria to be adopted by the Board of County Commissioners by Resolution.

Section 2. Definitions.

As used in this Ordinance, both heretofore and hereafter, the following definitions shall apply:

- a. "Available" or "availability" - as defined in Rule 100-6.042(7), Florida Administrative Code.
- b. "Certification of availability" - a written notice to the property owner (as appears on the County ad valorem tax rolls), which notice shall inform the owner of the County's availability to serve with sewer service and which notice shall be mailed by certified mail, return receipt requested, to the address appearing on the County ad valorem tax rolls.
- c. "Connection" or "connections" - the connecting of the plumbing transmission lines leading to the existing septic tank from the building, to the Manatee County Sanitary Sewer System.
- d. "County" - Manatee County, Florida, a political subdivision of the State of Florida.
- e. "Engineering" - the Utilities Engineering Division of the Manatee County Public Works Department.
- f. "Permit" - a written document, required by Section 5 of this Ordinance, authorizing connection to the Manatee County Sanitary Sewer System.
- g. "Person" - any individual, corporation, government agency, business trust, estate, trust, partnership, association, two or more persons having joint or common interest or any other legal entity.
- h. "Planning" - the Manatee County Planning and Development Department.

- i. "Plumbing Fixtures" - installed receptacles, devices, or appliances which are supplied with water or which receive or discharge liquids or liquid-borne wastes with or without discharge into the drainage system to which they may be directly or indirectly connected.
- j. "Property Owner's Receipt of the Certification of Availability" - the act of affixing a signature to a certified mail return receipt, whether or not it is the signature of the person to whom the mailing was addressed.
- k. "System" - the Manatee County Sanitary Sewer System.

Section 3. Material and Installation Specifications.

All materials and installation methods must be in accordance with the requirements of the Manatee County Plumbing Code.

Section 4. Abandonment of Septic Tanks

Abandonment of on-site sewage disposal systems (septic tanks) shall be made sequentially as follows:

- a. the tank shall be pumped out; and
- b. the bottom of the tank shall be opened or ruptured so as to prevent the tank from retaining water; and
- c. the tank shall be filled with clean sand or other suitable material.

Section 5. Permits.

Connections shall not be made until a permit for same has been issued by the County. Permits shall be issued only to property owners (as defined in Section 489.103(7), Florida Statutes), or registered or certified plumbing contractors (as defined in Chapter 489, Florida Statutes). Permits shall be issued within the time frames provided in Section 6 of this Ordinance.

Section 6. Fees and Issuance of Permits.

- a. Within One Hundred Twenty days following receipt of Certification of Availability. Within one hundred

twenty (120) days following the property owner's receipt of the certification of availability, Engineering shall issue permits for connection, in accordance with Section 5 of this Ordinance. During this period, there shall be no fee charged for connection to the System, except for those fees established by resolution for inspection of the new installation and abandonment of the existing septic tank. Waiver of applicable fees shall include waiver of the sewer facility investment fee (FIF) charged by the Utilities Department; provided, however, that there shall be no waiver of FIF's for non-assessment project, mandatory hookups.

- b. After One Hundred Twenty days following receipt of Certification of Availability. After the expiration of the one hundred twenty (120) day period established in Section 6.a. of this Ordinance, permits for connection to the System shall be issued by Planning only after the Applicant has submitted written evidence, issued by Engineering, that the applicant has paid all applicable fees, including the sewer FIF and inspection fees.
- c. All FIF's, which shall be established by Resolution, shall be paid to the County, in U. S. funds, within thirty (30) days after the owner's receipt of a billing from the County (or within such other time period as shall be provided by Resolution).

Section 7. Inspections.

- a. For all permits granted within the one hundred twenty (120) day period set forth in Section 6.a. of this Ordinance, Engineering shall inspect all sewer materials, installations and connections, and when directed by Engineering, Planning shall conduct designated inspections. On a quarterly basis, Engineering shall compensate Planning for each inspection based on a charge of twenty-five (\$25.00) dollars for each inspection conducted by Planning.

- b. For all permits granted after the one hundred twenty (120) day period set forth in Section 6.a. of this Ordinance, Planning shall inspect all materials, installations and connections and shall charge the fees in effect at the time of inspection.
- c. The Applicant shall ensure that Engineering or Planning has completed and approved all inspections before the sewer pipe and connection are covered.

Section 8. Prohibitions and Penalties.

