

ORDINANCE NO. 01-41

APR 26 7 26 AM '01

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO FLOODPLAIN MANAGEMENT; AMENDING SECTION 2-10-22 OF THE MANATEE COUNTY CODE OF ORDINANCES PROVIDING DEFINITIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 27, 1989, the Board of County Commissioners of Manatee County, Florida, enacted Ordinance No. 89-10, codified as Article II of Chapter 2-10 of the Manatee County Code of Ordinances, which adopted the Manatee County Floodplain Management Code; and

WHEREAS, the County Administrator of Manatee County received a letter dated March 15, 2001, from the Director of the Division of Emergency Management of the State of Florida Department of Community Affairs, which letter identified a deficiency in the Manatee County Floodplain Management Code and specified required corrective action to rectify the deficiency; and

WHEREAS, pursuant to Section 125.66, Florida Statutes (2000), the Board of County Commissioners of Manatee County has held a public hearing to consider the enactment of an amendment to the Manatee County Floodplain Management Code; and

WHEREAS, the Board of County Commissioners of Manatee County has determined that it is in the best interest of the County to correct the deficiency in the Manatee County Floodplain Management Code by amending the definition of [redacted] as provided in this ordinance.

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

Section 1. Section 2-10-22 of the Manatee County Code of Ordinances is hereby

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

amended to read as follows:

Sec. 2-10-22. Definitions.

Unless specifically defined below, or in Ordinance 90-01, Manatee County Land Development Code, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Accessory structure means a building, the use of which is incidental to that of the main building and which building is located on the same lot as the main building. This definition shall also include the term "outbuilding."

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.

Appeal means a request for a review of a decision of the county building official or his or her duly authorized designee.

Approved agency means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official of the county.

Area of shallow flooding means a designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three (3) feet, where a clearly defined channel does not exist, where the path of

flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the height above mean sea level (MSL) that floodwaters are estimated to reach during a base flood event.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system. The design safe lateral loading resistance shall be not less than ten (10) and no more than twenty (20) pounds per square foot.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Building official means the building official of the county.

Coastal high hazard area means the area subject to high-velocity waters caused by, among other things, hurricane wave wash. The area is designated as

Zone VI-30, VE, or V on the flood insurance rate map (FIRM).

Development means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or permanent storage of materials.

Elevated building means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM) means an official map of the community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

Flood protection elevation (FPE) shall mean the height above mean sea level (MSL) that a building must be elevated in order to substantially minimize property damage. The flood protection elevation (FPE) shall be one foot above the base flood elevation (BFE) established in accordance with the floodplain management section 718 of the Manatee County Land Development Code. (See "Freeboard").

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

For the purpose of this article, the term "freeboard" shall be the distance between the base flood elevation (BFE) and the flood protection elevation (FPE).

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facilities necessary for the loading and unloading of cargo or passengers, ship building, ship repair, or seafood processing facilities. The term does not include longterm storage, manufacture, sales or service facilities.

Highest adjacent grade means the highest natural elevation of the ground

surface, prior to construction, next to the proposed walls of a structure.

~~Lowest floor means the top surface of the lowest floor level of the lowest an enclosed area in a building located in an A zone (including basement) which is usable for living purposes or in which materials or furnishings normally associated with living areas are installed. This term includes any areas used for working, sleeping, eating, cooking, bathing, toiletry, recreation, or a combination thereof. An unfinished or flood resistant enclosure, usable solely for limited storage of maintenance equipment, building access or parking of vehicles, building access or storage in an area other than a basement area is not considered a building's to be construed as the lowest floor; provided, that such enclosure~~ The lowest floor in a V zone means the bottom of the lowest supporting horizontal member (excluding pilings or columns) is not built so as to render located no lower than the structure in violation of the applicable non- flood protection elevation design requirements of 44 C.F.R. § 60.3 (2000) (FPE).

The lowest floor elevation for floodplain management purposes shall be one of the following:

- (1) All existing structures and additions to structures that meet or exceed the base flood elevation (BFE) shall be considered conforming for floodplain management elevation provisions.
- (2) All pre-flood insurance rate map (FIRM) structures that are substantially damaged or substantially improved structures must meet or exceed the base flood elevation (BFE).

- (3) All new construction must meet or exceed the flood protection elevation (FPE).
- (4) Administrative waivers of the flood protection elevation (FPE) may be approved by the building official upon demonstration of just cause. These waivers shall not result in a lowering of the required flood protection elevation (FPE) of more than two (2) inches.

Mangrove stand means an assemblage of mangrove trees, which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contains one or more of the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).

