

ORDINANCE NUMBER 77-1

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; ESTABLISHING MINIMUM BUILDING ELEVATIONS FOR FLOOD HAZARD AREAS OF MANATEE COUNTY, FLORIDA, AS REQUIRED BY THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED; ESTABLISHING REQUIREMENTS FOR THE CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF RESIDENTIAL OR COMMERCIAL BUILDINGS WITHIN THE FLOOD HAZARD AREA; REESTABLISHING THE MANATEE COUNTY CONSTRUCTION CODES BOARD OF APPEALS AND PRESCRIBING THEIR DUTIES; ESTABLISHING A VARIANCE PROCEDURE; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING MANATEE COUNTY ORDINANCE NUMBER 76-4; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

ARTICLE I - FINDINGS OF FACT

A - Certain canal, riverine, and coastal areas of Manatee County are subject to periodic inundation which can result in loss of life and property, the imposition of health and safety hazards, the disruption of commerce and governmental services, extra-ordinary expenditures for flood protection and relief, and impairment of the Manatee County Tax Base, all of which adversely affects the public health, safety and general welfare of the citizens of Manatee County.

B - These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by structures vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or other wise protected from flood damages.

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A. SMATHERS
SECRETARY OF STATE
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- C - The Congress of the United States of America has enacted the National Flood Insurance Act of 1968, as amended, which in effect provides for issuance of insurance and other benefits for flood hazard areas only if said areas are subject to land use and control measures adopted by local communities designed to ameliorate the effects of flooding.
- D - There is on file with the Planning and Development of Manatee County, Florida, a series of maps produced by the Department of Housing and Urban Development Flood Insurance Administration. Said maps identified as Flood Hazard Boundry Map H-01-54 and Flood Insurance Rate Map I-01-54, designate the unincorporated areas of Manatee County as Community No. 120153 A and designate the flood hazard areas within Manatee County. These maps are hereby incorporated by reference into this Ordinance and the Director of Planning and Development of Manatee County, Florida, is hereby directed to maintain said maps in good condition at all times and to make same or accurate copies of same available for use by the general public. Said maps divide the flood hazard areas of Manatee County into five (5) separate zones and prescribes minimum building elevations within each zone. Manatee County hereby adopts said minimum building elevations as follows:

MINIMUM BUILDING ELEVATIONS

Measured in Feet Above

<u>ZONE</u>	<u>Mean Sea Level</u>
V-15	13.0 feet
A-15	13.0 feet
V-14	12.0 feet
A-14	12.0 feet
A-13	11.0 feet

E - The minimum building elevations and other land use and control measures hereinafter set forth in this Ordinance shall only apply to those lands lying within the unincorporated area of Manatee County, Florida, which are shown as Flood Hazard areas on the Federal Insurance Administration Flood Hazard Boundary Maps.

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

ARTICLE II - ADMINISTRATION

A - To insure that the purposes of this ordinance are being complied with in regard to the construction or substantial improvement of any building or structure within the flood hazard areas of Manatee County, Florida, the Director of the Department of Planning and Development shall provide the applicant with information relevant to the flood hazard area limits and water surface elevation of the base flood (i.e., 100-year flood) at the proposed site with respect to the proposed site with respect to the proposed construction.

- (1) "Substantial improvement" means any repair, reconstruction; or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (i) before the improvement or repair is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the

external dimensions of the structure. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(a) The market value of the structure concerned will be (i) that value that has been established by the Manatee County Appraiser or, (ii) in the alternative the applicant for a construction permit may furnish the Planning and Development Department with a current appraised value of the structure as provided by a State of Florida Licensed Real Estate Appraisers, or an Appraiser who is a member of the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers.

B - If a building or structure is to be located in a designated V-14 or V-15 Flood Zone and/or the building or structure incorporates flood proofing measures, break-away walls, or piles and columns, then a certification is required by a State of Florida registered professional Engineer or Architect stating that adequate precautions against flood damage have been taken with respect to the design of said building or structure, and that the plans for the development of the site

adhere to the restrictions cited in this Ordinance.

ARTICLE III - CONSTRUCTION STANDARDS

A - Elevation Requirements

(1) Residential structures must be constructed so that the lowest habital floor is located no lower than the established base flood elevation.

(a) Habital floor means any floor usable for living purposes, which includes sleeping, eating, cooking, or a combination thereof. A floor used only for storage purposes is not a habital floor.

(2) Non-residential structures may be constructed below the established base flood elevation provided they are designed to resist the inundation of flood waters and withstand the hydrostatic loads associated with the base flood (i.e., structure must be flood-proofed to the elevation of the base flood).

(a) Floodproof means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property and provide for the structural integrity of the structure and the protection against contamination of the potable water system and infiltration or backflow of the sanitary system.

B - Fill

If fill is used to raise the lowest floor to the base flood:

- (1) Fill shall consist of compacted soil or small rock materials only. Sanitary land fills shall not be permitted.
- (2) Fill slopes shall be no steeper than one (1) vertical on three (3) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Director of Planning and Development.
- (3) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

C - Electrical and Gas Utility Systems

- (1) All electrical and gas water heaters, furnaces and other critical electrical and gas installations shall be permitted only at elevations at or above the base flood elevation level, or in the alternative shall be on independent power circuits dropped from above the required elevation.
- (2) No electrical distribution panel shall be allowed at an elevation less than three (3) feet above the base Flood elevation.
- (3) Separate electrical circuits shall serve levels below the base flood elevation level and shall be dropped from above.

