

P.C. 06/27/02

ORDINANCE 02-45

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): PROVIDING FOR AMENDMENT TO THE REQUIREMENTS AND PROCEDURES FOR OBTAINING FLOODPLAIN VARIANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

P.C. 06/27/02

B.O.C.C. 07/30/02

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, and CONSISTENT with the general purpose and standards of Section 503 of the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Ordinance 02-24, amending the Manatee County Land Development Code (Ordinance 90-01, as amended).**

PC20020627DOC005

**ORDINANCE 02-45  
LAND DEVELOPMENT CODE TEXT AMENDMENTS  
FLOODPLAIN MANAGEMENT**

**DISCUSSION:**

- The Federal Emergency Management Agency (FEMA) earlier notified Manatee County that it intended to remove Manatee County from the Community Rating System (CRS) Program.
- As a current participant in the CRS Program, residents of Manatee County who have flood insurance policies issued through the National Flood Insurance Program (NFIP), have been receiving discounts on their flood insurance premiums.
- Removal from the CRS Program would terminate any such premium discounts.
- In response to FEMA's intention to remove Manatee County from the CRS, the County obligated itself to undertake a number of corrective actions in order to maintain its participation in the CRS Program, which continued participation has been granted by FEMA. Among such corrective actions are the following Code amendments.
- The proposed amendments would preclude the approval of any variance which would be in conflict with or create a violation of any programs of the Floodplain Management Ordinance, the NFIP and/or the CRS Program.
- The proposed changes include specifications within the Variance section as to when a floodplain variance will be allowed, when such variances are prohibited, the criteria for such a variance, requiring Building Official approval to proceed with a variance request. The Construction Code Board of Appeals will be used to appeal that determination. If approved, the Floodplain Management Variance request will then follow existing procedures and be heard by the Hearing Officer.
- The proposed amendments are consistent with the Comprehensive Plan and Land Development Code.

**ORDINANCE 02-45  
PROPOSED TEXT**

509.3.1.7 add a new section as follows:

509.3. *Variances Not Permitted.*

509.3.1. Variances shall not be granted which:

509.3.1.7. *Floodplain Management.* Would result in approval of any action which would violate any floodplain management provision of Manatee County Ordinance No. 89-10; any floodplain management provision of the National Flood Insurance Program; and/or any floodplain management provision of the Community Rating System Program.

Section 509.4.1, add a new section as follows:

509.4. *Staff Review.* After determining that the application is complete, the Planning Director shall review the application to evaluate whether the proposed variance complies with the general purpose and standards set forth in this Section. The Planning Director may deliver copies of the application to the Development Review Committee for review and comment. Prior to the scheduled public hearing, the Planning Director shall deliver to the Hearing Officer a written report summarizing the facts of the case including all relevant documents and incorporating or summarizing the comments from the Development Review Committee and its advisory members.

509.4.1 *Review for Compliance With Floodplain Management Standards.* The Building Official shall review any variance requests which pertain to floodplain management. Should the Building Official determine that such application, if granted, would result in a condition that would violate any floodplain management regulation, as stated in 509.3.1.7 above, the Building Official may find the application inconsistent with said regulations. The applicant may either withdraw or amend their application to make it consistent with floodplain management rules at that time. The Manatee County Construction Code Board of Appeals shall be the designated authority to consider and rule upon appeals of the administrative decisions of the Building Official regarding floodplain management variance applications.

Decisions of the Construction Code Board of Appeals may be appealed within thirty (30) days of the date of action taken.

# NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended), with the intent to make recommendations to the Board of County Commissioners on:

Date: Thursday, June 27, 2002  
Time: 9:00 AM or soon thereafter  
Place: Manatee County Government Administrative Center  
1112 Manatee Avenue West  
1st Floor Chambers

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The Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Planning Commission to consider.

Rules of procedure for this public hearing are in effect pursuant to Resolution 94-104(PC). Copies of this Resolution are available for review or purchase at cost from the Manatee County Planning Department (see address below).

**Please Send Comments To: Manatee County Planning Department  
Attn: Agenda Coordinator  
1112 Manatee Ave. West, 4th Floor  
Bradenton, FL 34205**

All written comments will be entered into the record.

**For More Information:** Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 749-3070 x 6829, between 8:00 AM - 5:00 PM, or by e-mail at [planning.agenda@co.manatee.fl.us](mailto:planning.agenda@co.manatee.fl.us).

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According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

6/14/02

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SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION  
Manatee County Planning Department  
Manatee County, Florida

091374-0614

# BRADENTON HERALD

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P.O. Box 921  
Bradenton, FL 34206-0921  
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941/748-0411 ext. 7065

Bradenton Herald  
Published Daily  
Bradenton, Manatee, Florida

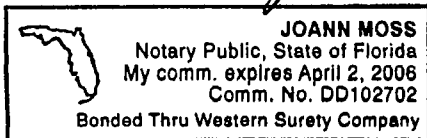
STATE OF FLORIDA  
COUNTY OF MANATEE;

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY : ORDIN 02-45** in the Court, was published in said newspaper in the issues of, **6/14,'02**

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sandy Riley  
(Signature of Affiant)

Sworn to and subscribed before me this  
17 Day of June, 2002



Joann Moss  
SEAL & Notary Public  
Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

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6/14/02

Z17386

SARASOTA HERALD TRIBUNE  
PUBLISHED DAILY  
SARASOTA, SARASOTA COUNTY, FLORIDA

MANATEE COUNTY GOVERNMENT  
1112 MANATEE AVENUE W, 4<sup>TH</sup> FLOOR  
ATT: KIM SPARKS  
BRADENTON, FL 34206

STATE OF FLORIDA  
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED MOYA NEVILLE, WHO ON OATH SAYS SHE IS THE ADVERTISING DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY, FLORIDA; AND CIRCULATED IN MANATEE COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

ORDINANCE 02-45

IN THE COURT, WAS PUBLISHED IN MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

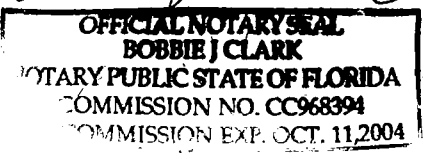
JUNE 14, 2002

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED Moya Neville

SWORN TO AND SUBSCRIBED BEFORE ME THIS 14TH DAY OF JUNE A.D., 2002 BY MOYA NEVILLE WHO IS PERSONALLY KNOWN TO ME.

(SEAL) [Signature]



NOTARY PUBLIC

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MANATEE COUNTY PLANNING COMMISSION  
Manatee County Planning Department  
Manatee County, Florida

1081974-0814



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509.4.1 *Review for Compliance With Floodplain Management Standards.* Any variance request pursuant to Section 718 of the LDC, Floodplain Management, shall be reviewed by the Building Official, who shall determine whether the application is consistent with said regulations. The Building Official shall issue a determination of consistency prior to the scheduling of the variance for public hearing. The Manatee County Construction Code Board of Appeals shall be the designated authority to consider and rule upon appeals of a determination of consistency of the Building Official regarding floodplain management variance applications.

Decisions of the Construction Code Board of Appeals may be appealed within thirty (30) days of the date of action taken.

