

ORDINANCE 01-31

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY AMENDING THE DEFINITION OF LOWEST FLOOR IN CHAPTER 2, DEFINITIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Manatee County, Florida, and;

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Manatee County, Florida to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

WHEREAS, Section 163.3202, Florida Statutes, further provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the jurisdiction; and

WHEREAS, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01, as amended, and in accordance with Sections 302 and 503 of said ordinance and Section 163.3194(2), Florida Statutes, is required to review proposed amendments to the Manatee County Land Development Code after holding a public hearing on the matter, make its recommendations to the Board of County Commissioners; and

WHEREAS, the Manatee County Planning Commission, has reviewed an amendment to the above cited Codes altering it partially in order to more adequately address and prepare for Manatee County's future development and growth and implement the Manatee County Comprehensive Plan; and

WHEREAS, the Manatee County Planning Commission held a public hearing session on May 10, 2001 on the above cited amendments with due public notice having been provided, and having reviewed and considered all comments received during said public hearing, including the staff comments and reports, recommended said amended version of the Manatee County Land Development Code as being consistent with the adopted Manatee County Comprehensive Plan and meeting the requirements of Section 5, 163.3202(2) and 163.3213(1) and (2), Florida Statutes, and

FILED FOR RECORD
R. B. GUNDE
CLERK OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

JUN 25 11 59 AM '01

DEPT. OF STATE
TALLahassee, FLORIDA
JUN 22 11:45

FILED

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, and the provisions of the Sections 502 and 503 of the Manatee County Land Development Code, on May 22, 2001 and June 5, 2001, the Board of County Commissioners of Manatee County held public hearings, with due public notice having been provided, to consider proposed amendments to the above referenced Land Development Code; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments, including staff reports and studies received, during said public hearings along with the specific recommendations of the Planning Commission; and

WHEREAS, in exercise of said authority the Board of County Commissioners of Manatee County, Florida, has determined it necessary and desirable to amend and revise in part the Manatee County Land Development Code in order to implement the Manatee County Comprehensive Plan and meet its responsibilities under Florida Statutes to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within Manatee County; and

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

Section 1. Purpose and Intent. This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Title of Land Development Code. The amendments to the Land Development Code for the County of Manatee, Florida, attached hereto as Exhibit "A", shall be known as "The Manatee County Land Development Code Amendments".

Section 3. Amendment of Existing Land Development Code. This ordinance hereby amends and revises the Manatee County Land Development Code, also known as Manatee County Ordinance 90-01, as amended, as shown on below:

Chapter 2 Definitions

Delete the definition of "Lowest Floor" and replace as follows:

Floor, Lowest (For Floodplain Management Purposes) shall mean the top surface of the lowest level of an enclosed area in a building located in an (A Zone) (including a basement), which is usable for living purposes or in which materials or

~~furnishings normally associated with living areas are installed. This term shall include any areas used for working, sleeping, eating, cooking, bathing, toiletry, recreation, or a combination thereof. A floor used only for limited storage of maintenance equipment, building access or the parking of vehicles shall not be construed as the lowest floor. The lowest floor in a (V Zone) means the bottom of the lowest supporting horizontal member (excluding pilings or columns).~~

Floor, Lowest (For Floodplain Management Purposes) shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR, 60.3.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Copy on File. A codified copy of the Land Development Code, as amended, shall be filed in the office of the Director of the Planning Department of the County of Manatee as soon as reasonably possible after adoption of this ordinance. The Planning Director shall also make copies available to the public for a reasonable publication charge.

Section 6. Effective Date. This ordinance shall take effect immediately upon receipt of the official acknowledgment from the Secretary of State that same has been filed with that office. Projects which have Special Exception status under Chapter 1, Section 4B of the Plan, or projects which have been approved or have an application deemed complete for a Development of Regional Impact development order, preliminary site plan or plat, final site plan or plat or building permit prior to June 5, 2001, shall not be subject to provisions of this ordinance which were specifically addressed in reviewing or approving such project, provided that such approval was lawfully granted and has not expired or otherwise been terminated. All projects shall be subject to all provisions of this ordinance which are not specifically addressed in such approval or are not inconsistent with such approval.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of the County of Manatee, Florida this the 19th day of June, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: *J. M. Clash*
Chairman

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

By: *Susan G. Romine*



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 20th day of

June, 2001

R.B. SHORE
Clerk of Circuit Court

By: *G. Alameda* D.C.

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RINGLING MUSEUM OF ART

June 22, 2001

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Susan G. Romine,
Board Records Supervisor

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 20, 2001 and certified copy of Manatee County Ordinance No. 01-31, which was filed in this office on June 22, 2001.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

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JUN 25 11 59 AM '01

BUREAU OF ADMINISTRATIVE CODE

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