D - Plumbing

- (1) The location, construction, and installation of all potable water supply systems shall be in such a manner as to prevent contamination from flood waters during the base flood. No water supply well shall be located within the foundation walls of a building or structure

used for human habitation.

- (2) Approved backflow preventers or devices shall be installed on main water service lines, at water wells, and at all building entry locations to protect the system from backflow or back siphonage of flood waters or other contaminants.
- (3) Sanitary sewers and storm drainage systems that have openings below the base flood elevation shall be equipped with automatic back water valves or other automatic backflow devices that are installed in each discharge line passing through a building exterior wall.
- (4) Sanitary sewer systems, including septic tank systems, that are required to remain in operation during a flood shall be provided with a sealed holding tank and the necessary isolation and diversion piping, pumps, ejectors and appurtenances required to prevent sewage discharge during a flood.

E - Special Standard for Construction in Coastal High Hazard Areas for the New Construction of, or the Substantial Addition to Existing Structures.

Located within the special flood hazard areas defined in Article I, Section D, are areas known as Coastal High Hazard Areas (V-Zones). These coastal high hazard areas have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash and therefore the following special construction standards shall apply.

- (1) All buildings or structures shall be located landward of the reach of the mean high tide.

- (2) All buildings or structures shall be elevated so that the lowest finished habital floor is located no lower than the base flood elevation level, with space below the lowest supporting member open so as not to impede the flow of water, except as provided for breakaway walls in Article III, E-7.
- (3) All buildings or structures shall be securely anchored on and supported by piling or columns.
- (4) Piling or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.
- (5) Piling or columns used as structural support shall be spaced so that when measured they present the least amount of resistance to the general direction of flood flow.
- (6) There shall be no fill used as structural support.
- (7) Breakaway walls shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.

NOTE: Standard practice is to use a loading of 20 to 30 pounds per square foot (p.s.f.) as wind load on a vertical panel facing directly into the wind. This load would correspond to a wind speed of about 100 miles per hour and should be the minimum load which would cause the panels to breakaway. The maximum loading which would not cause failure to the superstructure is more difficult to determine.

Designation of this limit should be based on such factors as material, cross-section, and spacing of piling or columns upon which the structure sits, the elevation above the ground, and other assumed loadings on the structure.

- (8) Prior to construction, plans for any structure requiring the use of piling or columns as set forth in Article III, E-3-4 and 5 and/or the installation of breakaway walls as set forth in Article III, E-7, shall be submitted to the Planning and Development Department accompanied by a written statement prepared by an Architect or Engineer, licensed to practice in the State of Florida, stating that in his opinion the structure as designed complies with this Ordinance.

ARTICLE IV - SPECIAL STANDARDS FOR MOBILE HOMES

- A - No new mobile home parks, expansion of existing mobile home parks or placement of any mobile home not in a mobile home park shall be allowed within a V-14 or V-15 designated flood area.
- B - Mobile homes may be located or relocated in existing mobile home parks located within a V-14 or V-15 designated flood area as replacements provided that:
 - (1) Any mobile home site rental or leasing agreement or any contract for and deed of sale clearly states that the land in question has been designated as part of a flood hazard area and may be subject to flooding;
 - (2) Any mobile home moved into or relocated within an existing mobile home park shall be anchored in accordance with the provisions set forth in paragraph C-1 of this Article;

- (3) The owner, operator, or manager of an existing mobile home park shall provide easy access for a mobile home hauler.

C - The construction of a new mobile home park, the expansion of an existing mobile park, the placement of a mobile home not in a mobile home park or the substantial improvement thereof shall be allowed in a designated "A" Zone only if the following criteria are met:

- (1) Ground anchors, tie downs, and over the roof ties are installed in compliance with the Manatee County Mobile Home Installation Code, Florida Statutes 320.8325 and the rule of the Division of Motor Vehicles of the State of Florida Chapter 15C-1.10.
- (2) Lots or pads are elevated on compacted fill or by any other method approved by the Planning and Development Department so that the lowest habital floor of the mobile home is at or above the base flood level.
- (3) Adequate surface drainage and easy access for a mobile home hauler are provided.
- (4) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings, and if the support height is greater than 32 inches, the support must contain steel reinforcement.
- (5) Mobile homes installed on existing sites in established mobile parks must conform with Paragraph C-1 of this Article only.

ARTICLE V - APPEALS BOARD

A - There is a presently established Board known as the "Manatee County Construction Codes Board of Appeals" hereinafter referred to as the "Board". The Board

shall continue to be organized and provide functions as follows:

- B - The Board shall continue to consist of seven (7) members and shall be composed of one civil engineer, one mechanical engineer, one electrical engineer, two (2) licensed building contractors, one architect, and one member at large from the real estate and/or insurance industry. Said Board shall be as appointed by the Board of County Commissioners of Manatee County, Florida.
- C - Of the members first appointed to this Board, three (3) were appointed for a term of one (1) year, three (3) were appointed for a term of two (2) years, and one was appointed for a term of three (3) years, thereafter all members shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. Continued absence of any members from regular meetings of the Board shall, at the discretion of the Board of County Commissioners of Manatee County, Florida, render any such member subject to immediate removal from office.
- (1) Four (4) members of the Board shall constitute a quorum.
 - (2) The Board shall have the following duties:
 - (a) Shall hear all petitions for variances under the terms of this Ordinance.
 - (b) Shall continue to perform all of the functions of the Board of Adjustments and Appeals as said functions are defined in the Manatee County Building Code.
 - (c) Shall continue to perform all of the functions of the Housing Board of Ad-

justments and Appeals as said functions are defined in the Manatee County Housing Code.

