

**CITY OF BRADENTON BEACH
ORDINANCE NO. 17-495**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AMENDING THE BRADENTON BEACH CODE OF ORDINANCES, SPECIFICALLY THE LAND DEVELOPMENT CODE SO AS TO AMEND SECTION 109, DEFINITIONS; SECTION 307.2.5, DENSITY, LOT, YARD AND BULK LIMITATIONS OF THE R-1, ONE-FAMILY DWELLING DISTRICT; SECTION 307.2.6, OFF-STREET PARKING OF THE R-1 , ONE-FAMILY DWELLING DISTRICT; SECTION 307.3.5, DENSITY, LOT, YARD AND BULK LIMITATIONS OF THE R-2 TWO-FAMILY DWELLING DISTRICT; SECTION 307.3.6 , OFF-STREET PARKING OF THE R-2, TWO-FAMILY DWELLING DISTRICT; SECTION 307.4.5, DENSITY, LOT, YARD AND BULK LIMITATIONS OF THE R-3 MULTI-FAMILY DWELLING DISTRICT; SECTION 307.4.5, OFF-STREET PARKING OF THE R-3, MULTI-FAMILY DWELLING DISTRICT; SECTION 308.3, MAXIMUM LOT COVERAGE OF BUILDINGS AND STRUCTURES SPECIFICALLY SECTION 308.3.6 REGARDING SWIMMING POOLS AND HOT TUBS; SECTION 604.3.3, VEHICULAR ACCESS STANDARDS AND SECTION 604.7, OFF-STREET PARKING REQUIREMENTS; OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON BEACH; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City Bradenton Beach is authorized by the Florida Constitution, Florida Statutes, and the City Charter to regulate the use of lands within its corporate boundaries; and

WHEREAS, the Planning and Zoning Board has held a hearing on this matter and has made a recommendation to the City Commission; and

WHEREAS, the City Commission has determined that amendments to the land development regulations are in the best interest of the public health, safety and welfare; and

WHEREAS, the City Commission of the City of Bradenton Beach hereby determines that this ordinance is consistent with and in accordance with the Comprehensive Plan of the City of Bradenton Beach.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of Bradenton Beach that the following Land Development Code regulations are hereby adopted.

SECTION ONE. Findings of Fact

The above "whereas" clauses are deemed findings of fact.

SECTION TWO. Amendment to Section 109, Definitions of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored and deleting all language as strike-through, so as to read in its entirety as follows:

Section 109. Definitions.

Terms not defined in this Chapter shall use defined terms used in Webster's Dictionary or in Black's Law Dictionary.

109.1. The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning

Impervious Surface - A surface that has been compacted or covered with a layer of material so that it is highly resistant to or prevents infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as paver bricks, shell or compacted clay, as well as conventionally surfaced streets, roofs, sidewalks, driveways, parking lots and other similar structures.

Open Space - Any developed or undeveloped lands or water (not including water below the mean high water line), which is open and unobstructed from the ground to the sky, ~~and not covered by any buildings, structures or impervious surfaces, and which may be suitable for stormwater management, active or passive recreation, conservation or preservation uses.~~

SECTION THREE. Amendment to Section 307.2.5, Density, Lot, Yard and Bulk Limitations of the R-1, One-family Dwelling District

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored so as to read in its entirety as follows:

307.2. R-1, One-family Dwelling District.

307.2.5. Density, Lot, Yard and Bulk Limitations:

Maximum Standard Density: 6 units/acre

Minimum Lot (Street) Frontage: 50 feet

Minimum Existing Lot Area: 5,000 square feet

Minimum New Lot Area: 7,500 square feet

Maximum Lot Coverage: 35%
Minimum Open Space: 40%
Maximum Lot Coverage Plus Impervious Surface Coverage: 40%
Maximum Habitable Stories: 2
Maximum Building Height: 29 feet above the Flood Protection Elevation
Building Plan Requirement: All rooms on the building plans shall be labeled
Minimum Ground Floor Elevation: not less than 12 inches and no more than 24 inches above crown of nearest adjacent roadway
Minimum Floor Area:
 One Family Dwelling: 1,000 square feet
Building Setbacks: See notes 1,2,3 and 4 below
Minimum Street Front Yard: 20 feet
Minimum Side Yard: 10 feet
Minimum Street Side Yard: 15 feet
Minimum Rear Yard: 10 feet
From Sound: 25 feet
From Gulf: 50 feet
From Canal: 15 feet

