

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; AMENDING ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE BY ADDING A NEW SECTION 205H FLOODPLAIN MANAGEMENT REGULATIONS; BY AMENDING SPECIFIC SECTIONS OF THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE IN ORDER TO INTEGRATE AND IMPLEMENT THE FLOODPLAIN REGULATIONS THEREOF; BY ADOPTING THE FLOOD INSURANCE RATE MAPS AND FLOOD BOUNDARY-FLOODWAY MAPS; AND BY REPEALING ORDINANCE 77-1, AS AMENDED BY ORDINANCE 77-4, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain canal, riverine, and coastal areas of unincorporated Manatee County are subject to periodic inundation which can result in the loss of life and property, the imposition of health and safety hazards, the disruption of commerce and governmental services, extraordinary 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; and

WHEREAS, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas of structures, which are inadequately elevated, flood proofed, or otherwise protected from flood damages, and thus are vulnerable to floods or hazardous to other lands; and

WHEREAS, certain canal, riverine, and coastal areas of Manatee County are subject to periodic inundation and serve important functions in the regional hydrologic cycle and ecological system, and the uncontrolled development of these lands is inconsistent with their natural functions; and

WHEREAS, the Congress of the United States of America 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 affects of flooding; and

WHEREAS, the Federal Emergency Management Agency has advised Manatee County that continued participation in the National Flood Insurance Program requires adoption of the maps dated March 15, 1984, identified as Flood Insurance Rate Maps (0001-0550) and Floodway-Flood Boundary Maps, designating the unincorporated areas of Manatee County as Community No. 120153 and identifying flood hazard areas within Manatee County; and

WHEREAS, the Federal Emergency Management Agency has advised Manatee County that the continued participation in the National Flood Insurance Program requires updating of its flood management regulations; and

WHEREAS, the Manatee County Board of County Commissioners has determined that participation in the National Flood Insurance Program is advantageous to Manatee County and its citizens; and

WHEREAS, the Manatee County Planning Commission held public hearings November 9, 1983, November 21, 1983, December 1, 1983 and December 14, 1983 on these regulations with due public notice as required by law; and

WHEREAS, the Manatee County Board of County Commissioners held public hearings January 24, 1984, February 7, 1984, February 16, 1984, and March 8, 1984 on these regulations with due public notice as required by law.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Manatee, Florida, as follows:

A. Ordinance 77-1, adopted by the Board of County Commissioners of Manatee County, Florida on the 24th day of May 1977, and Ordinance 77-4, adopted on the 13th day of December, 1977, is each hereby repealed in its entirety, and shall no longer be of further force or effect.

B. The Flood Insurance Rate Maps and Floodway-Flood Boundary Maps dated March 15, 1984 issued by the Federal Emergency Management Agency and identified as Attachment A are hereby adopted.

C. Ordinance 81-4, the Manatee County Comprehensive Zoning and Land Development Code is amended as follows:

1. ARTICLE II, SECTION 205 - SPECIAL REGULATIONS is amended to add as a new section, Section 205H, Floodplain Management, as shown in its entirety in "Attachment B".
2. ARTICLE VII, DEFINITIONS is amended to add the definitions in "Attachment C" at appropriate locations in alphabetical order.
3. ARTICLE I, SECTION 111D 2. is amended to add "and to all other applicable requirements of this Ordinance." at the end of the phrase.
4. ARTICLE I, SECTION 111D.3. is amended to read "If a nonconforming structure is destroyed to the extent that reconstruction and repair constitutes a substantial improvement it shall not be reconstructed except in conformity with the provisions of this Ordinance."
5. ARTICLE II, SECTION 202B.4.e. is amended to add, as (5):, "No flag lot shall be permitted that would create a problem in meeting the requirements of Sec. 205H, Floodplain Management."
6. ARTICLE II, SECTION 202B.4.f. is amended to renumber Subsection (6) as Subsection (7) and to add as (6): "No flag lot shall be permitted that would create a problem in meeting the requirements of Sec. 205H, Floodplain Management."

7. ARTICLE II, SECTION 202B is amended to add as Subsection 9. the following:

"9. Minimum Floor Elevation

(a) Generally

The minimum floor elevation, where specified on the Flood Insurance Rate Maps (FIRM) shall apply to commercial, industrial, non-residential and residential buildings in accordance with the requirements of Sec. 205H, Floodplain Management. In areas not regulated by the FIRM, residential buildings shall be elevated to at least eight inches above the highest adjacent grade prior to the existing pre-construction conditions.

(b) Exclusions

1. The minimum floor elevations of this Ordinance shall not apply to flagpoles, birdhouses, flues, monuments, radio towers, television antennae or aerials, water towers, transmission towers and cables, provided, however, no such accessory freestanding structure shall be located except in strict accordance with the provisions of Sec. 204A, Accessory Uses and Sec. 205H.4, Floodplain Management.

2. Structures costing less than \$3000 are exempted from the provisions of Sec. 205H.3.b.(1) and (3)."

8. ARTICLE II, SECTION 203H, R-5 Recreational Vehicle Park Residential District, Subsection 3.c. is amended to delete "Hurricane" from the title.

9. ARTICLE II, SECTION 203H R-5 Recreational Vehicle Park Residential District, Subsection 3.c. is amended to substitute the following

for the last sentence, "To this end, all recreational vehicle sites (except those in designated camping areas) which are located in any designated flood zone shall conform to the applicable requirements of Sec. 205H, Floodplain Management."

