



CITY OF BRADENTON

LAND USE REGULATIONS

ORDINANCE 2913

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CHAPTER 1.0 GENERAL PROVISIONS

1.1 TITLE.

This Ordinance is the compilation of the land development regulations for the City of Bradenton, Florida (City or City's) and shall be entitled, "*THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS*" and may be referred to as the "*Land Use Regulations*" or the "*LURs*."

1.2 AUTHORITY.

This Ordinance enacting the City's LURs adopted pursuant to the authority of *Article VIII, Section 2(b), Florida Constitution, the "Municipal Home Rule Powers Act", Florida Statutes (F.S.) Section 166.021, et al and the "Local Government Comprehensive Planning and Land Development Regulation Act", F.S., Section 163.3202.*

1.3 PURPOSE AND INTENT.

This Ordinance enacts the City's LURs to implement the City's Comprehensive Plan through the establishment of certain regulations, procedures, and standards for reviewing and approving all development orders, permits, and use of land within the incorporated area of the City. This Ordinance is enacted in order to protect and preserve the public health, safety, and general welfare and to assist in the orderly and controlled growth and development of the City. It is the further intent of this Ordinance that the City's LURs establish an efficient, effective and equitable regulatory and procedural code relating to the use of land and development within the City.

1.4 FINDINGS OF FACT.

The *Local Government Comprehensive Planning and Land Development Regulation Act, F.S., Section 163.3202*, requires the City to enact land development regulations which are consistent with, and implement the City's Comprehensive Plan.

- 1.4.1 These LURs contain specific and detailed provisions that are consistent with, and necessary and desirable to implement the adopted City Comprehensive Plan.
- 1.4.2 This Ordinance provides consistent and responsible oversight for the location, design, and construction of development within the City, and is necessary in order to protect the public health, safety, and welfare, and to maintain and enhance the City's existing quality of life.
- 1.4.3 The required public participation, public notice, and public hearings necessary pursuant to *F.S., Chapters 163 and 166* in order to enact these LURs have been held once with the Planning Commission, as the Local Planning Agency, and twice with the Bradenton City Council, each having reviewed these LURs and finding them consistent with the City's Comprehensive Plan at public hearings on January 20, 2010 January 27, 2010, and February 10, 2010, respectively. One of these public hearings was held after 5:00 P.M.

1.5 APPLICABILITY.

- 1.5.1 GENERAL APPLICABILITY. The provisions of these LURs shall apply to all development within the City. No development shall be undertaken without prior approval and the issuance of the appropriate development order or permit pursuant to the applicable provisions of these LURs, except as provided herein.

1.5.2 EXCEPTIONS.

- 1.5.2.1 The provisions of these LURs shall not affect a development order or permit which has been previously approved and has not expired at the time of the adoption of these LURs, and on which development activity has commenced, or will commence and proceed, in accordance with the time limits, conditions, or terms set forth as part of that original development approval. Such excepted development order or permit must meet only the requirements of those regulations in effect when the development order or permit was approved. However, if the development order or permit expires or is otherwise invalidated, any further development on the site involved shall occur only in conformance with the requirements of the applicable regulations in effect at that time.
- 1.5.2.2 The provisions of these LURs shall not affect development for which a Building Permit has been issued on or before the effective date of these LURs (February 10, 2010), provided that such Building Permit was lawfully issued and remains in full force and effect, and provided that such development activity as authorized, has been commenced or will commence within six months of February 10, 2010. This exception shall apply to that development activity as long as such activity continues without interruption and is completed. However, if the Building Permit expires, any further development on that site shall occur only in conformance with the applicable regulations in effect at the time of commencement of such activity.
- 1.5.2.3 The provisions of these LURs relating to concurrency management shall not be applicable to a development order or permit for any single-family residential unit if such single-family residential unit is the only development to be undertaken or constructed by the owner of, and upon a legal lot of record.

1.5.3 ACRONYMS. The following acronyms are used throughout these LURs for purposes of efficiency:

ADA	Application for Development Approval
AOD	Antique Overlay District
ARB	Architectural Review Board
CHHA	Coastal High Hazard Area
CIR	Community Impact Report
dbh	diameter at breast height
DRI	Development of Regional Impact
FAC	Florida Administrative Code
F.S.	Florida Statutes
LURs	Land Use Regulations
PCD	Department of Planning and Community Development
PDP	Planned Development Project
PRP	Planned Redevelopment Project
SEAR	Staff Evaluation and Analysis Report
SF or sf	square feet/foot

SFHA	Special Flood Hazard Area
TBRPC	Tampa Bay Regional Planning Council
TIP	Transportation Improvement Program
TLPB	Tree and Land Preservation Board
VAOD	Village of the Arts Overlay District

1.6 ABROGATION.

These LURs are not intended to abrogate, repeal, or interfere with any existing easements, covenants, or deed restrictions duly recorded in the Public Records of Manatee County applying to, or lying within, the City. Furthermore, these LURs are not intended to repeal any lawful approval given prior to the effective date of these LURs by official City action as it relates to any Planned Development Project, Special Use, Variance, or Subdivision.

1.7 ENFORCEMENT.

Any person, corporation, partnership or other legal entity under Florida Law, whether owner, lessee, principal, agent, employee, or otherwise who violates or permits any violation of any provision of these LURs, fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, approval for land use and development, Variance, Special Use, Planned Development Project, or other such final authorization or approval hereunder; or who erects, constructs or reconstructs any building or structure, or uses any land in violation of these LURs, shall be in violation of these LURs and upon conviction, shall be subject to punishment as provided for by law. Each and every person who commits, participates in, assists in, or maintains any such violation may individually be found guilty of a separate offense and for each day after the first 15 days that a violation continues to exist; such date shall constitute an additional and separate offense. Nothing contained herein shall prohibit, exclude, or prevent the City from utilizing or undertaking any other enforcement mechanism or procedure that may be available to municipalities, for the enforcement of ordinances as provided for by law, including the filing of civil litigation and the obtaining of injunctive relief.

CHAPTER 2.0 ADMINISTRATION AND PROCEDURES

2.1 BOARDS AND OFFICIALS.

The governing body of Bradenton, Florida (City Council) hereby establishes and authorizes the following entities to administer this ordinance. These entities shall be composed, administered, and empowered as described herein.

2.1.1 CITY COUNCIL. The City Council shall make final decisions on Land Use Atlas Amendments, Special Use Permits, Annexations, Vacations of public right-of-way or easements, Alcoholic Beverage Sales, Subdivision Plats, and Planned Development Projects. The City Council shall also rule on appeals as required elsewhere in these LURs and on petitions from the Architectural Review Board to delay demolition.

2.1.2 PLANNING COMMISSION. The Bradenton Planning Commission is hereby re-designated as the local planning agency as required by F.S. 163.3174. The Planning Commission shall have the general responsibility for the conduct of the comprehensive planning program, and perform any other function applicable to local land use decisions, as permitted by that statute, further described as follows:

2.1.2.1 Composition and Terms of Planning Commission Members.

- a. The Planning Commission shall consist of seven members and four alternates appointed by the Mayor and confirmed by the City Council to four-year terms, staggered so that no more than two regular members are appointed or reappointed in the same year, except in the case of resignation. The alternates shall serve only if a regular member is absent or disqualified from voting on a particular case.
- b. All vacancies shall be filled within 30 days. Any member may be removed by the Mayor with the approval of City Council for inefficiency, neglect of duty, malfeasance, conflict of interest or similar cause, after written notice and a public hearing.
- c. Citizens being considered to serve on the Planning Commission should live, work, or have an interest in the City of Bradenton.

2.1.2.2 Bylaws and Procedures. The Planning Commission shall adopt bylaws and procedures regarding the election and terms of officers, establishment of a regular schedule of meetings, and the calling and conducting of meetings. The bylaws and procedures shall be incorporated into the Procedures Manual maintained by the PCD Director. The City Council may make appropriations for salaries, fees and expenses necessary for the conduct of the work of the Planning Commission.

2.1.2.3 Functions, Powers and Duties.

- a. Acquire and maintain such information, through conducting special studies as necessary, to understand land use development in the City and to predict future growth and land use needs.
- b. Prepare, recommend, review, and maintain as required by *F.S. Ch.163*, a Comprehensive Plan containing policies for guiding decisions regarding development.
- c. Serve as advisor, and make recommendations to the City Council by reviewing applications for, Special Use Permits, Land Use Atlas Amendments, Vacations of

public rights-of-way and public easements, Alcoholic Beverage Sales, Subdivision Plats, Planned Development Projects, and other applicable land use matters.

- d. The Planning Commission shall also make decisions on Variances, and applications for appeals regarding decisions made by the PCD Director, and interpretations of the provisions of these LURs.
- e. Perform any other duties which are lawfully assigned to it by the City Council.

2.1.3 TREE and LAND PRESERVATION BOARD. The City recognizes that a green and well-landscaped environment is important and healthy to its citizens and business community, and prospective residents and visitors. The purpose of the Tree and Land Preservation Board (TLPB) is to promote awareness of the City-wide tree canopy and tree education programs, and open space and parklands preservation initiatives. The TLPB may also, when determined by the PCD, advise owners of buildings, land, and other properties that may impact the City's tree canopy and open spaces, and other lands concerning the treatment of the natural, visual characteristics and value of such properties. The TLPB works closely with City departments, various civic and private groups, individuals, and outside agencies and organizations.

2.1.3.1 Composition and Terms of TLPB Members. The TLPB shall consist of 11 members appointed by the Mayor and confirmed by City Council for terms of three years. The professional members do not have to be residents of the City. The PCD Director serves as an ex-officio member for discussion and advisory purposes, but has no voting authority. Any member may be recommended for removal by the Mayor and a majority vote by City Council. Five members being present shall constitute a quorum. Members shall be appointed as follows:

- Two Florida-registered Landscape Architects;
- One Florida-certified Arborist;
- One County Agricultural Extension Office Representative;
- One Land Use Planner;
- Two Landscape Nursery professionals;
- One Keep Manatee Beautiful member;
- Three City residents interested in the TLPB's purpose; and
- One alternate.

2.1.3.2 Bylaws and Procedures. The TLPB shall adopt bylaws and procedures regarding the election and terms of officers, establishment, calling, conducting and recording of a regular schedule of public meetings. The bylaws and procedures shall be incorporated into the Procedures Manual maintained by the PCD Director. The City Council may make appropriations for salaries, fees and expenses necessary for conducting the work of the TLPB. The PCD Director, at his/her discretion, may authorize expenditures by the TLPB, of less than \$10,000.00 when a detailed analysis has been prepared by the TLPB, and funds are available in the City's Tree Program Fund.

2.1.3.3 Functions, Powers, and Duties. The TLPB is authorized and empowered to undertake such actions as necessary to achieve its purpose, including the following:

- a. Consider and make recommendations on items submitted to them by the PCD Director, to the City Council pertaining to the aesthetic programs and standards of the

City including, but not limited to the City's Tree Program (*Section 4.1.2*), and parks and open space initiatives. The TLPB may, as determined by the PCD Director, act on its own behalf in implementing related goals and objectives, as well as, consider and make recommendations regarding other matters as submitted by the City Council and other City entities that make such requests.

- b. Delay removal of a grand or notable tree or trees, or other remarkable tree as recommended by the PCD Director, for a period of up to 180 days for the purpose of negotiations between the TLPB and property owner(s) in an effort to find a means of preserving the tree(s).
- c. Establish and implement programs of education, information or research toward advancing its purpose.
- d. Prepare an annual Beautification Strategy focusing on preservation and enhancement of the City's tree canopy, parks and open space, and other related programs. The Beautification Strategy shall be submitted as a recommendation to City Council for its approval. At a minimum, the Beautification Strategy shall comply with the minimum standards associated with Tree City, USA membership, and other similar programs.
- e. The TLPB shall review, as needed, the City's LURs for revisions which advance and strengthen its purpose. Such revisions shall require Staff review and be made as recommendations to the Planning Commission and City Council for approval.
- f. Organize and conduct in January of each year, an Arbor Day celebration to educate the public on the importance of trees in our community and maintaining and enhancing the City's tree canopy.
- g. Coordinate the City's Memorial and Notable Tree Programs by processing new applications, maintaining accurate records, and providing guidance with tree location, planting, and care processes.
- h. In coordination with the City's Grants & Assistance Division and approval by the City Council, search and prepare proposals for financial and technical assistance grants and prepare proposals to obtain funds to finance initiatives to advance its purpose. When awarded such grants, it shall be the responsibility of the TLPB to oversee their implementation through coordination with the PCD Director.
- i. Establish, with City Council approval, an entity to accept and maintain donated or purchased lands which achieve its purpose.

2.1.4 ARCHITECTURAL REVIEW BOARD. There is hereby established an Architectural Review Board (ARB) for the purpose of protecting and furthering the public interest and welfare of the City relating to historic and architectural preservation and enhancement, design compatibility and placemaking, and the aesthetic and physical improvement of the public realm for greater community benefit.

2.1.4.1 Composition of ARB Members.

- a. The ARB consists of six voting members who are appointed by the Mayor with approval by majority vote by City Council
- b. Whenever possible, five of the members of the ARB shall be chosen such that the following professions are represented:
 - Architecture;

- Building/Construction Trades;
- Urban Planning;
- Landscape Architecture; and
- Historic Preservation.

One active member of the Planning Commission representing one of the above stated professions shall be appointed to the Architectural Review Board as a liaison.

2.1.4.2. Appointments and Terms of ARB Members.

- a. Appointments are for three year terms.
- b. Terms are staggered such that each year 2 or 3 members are appointed.
- c. There is no limit to the number of consecutive terms.
- d. Members serve until their successors are appointed.
- e. Appointments to fill any vacancy are for the remainder of the unexpired term of office.
- f. Membership is at the will of the City Council. The Mayor may recommend removal of any member at any time for any reason. No member has a legally recognizable interest in the continuation of an appointment.
- g. At the first meeting of each calendar year, the ARB shall, by majority vote of its membership, elect one of its members to serve as Chair and one member to serve as Vice Chair.

2.1.4.3 Meetings, Procedures, Quorum and Voting.

- a. Meeting Schedule. The ARB shall establish a regular monthly meeting schedule.
- b. Meetings Open to the Public. All ARB meetings are open to the public, and the agenda shall be available to the public one week before the meeting by posting on the bulletin board at City Hall, and posting on the City of Bradenton's website.
- c. Rules of procedure:
 - The Chair or in the Chair's absence, the Vice Chair shall preside over the meetings of the ARB.
 - The ARB shall operate under Robert's Rules of Order.
 - The proceedings are quasi-judicial in nature.
- d. Quorum. A quorum is necessary for the ARB to act upon any matter before it. Three members present shall constitute a quorum.
- e. Decision by the Majority Vote. All actions of the ARB are by majority vote of a quorum. A roll call vote shall be taken upon the request of any member.
- f. Minutes. The Deputy City Clerk shall keep minutes of all ARB proceedings, and shall make the minutes part of the public record.
- g. Intervention
 - i. A property owner or group of property owners may intervene as a full party to a hearing upon demonstration to the ARB that their property will be affected in a

manner or to a degree that is materially different from the effect on the general population of the City.

- ii. Property owners who seek to intervene as full parties shall notify the PCD Director in writing at least three (3) days prior to the hearing. The notice shall provide the following information:
 - a) The address of the property owned by the property owner or owners; and
 - b) A brief statement regarding why the property owner or owners believe the subject of the hearing will affect them in a manner or degree that is materially different from the effect on the general population of the City.
- iii. The PCD Director shall evaluate the request and provide a written recommendation to the ARB with regard to whether the intervenor status should be granted.
- iv. No person shall be heard as a party intervenor in an appeal to the City Council unless the person was granted intervenor status at the proceedings from which the appeal was taken.

2.1.4.5 Conflict of Interest. No member of the ARB shall vote on any matter that may directly or indirectly affect the prosperity, income, or business of that member. Any member who abstains from voting under this subsection shall not be counted as part of the total membership for voting purposes on that vote.

2.1.4.6 Authority and Duties of the ARB. The ARB has the following authority and duties:

- a. Continue the survey and inventory of historically and/or culturally significant sites, structures, and landmarks and plan for their preservation.
- b. Recommend to City Council the designation of historic and thematic districts and individual landmarks and landmark sites according to the criteria set forth in *Section 2.2.13.1*.
- c. Advise and assist property owners and other persons and groups including neighborhood organizations who are interested in historic preservation.
- d. Coordinate with and provide advisory assistance to the City's Grants Coordinator to identify and pursue historic preservation funds from outside sources.
- e. Establish, with City Council approval, an entity to accept and maintain donated or purchased lands that have historical significance.
- f. Review and decide Certificate of Appropriateness applications (see *Section 2.2.13*).
- g. Hear and decide appeals on administrative determinations made by the Director of the PCD.
- h. Prepare, or cause to be prepared, context sensitive community design and urban infill redevelopment guidelines for character or thematic districts consistent with the City's Comprehensive Plan.
- i. Provide technical review assistance, advisory opinion, and compliance review as required on architectural and urban design character and compatibility issues and related matters for Planned Development Project applications that involve any one of the following:

- i. Buildings located outside the Urban Core, or Urban Central Business District, as depicted on the City of Bradenton Future Land Use Map, exceeding 45 feet in height that cannot meet the additional setback required to compensate for the additional height.
- ii. Infill redevelopment in an existing single-family district involving five or more acres where an increase in density/intensity is being proposed, or when the proposed structures will be single family attached, townhouses, multi-family, or mixed-use structures.
- iii. Vacation or encroachment of public lands or rights-of-way; or,
- iv. Public funds or contributions.

2.1.5 DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT. When used in these LURs, the PCD Director, shall mean the Director of the Department of Planning and Community Development, or designee. The PCD Director shall be charged and provided with the authority to administer and enforce these LURs, as indicated below. The Director of Public Works and the City Clerk are also empowered to administer certain subsections of these LURs.

2.1.5.1 Act upon applications for Zoning Permits, Certificates of Use and Appropriateness, Land Alteration Permits, and Planned Redevelopment Projects in accordance with the provisions of these LURs. Make recommendations and presentations on land use and other matters to the Planning Commission, Tree and Land Preservation Board, Architectural Review Board, and City Council through a Staff Evaluation and Analysis Report (SEAR) and other means of professional analysis. pursuant to these LURs, and keep public records of their actions.

2.1.5.2 Make interpretations and decisions as required elsewhere in these LURs.

2.1.5.3 Establish regular public meetings of the Planning Commission, Tree and Land Preservation Board, Code Enforcement Board, and Architectural Review Board, and keep public records of their actions.

2.1.5.4 Establish and maintain a Procedures Manual for administering these LURs. The PCD Director may, without public hearing, affect administrative, non-substantive text changes to these LURs; such changes must include corrections, scrivener's errors, formatting, updates, text clarification, and abbreviations.

2.2 REQUIREMENTS FOR PERMITS AND APPROVALS.

The following permits and approvals are required for development of any land within the City. Permits may be applied for at the office of the PCD Director on forms supplied by that office. Deadlines and information required with applications shall be set forth in a procedures manual maintained by the PCD Director. The PCD Director may request additional information, including a survey, if such information is necessary for the processing of the application. Incomplete applications shall not be scheduled for review until all required information is submitted in a timely manner by the applicant. Site plans and drawings required as part of this Section must be folded to an 8 ½" X 11" format, or a folding charge of \$1.00 per sheet will be applied. *Schedule 2.3* summarizes approvals that are required for various types of applications. Filing fees are set forth in *Appendix A*.

2.2.1 ZONING PERMIT. A Zoning Permit must be issued by the PCD Director before the construction or alteration of any structure, including temporary structures and accessory structures, such as signs, fences and parking areas, except for recurring maintenance,

regardless of cost (See *Subsection 4.1.1*). A Zoning Permit application will not be processed until all other approvals and reviews have been completed as required under the provisions of these LURs. The placement of newsracks/modular newsracks shall not require a Zoning Permit but those placed in public right-of-way shall comply with *Subsection 4.3.7*. If land alteration is proposed pursuant to CHAPTER 4.0, the Zoning Permit will cover such alterations provided all information required by *Section 2.2*, as applicable is included in the Zoning Permit application.

Docks and piers not meeting the criteria in *Subsection 5.1.2.14* shall require Special Use approval prior to the processing of a Zoning Permit. Owners of waterfront property without riparian rights may apply for a Special Use Permit for a dock on public waterfront provided there is no private property intervening between the proposed dock location and the applicant's property.

2.2.1.1 Required Information. The application form must be accompanied by a scaled drawing showing the property lines, adjacent streets, address or legal description, and existing and proposed structures, including the outside dimensions of the structures and their distances from the property lines. The application must state the proposed use of the structure. Also required is the filing fee per *Appendix A*. Additional information may be required, including the following:

- a. If the application involves land alteration such as clearing of vegetation, excavation or filling, or the installation of water, sewer or stormwater facilities, the information required for a Site Improvement Permit under *Subsection 2.2.3*, shall be included in the Zoning Permit application.
- b. If the application involves the erection or expansion of a structure or otherwise has an impact on roadways, sewer and water, public drainage, schools, or recreation facilities, projections of such impacts must be submitted with the application (See *Subsection 4.1.1.5*).
- c. If the application involves land in a Special Flood Hazard Area (See *Subsection 3.4.3*) as indicated on the Flood Insurance Rate Map, the elevation in relation to mean sea level of the lowest floor or bottom of the lowest supporting structure as determined by the Building Official, of all structures proposed is required, as well as other information sufficient for adequate review of the application per *Subsection 3.4.3*.
- d. If the application involves a historic structure or property in a Historic District (See *subsections 2.2.13 and 3.4.2*), detailed information on alteration to existing buildings and construction of new buildings will be required for review per the requirements of *Subsection 3.4.2*.
- e. If permits from other governmental agencies are required, information regarding those may be required with the application.
- f. A Traffic Study, CIR, or other detailed report on environmental resources, compatibility, or other analyses may be required at the discretion of the PCD Director.

2.2.1.2 Issuance of Permit. The PCD Director shall issue a Zoning Permit if the proposed construction:

- a. Meets the requirements of all applicable Sections of these LURs, and
- b. Has been approved by other governmental agencies or other City departments as determined necessary by the PCD Director, and

- c. Is consistent with the approved final Planned Development Project site plan if the application involves a planned development project (See *Subsection 3.4.1*).

2.2.1.3 Denial of Permit. Reasons for denial of a Zoning Permit application must be stated by the PCD Director with specific reference to the applicable provisions of these LURs.

2.2.2 CERTIFICATE OF USE.

2.2.2.1 A Certificate of Use must be issued by the PCD Director before a newly erected or altered structure, including parking areas, is occupied or used. The PCD Director shall issue a certificate of use when work is substantially complete and in accordance with the approved plans and with the provisions of these LURs.

2.2.2.2 A Certificate of Use is required prior to the occupancy or use of a structure when the type of use is changed or the structure has been vacant for a period of one year or longer, even though no structure was erected or altered. A change from one use category to another as listed on *Schedule 3.2.1.1 or Schedule 3.2.1.2* shall constitute a change of use. A site plan showing parking or other features may be required by the PCD Director if necessary to determine compliance with such ordinances. If the change of use will have a substantial impact upon roadways, sewer and water facilities, drainage or recreation facilities, the PCD Director may request projections of these impacts with the application and shall make a finding regarding concurrency per *Subsection 4.1.1.5*.

2.2.3 SITE IMPROVEMENT PERMIT. A Site Improvement Permit shall be obtained prior to undertaking any of the activities listed below. Application shall be made on forms or electronic media provided by the PCD Director and shall be accompanied by the fee as per *Appendix A*. The PCD Director and the Director of Public Works, as applicable, shall review and act upon Site Improvement Permit applications in accordance with *Section 4.1*. Site Improvement Permits for the construction of public improvements required by City Council on a subdivision or Planned Development Project may be issued prior to the approval of the final plat or site plan, provided construction plans have been approved pursuant to *Subsection 2.2.10.2.c*.

2.2.3.1 Tree Protection

- a. Applicability. A protected tree is defined for the purposes of these LURs as a woody, self-supporting plant, having a mainstem or a cluster of mainstems and having a diameter at breast height (4½ feet above ground) of four inches; a tree is further defined as a plant which at maturity grows to at least 15 feet high in the Manatee County area. Also specifically included are the following regardless of size:

- Rhizophora mangle (Red mangrove)
- Laguncularia racemosa (White mangrove)
- Avicennia germinans (Black mangrove)
- Conocarpus erecta (Buttonwood)
- Group of four or more trees which may have trunk diameters of less than four inches but which constitute a compact unit or grove covering 50 square feet or more in area.

The trees listed below are exempt from Tree Removal Permit requirements unless they are part of an approved landscape/PDP Plan, and are either prohibited from planting or not creditable toward tree replacement or landscaping requirements:

Invasive Species Prohibited Trees (F.S.)

- *Casuarina equisetifolia* (Australian pine)
- *Casuarina glauca* (Brazilian beefwood)
- *Melaleuca quinquenervia* (Australian paperbark)
- *Mimosa pigra* (Catclaw mimosa)
- *Schinus terebinthifolius* (Brazilian pepper)
- *Albizia julibrissin* (Mimosa)
- *Albizia lebbbeck* (Woman's tongue)
- *Broussonetia-papyrifera* (Paper mulberry)
- *Cinnamomum camphora* (Camphor)
- *Cupaniopsis-anacardioides* (Carrotwood)
- *Dalbergia sissoo* (Indian Rosewood)
- *Enterolobium cyclocarpum* (Elephant's ear)
- *Ficus* (all)
- *Leucaena leucocephala* (Lead tree)
- *Melia azedarach* (Chinaberry)
- *Sapium sebiferum* (Chinese Tallow)
- *Scefflera actinophylla* (Schefflera)

Other trees

- Fruit trees, including but not limited to Citrus (all) Mango, Avocado
 - Palms, except Sabal Palms, or groupings of four or more Silver, Paurotis, Key Thatch, and Florida Thatch palms; in some cases, the PCD Director may give credit on a case by case basis.
 - Trees destroyed or harmed by hurricane or tornado, however, the PCD Director must be notified at least two days in advance of the removal so that an inspection can be made. If the PCD Director determines that the tree is not severely harmed, the tree shall not be removed except through the approval of a permit application. If the PCD Director does not respond within two working days of the request, the request shall be considered approved.
- b. Trees that threaten public safety may be removed without a permit if the threat is imminent. A Tree Removal Permit is required after the fact.
 - c. Dead trees are not exempt from permit requirements and must be inspected prior to removal and replaced in accordance with these Land Use Regulations.
 - d. Tree trimming which threatens the life of the tree or deforms the natural canopy is prohibited. No more than one-third (1/3) of a tree's crown or foliage area shall be removed during the life of the tree. Intrusive attachments or impacts to protected trees such as nails, screws, or drilling is prohibited except for trees located in rear yards of single-family residences.

- e. Information Required. The application shall indicate the type and diameter at breast height (dbh) of the tree or trees proposed for removal, if known, and the reason for removal. Trees to be removed for land development shall be shown on the site plan submitted with the Zoning Permit application, and the tree removal application shall be part of the Zoning Permit application. A tree survey showing the location, type and size of all trees as defined in *Subsection 2.2.3.1.a)* above, may be required by the PCD Director.
- f. Issuance of Permit. A Tree Removal Permit shall be issued or denied on the basis of *Subsection 4.1.2.2*, and other applicable provisions of these LURs.

2.2.3.2 Tree Removal Permit. See *Subsection 2.2.3.1*. Tree removal or relocation permit applications shall be governed by the following criteria:

- a. The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services. For each condition, the PCD Director may require the applicant to provide supporting documentation for review from the County Extension Office, City Building & Inspections Division, and Public Utility.
- b. The necessity to remove trees in order to construct proposed or approved improvements to allow economic enjoyment of the property, when alternative designs to avoid removal of protected trees cannot be utilized.
- c. Topography of the land and the effect of tree removal on erosion, soil retention and diversion or increased flow of surface waters. The PCD Director may require coordination with the Director of Public Works regarding drainage plans and recommendations on drainage patterns.
- d. The number of trees existing in the neighborhood on improved property. Review shall be guided by the standards established in the neighboring areas and the effect of tree removal upon property values in the area.
- e. In all cases, relocation or replacement shall be in accordance with *Schedule 2.2.3.2* for species size and number of replacements required for each tree removal, unless otherwise approved or required by the City. In no case shall the approved replacement be less than one for one with the replacement trees being those which have a two-inch trunk diameter 4½ feet above the ground and a minimum canopy spread of six feet.
- f. An applicant may have the option to pay cash in lieu of tree preservation, when tree preservation is not possible, or the greater benefit to the City would occur otherwise. This program allows the applicant to have replacement trees planted at locations targeted by the PCD Director, for future tree population renourishment. The PCD Director may specify the size and species of the replacement plants not to exceed the minimum size requirements as stated in *Subsection 2.2.3.2.e*. A charge of \$200.00 per required tree will be assessed to the applicant.
- g. Any tree removed without a Tree Removal Permit shall subject the violator to a fine and replacement according to *Schedule 2.2.3.2* below. All collected fines shall be deposited into the City's Tree Program Fund.

SCHEDULE 2.2.3.2. TREE REPLACEMENT REQUIREMENTS				
PROTECTED SPECIES TO BE REMOVED	DIAMETER	ACCEPTABLE REPLACEMENT SPECIES	REPLACEMENT RATIO REPLACE/REMOVED	REPLACEMENT TREE (MIN. DIAM.)
Live/Laurel Oak	4"-7.99"	Live Oak	2:1	2"
Significant Live/Laurel Oak	8"-30"	Live Oak	4:1	2"
Grand Tree	30.01" and larger	Live/Laurel Oak or similar Native	10:1	2"
Significant Stands Live/Laurel Oaks	See definition	Live Oak or similar Native Species	Per PCD Director approval	
All other significant trees	8"-30"	Native Species	2:1	2"
All other non-significant trees	4"-8"	Native Species	1:1	2"
SINGLE-FAMILY LOTS - Where it can be determined by the PCD Director that planting of replacement trees would hinder the growth of remaining trees or where three or more significant trees are to remain on the property following the removal of the applicant tree, the replacement requirement may be waived or reduced.				
REMOVING PROTECTED TREES WITHOUT A TREE REMOVAL PERMIT MAY RESULT IN FINES OF UP TO \$5,000.00				
SIGNIFICANT STAND OF OAK TREES - Any stand of Live Oak trees whose trunk diameters may be less than four inches encompassing a compact stand or grove covering 50 or more square feet.				

- h. Construction barricades. All trees subject to a Tree Removal Permit (See *Section 2.2.3.1.a*) shall be protected by an approved barrier placed so as to prevent damage to the tree from construction related activities and excavation. The following activities are specifically prohibited within the barricaded area: Vehicular and pedestrian traffic; storage of construction materials; placement of excavated materials; and any activities that may disturb the root system within the barricaded area.
- i. Barricade construction. The barricade shall be a wooden or chain link fence placed at the dripline of the tree unless a smaller area is determined acceptable by the PCD Director.
 - ii. Barricade placement. Barricades shall be placed prior to any land alteration and shall be removed only after the Certificate of Use for the project is issued or administrative approval is granted.

2.2.3.3 Site Improvements. Construction plans showing all proposed land alterations shall be submitted to the PCD Director with the Site Improvement Permit application. The PCD Director may require certification by a registered professional engineer that site improvements have been made in accordance with permits issued pursuant to this Section. The following activities shall require a Site Improvement Permit.

- a. Massive Clearing of Vegetation, including clearing and grubbing of land in preparation for development, but not including mowing and cutting of brush for maintenance (See *Subsection 4.1.2*).
- b. Excavating or Filling, defined as the removal or placement of more than 100 cubic yards of earth or the alteration of the elevation of more than 1,250 square feet of land area more than two feet. The application shall be accompanied by a site plan, drawn to scale, showing the location and area to be affected and by drawings showing cross-section of areas proposed for filling or excavation. Additional information, such as elevation and drainage data and tree survey, may be required by the PCD Director if necessary to adequately predict the consequences of the proposal (See *Subsection 4.1.2*).
- c. Construction of Street, Driveway, Access Road, or Parking Area. The application shall be accompanied by a site plan, drawn to scale, showing compliance with *Subsection 4.1.2* as applicable and showing the following details: all pertinent dimensions, including width and length of parking spaces and aisles, location of any structures existing or currently proposed on the site, property lines, adjacent street names, landscaping materials including their types and sizes, and drainage information as required (See *Subsection 4.1.5*, for additional drainage requirements). Parking areas shall require review and approval by the Director of Public Works for drainage and traffic flow and those over 4,000 square feet in size shall require a drainage plan for review and approval of the Director of Public Works and the Southwest Florida Water Management District. Any land clearing, tree removal, excavation or other land alteration shall also be indicated on the application and shall conform to the appropriate sections of these LURs, including *Subsections 4.1.2, and 4.1.5*.
- d. Utilities, including water and sewer lines, lift stations, and drainage facilities (See *Subsections 4.1.2 and 4.1.5*, as applicable.)