- a. Absent prior written authorization from Engineering, no person shall connect or cause to be connected any septic tank to the system, nor shall any person knowingly use or benefit from such a connection.
- b. No person shall connect or cause to be connected any gutter, downspout or other similar source of rainwater or stormwater to the system, nor shall any person knowingly use or benefit from such a connection.
- c. Any person violating this Section or failing to comply with any requirement of this Ordinance, shall be deemed to be guilty of a second degree misdemeanor, punishable as provided by general law of the State of Florida.

Section 9. Repeal.

Manatee County Ordinance 87-03 is hereby repealed in its entirety.

Section 10. 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 11. Effective Date.

This Ordinance shall take effect immediately upon receipt of the official acknowledgment from the Office of the Secretary of State of the State of Florida, that this Ordinance has been filed with said office.

APPROVED AND ADOPTED in open session by a majority vote of the Board of County Commissioners this the 28<sup>th</sup> day of February, 1989.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By:

Patricia M. Blair  
Chairman

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



**A RESOLUTION OF MANATEE COUNTY, FLORIDA,  
ESTABLISHING CRITERIA FOR CONSIDERATION  
OF APPLICATIONS FOR WAIVER OF MANDATORY  
CONNECTIONS TO THE MANATEE COUNTY SANI-  
TARY SEWER SYSTEM**

**WHEREAS**, Manatee County, Florida is presently engaged in the construction of a sanitary sewage system for a portion of the County for the purposes of collection, treatment and disposal of sewage; and

**WHEREAS**, Sections 153.12 and 381.272, Florida Statutes, and Chapter 10D-6, Florida Administrative Code, mandate connection to public-owned or investor-owned sewage systems upon availability of such systems to service adjacent properties; and

**WHEREAS**, in order to promote the public health, safety and welfare, and in accordance with authorization granted by State law, Manatee County has heretofore adopted Ordinance 89-02, which established material and installation specifications for making said connections and which established a permitting and inspection procedure for said connections; and

**WHEREAS**, Section 381.272, Florida Statutes and Chapter 10D-6, Florida Administrative Code, provides that a mandatory connection can be waived upon a determination that such connection is not required in the public interest due to financial or public health considerations; and

**WHEREAS**, Section 1 of Ordinance 89-02 provides for consideration of applications for waiver of mandatory connections in accordance with criteria to be adopted by the Board of County Commissioners, by Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA that:**

1. All terms appearing in this Resolution shall be defined as set forth in Ordinance 89-02.
2. Waiver applications will be accepted only from owners of properties which are being lawfully utilized for single family residential purposes, with a valid certificate of occupancy, at the time of submission of the application.
  - A. FOR PROPERTIES LOCATED WITHIN THE DEFINED WARD LAKE AND LAKE MANATEE WATERSHED AREAS:
    1. The owners of all properties served by septic systems, in which the septic system is located within 200 lineal feet from the ordinary highwater mark of the reservoir

or a tributary thereof, shall be required to connect to the sewer system as required by Chapter 381.272, Florida Statutes, regardless of the distances involved.

2. Only property owners whose properties are greater than 1 acre in size, served by a septic system in which the system is located greater than 200 lineal feet from the ordinary highwater mark of the reservoir or a tributary thereof, are eligible to apply for a waiver.

B. FOR PROPERTIES LOCATED OUTSIDE THE DEFINED WARD LAKE AND LAKE MNATEE WATERSHED AREAS:

1. Only property owners whose properties are 1/2 acre or larger in size, and requiring a sewer service connection greater than 200 lineal feet (the distance measured between the point where the sewer line exits the building to the front property line) will be considered for waiver of mandatory connection.
3. No particular form of waiver application shall be necessary; however, the property owner shall furnish complete documentation as set forth in Section 4 of this Resolution.
4. Two fully legible copies of the following documentation shall be furnished to Engineering by the property owner, at the property owner's sole expense, as a prerequisite for determining a waiver of the mandatory sanitary sewer connection:
  - A. A letter requesting the waiver of the mandatory connection, from the property owner, outlining the basis for the request and all pertinent information associated therewith.
  - B. An "as-built" survey indicating the actual location of the single family residential building, including the distance from the building to the front property line, location of the septic tank and drain field, the property area, and the approximate routing of the proposed sewer line from the front property line to where the sewer line exits the building.