10. ARTICLE II, SECTION 203H, R-5 Recreational Vehicle Park Residential District, Subsection 3.f.(3) is amended to add at the end of the sentence: "and Section 205H.3, Floodplain Management."
11. ARTICLE II, SECTION 203X, Watershed Protection Overlay District, Subsection 2.c. Reservoir Floodplain Requirements, is amended to add as Subsection (2) the following: "(2) Floodplain Management: All grading, clearing, earthmoving and construction activities shall be in compliance with the applicable standards of Sec. 205H, Floodplain Management."
12. ARTICLE II, SECTION 205A.10 Conditional Temporary Uses, Subsection d.(3) is amended to add "and meet any applicable Flood Protection Elevation requirements" between "Code" and "prior".
13. ARTICLE II, SECTION 205A.10 Conditional Temporary Uses, Subsection e., Model Homes, Temporary Real Estate Offices is amended to add the following: "(4) The applicant shall comply with the provisions of the Manatee County Mobile Home Installation Code prior to use of the mobile home."
14. ARTICLE II, section 205A.11 Conditional Earthmoving Uses, Subsection c. Exemptions, is amended to add "and there is no rise in the base flood elevation of an identified floodway." after the word "affected" in the introductory phrase.
15. ARTICLE II, SECTION 205A.11 Conditional Earthmoving Uses, Subsection d. is amended to add as the last sentence: "If an earthmoving operation will affect any of the characteristics of an identified floodway, then a Flood Management Permit is required."

16. ARTICLE II, SECTION 205A.11(b)(1) is amended to renumber 18 as 19 and to add the following as 18:

" 18 For all projects located in a flood insurance zone, a hydrologic study detailing the effects of the earthmoving operation on the characteristics of the 100-year regulatory floodway and 100-year floodplain shall be submitted. The technical information shall include but not be limited to the following:

- a. Existing and final topography, mapped to one foot contour intervals with elevations referenced to mean sea level datum, shown on a 25 foot grid;
- b. Hydrologic data addressing anticipated effects on any water bodies and hydrologic conditions;
- c. A complete plan of the project with cross sections and dimensions, together with a detailed map of the affected area which indicates changes in the 100-year floodplain caused by the activity;
- d. Certification by a Florida Registered Professional Engineer that the Standards of Section 205H 3.(b) (2)(a), (b), (c) and (d) have been met.

17. ARTICLE II, SECTION 205C Cluster Development, Subsection 1 is amended to add "minimize the potential for property damage and personal injury due to flooding" between "amenities" and "and".
18. ARTICLE II, SECTION 205C.1 is amended to add "minimize the potential for property damage and personal injury due to flooding" between "amenities" and "and".
19. ARTICLE II, SECTION 205C Cluster Development, Subsection 4.c. is amended to renumber sections (5), (6), (7), and (8) to (6), (7), (8) and (9) respectively and to add as (5) the following:

"(5) Hydrologic Features

Provides a design which is sensitive to the hydrologic features and is in conformance with the applicable standards of Sec. 205H, Floodplain Management."

20. ARTICLE II, SECTION 205C.5 is amended to add "for minimizing the potential for property damage and personal injury from flooding" between "facilities" and "or".
21. ARTICLE II, SECTION 205.F.5.c. Definitions is amended to substitute the following definition for "Clearing": "Clearing means the removal of trees that are greater than 4 inches in diameter. The term does not include the removal of brush or the ordinary mowing of grass."
22. ARTICLE II, SECTION 205F.5.c. Definitions is amended to add, in alphabetical order, the following definition of One Hundred Year Frequency Storm: "One Hundred Year Frequency Storm means the storm or flood having a one percent chance of being equalled or exceeded in any given year."
23. ARTICLE II, SECTION 205G.1(d) 1 is amended to add as item e and f the following:

" e In the 100-year floodplain, all new and replacement sewerage and waste disposal systems shall be located and designed to:

(1) Avoid impairment to them;

(2) Minimize contamination from them; and

(3) Eliminate infiltration of flood waters.

f In the 100-year floodplain, all new construction, including buried storage tanks, must be anchored as necessary to prevent flotation, collapse, or lateral movement of the structure."

24. ARTICLE II, SECTION 205G.1(d) 2 Water is amended to add the following as e and f:

" e In the 100-year floodplain, all new and replacement water supply systems shall be located and designed to:

(1) Avoid impairment to them;

(2) Minimize contamination from them; and

(3) Eliminate infiltration of flood waters.

f In the 100-year floodplain, all new construction, including buried storage tanks, must be anchored as necessary to prevent flotation, collapse, or lateral movement of the structure."

25. ARTICLE III, SECTION 302A.4. is amended to add "evacuation capabilities," between "drainage" and "emergency".

26. ARTICLE III, SECTION 304B.2.c.(5) is amended to add "(at one foot intervals)" between "contours" and "based".

27. ARTICLE II, SECTION 304B.2.c. is amended to add as (6) the following: "Flood Protection Elevation data and flood zones delineated, if applicable." and to renumber the remainder of the section accordingly.

28. ARTICLE III, SECTION 304C.2.(c) is amended to add as (6) the following: "(6) Flood Protection Elevation data and flood zones delineated, if applicable." and to redesignate the remainder of the section accordingly.

29. ARTICLE III, SECTION 304C.2.(f)(6) is amended to add "Professional" between "Registered" and "Engineer" and to capitalize "Registered" and "Engineer".

30. ARTICLE II, SECTION 304C.2.(f) is amended to add the following as (7) "(7) If site is located in a floodway, the basic solution for the Flood Management Permit, prepared by a Florida Registered Professional Engineer in accordance with Sec. 205H 4.b., Floodplain Management." and to renumber the remainder of the section accordingly.
31. ARTICLE III, SECTION 304D.1. is amended to add "Professional" between "Registered" and "Engineer" and to capitalize "Registered" and "Engineer".
32. ARTICLE II, SECTION 304D.2.(b) is amended to add as (3) the following: "(3) Flood Protection Elevation data and flood zones delineated, if applicable.
33. ARTICLE III, SECTION 304D.2.(e)(1) is amended to add "Professional" between "Registered" and "Engineer" and to capitalize "Registered" and "Engineer".
34. ARTICLE III, SECTION 304D.2.(e) is amended to add as (2) the following: "(2) If site is located in a floodway, all calculations and descriptions, prepared and certified by a Florida Registered Professional Engineer, needed to demonstrate compliance with Sec. 205H,4.b., Floodplain Management." and to renumber the remainder of the Section accordingly.
35. ARTICLE III, SECTION 304D.2.(e)(4) is amended to add "Professional" between "Registered" and "Engineer" and to capitalize "Registered" and "Engineer."
36. ARTICLE IV, SECTION 402B.1. is amended to add the following as subsections f, g, and h.:

"f. If the project is located in the 100-year floodplain and fill will be used as the method to meet the required elevation, spot elevations of the property, the road and adjacent proper-

ties to demonstrate compliance with Sec. 205H, Floodplain Management.

g. If the project is located in a floodway, all calculations and descriptions prepared and certified by a Florida Registered Professional Engineer, needed to demonstrate compliance with Sec. 205H 4.b., Floodplain Management.

h. If the project is located in the 100-year floodplain, the elevation of the lowest horizontal member or floor, whichever is applicable."

and to renumber the remainder of the section accordingly.