2.2.4 SPECIAL USE PERMIT.

2.2.4.1 Types of Special Uses.

- a. New permit. A Special Use Permit is required for certain land uses as pursuant to Residential Schedule 3.2.1.1, or Nonresidential Schedule 3.2.1.2.
- b. Expansion. A Special Use Expansion Permit is required pursuant to the following thresholds:
 - i. The expansion is equal to 20% or more of the approved use, structure or land area; or
 - ii. The expansion exceeds the limits or conditions as set forth in the original Special Use Permit approval; or
 - iii. The expansion is the addition of an accessory use.

2.2.4.2 Application. Applications shall be made on forms or electronic media in a PDF format provided by the Department of Planning and Community Development, accompanied by all other information sufficient for review per the requirements of *Section 3.3*, including 40 submission packets containing at a minimum, site plan(s) drawn to scale showing existing and proposed structures, parking, on-site traffic flow, signage, existing landscaping and proposed landscaped buffers, a Community Impact Report, and – other information as required by the PCD Director, and including the fees as set forth in *Appendix A*. Any application for construction, a Zoning Permit, or Certificate of Use

shall be pending until action on the Special Use Permit application is complete. A Traffic Study may be required at the discretion of the PCD Director.

2.2.4.3 Public notice. Provided pursuant to *Subsection 2.3.1*.

2.2.4.4 Review of Application. The Special Use Permit application packet shall be reviewed by the PCD Staff and Planning Commission using the criteria in *Section 3.3*. The Planning Commission shall hold a public hearing on the application and shall recommend to the City Council pursuant to *Schedule 2.3* to approve, approve with stipulations, or to deny the application with specific reference to the criteria in *Section 3.3*. Latent changes to an application made by the applicant whereby insufficient review time has been allowed for Staff, Board, or City Council, as determined by the PCD Director, may require a delay in the processing of the application, and shall result in additional review and public notice costs at the applicant's expense.

2.2.4.5 Final Decision. After receiving the Planning Commission's recommendation, the City Council shall approve, approve with stipulations, or deny the application with specific reference to the criteria in *Section 3.3*.

2.2.4.6 Compliance. The application and accompanying material, as well as any stipulations made as conditions of approval shall be enforced by the PCD Director and shall be conditions of Zoning Permit approval and issuance of a Certificate of Use.

2.2.4.7 Final Plan. A final plan may be required as a stipulation of approval, or by the PCD Director for the purpose of reflecting for the record the changes made to the plan during the approval process.

2.2.4.8 A special use will expire in one year if not initiated or if abandoned.

2.2.5 LAND USE ATLAS AMENDMENT. The City may amend the Land Use Atlas by the enactment of an ordinance.

2.2.5.1 Eligibility. An amendment to the Land Use Atlas may be requested by a property owner or owners, the PCD Director, Planning Commission, or the City Council. For each lot of record included in the request, at least 51% of all property owners must sign the application for a Land Use Atlas Amendment. In addition, when more than one lot of record is included in the same application, at least 51% of the total area, based upon the 51% ownership rule above, must be part of the petition for requesting the Land Use Atlas Amendment. Whenever a Land Use Atlas Amendment application has been denied by action of the City Council, no reapplication which is substantially similar to or equivalent to that application previously denied for the same property shall be filed with the City, unless a period of six months has elapsed from the date of the denial of that application and the subsequent refiling.

2.2.5.2 Application. Application, on forms or electronic media in a PDF format, shall be made to the PCD Director and shall be accompanied by the following material and information:

- a. Completed application form;
- b. Application fee (See *Appendix A*);
- c. Legal description(s) of the subject property, including street addresses;
- d. Conceptual plans of proposed development, if applicable;
- e. Zoning Disclosure Affidavit.
- f. Other information as required by the PCD Director.

2.2.5.3 Public notice shall be given as per *Section 2.3*.

2.2.5.4 Review and Approval.

- a. Planning Commission Recommendation. The Planning Commission shall review the proposed Land Use Atlas Amendment using the criteria in Subsection 3.1.5, shall hold a public hearing after due public notice per Section 2.3, and shall make a written recommendation to the City Council. The recommendation shall be approval of the requested Land Use Atlas Amendment, approval of an amendment to a Land Use Atlas designation deemed more appropriate than the one applied for, or denial. The recommendation may also include a reduction in the boundaries of the proposed Land Use Atlas Amendment area.
- b. City Council Action. The City Council shall hold a public hearing on the proposed ordinance for a Land Use Atlas Amendment, and the Planning Commission recommendation shall be read into the record. The City Council action shall be to approve the amendment to the Land Use Atlas as proposed by the applicant, approve an amendment to another Land Use Atlas designation deemed more appropriate than the one applied for, or denial.

2.2.5.5 Amendment of Land Use Atlas. When authorized, the PCD Director shall amend the Land Use Atlas to reflect any amendment approved by action of City Council.

2.2.6 ANNEXATION PETITION. Annexation is the incorporation of land into an existing community with a resulting change in the boundary of that community.

2.2.6.1 Eligibility.

- a. Initiation by Municipality. Property may be annexed by the municipality through the procedure in *F.S. 171.043*, or other applicable state law. Contraction of City boundaries or de-annexation may be initiated by the municipality through the procedure in *F.S. 171.051*.
- b. Voluntary Annexation. The owner or owners of real property in an unincorporated area of a county may petition the City Council for the property to be annexed into the City through procedures set forth in *F.S. 171.044*.

2.2.6.2 Application shall be made on forms or electronic media in a PDF format supplied by the PCD Director and accompanied by a legal description of the applicant property, a petition to the City Council signed by all of the property owners in the area proposed for annexation, a conceptual plan of any development proposed on the property and other information as may be required by the PCD Director. Fee shall be as per *Appendix A*.

2.2.6.3 Public Notice shall be given as outlined in *Section 2.3*.

2.2.6.4 Review and Action.

- a. City Council. The City Council shall hold a public hearing on the proposed annexation and if the Council decides to annex, the annexation shall be approved by the adoption of an ordinance meeting the requirements of *F.S. 171.044*. If annexation is approved, City Council shall instruct the applicant to initiate the process for an amendment to the Comprehensive Plan using the procedures in *Subsection 2.2.16*.
- b. Comprehensive Plan and/or Land Use Atlas Amendment(s). If the City Council annexes the applicant property, the applicant shall concurrently apply for Comprehensive Plan and Land Use Atlas amendments per *Subsection 2.2.16* and *2.2.5* respectively. These actions will incorporate the property into the Future Land

Use Element and designate the property on the Future Land Use Map. The Planning Commission shall recommend to City Council a Land Use Atlas designation for the property.

- c. Upon amendment of the Comprehensive Plan incorporating the annexed property, City Council shall concurrently designate a land use of the property per *Subsection 2.2.5*.

2.2.6.5 Amendment of Municipal Boundary and Land Use Atlas. Upon passage of an annexation ordinance and Comprehensive Plan amendment, the PCD Director shall amend official maps designating the municipal boundary and shall amend the Land Use Atlas to show the Land Use Atlas designation of the annexed property.

2.2.6.6 Ordinance Recording. The City Clerk shall file the adopted municipal boundary ordinance with the Clerk of the Circuit Court and with the Department of Community Affairs.

2.2.7 VACATION OF PUBLIC RIGHTS-OF-WAY OR PUBLIC EASEMENTS. The City Council may, upon its own motion or upon a recommendation by Planning Commission, order the vacation of streets, easements, or other parcels of land dedicated for public purpose.

2.2.7.1 Application. Owners of property adjacent to right-of-way or owners of property with public easements may request their vacation by applying on forms or electronic media in a PDF format provided by the PCD Director and submitting the fee as required by *Appendix A*. The PCD Director may request additional information including a legal description of the property as necessary to process the application.

2.2.7.2 Public Notice shall be made as required by *Section 2.3*. A legal description of the applicant property shall be on file with the PCD Director. City Council approval shall be required for the vacation of an easement. For the vacation of a right-of-way or other dedicated property, a public hearing before the Planning Commission and recommendation from that body are also required as well as a public hearing before City Council.

2.2.7.3 Review of Application. The PCD Director shall report to the Planning Commission and Director of Public Works all known non-City uses of such easement, right-of-way or property. The Planning Commission shall evaluate any request for vacation of right-of-way or other dedicated property to determine whether vacation would be detrimental to the public health, safety, welfare or convenience. Information presented at the public hearing regarding use of the property for access to other properties or other public purpose shall be considered by the Planning Commission in making its recommendation. In cases where the right-of-way is used only for utilities, the Planning Commission may recommend the vacation provided that an easement is provided for such utilities. The recommendation shall be given to City Council in writing. City Council shall review a request for public easement vacation to determine whether the requested vacation would be detrimental to public health, safety, welfare or convenience.

2.2.7.4 Approval/Denial.

- a. Easement. City Council may approve the vacation of an easement only with a favorable recommendation from the Director of Public Works. Such approval may be conditioned upon the relocation at the applicant's expense of the easement and the utilities therein if so recommended.

- b. Right-of-way or other Dedicated Parcel. Upon receipt of the Planning Commission's recommendation, the City Council shall hold a public hearing on the request. The City Council shall make its determination, in light of the recommendation, their review (See *Subsection 2.2.7.3* above), and public comments, whether the vacation is in the public interest. If a positive determination is made, City Council may pass a resolution vacating the requested property.

2.2.7.5 Public Recording. The City Clerk shall correct the records of the Clerk of the Circuit Court as necessary to revert the easement or right-of-way to the appropriate owner(s). In the case of right-of-way, the vacation customarily reverts the right-of-way to all adjacent property owners in equal portions.

2.2.8 VARIANCE. A Variance is permission granted by the Planning Commission to depart from a dimensional requirement of these LURs. Variances are allowed to relieve a property owner who, because of property characteristics beyond his or her control, is unable to meet a dimensional requirement of these LURs. Waivers granted by the PCD Director as allowed in various sections of these LURs are exempt from this subsection.

2.2.8.1 Eligibility. A property owner who finds that a characteristic of his or her land or buildings makes it impossible or difficult to meet a dimensional requirement of these LURs may apply for a Dimensional Variance if:

- a. The application meets all of the following criteria:
 - i. The need for the Dimensional Variance was not created by the applicant's or previous owner's action, such as improper lot division, in violation of these LURs or previously effective land use regulations
 - ii. Strict application of the provisions of these LURs would deprive the applicant of a reasonable use of his property, cause him unnecessary hardship, or deprive him or her of rights commonly enjoyed by other property owners in the same Land Use Atlas district, and
 - iii. The granting of the Dimensional Variance would not confer on the applicant any special privilege denied to other property owners in the same Land Use Atlas district; and
 - iv. The application is for a Dimensional Variance and would not authorize a use otherwise prohibited by these LURs, and
 - v. The Dimensional Variance is the minimum variance that will allow reasonable use of the property.
- b. The application does not meet all of the criteria in *Subsection 2.2.8.1.a* above, but environmentally-sensitive areas or trees as defined in *Subsection 2.2.3.1* of these LURs will be saved by the granting of the Variance.

2.2.8.2 Application. An eligible applicant may file a Variance application on forms or electronic media in a PDF format provided by the PCD Director, along with the fee as set forth in *Appendix A*, the information required for a Zoning Permit (*Subsection 2.2.1*) and other information as required by the PCD Director. The applicant shall also submit a letter stating what Variance is being requested and specifically identifying the characteristics of the property that necessitates the granting of a Variance from the requirements of these LURs.

2.2.8.3 Public Notice. Public notice shall be given as required in *Subsection 2.3.1*.

2.2.8.4 Review and Action. The Planning Commission shall hold a public hearing on the application. If the eligibility criteria above are met, the Planning Commission may grant the Variance as requested or a modification if more appropriate. Latent changes to an application made by the applicant whereby insufficient review has been allowed for Staff, Board, or City Council, as determined by the PCD Director, may require a delay in the processing of the application, and shall result in additional review and public notice costs at the applicant's expense. If the application is for a Variance of a flood requirement (*Subsection 3.4.3.2*) must be complied with. In granting a Variance, the Planning Commission may impose such reasonable conditions as will ensure that the use of the property to which the Variance applies will be as compatible as practicable with the surrounding properties. A Variance is granted to the property and not to the applicant.

2.2.8.5 Recording of Variance. All approved Variances, including any attached conditions or restrictions, shall be recorded with the Clerk of the Circuit Court at the applicant's expense. Note that records of waivers of off-street parking and landscaping requirements of these LURs shall be kept by the PCD Director and shall not be recorded. The PCD Director may require a plan for the record reflecting clearly the waiver as granted.

2.2.9 ADMINISTRATIVE VARIANCE. An administrative dimensional Variance may be allowed for development of a single-family house on certain lots of record, unless the PCD Director defers such action to the Planning Commission. Administrative Variances cannot be granted for any dimensional relief other than lot square footage, lot width at the building line, and street frontage, and is only applicable to existing lots of record.

2.2.9.1 Eligibility. A property owner who finds that the dimensions of his or her lot of record makes it impossible or difficult to meet the requirement of these LURs, relating to lot width at the building line, lot square footage, or street frontage may apply for an Administrative Variance if:

- a. The application meets all of the following criteria:
 - i. The need for the Dimensional Variance was not created by the applicant's or previous owner's action, such as improper lot division, in violation of these LURs or previously effective land use regulations
 - ii. Strict application would prohibit the construction of a single family residence on the lot of record, and
 - iii. The granting of the Dimensional Variance would not confer on the applicant any special privilege denied to other property owners in the same Land Use Atlas district; and
 - iv. The application is for a Dimensional Variance for lot size, width and street frontage, and
 - v. The Dimensional Variance is the minimum variance that will allow reasonable use of the property.

2.2.9.2 Application. An eligible applicant may file a Variance application on forms or electronic media in a PDF format provided by the PCD Director, along with the fee as set forth in *Appendix A*, the information required for a Zoning Permit (*Subsection 2.2.1*) and other information as required by the PCD Director. The applicant shall also submit a letter stating what Variance is being requested and specifically identifying the characteristics

of the property that necessitates the granting of a Variance from the requirements of these LURs.

2.2.8.4 Review and Action. The PCD Director shall review the application. If the eligibility criteria above are met, the PCD Director may grant the Variance as requested.

2.2.8.5 Recording of Variance. All approved Variances, including any attached conditions or restrictions, shall be recorded with the Clerk of the Circuit Court at the applicant's expense.

2.2.10 ALCOHOLIC BEVERAGE SALE APPROVAL. Administrative approval is allowable for all complete alcoholic beverage state license applications, except events proposed to be held on public property or requiring public services. The PCD director may require City Council approval of certain alcoholic beverage license applications to protect the public interest. Certain uses associated with alcoholic beverage licensing may require discretionary review pursuant to *Schedule 3.2.1.2.* and shall comply with subsection 2.2.9.

2.2.10.1 Application. The application (paper or electronic media in a PDF format) must indicate the type of state license the business is to operate under, and be accompanied by a site plan showing all churches, day care facilities and schools within a 1,000-foot radius of the subject property boundary, as well as other information that may be required by the PCD Director to sufficiently review the application per *subsection 4.3.1.* The application fee is set forth in Appendix A.

2.2.10.2 Public Notice. When required, public notice shall be given as per *Subsection 2.3.1.*

2.2.10.3 Review and Approval. The application shall be reviewed using the criteria in *Subsection 4.3* pursuant to *Schedule 2.3.* Upon the granting of approval by City Council, or if administrative approval is authorized, the PCD Director shall sign the state alcoholic beverage vending license application.

2.2.11 SUBDIVISION PLAT APPROVAL.

2.2.11.1 Requirement. The recording of a Final Subdivision Plat (Final Plat) approved as set forth in these LURs is required prior to the subdivision of property. For the purposes of these LURs, "subdivision" is defined as: *the division of a parcel of land into three or more lots or parcels of land less than five acres each, for the purpose, whether immediate or future, of transfer of ownership; or any division of land regardless of the size of parcels if the establishment of a new street is involved.*

A resubdivision shall be required if a proposed change to an approved or recorded Final Plat affects any street layout or any lot or lot line so as to increase residential density by three or more lots or parcels or involves the establishment of a new street or a change in any street line or easement. In any case the density created by the resubdivision cannot exceed the density allowed by the Future Land Use Map (FLUM) designation.

2.2.11.2 Application.

- a. Pre-Application meeting. Prior to the preparation of a Preliminary Subdivision Plat (Preliminary Plat), the developer of a subdivision shall meet with the Development Review Committee (DRC) to discuss the concept of the proposed subdivision and the requirements of these LURs. The developer shall provide a conceptual plan showing the tract of land, its relationship to the surrounding properties and general development scheme. The pre-application meeting and informal review is designed to prevent costly and avoidable revisions in the layout.

- b. Preliminary Plat submission. The application for preliminary approval shall include a completed application form, the fee set forth in *Appendix A* and the Preliminary Plat showing information as required by *Subsection 2.2.10.4*. The required number of copies of the plat, additional information required for review, and deadlines for submission are set forth in the Procedures Manual, maintained by the PCD Director. The requirement for a Preliminary Plat is waived for a subdivision of five lots or less and no new streets. Projections of impacts of the subdivision upon roadways, sewer and water, public drainage, schools, and recreation facilities shall be submitted with the Preliminary Plat for the purpose of concurrency review. (See *Subsection 4.1.1.5* for concurrency requirements.)
- c. Site Improvement Plans. Site improvement plans with information as required by the Director of Public Works for any public improvements, including all roadways and utility lines proposed for public dedication, shall be submitted to the PCD Director following the approval of the Preliminary Plat. The applicant shall include an estimate of the cost of public improvements, and a statement as to whether such improvements are to be constructed prior to Final Plat submission, or are to be bonded as allowed by *Subsection 2.2.10.4.b.i.b.* below. The PCD Director shall review the site improvement plans for consistency with the approved Preliminary Plat and if there is not significant inconsistency, shall forward the plans to the Director of Public Works.

The Director of Public Works shall review the site improvement plans in relation to applicable standards established by the Director of Public Works, and shall approve such plans if the standards are met. If the applicant has submitted an estimate of the cost of public improvements, the Director of Public Works shall review the estimate and evaluate the accuracy. Following the approval of the construction plans, the Director of Public Works shall inform the City Clerk and PCD Director of his determination of the estimated cost of public improvements in writing.

- d. Final Plat submission. Following the approval of the site improvement plans, the Final Plat and a paper or electronic application may be submitted. In addition, a reproducible plan showing all lot lines, easements, and rights-of-way, shall be submitted in a digital .dwg format. However, the Final Plat shall not be accepted for review if the reservation of capacity has expired (See *Subsection 2.2.10.4.a.iv* below). The number of copies of the Final Plat, application information required for review, and deadlines for submission are set forth in the Procedures Manual maintained by the PCD Director. Also required are a completed application form, the fee set forth in *Appendix A* and the Final Plat showing information as required in F.S. Chapter 177.

2.2.11.3 Public Notice. Public notice shall be given as per *Subsection 2.3.1* for the Preliminary Plat hearing of the Planning Commission. No public notice beyond the publishing of the agenda is required for the City Council action on the Preliminary Plat or for the Final Plat review and approval.

2.2.11.4 Review and Approval.

a. Preliminary Plat.

- i. The Preliminary Plat shall be reviewed by the Planning Commission per the requirements of *Section 4.2*. The Planning Commission shall hold a public hearing on the application and shall recommend to the City Council to approve, approve with stipulations, or deny with specific reference to the criteria in *Section 4.2* and the

concurrency requirements of *Subsection 4.1.1.5*. The application, with written recommendation, shall be forwarded to City Council.

ii. The City Council, after receiving the Planning Commission's recommendation, shall approve, approve with stipulations, or deny the application with specific reference to provisions of *Section 4.2* or *Subsection 4.1.1.5* in the case of denial. The Preliminary Plat shall not be approved unless services as required by *subsection 4.1.1.5* are available or will be available at the time the Certificate of Use is issued.

iii. The approval of a Preliminary Plat constitutes a finding of concurrency compliance (See *subsection 4.1.1.5*) and a Reservation of Capacity for roadways, sewer and water, public drainage and recreation facilities, subject to the stipulations placed on the approval.

iv. Approval of the Preliminary Plat shall be valid for two years. An extension of time may be applied for by the developer by submitting a letter of request to the City Council through the PCD Director and the fee set forth in *Appendix A*. Reservation of Capacity for public facilities (See *Subsection 2.2.10.4.a.iii.* above) may be extended, or City Council may choose to extend the approval of the Preliminary Plat but not to extend the Reservation of Capacity in public facilities if there is demand for the capacity by other developments. City Council may set a separate date for reconsideration of the Reservation of Capacity or may reconsider at the time of the next request or extension of the subdivision's preliminary approval. The Final Plat shall not be accepted until the Reservation of Capacity is renewed.

b. Final Plat requirements.

i. Prior to forwarding the Final Plat to City Council for approval, a certification of one of the following must be obtained from Public Works.

a) All required public improvements have been completed to the satisfaction of the Director of Public Works and are accepted by the City.

b) A bond or letter of credit deemed sufficient by the City Clerk and the Director of Public Works has been posted.

ii. Surveyors Certificate of Approval certifying that the Final Plat has been reviewed for conformity with the requirements of F.S. Chapter 177, these LURs and the subdivision ordinance of the City.

iii. If the Final Plat is substantially in accord with the approved Preliminary Plat, fulfills all attached conditions and stipulations, and the applicant has furnished proof that the taxes are paid to date as required by F.S. 197.192, and is complete and contains all of the required certifications, the City Council shall approve the plat, and the Mayor shall indicate such approval on the Final Plat by signing the certification of approval for recording. Approval of the Final Plat shall reserve capacity of public facilities for a period of two years except that reservation for single-family subdivisions shall have no expiration date. At the end of the two years, the reservation shall expire for all lots which have not received Building Permits for structures (See *Subsection 4.1.1.5*).

iv. If the Final Plat is disapproved, the grounds for disapproval shall be stated in the record of the City Council and in writing to the applicant.

- 2.2. 11.5 Recording. When all certifications have been made by the City, the City Clerk and Treasurer shall record the Final Plat with the Clerk of the Circuit Court as an official plat of record. A second reproducible and fully certified copy shall be filed with the PCD Director for permanent record.
- 2.2. 11.6 Reversion of Subdivision. The City Council may, upon its own motion or recommendation by the Planning Commission, order the vacation and reversion to acreage of all or any part of a subdivision within its jurisdiction. This includes the vacation of streets and/or other parcels of land as permitted in *Subsection 2.2.7*. An application for reversion may be made by the owner of a subdivision by submitting a letter of request to the PCD Director and submission of a fee as required by Appendix A. Reversion may be made by City Council resolution following a public hearing and the receipt of a recommendation from Planning Commission based upon a public hearing before that body. Public notice shall be given in accordance with *Subsection 2.3.1.1*. If reversion is made by City Council, the City Clerk shall correct the records of the Clerk of the Circuit Court accordingly.
- 2.2.11.7 Subdivision Plat Requirements. The Preliminary Plat shall provide at least the following data and information:
- a. The Preliminary Plat shall be drawn at a scale of 200 feet to one inch or larger and shall show the following:
 - i. Name of subdivision;
 - ii. Names and addresses of the owners, contractor, planner, architect, engineer or surveyor and the owners of adjacent property;
 - iii. Date, approximate north point and graphic scale;
 - iv. Legal description and acreage of land within the project;
 - v. Contours at an interval of not greater than five feet or at a lesser interval if deemed necessary by the Planning Commission;
 - vi. Boundary lines of the project and their bearings and distances;
 - vii. Existing and proposed easements and their locations, widths, bearings and distances;
 - viii. Streets and waterways on and adjacent to the project and their names, widths, bearings and other dimensions as may be required;
 - ix. Utilities on and adjacent to the project showing proposed dimensions and connections to existing utility systems;
 - x. Access roads and their relationship to existing and proposed streets, alleys and other public ways;
 - xi. Sites, and the acreages, if any, to be reserved for parks, playgrounds, schools or public uses;
 - xii. Lot lines, lot numbers, and blocks;
 - xiii. The following supplementary material shall accompany the Preliminary Plat:
 - a) General location and vicinity map;
 - b) Whenever part of a tract is proposed as an immediate project and additional parts of the tract are intended to be proposed as projects

in the future, a sketch plan for the entire tract shall be submitted at the same time the Preliminary Plat for the first part of the tract is submitted;

- c) Proposed method of assuring the perpetual ownership and maintenance of areas within the project that are to be used for open space, recreational or other common or public purposes, including a detailed statement of such assurance, including covenants, agreements or other specific documents as required;
 - d) Copies of proposed restrictions or protective covenants, if any.
- b. The Final Plat shall conform substantially to F.S. Chapter 177. Also required is an electronic copy of the subdivision (.dwg format) at a scale of 1" = 100' showing all lot lines, easements and rights-of-way.

2.2.12 CERTIFICATE OF LEVEL OF SERVICE

This Section is intended to ensure that development is consistent with the level of service standards for public facilities which are contained in the Comprehensive Plan and to prevent the issuance of development approvals which result in a reduction in the level of service below the level required by the Comprehensive Plan.

2.2.12.1 Applicability. Development shall not commence without a Certificate of Level of Service Compliance (Certificate). All development shall obtain a certificate. If proposed development qualifies as a special exception to the Comprehensive Plan, the certificate will be issued indicating the exception.

2.2.12.2 Required Certification. The following development orders, approvals, or requests shall not be issued unless the applicant has obtained a Certificate of Level of Service Compliance:

- a. Approval to commence development.
- b. Construction drawing approval.
- c. Final site plan.
- d. Final subdivision plat.
- e. Administrative permit with a Final Site Plan.
- f. Earthmoving permit, minor or major.
- g. Off-street parking plan.
- h. Building permits for the following:
 - i. More than one thousand (1,000) square feet of non-residential floor area as either a whole building or an addition.
 - ii. Dwelling unit as a whole unit but not an addition to a unit.
 - iii. Other use that would increase parking spaces, traffic generation, potable water use, wastewater generation, or solid waste generation beyond that of a dwelling unit or an office with one thousand (1,000) square feet of floor area.
 - iv. Required improvements to a site such as installation of drainage, water, sewer or roadway improvements.
- i. Request for public water or wastewater service.

- j. Construction approval for required improvements (except as performed by the City of Bradenton) to a site, such as the installation of drainage, water, sewer, parking or roadway improvements.

2.2.12.3 Optional Certification. An applicant may apply for and receive a certificate concurrently with the approval of the following development orders or approvals:

- a. Development of regional impact.
- b. Preliminary site plan.
- c. Preliminary subdivision plat.
- d. Special permit with a preliminary site plan.

The optional certification provided in this section shall not be available for the wastewater and potable water components of concurrency. The sole means of obtaining the potable water component of concurrency shall be through Section 2.2.11. In the event an applicant does not apply for and receive a certificate concurrently with any of the foregoing development orders and approvals, such development orders and approvals shall not grant any rights or entitlements to a certificate, shall not exempt the proposed development from eventual requirements for a certificate, and shall not grant any rights to commence development without a certificate.

2.2.12.4 Prohibited Certificate. An applicant may not apply for or receive a certificate concurrently with the approval of the following development orders, actions or approvals:

- a. Administrative appeal.
- b. Adult entertainment permit.
- c. Comprehensive Plan Future Land Use Map amendment.
- d. Floodplain management permit.
- e. General development plan.
- f. Private street approval.
- g. Tree removal permit.
- h. Variance.
- i. Verification or determination of compliance with land development regulations or the Comprehensive Plan.
- j. Zoning atlas amendment, zoning change, rezoning, zoning permit, or zoning action of any kind.

An applicant who has obtained any of the foregoing development orders or approvals shall not receive any rights or entitlements to a certificate, or an exemption from the requirements for a certificate, and may not commence development until the applicant has obtained a certificate in connection with a development order or approval pursuant to Section 2.2.11.2 or 2.2.11.3.

2.2.12.5 Special Permits, Rezoning and Site Plan Approvals.

- a. No Certificate Required, Public Facilities Considered. A certificate shall not be required in connection with a Special Use Permit, rezoning or approval of a General

Development Plan or preliminary site plan. The City, however, may consider the availability of public services and facilities when evaluating the appropriateness of any such approval, and may deny a request for any such approval if public facilities and services are not expected to be available as required pursuant to the Comprehensive Plan.

- b. Recommendation for Denial. In the case where there is a recommendation of denial of the requested future land use map, comprehensive policy plan, rezoning, or site plan application, the applicant is not precluded from applying for a development agreement or proportionate fair share mitigation in accordance with this Code, or otherwise proposing conditions of approval that would achieve consistency with the requirements of the Comprehensive Plan.

2.2.12.6 Application Requirements. Pursuant to Section 2.0, the City Council shall establish administrative procedures setting forth the requirements for information to be submitted with applications for certificates and for the review and analysis of such applications.

2.2.12.7 Staff Review. All applications for certificates shall be reviewed and processed for completeness and sufficiency pursuant to Section 2.2. Within a reasonable time after receipt of the sufficiency review comments the PCD Director shall act upon the application pursuant to Section 2.2.11.8.

2.2.12.8 Standards of Review and Approval. All proposed certificates shall be reviewed under, and shall only be approved if found to be in compliance with, the following standards:

- a. The standards for concurrency and level of service set forth in the Comprehensive Plan;
- b. Any professionally accepted techniques for measuring level of service in order to assure compliance with the Comprehensive Plan and applicable law; and
- c. The procedures established for concurrency review pursuant to Section 2.2.

2.2.12.9 Action by PCD Director. Upon receipt of all comments from reviewing departments and agencies pursuant to Section 2.2, the PCD Director shall:

- a. Approve the application and issue the certificate with such conditions as may be imposed pursuant to Section 2.2.11.9; or
- b. Issue to the applicant a Notice of Intent to deny the application and:
 - i. If the applicant fails to respond within thirty (30) days of the date of such notice, requesting to undertake proportionate fair share mitigation pursuant to Section 2.2.12, the application shall be deemed denied without further notice to the applicant.
 - ii. If the applicant responds and requests to undertake proportionate fair share mitigation pursuant to Section 2.2.12, the certificate shall be issued if and when the requirements of Section 2.2.12 are satisfied.

2.2.12.10 Conditions of Approval. The PCD Director may attach such conditions to the approval of a certificate as are necessary to assure compliance with Section 2.2.11.11, which may include, but shall not be limited to, development phasing, facility phasing, and capital improvements programming, and/or proportionate share mitigation pursuant to Section (Proportionate FS) and may be required to be secured by land development agreements, construction contracts, and/or posting of performance security.

2.2.12.11 Effect of Approval. Issuance of a certificate shall satisfy the concurrency requirements of the Comprehensive Plan, subject to all conditions imposed pursuant to the certificate, and any other conditions or requirements imposed pursuant to any other applicable development order or approval, this Code or the Comprehensive Plan.

2.2.12.12 Succession, Expiration, Extension and Modification.

- a. Succession. If a development order requires subsequent development orders, e.g., a preliminary site plan followed by a Final Site Plan followed by a Building Permit, the original certificate will serve all such subsequent development orders, unless and until such certificate expires.
- b. Expiration, Time Period. All certificates shall expire three (3) years from the date of issuance except as otherwise provided in this Section 2.2.11. If a certificate is issued for transportation concurrency pursuant to Section 2.2.11.3, a subsequent certificate for potable water shall be given the same expiration date as the original certificate for transportation. The issuance of a certificate for potable water at the final development stage shall not operate to extend the expiration of a prior certificate for other concurrency requirements.
 - i. Developments of Regional Impact, and Local Government Development Agreements. Certificates valid for more than three (3) years may be issued in connection with a development order for a development of regional impact, or a development agreement.
 - ii. Building Permits. Building permits shall be obtained prior to the expiration of a certificate. Construction may continue to completion after the certificate's expiration if the Building Permits remain valid and do not expire.
 - iii. Subdivisions. Building permits for single family and duplex dwelling units on individual lots within a residential subdivision, which previously received a certificate, shall not be required to obtain a new certificate if:
 - a) Said subdivision received final subdivision plat approval;
 - b) Such Final Plat was recorded in the public records before its certificate expired; and
 - c) All necessary conditions of the certificate have been met.
- c. Extensions. Not later than thirty (30) days before the expiration date of a certificate originally issued for three (3) years, the applicant may request one (1) extension, not to exceed two (2) additional years. Such extension shall be subject to the approval of the Board. In connection with any requested extension, a limit may be placed on the amount of capacity which may be carried forward and allocated to the two-year extension term, and a limit may be placed upon the timeframe for which the extension is granted. The Director PCD shall recommend to the Council whether the extension is warranted, based on criteria including, but not limited to, the following:
 - i. Size of the project;
 - ii. Amount of capacity requested;
 - iii. Phasing;
 - iv. Location of the project;
 - v. Capacity availability within the service area;

- vi. Reasons for requesting the reservation time period extension;
- vii. Whether the developer exercised good faith in attempting to secure issuance of a Building Permit;
- viii. Whether the applicant has substantially completed all required improvements to public facilities or provided the City with payment in lieu of such improvements; and
- ix. Whether the applicant has applied for or has made a proportionate fair-share contribution for the provision of transportation facilities or pre-paid estimated transportation impact fees.