- C. Any on-site existing natural or man-made obstructions and topographic features limiting access and routing of the proposed sewer line shall be shown on the "as-built" survey or on an accompanying plan, drawn to scale.
  - D. Detailed cost estimates (two or more) for connection to the sewer system, using a four (4) inch gravity pipe, shall be submitted to Engineering. The cost estimates shall include a labor and material breakdown, with all applicable costs associated with the proposed sewer line tie-in. The cost estimates shall be prepared by licensed contractors and submitted on their company stationary for all work not specifically performed by the property owner as allowed by Chapter 489, Florida Statutes.
5. Applications for waiver of mandatory sanitary sewer connections shall be submitted to Engineering within thirty (30) calendar days of the property owner's receipt of the certification of availability. A check for an administrative fee of twenty-five (\$25.00) dollars, payable to Manatee County, shall accompany the waiver request.
6. Engineering shall, upon receipt of all of the aforementioned documentation, review the documentation, conduct an on-site inspection, review the cost estimates, and review land development requirements with the County Development Management Department, including verifying that an occupancy certificate exists for the subject property.
- A. If Engineering recommends approval of the waiver, a copy of the waiver application and documentation, along with an approval letter from Engineering shall be forwarded to HRS-Manatee County Public Health Unit (HRS-MCPHU) for review. A check for an inspection fee of forty (\$40.00) dollars, to be paid by the property owner and made payable to the HRS-MCPHU, shall accompany the request. The HRS-MCPHU shall conduct an on-site system inspection and shall review the cost estimates. In the event that the HRS-MCPHU approves

the waiver, the waiver application and HRS-MCPBU approval letter shall be returned to Engineering for recording, as outlined in Paragraph D below.

- B. If Engineering recommends disapproval of the waiver request, the property owner may appeal to the County Administrator of Manatee County, for a waiver of the mandatory sanitary sewer connection. Any such appeal shall be by letter to the County Administrator and shall be delivered within twenty (20) calendar days after receipt of a denial letter from Engineering. In the event the County Administrator decides that such connection is not required in the public interest due to financial or public health considerations, and approves the waiver: the waiver application and an approval letter stating the reasons therefore shall be forwarded to the HRS-MCPBU for their determination, as indicated in Paragraph A above.
- C. In the event the HRS-MCPBU disapproves the waiver request, the property owner may apply for a variance pursuant to Section 16D-6.045, Florida Administrative Code.
- D. In the event that a waiver is recommended and granted by the County (with the concurrence of HRS-MCPBU), the County shall inform the current property owner, in writing of his/her/its duty to advise Engineering and reapply for a waiver when and if the property boundaries are changed, the dwelling is increased in floor area, or the on-site sanitary sewage system is required to be altered or replaced. In addition, the County shall cause to be recorded, in the Official Records of the County, a notice to prospective purchasers or grantees of the existence and conditions of the waiver and of the necessity to reapply for a waiver when and if the property boundaries are changed, the dwelling is increased in floor area or the on-site

sanitary sewage system is required to be altered or replaced. Said recorded notice shall contain the current property owner's name and a legal description of the property in question.

7. After the property owner's receipt of notification of denial of all administrative appeals, the property owner shall have one hundred twenty (120) calendar days to connect his/her/their/its property to the public sanitary sewer system.

ADOPTED with a quorum present and voting this 15<sup>th</sup> day of August, 1989.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *Patricia M. Bloss*  
Chairman

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

*R. B. Shore*

3

treatment of similar cases by Florida courts in making its Vested Rights Determination, which shall address the extent of the vested rights, if any. In making its decision, the Board of County Commissioners shall consider the recommendations of the County Attorney's Office. Such recommendations shall be required for all vested rights determinations, after considering input and recommendations that may be made by the Planning Department. Any person, who claims that he has vested rights must file an application for a Vested Rights Determination by June 30, 1990. Such applications not filed by June 30, 1990 shall not be accepted or reviewed and any such rights claimed after said date shall be irrevocably waived and abandoned. Vested Rights Determinations shall be deemed to be an action taken on a development order and shall be subject to challenge in the manner provided in § 163.3215, Florida Statute.

- (c) Any development which is the subject of a completed application pending prior to the date of adoption of an amendment to this Comprehensive Plan for a DRI Development Order, a FOD Development Order or a Final Local Development Order, shall be reviewed under and shall be consistent with the provisions of this Comprehensive Plan that were in effect at the time of filing of such application, provided however, such application must be diligently pursued by the developer. Any such development shall be considered to have Special Exception status to the extent of any inconsistencies with such amendments.