37. ARTICLE IV, SECTION 402B 1. is amended to add as "h." the following:

"h. Flood Management Permit

An approved Flood Management Permit in accordance with Sec. 205H, Floodplain Management, as applicable."

38. ARTICLE IV, SECTION 403E.3. is amended to add "and the Flood Protection Elevation data and flood zones delineated, if applicable." at the end of the sentence.

39. ARTICLE IV, SECTION 403E.5 is amended to add the following as "f":

"f. If the site is located in a floodway, the existing site information required for a Flood Management Permit, Sec. 205H. 4.b.(2) Floodplain Management."

and to renumber the remainder of the Section.

40. ARTICLE IV, SECTION 403F.4. is amended to add as item "d." the following:

"d. If the site is located in a floodway, the existing site information required to a Flood Management Permit, Sec. 205H.4.b.

(2) Floodplain Management."

and to renumber the remainder of the Section.

41. ARTICLE IV, SECTION 403G.4. is amended to add the following as "f.":

"f. Flood Protection Elevation data and flood zones delineated, if applicable."

and to redesignate the remainder of the Section accordingly.

42. ARTICLE IV, SECTION 403G.7.b. is amended to add "Professional" between "Registered" and "Engineer" and to capitalize "Registered" and "Engineer".

43. ARTICLE IV, SECTION 403G.7. is amended to add the following as "c.": "c. If proposal is located in a floodway, all calculations and descriptions prepared by a certified Florida Registered Professional Engineer, needed to demonstrate compliance with Sec. 205H.4.b.(2), Floodplain Management."

and to renumber the remainder of the Section accordingly.

44. ARTICLE IV, SECTION 405E.3.a. is amended to add "Sec. 205H, Floodplain Management," between "Conditional Use Regulations" and "and Article 1."

45. ARTICLE IV, SECTION 408D shall be redesignated Section 408E.

46. ARTICLE IV, SECTION 408 VARIANCES is amended to add in its entirety Section 408D as shown in Attachment "D".

This Ordinance shall take effect March 15, 1984 or upon receipt of the official acknowledgement from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office, whichever is later.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, this 8th day of March, 1984.

ATTEST: R.B. SHORE

Clerk of Circuit Court

BY: 

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chance

Edward W. Chance, Chairman
3/8/84

SECTION 205H Floodplain Management

1. Purpose and Intent

The objectives of these regulations are to: (1) protect human life and health; (2) minimize the potential for property damage and personal injury from flooding; (3) minimize expenditure of public money for costly flood control projects; (4) minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public; (5) minimize damage to public facilities and utilities located in flood hazard areas; (6) help maintain a stable tax base by providing for the sound use of flood prone areas in such a manner as to minimize future flood blight areas; (7) restrict adverse interference with the normal movement of surface waters; (8) maintain the natural hydrological and ecological functions of wetlands and other floodprone lands; and (9) enable Manatee County to qualify for participation in the National Flood Insurance Program.

2. Applicability

All new construction, development or substantial improvements proposed within the limits of the 100-year floodplain as identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps (FIRM) and the Flood Boundary-Floodway Maps shall comply with the requirements of this Section. These regulations shall apply to all construction started after the adoption date of this Ordinance. Additionally, all construction in a Floodway, including non-substantial improvements shall meet the requirements of Sec. 205H.3.b.(2)(b).

Upon submission of any construction or development proposal, the Director shall locate the subject property on the Flood Insurance Rate Maps and determine the applicable zone and development standards.

3. Standards

a. General Standards

All proposed development and construction activities shall meet the following requirements, in addition to the applicable standards identified in 205H 3.b., Specific Zone Standards and 205H 3.c., Specific Use Standards.

- (1) All new construction including buried storage tanks, must be anchored as necessary to prevent flotation, collapse or lateral movement of the structure.
- (2) All new construction shall use materials and utility equipment resistant to flood damage.
- (3) All new construction shall use methods and practices that minimize flood damage.
- (4) All new and replacement water supply, sewerage, and waste disposal systems shall be located and designed to: a) avoid impairment to them, b) minimize contamination from them, and c) eliminate infiltration of flood waters into the systems.
- (5) Adequate assurance shall be provided that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (6) Improvements to or construction on a given property shall not increase runoff so as to adversely impact adjacent property owners.

b. Specific Zone Standards

Development and construction proposals shall meet the following zone standards, where applicable:

(1) Coastal Low Hazard Area and Floodway Fringe ("A" Zone)

Construction will be allowed only if it is demonstrated by the applicant that the following standards, in addition to those of 205H 3.a., and c., have been met:

- (a) The lowest floor (including basement) of residential buildings shall be elevated to or above the Flood Protection Elevation for that site.
- (b) Industrial, commercial or other non-residential buildings shall have the lowest floor (including basement) elevated to the Flood Protection Elevation or be floodproofed.
 1. In cases of floodproofing, a Florida Registered Professional Engineer or Florida Registered Architect must certify that the building has been designed and constructed so that below the Flood Protection Elevation the structure and attendant utility facilities are watertight and capable of withstanding the effects of the 100-year flood. The design must take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effect of buoyancy, and impacts from debris.
 2. All floodproofing measures must be operable without human intervention and without an outside source of electricity.