The City Council may, by resolution, approve blanket extensions to certificates for development projects in all or part of the County to reflect market conditions or availability of unused infrastructure capacity.

- d. Modification. An applicant that has received approval of a certificate may request approval of a modification to such certificate, and the Planning Director may approve such request, so long as such modification:
 - i. Does not result in a reservation of additional infrastructure capacity over and above capacity reserved in the original certificate, unless there are no complete applications for certificates pending before the County that would require such additional capacity; and
 - ii Does not result in the release of the applicant from any obligation to construct public improvements, or provide payment in lieu thereof, for impacts to public facilities.

Requests for modifications to certificates shall be reviewed and approved in the same manner as applications for certificates pursuant to Section 2.2.11.7.

2.2.12.13 Appeals. Appeals of decisions to approve and issue, or deny, certificates shall be heard by the Council pursuant to Section 2.4.

2.2.13 PUBLIC SCHOOL DETERMINATION OF CONSISTENCY

This section sets forth the procedures and criteria for issuance of determinations of consistency for public educational facilities pursuant to Section 1013.33(12), Florida Statutes and the alternative procedures adopted pursuant to Section 1013.33(14), Florida Statutes under the Amended and Restated Interlocal Agreement (“Interlocal Agreement”) for Public School Facility Planning among the School Board of Manatee (“School Board”), the City of Bradenton, County of Manatee and certain other municipalities.

2.2.13.1 Applicability. This Section shall apply to the development of all public educational facilities by the School Board within the meaning of Section 1013.33.01, F.S. Pursuant to Section 1002.33(16), F.S., and this Section shall not apply to the development of charter schools.

2.2.13.2 Procedures for Application, Consideration and Approval. With respect to each educational facility, the School Board and the City shall follow the procedures and requirements set forth in Section 1013.33(12), F.S., as amended, for the issuance of a determination of consistency with the Comprehensive Plan (including, without limitation, the requirement that a complete request be deemed approved if the City fails to act upon it within ninety (90) days, subject to the following conditions:

- a. Completeness. In order to be deemed “complete”, a request for determination of consistence must include the following items:
 - i. School site plan application;
 - ii. All applicable information required by the school site plan standards set forth in Exhibit “C” to the Interlocal Agreement, as amended from time to time; and
 - iii. Pedestrian plans for new educational facilities illustrating sidewalks which exist or are proposed on thoroughfare roads within two mile radius of the school site.

Other items may be requested by the School Board and considered by the City, but are not required in order for the request to be deemed “complete”.

- 2.2.13.3 Statutory Time Limit. The time periods set forth in Section 1013.33(12), F.S., shall begin to run from the date that the PCD Director acknowledges in writing that the City has received a complete request for determination of consistency. If the City does not issue either (a) a written acknowledgement that the request is complete, or (b) a written determination that the request is incomplete with a list of the specific items from the school site plan standards set forth in Section 2.2.12.2 that should be provided in order to complete the request, then, within ten (10) business days from the initial date of submittal and within five (5) business days of subsequent submittals, the request shall be deemed to have been determined complete.
- 2.2.13.4 Council Consideration. A request for determination of consistency for a public school facility shall be decided by the Council. A determination of consistency shall also constitute the sole method for special approval of an educational facility pursuant to the Comprehensive Plan.
- 2.2.13.5 Quasi-Judicial Procedures. The Council shall consider determinations of consistency in accordance with the requirements for quasi-judicial decisions pursuant to Section 2.1.4.4. No affected party shall be deemed to have waived any requirement of any statutory provision referenced herein unless such waiver is made by written instrument expressly stating such party’s intent to waive such provision.
- 2.2.13.6 Existing Schools. With respect to the expansion of any proposed educational facility, the City shall adhere to the requirements of Sections 1013.33 (3) and (15), F.S. Existing educational facilities shall be considered consistent with the Comprehensive Plan. When the need for closure of an educational facility is identified, the School Board’s Superintendent shall notify the City in writing and shall give due consideration to any concern and alternatives set forth by the City. Any expansion of an existing educational facility shall only be subject to the informational requirements, procedures, timeframes and review process requirements of the Section, and only if the proposed expansion constitutes a major renovation or construction in that the expansion:
 - a. Increases school permanent FISH capacity by more than ten percent (10%);
 - b. provides for a change to the primary use of the educational facility (with respect to change in type of school from elementary, middle or high school to a different type of school); or
 - c. Provides for the construction of a stadium

Review of any such expansion shall be limited to those aspects of the educational facility affected by the expansion.

- 2.2.13.7 Compliance with Decision. As required pursuant to the Interlocal Agreement, the School Board shall not act in a manner that is contrary to the City's decision regarding a determination of consistency. In the event the School Board does not agree with the City's decision, the School Board may initiate dispute resolution procedures in accordance with the Interlocal Agreement.
- 2.2.13.8 Standards and Criteria. All determinations of consideration shall be subject to the following standards:
 - a. Future land Use Categories and Zoning Categories. Public educational facilities shall be allowed uses in all comprehensive plan future land use categories and corresponding zoning districts, except industrial (heavy), conservation, and preservation categories subject to compliance with applicable development standards set forth in this Section. Public Educational Facilities may be allowed in industrial (heavy), conservation and preservation future land use categories at the discretion of the City.
 - b. Criteria for Approval. The Council shall review for consistency with the Comprehensive Plan in regard to impacts on natural resources, surrounding land uses and public facilities. If the request is determined to be consistent with the City's Comprehensive Plan land use policies and categories in which public school facilities are allowable uses, and with this Section, then the City shall not deny the request for determination of consistency, but shall issue a determination of consistency. The issues to be considered by the Council in deciding whether to grant a determination of consistency request shall be limited to those specified in Section 1013.33(13), F.S.
 - c. Conditions of Approval. With respect to each proposed educational facility, the Council may place reasonable development standards and conditions upon the approval of a determination of consistency relating to environmental concerns, health, safety and welfare, and effects on surrounding property. Any condition requiring off-site improvements by the School Board shall be subject to the limitations established by Section 1013.51, F.S.
- 2.2.13.9 Effect of Determination of Consistency. Issuance of a determination of consistency by the City for an educational facility shall satisfy the requirements for development approval for the educational facility, including without limitation:
 - a. All development approvals required pursuant to this Code and the Comprehensive Plan; and
 - b. All development approvals required from the City pursuant to Section 13011.33, F.S.

Accordingly, upon issuance of a determination of consistency by the City, the School Board shall not be required to seek any additional approvals from the City for development of the subject educational facility, so long as it is developed in accordance with the determination of consistency and any conditions imposed there under pursuant to this Section.

2.2.14 DESIGN AND COMPATIBILITY REVIEW.

- 2.2.14.1 Requirement. A design and compatibility review shall be conducted by the ARB for Planned Development Project applications that involve:
 - a. Buildings located outside the Urban Core, Urban Central Business District as depicted on the City of Bradenton Future Land Use Map that exceed 45 feet in

height and that cannot meet the additional setback required to compensate for the additional height;

- b. Infill redevelopment in an existing single-family district involving five (5) or more acres where an increase in density/intensity is being proposed, or when the proposed structures will be single family attached, townhouses, multi-family, or mixed-use structures;
- c. Vacation or encroachment of public lands or rights-of-way; or
- d. Public funds or contributions.

2.2.14.2 Application.

- a. Pre-Application Conference. All applicants for Design and Compatibility Review shall schedule a pre-application conference with the ARB Staff Liaison to discuss the nature of the proposed change, conceptual design and approach, relationships to adjacent properties and rights-of-way, unique or unusual aspects of the project, and any variances to applicable standards or regulations.
- b. Application Submission. Application shall be made to the ARB Staff Liaison no less than 30 days prior to the regularly scheduled ARB meeting with twenty (20) copies of the following material and information:
 - i. Completed application form;
 - ii. Application fee (See *Appendix A*);
 - iii. Legal description(s) of the subject property including street addresses;
 - iv. Narrative description of project concept and design approach;
 - v. Existing and proposed density and/or intensity (new construction only);
 - vi. 24" X 36" scaled site plan with aerial photo showing footprints of existing and proposed buildings on and within 300 feet of the subject property;
 - vii. Scaled elevations of all facades (including measurements);
 - viii. Architectural details (sections/profiles/pattern book);
 - ix. A scale and massing model may be required at the discretion of the PCD Director.

2.2.14.3 ARB Meeting. The ARB shall convene during its regular meeting to consider Design and Compatibility review applications. Notice of the meeting shall be posted on the bulletin board at City Hall and posted on the City's website however no public hearing is required.

2.2.14.4 Staff Report. The ARB Staff Liaison shall prepare a written evaluation of the project under consideration. The written evaluation must (1) define the nature and scope of the problematic design aspects of the development proposal, (2) identify key issues to be addressed, and (3) provide a basis for review using applicable City adopted plans, regulations, and guidelines.

2.2.14.5 Advisory Opinion. The ARB shall provide an advisory opinion on the design and compatibility aspects of the project according to applicable review criteria stated in the Staff Report.

2.2.15 CERTIFICATE OF APPROPRIATENESS.

2.2.15.1 Requirement for Certificate. A Certificate of Appropriateness (herein referred to as Certificate) is required for all new construction, exterior alteration, demolition, and relocation of buildings and structures located inside a locally designated historic district as described in the Historic Element in the City of Bradenton Comprehensive Plan, as may be amended from time to time. A Certificate may also be required for the demolition of individual buildings and structures located outside of a locally designated historic district if such improvement is determined by the ARB Staff Liaison to have potential historical significance based on the following review criteria:

- a. Is the quality or interest of the building or structure such that allows it to be reasonably considered for a National, State, or local historic designation?
- b. Is the design or craftsmanship of the building or structure such that it could only be reproduced with great difficulty or expense?
- c. Is the uniqueness of the building or structure such that it represents one of the last remaining of its type?
- d. The degree to which the building or structure is a contributing property to a Historic District, the City, County, or Regional history.
- e. The value of the building or structure regarding the general welfare and community benefit through the study of local history, architecture, heritage, or culture.
- f. The effect of the proposed reuse of the property if demolition is carried out.
- g. The maintenance of the building or structure by the current owner and previous owners to ensure that it has not purposely fallen into disrepair or neglect. If the ARB finds that the building or structure has been deliberately neglected, the ARB may require restoration of the property, or refer the case to the Code Enforcement Division.

All permit applications that involve exterior improvements shall be inspected for historic significance by the ARB Staff Liaison to determine if the application requires a Certificate. The ARB Staff Liaison shall mail an official determination letter within ten (10) days of a complete application submittal. If a Certificate is required, the permit application will be placed on hold until a Certificate has been issued. However, the PCD Director may allow for certain work to proceed before a Certificate has been issued provided the work does not adversely impact the historic significance of the building or structure.

A Certificate is generally NOT required for:

- a. Identical replacement of parts or materials.
- b. Signs and other accessories if they comply with the *“Historic District Guidelines for Signs and General Design.”*
- c. Painting that matches the approved Historic District color palette.

2.2.15.2 Application.

- a. Pre-Application Conference. All applicants for Certificate of Appropriateness review shall schedule a pre-application conference with the ARB Staff Liaison to discuss the nature and extent of the proposed change and alternatives being considered.

- b. Application Submission. Application shall be made to the ARB Staff Liaison no less than thirty (30) days prior to the regularly scheduled ARB meeting with twenty (20) copies of the following material and information:
 - i. Completed (paper or electronic media in a PDF format) application form;
 - ii. Application fee (See *Appendix A*);
 - iii. Legal description(s) of the subject property including street addresses;
 - iv. Narrative description of nature and extent of proposed change(s);
 - v. Construction plans;
 - vi. Color renderings;
 - vii. Material samples and swatches;
 - viii. Master Site File information;
 - ix. Other information deemed pertinent to the request as determined by the ARB Staff Liaison.
 - x. Color photographs of the existing building.

2.2.15.3 Certificate Hearing. A hearing shall be conducted by the ARB on all Certificate applications sent by the PCD Director for review. The agenda shall be available to the public one week before the meeting by posting on the bulletin board at city Hall, posting on the city's website, and advertising in a newspaper of general circulation. The ARB shall review the application against the criteria set forth in *Section 2.2.13.1*, and shall approve, approve with stipulations, or deny the Certificate request. If the Certificate is denied, the motion must state specific reasons for denial in compliance with *Section 2.2.13.1* of these LUR's and with the "*Historic District Guidelines for Signs and General Design.*" The ARB Staff Liaison shall notify the applicant in writing of those reasons within ten (10) days of the ruling.

For demolition applications, the ARB may, by majority vote, delay the demolition of a structure or building determined to have historical significance for a period not to exceed six (6) months from the date of the Certificate Hearing to sufficient time for the full identification and evaluation of alternative actions that serve the public interest regarding historic preservation. The ARB may require as a condition of approval that the building materials, architectural details, ornaments, or fixtures be salvaged or preserved for reuse. Additionally, the ARB may require, at the owner's expense, that the building or structure be photographed and documented for archival purposes with the Manatee County Historical Society prior to demolition.

- 2.2.15.4 Issuance of a Certificate. The ARB Staff Liaison shall issue a Certificate for each application approved. The Certificate shall state any stipulations imposed.
- 2.2.15.5 Compliance. The Certificate shall be enforced by the PCD Director. Failure to comply with the Certificate shall constitute a violation of these LUR's and may result in the issuance of a stop work order or other enforcement measure allowed by law.
- 2.2.15.6 Appeal. Decisions of the ARB regarding Certificate applications are appealable to the City Council. A decision of the ARB may only be appealed by a full party (the applicant or a party granted intervener status) to the proceeding in which the decision was made, or by the Mayor.

- 2.2.16 DEVELOPMENT OF REGIONAL IMPACT. Applications for Developments of Regional Impact or amendments to Developments of Regional Impact (DRI), as defined by *F.S. Chapter 380*, except for reviews of existing approved development orders that have not expired as of the adoption of these LURs, shall adhere to the following procedures for review:
- 2.2.16.1 The applicant for a DRI shall contact the City and Tampa Bay Regional Planning Council (TBRPC) and hold a pre-application conference with these agencies to establish issues to be addressed in the application as required by *F.S. 380.06(9)*.
 - 2.2.16.2 The Application for Development Approval (ADA) shall be filed with the PCD Director (See Appendix A for fee) and all other agencies as required by TBRPC. The application shall fully detail the proposed development, all commitments by the applicant, and all issues established in the pre-application conference.
 - 2.2.16.3 Upon receipt of a Notice of Sufficiency from TBRPC, the City shall initiate public notice procedures as outlined in *Subsection 2.3.1.2.b*.
 - 2.2.16.4 A public hearing by the Planning Commission announced in accordance with *Subsection 2.3.1.1* shall be held and a recommendation made regarding the conditions of approval to be stipulated in a development order. Such recommendations shall be forwarded to City Council in writing.
 - 2.2.16.5 The City Council shall hold a public hearing, and within 30 days of that hearing, shall render a development order.
 - 2.2.16.6 A notice of adoption of the development order shall be recorded by the developer with the Clerk of the Circuit Court.
- 2.2.17 COMPREHENSIVE PLAN AMENDMENT.
- 2.2.17.1 Application. An amendment to the City's Comprehensive Plan may be requested by filing a completed application (paper or electronic media in a PDF format) including a letter explaining the requested amendment and the fee as set forth in *Appendix A*.
 - 2.2.17.2 The Planning Commission shall review the requested amendment at a public hearing and shall make a written recommendation to City Council.
 - 2.2.17.3 The City Council shall receive the recommendation at its next regularly scheduled meeting and shall schedule a public hearing. The City Council shall hear the requested amendment at the next scheduled Comprehensive Plan amendment hearing. Such hearings shall be scheduled at approximately six-month intervals. If the Council determines that the amendment should be heard prior to the next scheduled Comprehensive Plan amendment hearing, an alternate hearing date may be set. Changes to the Future Land Use Map may require a concurrent change to the Land Use Atlas.
 - 2.2.17.4 Public notice shall be given as required in *F.S. Chapter 163*.
- 2.2.18 SPECIAL CITY COUNCIL APPROVALS. Special approvals by City Council as required in various Sections of these LURs may be applied for by submitting a letter of request to the PCD Director along with the fee as required by Appendix A. Unless otherwise stated elsewhere in these LURs, no public hearing shall be required. City Council shall hear the request and render a decision on the application.
- 2.2.19 PLANNED REDEVELOPMENT PROJECT (PRP). A PRP is an administrative approval authorized by the PCD Director of a project that would otherwise require a Variance or Special Use Permit for proposed development.

2.2.19.1 Eligibility. A proposed PRP must meet at least three of the following criteria:

- a. Vacant lot in an otherwise developed area; or
- b. Existing building is considered blighted or requiring substantial improvement; or
- c. Grayfield; or
- d. Brownfield; or
- e. Blighted area; or
- f. Lot of Record; or
- g. Development does not otherwise qualify for a PDP; and meet the following, as determined by the PCD Director:
 - i. No density or intensity increase beyond what is permitted by right; and
 - ii. Excess landscaping beyond minimal standards; and
 - iii. High quality design;

2.2.19.2 Benefits to the Applicant. The following benefits shall be applied to an approved PRP:

- a. Impact fee waiver or reduction.
- b. Review fee waiver or reduction.
- c. PCD Director expediting of application within 10 working days.

2.3 FEES AND PUBLIC NOTICE

2.3.1 PUBLIC NOTICE REQUIREMENTS. Generally, where relevant, public notice requirements are specifically provided by Florida Statutes, such notice provisions shall control. The following public notice requirements, as applicable shall apply.

2.3.1.1 Public Hearings. Where a public hearing is required pursuant to *Schedule 2.3*, the following shall apply:

- a. Newspaper Advertisement. The PCD Director shall provide at least one advertisement approximately 10 days before each public hearing in a newspaper of general circulation in Manatee County. The notice shall specify the following information:
 - i. The time and place of the public hearing.
 - ii. The subject property or site location as follows:

For a Development Agreement or DRI: the location of the subject land, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed application can be obtained;

For a Land Use Atlas Amendment: a location map of the subject property and proposed Land Use Atlas designation;

For an Amendment to the text of the LURs: the title of the proposed Ordinance and the place or places where the proposed Ordinance may be inspected by the public (only applies to City Council public hearings);

For an Annexation: a general description and map of the area proposed for annexation and a statement that a complete legal description by metes and bounds can be obtained from the City Clerk and Treasurer;

For a Special Use Permit, Alcoholic Beverage Sales Approval, Variance, Special City Council Approval, and Appeal requiring a public hearing: the location of the property and nature of the request;

For a Vacation of Right-of-Way: a general description of and a map depicting the right-of-way to be vacated;

- iii. That persons may appear and be heard;
 - iv. That written comments filed with the PCD Director will be heard and considered;
 - v. That the hearing may be continued from time to time as necessary; and
 - vi. That if any person determines to appeal any decision made by the City Council with respect to any matter considered at this public hearing, such person will need a record of the proceedings for that purpose and he will need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which any appeal is to be based.
- b. Written Notice. This subparagraph is not applicable to City-initiated Land Use Atlas, Text Amendments, or Change of Use.

i. Mailed Notice.

Approximately ten days before the first public hearing the PCD Director shall send a copy of the newspaper advertisement, by first class mail, to owners, as shown on the latest ad valorem tax records, of all lands within 300 feet in any direction of applicant property. In the event that the owners are members of a condominium association, notice shall be mailed to the condominium association in lieu of individual notices;

The unintentional failure of the PCD Director to notify contiguous property owners, as set forth above, shall not be grounds for a continuance of the hearing, nor in any way affect the action taken at such hearing;

For docks and piers on public property, Subsection i. above, applies except that the notice shall be mailed to all property owners within 350 feet of the proposed dock site.

- ii. Posting of signs. In addition, the applicant shall post a similar notice on a sign furnished by the PCD Director, approximately 10 days before the Planning Commission or City Council (as may be applicable) hearing date, in a conspicuous location determined by the PCD Director on the land involved in the application. Affidavit of proof of the required posting of the sign shall be filed with the PCD Director five days prior to the hearing. Failure to do so will require postponement of the hearing date and re-notification as required in *Subsection 2.3.1.1* above.
- c. Announcement of Public Hearing. When two public hearings by the City Council are required, an announcement of the date, time and place of the second public hearing shall be made at the first public hearing.

2.3.1.2 Ordinance Adoption. Where an Ordinance adoption is required (See *Schedule 2.3*) the following provisions shall apply:

- a. Land Use Atlas Amendment (Rezone or Change of Use).
 - i. Petition by property owner.

The requirements of *Section 2.3.1.1* above shall apply for the Planning Commission and City Council public hearings;

In addition, prior to the City Council public hearing, the City Council shall read the proposed Ordinance by title into the record at a public meeting and announce the date of the public hearing. A newspaper advertisement meeting the requirements of *Subsection 2.3.1.1.a* above shall be published at least 10 days prior to the public hearing.
 - ii. City-initiated amendment. The requirements of F.S. Section 166.041(3)(c), shall apply.
- b. Development of Regional Impact. The provisions for a Land Use Atlas amendment pursuant to *Subsection 2.3.1.2.a* above shall apply in addition to the requirements of F.S. Section 380.06.
- c. Amendment to Land Use Regulations Text. The provisions of *Subsection 2.3.1.1.a* or F.S. Section 166.041(3)(c), as may be applicable shall control regarding notice for public hearings and adoption.
- d. Annexation.
 - i. Voluntary application by property owner. The procedures and public notice requirement of F.S. Section 171.044 shall apply.
 - ii. City-initiated. The public notice requirements of F.S. Section 171.0413 shall apply.
 - iii. Contraction of City boundaries. In the procedure for contraction, F.S. Section 171.051 shall apply.
- e. Comprehensive Plan Amendment. The public notice requirements for a Comprehensive Plan Amendment shall be as provided in F.S. Sections 163.3184 and 163.3187, as may be applicable.

2.3.2 ESTABLISHMENT OF FEES FOR PERMITS AND APPROVALS. The City Council, by resolution, shall establish and revise, as may be necessary from time to time, such fees and charges that are reasonably necessary and required to address the actual costs and expenses incurred by the city in reviewing and taking action upon any development permits or development orders authorized and established by these LURs. Such categories of fees and permits may include, but shall not be limited to, charges for Zoning Permits, Certificates of Use, Land Alteration Permits, Special Use Permits, expansion of a Special Use, Atlas Amendments, Annexation Petitions, Vacation of Rights-of-Way and Easements, Variances, Alcoholic Beverage License approvals, Subdivision approvals, Planned Development Project approvals, Certificates of Appropriateness, Developments of Regional Impact, Comprehensive Plan Amendments, Special City Council Approvals, and Appeals. Any such fees established by resolution of the City Council may be appended to and kept with these LURs for ease and convenience of referral or may be placed within the rules and regulations promulgated by the PCD Director in order to implement or interpret these LURs. The PCD Director shall be responsible for advising and recommending to the City Council the appropriate and reasonable fees necessary to address the actual costs or expenses incurred in the review of these permits as above indicated.

SECTION 2.4 APPEALS.

An appeal of a decision or interpretation by the PCD Director pursuant to these LURs shall follow the procedure outlined below. Appeal of a decision by the Tree and Land Preservation Board or Architectural Review Board shall be heard by the City Council. Appeal of a decision of the Planning Commission regarding a Variance decision, or a decision by the City Council shall be filed with the Circuit Court within 30 days of the decision.

- 2.4.1 PETITION FOR APPEAL. Any person requesting a City-administered Appeal pursuant to these LURs shall file a petition with the PCD Director. The petition must be filed within 30 days of the decision being appealed. The petition shall set forth, at a minimum, the nature, circumstances and basis of the appeal, and contain any materials relevant to the appeal, along with review fee per Appendix A.
- 2.4.2 STOP WORK ORDER. During the period between the submission of the request for an Appeal and the appropriate public hearing, the PCD Director may issue a Stop Work Order on any permits related to the Appeal if such permits may be affected by the Appeal. Costs, lost time, or other expenses incurred by the applicant stemming from such a Stop Work Order shall be the responsibility of the applicant.
- 2.4.3 PUBLIC NOTICE. The PCD Director shall provide public notice for a public hearing per *Subsection 2.3.1*.
- 2.4.4 APPEALS HEARING. The applicable entity shall hold a public hearing on the Appeal, and rule on the Appeal and shall issue a written order setting forth the findings of fact and the conclusions of law and the resulting decision.

SCHEDULE 2.3

APPROVALS REQUIRED FOR LAND USE REQUESTS

TYPE OF REQUEST SECTION REFERENCE	APPROVALS REQUIRED					
	PH - PUBLIC HEARING O - ORDINANCE					
	ADMINISTRATIVE	PLANNING COMMISSION	CITY COUNCIL	TREE & LAND PRESERVATION BOARD	ARCHITECTURAL REVIEW BOARD	CIRCUIT COURT
2.2.1 Zoning Permit	X					
2.2.2 Certificate of Use	X					
2.2.3 Land Alteration Permit	X					
2.2.4 Special Use Permit		PH	PH			
2.2.5 Land Use Atlas Amendment		PH/O	PH/O			
2.2.6 Annexation Petition			PH/O			
2.2.7 Vacation of Public Right-of-Way		PH	PH			
2.2.7 Vacation of Public Easement			X			
2.2.8 Variance	(1)	PH				
2.2.9 Alcoholic Beverage Sales	See 202.I,	PH	PH			
2.2.10 Subdivision Plat Approval						
Preliminary		PH	X			
Final			X			
Extension of Time			X			
2.2.121 Planned Development Project						
Preliminary		PH	PH			
Final	X					
Extension of Time			X			
2.2.13 Certificate of Appropriateness (2)	X				X	
2.2.14 Development of Regional Impact		PH/O	PH/O			
2.2.15 Comprehensive Plan		PH/O	PH/O			
2.2.16 Special City Council Approval			PH-tbd			
2.2.17 Planned Redevelopment Project	X					
2.3.1.2.c LURs Text Amendment		PH/O	PH/O			
2.4 Appeal of PCD Director		PH			CA	
2.4 Appeal of Variance/Other Final Decision by Planning						X
2.4 Appeal of decision by ARB or			PH			
2.4 Appeal of decision by City						X

(1) An administrative dimensional Variance may be allowed for development of a single-family house on certain lots of record, unless the PCD Director defers such action to the Planning Commission.

(2) Any Property in the Historic Districts requires review by the Architectural Review Board.

CHAPTER 3.0 DISTRICT REGULATIONS

The following sections establish Land Use Atlas districts for all property within the City and sets forth regulations for their use.

SECTION 3.1 LAND USE ATLAS DISTRICTS.

The Land Use Atlas districts, defined in *Subsections 3.1.1* through *3.1.3* below, are hereby defined and are shown on the following maps which are maintained by the PCD Director and hereby made part of these LURs:

- Land Use Atlas
- Flood Insurance Rate Map
- Historic District Boundary Map

3.1.1 RESIDENTIAL DISTRICTS.

R-1 SINGLE FAMILY. This district is designed to permit low density single family development.

R-2 TWO-FAMILY. This district is designed to permit moderate density residential development consisting of both single-family and two-family dwellings.

R-3 MULTI-FAMILY. This district is designed to permit high density multiple-family residential development.

R-4 MOBILE HOME. This district is designed to provide for new mobile home developments and the redevelopment of existing mobile home parks.

3.1.2 MIXED-USE AND NON-RESIDENTIAL DISTRICTS

URBAN CORE DISTRICT. This district is designed to combine very high intensity, downtown, pedestrian-oriented office and commercial development with the highest density, multiple family residential development, and is intended to be used in substantially developed areas.

UCBD DISTRICT. This district is designed to combine high intensity, downtown, pedestrian-oriented office and commercial development with high density, multiple family residential development, and is intended to be used in substantially developed areas.

UV/URBAN VILLAGE. This district is designed to facilitate continued use of already developed high density residential development and to provide for a compact, mixed-use, center of activity with neighborhood and community serving uses at a pedestrian scale and character.

URBAN COMMERCIAL CORRIDOR DISTRICT. This district is designed as a transitional zone between downtown and heavy commercial uses and is intended for a mix of pedestrian oriented office/commercial uses.

SUBURBAN COMMERCIAL CORRIDOR DISTRICT. This district is designed to permit the development of commercial areas along major highways in predominantly developed areas and is intended to meet the needs of motorists and other consumers through the provision of automobile-oriented commercial development.

P/PROFESSIONAL DISTRICT. This district is designed to permit offices, medical facilities and related commercial uses and is intended for use primarily in developed areas.

INDUSTRIAL DISTRICT. This district is designed to permit wholesale and storage establishments and industrial complexes in predominantly developed areas where compatible with surrounding land uses and is intended for use in areas with sites sufficiently large to accommodate industries, their ancillary facilities, parking and buffers.

3.1.3 SPECIAL LAND USE DISTRICTS AND OVERLAYS.

The following land use districts and overlays are intended to provide additional standards conducive to their suggested themes, design standards, or geographical locations. Their boundaries are delineated on the Land Use Atlas.

ADO/ANTIQUES DISTRICT OVERLAY. This district allows a mix of residential and light non-residential uses that encourage and promote a retail antiques and historical theme.

CONSERVATION DISTRICT. This district is designed to severely restrict development in low lying and environmentally sensitive areas.

FLOOD HAZARD DISTRICT. This district is designed to regulate development in areas of special flood hazard. These areas are shown as Zone A, Zone V, or Floodway on the Flood Insurance Rate Map.

HISTORIC DISTRICT OVERLAY. This district is designed to regulate areas of historically significant structures.

PDP/PLANNED DEVELOPMENT PROJECT. This district is designed to permit the development of planned complexes of structures and uses where compatible with existing surrounding land uses and is intended for undeveloped parcels of land or those proposed for redevelopment.

VAOD/VILLAGE OF THE ARTS DISTRICT OVERLAY. This district is designed to allow certain arts-oriented occupations to be operated from residential homes.

WARES CREEK EXEMPTION. Pursuant to Ordinance 2753, all properties containing more than one valid and legally permitted dwelling unit which units have not been vacant or abandoned for one year or more may sustain the valid and legally permitted multiple dwelling units if such units are damaged or destroyed, or if the property owner chooses to make substantial improvements to the structure(s) or any part of the structure(s). This exemption shall run with the land and is transferable. In the event such use is abandoned or discontinued for more than one year, then such exemption shall cease and be of no force or effect. Properties with multiple dwelling units that were nonconforming prior to the effective date of this exemption shall not be permitted to increase the nonconformity, and shall be required to meet the minimum R-3A standards in effect at that time upon submitting an application for substantial improvement to a property.”

3.1.4 LAND USE ATLAS AND INTERPRETATION. The Land Use Atlas delineates the locations and boundaries of the Land Use Atlas districts defined in *Subsection 3.1.1* The Land Use Atlas is on file in the office of the PCD Director. The following rules shall be used to interpret the exact location of the Land Use Atlas district boundaries:

3.1.4.1 Where a Land Use Atlas district boundary follows a street or railroad, the center line of the street or railroad right-of-way is the boundary of the Land Use Atlas district.

3.1.4.2 Where a Land Use Atlas district boundary approximately follows a lot or property line, that line is the boundary of the Land Use Atlas district.

- 3.1.4.3 Where a Land Use Atlas district boundary follows a stream or the shore of a body of water, that stream or shoreline is the boundary of the Land Use Atlas district.
- 3.1.4.4 Where a Land Use Atlas district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to map scale.
- 3.1.4.5 In any case where the exact location of a Land Use Atlas district boundary is not clear, the PCD Director shall make a determination.
- 3.1.5 CRITERIA FOR LAND USE ATLAS DISTRICT DESIGNATIONS. Land within the City shall be assigned a Land Use Atlas district designation from the list of Standard Land Use Atlas Districts in Section A. above. The following criteria shall be used to make such assignments and to make changes in assignments, whether initiated by the City or by a property owner pursuant to *Section 2.2.5 Land Use Atlas Amendment*.
 - 3.1.5.1 Consistency with the Comprehensive Plan. All Land Use Atlas District assignments shall be consistent with the Comprehensive Plan, including the Future Land Use Map and Future Land Use Element goals, objectives and policies. The Land Use Atlas District assigned shall be consistent with the land use category of the Future Land Use Map.
 - 3.1.5.2 Land Use Compatibility. The assigning of Land Use Atlas Districts shall promote the compatibility of adjacent land uses.
 - 3.1.5.3 Adequate Public Facilities. The assigning of Land Use Atlas Districts shall be consistent with the public facilities available to set the types of uses allowed in the proposed zoning district. The level of service standards set forth in *Section 4.1.1.5* shall be considered in assigning Land Use Atlas Districts and there shall be reasonable assurance that the demand for services allowed in the proposed Land Use Atlas District can be met.
 - 3.1.5.4 Public Interest. Land Use Atlas District designations shall not be in conflict with the public interest and will promote the public health, safety and welfare.
 - 3.1.5.5 Consistency with LURs. Land Use Atlas District designations shall be consistent with the purpose and intent of these LURs.

