

17

## ORDINANCE 09-55

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE REGARDING STORMWATER MANAGEMENT PLANS; AMENDING SECTION 717.3.13.2, STORMWATER MANAGEMENT; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on December 10, 2009, the Planning Commission, the County's Local Planning Agency, held a duly noticed public hearing to review this Ordinance and adopted a motion finding this Ordinance consistent with the Comprehensive Plan and recommending its approval; and

**WHEREAS**, on January 7, 2010, the Board of County Commissioners held a duly noticed public hearing to receive public comment and to review and consider this Ordinance; and

**WHEREAS**, after considering public comment, the recommendations of the Planning Commission and Planning staff, the Board has found this Ordinance consistent with the Comprehensive Plan and in furtherance of the public health, safety, and welfare, and has adopted the Ordinance as set forth herein.

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

**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, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

**Section 2. Findings.** The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. The findings contained in the recitals above are true and correct.
2. The County has initiated a Land Development Code text amendment to revise Stormwater Management Plan requirements for the purposes of achieving consistency between regulations of the Water Management District and the State of Florida and the County Land Development Code

3. The Board of County Commissioners held a duly noticed public hearing on January 7, 2010 on proposed Ordinance 09-55 to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance; and
4. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found proposed Ordinance 09-55 consistent with the Comprehensive Plan and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

**Section 3.** Section 3, Chapter 7, Development Standards of General Applicability of the Code is hereby amended in Section 717, Stormwater Management. Said amended Section shall provide as follows. Additional text indicated by underlining, deletions by ~~strikeout~~.

#### Section 717.3, Standards

~~717.3.13.2. A Stormwater Management Plan shall not be required when the proposed, new impervious surface is five hundred (500) square feet or less and the property does not discharge to an Outstanding Florida Water and is not located within the known Twenty-Five (25) Year or One Hundred (100) Year Floodplain or within a Watershed Protection Overlay District. The Planning Director may allow the property owner to prepare the Stormwater Management Plan without an engineer's certification if the new impervious surface for the total project is less than five thousand (5,000) square feet and the property does not discharge to an Outstanding Florida Water and is not located within the known Twenty-Five (25) or One Hundred (100) Year Floodplain or within a Watershed Protection Overlay District. The provisions within this section shall not be construed to supersede the requirements of Chapter 471, F.S. for engineering practices.~~

"717.3.13.2 Project Area Design Criteria: The criteria below shall be used as minimum design elements of a Stormwater Plan. For projects using the criteria below, a copy of the approved Environmental Resource Permit including the site plans and technical supporting data from applicable State Water Management agencies shall be provided prior to approval by the Manatee County Stormwater Management Division of the Public Works Department. The criteria below shall only be used for approval of a single submittal to Manatee County on a particular piece of land. The criteria below shall not be used on land or lots located within a master drainage system or a subdivision in which each lot is required to provide dedicated stormwater facilities. The criteria below shall not be used for more than one administrative approval on a single piece of property unless otherwise approved by Manatee Stormwater Management or Public Works staff. Regardless of the criteria below, stormwater runoff shall discharge to the historical point(s) of discharge. Drainage runoff which flows from offsite areas shall be conveyed through or bypassed around the development. The criteria below are based upon General

Permit for Minor Activities, Section 40D-400.475, 1d, F.A.C., and subject to conformity with any amendments made on this section . The criteria are applicable to all existing platted lots or platted lots of record prior to 1985 with existing improvements and structures that can be claimed as impervious area:

- A. For any project, no additional stormwater facilities will be required for proposed impervious areas less than or equal to 1,000 square feet. However, floodplain and floodway requirements of Sections 717 and 718 continue to apply if the project lies within the FEMA 100-year floodplain or floodway or the 25-year floodplain.
- B. For projects with less than 4,000 square feet of impervious vehicular use areas (roadways, driveways, drive aisles, loading areas, etc.) and less than 9,000 square feet of total impervious area:
  - i. Attenuation is not required.
  - ii. Water quality treatment is required.
- C. For projects with less than 4,000 square feet of impervious vehicular use areas (roadways, driveways, drive aisles, loading areas, etc.) and less than 9,000 square feet of total impervious area located within a Watershed Overlay Protection District or discharge into an Outstanding Florida Waters:
  - i. Attenuation is not required.
  - ii. 150 % Water quality treatment is required.
- D. For projects with less than 4,000 square feet of impervious vehicular use areas (roadways, driveways, drive aisles, loading areas, etc.) and less than 9,000 square feet of total impervious area located within the 100-year floodplain or floodway or the 25-year floodplain:
  - i. Attenuation is required and not subject to flow reduction where necessary.
  - ii. Water quality treatment is required.
  - iii. Floodplain Compensation is required.
  - iv. No-rise permit is required where necessary.
- E. For projects with over 4,000 square feet of impervious vehicular use areas (roadways, driveways, drive aisles, loading areas, etc.) and/or greater than 9,000 square feet of total impervious area:
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**Section 4. Codification.** The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments 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 section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

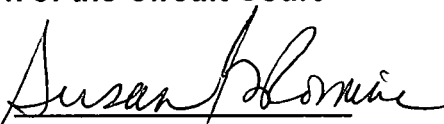
**Section 6. Effective Date.** The amendments set forth in this ordinance shall apply to all applications for Stormwater Management Plans filed with the County after the effective date hereof.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 7<sup>th</sup> day of January, 2010.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

By:   
\_\_\_\_\_  
**Donna G. Hayes, Chairman**

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

By:   
\_\_\_\_\_  
**Deputy Clerk**



FILED FOR RECORD  
R. B. SHORE

**ORDINANCE 09-55**

2010 JAN 20 AM 10:49

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

FILED  
2010 JAN 13 10:10:27  
TALLAHASSEE, FLORIDA

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**Section 6. Effective Date.** The amendments set forth in this ordinance shall apply to all applications for Stormwater Management Plans filed with the County after the effective date hereof.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 7<sup>th</sup> day of January, 2010.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_

**Donna G. Hayes, Chairman**

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

By: \_\_\_\_\_

**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 8<sup>th</sup> day of

JANUARY, 20 10

R.B. SHORE  
Clerk of Circuit Court

By: Vicki Jarrett D.C.





## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD  
R. B. SHORE  
2010 JAN 20 AM 10:49  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA  
**KURT S. BROWNING**  
Secretary of State

January 14, 2010

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

Attention: Ms. Vicki Jarratt, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 8, 2010 and certified copies of Manatee County Ordinance Nos. 09-55, 09-56 and PDMU-06-16 (P) (R3), which were filed in this office on January 13, 2010.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

#### 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://dls.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