(2) Floodway

Construction will be allowed in a Regulatory Floodway only if it is certified by a Florida Registered Professional Engineer that the following standards, in addition to those of 205H 3.a. and c. have been met:

- (a) The proposed construction shall not result in any increase in flood damage or erosion at any location beyond the boundaries of the applicant's property.
- (b) The proposed construction shall not cause an increase in the height of the 100-year flood at any location within the 100-year floodplain.
- (c) All structures shall be elevated so that the lowest floor is no lower than the Flood Protection Elevation.

(3) Coastal High Hazard Area (V-Zone)

Construction will be allowed in a Coastal High Hazard Area only if it is certified by a Florida Registered Professional Engineer or Florida Registered Architect that the following standards, in addition to those of 205H.3.a. and c., have been met:

- (a) All structures shall be elevated so that the lowest portion of the lowest horizontal member supporting the floor is located no lower than the Flood Protection Elevation. All space below the lowest supporting member shall be open so as not to impede the flow of water except as described below in (b). Such space must not be used for human habitation nor enclosed for such use in the future.
- (b) Lattice work, decorative screening or breakaway walls may be constructed below the Flood Protection Elevation, provided it is not part of the structural support of the building and is designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building. This area shall not be used for human habitation or activity.

- (c) All structures shall be securely attached to pilings or columns which shall be designed and anchored to withstand all applied loads of the 100-year flood, including velocity flow and hurricane wave wash.
- (d) Fill shall not be used as structural support.
- (e) Sand dunes or mangrove stands shall not be altered so as to increase potential flood damage.
- (f) All new construction shall be landward of the reach of mean high tide.

c. Specific Use Standards

In addition to the standards of 205H.3.a and 205H.3.b. above, for the specific uses listed below the following standards shall apply:

(1) Development

- (a) In a subdivision, each lot located in the 100-year floodplain must include a site suitable for constructing the building in conformity with the applicable standards of this Section.
- (b) All development proposals shall be consistent with the need to minimize flood damage.

(2) Mobile Homes and, Travel Trailers and Recreational Vehicles

- (a) No mobile home or travel trailer with attachments shall be placed in a floodway or Coastal High Hazard Area, except in an existing mobile home park, recreational vehicle park or mobile home subdivision.
- (b) All mobile homes and travel trailers located or relocated within the 100-year floodplain shall be anchored

to resist flotation, collapse, or lateral movement as required in Chapter 25 of the Manatee County Building Code., with the exception of recreational vehicles or travel trailers located in a designated overnight camping area.

- (c) All new mobile home parks, recreational vehicle parks permitting units with attachments, and mobile home subdivisions; all expansions to existing mobile home parks, recreational vehicle parks, permitting units with attachments and mobile home subdivisions; all existing mobile home parks and, recreational vehicle parks permitting units with attachments and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and all new individual mobile homes shall meet the following requirements:
1. Shall not be located in the Coastal High Hazard Area or Floodway.
 2. Mobile home sites shall be designed so the pad is no more than sixteen inches below the Base Flood Elevation. Mobile home units shall be elevated on compacted fill or on pilings so that the lowest floor of the unit will be at or above the Flood Protection Elevation. Recreational vehicle sites where units with attachments are permitted shall

be designed so the pad is at or above the Base Flood Elevation.

3. Adequate surface drainage and access for a hauler shall be provided.

4. If piling foundations are used, they shall be placed in stable soil no more than ten feet apart, reinforcement shall be provided for pilings higher than six feet above the grade and the lot shall be large enough to permit steps.

(3) Major Earthmoving and Mining Activities

(a) All major earthmoving and mining activities located in a flood insurance zone shall document any changes in the characteristics of the 100-year floodplain as a result of the activity.

(b) All proposals shall demonstrate conformance with the standards of Section 205H 3.(b)(2)(a),(b),and (c).

4. Procedures

a. Coastal Low Hazard Areas and Floodway Fringe (A Zone)

(1) Application

When an application for a building permit is submitted the applicant shall include the following information:

(a) The elevation, in relation to mean sea level, of the proposed lowest floor (including basement) of all structures. The required elevation is referred to as the Flood Protection Elevation or the Base Flood Elevation as indicated on the Flood Insurance Rate Map (FIRM).

- (b) If a structure is to be floodproofed, the elevation in relation to mean sea level to which any industrial, non-residential or commercial structure will be floodproofed.
 - (c) Demonstration that conformance with the standards of Section 205H 3.a.,b.(1) and c, where applicable, have been met.
- (2) If part of the structure is located in the A Zone and the remaining portion is located in the B Zone, the entire structure must be elevated to the A-Zone Flood Protection Elevation and must conform with the standards of Section 205H 3a.
- (3) The determination of conformance with this Section shall be made during review of the application by the Director. The Director shall within a reasonable period of time either approve, approve with conditions, or deny the application based on the review.
- (4) If there is no required Flood Protection Elevation listed for the A Zone, then the applicant shall request a determination of the appropriate Flood Protection Elevation from the Director.
- (5) Certification of Elevation or Floodproofing
- (a) Elevation
- The certificate of the Flood Protection Elevation must be submitted after the lowest slab for the lowest floor is completed. Prior to any rough-in inspection, or within thirty calendar days of establishment of the lowest floor elevation, it shall be the applicant's responsibility to submit to the Director a Certification of Elevation of the lowest floor, as

built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a Florida Registered Engineer, Land Surveyor , or Architect and certified by same.

(b) Floodproofing

The certificate of floodproofing must be submitted prior to the completion of the final inspection. Prior to any rough-in inspection, or within thirty calendar days of floodproofing, it shall be the applicant's responsibility to submit to the Director a certification of the floodproofed elevation, as built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a Florida Registered Professional Engineer or Florida Registered Architect and certified by same.