SECTION 3.2 STANDARD LAND USE ATLAS DISTRICT REGULATIONS.

This Section sets forth regulations on the types of uses allowed in the standard Land Use Atlas Districts as defined in *Section 3.1* and also establishes dimensional requirements including lot sizes and building setbacks, for those districts. The types of uses allowed in the various Land Use Atlas districts shall be as set forth on *Schedules 3.2.1.1* and *3.2.1.2*. Permitted uses may be approved by the PCD Director per *Section 2.2.1*, Zoning Permits. Special Use uses may be approved per the procedure in *Section 2.2.4* Special Use Permit. Uses and use permissions not indicated are generally prohibited. Dimensional requirements for the use of land in the various Land Use Atlas Districts shall be as set forth in *Schedules 3.2.2.1*. and *3.2.2.2*.

SCHEDULE 3.2.1.1 RESIDENTIAL DISTRICTS / PERMITTED USES AND SPECIAL USES																		
USE	SINGLE-FAMILY R-1			TWO FAMILY R-2			MULTI-FAMILY R-3			MOBILE HOME R-4			VILLAGE OF THE ARTS OVERLAY ⁽⁴⁾			ANTIQUES OVERLAY ⁽⁴⁾		
	P	SU	SCC	P	SU	SCC	P	SU	SCC	P	SU	SCC	P	SU	SCC	P	SU	SCC
Single Family Dwelling	X			X			X			X			X			X		
Two Family Dwelling	⁽⁵⁾			X			X							X				
Multi Family Dwelling	⁽⁵⁾						X							X				
Garage/Accessory Unit	⁽⁵⁾			X			X						X				X	
Boarding House*								X										
Bed and Breakfast								X					X				X	
Home Occupation ⁽⁶⁾	X			X			X						X			X		
Home Business													X			X		
Educational/Cultural/ Religious Facilities Mortuary/Crematory		X			X			X			X			X			X	
Public Facility, Park ⁽¹⁾		X			X			X			X			X				
Nursing Home					X			X						X				
Group Care Home** Congregate Living Home and Emergency Shelter					X			X			X			X			X	
Group Care Facility** Inc. Congregate Fac., Recovery Emergency Shelter, Res. Treatment Fac.								X						X			X	
Hospital								X			X			X				
Day Care Center* ⁽²⁾		X			X			X						X			X	
Public Event			X			X			X			X			X			X
Dock/Pier ⁽³⁾	X			X			X			X								

P = Permitted Use SU = Special Use Permit SCC = Special City Council Approval

* See Specific Use Regulations, *Section 4.3.2* ** See Specific Use Regulations, *Section 4.3.6*. An exception may apply for a Community Residential Home defined by F.S. 419.001

⁽¹⁾ Neighborhood parks required in subdivisions or planned development projects shall be permitted uses.

⁽²⁾ Adult and child day care centers with six or less clients and "Family Day Care Homes" as defined and licensed by the Florida Department of Children and Families are exempt from zoning requirements.

⁽³⁾ Docks and piers not meeting the criteria in *subsection 5.1.2.14*, and those proposed on public waterfront shall require Special Use Permit approval.

⁽⁴⁾ See *Section 3.4.5 and 3.4.6*, Special District Regulations.

⁽⁵⁾ See *Section 4.1.3 Wares Creek Exemption Schedule 3.2.2.1*.

⁽⁶⁾ Telephone and mail service only.

SCHEDULE 3.2.1.2 - continued													
PERMITTED AND SPECIAL USES/MIXED-USE AND NON-RESIDENTIAL LAND USE ATLAS													
DISTRICTS													
USE ⁽¹⁾⁽⁵⁾	UV ⁽⁶⁾		UC/UCBD ⁽³⁾		UCC		SCC		P		I		
	P	SU	P	SU	P	SU	P	SU	P	SU	P	SU	
AUTOMOTIVE USES													
Service Station/Repair		X				X		X				X	
Car Wash						X		X				X	
Auto Sales/Rental						X	X					X	
Parking Lot/Garage	X		X		X		X		X			X	
Automotive Specialty				X		X	X					X	
AMUSEMENT ESTABLISHMENTS													
Adult Entertainment*				X		X		X					
Indoor		X		X		X		X					
Outdoor		X				X		X					
Parks	X		X			X		X		X			X
Clubs		X		X		X		X		X			
TRANSPORTATION USES													
Public Transportation Terminal		X		X		X	X					X	
Marinas				X		X						X	
Motor Freight Terminals													X
Marine Establishments				X		X	X					X	
Heliports ⁽¹¹⁾				X		X		X		X			X
Docks and Piers ⁽⁴⁾			X		X		X		X			X	
SERVICE AND EQUIPMENT ESTABLISHMENTS													
Testing Laboratories				X		X	X			X		X	
Heating and Fuel								X				X	
Ice Plant				X		X		X				X	
Building Materials				X		X		X				X	
Construction Service				X		X	X					X	
Farm/Marine Supplies				X		X		X				X	
Laundry/Dry Cleaning Plant								X				X	
Wholesale								X				X	
Storage Establishments				X	X		X					X	
Plant Nurseries						X	X					X	
Communication Towers*				X		X		X		X			X
MANUFACTURING													
Light						X		X				X	
Heavy													X
RESIDENTIAL USES													
Single-Family	X		X		X								
Multi-Family	X		X										
Mixed Use/Home Occupation	X		X		X								
Dwelling Unit w/l Principal bldg	X		X		X		X		X				
Garage Apartment	X												
PUBLIC FACILITIES													
Seasonal Sales ⁽²⁾			X		X		X						
PRIVATE EVENTS													
	X		X		X		X		X			X	
PUBLIC EVENTS REQUIRE CITY COUNCIL APPROVAL													
Convenience, Grocery, Drugs		X		X		X		X					X
Comparison Goods	X		X		X		X						
Secondhand Stores			X		X		X						
Auction Houses*		X		X		X		X					
P = Permitted Use S = Special Use Blank = Not Permitted													

Continued

SCHEDULE 3.2.1.2 - continued														
PERMITTED AND SPECIAL USES/MIXED-USE AND NON-RESIDENTIAL LAND USE ATLAS DISTRICTS														
USE ⁽¹⁾⁽⁵⁾	UV ⁽⁶⁾		UC/UCBD ⁽³⁾		UCC		SCC		P				I	
	P	SU	P	SU	P	SU	P	SU	P	SU			P	SU
EATING/DRINKING ESTABLISHMENTS⁽⁷⁾														
Restaurants – over 20 seats	X		X			X		X						
Shopping Center Restaurants			X		X		X							
Lounges		X		X		X		X						
Catering			X		X		X							X
Take Out/Delivery/Drive Through		X		X	X		X							
Café/Sidewalk Café < 20 seats ⁽⁷⁾	X		X		X		X		X					
NEWSRACKS, MODULAR*	X		X		X		X		X				X	
SERVICE ESTABLISHMENTS														
Personal Service	X		X		X		X		X					
Business/Domestic Service	X		X		X		X							
Kennels, Animal Boarding						X		X						X
Free Standing Ice Vending Machine								X						
EDUCATIONAL AND RELIGIOUS														
Schools, Public and Private ⁽⁹⁾		X				X		X		X				
Business, Training Schools	X		X		X		X		X					
Educational		X		X		X		X		X				
Cultural	X			X		X		X		X				
Dormitories				X		X	X							
Religious Establishments ⁽⁹⁾					X		X							
Cemeteries						X		X						
Mortuaries, Funeral Homes, Crematories		X		X	X		X							
Day Care Centers ^{*(8)(9)}		X		X		X		X	X					
OFFICES – NON-MEDICAL	X		X		X		X		X				X	
LODGING														
Hotels		X		X		X		X						
Motels						X		X						
Bed and Breakfast	X		X			X		X						
Boarding Houses*						X		X						
HEALTH CARE & SOCIAL SERVICE FACILITIES														
Hospitals ⁽¹¹⁾				X		X		X		X				
Nursing Homes*				X		X		X	X					
Health Services	X		X		X		X		X					
Group Care Homes ¹²				X		X		X	X					
Group Care Facilities ^{*12}				X		X		X	X				X	
Social Services Establishment						X		X		X				
Veterinarian/Animal Hospital				X	X		X		X				X	

P = Permitted Use SU = Special Use Permit Blank = Not Permitted

* Indicates that there are specific use regulations pertaining to the use (*Section 4.3*).

- (1) Outdoor storage and/or display in conjunction with any use is not permitted unless specifically approved by Special Use Permit.
- (2) Limited to four per year, maximum two weeks duration each, except Christmas Tree Lots which are limited to once yearly for 30 days.
- (3) Refer to *Section 3.4.6*, Special District Regulations, for use permissions in the Antique District Overlay.
- (4) Docks and piers proposed for public waterfront and those not meeting the criteria in *Section 5.1.2.14* shall require a Special Use Permit.
- (5) Retail establishments providing modeling services require 1,000 square feet per room.
- (6) Buildings within 40 feet of a local street abutting a residential land use district must be residential in use and character and oriented to the local street. Neighborhood-serving retail uses may be allowed for corner parcels at local and minor collector street intersections if approved as a Planned Development Project with a positive recommendation from the Architectural Review Board.
- (7) City Council approval may be required. Refer to *Sections 2.2.9* and *4.3.1* for alcoholic beverage sales and approval requirements.
- (8) Adult and child day care centers with six or less clients and "Family Day Care Home" as defined and licensed by HRS are exempt from zoning requirements.
- (9) Day care centers, schools, churches, and other religious establishments can not be located within 500 feet of any Adult Entertainment Establishment.
- (10) Permitted use inside the Urban Central Business District Overlay.
- (11) Helicopter pads shall be a permitted accessory use to hospitals and public safety facilities.
- (12) Shall be a state licensed facility.

SCHEDULE 3.2.2.1. DIMENSIONAL AND AREA STANDARDS FOR RESIDENTIAL DISTRICTS					
STANDARD	RESIDENTIAL DISTRICTS				
	R-1	R-2	R-3	UV	R-4
MINIMUM LOT AREA IN SQUARE FEET					
One dwelling unit	7,200	6,500	5,000	5,000	3,000
Two dwelling units ⁽⁹⁾		8,500	6,000	6,000	
Three dwelling units			7,500	7,000	
Additional area required per unit above 3 units			3,000	1,600	
Maximum density (units/acre)	6	10	15	25*	15
MINIMUM STREET FRONTAGE IN FEET	50	50	50	50	35
Cul-de-sac	25	25	30	30	35
MINIMUM WIDTH AT BUILDING LINE IN FEET ⁽⁶⁾⁽⁸⁾					
One dwelling unit	75	60	50	50	35
Two dwelling units ⁽⁹⁾		70	60	50	
Three dwelling units			70	60	
MINIMUM SETBACKS ⁽¹⁾ IN FEET					
Principal building					
front ⁽²⁾⁽⁶⁾	20	20	20	10	5
side	8	8	8	5	5
rear	20	20	20	5	5
Accessory building & structures, except fences ⁽⁷⁾					
side and rear	5	5	5	5	5
MAXIMUM BUILDING HEIGHT ⁽³⁾ IN FEET	35	35	45	45	
MINIMUM DWELLING UNIT SIZE IN SQUARE FEET ⁽⁴⁾					
Single-family unit	1,500	800	800	800	400
Duplex unit		1,500	1,200	1,000	
Multi-family unit			700	700	
MAXIMUM % IMPERVIOUS SURFACE ⁽⁵⁾	50%	60%	70%	70%	70%

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* a 5-unit density bonus is permitted with the provision of affordable housing

- (1) An overhang of up to 2' is permitted to extend into the required setback unless the overhang would extend into a public facilities easement. A variance of up to 12" may be approved by the PCD Director. Setbacks shall be measured from the right-of-way unless waived by the PCD Director per *subsection 4.1.1*.
- (2) Secondary front yard setback minimum is 15 feet.
- (3) Additional height is permitted if one foot is added to the rear and side setbacks for each foot of additional height of the building.
- (4) Exclusive of garages, carports or other enclosed areas.
- (5) Including building footprint, paved drives, paved terraces, impervious decks, swimming pools, and other impervious surfaces.
- (6) Required on only one frontage on a double frontage lot.
- (7) With the exception of fences, accessory buildings or accessory structures shall not be placed on easements.
- (8) Cul-de-sac lots may reduce lot width at building line by 25 feet
- (9) See *Section 3.4.5.6* for Village of the Arts Overlay District.

SCHEDULE 3.2.2.2								
DIMENSIONS AND AREA STANDARDS FOR MIXED USE AND NON-RESIDENTIAL DISTRICTS								
STANDARD	MIXED-USE				COMMERCIAL		PROFESSIONAL	INDUSTRIAL
	UV		UC	UCBD	UCC	SCC	P	I
NON-RESIDENTIAL BUILDINGS (Building Setbacks in Feet) ⁽⁹⁾	Arterial ⁽¹⁾	Non-Arterial ⁽²⁾						
Front	5 ⁽³⁾	10	none	none	20	35	35	25
Side	0	5	none	none	10	10	10	20
Rear	0	15	none	none	15	25	25	25
Side or rear adjacent to residential district ⁽¹⁰⁾	n/a	n/a	35	35	35	35	35	35
Accessory building/structure setback in feet, side or rear ⁽¹¹⁾	none	none	none	none	10	10	10	10
Maximum floor area ratio ⁽¹²⁾	0.7	0.7	5	5	0.5	0.5	0.35	1
Maximum building height (in feet) ⁽¹³⁾	60 ⁽⁴⁾	35 ⁽⁵⁾	95	95	35	35	45	45
Maximum building height (in stories)	5	3	8	8	2	2	3	4
MAXIMUM RESIDENTIAL DENSITY IN DWELLINGS UNITS PER ACRE (where permitted)	25 ⁽⁶⁾⁽⁷⁾		60 ⁽⁶⁾⁽⁸⁾	40 ⁽⁶⁾⁽⁸⁾	10 ⁽⁶⁾⁽⁸⁾			

- (1) Standards apply to buildings fronting arterial roadways listed in *Section 4.1.3* .
- (2) Standards apply to buildings fronting local or collector streets listed in *Section 4.1.3*.
- (3) Maximum building setback of fifteen (15) feet.
- (4) Within 125 feet of parcel boundary fronting arterial roadway . Within 125 feet of parcel boundary fronting arterial roadway and local or minor collector street (corner parcel), height may be increased to 85 feet.
- (5) Within 85 feet of parcel boundary fronting local street or minor collector.
- (6) A density bonus of up to ten (10) dwelling units per acre may be granted for Planned Development Project applications subject to Architectural Review Board (ARB) design and compatibility review if such unit(s) meet the following conditions: (1) remains owner occupied with homestead tax exemption status; (2) the initial sales price does not exceed the purchase price limit set forth in the adopted City of Bradenton Local Housing Agency Plan, as may be amended from time to time; and (3) said unit does not exceed said purchase price limit for a time period of not less than five (5) years from date of first occupancy.
- (7) See Schedule 3.2.2.1 for Urban Village Residential Standards.
- (8) Areas inside the Coastal High Hazard Area being the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm model are limited to dimensional and area standards and density limitations set forth in the R-3C District.
- (9) An overhang of up to three (3) feet is permitted to extend into the required setback unless the overhang would extend into a public facilities easement or right-of-way. No footings or structural supports shall be located in a public facilities easement, drainage easement or right-of-way.
- (10) A five (5) foot separation strip shall be provided along all property lines abutting a residential zone. Within the strip, a permanent buffer, such as a wall or evergreen hedge, with a minimum height of six (6) feet shall be provided.
- (11) Pervious wood decks for outdoor seating may extend to side and rear property lines at the discretion of the PCD Director. No deck or structure pursuant to this allowance may extend over any water body or wetland. Additional standards may apply for such approval.
- (12) Floor area ratio is defined as the total building area divided by the total land area of the site and is limited to non-residential uses not including parking, public atriums, and/or indoor plazas and courtyards.
- (13) The maximum building height permitted, except in the UV, UC or UCBD zone, may be increased provided one additional foot is added to each required setback for each additional foot to building height. In UV, UC or UCBD Districts, increased height may be permitted with the approval of the City Council upon the recommendation of the ARB, provided adjoining properties would not be adversely affected based on visual impact and design and compatibility analysis and consistency with the Tamiami Trail Revitalization Strategy.
- (14) Gasoline pumps and propane tanks shall meet a 25 foot front setback and shall be landscaped.

SECTION 3.3 SPECIAL USE PERMITS.

Land uses requiring Special Use Permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special Uses are permitted only if in the specific instance the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The Special Use Permit makes the stipulations of approval mandatory. The Special Use Permit is valid for the property on which it is issued for as long as the conditions are met, unless the approval stipulates otherwise. *Schedules 3.2.1.1 (Residential)*, and *3.2.1.2 (Non-residential)* indicate what uses require Special Use Permits in various zones. See *Section 2.2.4* for the application procedure. Special Use Permit applications shall be reviewed using the following:

- 3.3.1 GENERAL STANDARDS. All Special Uses shall comply at minimum with the following standards. Additional requirements may be made by City Council to ensure compatibility of uses.
- 3.3.1.1 All Special Uses shall be subject to the general regulations of these LURs for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for lots and structures for the zoning district in which the Special Use use is proposed.
 - 3.3.1.2 A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along all streets serving the premises, except at approved access points.
 - 3.3.1.3 If the use is listed as a specific use in *Section 4.3*, the standards of that section must be met.
 - 3.3.1.4 Docks requiring Special Use Permit must comply with the requirements of *Section 3.3.3*.
- 3.3.2 REVIEW CRITERIA. All Special Uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.
- 3.3.2.1 The tract of land must be suitable for the type of use proposed by virtue of its location, topography, shape and the nature of surrounding development.
 - 3.3.2.2 Access points must be located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible.
 - 3.3.2.3 All buildings shall be located an adequate distance from property lines and streets. Setbacks in excess of those required for the specific zone may be required to lessen the effect of the use on neighboring properties.
 - 3.3.2.4 Permanent screening, such as walls, fences, hedges, and other barriers, may be required to protect surrounding properties from view of the premises or noises from the use. The minimum height and other parameters of such screening may be specified.
 - 3.3.2.5 The following shall be considered and cited as reasons for approval or denial of the application:
 - a. Adequacy of ingress and egress to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access.

- b. Location and design of off-street parking and loading areas in regard to the items in "a" above and the smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties.
- c. Location and design of refuse and service areas in regard to availability, adequacy and effect upon surrounding properties.
- d. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.
- e. Screening, buffering or separation of any nuisance or hazardous feature of the use.
- f. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.
- g. Effect upon the value of surrounding properties; the use shall not hinder the development of nearby vacant properties or adversely affect their economic value.
- h. Adequacy of land and/or building which are to be used.
- i. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to the proposed hours of operation.
- j. Environmental quality of the district in which the use is proposed and the effect the Special Use Permit might have on such quality.
- k. Consistency with the City's Comprehensive Plan.

3.3.3 DOCKS REQUIRING SPECIAL USE PERMIT

3.3.3.1 General Standards: Properties which are separated from a water body by a public right-of-way or public property must obtain a special use prior to installation of any dock, pier, or other appurtenance. Approval of any such dock, pier, or other appurtenance is subject to the following conditions:

- a. The dock, pier or appurtenance shall not be attached to any seawall or other structure located in the public right-of-way.
- b. Setbacks as specified by the Department of Environmental Protection must be complied with in the dock design, a minimum of 10 feet.
- c. The property owner will sign a grant of easement with the City of Bradenton for usage of the waterfront property and construction of the dock, pier or appurtenance. The easement specifies that if the City of Bradenton deems the removal of the dock necessary, it will be removed at the property owners expense.
- d. The dock, pier or appurtenance will be compatible and appropriate with adjacent properties or other properties within the district.
- e. The dock, pier, or appurtenance must be approved by the Department of Environmental Protection prior to issuance of a building permit.

SECTION 3.4. SPECIAL DISTRICT REGULATIONS.

3.4.1 PLANNED DEVELOPMENT PROJECTS (PDP). The PDP standards in this Section are geared to allowing developers maximum flexibility in designing higher quality, more innovative projects that might not otherwise be permitted through these LURs. Preservation

of environmentally-sensitive lands, creation of green space, and innovative design is highly encouraged. Interactive community design is also encouraged.

PDP review and approval is required for:

- Any project or new construction in a PDP District, unless the new construction is considered a minor amendment to a previously approved PDP site plan;
- Any project involving more than 200 linear feet of land below the 2-foot contour line, pursuant to *Subsection 3.4.4*.
- A subdivision that does not meet the subdivision requirements of *Section 4.2*.
- To be eligible for PDP consideration, the proposed development should:
 - Be at least one acre in total area, unless the PCD Director has determined that a smaller property could provide a beneficial contribution to the City or surrounding neighborhood. More than one lot of record may be proposed as part of a PDP, including non-contiguous lots of record within the same Comprehensive Plan Neighborhood, subject to PCD approval.
 - Generally exceed the standards contained in the LURs, and not merely circumvent them. The applicant agrees that additional standards may be required as part of the approval process. Any PDP proposing a reduction of required standards must include findings provided by the applicant for justifying the reductions.
 - Be reviewed by the PCD Director, Public Works and Fire Departments as part of a pre-application meeting, to discuss the concept of the proposed development and the procedural requirements of these LURs. The applicant must provide a conceptual site plan showing the subject property, its relationship to the surrounding properties, and the general development scheme.

3.4.1.1 Land Uses. In PDP land use districts, the land use category of the property as it appears on the Future Land Use Map in the Comprehensive Plan shall govern the uses which may be allowed within the proposed development, as follows:

SCHEDULE 3.4.1.1 ALLOWED USES IN PDP DISTRICTS	
FLUM Designation	Uses Allowed
Residential	Refer to R-3 District Atlas category and Subsection 3.4.1.3.a.
Professional	Refer to Professional District Atlas designation.
Commercial	Refer to UV/UCC/SCC District Atlas designation.
Mixed Use	Refer to UV/UC/UCBD District Atlas designation.
Industrial	Refer to Industrial (I) District Atlas designation.

In all other land use districts, the Land Use Atlas designation(s) of the property proposed for PDP approval shall govern the uses allowed within the development.

Schedule 3.4.1.1 sets forth the uses which may be allowed in the various Future Land Use Map (FLUM) designations.

3.4.1.2 General PDP Standards. Certain design and service standards are required for all proposed PDPs regardless of the underlying primary use. While flexibility in these requirements may be granted, such flexibility should be mitigated with enhanced standards applied to other aspects of the proposed PDP.

- a. Parking and Vehicular Access. While parking space, parking area design, and property access is dependent on the type of PDP proposed, the standards as set forth in *Subsections 4.1.4* and *3.4.1.3* of these LURs shall be generally applied to achieve the highest quality possible. Typically, parking area design should reflect logical and safe traffic flow, opportunities for shared parking and interconnectivity, pedestrian-oriented interaction, and an abundance of well-designed landscaping. Shopping cart areas should be considered an integral component of parking area use.

Access involves ingress and egress design for the proposed development. Applicants must provide a thorough analysis of how the surrounding roadways will be affected by the proposed access design, including input from outside agencies, as applicable. In some cases, roadway improvements such as deceleration or acceleration lanes may be necessary to effect good access design.

- b. Streets. The street standards set forth in *Subsection 4.1.3* must be met by all proposed PDPs.
- c. Drainage and Utilities. The drainage standards set forth in *Subsections 4.1.5* and *4.2.1.4* of these LURs must be met by all proposed PDPs.
- d. Concurrency. All PDPs must meet the concurrency requirements set forth in *Subsection 4.1.1.5* of these LURs. Also, see *Subsections 2.2.10.4.a.iii* & *2.2.10.4.a.iv* and *3.4.1.5.f* for information concerning reservation of capacity for concurrency and for procedures for extending reservations of capacity.
- e. Contributions to Public Facilities. Stipulations of approval of a preliminary PDP may include requirements to make improvements or contribute funding to improvements to public facilities such as roadways, sewer and water facilities, drainage facilities, schools, or parks and recreational facilities. Required improvements should be relative to the impacts caused by the proposed PDP. However, applicants may propose additional contributions as part of consideration for PDP approval which should be evaluated by the City in regard to the overall quality of the proposed development.
- f. Protection of Resources. PDPs must be designed to preserve natural, cultural and historic resources. Proposed development plans shall be reviewed to determine the adequacy of the plan in regard to preservation of such resources. PDPs which are partially in the Conservation District (see *Subsection 3.4.4*) shall be consistent with the requirements of that district. In addition, proposed PDPs shall be designed so that all portions of the PDP lying in the Conservation District (below the 2-foot contour line) shall be common open space maintained in perpetuity by the developer or homeowner's association. Additional stipulations may be imposed as found necessary by the approving body to protect coastal resources.

- g. Recycling Dumpster Pad. In addition to trash dumpster(s), an 8' x 22' concrete pad for recyclable materials is required. The dumpster must be completely fenced or screened, and landscaped on all three sides.
- h. Sidewalks. Sidewalks along roadways and those that provide logical pedestrian connections to other areas are required for all proposed PDPs, as determined by the PCD Director.

3.4.1.3 Additional PDP Standards. This subsection sets forth required standards for primary use-oriented developments, as follows:

SCHEDULE 3.4.1.3 SPECIFIC STANDARDS FOR PDPs BY LAND USE	
Land Use	Standard Reference
Residential Group Care Facilities Day Care Facilities Boardinghouses	Residential PDP standards (<i>Subsection 3.4.1.3.a</i>)
Professional Offices Educational Facilities Religious Facilities	Professional PDP Standards (<i>Subsection 3.4.1.3.b</i>)
Commercial Industrial	Commercial/Industrial PDP Standards (<i>Subsection 3.4.1.3.b</i>)
Mixed Development	Mixed Use PDP Standards (<i>Subsection 3.4.1.3.c</i>)

- a. Residential PDP.
 - i. Density. The number of units per acre shall not exceed the maximum as allowed by the Future Land Use Map and related policies of the Comprehensive Plan. If the project is in a residential district (not a PDP zone) the density shall not exceed the density allowed in that Land Use Atlas district. Acreage for density calculations shall not include areas within the Conservation District. Maximum density is not guaranteed for any proposed PDP, however, the quality of design, contribution to public facilities, open space and recreation, preservation of resources, and compatibility of the proposed development will be evaluated in order to recommend maximum density.
 - ii. Open space. Excluding roadways, parking areas, private yards, landscaped areas less than 250 square feet, and stormwater retention areas, open space shall make up a minimum of 25 percent of the site area. Open space may be in the form of recreation fields, courses, or fairways, pedestrian or bicycle paths or walkways, or landscaped common areas greater than 250 square feet each. In some cases, private yards designated as non-disturbed buffers or conservation easements may be eligible for open space calculations. In the Urban Core and Urban Central Business District, the open space requirement may be reduced or eliminated when the quality of the design justifies a reduction or elimination.
 - iii. Recreation area. Recreation area shall be provided at a ratio of one acre per 500 residents. In some cases, the PCD Director may recommend that recreation area be provided at a ratio of one acre per 200 dwelling units, or more. In no case, shall the minimum recreation area be less than one-half acre,

except in the UCBD or PDPs less than two acres in size. To be eligible for credit, a recreation area must include benches, trees, open or grassy areas or fields, pedestrian or bike paths, play or exercise facilities, courses, fairways, or other passive or active recreation facilities, or a combination of such facilities, which may be geared to the type of population served. Higher credit may be given to facilities usable by the general public, as determined by the PCD Director. Pedestrian or bike paths designed to meet the recreation standard shall be in specifically designated corridors. No recreational credit will be given to required sidewalks along roadways except for specially-designed, incidental connection points.

- iv. Parking. Two per dwelling unit plus one per 10 units for visitor parking. On-street parking may be counted toward the required visitor parking only. In proposed developments of 50 units or more, parking spaces shall be provided at the recreation area in a ratio of one space per ten dwelling units. In some cases, the applicant may recommend more or less parking than required by these standards, however, such designs must be qualified and quantified by quality of design, empirical data, or emerging trends.
 - v. Building setbacks. The following setbacks for buildings are typically required, unless otherwise stipulated in the PDP approval for projects proposed outside the Urban Core, Urban Central Business District and Urban Village districts:

Building setbacks for two-story buildings shall be: Thirty-five feet from any project property line which is also a street frontage, 50 feet from a major collector or arterial road as defined in *Subsection 4.1.3*, and 15 feet from an interior private road.

For buildings with more than two-stories, building setbacks from any property line shall be increased by 10 feet for each additional story.
 - vi. Buffers. A landscaped, well-designed perimeter buffer with a minimum or oscillating width of 25 feet from all property lines is required for all proposed Residential PDPs, unless otherwise stipulated in the PDP approval.
 - vii. Accessory Structures. Accessory structures may be approved as part of the proposed PDP based upon *Subsection 5.1.2* (Accessory Structures, Residential Buildings), as found appropriate by the approving body.
 - viii. Neighborhood Activity Center. A neighborhood activity center consisting of light retail, restaurants, personal services, office, and other similar neighborhood types of activities may be proposed as a compact, defined area limited to one acre or five percent of the overall development. While no specific standards are suggested in order to allow innovation in design, a proposed neighborhood activity center will be evaluated for its physical design including types of uses proposed, pedestrian connectivity with the surrounding residential components, landscaping, and overall feasibility.
- b. Professional, Commercial, Industrial PDP. See *Schedule 3.4.1.1* for restrictions on where Professional, Commercial, and Industrial PDPs can be located.
 - i. Intensity. The maximum floor area ratio for a Professional, Commercial, or Industrial PDPs shall be 0.35, 0.50 and 1.0, respectively.