Manufactured home, may also be referred to as "Manufactured home dwelling," and shall mean any structure, transportable in one or more sections, which is built on a permanent chassis or is designed to be used with or without a permanent foundation when connected to the required utilities. The term shall include park trailers. Manufactured home dwelling shall not be deemed to include recreational vehicles. Dwelling, manufactured home, shall include all of the following characteristics:

- (1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for permanent attachment to outside systems.

- (2) Designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels.
- (3) Arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, located on foundation supports, permanent connection to utilities,† and the like.
- (4) Designed for removal to and installation or erection on other sites.
- (5) Approved as such by the department of housing and urban development.

A manufactured home dwelling may include two (2) or more sections, separately towable, which when joined together shall have the characteristics as described above.

Manufactured home park shall mean any parcel of land under single ownership where manufactured home sites are offered for sale as part of an approved condominium plat, lease, or rent, for the placement of manufactured home dwellings which are occupied on a nontransient residential basis.

Manufactured home subdivision shall mean any subdivision where lots are sold or offered for sale for the placement of manufactured home dwellings which are occupied on a nontransient residential basis.

Mean sea level (MSL) means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the

floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

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

New construction means structures for which the start of construction commenced on or after the effective date of this article.

Occupied space means the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by this article.

100-year storm means a storm which has a one percent chance of occurring in any given year. This storm will be accompanied by flooding and one hundred twenty (120) mile per hour winds in the designated floodplain.

Person means any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or persons having a joint or common interest, or any other legal entity.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area means those areas which have been identified by the Federal Emergency Management Agency in its flood insurance study dated September 15, 1983, with all accompanying documentation (see subsection 2-10-21(c) of this article).

Start of construction (for other than new construction or substantial

improvements under the Coastal Barrier Resources Act (Public Law 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; 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 part of the main structure.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For floodplain management purposes, structures, infrastructures or other manmade facilities are regulated to protect them from the 100-year flood or storm event.

Substantial improvement (floodplain management) shall mean any combination of reconstruction, rehabilitation, addition, or other improvement to a structure, taking place; within a three (3)-year period, which the cumulative cost equals or exceeds fifty (50) percent of the fair market value of the structure either:

- (1) Before the start of construction of improvements; or
- (2) If the structure has been damaged, and is being repaired, 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 terms shall not, however, include:
 - a. The cost of the minimum improvements necessary to correct existing violations of a health, sanitary, handicap accessibility or safety code which is solely necessary to assure safe conditions only when such improvement is initiated, as a result of the issuance of an order, citation, unsafe notice or other directive from an appropriate governmental agency or official prior to the repair or improvement.
 - b. Any alteration of a historic structure, provided the alteration will not preclude the structure's continued designation as a historic structure.
 - c. Maintenance items shall be exempt from cumulative tracking provided they are one of the following:
 1. Replace roofing materials with like material – No structural repair to roof trusses.
 2. Replace existing doors or windows.

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3. Repair or replace existing air conditioners, water heaters, electric equipment, plumbing fixtures – Like type.
4. Repair or replace dry rot or termite damage with no upgrade.
5. Replacement of same type exterior siding or soffits.
6. Any other items not requiring a permit in Manatee County.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 4. This ordinance shall take effect upon filing with the State of Florida Department of State.

ADOPTED AND ENACTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 17th day of April, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: [Signature]
First Vice Chairman

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

By: [Signature]



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 18th day of April, 2001
R. B. SHORE
Clerk of Circuit Court
By: [Signature], C.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
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RINGLING MUSEUM OF ART

April 23, 2001

FILED FOR RECORD
APR 23 2001
CLERK OF CIRCUIT COURT
MANATEE COUNTY
APR 26 7 27 AM '01

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

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated April 18, 2001 and certified copies of Manatee County Ordinance Nos. 01-33 and 01-41, which were filed in this office on April 23, 2001.

As requested, the original date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us

Municipal Code Corporation
info@mail.municode.com
PO Box 2235
Tallahassee, FL 32316-2235

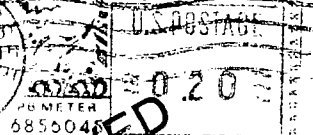
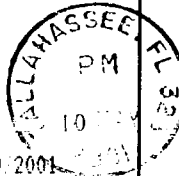
Supplement 49

We have received the following material through
hard copy. Thank you for your assistance and
cooperation.

Ordinance Nos. 01-33 and 01-41.

800-262-2633 fax 950-575-8852 HVA
We can print Police and Sheriff's manuals.
Let us help you get your Manuals up-to-date.
Tired of mailing out Codes and Supplement?
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05/09/2001



RECEIVED
MAY 14 2001
SWITCHBOARD

TO:
Mr. R.B. "Chips" [unclear]
Clerk Of Circuit Court
Manatee County
PO Box 25400
Bradenton, FL 34206

Shoe