ARTICLE VI - VARIANCES

A - The Manatee County Construction Codes Board of Appeals is hereby authorized to grant variances from the requirements of this Ordinance whereby reason of topographical conditions, borderline situations immediately adjoining existing developments, or because of other circumstances, the strict application of any of the requirements of this Ordinance would result in an exceptional practical difficulty or undue hardship upon the owner of any specific property.

B - Requirements for Variance

- (1) Variances shall not be granted in areas that are undeveloped and where adherence to the elevations required under this Ordinance will not adversely affect nearby existing construction.
- (2) Upon the submission of a written application to the Board, a variance may be granted permitting the erection of structures with a lowest habital floor elevation, including basement, lower than regulatory flood elevation if all of the following are met:
 - (a) (i) The property on which the structure is to be erected is an isolated lot of one-half acre or less, contiguous to and surrounded by existing structures constructed below such required first floor elevation or, (ii) a structure listed on the National Register of Historic Places or a State Inventory of Historic Places is to

be restored or reconstructed; (iii) Exceptions to this requirement may be granted by the Board only in such instances that failure to grant a variance will be detrimental to the appellant or other property owners or in those instances where remodeling is involved, and the design of the existing structure is such that to comply with the requirements of this ordinance would not be structurally feasible.

- (b) Good and sufficient cause exists for the granting of the variance; and;
 - (c) Failure to grant the variance would result in exceptional hardship to the applicant; and
 - (d) The issuance of the variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense; and
 - (e) The variance would not have the effect of nullifying the intent and purpose of this ordinance.
- (3) Variance granted shall become effective only after a description of the variance and its effect on flood insurance eligibility and premiums has been recorded with the Clerk of the Circuit Court of Manatee County prior to the issuance of the building permit.
- (4) All applications for variances shall be heard by the Board after reference to such committees and administrative officials as may be established for purposes of investigation and recom-

mendation.

- (a) Prior to the granting of a variance the Board must find that justification exists in accordance with the terms of this ordinance. These findings, together with the granting of a variance, shall be reduced to writing in the form of a resolution and made a part of the County records. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance and application.
- (b) Such variance shall be freely transferable with the land and shall not be personal to the applicant.
- (c) Unless otherwise provided therein a variance shall be valid for a period of one year after the date of its issuance. If construction has not commenced pursuant thereto within such time, said variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.
- (d) The variance procedures herein provided shall be the exclusive method for obtaining variances under the provisions herein.

C - Each written application for a variance shall be accompanied by a fee of \$100.00. Such application shall reflect the type of structures for which a variance is sought, the size of such structures, the approximate

location upon the parcel and the intended use thereof. Elevation surveys, as specified by the Board, will also be required at the time of application.

D - Any applicant to whom a variance is granted shall be given notice, in the form of a resolution, that the proposed structure will be located in the flood prone area, that the resolution shall state the lowest floor elevation in relation to the regulatory flood elevation at which the structure may be constructed, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

E - Variances granted shall become effective only after a description of the variance and its effect on flood insurance eligibility and premiums has been legally recorded with the Clerk of the Circuit Court prior to the issuance of the Building Permit. Complete and accurate records of all variances granted shall be kept which records shall be made available to the Federal Insurance Administration for periodic review to insure that the requirements of the National Flood Insurance Program are being complied with.

ARTICLE VII - The provisions of the Manatee County Zoning Ordinance and all Manatee County Building Codes shall continue to apply within all of the flood hazard areas as same are defined within this Ordinance. To the extent that there are any conflicts between the Manatee County Zoning Ordinance and Building Codes with the provisions of this Ordinance, the provision of this Ordinance shall take precedence.

ARTICLE VIII - SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in

effect.

ARTICLE IX - ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another conflict or overlap, the more restrictive shall apply.

ARTICLE X - Any person violating the terms of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished as provided by general law of the State of Florida. In addition, any violation of this Ordinance shall subject the persons violating same to all penalties which may be imposed for the violation of the Manatee County Building Code, including but not limited to, the stoppage of construction, the obtaining of all appropriate civil relief, and including an injunction for removal of any offending structure.


ARTICLE XI - Ordinance Number 76-4 adopted by the Board of County Commissioners of Manatee County, Florida on the 29th Day of June, 1976, is hereby repealed in its entirety, and shall no longer be of further force or effect.

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, this 24th day of May, 1977.