- ii. Open space. Excluding roadways, parking areas, landscaped areas less than 250 square feet, and stormwater retention areas (unless designed as a landscape amenity), open space shall make up a minimum of 25 percent of the site area.
 - iii. Building setbacks. Principal buildings shall be set back 50 feet from street rights-of-way, and adjacent residential Land Use Atlas districts.
 - iv. Permitted uses. The uses proposed in a Professional, Commercial, or Industrial PDP shall be the same as those allowed in the Professional, UCC, SCC, or Industrial Land Use Atlas districts, respectively, (see *Schedule 3.2.1.2*), unless otherwise stipulated in the PDP approval. All uses proposed shall be consistent with the Future Land Use Map and the Comprehensive Plan.
 - v. Buffers. A landscaped, well-designed perimeter buffer with a minimum or oscillating width of 50 feet from all property lines is required for all proposed Professional, Commercial, or Industrial PDPs, unless otherwise stipulated in the PDP approval.
 - vi. Accessory structures. Accessory structures may be approved with the proposed PDP based upon *Subsection 5.2.2* (Non-Residential Accessory Uses), as found appropriate by the approving body.
- c. Mixed/Multiple Use PDP. A Mixed/Multiple Use PDP may be allowed in any area of the City provided that the proposed uses are consistent with the Future Land Use Map and the Comprehensive Plan. In the event that a Mixed/Multiple Use PDP involves more than one land use category on the Future Land Use Map, the location of the components within the proposed PDP must be compatible with the Future Land Use Map. A Mixed/Multiple Use PDP shall comply with all standards applicable to the PDP standards included in the single-use PDPs, above, however, it is expected that variations of the standards may be evaluated and recommended for approval. Proposed Mixed/Multiple Use PDP should reflect the most innovative approaches toward quality development.
- 3.4.1.4 Application and Submittal. Proposed PDPs require a comprehensive application package including the required copies of a bound Narrative which may include several of the studies and analyses components indicated in these LURs, and the master site plan and associated documentation and physical delineations. The application submittal process consists of two distinct submittals: 1) the preliminary PDP; and 2) the final PDP. The application can be either paper or electronic media in a PDF format. Additional submittals may be required depending on the nature of the application and the public hearing process.
- a. Preliminary PDP Application. The Preliminary PDP application shall include at minimum, 45 submission packets containing the following information, which can be duplicated in black and white up to 8 ½" x 14" paper size:
 - i. A completed application form and fees as set forth in *Appendix A*;
 - ii. An aerial photograph taken within 18 months of the application submittal date delineating the proposed PDP boundary;
 - iii. The preliminary site plan showing information as required, below;

- iv. Projections of impacts of the PDP upon roadways, sewer and water, public drainage, schools, and recreation for the purpose of concurrency, pursuant to *Subsection 4.1.1.5*;
 - v. A phasing plan.
 - vi. Conceptual Site Improvement Plans shall be required as for subdivisions (see *Subsection 2.2.10.2.c*).
 - vii. A Traffic Study for: Residential PDPs of 11 dwelling units or more; Professional, Commercial, Industrial, or Mixed/Multiple Use PDPs exceeding 10,000 square feet; and all other projects as required by the PCD Director. Expenses for a third party review of the Traffic Study shall be paid by the applicant, when required by the City.
 - viii. A Landscape Plan showing existing and proposed landscaping, trees, and vegetation proposed for removal. Landscape Plans for projects that equal or are higher than 50 dwelling units, 50,000 square feet, or 10 acres shall be prepared by a Landscape Architect registered in Florida.
 - ix. A Community Impact Report and project narrative, including detailed analysis of the project and the proposed PDP's potential impacts or effects upon surrounding properties, as determined by the PCD Director, including a compatibility review.
 - x. A Master Signage Plan that provides a detailed description for all proposed signage, including type, size, and locations. Calculations for total area must also be included.
 - xi. Other information as required by the PCD Director.
- b. Preliminary Site Plan requirements. The preliminary site plan shall be 24" x 36" and shall be drawn at a scale of one inch equals 100 feet or larger, with the following information clearly indicated:
- i. North arrow, graphic scale, and locator inset
 - ii. Name of project, names and addresses of owner(s), engineer, planner, and agent, as applicable
 - iii. Legal description with reference points used for determining the point of beginning, and project boundary lines with bearings and distances
 - iv. Data table showing the following for each use and phase separately, as well as, for the overall PDP
 - v. Acreage
 - Total number of units and individual type calculations, including square footage and density per acre
 - Typical building characteristics including dimensions, height, and number of stories
 - Total acreage/square footage of building footprints
 - Total acreage/square footage of paved areas
 - Streets and parking

- Total acreage/square footage of retention ponds or other water
 - Total acreage/square footage of open and green space broken down into their separate components (buffers, wooded and wetland areas, fairways, large landscaped areas, etc.)
 - Total acreage/square footage of conservation area
 - Total acreage/square footage of recreation area
- vi. Parking areas with arrangement, number of parking spaces and aisle widths , broken down by area which they serve
 - vii. Boundary lines, bearings and distances for any parcel divisions or phases
 - viii. Contours, existing and proposed, at not greater than 2-foot intervals
 - ix. Easements, existing and proposed, and their locations, widths, bearings and distances
 - x. Sidewalks, streets and rights-of-way existing and proposed, on and adjacent to the project and their names, locations, widths, bearings and distances
 - xi. Wetlands, waterways and water bodies on and adjacent to the project
 - xii. Utilities, existing and proposed, on and adjacent to the project
 - xiii. Names and locations of adjacent property owners
 - xiv. Dumpster and recycling pad locations and screening method
 - xv. Building envelopes with dimensions and distances from water bodies, adjacent buildings and rights-of-way
 - xvi. Acreage/square footage calculations for proposed open space/green areas, recreation areas, paved areas, open water and stormwater retention areas
 - xvii. Proposed recreation areas, showing dimensions of any proposed building or facilities
 - xviii. Proposed buffers, walls or other features
 - xix. Statement of proposed mechanism for maintaining common areas and a statement assuring perpetual ownership of common areas
 - xx. Tree Survey [Note: may be shown on separate sheet. May be waived by the PCD Director.]
 - xxi. Statement regarding proposed development on contiguous land under same ownership that is not proposed for approval as part of the application
 - xxii. A detailed rendering of a typical building
 - xxiii. A Landscape Plan that indicates all existing and proposed sewer, water, and electrical lines in order to prevent planting of trees in piped easements.
- c. Preliminary PDP review.
- i. Planning Commission review and recommendation. The preliminary site plan shall be reviewed by the Planning Commission, based upon the Staff Evaluation

and Analysis Report submitted to them by the PCD Director, and per the requirements of *Subsection 3.4.1*. The Planning Commission shall hold a public hearing on the application and shall recommend to the City Council to approve, approve with stipulations, or deny with specific reference to the criteria in *Subsection 3.4.1* and the concurrency requirements of *Subsection 4.1.1.5*. Latent changes to an application made by the applicant whereby insufficient review has been allowed for the Staff, Planning Commission, or City Council, as determined by the PCD Director, may require a delay in the processing of the application, and shall result in additional review and public notice costs at the applicant's expense. The application, with written recommendation by the Planning Commission shall be forwarded to City Council.

- ii. City Council review and final decision. The City Council, after receiving the Planning Commission's recommendation, shall approve, approve with stipulations, or deny the application with specific reference to provisions of *Subsection 304.A*. or the concurrency requirements of *Subsection 4.1.1.5*. The plan shall not be approved unless services as required by *Subsection 4.1.1.5* are available or will be available at the time the Certificate of Use is issued.
- iii. The approval of the preliminary site plan constitutes a finding of concurrency compliance pursuant to *Subsection 4.1.1.5*, and a reservation of capacity for roadways, sewer and water, public drainage and recreation facilities, subject to the stipulations placed upon the approval. Approval of the preliminary plan and reservation of capacity in public facilities shall be valid for two years. An extension of time may be applied for by the developer by submitting a letter of request to the City Council through the PCD Director and the fee set forth in *APPENDIX A*. Reservation of capacity in public facilities may be extended at the same time or City Council may choose to extend the approval of the PDP but not the reservation of capacity in public facilities if there is immediate demand for the capacity by other developments. City Council may set a date for reconsideration of the reservation of capacity or may reconsider at the time of the next request for extension of the PDP's preliminary approval. The final PDP site plan shall not be applied for until the reservation of capacity is renewed.
- iv. Following City Council approval, development permits may be issued as necessary for public improvements.
- d. Amendment of Preliminary PDP. The criteria in *Subsection 3.4.1* shall be used to determine if a proposed preliminary site plan amendment is minor or major. A minor amendment requires the resubmission of the final site plan and approval by the PCD Director or, if the final site plan has not been submitted, the amendment can be made with the final site plan application. A major amendment requires a new preliminary site plan application submittal package, fee, and review by the Planning Commission and City Council, unless otherwise determined by the City Council.
- e. Extensions of Time of a Preliminary PDP. An extension of time may be requested by submitting a letter to the PCD Director with the fee set forth in *Appendix A*. Expiration dates are outlined in *Subsection 3.4.1.5.f* below.
- f. Public Notice. The PCD shall provide public notice pursuant to *Subsection 2.3.1*. for the Preliminary PDP hearings. No public notice is required for final site plan review and approval.

3.4.1.5 Final PDP Application. Following the approval of the construction plans, the application for final site plan approval shall include, at minimum, the following:

- a. A completed application form and fees as set forth in *Appendix A*;
- b. The final site plan showing information as set forth in *Subsection 3.4.1.6.b* below are required. The number of copies of the final site plan, additional information required for review and deadlines for submission are set forth in the Procedures Manual maintained by the PCD Director. The final site plan may be submitted in phases corresponding to phases shown on the approved preliminary plan;
- c. The final PDP site plan shall be reviewed by the PCD Director for completeness and adherence to the approved preliminary site plan and any attached stipulations;
- d. If a bond or other security is to be posted for public improvements, such document shall be submitted to the Director of Public Works and the City Clerk for their approval. Approval by the Director of Public Works of as-built plans for all public facilities to be dedicated shall be required prior to acceptance of dedications by City Council. Following City Council acceptance, the dedication shall be recorded with the Clerk of the Circuit Court by the City Clerk;
- e. Following the dedication of, or posting of a bond or other security for all public improvements, and upon finding that the final site plan is complete and in compliance with the approved preliminary site plan, the PCD Director shall approve the final site plan and notify the applicant that development permits may be applied for. Approval by the PCD Director shall include a reservation of capacity for public facilities (see *Section 3.1.1.5*). A mylar copy of the approved final site plan shall be filed in the PCD as a permanent record. Minor amendments, as defined in *Subsection 3.4.1.4.b* may be approved by the PCD Director with the final site plan;
- f. Approval of the final site plan, including the reservation of capacity of public facilities, shall expire in one year unless Building Permits have been issued for construction of structures or public improvements have been completed. An extension of time may be applied for by submitting a letter of request and the fee as set forth in *Appendix A* to the PCD Director. Reservation of capacity in public facilities may be extended at the same time, or City Council may choose to extend the approval of the final site plan but not the reservation of capacity in public facilities if there is demand for the capacity by other developments. City Council may set a date for reconsideration of the reservation of capacity or may reconsider at the time of the next request for extension of the final plan approval. Construction permit applications shall not be accepted by the PCD Director in the event that the reservation of capacity is not renewed.

3.4.1.6 Final PDP Site Plan. The final PDP site plan shall be a mylar drawing and shall be drawn at the same scale as the approved preliminary plan. All sheets shall be 24 inches by 36 inches. In addition, a reproducible plan showing all lot lines, easements, and rights-of-way, shall be submitted in a digital .dwg format. The following information shall be shown:

- a. The final plan shall show all of the items required for the preliminary plan and shall reflect any changes made by the City Council approval of the preliminary plan. In addition, the stipulations of the City Council approval shall be listed on the plan.

- b. Any public facilities to be dedicated shall be shown on a separate sheet which shall be in a form suitable for recording with the Clerk of the Circuit Court. A Certificate of Approval for recording, suitable to be signed by the City Clerk, shall be included to indicate that the facilities have been accepted by City Council. The plan shall show the following certifications:
 - c. Certification of title showing that the applicant is the owner of the property.
 - d. Certification by a registered surveyor, on plat, as to the accuracy of survey and plan.
 - e. Certification by the Director of Public Works that the developer has complied with one of the following alternatives:
 - i. All of the required improvements have been installed in accordance with the regulations for such projects and other provisions of these LURs and with the action of the commission, board or governing body, as applicable, giving conditional approval of the preliminary development plat, or
 - ii. A surety bond or certified check has been posted with the governing body in sufficient amount to assure completion of all such required improvements.
 - f. Certification by the PCD Director that the plan is in compliance with the approved preliminary and that a reservation of capacity in public facilities has been made.
- 3.4.1.7 Amendment to PDP. An amendment to an approved PDP requires the resubmission of a preliminary plan for review by the Planning Commission, and reapproval by the City Council as for the original project, except when the amendment is a minor amendment, per Subsection a. below. Minor amendments may be approved as per subsection b., below. Fees for major and minor amendments are set forth in Appendix A.
- a. Major Amendment. The applicant shall supply the PCD Director with an amended site plan or other information sufficient to determine the magnitude of the amendment, and to evaluate the amendment in relation to the criteria below. Major amendments approved by City Council require the submission of an amended final plan for review by the PCD Director, who may require any other provisions of these LURs found to be applicable, to be included as part of the amended final plan. A mylar drawing of the entire project as amended shall be submitted with all information as required by *Subsection 3.4.1.4.b.* The PCD Director shall find the amendment to be a major amendment if any of the following criteria is applicable:
 - i. Floor area (excluding recreational facilities) is increased 20 percent or more.
 - ii. The amendment is in conflict with any of the stipulations of the original approval or commitment made by the applicant during the public hearing process for the original approval.
 - iii. An accessory structure is proposed which is not consistent with Section 5.0.
 - iv. The amendment reduces buffer area or landscaping materials as most recently approved.
 - v. The amendment involves the construction or significant alteration of public facilities.
 - vi. The amendment significantly increases the impact on public facilities requiring concurrency review.

- vii. The amendment otherwise alters the project in a manner which the PCD Director finds to be significant.
- viii. The conditions of the original approval have not been met, or the project is in violation of any City codes.
- ix. Traffic circulation or access points are significantly altered.

- b. Minor Amendment. Minor amendments require the submission of an amended final plan for review by the PCD Director, who may require any other provisions of these LURs found to be applicable, to be included as part of the amended final plan. A mylar drawing of the entire project as amended shall be submitted with all information as required by *Subsection 3.4.1.4.b*.

3.4.2 HISTORIC DISTRICT. There are two Historic Districts and scattered historic buildings located outside of these Historic Districts listed on the Florida Master Site File that are subject to additional review and standards. Proposed construction, uses, and other activities are reviewed by the PCD Director and may require a Certificate of Appropriateness related to their compatibility with, and impact upon these Historic Districts, buildings, and resources. Applications for a Certificate of Appropriateness shall require approval by the PCD Director, as follows:

- 3.4.2.1 Review and Approval. The PCD Director shall determine, through a written report, if the application is consistent with the "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", issued by the U.S. Department of the Interior. If an application does not appear to be consistent with the guidelines, the PCD Director shall not approve the application, and no work may begin. The applicant may then appeal the decision to the Architectural Review Board.

3.4.3 FLOOD ZONE. All areas indicated as "Special Flood Hazard Areas" (SFHA) on the Flood Insurance Rate Map shall be subject to the regulations of this section. Included are areas marked "A-Zone," "Floodway," and "V-Zone." In enforcing these LURs, all provisions shall be considered as minimum requirements, liberally construed in favor of the purpose and intent of protecting the public's health, safety and welfare by reducing or eliminating losses from flooding, and shall not limit or repeal any other powers granted under state or federal law.

3.4.3.1 Provisions for Flood Hazard Reduction

- a. General regulations. Any alteration, repair, reconstruction, or improvements to a structure on which the start of construction was begun after the effective date of these LURs shall meet the requirements of "new construction" as contained in these LURs.
 - i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be constructed with materials and utility equipment resistant to flood damage.
 - ii. All new and replacement water and sewer lines shall be designed to minimize or eliminate infiltration of floodwaters and to prevent the flow of sewage into floodwaters. All on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - iii. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

- iv. Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Such areas may only be used for storage. Designs for complying with this requirement must either be certified by a registered professional engineer or architect or meet the following criteria:
 - v. Provide a minimum of two openings having a total new area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - vi. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - vii. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
 - viii. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or storage (standard exterior door) or entry to the living area (stairway or elevator);
 - ix. ix. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- b. Specific standards
 - i. Residential Construction (Including Manufactured Homes):
 - a) Elevation requirement. New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to or above base flood elevation, or 18 inches above the crown of the road, whichever is greater. After the structure is completed, an elevation certificate from a registered surveyor that the permitted elevation matches the as-built elevation is required. Accessory buildings such as garages or sheds not occupied as dwelling units are exempt from this requirement. Exception for Existing Manufactured Home Parks: For new replacement or substantially improved manufactured homes on lots in existing manufactured home parks, the following option may be chosen in lieu of the above elevation requirement: The manufactured home chassis shall be supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade;
 - b) Anchoring Requirement. Manufactured homes shall also be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

- ii. Non-residential buildings. Commercial, industrial and other non-residential buildings shall meet the requirements for residential buildings, as stated above, or, if they are located in Zone A, they may be floodproofed in lieu of being elevated, provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. If floodproofing is used, a registered professional engineer or architect must certify that NFIP floodproofing criteria are met by the design, and after floodproofing is complete, that the work was done as permitted.
- iii. Floodways. Located within areas of the SFHA are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following shall apply:
 - a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. All flood hazard reduction provisions of these LURs shall also be required;
 - b) Prohibit the placement and substantial improvement of manufactured homes.
- iv. V-Zone. Located within the areas of the SFHA are areas designated as velocity zones. These areas have special flood hazards associated with wave wash and scouring; therefore, the following provisions shall apply:
 - a) All buildings shall be located landward of the reach of the mean high tide, and shall be elevated so that the bottom of the lowest supporting horizontal member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. After the placement of the horizontal structural members of the lowest floor, a certification from a registered surveyor that the elevation requirement is met, is required;
 - b) All buildings or structures shall be securely anchored on pilings or columns, and shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100-year mean recurrence interval (one percent annual chance of flood). The design shall be certified by a registered professional engineer;
- c. There shall be no fill used as structural support; non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects of wave deflection. The PCD Director shall approve design plans for landscaping/aesthetic fill only after the

applicant has provided an analysis by a registered professional engineer which demonstrates that the following factors have been fully considered:

Particle composition of fill material does not have a tendency for excessive natural compaction

Volume and distribution of fill will not cause wave deflection to adjacent properties

Slope of fill will not cause wave run-up or ramping

- d. There shall be no alteration of mangrove stands or sand dunes which would increase potential flood damage or impacts
- e. Any alteration, repair, reconstruction or improvement to a building shall not enclose the space below the lowest floor except for lattice work or decorative screening, as provided below. Such space may not be used for habitation, but for limited storage or parking of vehicles only
- f. Lattice work or decorative screening may be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to break away under abnormally high tides or wave action without damage to the structural integrity of the building on which it is to be used and provided no solid walls are included and that the material of the lattice is wood or mesh screening only.
- g. Prohibit the placement and substantial improvement of manufactured homes.

3.4.3.2 Variances. Applications for variances from flood regulations shall be heard by the Planning Commission per the procedure in *Subsection 2.2.8*. The criteria for reviewing the applications shall be as follows:

- a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Florida Nomination Proposal, a copy of which is on file with the PCD Director, without regard to the procedures set forth in the remainder of this subsection.
- b. In passing upon any Variance application, all relevant factors, standards specified in other sections of these LURs, and the following shall be considered:
 - i. The danger that materials may be swept onto other lands to the injury of others
 - ii. The danger of life and property due to flooding or erosion damage
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner
 - iv. The importance of the services provided by the proposed facility to the community
 - v. The necessity to the facility of a waterfront location, where applicable
 - vi. The compatibility of the proposed use with existing and anticipated developments
 - vii. The relationship of the proposed use with existing and anticipated development
 - viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles

- x. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - xi. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
 - xii. Generally, Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- c. Upon consideration of the factors listed above and the purposes of these LURs, the Planning Commission may attach such conditions to the granting of Variances as it deems necessary to further the purposes of these LURs.
 - d. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - e. Conditions for Variances:
 - i. Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief
 - ii. Variances shall be issued only upon a showing of good and sufficient cause; a determination that failure to grant the Variance would result in exceptional hardship to the applicant, and a determination that granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances
 - iii. Any applicant to whom a Variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation
 - iv. The PCD Director shall maintain the records of all appeal actions and report any Variances to the Federal Emergency Management Agency upon request.

3.4.4 CONSERVATION DISTRICT. All areas indicated as "Conservation" on the Conservation District Map maintained by the PCD Director, or areas lying at, or below the 2-foot contour line (two feet above mean sea level) shall be subject to the following regulations. The following are prohibited in the Conservation District except when specifically approved by City Council as being of overriding public interest as defined in these LURs:

- Structures, other than docks; boardwalks; and boat ramps.
- Roadways.
- Parking areas and other paved surfaces.

3.4.4.1 Development of land which includes more than 200 linear feet of land at or below the 2-foot contour line shall be approved only through the PDP process (see *Subsections 3.4.1 and 2.2.12*) and shall further comply with the following:

- a. The site plan for such projects shall preserve all lands within the Conservation District in compliance with *Subsection 4.1.2*.
- b. The 2-foot contour line shall be buffered from upland development by a 35-foot vegetated buffer. The buffer area shall have a maximum slope of 4:1. Vegetation for the buffer shall be approved by the PCD Director. Examples of acceptable vegetation are listed in the Procedures Manual.
- c. Within the PDP, docks, boatramps and boardwalks shall be approved only as common recreation facilities serving the development or open to the public, and shall not be allowed as private facilities with the exception of single family subdivided lots. Such facilities shall be restricted to the minimum needed to serve the development and shall be designed and located in such a manner as to minimize damage to valuable plant communities and habitat. Such areas shall include, but are not limited to seagrass beds, mangrove stands, marsh grass and other coastal wetlands, and shellfish beds (see *Subsection 4.1.2*).

3.4.4.2 Removal of vegetation, dredge and fill operations, and earthmoving adjacent to any Conservation District shall be further governed by *Subsection 4.1.2*.

3.4.5 VILLAGE OF THE ARTS OVERLAY DISTRICT (VAOD). The purpose of the VAOD is to encourage a desired mix of appropriate home occupation and home business uses oriented toward, or supporting a visual or cultural arts theme while maintaining the residential character of the underlying residential neighborhoods. Any proposed home occupation or home business use related and contributing directly to an arts theme, as determined by the PCD Director, unless indicated otherwise, may be approved administratively by the PCD Director if the proposed use meets and complies with the minimum standards contained in this subsection. The PCD Director may consult with residents and business owners in the VAOD to make such a determination. Additional standards may be required for approval, depending on the type of home occupation or home business proposed.

USE	APPROVAL PROCEDURE	
	Administrative	Special Use
PROFESSIONAL: accountant, attorney, consultant, mortgage broker, psychologist, etc.	X	
ARTISTIC: Fine arts and crafts creation and sales, (e.g. painting, sculpture, photography, design, handicrafts, gallery)	X	
EATING/DRINKING ESTABLISHMENT: Café, coffee shop, bakery.	X*	
OTHER USES:		
Other similar non-intensive, low traffic generating non-residential uses	*	*
Day Care		X
Public Event	*	

*Use permission to be determined by PCD Director. Additional standards and review requirements may apply.

- 3.4.5.1 Live/Work. The proprietor of the home occupation or home business use may live on the premises approved for the use, with the exception of eating/drinking establishments. No more than three employees, including the proprietor and family members, whether full or part time, shall work on the premises at one time, except during special events, whereby one additional employee may be permitted. The proprietor of the home occupation or home business use shall be considered an employee of that home occupation or home business. If the proprietor does not live on the premises commercial standards may apply.
- 3.4.5.2 Parking. Sufficient parking shall be determined by the PCD Director on a case-by-case basis. A blend of available parking standards shall be used in evaluating parking needs for each proposal. Applicants for each proposed use are required to submit a detailed parking plan, in order to facilitate approval. Paved parking is typically required, however, other materials may be permitted depending on the suitability of the overall parking design and landscaping, and compatibility with surrounding properties and the VAOD theme in general. In all cases, extensive landscaping may be required to mitigate the impacts of excessive parking in residential neighborhoods.
- 3.4.5.3 Signage. Not including District Theme Signage, a home occupation may have one window or hanging façade sign, or ground sign not to exceed six square feet in area. A home business use may have one hanging façade sign not to exceed six square feet in area, or ground sign not to exceed 12 square feet in area. Ground signs must be low profile with a maximum height of 72", including structural components. All signage must be approved by the PCD Director, and be compatible with the VAOD theme.
- 3.4.5.4 Storage. Outdoor storage is generally prohibited, however, temporary display and limited activities pertinent to the home occupation or home business that contribute to the character of the VAOD may be approved by the PCD Director. In no case shall there be outdoor storage and/or display on any lot or parcel without a principal structure.
- 3.4.5.5 Special Events. Special events may be permitted with City Council approval, within a specifically identified area of the VAOD, of no more than three days in duration, if adequate provisions are made to reasonably limit or mitigate any adverse impacts resulting from noise, lighting, vehicular traffic, vehicular parking, pedestrian traffic, solid waste collection and other such matters and effects as may be expected from the occurrence of such special events. Special Event signage may be placed at the entrances to the VAOD in the form of a banner or temporary sign not to exceed 16 square feet. The sign must be located on private property. Special Event signage may not be installed more than three weeks prior to the event, and shall be removed within 2 days after the event.
- 3.4.5.6 Accessory Dwelling Units. It is the policy and intent of the City of Bradenton to promote and encourage the creation of legal accessory dwelling units for existing single-family homes in a manner that enhances the character of the Village of the Arts, provides additional income to artists, and helps residents meet their housing needs. Accessory Dwelling Units are permitted for lots that are between 5,000 and 6,000 square feet. Lots 6,000 square feet or larger are subject to the requirements for residential development in the Urban Village. See Schedule 3.2.2.1.

- a. Approval Process. One accessory dwelling unit is permitted per eligible lot, provided the Development Review Manager first approves the proposed accessory dwelling unit and a standard building permit is issued.
- b. Permit Renewal. A Certificate of Occupancy issued for an accessory dwelling unit shall expire if the accessory dwelling unit is found in violation by the City of Bradenton Code Enforcement Board or other code enforcement entity. Once an affidavit of compliance is issued by the City of Bradenton Code Enforcement Division or other code enforcement entity and imposed fines are paid to the City of Bradenton, the owner may reapply for a Certificate of Occupancy.
- c. Lot Standards.
 - i. The lot proposed for an accessory dwelling unit shall contain an existing single-family dwelling unit.
 - ii. The lot must meet or exceed the minimum dimensional and area standards set forth in *Schedule 3.2.2.1* for the UV District for one dwelling unit to be eligible for an accessory dwelling unit.
 - iii. The accessory dwelling unit shall have a minimum side yard setback of ten (10) feet and a minimum rear yard setback of five (5) feet.
 - iv. No more than 70 percent of the lot may be impervious.
- d. Occupancy Standards. A lot containing an accessory dwelling unit shall be occupied by the owner of the premises, and the owner may live in either the accessory dwelling unit or the principal dwelling unit. Within 30 days of securing approval for construction of an accessory dwelling unit, the owner shall record against the deed of the subject property, a deed restriction running in favor of the municipality limiting occupancy of either the principal dwelling unit or the accessory dwelling unit to the owner of the property. Proof that such a restriction has been recorded shall be provided to the PCD Director prior to the issuance of a certificate of occupancy permit for the accessory dwelling unit.
- e. Accessory Dwelling Unit Building Standards.
 - i. Accessory dwelling units must be permanent structures that reflect the architectural style and character of the principal dwelling unit.
 - ii. No entrance for an accessory dwelling unit shall be permitted on, or, from the front of a principal dwelling unit; the accessory dwelling unit's primary entrance shall not be visible from the street view of the principal dwelling; and the accessory dwelling unit's stairways may not be constructed on the front or side of a principal dwelling unit.
 - iii. The building height of an accessory structure containing an accessory dwelling unit shall not exceed 22 feet in elevation, except that a two story accessory structure shall not be permitted if the principle building is not a two story structure.
 - iv. The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the accessory dwelling unit, including landscape screening, fencing, and window and door placement.

- v. In no case shall the gross floor area of an accessory dwelling unit exceed eighty (80) percent of gross floor area of the principal dwelling or 1,000 square feet, whichever is less.
- vi. The accessory dwelling unit shall not contain more than one bedroom.
- vii. The accessory dwelling unit shall not be intended for sale and may be rented.
- f. Parking. At least one off-street parking space must be provided in the side or rear yard setback per accessory dwelling unit subject to approval by the Public Works Department.
- g. Public Health.
 - i. Applicants must supply the Development Review Manager with certification by the Public Works Department that the water supply and sewage disposal facilities are adequate for the projected number of residents.
 - ii. Only one electrical and one water meter shall be allowed to serve the principal dwelling unit and the accessory dwelling unit.
- h. Public Safety. Applicants must supply the Development Review Manager with certification by the City of Bradenton Fire Department that the proposed accessory dwelling unit will comply with the Florida Fire Prevention Code.

3.4.5.7 Artisan Workshop/Gallery. An artisan workshop/gallery is a permitted use within an accessory structure on a single-family lot with or without an accessory dwelling unit and is subject to standards set forth in *Schedule 3.2.2.1* for accessory buildings and structures. No more than one principal dwelling unit and two accessory buildings are permitted per lot. The artisan workshop may be incorporated into an accessory dwelling unit as an artist studio. The gross floor area of the artisan workshop shall not exceed 400 square feet. High hazard uses, as identified in the Florida Fire Prevention Code, are prohibited. The artisan workshop/gallery shall not be leased, sold, or used for commercial or educational purposes. It is intended for the owner or resident of the premises to prepare individually crafted artwork as defined in *Chapter 10.0*.

3.4.6 ANTIQUES DISTRICT OVERLAY (ADO). The purpose of the ADO is to encourage appropriate home occupation and home business uses oriented toward, or supporting an antique collectibles theme with an underlying environment of historic and artistic themes contributing to a desirable mixed-use character. Any proposed home occupation or home business use related and contributing directly to an antiques-oriented theme, as determined by the PCD Director, unless indicated otherwise, may be approved administratively by the PCD Director if the proposed use meets and complies with the minimum standards contained in this subsection. The PCD Director may consult with residents and business owners in the ADO to make such a determination. Additional standards may be required for approval, depending on the type of home occupation or home business proposed.

USE	APPROVAL PROCEDURE	
	Administrative	Special Use
PROFESSIONAL: Accountant, attorney, consultant, mortgage broker, psychologist, etc.		X
ARTS & CRAFTS: Fine arts and jewelry, crafts creation and sales uses (i.e. painting, sculpture,	X	

USE	APPROVAL PROCEDURE	
	Administrative	Special Use
stained glass, handicrafts, gallery.		
EATING/DRINKING ESTABLISHMENT:Café, restaurant, coffee shop, bakery	*	
RETAIL/WHOLESALE:Antique collectibles and furniture, antique furniture restoration, boutique, and other similar, period types of uses.	X	
OTHER USES		
Other similar non-intensive, low traffic-generating non-residential uses	*	*
Day Care		X
Public Event*	*	

*Use permission to be determined by PCD Director. Additional standards and review requirements may apply.

- 3.4.6.1 Live/Work. The proprietor of the home occupation or home business use may live on the premises approved for the use, with the exception of eating/drinking establishments. No more than three employees, including the proprietor and family members, whether full or part time, shall work on the premises at one time, except during special events, whereby one additional employee may be permitted. The proprietor of the home occupation or home business use shall be considered an employee of that home occupation or home business.
- 3.4.6.2 Parking. Sufficient parking shall be determined by the PCD Director on a case-by-case basis. A blend of available parking standards shall be used in evaluating parking needs for each proposal. Applicants for each proposed use are required to submit a detailed parking plan, in order to facilitate approval. Paved parking is typically required, however, other materials may be permitted depending on the suitability of the overall parking design and landscaping, and compatibility with surrounding properties and the ADO theme in general. In all cases, extensive landscaping may be required to mitigate the impacts of excessive parking in residential neighborhoods.
- 3.4.6.3 Signage. Not including District Theme Signage, a home occupation may have one window or hanging façade sign, or ground sign not to exceed six square feet in area. A home business may have one hanging façade sign not to exceed six square feet in area, or ground sign not to exceed 12 square feet in area. Ground signs must be low profile with a maximum height of 72", including structural components. All signage must be approved by the PCD Director, and be compatible with the ADO theme.
- 3.4.6.4 Storage. Outdoor storage is generally prohibited, however, temporary display and limited activities pertinent to the home occupation or home business that contribute to the character of the ADO may be approved by the PCD Director. In no case shall there be outdoor storage and/or display on any lot or parcel without a principal structure.
- 3.4.6.5 Special Events. Special events may be permitted within a specifically identified area of the ADO, with City Council approval, of no more than three days in duration, if adequate provisions are made to reasonably limit or mitigate any adverse impacts resulting from noise, lighting, vehicular traffic, vehicular parking, pedestrian traffic, solid

waste collection and other such matters and effects as may be expected from the occurrence of such special events. Special Event signage may be placed at the entrances to the ADO in the form of a banner or temporary sign not to exceed 16 square feet. The sign must be located on private property. Special Event signage may not be installed more than three weeks prior to the event, and shall be removed within 2 days after the event.

3.4.6.6 Historic District. Any alterations to existing buildings, or new construction occurring within the ADO may require a Certificate of Appropriateness, as determined by the PCD Director.

CHAPTER 4.0 GENERAL REGULATIONS

SECTION 4.1 LAND ALTERATIONS

4.1.1 STRUCTURES. See *Subsections 2.2.1*, and *2.2.2*, for permit requirements. Structures shall meet the requirements of *Subsections 3.2.2* and *5.0*, as applicable. Structures shall not be located in the future right-of-way of public streets, and required building setbacks shall be measured from the future right-of-way line. (See *Subsection 4.1.3* for right-of-way widths.) The PCD Director may allow the setback to be measured from the existing right-of-way rather than from the future right-of-way in cases where the purchase of the future right-of-way area is not in the foreseeable future. Setback from the future right-of-way shall not be waived if widening of the street is included in the City or County Five-year Transportation Improvement Program (TIP), or is included in any improvement programs of the Florida Department of Transportation. In cases where existing right-of-way width is less than the requirement for the classification of the street (see *Subsection 4.1.3.2*), reductions in setback shall be limited so that a minimum of 50 percent of the required right-of-way width is reserved. All structures shall maintain a 35-foot visibility triangle from an intersection of two streets or a street and alley. With the exception of residential accessory structures, metal buildings are prohibited in any zoning district other than the Industrial district.

If a proposed structure is in a PDP (see *Subsection 3.4.1*), structures will be permitted only as shown on the approved site plan or as allowed in *Subsection 3.4.1*. If the structure is in a Historic District, see *Subsections 3.4.2* and *2.2.13*. Structures are further restricted in the coastal areas at or below two feet above mean sea level (see *Subsection 3.4.4*).

In storage facilities, no individual doors, except for main entry door(s), or painted doors on walls shall be allowed on the front elevation. No exterior walls of exposed cinder block shall be permitted unless block is treated for exterior finish.