Any development which has received a DRI Development Order, a FOD Development Order, or a Final Local Development Order prior to the date of adoption of an amendment to this Comprehensive Plan shall be considered to have Special Exception status to the extent of any such inconsistencies with such amendments.

#### D.2.2 Policies Relating to Special Exception Projects

- Projects with Special Exceptions status under subparagraphs (a) and (b) of the paragraph above shall not be required to comply with the provisions of this Plan to the extent that they are inconsistent with this Plan.
- Development orders determined to have "vested rights" under subparagraphs (c) and (d) of paragraph 1 above, shall not be required to comply with the provisions of this Plan to the extent provided in the Vested Rights Determination or judicial order.
- Subsequent development orders for projects with Special Exceptions status stated above shall be reviewed in accordance with the Comprehensive Plan provisions in effect at the time the DRI Development Order, FOD Development Order, or such Final Local Development Order was approved for that portion of the project, then existing comprehensive plan in effect prior to the date of this Comprehensive Plan.

*File Merrill - delete*



*most of this is quoted by 1993*

Further, ~~no~~ No development order for any single-family residential unit shall be withheld due to inconsistency with the density provisions of this Plan, nor be required to obtain a Certificate of Level of Service Compliance, if such

MACFARLANE FERGUSON & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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400 CLEVELAND STREET  
P.O. BOX 1531 (2ND FLOOR)  
CLEWATON, FLORIDA 33602  
TEL: 273-4800 FAX: 273-773-4286

February 24, 1998

IN REPLY REFER TO

Post Office Box 1531  
Tampa, Florida 33601

VIA HAND DELIVERY

Chairman Pat Glass  
Manatee County Board of County Commissioners  
1112 Manatee Avenue West  
Bradenton, Florida 34205

Re: Manatee Fruit Company/Lands within Manatee County/Proposed Comprehensive Plan Amendments

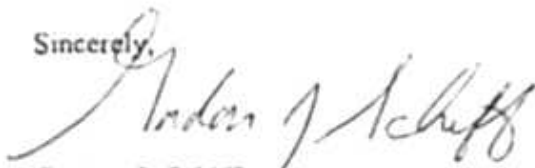
Dear Chairman Glass:

Our firm represents Manatee Fruit Company concerning its property in Manatee County. We understand that proposed comprehensive plan amendments to maps, goals, objectives and policies concerning the Coastal High Hazard Area ("CHHA") will not result in any detrimental effect on our client's use and/or future development of their property. However, we would object to the extent that any such proposed amendments would add additional restrictions or burdens on our clients' property.

This letter is being filed to preserve our client's legal status in any proceedings on the proposed comprehensive plan amendments.

Thank you for your consideration in this matter.

Sincerely,



Gordon J. Schiff

cc: Mr. Whiting Preston



exception to the required compliance with this Comprehensive Plan. This policy shall not preclude the development of water-dependent uses, of stormwater management structures, of passive recreational facilities, or nonhabitable structures within the 25-year floodplain, where appropriate. Furthermore, application of this policy shall be limited to projects for which mapping of the 25-year floodplain has been accomplished, or where interpolation or use of existing water surface profiles of the watercourse(s) permits the identification of the 25-year flood elevation.

**Proposed Policy: 2.3.3.4**

*Prohibit habitable structures and major public and private investment within the 25-year flood plain except for projects which have special exception status or obtain a Special Approval. This policy shall not preclude the development of water-dependent uses, water-related and water-enhanced uses, stormwater management structures, non-habitable structures, and passive recreational uses where appropriate. Any such development shall:*

- minimize impervious surface in the 25-year floodplain;
- cluster structures and uses outside of the 25-year floodplain, whenever possible [see policy 2.3.1.2];
- protect perennial lakes and streams by encouraging the dedication of conservation easements not subject to any land alteration within the 25-year floodplain.

*This policy applies only for the purposes of reviewing projects for which mapping of the 25-year floodplain has been accomplished, or where interpolation or use of an existing water surface profile for the watercourse(s) permits the identification of the 25-year flood elevation.*

**Implementation Mechanism:**

- (a) *Coordination between the Transportation (Stormwater Management Division), Planning, and Building Departments when reviewing development requests for compliance with this policy and the Floodplain Management Section of the Manatee County Land Development Code.*