ATTEST: R. B. SHORE
Clerk of Circuit Court

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

BY: 

BY: 
CHAIRMAN

E X H I B I T "A"

DESCRIPTION OF FLOOD PRONE PROPERTY				MINIMUM BUILDING ELEVATION
<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>ZONE</u>	(measured in feet above mean sea level)
33S	17E	1	F-1V	13.5 MSL
33S	17E	12	F-1V	13.5 MSL
33S	17E	13	F-1V	13.5 MSL
33S	17E	14	F-1V	13.5 MSL
33S	17E	21	F-1V	13.5 MSL
33S	17E	22	F-1V	13.5 MSL
33S	17E	23	F-1V	13.5 MSL
33S	17E	24	F-1	13.5 MSL
33S	17E	25	F-1	13.5 MSL
33S	17E	26	F-1V	13.5 MSL
33S	17E	27	F-1V	13.5 MSL
33S	17E	28	F-1V	13.5 MSL
33S	17E	29	F-1V	13.5 MSL
33S	17E	32	F-1V	13.5 MSL
33S	17E	33	F-1V	13.5 MSL
33S	17E	34	F-1V	13.5 MSL
33S	17E	35	F-1V	13.5 MSL
33S	17E	NE $\frac{1}{4}$ 36	F-1	13.5 MSL
33S	17E	NW $\frac{1}{4}$ 36	F-1	13.5 MSL
33S	17E	SW $\frac{1}{4}$ 36	F-1	13.5 MSL
33S	18E	NW $\frac{1}{4}$ 5	F-1	13.5 MSL
33S	18E	NW $\frac{1}{4}$ 6	F-1	13.5 MSL
33S	18E	NE $\frac{1}{4}$ 6	F-1	13.5 MSL
33S	18E	SW $\frac{1}{4}$ 6	F-1	13.5 MSL
33S	18E	NW $\frac{1}{4}$ 7	F-1	13.5 MSL
33S	18E	SW $\frac{1}{4}$ 7	F-1	13.5 MSL
33S	18E	NW $\frac{1}{4}$ 18	F-1	13.5 MSL
33S	18E	SW $\frac{1}{4}$ 18	F-1	13.5 MSL
33S	18E	NW $\frac{1}{4}$ 19	F-1	13.5 MSL
33S	18E	SW $\frac{1}{4}$ 19	F-1	13.5 MSL
33S	18E	SE $\frac{1}{4}$ 19	F-1	13.5 MSL
33S	18E	SW $\frac{1}{4}$ 20	F-1	13.5 MSL
33S	18E	NW $\frac{1}{4}$ 29	F-1	13.5 MSL
33S	18E	SW $\frac{1}{4}$ 29	F-1	13.5 MSL
33S	18E	30	F-1	13.5 MSL
33S	18E	NW $\frac{1}{4}$ 31	F-1	13.5 MSL
33S	18E	NE $\frac{1}{4}$ 31	F-1	13.5 MSL
33S	18E	NW $\frac{1}{4}$ 32	F-1	13.5 MSL

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Zone</u>	<u>Elevation</u> (measured in feet)
34S	16E	13	F-1V	13.5 MSL
34S	16E	22	F-1V	13.5 MSL
34S	16E	NE $\frac{1}{4}$ 23	F-1V	13.5 MSL
34S	16E	NW $\frac{1}{4}$ 23	F-1V	13.5 MSL
34S	16E	SE $\frac{1}{4}$ 23	F-1	13.5 MSL
34S	16E	SW $\frac{1}{4}$ 23	F-1	13.5 MSL
34S	16E	NE $\frac{1}{4}$ 24	F-1V	13.5 MSL
34S	16E	NW $\frac{1}{4}$ 24	F-1V	13.5 MSL
34S	16E	SW $\frac{1}{4}$ 24	F-1	13.5 MSL
34S	16E	25	F-1	13.5 MSL
34S	16E	26	F-1	13.5 MSL
34S	16E	27	F-1V	13.5 MSL
34S	16E	35	F-1	13.5 MSL
34S	16E	NW $\frac{1}{4}$ 36	F-1	13.5 MSL
34S	16E	NE $\frac{1}{4}$ 36	F-2	12 MSL
34S	17E	2	F-1V	13.5 MSL
34S	17E	3	F-1V	13.5 MSL
34S	17E	4	F-1V	13.5 MSL
34S	17E	5	F-1V	13.5 MSL
34S	17E	6	F-1V	13.5 MSL
34S	17E	7	F-1V	13.5 MSL
34S	17E	8	F-1V	13.5 MSL
34S	17E	9	F-1V	13.5 MSL
34S	17E	10	F-1V	13.5 MSL
34S	17E	NW $\frac{1}{4}$ 11	F-1	13.5 MSL
34S	17E	SW $\frac{1}{4}$ 11	F-1	13.5 MSL
34S	17E	13	F-2	12 MSL
34S	17E	NE $\frac{1}{4}$ 19	F-1V	13.5 MSL
34S	17E	NW $\frac{1}{4}$ 19	F-1V	13.5 MSL
34S	17E	20	F-1V	13.5 MSL
34S	17E	21	F-1V	13.5 MSL
34S	17E	29	F-1	13.5 MSL
34S	17E	NE $\frac{1}{4}$ 30	F-1	13.5 MSL
34S	17E	NW $\frac{1}{4}$ 30	F-1	13.5 MSL
34S	17E	SW $\frac{1}{4}$ 30	F-1	13.5 MSL
34S	17E	NW $\frac{1}{4}$ 31	F-2	12 MSL
34S	17E	SW $\frac{1}{4}$ 31	F-2	12 MSL