Outparcel treatment: The design of structures on outparcels shall be coordinated with the main structure on the parcel. At a minimum, similar colors and materials shall be used on exterior surfaces. Compatibility in roof shape and material, signage, lighting and landscape material is encouraged. The following are general regulations for structures:

- 4.1.1.1 Number of Structures per Lot. Only one principal building and permitted accessory structures (see *Section 5.0*) shall be permitted per lot, except that multiple buildings may be permitted if approved by the Design Review Committee in the UC, UCBD or UV Districts, or through the PDP process in all other districts. (see *Section 3.4.1*).
- 4.1.1.2 Temporary Structures. Temporary structures are those which are designed, constructed and intended to be used on a short-term basis. Temporary structures, including non-motorized trailers are permitted during construction (see *Section 2.2.1* for permit process) subject to the following:
 - a. No temporary structure shall be permitted on a property until the principal development for the parcel has been permitted.
 - b. Temporary structures shall be tied down and electrical and sewer service shall be provided in accordance with current building, electrical and plumbing codes.
 - c. Placement of temporary structures shall be at the discretion of the PCD Director.
- 4.1.1.3 Water and Sewer Facilities. No building shall be occupied unless it is connected to public sewage disposal and potable water facilities or is approved by the Director of Public Works for alternative sources for these services. All buildings which have

property lines within 100 feet of potable water service and 200 feet of sewer service shall connect to such facilities unless waived by the Director of Public Works on the basis that the service is not adequate. Plans for sewer and water facilities including connections shall be submitted with any permit application for a structure (See *Subsections 4.1.1.5.b* and *4.1.1.5.c* below).

4.1.1.4 Street Access. No building shall be permitted on a lot unless the lot has access to one of the following:

- a. A public street. If such street is unimproved, the Director of Public Works may require the applicant for a structure to construct adequate access to the proposed property entrance. If the street is unpaved the Director of Public Works may require as a condition of the permit that the applicant commit to participation in the future paving of the street.
- b. A private street within an approved PDP. Such streets shall be completed to the entrance of the applicant structure and approved prior to the issuance of any permit for constructing a structure (See *Section 4.1.1.5.a.* below).

4.1.1.5 Concurrency. No structure or alteration to a structure shall be permitted unless the PCD Director determines that adequate capacity in the following areas is available to serve the development or will be available at the time of issuance of the Certificate of Use (as per *Subsection 2.2.2*): roadways, sanitary sewer, potable water, drainage, solid waste, schools and recreation. A traffic study or other technical studies including the applicant's interpretation of the project's standing in regard to concurrency may be required by the PCD Director as necessary to determine the impact of proposed development on these facilities. The following Level of Service standards shall be used by the PCD Director to determine if adequate capacity is available.

- a. Roadways. Maintain Level of Service D or better on all roadways. Level of Service D is a roadway condition where the ratio of average daily traffic volume to roadway capacity is between 0.75 and 0.90. The PCD Director shall maintain tables indicating the capacity currently available for roadway sections within the City.
- b. Sanitary sewer. Provide treatment and collection at a Level of Service of 100 gallons of wastewater per person per day.
- c. Potable water. Provide potable water at a level of service of 100 gallons per person per day, minimum design flow of 12 gallons per minute and 45 pounds pressure and six hours of storage capacity.
- d. Drainage.
 - i. The peak discharge rate from new development shall be equal to or less than the peak discharge rate that existed prior to development based on a 25-year frequency, 24-hour duration storm event.
 - ii. Trunk storm sewers and major drainage channels shall be designed to accommodate the maximum stormwater resulting from a design storm of 25-year frequency, 24-hour duration without flooding.
 - iii. Internal or on-site drainage facilities of developments shall be designed to accommodate the stormwater resulting from a design storm of 10-year frequency, critical duration, based on the project site's time of concentration.
- e. Solid Waste. Curbside collection and disposal equivalent to 35 pounds per capita per week of solid waste.

- f. Recreation. One acre of neighborhood park per 500 people. A neighborhood park shall be defined as a parcel of land of a half-acre or more located within a half mile of the population served and having the following minimum improvements: benches, trees, open or grassy areas and play or exercise facilities geared to the type of population served. (Note: not applicable to non-residential structures.)
- g. Schools. Maintain the Level-of-Service Standards for public schools as follows:
 - i. Elementary 110% of Permanent Florida Inventory of School Houses (FISH) Capacity by School Service Area (SSA)
 - ii. Middle 105% of Permanent FISH Capacity by School Service Area (SSA)
 - iii. High 100% of Permanent FISH Capacity District-wide

Capacity Utilization is Capacity Demand divided by Capacity Availability.

4.1.1.6 Floor Elevation. The minimum floor elevation of any structure other than accessory structures shall be eight feet above mean sea level or eighteen inches above the crown of the road on which the lot fronts, whichever is greater (see *Section 3.4.3.1.b.i*)

4.1.2 LAND PREPARATION. See *Subsections 2.2.1* and *2.2.3* for permit requirements. Preparation of land for construction or paving and any alteration of land in the City of Bradenton shall be subject to the following restrictions, unless superseded by other requirements of these LURs:

4.1.2.1 Clearing of Vegetation. Prior to the clearing of vegetation or the grubbing of land, all trees as defined in *Section 2.2.3.1.a* which have not been approved for removal shall be barricaded and protected as required by *Subsection 2.2.3.2.h*. Immediately following vegetation removal, existing slopes greater than 3 to 1 shall be protected from erosion as required by *Section 4.1.2.1.a* below. Open burning shall meet all applicable

- a. Grading. Unless otherwise approved, no slopes shall be greater than 4:1 and shall be stabilized immediately following grading by the placement of sod so as to completely cover the slope. Other methods of slope stabilization may be used if specifically approved by the PCD Director. Areas greater than 3,000 square feet which have been cleared shall be watered as necessary to prevent wind erosion and impacts on adjacent properties.
- b. Excavation and Filling. In areas where buildings are proposed, excavation and filling shall be governed by Section 1802 and 1803 of the 2007 Florida Building Code. In existing or proposed public right-of-way, the Utility Specifications of the Department of Public Works shall be followed.
- c. Paving. Street paving shall follow *Section 4.1.3* and applicable guidelines of the Department of Public Works. For all paving, the drainage requirements of *Section 4.1.5* shall be followed.
- d. Installation of Utilities. All sewer and water lines, stormwater facilities and other utilities shall be installed only as approved by the Land Alteration or Zoning Permit.

4.1.3 STREETS. The following are standards for streets.

4.1.3.1 Street Classifications. The street classification system is established as follows in accordance with the Comprehensive Plan's Existing and Future Traffic Circulation Map and is summarized as follows:

- a. Arterials. Roads designed primarily for high vehicular speeds and heavy traffic volumes. They are usually characterized by signals at major intersections, channelized intersections, and where possible and feasible, median strips. Arterial roadways serve as links to major traffic generators, such as, commercial and employment centers and provide access to major land uses. They carry in excess of 23,000 vehicles/day. The existing arterials within the City are as follows:
- U.S. 301/41
 - Business 41
 - State Road 64 (including Manatee Avenue)
 - State Road 684 (Cortez Road)
 - 27th Street East, south of State Road 64
 - 15th Street East, south of State Road 64
 - 9th Street East, south of State Road 64
 - 14th Street West, south of 8th Avenue
 - 26th Street West, south of Manatee Avenue
 - 75th Street West
- b. Major collectors. Roads which carry from 11,000 to 23,000 vehicles per day, primarily from local streets and minor collectors to arterial roads of major traffic generators. The existing major collectors within the City are as follows:
- 43rd Street West
 - 9th Street West
 - 9th Avenue between 9th Street West and 9th Street East
- c. Minor collectors. Streets which carry traffic from local streets to major roads or local traffic generators. They carry medium volumes of traffic, i.e. up to 11,000 vehicles per day. Minor collectors often provide access to residential parcels of property and on-street parking is usually permitted. The existing minor collectors within the City are as follows:
- 9th Avenue West between 43rd Street and 9th Street West
 - 9th Avenue East between 9th Street East and 27th Street East
 - 11th Avenue West between 75th Street West and 59th Street West
 - 12th Avenue West between 22nd Street West and 14th Street West
 - 13th Avenue West between 43rd Street West and 26th Street West
 - 13th Avenue East between 14th Street West and 9th Street East
 - 17th Avenue West between 59th Street West and 51st Street West, and between 43rd Street West and 1st Street
 - 18th Avenue West between 75th Street West and 59th Street West and between 51st Street West and 43rd Street West
 - 21st Avenue West

- 26th Avenue West between 14th Street West and 1st Street
 - Southern Parkway
 - 51st Street West
 - 39th Street West
 - 22nd Street West south of Manatee Avenue West
- d. Local streets. Local streets have the function of providing accessibility to individual parcels of property in residential areas. They carry light volumes of traffic, usually fewer than 3,000 vehicles per day, on right-of-way that is 50 feet wide. A local street should be designed to discourage through traffic and encourage low vehicular speeds. Local streets existing in the City are all of those streets not listed above as arterials, minor or major collectors.

4.1.3.2 Right-of-Way and Pavement Width. The following shall be the required right-of-way widths for the street classification categories. Pavement width may be reduced with approval by the Public Works Director, Fire Chief, and PCD Director for neo-traditional neighborhood design.

Street Classification	Right of Way Width	Minimum Number of Travel Lanes	Minimum Paved Lane Width (feet)
Arterial**	120	4 with 5 foot median	12
Major Collector**	84	4 with 5 foot median	12
Minor Collector	66	2	12*
Local Street	50	2	12*

*With two-foot paved shoulder on each side of road

** not applicable in UV, UC or UCBD

4.1.3.3 Pavement Specifications. Street pavement shall be as required by the Director of Public Works. Pavement shall be designed to carry the expected traffic loads and shall conform to current standard specifications for city streets. All street pavements shall be of a stable type. Loose aggregate will not be considered a completed pavement.

4.1.3.4 Curbs and Gutters. Curbs and gutters shall be provided on all streets unless otherwise approved by the Director of Public Works. Vertical curbs shall not be less than six inches in height and Miami curbs shall not be less than three inches in height. All curbs shall conform to the design standards established by the Director of Public Works. Backfill shall be higher than the curb and shall slope toward the curb in order to ensure that surface water drains into the storm drainage system.

4.1.3.5 Sidewalks. Sidewalks shall be provided on at least one side of all local streets and minor collectors and both sides of arterials and major collectors. In the UC/UCBD and UV districts, sidewalks shall be provided on both sides of the street, regardless of the street classification. Sidewalks shall be concrete and shall be a minimum of four inches thick and five feet wide in residential areas, and eight feet wide in mixed-use and non-residential districts. Except in the UC/UCBD district there shall be at minimum a three foot wide strip of landscaped area (as defined in Section 4.1.4.4.b) between the

sidewalk and curb, in which a tree (as listed herein) shall be planted every 100 feet. Trees shall be species limited to the following:

- Black Olive
- Dwarf Magnolia
- Palms (with the exception of Cabbage Palms)
- Crape Myrtle

The Director of Public Works may, at his discretion, approve additional species or prohibit planting under certain circumstances. Trees planted in the right of way must meet the following criteria:

- a. A root barrier shall be placed around select trees within or near the right-of-way.
- b. No tree shall be placed any closer than 10 feet (5 feet with a root barrier) to any utility owned and operated by the City of Bradenton Public Works Department.
- c. No trees shall be planted within utility easements.
- d. No trees shall be planted under overhead utility lines.
- e. Trees planted within medians shall not be paced as to hinder site visibility at intersections from any direction.
- f. Trees planted in medians should be limited to height and diameter as to not cause damage to vehicles from the drip line.
- g. Trees planted next to sidewalks shall be planted at a height as to not obstruct pedestrians use.
- h. Trees shall not be planted in front of any signs.
- i. All trees must be provided with an adequate watering system schedul until established.

In PDPs where adequate provision for pedestrian circulation is provided, the requirements of this section may be modified by the approving body. Sidewalks shall be constructed as part of the street construction in subdivisions and PDPs unless phasing is specifically stipulated by City Council. As part of the approval of a permit for a construction or alteration of structure or parking area, the PCD Director may require the construction or reconstruction of sidewalks in order to fulfill the requirements of this section.

4.1.3.6 Dead-end Streets (Cul-de-sacs). Unless specifically approved by City Council based upon a site plan, cul-de-sacs shall be no longer than 400 feet and shall have at the closed end a turnaround having a radius at the outside of pavement of at least 50 feet and at the outside of right-of-way at least 55 feet.

4.1.3.7 Intersections.

- a. Streets shall intersect as nearly as possible at right angles and no intersection shall be at an angle of less than 60 degrees.
- b. Street curb intersections shall be rounded by radii of at least 20 feet. When the smallest angle of street intersection is less than 75 degrees, the Director of Public Works may require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a

street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction.

- c. No lot or other parcel of land which abuts on and has access to either a collector or a local street and an arterial street shall have a service drive, curb cut, or other means of access directly to an arterial street within 150 feet of the right-of-way line of any such street which intersects the arterial street on which such lot or parcel is located.

4.1.3.8 Curves in Streets.

- a. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- b. Where there is a deflection angle of more than ten degrees in the alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. The minimum radii of curves shall be:

<u>Street Type</u>	<u>Minimum Curve Radius</u>
Arterial	300 feet
Collector	300 feet
Local	100 feet

- c. Street jogs with center line off-sets of less than 125 feet shall not be made.
- d. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of 200 feet, said sight distance being measured from a driver's eyes, which are assumed to be 4½ feet above the pavement surface, to an object four inches high on the pavement. Profiles of all streets showing natural and finished grades, drawn to scale, may be required by the Director of Public Works.

4.1.3.9 Grades.

- a. All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage facilities. The minimum street grade required for adequate drainage shall be as approved by the Director of Public Works.
- b. The minimum grade of all streets shall be 0.3 percent unless specifically approved by the Director of Public Works.
- c. Streets shall be designed so as to make them flood free in order that properties served by such streets will not be isolated by floods. In flood-prone areas, the Director of Public Works may require profiles and elevations of streets in order to determine the adequacy of design. Fill may be permitted by the Director of Public Works provided that it does not adversely affect flood conditions of the surrounding properties.
- d. All streets shall be graded to their full widths so that pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the special approval of the Director of Public Works.
 - i. Preparation of the subgrade. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush and other objectionable materials and of all trees not intended for preservation. The

subgrade shall be properly shaped, rolled and uniformly compacted to conform to the accepted cross section and grades.

- ii. Cuts. In cuts, all tree stumps, boulders, organic material, and other objectionable materials shall be removed to a depth of at least two feet below the grade surface. Rock, when encountered, shall be scarified to a depth of at least 12 inches below the graded surface.
- iii. Fills. In fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable material shall be removed to a depth of at least two feet below the natural ground surface. This objectionable matter as well as similar matter from cuts shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

4.1.3.10 Blocks. Block lengths shall not exceed 800 feet or be less than 400 feet, except as the Director of Public Works considers necessary to secure the efficient use of land or desirable features of street layout.

4.1.4 ON-SITE PARKING AND VEHICULAR ACCESS. On-site parking shall be provided for each business, residence, institution or other land use in compliance with this subsection. See *Subsections 2.2.2 and 2.2.3* for permit requirements and procedures. The number of required on-site parking spaces for each type of land use and for handicapped persons is set forth in *Schedule 4.1.4.1*. The PCD Director may waive certain parking requirements in the PDP, UV, UC, and UCBD Land Use Atlas districts and Planned Redevelopment Projects, and shall establish policies for equitably granting such waivers. Granting of a parking requirement waiver may require additional landscaping to be provided by the applicant pursuant to Schedule 4.1.4.4..

4.1.4.1 Design

- a. The parking and vehicular use areas shall be improved subject to the approval of the Director of Public Works. Asphalt and concrete are permitted, paver block, porous concrete or other pervious material (with the exception of shell) are encouraged. The paving requirement may be waived by the PCD Director for a specific period of time or on a permanent basis for infrequently used parking areas such as those for recreational facilities or overflow parking areas. Within the Village of the Arts Overlay District, the PCD Director may waive the paving requirements for up to five years.
- b. Paved lots shall be striped or otherwise marked to designate individual spaces with the exception of driveways for one and two-family dwellings.
- c. Angle parking spaces shall measure a minimum of nine feet in width and 20 feet in length. Parallel parking spaces shall measure 10 feet by 24 feet. Handicapped parking spaces shall measure 12 feet by 20 feet. The required width of the aisle between rows of parking spaces shall be dependent upon the angle of the parking spaces as follows:

Angle of Parking Spaces	Required Aisle Width
90 degrees	24 feet, two-way traffic flow
60 degrees	18 feet, one-way traffic flow
45 degrees	13 feet, one-way traffic flow
30 degrees	11 feet, one-way traffic flow
Parallel	12 feet, one-way traffic flow

Alternative parking lot layouts may be approved by the PCD Director for special purpose parking lots, such as valet attended lots, storage lots for tractor trailers or lots for the storage of towed vehicles. This will allow administrative approval of specialty parking lots in cases where the standard layout is not appropriate.

- d. Parking spaces shall have curbing, wheel stops or other effective means to prevent vehicles from encroaching into required landscaped areas.
- e. Paved areas greater than 1,500 square feet in size shall comply with the drainage requirements of *Subsection 4.1.5* and shall require approval by the Director of Public Works. Paved areas greater than 4000 square feet shall require a drainage plan review and approval by the Director of Public Works. and the Southwest Florida Water Management District approval or exemption.
- f. Within large parking lots, the PCD Director may require sidewalks and stop signs for the safety of pedestrians circulating in the lot.
- g. Speed bumps are prohibited unless otherwise approved by the Fire Department and Department of Public Works.

SCHEDULE 4.1.4.1. AUTOMOBILE ON-SITE PARKING SPACE REQUIREMENTS	
TYPES OF BUILDING & USES	The number of spaces indicated below are required for the use referenced, however, certain uses requiring less spaces may be approved by the PCD Director when sufficiently justified by the applicant.
RESIDENTIAL	
One, Two, and Multi-family Dwellings	2 per dwelling unit plus one per 10 multi-family units
Mobile Homes	1 per dwelling
Dormitory, Fraternity or Sorority House	1 per two residences based upon maximum capacity and 1 per employee
Lodging, Boarding or Rooming House	1 per sleeping room plus 1 per resident manager
Stores including Service Establishments	1 per 200 sq. ft. of building floor area for the first 10,000 sq. ft. plus 2 per each additional 500 sq. ft.*
COMMERCIAL	

SCHEDULE 4.1.4.1. AUTOMOBILE ON-SITE PARKING SPACE REQUIREMENTS	
TYPES OF BUILDING & USES	The number of spaces indicated below are required for the use referenced, however, certain uses requiring less spaces may be approved by the PCD Director when sufficiently justified by the applicant.
Offices	1 per 250 sq.ft. of building floor area*
Restaurants	1 per 3 seats based on maximum capacity
Drive Through or Take-Out	1 per 50 sq.ft. of building floor area*
Catering Service	1 per 100 sq.ft of building floor area*
Hotels, Motels	1 per unit plus 4 spaces per 50 units, plus spaces as required for restaurants and other facilities.
Educational & Religious Uses	1 per staff & faculty plus requirements listed below:
Day Care Center	1 per 10 clients
Business Training and Secondary (High) School	1 per 5 students
Elementary and Intermediate School	1 per 100 students
College or University	1 per 10 resident students plus 1 per 5 commuter students
Cultural Facility	1 per 100 sq. ft. of visitor floor area
Religious Establishments	1 per 3 seats based upon maximum capacity of place of assembly
Mortuaries, Funeral Homes, Crematories	1 per 3 seats based upon maximum capacity of place of assembly
AMUSEMENT ESTABLISHMENTS	
Indoor or Non-spectator	1 per 3 visitors based on maximum capacity of assembly
Outdoor Spectator	1 per participant based on maximum capacity of facility plus 1 per 3 seats based on maximum capacity
Automotive Uses	1.5 per person employed on the premises plus spaces as required for offices, retail sales area and other plus facilities plus 1 for 4500 sq. ft. of vehicle sales display area
TRANSPORTATION USES	
Public Transportation Terminal	1 per person employed at the facility plus spaces as required for restaurants, retail sales and other facilities plus 1 per 100 sq. ft. of terminal waiting area
Motor Freight Terminal	1.5 per person employed on the largest shift
Marina	1 per 2 boat slips plus spaces as required for the restaurants, retail sales and other facilities
Heliport	1 per employee plus 1 per vehicle associated with heliport
Service and Equipment	1 per person employed on the largest shift plus 1 per 200 sq. ft. of

SCHEDULE 4.1.4.1. AUTOMOBILE ON-SITE PARKING SPACE REQUIREMENTS				
TYPES OF BUILDING & USES	The number of spaces indicated below are required for the use referenced, however, certain uses requiring less spaces may be approved by the PCD Director when sufficiently justified by the applicant.			
Establishments	customer service or merchandise sales area			
Kennels, Animal Shelters	Same as above plus 1 per 10 boarding units			
Miniwarehouse	Same as above plus 1 per 10 storage units			
Manufacturing	.7 per person employed on the largest shift plus spaces needed for office use			
Health Care Facilities	1 per staff member on largest shift plus:			
Hospital	1 per <u>3 beds</u> based on maximum patient capacity			
Nursing Home	1 per 3 beds based on maximum patient capacity			
Health Services, Veterinarian and Animal Hospitals	1 per examination room			
Group Care Homes and Facilities	1 per 6 beds plus 1 per independent unit (as defined in these LURs), plus 1 per 20 clients			
Accessible Spaces	Total Parking	Req'd Accessible	Total Parking	Req'd Accessible
	1 to 100	1 for each 25	301 to 400	8
	101 to 150	5	401 to 500	9
	151 to 200	6	501 to 1000	2% of total
	201 to 300	7	1001 and over	20 plus 1 for each 100 over 1000

* Excluding that square footage utilized for restrooms, hallways, stairwells and storage areas

4.1.4.2 Location

- a. The spaces required for a particular land use must be provided on the premises of that land use, or, if approved by the PCD Director, within 400 feet of the premises. The required parking areas may be consolidated into a large parking area serving other businesses and uses. Such off-premises parking areas shall be maintained, regulated, and enforced as if it were on the premises served. The PCD Director may require a deed, lease, or other reasonable proof necessary to show that the required off-premises parking area is controlled by and available to the applicant.
- b. Parking areas serving non-residential uses shall not be located within a residential zone.

4.1.4.3 Access. Curb cuts in public rights-of-way are subject to the review and approval of the Director of Public Works and, if on a state or county right-of-way, to the approval of those bodies. Access shall be limited as follows:

- a. Residential buildings with up to six dwelling units shall be limited to one access point or driveway per street frontage, except that circular drives may be permitted with a maximum width of 12 feet per curb cut and a minimum of 25 feet between curb cuts. Single access points shall be limited to 24 feet in width. Curb cuts shall be located at least two-thirds of the distance of the lot frontage or 100 feet, whichever is less, from

any intersecting roadways. Multi-family dwellings with more than 6 units shall comply with subsection c., below.

- b. Gasoline service stations shall be limited to two 24-foot wide access points per street frontage. Such points shall be located at least 50 feet from any intersection. There shall be a minimum distance of 30 feet between any two access points serving one property.
- c. Business or uses other than those above shall be limited to one 36-foot wide or two 24-foot wide vehicular access points per street frontage. Such points shall be located at least 100 feet or two-thirds the distance of the lot frontage, whichever is less, from an intersection of roadways. The PCD Director may, under certain circumstances, allow relief from this standard. There shall be a minimum distance of 30 feet between any two access points serving one property.
- d. Stacking lanes for all drive-through operations shall have a minimum width of 9 feet per lane and shall be of sufficient length to accommodate five (5) vehicles, including the vehicle at the pick up window. The PCD Director may, under certain circumstances, allow relief from this standard. Site specific design and location shall be determined by the PCD Director and Fire Marshal.

4.1.4.4 Landscaping Requirements. All commercial and multi-family structures (three or more dwelling units) shall have foundation landscaping as required in *Section 4.1.4.4.d.iii*. Alternative landscaping for the UC and UCBD shall be subject to approval by the PCD Director. All parking and vehicular use areas, with the exception of those serving single family and two-family houses, shall be landscaped in accordance with this subsection. The landscaping requirement may be waived by the PCD Director for a specific period of time for phased development or on a permanent basis for infrequently used parking areas such as those for recreational facilities or overflow parking areas. Credit toward required landscaping materials may also be provided by the PCD Director if existing vegetation is preserved as part of the proposed development.

- a. Landscaping Site Plan. Details shall be shown on the site plan submitted for permit approval and shall include the common or scientific names of plant materials to be used in fulfillment of the requirements of this subsection. The landscaping site plan shall also show the permanent irrigation system. The PCD Director may allow an alternative irrigation method upon good cause, such as the installation of drought tolerant plants, but in no case shall the PCD Director allow less than the location of at least one existing or proposed water outlet within 150 feet of all plant materials.
- b. Landscaping Material Specifications. Plant materials used in conformance with provisions of this subsection shall conform to the standards of Florida No. 1 or better as established by the Florida Department of Agriculture. Terms used in this section are defined as follows:
 - i. Landscaping materials: Any combination of materials such as grass, ground cover, shrubs, vines, hedges, trees or palms and non-living material commonly used in landscaping, such as rocks, pebbles, sand, walls or fences; excluding paving.
 - ii. Trees: Shall be species which, in the Manatee County area, have an average spread or crown of greater than 15 feet and have trunks which can be maintained in a clean condition over five feet of clear wood. Trees may be

grouped to result in the required 15-foot spread, but palm trees shall not constitute more than 25 percent of the total tree units on the site. Tree types listed in *Subsection 2.2.3.1* as exempt from tree removal permits shall not be used for required trees under this subsection. Tree species whose roots are known to cause damage to sewer and water lines shall not be planted closer than 12 feet to such public utilities unless the tree root system is completely contained with a barrier or is otherwise approved by the PCD Director and Director of Public Works. The use of hybrid "High-Rise" or "Cathedral" Oak trees, as well as tree diversity, is encouraged for commercial and multi family buildings.

- iii. Hedges: Where hedges are required, shrubs shall be placed 24 inches on center and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of two years of planting.
 - iv. Vines: Shall be a minimum of 30 inches in height at the time of planting, and must be attached to a fence, screen or other support.
 - v. Grass areas: Shall be planted in such species as are commonly grown in permanent lawns in the Manatee County area.
 - vi. Ground covers used in lieu of grass: Shall be planted in such a manner as to present a finished appearance and reasonably complete coverage and shall be used with an acceptable mulch such as pine bark or recycled organic mulch when planted.
- c. Placement of landscaping material. Landscaping materials shall not block visibility in a "clear" area between two and ten feet in height within 35 feet of the corner of two streets or within ten feet of the corner of a driveway and a street. Tree trunks may not be considered to block visibility if they are located so as not to create a traffic hazard and are trimmed so that foliage is not blocking view in the "unclear" area. Utility easements may be approved as part of the landscaped areas required under this section subject to the following:
- i. No trees shall be planted within the easement. Trees with a mature height greater than 20 feet shall not be planted under power lines.
 - ii. All shrubs shall be maintained at six feet or less in height.
 - iii. No plants shall be placed in an easement if such plants will adversely affect or restrict the intended use of the easement.
 - iv. No alteration of drainage easements, such as the addition of berms or other grading, shall be made without the written approval of the Director of Public Works.
- d. Landscaping Required.
- i. Landscaping shall be provided in accordance with *Schedule 4.1.4.4*
 - ii. In the UV, UC and UCBD zoning district, the depth of the buffer may be reduced if it is determined by the PCD Director that the property is inadequate in size to meet the full ten-foot requirement. For parking areas smaller than 6,000 square feet in area, the buffer may be reduced to a minimum of three feet, and in parking areas 6,000 square feet or larger, to a minimum of six feet. The PCD Director may require landscaping elsewhere on the property to compensate for the loss of the required buffer. Interior landscaping requirements shall not be

waived. In other districts, the PCD Director may grant waivers of width of landscaped areas required under this section provided that the total required landscaping area is provided on site and is located in areas meeting the intent of this section to beautify off-street parking areas. The PCD Director may also grant waivers for the grouping of trees or shrubs provided that the layout does not place trees as defined above in clusters which are concentrated so as to impair growth. Such waivers may be granted for the purpose of allowing some creativity in layout of landscaping materials and relief from the standard layout set forth in this section. Such waivers shall not be granted if they result in a reduction in landscaped area as required herein or a reduction in the types and numbers of plants required herein. The PCD Director may reduce, but not eliminate the required width of a landscaped buffer in cases where the buffer abuts an existing buffer on adjacent property.

- iii. Foundation landscaping shall be planted in the amount of one hundred (100) square feet of planting area per one thousand-five hundred (1,500) square feet of building ground floor area. Planting areas shall be raised or ground level and be a minimum of eight (8) feet wide and located on the side of the building visible from a public right-of-way. Seating courtyards, eating areas and plazas may be incorporated in the planting area.

SCHEDULE 4.1.4.4				
LANDSCAPING REQUIREMENTS FOR PARKING AND VEHICULAR USE AREAS (except driveways for one and two-family dwellings)				
A ten-foot wide landscaped buffer strip shall be provided between each property line and any vehicular use areas. See <i>subsection 4.1.4.4.d.ii.</i> for reduction in UV, UC AND UCBD Districts, and <i>subsection 4.1.4.4.d.iii.</i> for reduction when abutting commercial properties. The buffer strip shall extend the full length of the property line, excluding approved access points. Buffer strips shall be landscaped according to the following minimum requirements, unless otherwise determined by the PCD Director.				
SIZE OF PARKING AREA	BUFFER STRIP ALONG PUBLIC RIGHT OF WAY	BUFFER STRIP ALONG INTERIOR PROPERTY LINE	BUFFER ABUTTING INSTITUTIONAL OR RESIDENTIAL USE	ADDITIONAL LANDSCAPING ON INTERIOR OF PARKING AREA ⁽¹⁾
Less than 1,500 s.f.	Landscaping materials ⁽²⁾ plus one native tree ⁽³⁾ for each 50 linear feet of buffer or fraction thereof	Landscaping materials ⁽²⁾ plus one native tree ⁽³⁾ for each 75 linear feet of buffer or fraction thereof	Landscaping materials ⁽²⁾ designed to be 80% opaque when viewed horizontally between two and 3½ feet in height in the front yard and two and six feet in the side and rear	None
Greater than 1,500 s.f.	Same as above, plus a hedge, fence or wall, at least two feet in height and at least 80% opaque within two years along the full length of the buffer. If a fence or wall is	Same as above	Same as above	Ten square feet of area with landscaping materials ⁽²⁾ for each parking space excluding perimeter spaces. In addition, 10 s.f. of area with landscaping materials ⁽²⁾ for each 500 s.f. of pavement not used for parking and one tree ⁽³⁾

SCHEDULE 4.1.4.4

LANDSCAPING REQUIREMENTS FOR PARKING AND VEHICULAR USE AREAS (except driveways for one and two-family dwellings)

	used, one shrub or vine per ten feet, thereof.			per 200 s.f. of interior landscaping.
<p>FOOTNOTES:</p> <p>(1) Interior landscaping - Required interior landscaping shall be located so as to break up the expanse of paving and at strategic locations, guide traffic flow. Where compliance with requirements will seriously impair the function of the parking lot, the landscaping may be located elsewhere in the property.</p> <p>(2) Landscaping materials - any combination of native plant materials such as, but not limited to, grass, ground cover, shrubs, vines, hedges, trees or palms and non-living durable material commonly used in landscaping such as rocks, pebbles, sand and walls.</p> <p>(3) Tree - All trees shall be native species which, in the area, have an average mature crown of greater than 15 feet and have trunks which can be maintained in clean condition over 5 feet of clear wood, or a group of trees meeting this requirement. At planting, trees shall be a minimum of 7 feet in height with a 2-inch diameter at 4½ feet height from the ground. Palm trees may not constitute more than 50% of the total tree units on site.</p>				

4.1.5 DRAINAGE. This subsection contains information and standards used for all site improvements, where drainage may be necessary.

4.1.5.1 Design Standards.

- a. Subdivisions: All proposed development requiring construction approval shall submit site and drainage plans to Southwest Florida Water Management District for application, approval or exemption as specified in Chapters 373 and 120 F.S. and Chapter 40-D40, General Surface Water Management Permits, addressing both water quantity and quality aspects of Stormwater Management. All proposed developments shall be governed by Section 163.3202 F.S. and Rule 9J-23.033 F.A.C. concerning concurrency.
- b. Commercial and Industrial developments: All proposed projects for construction approval containing more than one acre of land shall conform to the same rules as set forth in the *Subsection 4.2.1.4* drainage requirements.
- c. Commercial and Light Industry developments: All proposed projects for construction approval containing less than one acre of land shall use the rational method of retention, based on the following formula: Gross site square footage X the coefficient of runoff value (0.05 to 0.75) X 0.08 (1 inch rainfall) = the amount of retention required in cubic feet.

4.1.5.2 Drainage Easements.

- a. Drainage easements shall be maintained so that their function is not impaired through plant growth, debris, or permanent fences blocking ingress or egress to this area.
- b. See *Subsection 4.2.1.5* for restrictions regarding planting and grading of easement areas.

4.1.5.3 Off-Site Discharge

- a. Drainage discharge of sites shall not encroach into adjoining properties, unless documented private or public easements are established.

- b. Discharge of stormwater runoff from sites adjacent to State or County maintained roads shall have written approval from that agency prior to the City of Bradenton final approval.
- c. Any person performing construction activities shall implement proper erosion and sediment control practices at the construction site to minimize the amount of pollutants entering the city’s municipal separate storm sewer system. Control measures shall be implemented prior to any grading or clearing with the exception of brush removal for surveying.