(c) Disclaimer

Any work done within the thirty calendar day period and prior to submission of Certification of Elevation or Floodproofing shall be at the permit holder's risk. The Director shall review the Flood Elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required shall be cause to issue a stop-work order for the project.

b. Floodways

(1) Permit Required

A Flood Management Permit shall be required prior to the start of any construction. Proposals requiring development review

shall submit information required for a Flood Management Permit to the Director at the time of such review. For non-structural agricultural proposals located in agriculturally zoned areas, the review procedure listed under (6) shall be used. For construction that only requires a building permit, the information required for a Flood Management Permit shall be submitted concurrent with an application for a building permit.

(2) Information Required

The applicant shall provide the following information. Information may be submitted in the form of maps, drawings, graphs, photographs or narrative descriptions, as appropriate. Due to the unusual nature of a particular site or proposal, information other than that listed may be necessary for an adequate evaluation and may be requested.

a. Existing Site Information

A detailed description of existing environmental and hydrologic conditions on the site, including:

1. Topography, including all watercourses, waterbodies and wetlands on the site or into which water flows from the site mapped to one foot contour intervals with elevations referenced to mean sea level datum (NGVD);
2. USDA Soil Conservation Service Soil Survey and vegetation maps;
3. A delineation of the 100-year floodplain, including the floodway;
4. The dimensions and elevations of existing buildings, impervious surfaces, roads, and water management facilities shown on a topographic map.

- b. Site Alterations A detailed description of proposed alterations of existing conditions, including:
1. Changes in topography by grading, filling or excavating;
 2. Areas where vegetation will be cleared;
 3. Areas and dimensions where impervious surfaces will be constructed;
 4. The dimensions, location and lowest floor elevation of any buildings or structures (residential or non-residential).
- c. Water Management Plan (if applicable)
- A detailed description of the proposed water management system including measures for the detention, retention or infiltration of water, and protection from flood damage.
- d. Effects of Proposed Development A detailed description of the anticipated effects (if any) on hydrologic conditions and natural resources, including:
1. Alterations in elevations, velocity, frequency, or duration of flooding on the site of development or on adjacent lands caused by diversion, displacement, or obstruction of flood discharges;
 2. Changes in groundwater levels, changes in existing water storage area, and impacts on wetlands and vegetation.
- (3) The information submitted for the Flood Management Permit shall be documented and certified by a Florida Registered Professional Engineer that the standards of Section 205H 3.a., b.(2), and c.(2) have been met.

- (4) If part of the site is located in the Floodway and the remaining portion is located in the A Zone, then the entire structure must be elevated to the Flood Protection Elevation for the Floodway and conform with the standards of Section 205H 3.a. and b.
- (5) The determination of conformance with this section shall be made during review of the application by the Director. The Director shall within a reasonable period of time either approve, approve with conditions, or deny the Flood Management Permit. However, any activity which will alter the configuration or characteristics of a designated Floodway will also require approval of FEMA (Federal Emergency Management Agency). In such instances, the Director shall transmit the request to FEMA, and shall not take action on a request until approval is granted.

(6) Agricultural Activities

For non-structural agricultural activities located in the floodway, the alternative to the Flood Management Permit process is described below:

- a. The applicant shall work with the Soil Conservation Service in preparing a Soil Conservation Plan that addresses the applicable requirements of this section and is approved by the Manatee River Soil and Water Conservation District.

For structural activities which require a building permit the applicant shall follow the Flood Management Permit process described above under Section 205H(4)(b).

(7) Certification of Elevation

(a) Elevation

The certificate of the Flood Protection Elevation must be

submitted after the lowest horizontal member supporting the lowest floor is completed. Prior to any rough-in inspection or within thirty calendar days of establishment of the lowest horizontal member, it shall be the applicant's responsibility to submit to the Director a Certification of Elevation of the lowest horizontal member, as built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a Florida Registered Professional Engineer, Surveyor, or Architect and certified by same.

(b) Disclaimer

Any work done within the thirty calendar day period and prior to submission of Certification of Elevation or Flood-proofing shall be at the permit holder's risk. The Director shall review the Flood Elevation Survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required shall be cause to issue a stop-work order for the project.

c. Coastal High Hazard Area (V-Zone)

(1) Application

When an application for a building permit is submitted, the applicant shall include the following information:

- (a) The elevation, in relation to mean sea level, of the proposed lowest horizontal member supporting the lowest floor of all structures. The required elevation is referred to as the Flood Protec-

tion Elevation as indicated on the Flood Insurance Rate Map (FIRM).

- (b) Demonstration and certification by a Florida Registered Professional Engineer or Architect that conformance with the standards of Section 205H 3.a., b.(3) and c., where applicable, have been met.
- (2) If part of the site is located in the Velocity Zone and the remaining portion is located in the A Zone, then the entire structure must be elevated to the Flood Protection Elevation for the Velocity Zone and conform with the standards of Section 205H 3.a. and b.(3).
- (3) The determination of conformance with this Section shall be made during review of the application by the Director. The Director shall within a reasonable period of time either approve, approve with conditions, or deny the application based on the review.

(4) Certification of Elevation

(a) Elevation

The certificate of the Flood Protection Elevation must be submitted after the lowest horizontal member supporting the lowest floor is completed. Prior to any rough-in inspection, or within thirty calendar days of establishment of the lowest horizontal member, it shall be the applicant's responsibility to submit to the Director a Certification of the Elevation of the lowest horizontal member, as built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a Florida Registered Professional Engineer, Land Surveyor or Architect and certified by same.

(b) Disclaimer

Any work done within the thirty calendar day period and prior to submission of Certification of Elevation shall be at the permit holder's risk. The Director shall review the Flood Elevation Survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required shall be cause to issue a stop-work order for the project.

d. Major Earthmoving and Mining Activities

- (1) For all major earthmoving and mining activities located in a flood insurance zone, a hydrologic study detailing the effects of the operation on the characteristics of the 100-year Regulatory floodway and 100-year floodplain shall be submitted. The technical information shall include but not be limited to the following:
 - a. Existing and final topography, mapped to one foot contour intervals with elevations referenced to mean sea level datum, shown on a 25 foot grid;
 - b. Hydrologic data addressing anticipated effects on any water bodies and hydrologic conditions;
 - c. A complete plan of the project with crosssections and dimensions, together with a detailed map of the affected area which indicates changes in the 100-year floodplain caused by the activity;
 - d. Certification by a Florida Registered Professional Engineer that the standards of Section 205H 3.(b.)(2).(a),(b),(c) have been met.