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Zone</u>	<u>Elevation</u> (measured in feet)	
34S	18E	SE $\frac{1}{4}$ 9	F-2	12	MSL
34S	18E	SW $\frac{1}{4}$ 9	F-2	12	MSL
34S	18E	SE $\frac{1}{4}$ 10	F-2	12	MSL
34S	18E	SW $\frac{1}{4}$ 10	F-2	12	MSL
34S	18E	SE $\frac{1}{4}$ 11	F-3	11	MSL
34S	18E	SW $\frac{1}{4}$ 11	F-3	11	MSL
34S	18E	SE $\frac{1}{4}$ 12	F-3	11	MSL
34S	18E	SW $\frac{1}{4}$ 12	F-3	11	MSL
34S	18E	13	F-3	11	MSL
34S	18E	14	F-3	11	MSL
34S	18E	15	F-2	12	MSL
34S	18E	16	F-2	12	MSL
34S	18E	SE $\frac{1}{4}$ 17	F-2	12	MSL
34S	18E	SW $\frac{1}{4}$ 17	F-2	12	MSL
34S	18E	18	F-2	12	MSL
34S	18E	19	F-2	12	MSL
34S	18E	20	F-2	12	MSL
34S	18E	21	F-2	12	MSL
34S	18E	22	F-2	12	MSL
34S	18E	23	F-3	11	MSL
34S	18E	24	F-3	11	MSL
34S	18E	26	F-3	11	MSL
34S	18E	27	F-2	12	MSL
34S	18E	28	F-2	12	MSL
34S	18E	NE $\frac{1}{4}$ 31	F-3	11	MSL
34S	18E	SE $\frac{1}{4}$ 31	F-3	11	MSL
34S	18E	32	F-3	11	MSL
34S	18E	33	F-3	11	MSL
34S	18E	NW $\frac{1}{4}$ 34	F-3	11	MSL
34S	18E	SW $\frac{1}{4}$ 34	F-3	11	MSL

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Zone</u>	<u>Elevation</u> (measured in feet)
35 S	16E	1	F-2	12 MSL
35 S	16E	2	F-2	12 MSL
35 S	16E	3	F-2	12 MSL
35 S	16E	12	F-2	12 MSL
35 S	16E	13	F-2	12 MSL
35 S	17E	6	F-2	12 MSL
35 S	17E	NW $\frac{1}{4}$ 7	F-2	12 MSL
35 S	17E	SW $\frac{1}{4}$ 7	F-2	12 MSL
35 S	17E	SE $\frac{1}{4}$ 7	F-2	12 MSL
35 S	17E	17	F-2	12 MSL
35 S	17E	18	F-2	12 MSL
35 S	17E	19	F-2	12 MSL
35 S	17E	20	F-2	12 MSL
35 S	17E	21	F-2	12 MSL
35 S	17E	NW $\frac{1}{4}$ 22	F-2	12 MSL
35 S	17E	SW $\frac{1}{4}$ 22	F-2V	12 MSL
35 S	17E	SE $\frac{1}{4}$ 22	F-2V	12 MSL
35 S	17E	SW $\frac{1}{4}$ 23	F-2	12 MSL
35 S	17E	SE $\frac{1}{4}$ 23	F-2	12 MSL
35 S	17E	SE $\frac{1}{4}$ 24	F-2	12 MSL
35 S	17E	NW $\frac{1}{4}$ 25	F-2	12 MSL
35 S	17E	NE $\frac{1}{4}$ 26	F-2	12 MSL
35 S	17E	NW $\frac{1}{4}$ 26	F-2	12 MSL
35 S	17E	SW $\frac{1}{4}$ 26	F-2V	12 MSL
35 S	17E	35	F-2V	12 MSL
35 S	18E	NW $\frac{1}{4}$ 3	F-3	11 MSL
35 S	18E	SW $\frac{1}{4}$ 3	F-3	11 MSL
35 S	18E	NE $\frac{1}{4}$ 4	F-3	11 MSL
35 S	18E	NW $\frac{1}{4}$ 4	F-3	11 MSL
35 S	18E	NE $\frac{1}{4}$ 5	F-3	11 MSL
35 S	18E	NW $\frac{1}{4}$ 5	F-3	11 MSL
35 S	18E	NE $\frac{1}{4}$ 9	F-3	11 MSL
35 S	18E	SW $\frac{1}{4}$ 9	F-3	11 MSL
35 S	18E	SE $\frac{1}{4}$ 9	F-3	11 MSL
35 S	18E	10	F-3	11 MSL
35 S	18E	NE $\frac{1}{4}$ 15	F-3	11 MSL
35 S	18E	NW $\frac{1}{4}$ 15	F-3	11 MSL
35 S	18E	SE $\frac{1}{4}$ 15	F-3	11 MSL
35 S	18E	NE $\frac{1}{4}$ 16	F-3	11 MSL
35 S	18E	NW $\frac{1}{4}$ 16	F-3	11 MSL
35 S	18E	NE $\frac{1}{4}$ 22	F-3	11 MSL
35 S	18E	SE $\frac{1}{4}$ 22	F-3	11 MSL
35 S	18E	NW $\frac{1}{4}$ 23	F-3	11 MSL
35 S	18E	SW $\frac{1}{4}$ 23	F-3	11 MSL
35 S	18E	NE $\frac{1}{4}$ 26	F-3	11 MSL

STATE OF FLORIDA

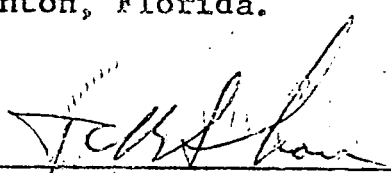
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of

ORDINANCE NO. 77-1
ESTABLISHING MINIMUM BUILDING ELEVATIONS FOR
FLOOD HAZARD AREAS, ETC

adopted
~~approved~~ by the Board of County Commissioners of said County
in session on the 24th day of May 1977.

