

FILED FOR RECORD  
R. B. SHORE

ORDINANCE NO. 06-58

2006 DEC -8 PM 12: 15

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING SECTION 702.9, MINIMUM FLOOR ELEVATION, MANATEE COUNTY LAND DEVELOPMENT CODE TO PROVIDE FOR CLARIFICATION OF THE APPLICABILITY CLAUSE RELATING TO SECTION 702.9, AND OTHER CODE PROVISIONS REGULATING MINIMUM FINISHED FLOOR ELEVATION AS REQUIRED FOR INTERNAL CONSISTENCY IN THE MANATEE COUNTY LAND DEVELOPMENT CODE; SETTING FORTH FINDINGS AS TO LEGISLATIVE INTENT; AMENDING CHAPTER 9, SUBDIVISION PROCEDURES AND STANDARDS; SECTION 905.1 PURPOSE, TO REQUIRE THE RECORDING OF AN APPROVED DRAINAGE PLAN SIMULTANEOUSLY OR IMMEDIATELY AFTER THE RECORDING OF A FINAL SUBDIVISION PLAT; SETTING FORTH RELATED FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT  
TALLAHASSEE, FLORIDA

2006 DEC -4 PM 2: 26

FILED

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida is authorized under Chapters 125 and 163, 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**, Section 702.9 of the Manatee County Land Development code (the "Land Development Code"), along with other Code provisions, originally enacted pursuant to Ordinance No. 90-01 and amended by Ordinance No. 06-16, establishes minimum required finished floor elevations and sets forth the method for calculating same within the unincorporated area of the County, and

**WHEREAS**, the intent of the Board of County Commissioners is to clarify the application of the portion of Section 702.9, LDC, pertaining to the calculation of the required minimum finished floor elevation along with other code provisions as required for internal consistency; and

**WHEREAS**, Chapter 177, Florida Statutes, provides in Section 177.132 for the recording of documents relating to final plats for informational purposes; and

**WHEREAS**, it is the intent of the Board of County Commissioners to require the recording of approved drainage plans simultaneously or immediately after the recording of final plats in accordance with the requirements of Section 177.132, Florida Statutes, as may be amended, to put the public on notice as to approved drainage plans; and

**WHEREAS**, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01, as amended, 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 and make its recommendations to the Board of County Commissioners; and

**WHEREAS**, the Manatee County Planning Commission at a public hearing on October 12, 2006, regarding the above-cited amendments to the Land Development Code 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 amendments to the Land Development Code as being consistent with the adopted Manatee County Comprehensive Plan and meeting the requirements of Section 503, Land Development Code and Sections 163.3202(2) and 163.3213(1) and (2), Florida Statutes; and

**WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, and the provisions of Sections 502 and 503 of the Land Development Code, the Board of County Commissioners of Manatee County held public hearings on November 7, 2006 and November 28, 2006 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

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

Section 1. Purpose, Intent and Findings. 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. The Board of County Commissioners hereby adopts the above findings in the preamble of this ordinance as findings of the Board of County Commissioners and said findings are incorporated herein by reference.

Section 2. Amendment of Section 702.9.1 of the Land Development Code. Section 702.9, Minimum Floor Elevation, Subsection 702.9.1. Generally as amended by Ordinance 06-16, is hereby further amended to revise Subsection B.1 and to add a new Subsection A.4 entitled: "Applicability of Minimum Floor Elevation Requirements." Said amended section shall be revised as follows:

Section 702.9. *Minimum Floor Elevation.*

702.9.1 *Generally.*

A. The minimum finished floor elevation for structures in the floodplain shall be in accordance with the requirements of Section 717, Stormwater Management and Section 718, Floodplain Management.

B. In all situations, the finished floor elevation shall be a minimum of eight (8) inches above the immediate surrounding grade on all sides of the building and the required finished floor elevation shall be determined as follows:

1. Single-family detached dwellings, duplexes and multi-family dwellings shall be a minimum of twenty-one (21) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured along the entire frontage of the lot on which the building is located and in accordance with adopted Transportation Highway and Drainage Standards.

and

2. In special conditions and for non-residential sites, a professional engineer may submit a storm drainage plan to be approved by the County Transportation Director or his designee.