SECTION 4.2 SUBDIVISION OF LAND.

This Section contains the design standards and review criteria for subdivisions. The requirements for filing a subdivision plat and the procedures for approval are in *Subsection 2.2.10*.

4.2.1 DESIGN STANDARDS.

4.2.1.1 Lot Dimensions. All lots within a subdivision shall conform to the dimensional requirements for the standard zoning district in which the subdivision lies (See *Schedules 3.2.2.1* and *3.2.2.2*) or shall conform to the standards for Planned Development Projects (See *Section 3.4.1*). The density of residential subdivisions shall be governed by the zoning district in which the land lies (see *Schedule 3.2.2.1*). In PDP zoning districts, the Future Land Use Map of the Comprehensive Plan and related policies shall govern density. Subdivisions using the dimensional requirements for a PDP shall obtain PDP approval (see *Section 3.4.1*) prior to or simultaneously with subdivision approval.

4.2.1.2 Streets. Streets shall conform to the standards in *Section 4.1.3*. In addition, the following shall apply:

- a. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the areas being subdivided unless the approving body deems such continuation or extension undesirable for specific reasons of topography or design.
- b. Where, in the opinion of the approving body, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the approving body deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least 50 feet.
- c. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.
- d. Dedication of right-of-way for new streets. The right-of-way for streets to be dedicated shall be as follows unless otherwise determined by the Director of Public Works for the UV, UC and UCBD Districts:

Arterial*	120 feet
Major Collector*	84 feet
Minor Collector*	66 feet
Local Street*	50 feet

*See *Section 4.1.3.1* for definitions of these street categories.

- e. Dedication of right-of-way for existing streets. Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum requirements for new streets set forth in Subsection d. above.
 - i. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width, measured from the center line of the existing street shall be dedicated.
 - ii. Dedication of one-half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited except for arterial streets.

4.2.1.3 Natural and Man-Made Features of Site. The subdivision layout shall be made with regard for natural features such as large trees, unusual topographic features, watercourses, sites of historical significance and similar assets. Specifically, the following shall be required:

- a. A survey showing all trees which require a permit for removal under *Section 2.2.3.1* of these LURs shall be submitted with the preliminary subdivision plan, for the purpose of reviewing the layout of the lots in regard to trees of significance. The relationship of such trees to the layout shall be considered in the review of the preliminary plan and changes may be requested or required in the layout as necessary to preserve such trees as practical while allowing reasonable use of the property.
- b. The requirements of *Section 3.4.4*, Conservation District, shall be considered in the review of any subdivision with land within this district. The layout of lots shall be such that land within this Conservation District are not within a probable building envelope or area to be paved or otherwise altered in conflict with *Section 3.4.4*. Note that projects with more than 200 linear feet of coastal high hazard line are required to be planned development projects (see *Section 3.4.1*) and all lands within the Conservation District are to be common area rather than individual lots.

4.2.1.4 Drainage. Drainage shall meet the requirements of *Section 4.1.5*. Subdivisions shall be designed to:

- a. Be consistent with the need to minimize flood damage;
- b. Have public facilities and utilities such as sewer, gas, electrical and water systems located and constructed to minimize flood hazards;
- c. Have adequate drainage provided to reduce exposure to flood hazards.
- d. Shall provide base flood elevation data if the development is greater than 50 lots or five acres, whichever is less.

4.2.1.5 Easements. Easements shall be provided as are reasonably necessary and required by Public Works to accommodate public utilities, including sewer, water and drainage for each lot in the subdivision. Drainage easements shall include all pipes, ditches, swales and ponds required under stormwater permits by the City or other permitting agency. For subdivisions not requiring a stormwater permit under state law, Public Works may require five-foot easements along the rear and side lot lines in residential subdivisions if needed for public utilities or drainage purposes.

The width of a pipe easement shall be ten feet measured from the center line of the proposed pipe, unless a reduction is allowed by Public Works based upon the depth and size of the pipes. Additional easement width may be required by Public Works for

large piped drainage easements. Such easements shall be shown on the preliminary plat for review and on the final plat for recording.

These easement requirements may be waived or reduced by City Council upon presentation by the applicant of evidence that the requirement is excessive or unnecessary for a particular subdivision. No alteration of drainage easements, such as the addition of berms or other grading, shall be made without the written approval of the Director of Public Works. Easements may be landscaped subject to the following:

- a. No trees shall be planted within the easement.
- b. All shrubs shall be maintained at six feet or less in height.
- c. No plants shall be placed in an easement if such plants will adversely affect or restrict the intended use of the easement.
- f. Fences, see Section 5.1.2.7 or 5.2.2.4

4.2.1.6 Recreation. In residential subdivisions, recreation area shall be provided at a ratio of one acre per 200 single unit lots. A minimum recreation area of one-half acre is required in subdivisions of 50 single unit lots or more. In subdivisions with less than 50 single unit lots, recreation area shall be provided in a fraction of an acre, using the ratio of one acre per 200 single unit lots to determine the fraction required.

Recreation buildings or enclosed or paved play courts shall constitute a maximum of 50 percent of the required recreation area. A recreation area shall have at minimum the following improvements: benches, trees, open or grassy areas and play or exercise facilities geared to the type of population served. Pedestrian or bike paths designed to meet the recreation standard must be in a landscaped corridor, a minimum of 25 feet in width.

4.2.1.7 Sewer and Water. Sewer and water service, meeting the standards of the Director of Public Works shall be provided to the lot line of each lot within a subdivision.

SECTION 4.3 Specific Use Regulations

4.3.1 ALCOHOLIC BEVERAGE SALE APPROVAL. The following are the criteria for review and approval of an application for Alcoholic Beverage Sales (see *Section 2.2.9* for application requirements).

4.3.1.1 Approval shall not be granted for a site in a residential Land Use Atlas district.

4.3.1.2 Approval shall not be granted on any site within 300 feet of any place of worship, day care center, or public or private elementary, middle, or high school. In accordance with f.s. 562.45(2a) establishments licensed after July 1, 1999, or restaurants not meeting the 51% rule shall not be located within 500 feet of any such school. Such distance shall be measured from the main entrance of the applicant establishment, along the shortest route of pedestrian travel, to the main entrance of the principal building of the place of worship or day care center, or to the nearest point on the school grounds.

4.3.1.3 Approval shall not be granted if the sale of alcoholic beverages is found to be incompatible with surrounding land uses.

4.3.1.4 Reasonable stipulations may be attached to an approval for the purpose of rendering the use compatible with surrounding land use. Stipulations may include, but are not limited to restrictions on the hours of operation and the addition of buffer strips.

4.3.2 BOARDING HOUSES. These uses may be permitted only in those districts where they are designated as Special Use uses, pursuant to *Schedules 3.2.1.1* and *3.2.1.2*.

4.3.2.1 To be eligible to apply for a Special Use permit, a building must be on a lot with a minimum area of 10,500 square feet if more than four boarders are proposed, or 8,000 if four or fewer are proposed.

4.3.2.2 The following shall apply in addition to other provisions of these LURs and any Special Use Permit requirements:

- a. The maximum number of persons permitted to reside on the premises shall not exceed the total square footage of the building floor area minus the resident manager's quarters, divided by 200.
- b. No sleeping room shall contain more than two persons.
- c. Living quarters for the resident manager shall be provided; such quarters may include a kitchen.
- d. Centralized facilities to provide meals for the occupants may be provided; however, meals shall be provided only for boarders and not for the general public.
- e. One attached unlighted wall sign not over four square feet in area and one freestanding sign not over 6 square feet in area identifying the establishment may be permitted.
- f. A landscaped separation strip of at least ten feet in width shall be provided along all property lines and streets adjoining the premises. The buffer shall be landscaped with "landscaping materials" and a "tree" every 50 feet, as defined in *Section 4.1.4.4*. The premises shall be permanently screened from adjoining properties by a wall, solid fence, evergreen hedge or other approved enclosures. Such screening shall be located within the required separation strip and shall have a minimum height of six feet.

4.3.3 AUTOMOTIVE USES. The storage or repair of motor vehicles, in addition to conforming to other applicable provisions of these LURs, shall store vehicles incapable of being moved under their own power at the rear of the property in an area enclosed by a wall, solid fence or evergreen hedge with a minimum height of six feet for the purpose of screening the vehicles from view of surrounding properties.

4.3.4 AUCTIONS, TEMPORARY. City Council may waive all requirements of these LURs for temporary auctions, defined as not exceeding any 48-hour period, and held at one location not more than once a year.

4.3.5 DAY CARE CENTERS. These uses may be permitted only in those districts indicated on *Schedules 3.2.1.1* and *3.2.1.2*.

4.3.5.1 To be eligible to apply for a Special Use Permit in a residential district, a property proposed for a day care center with up to 30 children must have a minimum of 6,000 square feet of land area. For a day care center with more than 30 children, 10,000 square feet of land area is required.

4.3.5.2 The following shall apply in addition to other provisions of these LURs and any Special Use Permit requirement:

- a. Signs for day care centers in non-residential districts must meet the requirements of *Subsection 5.5*. In residential districts, signs shall be limited to one sign a maximum

of six square feet in area per establishment unless otherwise stipulated by the Special Use permit.

- b. A landscaped buffer at least 10 feet deep shall be provided along all property lines and streets adjoining the property unless otherwise stipulated in the Special Use permit. The buffer shall be landscaped with "landscaping materials" and a "tree" every 50 feet as defined in *Subsection 4.1.4.4*.

4.3.6. **GROUP CARE HOMES AND GROUP CARE FACILITIES.** Group care homes are identified as community residential homes of six or less residents as defined by F.S. Section 419.001. Group care facilities involve community residential homes of seven or more residents as set forth in F.S. Section 419.001. The provisions of F.S. Section 419.001, relating to the approval of such community residential homes herein denominated as group care homes and group care facilities are incorporated herein and made a part hereof, and the City shall establish appropriate monitoring procedures and standards for determining compliance by such group care homes and group care facilities with the provisions of said statute. For density purposes, six beds shall constitute one independent unit if individual kitchens are not provided.

4.3.7 **NEWSRACKS/MODULAR NEWSRACKS.** Any newsrack/modular newsrack placed on public land, property, or improvement shall comply with the standards, below. Any newsrack or modular newsrack on private land, property, or improvement are exempt from these requirements, unless otherwise indicated.

4.3.7.1 **Placement.** No newsrack/modular newsrack shall obstruct or interfere with the normal and safe use or maintenance of any public/private land or improvement. No part of any newsrack/modular newsrack shall be placed so as to reduce a minimum sidewalk clearance of less than five feet. No newsrack/modular newsrack shall be attached to any public pole, post, sign, bench, fixture, tree or bush, or other similar objects. Modular newsracks shall be bolted to their location, and shall require approval from the Director of Public Works.

Downtown Pedestrian Area. Newsracks are prohibited, however, one modular newsrack system is permitted at each of the following locations:

- 1115 Manatee Avenue West (Courthouse).
- 1115 6th Avenue West (Courthouse).
- Rear of 1112 Manatee Avenue West (County Administration Building).
- 1023 Manatee Avenue West (Professional Building).
- 430 Old Main Street West.
- North side of the Manatee County Central Library at Barcarrota Boulevard.

4.3.7.2 **Color.** Modular newsracks in the Downtown Pedestrian Area shall be according to an approved color palette determined by the PCD Director.

4.3.7.3 **Exterior Advertisements.** Modular newsracks in the Downtown Pedestrian Area shall be limited to exterior advertisements of the publication contained in each respective unit.

4.3.7.4 **Displayed Notice.** All newsracks/modular newsracks shall contain a readily visible notice which includes the name, address, and working telephone number(s) of the distributor responsible for its operation and maintenance. Outdated notices shall cause the newsrack/modular newsrack to be considered abandoned.

- 4.3.7.5 Maintenance. Each newsrack/modular newsrack shall be maintained and kept neat, clean, and in good repair by the owner, distributor, and/or vendor.
- 4.3.7.6 Indemnification. The owner and distributor associated with any newsrack/modular newsrack shall provide indemnification, in a form approved by the City Attorney, which holds the City, its officers, employees, and agents harmless from any claim, demand, or judgement in favor of any person or entity arising out of, or resulting from the placement of, any newsrack/modular newsrack upon, within, or over public land or improvement.
- 4.3.7.7 Abandonment. Any newsrack/modular newsrack unit that remains empty, or contains outdated publications for more than 45 consecutive days shall be considered abandoned and require removal.
- 4.3.7.8 Nonconforming Newsracks; see *subsection 4.4.5*.
- 4.3.7.9 Administration. Modular newsracks in the Downtown Pedestrian Area shall require a Zoning Permit.
- 4.3.8 NURSING HOMES. These uses shall comply with the following in addition to all other applicable provisions of these LURs and any conditions imposed as part of a Special Use Permit:
- 4.3.8.1 To be eligible to apply for a Special Use Permit, the property proposed for a nursing home must be a minimum of 7,500 square feet in area, except that property proposed for a residential treatment facility must be a minimum of 10,000 square feet in area.
- 4.3.8.2 The following shall also apply:
- a. Interior living space required: 200 square feet of living space per resident, not including any area reserved for resident staff, plus a minimum of 80 square feet of sleeping area in each single occupancy sleeping room and a minimum of 60 square feet of sleeping area in each multiple occupancy sleeping room.
 - b. A full bathroom with toilet, sink and tub or shower shall be provided for each five residents.
 - c. No signs are permitted in residential zones unless otherwise allowed as part of the Special Use Permit. In non-residential districts *Schedule 5.5.3.2* shall apply.
 - d. A landscaped buffer of at least 10 feet in width shall be provided along all property lines and streets adjoining the property. The buffer shall be landscaped with "landscaping materials" and a "tree" every 50 feet as defined in *Subsection 4.1.4.4*.
 - e. A residential treatment facility abutting a residential area, whether or not the area is residentially zoned, must provide, adjacent to the residential use, a 35-foot buffer, including the 10-foot landscaped buffer required above.
- 4.3.9 ADULT ENTERTAINMENT USES. Nothing herein shall in any way repeal or supercede the provisions of Section 6-6 of the Code of Ordinances of the City of Bradenton relating to nudity and sexual conduct in alcoholic beverage establishments.
- 4.3.9.1 Location. Adult entertainment uses or establishments will be allowed only by Special Use Permit in the , Urban Commercial Corridor (UCC) and Suburban Commercial Corridor (SCC) as provided by these LURs. No adult entertainment use or establishment shall be located within 500 feet of any residentially zoned district or residence in the City and not within 500 feet of any place of worship, school (private or public), day care or day care center, or any public recreational facility or park. No adult entertainment use or establishment shall be located within 1,000 feet of any other adult

entertainment use or establishment. The method for measuring distances for the above stated restrictions shall be to measure from the property line of the site of the proposed adult entertainment use or from the proposed establishment to the property line of the other referenced use along the shortest distance between the property lines, without regard to the route of normal travel.

4.3.9.2 Additional Requirements. In addition to meeting the requirements of *Section 3.3* relating to the criteria of Special Use Permits, any adult entertainment use or establishment must also meet the following specific criteria:

- a. The proposed use will not be contrary to the public interest or injurious to nearby properties or property values; and,
- b. The proposed use will not enlarge, encourage or establish the development of a “skid row,” “blighted area” or cause “neighborhood deterioration;” and,
- c. The establishment of such a use in the area will not be contrary to any program of neighborhood conservation or revitalization and not interfere with any program of urban renewal.
- d. Non-conforming Use. Any adult entertainment use or establishment which has been established and is existing (at the same location) as of April 19, 1993 in the City shall be considered a non-conforming use and may continue to operate subject to the provisions of these LURs.
- e. Definitions. See *Chapter 10.0* for specific definitions of terms pursuant to this subsection.

4.3.10 COMMUNICATIONS TOWERS AND ANTENNAS. Communications towers may be installed in certain non-residential districts after Special Use Permit approval. Antennas installed on existing structures do not require Special Use Permit approval provided no antenna extends more than 15 feet above the highest point of the structure. Speculation towers are prohibited. In addition to any information required by the PCD Director, all applications for a new or expanded communications tower (tower, for the purposes of this subsection) shall include the following information:

4.3.10.1 Community Impact Report (CIR): The CIR includes the following components:

- a. Visual Impact Analysis: This analysis explains how the design characteristics of the tower effectively reduce its visual obtrusiveness, and includes a site plan which indicates the maximum amount of vegetative screening of the tower and provides 100 percent screening of any accessory buildings/structures. A computer simulation of the proposed tower and accessory buildings/structures as they would appear on the site from various vantage points after construction shall be part of the Visual Impact Analysis.
- b. Consideration of whether the proposed tower will have substantial adverse aesthetic impacts on neighboring residential lands based on the physical components of the proposed tower, as well as, the amount of the antenna(s) and tower that can be viewed from surrounding residential zones.
- c. The nature of other principal uses on and off site with preference given to the use of sites which are already developed with non-residential uses and which are currently visually impacted by tall structures, utility facilities, light poles, or other similar improvements.

- d. The nature of uses on adjacent and nearby properties and the proximity to all adjacent land uses, with preference being given to sites adjacent to non-residential uses or non-dwelling aspects of residential properties, such as open space, parks, retention ponds, wetlands, etc.
 - e. Any other pertinent information that supports the beneficial use and effects of the proposed tower.
 - f. Co-location Study: This study demonstrates a lack of co-location availability within two miles of the proposed tower site. New or altered communications towers shall be structurally designed to accommodate the co-location of antennas.
 - g. Propagation Study: This study must include areas within five miles of the proposed tower site.
- 4.3.10.2 Engineer's Certification: This certification must ensure the structural integrity of the new or altered tower, and its ability to accommodate additional antennae. Antenna(s) taller than 20 feet and proposed as part of a co-location without need for a new tower shall also comply with this requirement.
- 4.3.10.3 Specific Standards. The following specific standards shall be reflected in the application submittal package:
- a. The City requires that the applicant or owner of a tower to remove the tower upon its abandonment. A tower shall be considered abandoned after 60 days of non-use.
 - b. Alternative towers such as flagpoles, artwork, and trees shall be limited to a maximum of 100 feet in height and require approval of the proposed design by the PCD Director before proceeding through the required Special Use Permit process.
 - c. Lighting shall comply with all Federal Aviation Administration requirements and shall be red both day and night. General illumination is prohibited, except for honorary lighting of a U.S. Flag.
- 4.3.11 SIDEWALK CAFÉ. The Sidewalk Café provides for outdoor seating in conjunction with a restaurant or drinking establishment and is permitted in accordance with *Schedule 3.2.1.2* upon approval of a Certificate of Use or Special Use Permit, and subject to the following restrictions:
- 4.3.11.1 Seating Area. The number of outdoor seats and tables shall be limited to that number that can be reasonably accommodated according to the available widths of the associated storefront and sidewalk. Adjacent sidewalk bulb-out areas, even if not located directly in front of the associated storefront, may be considered on an individual basis, when the affected storefront owner does not object. Clear pedestrian access shall be maintained at all times, and no seating or tables shall interfere with ingress/egress of buildings or create an unsafe situation with street traffic. The sidewalk café owner/operator shall remove from the sidewalk and place out of public view any seating or tables when the business is closed, or when an authorized agent of the City makes such a request.
- 4.3.11.2 Maintenance. Public sidewalks approved as part of any sidewalk café shall be properly maintained for safety and cleanliness by the sidewalk café owner/operator on a daily basis. Litter, dirt, grime, grease, and food shall not be permitted to accumulate at any time.

- 4.3.11.3 Assurance. An indemnity agreement, provided by the PCD Director shall be signed and provided by the sidewalk café owner/operator, along with proof of public liability insurance as approved by the City Attorney.
- 4.3.11.4 Alcoholic beverages served as part of any sidewalk café on public property shall require City Council approval, pursuant to *Subsections 2.2.9 and 4.3.1.* and F.S. Chapters 561-562. City Council reserves the right to limit the number of sidewalk cafes providing alcoholic beverage service.
- 4.3.11.5 Application Submittal. An application package must be submitted with the following information:
- a. A completed Certificate of Use application.
 - b. A site plan indicating the following:
 - i. Name and address of proposed sidewalk café.
 - ii. Address of restaurant.
 - iii. Name of business owner.
 - iv. Name of property owner.
 - v. Existing interior seating capacity.
 - vi. Total number of proposed outdoor tables, dimension of outdoor area including square footage, and pedestrian circulation pattern.
 - vii. The relationship of the proposed sidewalk café to the adjacent buildings and entrances; the center line of the adjacent street if not located in a shopping center; any benches, fire hydrants or connections, building exits, landscaping, curbing, and parking meters.
 - viii. Proposed hours of operation.
 - ix. If alcoholic beverage service is proposed as part of the sidewalk café, then a new or modified State of Florida Alcoholic Beverage License must also be submitted, which indicates the proposed sidewalk area as part of the official licensed area. Any sidewalk café prior to obtaining a State of Florida Alcoholic Beverage License shall not be permitted to operate in such a capacity until proof of the State Alcoholic Beverage License is provided to the PCD Director.
- 4.3.12 STREET VENDING. Street vending is prohibited on public lands or property, unless authorized by City Council as part of a Special Event or revitalization initiative. On private, commercial property, one vending cart is permitted as an accessory use provided it is located within 20 feet of the primary building and has been issued a City Use Permit. In no case shall outside vending be allowed except for garage sales on private, residentially used property in accordance with Schedule 5.1.1..
- 4.3.13 FREE STANDING ICE VENDING MACHINES. Free standing ice vending machines are permitted provided they satisfy the following requirements:
- 4.3.13.1 Location. Free standing ice vending machines are permitted in those districts indicated on schedule 3.2.1.2. However, they cannot be located within one (1) mile of any other properly permitted and operating free standing ice vending machine situated within the City of Bradenton.

4.3.13.2 Setbacks and parking. All free standing ice vending machines shall meet the minimum setback requirements set forth in this Ordinance. Furthermore, if a free standing ice vending machine is located within the parking area of an existing structure, the free standing ice vending machine shall neither reduce the overall number of parking spaces below the minimum required under this Ordinance, nor have a material adverse affect on the overall traffic circulation of the parking area.

4.3.13.3 Noise abatement. The noise emanating from any free standing ice vending machine shall not exceed eighty-eight (88) decibels measured ten (10) feet from the machine.

4.3.13.4 Size. Any free standing ice vending machine shall not exceed one hundred twelve (112) square feet in surface area and eleven (11) feet in height.

4.3.13.5 Signage. One wall sign is permitted for each side of the free standing ice vending machine that is visible from common travel ways, both pedestrian and vehicular. However, the size of each wall sign shall be one (1) square foot for every linear foot of the side of the building on which the sign is to be placed, not to exceed fifteen (15) square feet.

4.3.14 PUBLIC ART MURALS

4.3.14.1 A Permit is required for any Public Art Mural that meets the design standards. The following information is required:

- a. A Development Permit Application, completed and signed by the property owner.
- b. A conceptual sketch of the proposed Public Art Mural, with the dimensions.
- c. The color scheme of the Public Art Mural.
- d. Material or medium to be utilized.

4.3.14.2 Permitted Public Art Murals: Public Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements.

- a. No part of the mural shall exceed 30 feet in height measured from grade.
- b. The public art mural shall remain in place for a period of two years, except in limited circumstances specified and approved by the PCD Director. The applicant shall certify that the applicant agrees to maintain the mural in place for period of two years without alteration. Public Funding may require that the Public Art Mural remain for a period of five years.
- c. The mural shall not extend more than 6 inches from the plane of the wall upon which it is tiled or painted, or to which it is affixed.
- d. The mural shall meet all of the design standards as established by the Public Art Advisory Board.

- e. In the Historic District, murals may be allowed on buildings that have been identified as non-contributing structures. These murals shall meet the objective design standards for Public Art Murals.

4.3.14.2 Prohibited Murals: The following are prohibited:

- a. Murals on residential buildings with fewer than five dwelling units, with the exception of residential buildings in the Village of the Arts or Antique Overlay Districts..
- b. Murals on historic or conservation landmarks.
- c. Murals on buildings that have been identified as contributing structures to a historic or conservation district.
- d. Murals in a public right-of-way
- e. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The property owner shall certify in the permit application that no compensation will be received for the display of the mural or the right to place the mural on the property.
- f. Murals which would result in a property becoming out of compliance with the provisions of these Land Use Regulations, or land use conditions of approval for the development on which the mural is to be located.

SECTION 4.4 NONCONFORMING USES AND STRUCTURES.

Structures, lots and uses of land lawfully in existence prior to the effective date of these LURs but not in compliance with all of the provisions of these LURs are considered nonconforming. Such structures and uses may remain, subject to the following regulations:

- 4.4.1 STRUCTURE. A non-conforming structure shall not be enlarged, replaced or altered in a way which increases its non-conformity.

With the exception of single family houses, a non-conforming structure shall not be restored if damaged by fire, storm, neglect, or other means, more than 50 percent of its assessed value as established by the property appraiser or replacement cost as established by a licensed, certified appraiser, whichever is highest at the time of damage, except in conformance with these LURs.

- 4.4.2 USE. A non-conforming use shall not be changed to another non-conforming use and shall not be re-established after being discontinued for a period of one year.

With the exception of single family houses, a non-conforming use shall not be re-established if the building in which the non-conforming use is carried out is damaged by fire, storm, neglect or other means, more than 50 percent of its assessed value as established by the property appraiser or replacement cost as established by a licensed, certified appraiser, whichever is highest at the time of damage.

- 4.4.3 EXPANSION. A structure containing a non-conforming use shall not be expanded or extended unless it is a residential building and is expanded in conformity with the yard setback requirements of the residential zoning districts (see *Schedule 3.2.2.1*) or is expanded under a lawfully existing roofline. A non-conforming structure shall not be

expanded except in conformance with these LURs, except that a residential structure may be expanded under a lawfully existing roofline.

4.4.4 LOT OF RECORD. A non-conforming lot of record (as defined in these LURs) which is not adjoined by property under the same ownership may be developed following the granting of an administrative dimensional variance (see *Section 2.2.9*).

4.4.4.1 No lot and/or parcel, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that lot area, yards, width, or other dimensional and area regulations of these LURs are not maintained. This provision shall not apply when a portion of a lot is taken for public purpose.

4.4.4.2 Proposed structures for which Zoning Permits have been issued prior to their designation as nonconforming by the adoption or amendment of these LURs may be completed and used as originally intended, provided they are completed and in use one year after the date the permit was issued.

4.4.5 NEWSRACKS/MODULAR NEWSRACKS. Owners or persons entitled to possession of any nonconforming newsrack/modular newsrack shall, within 45 days of its becoming nonconforming, comply with the standards contained in *Section 4.3.7.7*.

4.4.6 JUNK YARDS. Existing junk yards as defined and differentiated from recycling centers herein shall be eliminated within five years of the effective date of these LURs unless they are approved as recycling centers as provided for in these LURs.

CHAPTER 5.0 ACCESSORY USES, STRUCTURES, AND SIGNAGE

Accessory uses, structures, and signage are subject to the regulations contained in this Chapter. The types of accessory uses and structures permitted are determined by the principal use of the property rather than by the zoning district in which the property lies. As an example, a residential property in a commercial zone would be allowed the uses and structures shown below as permitted for residential buildings.

Uses which do not comply with the regulations for accessory uses shall be considered principal uses and shall be subject to the permitting requirements of these LURs for the Land Use Atlas district in which the property lies (see *Section 3.2.1* Permitted and Special Use Uses, and *Section 4.3* Specific Use Regulations). A permit or other approval is not required for an accessory use unless the principal use is a Special Use (see *subsection 2.2.4.1.b*) or unless otherwise stated in these LURs. Accessory structures shall require a permit unless otherwise stated in these LURs. Signs require a Sign Permit, unless otherwise exempt.

SECTION 5.1 RESIDENTIAL BUILDINGS.

For the purposes of this section, residential buildings shall include one and two family houses, multi-family dwellings and group care facilities.

5.1.1 ACCESSORY USES, RESIDENTIAL BUILDINGS. Accessory uses allowed in conjunction with residence are those activities which are ordinarily conducted in a house or its yard and include, but are not limited to those listed on *Schedule 5.1.1*.

SCHEDULE 5.1.1 ACCESSORY USES-RESIDENTIAL BUILDINGS	
Garaging and parking of vehicles, trailers, recreational and noncommercial vehicles, and boats.	Recreational vehicles, boats, or trailers shall not be parked in the front yard except for loading, unloading, and cleaning: unregistered or inoperable vehicles or trailers shall not be stored at residential properties.
Storing of household items and items used in the upkeep of the building and grounds, including the temporary storage of refuse for collection.	These items shall not be stored outside except that trash cans may be stored outside but may not be stored in the front yard.
Keeping common pets (see animal control ordinance)	No more than six animals of more than one year old may be kept at a residence; such pets must be confined to the property.
Day care for children or adults	No more than ten children or six adults may be cared for at one residence unless a Special Use Permit has been issued. (See <i>Section 4.3.5</i> and <i>Schedule 3.2.1.1</i>)

continued

Allowed uses	Restrictions
Working at one's trade or business	(See <i>Schedule 3.2.1</i> and <i>Section 3.3</i>) Unless a Special Use permit for a home business has been granted, no signs, displays or merchandise, outside storage, noxious fumes or odors or excessive noise are allowed, and no employees or customers shall utilize the residence or property. No commercial vehicle, as defined in these LUR's, shall be parked in a residential area except for delivery.
Conducting a yard sale	Only two such sales, lasting not more than three days each, are allowed per calendar year per residence.
Newsracks/Modular Newsracks	See <i>Section 4.37</i>
Accessory Dwelling Unit	Residential Buildings to allow accessory dwelling units subject to restrictions set forth in <i>Section 3.4.5.6</i>
Artisan Workshop	Residential Buildings in the VAOD allow Artisan Workshops subject to restrictions set forth in <i>Section 3.4.5.7</i>

5.1.2 ACCESSORY STRUCTURES, RESIDENTIAL BUILDINGS. Accessory structures shall not be located within the front yard except as otherwise noted and shall maintain a 5-foot setback from any side or rear property line, except as otherwise noted. Accessory structures shall be limited by the ground coverage maximums as listed on *Schedule 3.2.2.1* "Dimensional and Area Regulations, for Residential Districts". Accessory structures permitted in conjunction with a residence include, but are not limited to, those listed below, and such structures are subject to the restrictions as indicated.

5.1.2.1 One detached garage or carport, not to exceed 850 square feet. Carports with non-rigid roofs must be located in side and rear yards only, and must meet setback requirements.

5.1.2.2 Swimming Pools, subject to the following:

- a. The pool shall be surrounded by a fence (see Subsection 7. below), wall or screen with a minimum height of four feet and a maximum height of six feet. Above ground pools four feet or higher with removable ladders are exempt from this requirement.
- b. All pool enclosures having a gate or door which does not lead directly into an adjacent building shall be self-closing and equipped with a self-latching device fitted at the minimum height of three feet, six inches.
- c. During pool construction, the contractor or owner shall install and maintain a temporary fence or enclosure meeting the height and latching requirements above.

- d. The edge of the pool proper (not including deck unless elevated) and the enclosure must meet the five-foot setback from any side or rear yard.
 - e. The PCD Director may waive the enclosure requirements for a pool if the pool is enclosed by or otherwise protected by the building or other man-made or natural barrier or is remote from adjoining properties.
 - f. Privately owned and maintained pools, ponds, lakes and ditches which are not sufficiently maintained so as to prevent a hazard to the public health, safety and welfare in the nature of allowing growth of algae, bacteria and breeding of mosquitoes and other pests is hereby prohibited.
- 5.1.2.3. Storage buildings, greenhouses, utility sheds or bath houses, each not to exceed 200 square feet, limit two per residence. Storage buildings or utility sheds 120 square feet or less, installed with wood floors, skids, or tie downs without concrete flooring do not require a building or use permit.
- 5.1.2.4 Garbage can enclosures, dumpsters and dumpster enclosures may be accessory to multi-family buildings only, provided they are screened with fencing.
- 5.1.2.5 Driveways and parking areas.
- a. Driveways and parking areas shall comply with the requirements of *Sections 4.1.4.3 and 4.1.4.4.*
 - b. Driveways and parking areas are permitted in the front yard.
- 5.1.2.6 Gazebos, Lanais and Similar Structures.
- 5.1.2.7 Fences and Hedges. Fences/hedges are required to comply with the following standards:
- a. Height/Setbacks. Fences and/or hedges may be permitted along property lines if they meet the following height limitations (the most stringent standard shall apply):

Location	Maximum Height
Within 35 feet of any intersecting streets, driveways or alley	24 inches
Within 25 feet of any right-of-way	48 inches
Front yard*	48 inches
Side or rear yard	72 inches
*On corner lots, the secondary front yard may have a 72" fence provided a setback is maintained equal to ½ of the existing setback. The fence cannot be installed between the structure and the right of way.	