WITNESS my hand and official seal this 24th day of
May 1977 in Bradenton, Florida.



R. B. Shore, Clerk of Circuit
Court, Manatee County, Florida

STATE OF FLORIDA

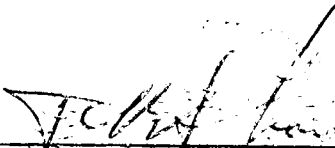
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R. B. Shore, Clerk of Circuit
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ORDINANCE NUMBER 77-1

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; ESTABLISHING MINIMUM BUILDING ELEVATIONS FOR FLOOD HAZARD AREAS OF MANATEE COUNTY, FLORIDA, AS REQUIRED BY THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED; ESTABLISHING REQUIREMENTS FOR THE CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF RESIDENTIAL OR COMMERCIAL BUILDINGS WITHIN THE FLOOD HAZARD AREA; REESTABLISHING THE MANATEE COUNTY CONSTRUCTION CODES BOARD OF APPEALS AND PRESCRIBING THEIR DUTIES; ESTABLISHING A VARIANCE PROCEDURE; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING MANATEE COUNTY ORDINANCE NUMBER 76-4; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

ARTICLE I - FINDINGS OF FACT

A - Certain canal, riverine, and coastal areas of Manatee County are subject to periodic inundation which can result in loss of life and property, the imposition of health and safety hazards, the disruption of commerce and governmental services, extra-ordinary expenditures for flood protection and relief, and impairment of the Manatee County Tax Base, all of which adversely affects the public health, safety and general welfare of the citizens of Manatee County.

B - These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by structures vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or other wise protected from flood damages.

Flood

FILED

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BRUCE A. SMATHERS
SECRETARY OF STATE

77-1

- C - The Congress of the United States of America has enacted the National Flood Insurance Act of 1968, as amended, which in effect provides for issuance of insurance and other benefits for flood hazard areas only if said areas are subject to land use and control measures adopted by local communities designed to ameliorate the effects of flooding.
- D - There is on file with the Planning and Development of Manatee County, Florida, a series of maps produced by the Department of Housing and Urban Development Flood Insurance Administration. Said maps identified as Flood Hazard Boundry Map H-01-54 and Flood Insurance Rate Map I-01-54, designate the unincorporated areas of Manatee County as Community No. 120153 A and designate the flood hazard areas within Manatee County. These maps are hereby incorporated by reference into this Ordinance and the Director of Planning and Development of Manatee County, Florida, is hereby directed to maintain said maps in good condition at all times and to make same or accurate copies of same available for use by the general public. Said maps divide the flood hazard areas of Manatee County into five (5) separate zones and prescribes minimum building elevations within each zone. Manatee County hereby adopts said minimum building elevations as follows:

MINIMUM BUILDING ELEVATIONS

Measured in Feet Above

<u>ZONE</u>	<u>Mean Sea Level</u>
V-15	13.0 feet
A-15	13.0 feet
V-14	12.0 feet
A-14	12.0 feet
A-13	11.0 feet

E - The minimum building elevations and other land use and control measures hereinafter set forth in this Ordinance shall only apply to those lands lying within the unincorporated area of Manatee County, Florida, which are shown as Flood Hazard areas on the Federal Insurance Administration Flood Hazard Boundary Maps.

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

ARTICLE II - ADMINISTRATION

A - To insure that the purposes of this ordinance are being complied with in regard to the construction or substantial improvement of any building or structure within the flood hazard areas of Manatee County, Florida, the Director of the Department of Planning and Development shall provide the applicant with information relevant to the flood hazard area limits and water surface elevation of the base flood (i.e., 100-year flood) at the proposed site with respect to the proposed site with respect to the proposed construction.

- (1) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (i) before the improvement or repair is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the

external dimensions of the structure. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(a) The market value of the structure concerned will be (i) that value that has been established by the Manatee County Appraiser or, (ii) in the alternative the applicant for a construction permit may furnish the Planning and Development Department with a current appraised value of the structure as provided by a State of Florida Licensed Real Estate Appraisers, or an Appraiser who is a member of the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers.

↳B - If a building or structure is to be located in a designated V-14 or V-15 Flood Zone and/or the building or structure incorporates flood proofing measures, break-away walls, or piles and columns, then a certification is required by a State of Florida registered professional Engineer or Architect stating that adequate precautions against flood damage have been taken with respect to the design of said building or structure, and that the plans for the development of the site

adhere to the restrictions cited in this Ordinance.

ARTICLE III - CONSTRUCTION STANDARDS

A - Elevation Requirements

(1) Residential structures must be constructed so that the lowest habital floor is located no lower than the established base flood elevation.

(a) Habital floor means any floor usable for living purposes, which includes sleeping, eating, cooking, or a combination thereof. A floor used only for storage purposes is not a habital floor.

(2) Non-residential structures may be constructed below the established base flood elevation provided they are designed to resist the inundation of flood waters and withstand the hydrostatic loads associated with the base flood (i.e., structure must be flood-proofed to the elevation of the base flood).

(a) Floodproof means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property and provide for the structural integrity of the structure and the protection against contamination of the potable water system and infiltration or backflow of the sanitary system.