7. Administration

a. Duties of the Director of Planning and Development

The Director shall have authority to administer these regulations, and shall perform the following specific duties:

- (1) Determine any additional information that must be submitted for the Flood Management Permit review.
- (2) Provide the applicant with an interpretation as to the boundaries of the 100-year floodplain at the proposed site.
- (3) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor or lowest member (including basement) of all new or substantially improved structures.
- (4) Verify and record the actual elevation (in relation to mean sea level) of which new or substantially improved structures have been floodproofed.
- (5) Notify the applicant of additional Federal or State permits that may be required. Depending on the nature of the proposed development, permits may be required from EPA, USGS, Army Corps of Engineers, DER, DNR, SWFWMD, and other agencies. If specific Federal or state permits are required, copies of such permits are provided and maintained on file with the application. However, failure to notify applicant of additional permit requirements does not relieve the applicant from obtaining all other necessary permits.
- (6) Obtain and utilize Flood Protection Elevation data available from a Federal, State or other source (USGS, SWFWMD, Army Corps, DER, DNR) to determine the Flood Protection Elevation for unnumbered A Zones.

- (7) Notify adjacent communities, the Southwest Florida Water Management District, and the State of Florida, Department of Community Affairs prior to any alteration or relocation of a watercourse and provide a copy of such notification to the Federal Emergency Management Agency.
- (8) Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity of the waterbody is not diminished.
- (9) Maintain a record of all variances, including justification for their issuance, and submit a copy annually to the Federal Insurance Administrator.
- (10) Issue notices of violation.
- (11) Ensure that no Building Permit or Certificate of Occupancy shall be issued for any structure which is in violation of this Section.

b. Designation of Maps and Procedure for Amendment

(1) Official Floodplain Management Maps

The 100-year floodplain shall be those areas identified as such on the Flood Insurance Rate Maps (120153 0001-0550) and the Flood Boundary-Floodway Maps produced by the Federal Emergency Management Agency. These maps, in addition to the Flood Insurance Study prepared by FEMA are an exhibit to this Ordinance, are made a part of this Ordinance by reference, and shall be maintained and available for public inspection at the Planning and Development Department.

(2) Procedure for Map Amendment

If an applicant has reason to believe that the boundary lines of the 100-year floodplain or the designated limits of the Floodway

or Coastal High Hazard Areas are incorrect, then a request for a "Letter of Map Amendment" must be submitted to the Federal Emergency Management Agency in accordance with the requirements established by that Agency.

8. Variances

The Board of Zoning Appeals may grant a variance from the standards of this Section according to the procedure and standards as established in Section 408D, Variances.

9. Administrative Variances

The Director may grant an administrative variance from the standards of this Section, provided the application meets the eligibility requirements for an administrative variance. The procedures and standards are established in Section 408D, Variances.

10. Appeals

Any person alleging an error in any order, requirement, decision or determination made by an administrative official in enforcement of these regulations may appeal such decision to the Manatee County Board of Zoning Appeals. The procedure for an appeal is that as described in Section 406, Appeals.

11. Violations

Any construction or development proceeding in violation of this Section shall be subject to Article 6, Violations and Penalties. Restoration of land to pre-existing drainage conditions or other corrective actions may be required where violations occur.

12. Enforcement

The provisions of this Section shall be enforced by the Director.

13. Warning and Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights can be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of Manatee County or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

DEFINITIONS

Adverse Impacts Any modifications or effects which are or potentially may be harmful or injurious to human health, welfare, safety or property; to biological productivity, diversity, or stability; or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes direct, secondary and cumulative impacts.

Agent An individual authorized by the property owner to act on his behalf.

Appeal A request for a review of an interpretation by the Director of Planning and Development of any provision of this Ordinance. See Section 406, Appeals.

Base Flood Elevation The crest elevation in relation to mean sea level (using National Geodetic Vertical Datum) expected to be reached during a flood which encompasses the 100-year floodplain. Also called the Flood Protection Elevation.

Bulk Storage Facility A facility designed for storage of bulk cargo, which is defined as freight that is shipped in composite loads (as in palletized drums, bags of food stuff or bundled steel) or shipped loose (as in grain in boxcars, aggregates in the hold of a ship or petroleum in a tanker).

Clearing The removal of trees that are greater than 4 inches in diameter. The term does not include the removal of brush or the ordinary mowing of grass.

Coastal High Hazard Area An area within the 100-year floodplain which is subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated as Zone V1-30 on the Flood Insurance Rate Map (FIRM).

Coastal Low Hazard Area An area affected by the 100-year flood. The area is designated as Zone A, AO, AH, A1-A30 and A99 on the Flood Insurance Rate Map (FIRM).

Construction Any man-made change to improved or unimproved real estate, including but not limited to: buildings or other structures, mining, dredging, filling, grading, paving, or excavation.

Development Any activity requiring final subdivision plat review, final site plan review, or planned development plan review.

Detention The temporary storage of stormwater runoff for subsequent disposal by evapo-transpiration, percolation, and surface release at a rate which is less than the rate of inflow.

Detention Area or Facility A natural or artificially created area or facility for stormwater detention.

Drainage Facility; Stormwater Management Facility Any natural or artificial method of surface or subsurface conveyance, storage, or control of stormwater runoff.

Elevation Height in feet above mean sea level referenced to the National Geodetic Vertical Datum (NGVD).

Erosion The general process by which soil particles are moved by flowing surface or subsurface water or wind; the actual movement of soil particles by such means.

Fill Any material deposited for the purpose of raising the level of the natural land surface.

Flood or Flooding Inundation of normally dry land by the overflow of a watercourse or waterbody, the accumulation of runoff, or the rise of groundwater.