SECTION FOUR. Amendment to Section 307.2.6, Off-street parking of the R-1, One-family Dwelling District

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored and deleting all language as strike-through, so as to read in its entirety as follows:

307.2.6 Off-street parking: See Section 604 Traffic Circulation, Access and Off Street Parking. The minimum required number of spaces for various uses shall be as follows:

1. One-family residential dwellings:
Two parking spaces for the first 1,000 square feet of gross square footage of habitable floors, plus one-parking space for each additional, or portion of, ~~450-~~ 500 square feet of gross floor area.

SECTION FIVE. Amendment to Section 307.3.5, Density, Lot, Yard and Bulk Limitations of the R-2, Two-family Dwelling District

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored so as to read in its entirety as follows:

307.3. R-2, Two-family Dwelling District

307.3.5. Density, Lot, Yard and Bulk Limitations:

Maximum Standard Density/One-family: 9 units/acre
Maximum Standard Density/ Two-family attached (duplex): 18 units/acre
Minimum Lot (Street) Frontage: 50 feet
Minimum Existing Lot Area: 5,000 square feet
Minimum New Lot Area: 7,500 square feet
Maximum Lot Coverage: 35%
Minimum Open Space: 40%
Maximum Lot Coverage Plus Impervious Surface Coverage: 40%

Maximum Habitable Stories: 2

Maximum Building Height: 29 feet above Flood Protection Elevation

Building Plan Requirement: All rooms on the building plans shall be labeled

Minimum Ground Floor Elevation: not less than 12 inches and no more than 24 inches above crown of nearest adjacent roadway

Minimum Floor Area:

One Family Dwelling: 1,000 square feet

Duplex: 700 square feet each unit (1,400 square feet total)

Additional square feet for each bedroom over one: 125 square feet

Building Setbacks: See notes 1,2,3 and 4 below

Minimum Street Front Yard: 20 feet.

Minimum Side Yard: 10 feet

Minimum Street Side Yard: 15 feet

Minimum Rear Yard: 10 feet

From Sound: 25 feet

From Gulf: 50 feet

From Canal: 15 feet

SECTION SIX. Amendment to Section 307.3.6, Off-street parking of the R-2, Two-family Dwelling District

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored and deleting all language as strike-through, so as to read in its entirety as follows:

307.3.6 Off-street parking: See Section 604 Traffic Circulation, Access and Off Street Parking. The minimum required number of spaces for various uses shall be as follows:

1. One-family residential dwellings and two-family residential dwellings (for each dwelling): Two parking spaces for the first 1,000 square feet of gross square footage of habitable floors, plus one-parking space for each additional, or portion of, ~~450-~~ 500 square feet of gross floor area.

SECTION SEVEN . Amendment to Section 307.4.5, Density, Lot, Yard and Bulk Limitations of the R-3, Multi-family Dwelling District

307.4. R-3, Multiple-family Dwelling District.

307.4.5. Density, Lot, Yard and Bulk Limitations:

Maximum Standard Density: 18 units/acre

Maximum Hotel/Motel Units: 18 units/acre

Maximum One and Two Bedroom Units: 18 units/acre

Maximum Three Bedroom Units: 16 units/acre

Minimum Lot (Street) Frontage: 50 feet

Minimum Existing Lot Area: 5,000 square feet

Minimum New Lot Area: 7,500 square feet

Maximum Lot Coverage: 35%

Minimum Open Space: 30%

Maximum Lot Coverage Plus Impervious Surface Coverage: 40%

Maximum Habitable Stories: 2

Maximum Building Height: 29 feet above Flood Protection Elevation

Building Plan Requirement: All rooms on the building plans shall be labeled

Minimum Ground Floor Elevation: not less than 12 inches and no more than 24 inches above
Minimum Floor Area:

One Family Dwelling: 1,000 square feet

Duplex: 700 square feet each unit (1,400 square feet total)

Additional square feet for each bedroom over one: 125 square feet

Multi-family Unit: 700 square feet

Efficiency Unit: 400 square feet

Hotel/Motel Room: 300 square feet

Building Setbacks: See notes 1,2,3 and 4 below

Minimum Street Front Yard: 25 feet.

Minimum Side Yard: 10 feet

Minimum Street Side Yard: 15 feet

Minimum Rear Yard: 10 feet

From Sound: 25 feet

From Gulf: 50 feet

From Canal: 15 feet

SECTION EIGHT. Amendment to Section 307.4.5, Off-street parking of R-3, Multiple-family Dwelling District

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored and deleting all language as strike-through, so as to read in its entirety as follows:

307.4.5 6 Off-street parking: See Section 604 Traffic Circulation, Access and Off Street Parking. The minimum required number of spaces for various uses shall be as follows:

1. One-family residential dwellings and two-family residential dwellings (for each dwelling): Two parking spaces for the first 1,000 square feet of gross square footage of habitable floors, plus one-parking space for each additional, or portion of, 450 500 square feet of gross floor area

SECTION NINE. Amendment to Section 308.3, Maximum Lot Coverage by Buildings and Structures

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored and deleting all language as strike-through, so as to read in its entirety as follows:

308.3. Maximum Lot Coverage by ~~Buildings and Structures~~ Plus Impervious Surface Coverage.

308.3.1. The maximum standard lot coverage is included in each individual zoning district description.

308.3.2. Lot coverage by buildings and structures shall be that area of a building or structure contained within the perimeter of the exterior walls and posts, whether vertical or canted, and any attached or detached structure projecting vertically over three feet above

Maximum Building Height: 29 feet above Flood Protection Elevation
Building Plan Requirement: All rooms on the building plans shall be labeled
Minimum Ground Floor Elevation: not less than 12 inches and no more than 24 inches above
Minimum Floor Area:
 One Family Dwelling: 1,000 square feet
 Duplex: 700 square feet each unit (1,400 square feet total)
 Additional square feet for each bedroom over one: 125 square feet
 Multi-family Unit: 700 square feet
 Efficiency Unit: 400 square feet
 Hotel/Motel Room: 300 square feet
Building Setbacks: See notes 1,2,3 and 4 below
Minimum Street Front Yard: 25 feet.
Minimum Side Yard: 10 feet
Minimum Street Side Yard: 15 feet
Minimum Rear Yard: 10 feet
From Sound: 25 feet
From Gulf: 50 feet
From Canal: 15 feet

SECTION EIGHT. Amendment to Section 307.4.5, Off-street parking of R-3, Multiple-family Dwelling District

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored and deleting all language as strike-through, so as to read in its entirety as follows:

307.4.5 6 Off-street parking: See Section 604 Traffic Circulation, Access and Off Street Parking. The minimum required number of spaces for various uses shall be as follows:

1. One-family residential dwellings and two-family residential dwellings (for each dwelling): Two parking spaces for the first 1,000 square feet of gross square footage of habitable floors, plus one-parking space for each additional, or portion of, 450 500 square feet of gross floor area

SECTION NINE. Amendment to Section 308.3, Maximum Lot Coverage by Buildings and Structures

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored and deleting all language as strike-through, so as to read in its entirety as follows:

308.3. Maximum Lot Coverage by ~~Buildings and Structures~~ Plus Impervious Surface Coverage.

308.3.1. The maximum standard lot coverage is included in each individual zoning district description.

308.3.2. Lot coverage by buildings and structures shall be that area of a building or structure contained within the perimeter of the exterior walls and posts, whether vertical or canted, and any attached or detached structure projecting vertically over three feet above

ground level, except for lot perimeter fencing.