B - Fill

If fill is used to raise the lowest floor to the base flood:

- (1) Fill shall consist of compacted soil or small rock materials only. Sanitary land fills shall not be permitted.
- (2) Fill slopes shall be no steeper than one (1) vertical on three (3) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Director of Planning and Development.
- (3) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

C - Electrical and Gas Utility Systems

- (1) All electrical and gas water heaters, furnaces and other critical electrical and gas installations shall be permitted only at elevations at or above the base flood elevation level, or in the alternative shall be on independent power circuits dropped from above the required elevation.
- (2) No electrical distribution panel shall be allowed at an elevation less than three (3) feet above the base Flood elevation.
- (3) Separate electrical circuits shall serve levels below the base flood elevation level and shall be dropped from above.

D - Plumbing

- (1) The location, construction, and installation of all potable water supply systems shall be in such a manner as to prevent contamination from flood waters during the base flood. No water supply well shall be located within the foundation walls of a building or structure

used for human habitation.

- (2) Approved backflow preventers or devices shall be installed on main water service lines, at water wells, and at all building entry locations to protect the system from backflow or back siphonage of flood waters or other contaminants.
- (3) Sanitary sewers and storm drainage systems that have openings below the base flood elevation shall be equipped with automatic back water valves or other automatic backflow devices that are installed in each discharge line passing through a building exterior wall.
- (4) Sanitary sewer systems, including septic tank systems, that are required to remain in operation during a flood shall be provided with a sealed holding tank and the necessary isolation and diversion piping, pumps, ejectors and appurtenances required to prevent sewage discharge during a flood.

E - Special Standard for Construction in Coastal High Hazard Areas for the New Construction of, or the Substantial Addition to Existing Structures.

Located within the special flood hazard areas defined in Article I, Section D, are areas known as Coastal High Hazard Areas (V-Zones). These coastal high hazard areas have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash and therefore the following special construction standards shall apply.

- (1) All buildings or structures shall be located landward of the reach of the mean high tide.

- (2) All buildings or structures shall be elevated so that the lowest finished habital floor is located no lower than the base flood elevation level, with space below the lowest supporting member open so as not to impede the flow of water, except as provided for breakaway walls in Article III, E-7.
- (3) All buildings or structures shall be securely anchored on and supported by piling or columns.
- (4) Piling or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.
- (5) Piling or columns used as structural support shall be spaced so that when measured they present the least amount of resistance to the general direction of flood flow.
- (6) There shall be no fill used as structural support.
- (7) Breakaway walls shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.

NOTE: Standard practice is to use a loading of 20 to 30 pounds per square foot (p.s.f.) as wind load on a vertical panel facing directly into the wind. This load would correspond to a wind speed of about 100 miles per hour and should be the minimum load which would cause the panels to breakaway. The maximum loading which would not cause failure to the superstructure is more difficult to determine.

Designation of this limit should be based on such factors as material, cross-section, and spacing of piling or columns upon which the structure sits, the elevation above the ground, and other assumed loadings on the structure.

- (8) Prior to construction, plans for any structure requiring the use of piling or columns as set forth in Article III, E-3-4 and 5 and/or the installation of breakaway walls as set forth in Article III, E-7, shall be submitted to the Planning and Development Department accompanied by a written statement prepared by an Architect or Engineer, licensed to practice in the State of Florida, stating that in his opinion the structure as designed complies with this Ordinance.

ARTICLE IV - SPECIAL STANDARDS FOR MOBILE HOMES

- A - No new mobile home parks, expansion of existing mobile home parks or placement of any mobile home not in a mobile home park shall be allowed within a V-14 or V-15 designated flood area.
- B - Mobile homes may be located or relocated in existing mobile home parks located within a V-14 or V-15 designated flood area as replacements provided that:
 - (1) Any mobile home site rental or leasing agreement or any contract for and deed of sale clearly states that the land in question has been designated as part of a flood hazard area and may be subject to flooding;
 - (2) Any mobile home moved into or relocated within an existing mobile home park shall be anchored in accordance with the provisions set forth in paragraph C-1 of this Article;

- (3) The owner, operator, or manager of an existing mobile home park shall provide easy access for a mobile home hauler.

C - The construction of a new mobile home park, the expansion of an existing mobile park, the placement of a mobile home not in a mobile home park or the substantial improvement thereof shall be allowed in a designated "A" Zone only if the following criteria are met:

- (1) Ground anchors, tie downs, and over the roof ties are installed in compliance with the Manatee County Mobile Home Installation Code, Florida Statutes 320.8325 and the rule of the Division of Motor Vehicles of the State of Florida Chapter 15C-1.10.
- (2) Lots or pads are elevated on compacted fill or by any other method approved by the Planning and Development Department so that the lowest habital floor of the mobile home is at or above the base flood level.
- (3) Adequate surface drainage and easy access for a mobile home hauler are provided.
- (4) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings, and if the support height is greater than 32 inches, the support must contain steel reinforcement.
- (5) Mobile homes installed on existing sites in established mobile parks must conform with Paragraph C-1 of this Article only.

ARTICLE V - APPEALS BOARD

A - There is a presently established Board known as the "Manatee County Construction Codes Board of Appeals" hereinafter referred to as the "Board". The Board

shall continue to be organized and provide functions as follows:

B - The Board shall continue to consist of seven (7) members and shall be composed of one civil engineer, one mechanical engineer, one electrical engineer, two (2) licensed building contractors, one architect, and one member at large from the real estate and/or insurance industry. Said Board shall be as appointed by the Board of County Commissioners of Manatee County, Florida.