Flood Boundary & Floodway Map An official map of Manatee County on which the Federal Emergency Management Agency has delineated the regulatory 100-year floodway and floodplain for the Manatee River, Braden River, Little Manatee River, Gamble Creek, Mill Creek, Bowlees Creek, and Frog Creek. The Flood Insurance Study is the accompanying document for these maps if additional information is required.

Flood Insurance Rate Map (FIRM) An official map of Manatee County on which the Federal Emergency Management Agency has delineated both the 100-year floodplain and the insurance risk premium zones.

Flood Insurance Study The official report provided by the Federal Emergency Management Agency. The report contains the flood profiles of the seven regulatory floodways, as well as background information on the official Flood Boundary-Floodway Maps and the water surface elevations of the 200-year flood.

Flood Insurance Zone Manatee County is divided into flood insurance zones, as shown on the Flood Insurance Rate Maps. Each zone has a specific flood potential and flood hazard. These zones are as follows: unnumbered A Zones, numbered A Zones (A-2, 3, 5-13,15), Velocity Zones (V-9, 10, 12-18, 20), and B, C, and D Zones.

One-Hundred Year Floodplain Land which will be inundated by floods known to have occurred in the past or those which can be expected to occur in the future from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall under certain conditions. The 100-year floodplain is the area adjoining a river, stream, bay, lake or Gulf which is inundated by the 100-year flood or storm. For riverine areas, the 100-year floodplain consists of a floodway and a floodway fringe. For coastal areas, the 100-year floodplain consists of a high-hazard (V Zone) and low hazard area (A Zone). The One-Hundred Year Floodplain for Manatee County is identified on the adopted FIRM and Flood Boundary-Floodway Maps.

Floodproofing Structural changes or adjustments incorporated in the design or construction of a building so as to make the building watertight, with walls substantially impermeable to the passage of water, and with structural components having the capacity to resist hydrostatic and hydrodynamic loads and uplift forces.

Flood Protection Elevation The height to which a structure must be elevated in order to be protected from the flooding effects of the 100-year flood. The required elevation is indicated on the FIRM as the Base Flood Elevation for each specific zone. If no elevation is specified, the lowest floor shall be elevated to at least 8 inches above the highest adjacent grade prior to pre-construction conditions.

Floodway The channel of a watercourse and the adjacent land that must remain unobstructed in order to convey the discharge from the 100-year flood. There are seven regulatory floodways identified on the Flood Boundary-Floodway Maps.

Floodway Fringe The portion of the 100 year floodplain beyond the limits of the identified floodway. The floodway fringe is subject to less frequent and lower velocity flooding and does not play a major role in passing flood flows. The floodway fringe is identified on the Flood Boundary-Floodway Maps as an A Zone.

Floor The top surface of an enclosed area in a building (including basement), which is usable for living purposes i.e., the top of slab in a concrete slab construction or top of wood flooring in wood frame construction which is usable for living purposes. This term includes any area which is used for working, sleeping, eating, cooking, recreation, or any combination thereof. An area used only for limited storage purposes, parking vehicles, or as an entryway is not included in this definition for Floodplain Management.

Functionally Dependent Structure A building that is dependent on a specific lowest floor elevation and site location in order to function in its intended use.

Highest Adjacent Grade The highest natural elevation of the ground surface next to the proposed walls of a structure prior to construction.

Impervious Surface A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Mangrove Stand An assemblage of one or more of the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemose*); and buttonwood (*Conocarpus erecta*).

Mean Sea Level (MSL) The average height of the sea for all stages of the tide. It is used as a reference for establishing elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD) A vertical control used as a reference for establishing varying elevations within the floodplain; as corrected in 1929.

One-Hundred Year Flood The flood or storm having a one percent chance of being equalled or exceeded in any given year. Also termed the "regulatory flood" or the "base flood". All Federal agencies and many states recognize this standard for regulatory purposes. There is a 26 percent chance of the 100-year flood or storm occurring during a 30-year mortgage.

Owner The person in whom is vested the fee ownership, dominion, or title of property, i.e., the proprietor.

Receiving Bodies of Water Any waterbodies, watercourses or wetlands into which surface waters flow either naturally, in manmade ditches, or in a closed conduit system.

Retention The storage of stormwater runoff for subsequent disposal by evapo-transpiration or percolation.

Runoff; Stormwater Runoff That portion of precipitation which is not passed into the soil by infiltration, evaporated into the atmosphere, or entrapped by small surface depressions and vegetation, and which flows over the land surface during, and for a short duration following any rainfall.

Sand Dunes Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sedimentation The general process by which soil particles, debris, or other materials are deposited in water bodies or drainage facilities.

Sedimentation Facility Any structure or area which is designed to hold runoff water until suspended sediments have settled.

Start Of Construction The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the

affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Stormwater Management System All natural and artificial drainage facilities which convey, store, or control the flow of stormwater runoff from one (1) or more drainage basins.

Substantial Improvements Any repair, reconstruction or improvement of a structure for which the cost of the repair, reconstruction or improvement equals or exceeds 50 percent of the market value of the structure either:

- (1) before the repair, reconstruction or improvement is started; or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

The market value of the structure concerned will be that value that has been established by the Manatee County Property Appraiser on the Tax Roll in force, or an appraisal as provided by a State of Florida Licensed Real Estate Appraiser or an Appraiser which is a member of the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers, or, in cases where the value of new construction has not yet been included on the Tax Roll in force, the declared value of the structure on a Manatee County Building Permit.

For the purposes 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 the alteration affects the external dimensions of the structure. The term does not, however, include either

(1) 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 (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Waters Any and all water on or beneath the surface of the ground including the water in any watercourse, waterbody or water management system, diffused surface water, water percolating, standing or flowing beneath the surface of the ground and coastal waters.

Water Dependent Use A use that depends on its proximity to the water in order to function in its intended use.

Water Management Facility A component of a water management system.

Water Management System A system of natural or artificial waterbodies or watercourses which stores or conveys water; a stormwater management system.

Watercourse Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks or other discernable boundary.

Waterbody Any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water or which has a discernible shoreline.