308.3.3. An open staircase, open deck or balcony, whether cantilevered or not, shall not be considered as lot coverage.

308.3.4. A roof overhang less than 36 inches in projected length shall not be considered lot coverage.

308.3.5. A tennis court shall be considered as land coverage.

308.3.6. Open swimming pools and hot tubs/spas (no walls, posts or roof, either screen or other), less than 18 inches above the crown of the road fronting the property involved, permitted after February 1st, 2018, shall not be considered as lot coverage. Swimming pools and hot tubs/spas permitted prior to February 1st, 2018 shall not be counted as lot coverage. Existing and new swimming pools and hot tubs/spas, as of February 1st, 2018, included within the perimeter of the residence building, enclosed and under a conventional roof shall not be counted as lot coverage.

308.3.7. Open swimming pools (no walls, posts or roof, either screen or other), more than 18 inches above the crown of the road fronting the property involved, shall be considered lot coverage.

SECTION TEN. Amendment to Section 604.3.3, Vehicular Access Standards

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored so as to read in its entirety as follows:

604.3.3. The number and location of driveway connections shall be as follows:

1. Corner parcels on Gulf Drive shall provide access by way of the intersecting collector or local street. Internal parcels located on Gulf Drive shall provide access so as not to back directly onto Gulf Drive.
2. Driveways for single family or duplex dwellings shall be at least ten feet in width. Driveways for multifamily or commercial uses shall be at least 12 feet in width. No driveway shall exceed 24 feet in width at the property line, nor be located closer than three feet to a property line unless an agreement for a shared driveway is provided. There shall be one driveway access point per street frontage with the exception of curved driveways.
3. Curved driveways beginning and ending at the right-of-way are allowed on all lots provided sufficient maneuvering space is provided. Curved driveways shall have a maximum of two driveway access points per street frontage. No driveway shall exceed 12 feet in width at the property line, nor located closer than three feet to a property line unless an agreement for a shared access driveway is provided.

SECTION ELEVEN. Amendment to Section 604.7., Off-street Parking Requirements

of the Code of Ordinances of the City of Bradenton Beach, is hereby amended by adding all language shown as underscored so as to read in its entirety as follows:

604.7. Off-Street Parking Requirements.

604.7.8 Tandem parking shall be in the same direction

604.7.9. When determination of the number of off-street parking spaces required by this section results in a fractional space, an additional space shall be required. The minimum required number of spaces for various uses shall be as follows:

3. One-family and two-family residential:

Two parking spaces for the first 1,000 square feet of gross square footage of habitable floors, plus one-parking space for each additional, or portion of, ~~450~~ 500 square feet of gross floor area.

SECTION TWELVE. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Bradenton Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date.

SECTION THIRTEEN. REPEAL OF ORDINANCES IN CONFLICT.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

SECTION FOURTEEN INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **City of Bradenton Beach** that the provisions of this ordinance shall become and be made a part of the **Bradenton Beach** Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION FIFTEEN SEVERABILITY.

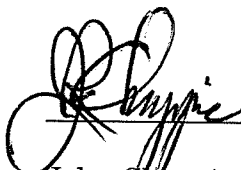
If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION SIXTEEN. EFFECTIVE DATE.

This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Bradenton Beach

PASSED and ADOPTED in regular session, with a quorum present and voting, by the City Commissioners of the City of Bradenton Beach, upon the second and final reading this first day of February, 2018.

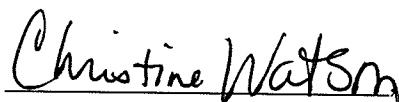
I hereby approve this Ordinance:



John Chappie, Mayor

John Chappie, Mayor
Marilyn Maro, Vice Mayor
Randy White, Commissioner
Jacob Spooner Commissioner
Ralph Cole, Commissioner

ATTEST:



Christine Watson 2018


Christine Watson, Deputy
Ferri Sanclemente, City Clerk

_____, 2018