C - Of the members first appointed to this Board, three (3) were appointed for a term of one (1) year, three (3) were appointed for a term of two (2) years, and one was appointed for a term of three (3) years, thereafter all members shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. Continued absence of any members from regular meetings of the Board shall, at the discretion of the Board of County Commissioners of Manatee County, Florida, render any such member subject to immediate removal from office.

(1) Four (4) members of the Board shall constitute a quorum.

(2) The Board shall have the following duties:

(a) Shall hear all petitions for variances under the terms of this Ordinance.

(b) Shall continue to perform all of the functions of the Board of Adjustments and Appeals as said functions are defined in the Manatee County Building Code.

(c) Shall continue to perform all of the functions of the Housing Board of Ad-

justments and Appeals as said functions are defined in the Manatee County Housing Code.

ARTICLE VI - VARIANCES

A - The Manatee County Construction Codes Board of Appeals is hereby authorized to grant variances from the requirements of this Ordinance whereby reason of topographical conditions, borderline situations immediately adjoining existing developments, or because of other circumstances, the strict application of any of the requirements of this Ordinance would result in an exceptional practical difficulty or undue hardship upon the owner of any specific property.

B - Requirements for Variance

- (1) Variances shall not be granted in areas that are undeveloped and where adherence to the elevations required under this Ordinance will not adversely affect nearby existing construction.
- (2) Upon the submission of a written application to the Board, a variance may be granted permitting the erection of structures with a lowest habital floor elevation, including basement, lower than regulatory flood elevation if all of the following are met:

- (a) (i) The property on which the structure is to be erected is an isolated lot of one-half acre or less, contiguous to and surrounded by existing structures constructed below such required first floor elevation or, (ii) a structure listed on the National Register of Historic Places or a State Inventory of Historic Places is to

be restored or reconstructed; (iii) Exceptions to this requirement may be granted by the Board only in such instances that failure to grant a variance will be detrimental to the appellant or other property owners or in those instances where remodeling is involved, and the design of the existing structure is such that to comply with the requirements of this ordinance would not be structurally feasible.

- (b) Good and sufficient cause exists for the granting of the variance; and;
- (c) Failure to grant the variance would result in exceptional hardship to the applicant; and
- (d) The issuance of the variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense; and
- (e) The variance would not have the effect of nullifying the intent and purpose of this ordinance.

(3) Variance granted shall become effective only after a description of the variance and its effect on flood insurance eligibility and premiums has been recorded with the Clerk of the Circuit Court of Manatee County prior to the issuance of the building permit.

(4) All applications for variances shall be heard by the Board after reference to such committees and administrative officials as may be established for purposes of investigation and recom-

mendation.

- (a) Prior to the granting of a variance the Board must find that justification exists in accordance with the terms of this ordinance. These findings, together with the granting of a variance, shall be reduced to writing in the form of a resolution and made a part of the County records. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance and application.
- (b) Such variance shall be freely transferable with the land and shall not be personal to the applicant.
- (c) Unless otherwise provided therein a variance shall be valid for a period of one year after the date of its issuance. If construction has not commenced pursuant thereto within such time, said variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.
- (d) The variance procedures herein provided shall be the exclusive method for obtaining variances under the provisions herein.

C - Each written application for a variance shall be accompanied by a fee of \$100.00. Such application shall reflect the type of structures for which a variance is sought, the size of such structures, the approximate

location upon the parcel and the intended use thereof. Elevation surveys, as specified by the Board, will also be required at the time of application.

D - Any applicant to whom a variance is granted shall be given notice, in the form of a resolution, that the proposed structure will be located in the flood prone area, that the resolution shall state the lowest floor elevation in relation to the regulatory flood elevation at which the structure may be constructed, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

E - Variances granted shall become effective only after a description of the variance and its effect on flood insurance eligibility and premiums has been legally recorded with the Clerk of the Circuit Court prior to the issuance of the Building Permit. Complete and accurate records of all variances granted shall be kept which records shall be made available to the Federal Insurance Administration for periodic review to insure that the requirements of the National Flood Insurance Program are being complied with.

ARTICLE VII - The provisions of the Manatee County Zoning Ordinance and all Manatee County Building Codes shall continue to apply within all of the flood hazard areas as same are defined within this Ordinance. To the extent that there are any conflicts between the Manatee County Zoning Ordinance and Building Codes with the provisions of this Ordinance, the provision of this Ordinance shall take precedence.

ARTICLE VIII - SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in

effect.

ARTICLE IX - ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another conflict or overlap, the more restrictive shall apply.

ARTICLE X - Any person violating the terms of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished as provided by general law of the State of Florida. In addition, any violation of this Ordinance shall subject the persons violating same to all penalties which may be imposed for the violation of the Manatee County Building Code, including but not limited to, the stoppage of construction, the obtaining of all appropriate civil relief, and including an injunction for removal of any offending structure.

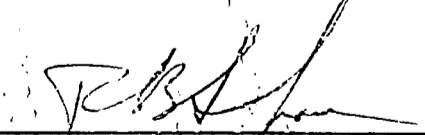
ARTICLE XI - Ordinance Number 76-4 adopted by the Board of County Commissioners of Manatee County, Florida on the 29th Day of June, 1976, is hereby repealed in its entirety, and shall no longer be of further force or effect.

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, this 24th day of May, 1977.

ATTEST: R. B. SHORE
Clerk of Circuit Court

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

BY: 

BY: 
CHAIRMAN