Watershed A drainage area or drainage basin contributing to the flow of water in a receiving body of water.

408D FLOODPLAIN MANAGEMENT VARIANCES

The requirements of Sec. 205H, Floodplain Management, differ in their purpose, structure, and operation from the zoning districts and other regulations contained in the Land Development Code. Variance requests from the standards established by the Floodplain Management regulations should be viewed in light of the nature of the public interest sought to be protected and should be granted only in strict accordance with the provisions set forth below.

1. Qualification for a Variance Request

a. In addition to the other provisions of this Section governing granting of variances, variances from the standards established in Sec. 205H, Floodplain Management, may be issued only as follows:

- (1) Where, because of the location or configuration of the property, or some physical or environmental characteristics peculiar to it, strict application of Sec. 205H would deprive the owner of all opportunity to make a reasonable use of his property that is in compliance with other sections of this Ordinance, or
- (2) The use or structure is located on a parcel one-half acre or less in size and is surrounded by an extensive area of development virtually all of which is developed in a manner that does not conform with the requirements of Sec. 205H (or the formerly applicable Flood Ordinance), so that strict adherence to those requirements for the remaining development in the area plainly will not contribute to the accomplishment of the purpose of Sec. 205H, or.
- (3) The structure is an unattached non-habitable accessory building to be used for agricultural or storage purposes only, or.
- (4) The use or structure is one that is a water dependent use and is functionally dependent on a specific location and elevation. This applies only to commercial, industrial and non-residential uses. Both tests must be met in order to qualify for this type of variance, or
 - (a) For bulk storage facilities that meet the above tests, a variance may be granted from all of the requirements of Sec. 205H, provided the structure is not located in a floodway.
- (5) The use is one required by state or other statute, such as rest-rooms associated with recreational facilities.

2. Authorized Variances

Provided the above conditions have been met variances will only be permitted from the following standards established in Sec.205H.3:

- a. b.(1)(a) The lowest floor of residential located in an "A" Zone buildings shall be elevated to the Flood Protection Elevation for that site.

- b. b.(1)(b) Industrial, commercial or other non-residential buildings shall have the lowest floor elevated to the Flood Protection Elevation or be floodproofed.
- c. b.(2)(a) The proposed construction shall not result in any increase in the width or velocity of the floodway beyond the boundaries of the property owned by the applicant.

(1) If a variance is issued to a structure located in a floodway, easements permitting such changes and resulting damage shall be obtained from all affected property owners.

(Note: All changes in Floodway configuration or characteristics require Federal Emergency Management Agency approval, as provided in Sec.)

- d. b.(2)(f) All structures located in a Floodway shall be elevated so that the lowest floor is located no lower than the Flood Protection Elevation.
- e. b.(3)(a) All structures located in a Coastal High Hazard Area shall be elevated so that the lowest portion of the horizontal member supporting the habitable floor is located no lower than the Flood Protection Elevation.

3. Administrative Variances

If the purpose and effect is to permit the reconstruction or rehabilitation of a structure listed on the National Register of Historic Places of the State Inventory of Historic Places, then the variance shall be administered by the Director. In the case of historic reconstruction, none of the requirements of the Floodplain Management Regulations shall apply.

- a. The purpose and effect is to permit the reconstruction or rehabilitation of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

4. Unauthorized Variances

- a. Variances may not be granted which:

- (1) create a substantial risk or threat to public safety, or create an additional nuisance,
- (2) increase the likelihood that additional public expenditure will be required to prepare for or respond to the effects of flooding,
- (3) might result in an increase in flood-related damage to other property in the area,
- (4) are for more than one (1) lot, or structure in a single application,

- (5) cause an increase in the height of the flood within the 100-year floodplain as a result of construction in a designated floodway,
- (6) are in conflict with laws, ordinances, or regulations, including this Ordinance and The Manatee Plan.

5. Procedures

- a. In addition to the procedures established elsewhere in Section 408 any applicant to whom a variance is granted shall be given written notice that:
 - (1) the issuance of a variance to construct a structure below the Flood Protection Elevation will result in an increase in premium rates for flood insurance.
 - (2) construction below the Flood Protection Elevation increases the risks to life and property.
 - (3) Variances shall be valid for a period of one year after the date of its issuance. If construction has not begun within such time, the variance shall become void.

This notification shall be maintained with the record of the variance.

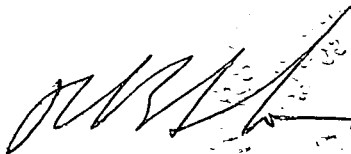
STATE OF FLORIDA

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 an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 8th day of March, 1984.

SUBJECT: MANATEE COUNTY ORDINANCE NO. 84-01:
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
MAKING CERTAIN FINDINGS OF FACT; AMENDING
ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE
ZONING AND LAND DEVELOPMENT CODE BY ADDING A NEW
SECTION 205H FLOODPLAIN MANAGEMENT REGULATIONS; BY
AMENDING SPECIFIC SECTIONS OF THE MANATEE COUNTY
COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE
IN ORDER TO INTEGRATE AND IMPLEMENT THE FLOODPLAIN
REGULATIONS THEREOF; BY ADOPTING THE FLOOD INSURANCE
RATE MAPS AND FLOOD BOUNDARY-FLOODWAY MAPS; AND BY
REPEALING ORDINANCE 77-1, AS AMENDED BY ORDINANCE 77-4
AND PROVIDING AND EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 9th day of March,
1984, in Bradenton, Florida.



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



FLORIDA DEPARTMENT OF STATE

George Firestone

Secretary of State

FILED 1984 MAR 14 AM 10 58

March 12, 1984

Honorable R. B. Shore
Clerk of the Circuit Court
Post Office Box 1000
Bradenton, Florida 33505

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of your letter/s of March 9
and certified copy/ies of Manatee
County Ordinance/s No./s 84-1
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this Ordinance/s in this office
this/these
on March 12, 1984.
4. The original/duplicate copy/ies showing the filing date
is being returned for your records.
is/are

Cordially,

(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/

Enclosure

2