The storm drainage plan shall provide:

- (a) Sufficient relative or actual spot elevations to include: all necessary elevations at property lines or within two hundred (200) feet of the structure, whichever is less; street crown; right-of-way lines; inverts at culverts; existing and proposed finished floor elevations at all buildings;
- (b) Positive drainage away from buildings to a swale located in an easement or storm drainage system with minimum slopes per Transportation Highway and Drainage standards;
- (c) No flow onto adjacent property without a recorded drainage flowage easement;
- (d) Finished floor elevation of at least eighteen (18) inches above the average grade of the top of bank of either the swale or drainage facility;
- (e) Drainage flow arrows specifically indicating the direction of flow to all drainage outfalls; and
- (f) Construction details and cross sections in accordance with the Stormwater Management Design Manual and Highway and Drainage standards for lot drainage.

In addition to the permit fee, any costs associated with the County Engineering staff verifying the accuracy of the plan and the drainage conditions shall be borne by the applicant.

3. In all new subdivision, the Engineer of Record shall show the finished floor elevation for each lot on the construction drawing for the subdivision, prior to approval.

4. Applicability of Finished Floor Elevation Requirements:

(a) Approved Plans: Structures in developments for which either construction plans or final site plans containing minimum finished floor elevations were approved prior to April 1, 2006, shall be exempt from the drainage regulations enacted by Ordinance 06-16 and shall comply with the minimum finished floor elevation requirement of eighteen (18) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured on the entire frontage of the lot on which the building is located.

(b) Pending Plans: Structures in developments for which either construction plans or final site plans containing minimum finished floor elevations was submitted but not yet approved prior to April 1, 2006, shall be exempt from the drainage regulations enacted by Ordinance No. 06-16 and shall comply with the minimum finished floor elevation of eighteen (18) inches above the highest elevation of the street or crown of the street, whichever is greater; as measured on the entire frontage of the lot on which the building is located. In the event such an application for construction plan or final site plan approval has been withdrawn after April 1, 2006, any resubmitted construction plan or final site plan shall not be exempt from Ordinance No. 06-16. [additional text indicated by underlining]

Section 3. Amendment of Section 905 of Land Development Code. Section 905, Final Plat Review Procedures; Section 905.6, Recording, is hereby amended to require the recording of the approved drainage plan simultaneously or immediately thereafter the recording of the final approved plat. Said amended Section 905.6 shall be revised as follows:

Section 905.6 Recording. Upon approval of the final plat, it shall be forwarded to the Clerk of the Circuit Court for recording together with the approved drainage plan and any other related legal documents as the County Attorney or other County Departments may require for recording. The drainage plan shall be submitted for recording to the Clerk of the Circuit Court in the format and medium as may be required by the Clerk of the Circuit Court including but not limited to leaving a three (3") inch margin on the left side of the drainage plan for binding purposes and a one-half (1/2") inch margin on each of the three remaining sides. The recording of the drainage plan shall not impair the title to the property in any manner, shall be for informational purposes only and shall not be referred to for the purpose of conveying title to property in accordance with Chapter 177, Florida Statutes. [additions to text indicate by underlining]

Section 4. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amended Section 702.9.1, as set forth in Section 2 of this ordinance and the amended Section 905.6 as set forth in Section 3 of this ordinance into the Land Development Code.

Section 5. Severability. If any section, sentence, clause or other provision of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this ordinance.

Section 6. Effective Date. This ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

**PASSED AND DULY ADOPTED** with a quorum present and voting, by the Board of County Commissioners of the County of Manatee, Florida this 28<sup>th</sup> day of November, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *Joe McClas*  
Chairman



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

By: *Jusara Romane*  
Deputy Clerk



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 Let day of December, 2006.  
R.B. SHORE  
Clerk of Circuit Court  
By: *Diane E. Vollmar* c.e.



**STATE OF FLORIDA**  
**DEPARTMENT OF STATE**  
STATE LIBRARY AND ARCHIVES OF FLORIDA

**JEB BUSH**  
*Governor*

**SUE M. COBB**  
*Secretary of State*

December 6, 2006

FILED FOR RECORD  
R. B. SHORE

2006 DEC -8 PM 12:15

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attn: Nancy Harris, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 1, 2006 and certified copy of Manatee County Ordinance No. 06-58, which was filed in this office on December 4, 2006; and copies of Ordinance Forms 05-15, 05-55, 05-56, 05-60, 05-61 and 05-63 which were filed in this office on December 4, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/jru

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dils.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA  
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA  
850.245.6700 • FAX:  
850.488.4894

LEGISLATIVE LIBRARY SERVICE  
850.488.2812 • FAX:  
850.488.9879

RECORDS MANAGEMENT SERVICES  
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282