- b. Placement. The City shall not be responsible for improperly placed fences. When the PCD Director determines that a fence has been improperly placed, the owner of the fence shall relocate the fence within ten days of a notice of violation issued by the City. A fence or hedge may be permitted within an easement, provided the owner signs an affidavit, prior to the issuance of a fence permit stating that if it becomes necessary for the City or public utility to use the easement, the property owner will remove any portion or all of the fence at his/her expense.

- c. Materials. Fences made with barbed wire, cloth, nylon, PVC pipe, corrugated materials, glass, spikes or other similar materials, and electric fences are prohibited on residential properties. Fence materials must be generally compatible with surrounding properties. On corner lots, picket or other similar fencing as approved by the PCD Director can be installed in the primary front yard. See Section 5.1.2.7.a for restrictions in secondary front yards.
 - d. Temporary fence. Permitted in all residential zoning districts with approval by the PCD Director, for up to one year from permit approval. An extension may be granted up to six months by the PCD Director.
- 5.1.2.8 Reserved.
- 5.1.2.9 Reserved.
- 5.1.2.10. Satellite dishes or antennas. Shall be subject to the following restrictions. The PCD Director may waive any of the restrictions below in cases where it is determined that compliance with the restriction interferes with the receipt of signals.
- a. The dish of the satellite antenna shall be neutral in color and compatible with the appearance of the neighborhood.
 - b. No satellite antenna shall be mounted on the roof of any single family or two-family structure.
 - c. All roof-mounted satellite antennas shall be located on the rear one-third of the structure.
 - d. No satellite antenna accessory to a single family or two-family building shall exceed 15 feet in height, measured from the highest point of the antenna when positioned for operation to the ground.
 - e. All ground-mounted satellite antennas shall be screened from view by a six-foot high wood or masonry fence or plants, being 80 percent opaque when viewed between two and six feet above grade. Said antennas shall be set back from the rear and side property lines by a distance equal to their height, but no less than the required side or rear set back for the zone district. In no case shall said antennas be located closer to the front property line than the front face of the building to which it is accessory.
 - f. All satellite antennas for multi-family buildings adjacent to single family buildings shall require a Special Use permit unless the satellite antenna complies with the single family residential requirements.
 - g. Satellite antenna owners who sell the signal received to other property owners who are not tenants or lessees of the satellite antenna owner shall be considered to be operating a cable TV franchise and shall require City Council approval.
 - h. No satellite antenna shall be used for a sign.
- 5.1.2.11 Solar Collectors.
- 5.1.2.12 Recreational facilities such as tennis courts, shuffleboard courts, playground equipment, etc.
- 5.1.2.13 Doghouses, pens and other structures for the housing of pets, but not including kennels or animal farms.

5.1.2.14 Docks and Piers may be erected beyond the mean high water line of public waterways or beyond the shorelines of ponds or lakes of over an acre in size, subject to the following:

- a. The applicant shall furnish proof of ownership of the property at the mean high water line or pond shoreline where the dock is to be located, or other documentation of his right to use the shorelines and waterbody. Owners of waterfront property without riparian rights may apply for a Special Use for a dock on public waterfront provided there is no private property intervening between the proposed dock location and the applicant's property.
- b. If the dock is proposed to be constructed or repaired in a public waterway or over wetlands, the applicant must provide authorization from the appropriate state or federal agency, prior to local permit review and approval. If a dock is proposed on a public right-of-way, or easement, the applicant, prior to the issuance of a permit, shall sign an affidavit acknowledging the right of the City Council to issue an order for removal of the dock any time without compensation to the owner of the dock.
- c. A permit or exemption letter from the DEP (Department of Environmental Protection)
- d. The following dimensional requirements shall be met unless otherwise stipulated by Special Use permit:
 - i. Docks and piers shall maintain a minimum of a ten-foot setback from the side lines of property or the extension thereof into the water body.
 - ii. The height of the flooring of any dock shall not exceed five feet above mean sea level or average water level in the case of a retention pond or lake.
 - iii. Superstructures on any dock shall require a Special Use Permit.
 - iv. In a public waterway, the maximum length of any dock shall not exceed 80 feet or 25 percent of the width of the waterway or closer than 25 feet to the center of any public channel, whichever is less.
 - v. In a retention pond or lake, the maximum width shall be 5 feet and the maximum length of any dock shall not exceed whichever is the lesser of the following dimensions: 20 feet or ten percent of the width of the lake measured from the foot of the dock, in line with the dock, to the opposite side of the lake.

5.1.2.15 Newsracks/Modular Newsracks. See *Section 4.3.7*.

SECTION 5.2 NON-RESIDENTIAL BUILDINGS.

For the purposes of this section, non-residential buildings shall include all buildings except one and two-family and multi-family dwellings and group care facilities.

5.2.1 ACCESSORY USES, NON-RESIDENTIAL BUILDINGS. Accessory uses allowed on non-residential property are those activities which are ordinarily conducted in conjunction with a non-residential principal use and may include but are not limited to those accessory uses listed in *SCHEDULE 5.2.1.1*.

SCHEDULE 5.2.1.1 ACCESSORY USES, NON-RESIDENTIAL BUILDINGS	
Allowed Accessory Uses	Standards
Retail sales of items related to the principal use of the property.	Sales area is limited to 25 percent of the total building floor area.
Food preparation and service	Such services shall be geared for employees of the principal business and there shall not be exterior signs indicating the service.
Food vending, including ice	Vending shall be located either in the interior of the principal building or within a roofed accessory structure not exceeding 200 square feet in floor area. Such accessory structures shall be landscaped per the requirement of the PCD Director. If such machines serve the public, as in a gasoline station, they may be located within the front yard but no closer than 15 feet to the front property line.
Garaging and parking of vehicles	In accordance with <i>Section 4.1.4</i> .
Storage and/or display of items related to the principal use, including temporary storage of refuse for collection.	Provided that no storage and/or display shall be outside except as otherwise allowed by these LURs and except for dumpsters which are enclosed and screened.
Providing day care for employee's children.	Service shall be limited to employees' children and no outside signs indicating the service shall be displayed.
Personal service establishment	Such uses shall be accessory to offices, hotels, motels or health care facilities only which have a minimum gross floor area of 20,000 square feet.
Service and repair of items sold or rented out by the principal business (example, auto service department of an auto sales business)	
Newsracks/Modular Newsracks	See <i>Section 4.3.7</i> .

5.2.2 ACCESSORY STRUCTURES, NON-RESIDENTIAL BUILDINGS. Accessory structures allowed in conjunction with nonresidential buildings include, but are not limited to, those listed below and such structures are subject to restrictions as indicated. Accessory structures shall not be located in the required front setback except as otherwise allowed by these LURs and shall maintain a 10-foot setback from any property line except in a UC/UCBD zoning district, where no setback is required. Accessory buildings shall be limited to a total equivalent of 25 percent of the ground floor square footage of the principal building.

5.2.2.1 Buildings, including, but not limited to, garages, carports, vending machine shelters, offices, storage sheds and utility buildings.

5.2.2.2 Recreation facilities, including tennis courts and swimming pools, provided that the requirements for enclosing swimming pools as set forth in the requirements for accessory structures for residential buildings (*subsection 5.1.2.2*) are met.

5.2.2.3 Driveways and parking areas, provided they meet the dimensional and landscaping requirements of these LURs (*Section 4.1.4*).

5.2.2.4 Fences and Hedges. The following standards shall apply:

- a. Height/Setbacks. Fences and/or hedges may be permitted along property lines if they meet the following height limitations (the most stringent standard shall apply).

Location	Maximum Height
Within 35 feet of any intersecting streets, driveways or alleys	24 inches
Within 25 feet of any right-of-way	48 inches
Front yard*	48 inches
Side or rear yard	72 inches
*Fences in secondary front yards may be 72" provided the fence is placed 25 feet from the right of way.	

- b. Placement. The City shall not be responsible for improperly placed fences. When the PCD Director determines that a fence has been improperly placed, the owner of the fence shall relocate the fence within ten days of a notice of violation issued by the City. A fence or hedge may be permitted within an easement, provided the owner signs an affidavit, prior to the issuance of a fence permit stating that if it becomes necessary for the City or public utility to use the easement, the property owner will remove any portion or all of the fence at his/her expense.
- c. Materials. Fences made with barbed wire, cloth, nylon, glass, PVC pipe, corrugated materials, spikes or other similar materials, and electric fences are not permitted without City Council approval. City Council may also grant a variance on height in conjunction with a request for barbed wire or electric fence. Fence materials must be generally compatible with surrounding properties. On corner lots, chain link, picket, or other similar fencing as approved by the PCD Director can be installed in the primary front yard.
- d. Temporary fence. Permitted in all non-residential zoning districts with approval by the PCD Director for up to two years from permit approval. An extension may be granted up to one year by the PCD Director.

5.2.2.5 Reserved.

5.2.2.6 Satellite Antennas shall be subject to the following restrictions. The PCD Director may waive any of the restrictions below in cases where it is determined that compliance with the restriction interferes with the receipt of signals.

- a. The dish of the satellite antenna shall be neutral in color and compatible with the appearance of the neighborhood.
- b. All ground-mounted satellite antennas shall be screened from view by a six-foot high wood or masonry fence or plants, being 80 percent opaque when viewed between two and six feet above grade. Said antennas shall be set back from the rear and side property lines by a distance equal to their height, but no less than the required side or rear set back for the zone district. In no case shall said antennas be located closer to the front property line than the front face of the building to which it is accessory.
- c. No satellite antenna shall be used for a sign.
- d. If the satellite antenna is to be located on property adjacent to single family zoning or use, additional setback area may be required.

- e. All roof-mounted satellite antennas shall be located on the rear one-third of the structure.
 - f. Satellite antenna owners who sell the signal received to other property owners who are not tenants or lessees of the satellite antenna owner shall be considered to be operating cable TV franchise and shall require City Council approval.
- 5.2.2.7 Dumpsters and garbage can enclosures provided they are screened from view by a solid fence with landscaping.
- 5.2.2.8 Newsracks/Modular Newsracks. See *Section 4.3.7*.
- 5.2.2.9 Tents, in conjunction with special sales or public events, provided they meet the guidelines of the Fire Department.
- 5.2.2.10 Mechanical equipment, including, but not limited to heating, ventilating, and air conditioning machinery; and natural or propane gas tanks (except where said natural or propane gas is sold to the public), shall be screened from public view, and screening may include any combination of landscaping and building material. If building material is to be utilized for screening purposes and visible from the right-of-way, such materials shall be consistent with the architectural design of the principal structure.
- 5.2.2.11 Free standing ice vending machines, See *Section 4.3.13*.

SECTION 5.3 RESERVED

SECTION 5.4 RESERVED

SECTION 5.5 SIGNS.

- 5.5.1 PURPOSE AND INTENT. It is the purpose of this Section to promote public health, safety and welfare of the City of Bradenton through reasonable, consistent and non-discriminatory sign standards. In order to preserve and enhance the City as a desirable community in which to live, visit, and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end. The sign regulations in this Section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety, and to accomplish the following:
- 5.5.1.1 Encourage the effective use of signs as a means of communications in the City;
 - 5.5.1.2 Maintain and enhance the visual and aesthetic environment and thereby the City's ability to attract sources of economic development and growth, including enhancing the tourism industry;
 - 5.5.1.3 Foster the integration of signage with architectural and landscape designs;
 - 5.4.1.4 Preserve, conserve, protect, and enhance the aesthetic quality, historic resources, and scenic beauty of the City;
 - 5.5.1.5 Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
 - 5.5.1.6 Minimize the possible adverse effect of signs on nearby public and private property;
 - 5.5.1.7 Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that compliments the natural surroundings in

recognition of this City's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as, for its major office and industrial parks, gateways, downtown and waterfront areas, and overlay districts;

- 5.5.1.8 Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
 - 5.5.1.9 Improve pedestrian and traffic safety;
 - 5.5.1.10 Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
 - 5.5.1.11 Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
 - 5.5.1.12 Encourage and allow signs that are appropriate to the Land Use Atlas District in which they are located and consistent with the category of use and function to which they pertain;
 - 5.5.1.13 Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
 - 5.5.1.14 Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
 - 5.5.1.15 Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;
 - 5.5.1.16 Preclude signs from conflicting with the principal permitted use of the site and adjoining signs;
 - 5.5.1.17 Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
 - 5.5.1.18 Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
 - 5.5.1.19 Protect property values by ensuring that sign-types, as well as, the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
 - 5.5.1.20 Streamline the approval process by requiring master signage plans; and
 - 5.5.1.21 Enable the fair and consistent enforcement of these sign regulations.
- 5.5.2 DEFINITIONS. Words and phrases used in this Section shall have the meanings ascribed to them in *Section 6.0*, Sign-related Definitions.
- 5.5.3 PERMITTED SIGNS. Notwithstanding anything contained herein to the contrary, any sign permitted pursuant to the provisions of this Section may, at the option of the owner, contain either a non-commercial message unrelated to the business located on the premises where the sign is erected or a commercial message. The non-commercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one non-commercial message to another, as frequently

as desired by the owner of the sign, provided that the size and design criteria contained in this Section have been satisfied. Notwithstanding anything to the contrary contained in this Section, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

5.5.3.1 Residential Buildings.

- a. Identification standards. Signs for identification of multi-family buildings and residential developments limited to one ground sign or two wall signs per project entrance, not to exceed 32 square feet. See *subsection 5.5.8* regarding illumination.
- b. Temporary signs. Temporary signs for construction or advertising of future improvements may be initially installed for no longer than twelve (12) months with one, twelve (12) month extension. For multi-phased projects, each project phase shall be allowed a separate 24 month schedule; however, subsequent signage shall identify the specific project phase for which it is allowed. Such signs are limited to two per project, not to exceed 32 square feet. Permits are required.
- c. Home Business and Home Occupation signs. Signs for home businesses and home occupations are limited to six square feet, unless otherwise superseded elsewhere in these LURs, or stipulated in the Special Use Permit. For additional standards, refer to *subsections 3.4.2 HISTORIC DISTRICT, 3.4.5 VILLAGE OF THE ARTS DISTRICT OVERLAY, and 3.4.6 ANTIQUES DISTRICT OVERLAY.*
- d. Other signs. See *subsection 5.5.4 EXEMPT SIGNS* for other signs allowed within every Land Use Atlas District but exempt from the sign permitting requirements of this Section.
- e. Size. All other signs not indicated above over six square feet in size are not permitted for individual single-family or two-family buildings.

2. Non-Residential Buildings.

SCHEDULE 5.5.3.2 AREA, DIMENSIONAL, QUANTITY REQUIREMENTS FOR SIGNS IN NON-RESIDENTIAL LUR ATLAS DISTRICTS

CALCULATIONS OF SIGN AREA:

Total area shall be calculated as the area within the smallest regular geometric figure which will completely enclose the display surface, including the border, but excluding supports. Spaces between detached letters shall not be deducted from the area.

A single display surface or several display surfaces composed to form a unit shall be considered one sign. When matter is displayed on more than one support, or the face of the sign is on more than one plane, or there is reasonable doubt about the relationship of elements, each element shall be considered a single sign. A double-faced sign in which the faces are parallel shall be considered a single sign and the area computed using one face.

continued

SCHEDULE 5.5.3.2 AREA, DIMENSIONAL, QUANTITY REQUIREMENTS FOR SIGNS IN NON-RESIDENTIAL LUR ATLAS DISTRICTS - continued				
TYPE OF SIGN	UV, UC and UCBD DISTRICTS		ALL OTHER NON-RESIDENTIAL DISTRICTS	
	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA AND DIMENSIONS	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA AND DIMENSIONS
<p>SHOPPING CENTER SIGN</p> <p>A ground sign identifying a shopping center and its individual businesses.</p>	<p>1 or</p> <p>1 per arterial street frontage, if applicable.</p> <p>Height – 10 feet</p>	<p>See Ground Sign</p>	<p>1 or</p> <p>1 per arterial street frontage, if applicable.</p>	<p>32sf for the first 50 feet of lot frontage, thereafter on a 1:1 ratio not to exceed 300sf.</p> <p>Height- 35 ft.</p>
<p>MONUMENT SIGN</p> <p>Any sign which is supported by masonry, wood, metal or similar structure or braces, excluding poles, and is permanently installed in or on the ground on a permanent base.</p>	<p>1 unless an additional sign is permitted elsewhere in these LURs</p>	<p>16sf for the first 50 feet of lot frontage, thereafter on a 1:1 ratio not to exceed 32sf.</p> <p>Height- 10 ft.</p>	<p>1</p>	<p>24sf for the first 50 feet of lot frontage, thereafter on a 1:1 ratio, not to exceed 48sf.</p> <p>Height-25 ft.</p>
<p>POLE SIGN</p>	<p>Not Permitted</p>		<p>1</p>	<p>See standards for Monument Sign</p>
<p>WALL SIGN</p> <p>A sign affixed to or painted on the wall of a building, projecting not more than 12 inches, not extending above the roof line or facade, and not interrupting the building's architectural features.</p>	<p>1 wall sign may be permitted for each side of the building which is visible from common travel ways, pedestrian or vehicular.</p>	<p>2sf per linear ft. of the side of the building on which the sign is to be placed, not to exceed 60sf. Buildings four stories and above, add an additional 20 sf for each floor lying above the third story, excluding the stories above the location of the sign.</p>	<p>1 wall sign may be permitted for each side of the building which is visible from common travel ways, pedestrian or vehicular.</p>	<p>2sf per linear feet of the side of the building on which the sign is to be placed, not to exceed 90sf. An additional 10sf of sign area is permitted for each 10 feet of setback exceeding the required 35 foot setback.</p>

continued

SCHEDULE 5.5.3.2 AREA, DIMENSIONAL, QUANTITY REQUIREMENTS FOR SIGNS IN NON-RESIDENTIAL LUR ATLAS DISTRICTS - continued				
TYPE OF SIGN	UV, UC and UCBD DISTRICTS		ALL OTHER NON-RESIDENTIAL DISTRICTS	
	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA AND DIMENSIONS	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA AND DIMENSIONS
<p>PROJECTING SIGN</p> <p>Any sign which is affixed to any building wall or structure and extends more than 12 inches horizontally from the plane of the building wall.</p>	1	2sf for each linear foot of business frontage, not to exceed 12sf.	1	2sf for each 5 linear feet. of business frontage, not to exceed 32sf.
OTHER PROJECTING SIGN RESTRICTIONS: Projecting signs shall not extend within 2 feet of a vehicular travel way and shall have its bottom edge a minimum of 9 ft. above grade. They shall not extend over a public right-of-way except in the UC or UCBD district.				
<p>MARQUEE SIGN</p> <p>Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.</p>	<p>MAXIMUM AREA: 2sf for each linear foot of business frontage.</p> <p>MAXIMUM HEIGHT: N/A</p> <p>MAXIMUM NUMBER OF SIGNS: 1</p> <p>OTHER MARQUEE SIGN RESTRICTIONS: The sign shall not extend above or below the marquee. Marquee signs, including signs affixed to the bottom thereof, shall not extend within 2 feet of a vehicular travel way, and shall not extend over a public right-of-way except in the UC or UCBD District.</p>			
<p>AWNING SIGN</p> <p>A sign on a shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.</p>	<p>MAXIMUM AREA: The copy of any awning is permitted to cover up to 50% of the awning surface provided the copy does not exceed the square footage permitted for wall signs. Note that an awning without copy is not considered a sign.</p> <p>MAXIMUM HEIGHT: N/A</p> <p>MAXIMUM NUMBER OF SIGNS: 1</p> <p>OTHER AWNING SIGN RESTRICTIONS: Awnings shall have their lowest horizontal member a minimum of 9 feet above grade and shall not extend closer than two feet from the curb of a vehicular travel way.</p>			
<p>REAL ESTATE SIGN</p> <p>A temporary sign erected by the owner, or his agent, indicating property, which is for rent, sale or lease.</p>	<p>MAXIMUM AREA: 6sf per 50 feet of total frontage up to 32sf.</p> <p>MAXIMUM HEIGHT: 25 feet</p> <p>MAXIMUM NUMBER OF SIGNS: 1 sign per 300 feet of frontage.</p> <p>OTHER REAL ESTATE SIGN RESTRICTIONS: Permits for such signs shall be subject to semi-annual permit renewal.</p>			

continued

SCHEDULE 5.5.3.2 AREA, DIMENSIONAL, QUANTITY REQUIREMENTS FOR SIGNS IN NON-RESIDENTIAL LUR ATLAS DISTRICTS - continued				
TYPE OF SIGN	UV, UC and UCBD DISTRICTS		ALL OTHER NON-RESIDENTIAL DISTRICTS	
	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA AND DIMENSIONS	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA AND DIMENSIONS
<p>SINGLE PERMANENT OFF-SITE SIGN</p> <p>Sign advertising a business, product or service, which sign is located on a separate parcel than from where the business, product or service derives or originates.</p>	<p>MAXIMUM AREA: 32sf.</p> <p>MAXIMUM HEIGHT: 12 feet</p> <p>MAXIMUM NUMBER OF SIGNS: 1 sign per business per lot may be permitted for each business, provided that it is not in excess of the number of signs allowed on the property where it is located per <i>SCHEDULE 5.5.3.2</i>.</p>			
<p>PUBLIC INFORMATION SIGN</p> <p>Any sign which promotes a community-oriented benefit or interest such as the date, time and temperature, publicly-sponsored events and news, openings and closings of public buildings, rights-of-way and lands, or other similar messages.</p>	<p>MAXIMUM AREA: 16 sf.</p> <p>MAXIMUM HEIGHT: 12 feet</p> <p>MAXIMUM NUMBER OF SIGNS: 1 per lot or 1 per street frontage.</p>			
<p>SIDEWALK SIGN</p> <p>Any foldable, moveable sign intended to be displayed adjacent to a business to identify the business, promote daily menus, sales, events, or other similar information. Sidewalk signs include signs mounted on single poles or stems, easels, bifold boards, etc.</p>	<p>MAXIMUM AREA: 4 sf each side for mounted signs, or 8sf. in area for each side for bifold boards.</p> <p>MAXIMUM HEIGHT: N/A</p> <p>MAXIMUM NUMBER OF SIGNS: A single such sign may be permitted when it does not reduce any pedestrian access or walkway to less than 4 feet in width. Sidewalk signs are permitted within the right-of-way in the UC, UCBD or UV district. In shopping centers, the sidewalk sign must be located on the sidewalk in front of the business for which it is advertising.</p>			

5.5.4 EXEMPT SIGNS. It shall not be necessary to obtain a Sign Permit described in this Section for the following signs, however compliance with all applicable provisions and regulations in this Section and the City's LURs must be met. Signs over 10 square feet or illuminated signs, regardless of size, will require a Building and/or Electrical Permit:

5.5.4.1 Private directional, and signs for religious, civic, fraternal, and nonprofit organizations mounted at City entrances, provided that such a sign does not exceed six square feet in area;

5.5.4.2 Directory signs affixed to a wall or ground sign of a shopping center or office building and show window or shingle signs, provided that such a sign does not exceed four square feet in area;

- 5.5.4.3 Flags and insignia of any government except when displayed in connection with commercial promotion. Such flags shall be displayed with respect, and be limited to two.
- 5.5.4.4 Legal notices and identification, informational, or directional signs erected or required by governmental bodies.
- 5.5.4.5. Painted or paper signs in windows, limited to one-fourth of the total window area, not to exceed 30 square feet. Such signs shall not be blaze-colored.
- 5.5.4.6 Incidental signs attached to a ground sign, flush on a building wall, door or window. Such signs are limited to credit cards accepted, and official notices of services required by law or trade affiliations. The area of each sign may not exceed five square feet and the total area of all such incidental signs attached to one sign may not exceed ten square feet.
- 5.5.4.7 Signs that are wholly within a group of buildings or complex and are not visible from the public thoroughfare, and bulletin boards, and identification signs for public, non-profit or religious facilities located on the premises and not exceeding 30 square feet.
- 5.5.4.8 Vehicle identification signs, including painted or magnetic signs attached to a vehicle, provided that the sign is not illuminated unless it identifies an emergency vehicle, bus or taxi.
- 5.5.4.9 Election signs as defined in these LURs, provided that:
- a. They be legally placed or erected no earlier than 120 days prior to the election for which the election sign applies;
 - b. Election signs shall not be placed upon property without the permission of the owner of the property or other person in legal control of the property;
 - c. For each parcel, one election sign for each candidate and regarding each issue may be displayed;
 - d. An election sign may be displayed as an attached sign or as a freestanding sign;
 - e. On parcels that are in residential use, the election sign shall not exceed six square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed four feet in height;
 - f. On parcels that are in nonresidential use, the election sign shall not exceed 32 square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign i) shall be set back at least five feet from all property lines, and ii) shall not exceed eight feet in height;
 - i. Election signs shall not be attached to trees, shrubs, fences, walls, or utility or similar poles;
 - ii. Election signs shall not be placed, erected or maintained on or in public rights-of-way or any public property;
 - g. The owner of the property, as well as, the person responsible for placing the sign on the property, shall be responsible for removing election signs within ten days of the election; and
 - h. Election signs allowed by the provisions of this subsection are in addition to free expression signs and any other signs and sign messages that may be allowed under these LURs. Accordingly, the foregoing provisions do not limit the right to substitute a

noncommercial message (including a political message) for any commercial message that may otherwise appear on a lawfully erected sign.

- 5.5.4.10 Signs painted on the back rests of benches provided they comply with MCAT regulations.
 - 5.5.4.11 Traffic control device signs;
 - 5.5.4.12 Warning and safety signs.
 - 5.5.4.13. Street address signs and residential mailboxes. For each parcel within the City, one attached wall street address sign may be displayed. For parcels in residential use, the street address sign shall not exceed 72 square inches in sign area. For parcels in non-residential use, the street address sign shall not exceed two square feet in sign area. A residential mailbox with the address of the property affixed to it such that the address is no larger than one side of the mailbox shall be allowed for each residence located within the City.
 - 5.5.4.14 Free Expression signs. For each parcel, one free expression sign not exceeding three square feet in sign area may be displayed. The free expression sign may be displayed as an attached sign or as a free-standing sign; if displayed as a free-standing sign, the free-standing sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this Section and is permitted in any Land Use Atlas District. The sign must be located within six feet of a building located on the lot or parcel; or if there is no building on the lot or parcel, the sign must not hamper motorist visibility and be located at least 15 feet from any property line .
 - 5.5.4.15 Sidewalks signs, as identified in Schedule 5.5.3.2.
 - 5.5.4.16 District Theme or Event signs: A two sided sign, no larger than 12 square feet and 72 inches in height, allowable only in the UC, UCBD and UV districts. The District Theme or Event Logo shall be the predominant lettering on the sign, and the event shall be secondary to it. Any other advertising text is prohibited. Such signs may be affixed to the street lighting fixtures with the approval of the Department of Public Works provided they do not exceed 8 square feet, 48 inches in height and have a minimum 8 foot clearance,. Special Event signage may not be installed more than three weeks prior to the event, and shall be removed within 2 days after the event, except that signage for recurring events may be displayed until the event ceases.
 - 5.5.4.17 Temporary signs six (6) square feet or less, limited to one sign per 100 feet of street frontage.
- 5.5.5 PROHIBITED SIGNS. The following signs are and sign-types are prohibited within the City of Bradenton and shall not be erected or displayed. Any lawfully existing permanent sign or sign-type that is among the prohibited signs and sign types listed below, other than signs or sign-types listed in *subsection 5.5.4*, shall be deemed a non-conforming sign subject to the provisions of *subsection 5.5.6*.
- 5.5.5.1. Revolving, Flashing, and Animated signs;
 - 5.5.5.2 Wind signs;
 - 5.5.5.3 Roof signs;
 - 5.5.5.4 Snipe and Bandit signs;

- 5.5.5.5 Projecting signs, when projecting in excess of 18 inches from the structures upon which they are constructed or attached;
- 5.5.5.6 Bus bench and bus shelter advertising signs, except for MCAT as defined above;
- 5.5.5.7 Signs that emit sound, vapor, smoke, odor, particles or gaseous matter;
- 5.5.5.8 Signs that have unshielded illuminating devices;
- 5.5.5.9 Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device;
- 5.5.5.10 Any sign within a sight visibility triangle, unless otherwise approved by the City;
- 5.5.5.11 Any sign in the public right-of-way, other than traffic control device signs, bus stop informational signs, warning signs or safety signs, directional signs, sidewalks signs, as identified in Schedule 5.5.3.2, or public information signs;
- 5.5.5.12 Any sign other than a traffic control device sign that uses the word “stop” or “danger,” or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or imitation of official traffic control device signs, and which is adjacent to the right-of-way of any road, street, or highway;
- 5.5.5.13 Any sign prohibited by state or federal law;
- 5.5.5.14 Vehicle sign, when the vehicle is not “regularly used in the conduct of the business or activity” advertised on the vehicle, and
 - a. Is visible from a street right-of-way within 100 feet of the vehicle, and
 - b. Is parked for more than two consecutive hours within 100 feet of any street right-of-way. A vehicle shall not be considered “regularly used in the conduct of the business or activity” if the vehicle is used primarily for:
 - i. advertising, or for the purpose of advertising, or
 - ii. the purpose of providing transportation for owners or employees of the business or activity advertised on the vehicle;
- 5.5.5.15 Any sign located on real property without the permission of the property owner;
- 5.5.5.16 Beacons, except as required by state or federal law;
- 5.5.5.17 Intermittent signs, except time and temperature signs as permitted herein;
- 5.5.5.18 Banner signs, except temporary banner signs used for welcoming a person or persons home from military duty or other extended stays, or other similar circumstances to be displayed no longer than ten consecutive days. Also, grand opening banner signs may be permitted for no longer than 30 consecutive days and placed no sooner than three days prior to the actual opening date. Banner signs may be no larger than 32 square feet in sign area;
- 5.5.5.19 Portable signs, unless otherwise permitted by these LURs;
- 5.5.5.20 Signs painted or attached to seawalls/retaining walls along any water body, public utility poles, or trees;
- 5.5.5.21 Spectacular signs, defined as signs wired for incandescent light, or animated with copy action controlled by flasher circuit breakers, moving lighting or similar devices;
- 5.5.5.22 Changeable copy signs, except that a changeable copy portion of a ground, wall, or marquee sign may be permitted provided the changeable copy portion makes up 25

percent or less of the total sign area and that it is designed as an integral part of a sign;

5.5.5.23 Vehicle mounted signs, defined as a sign mounted on any vehicle and incidentally displayed without connection with the use of the vehicle. Such signs may be permitted, however, if they are campaign signs under eight square feet in size;

5.5.5.24 Computerized signs with animated display, running copy or copy which changes more frequently than at 60-second intervals. Signs that display time and temperature only may change more frequently provided the signs are low-profile (do not exceed six feet in height), and have not received a Variance for dimension. Additional landscaping and locational standards may apply.

5.5.5.25 Signs on vehicles parked so as to read from the street, except that campaign signs shall be allowed as per subsection 550.D.9.

5.5.5.26. Air inflatable signs, displayed in any exterior location, except for non-profit events lasting no longer than 72 hours.

5.5.6 NONCONFORMING SIGNS. A nonconforming sign that was lawfully erected may continue to be maintained until the nonconforming sign is substantially damaged, destroyed or the principal use associated with the sign is changed. At such time that the nonconforming sign is substantially damaged destroyed or the principal use associated with the sign is changed, the nonconforming sign must either be: (a) be removed, or (b) be brought into conformity with this Section and with any other applicable laws or regulations.

5.5.7 PLACEMENT.

5.5.7.1 Residential Uses. No sign shall be placed on public right-of-way unless specifically approved by City Council or unless otherwise permitted in these LUR's, and no sign or sign support shall impede visibility between the heights of two and ten feet above ground within 35 feet of a street intersection or driveway entrance, or be located within any easement without Public Works approval. Signs for home occupations and home businesses are limited to six square feet unless otherwise stipulated in the Special Use Permit.

5.5.7.2 Non-Residential Uses.

- a. No sign shall be located within any easement without Public Works approval or extend beyond the property line except that signs may extend into the public right-of-way in the UC/UCBD district when otherwise in conformance with these LURs or may be erected in any district on public right-of-way if specifically approved by City Council when evidence has been provided by the applicant that the sign achieves a specific public purpose.
- b. A sign may be permitted in a future right-of-way, provided the applicant files an affidavit with the office of the Clerk of the Circuit Court certifying that the sign will be removed by the owner at the City's request.
- c. No sign or sign support shall be permitted to impede visibility between a height of two and 10 feet within 35 feet of the intersection of two vehicular travelways, including streets, alleys and driveways.
- d. No sign shall be erected to obstruct any fire escape, required exit, window, door opening intended as a means of egress, sidewalk or other pedestrian walkway less than four feet in width, or that interferes with any opening required for ventilation.

- e. Signs shall maintain a minimum of six feet horizontal and 12 feet vertical clearance from electrical conductors and from all communications equipment or lines located within the City.
- f. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.
- g. No sign shall be attached to a standpipe, gutter, drain, or fire escape, nor shall any sign be installed to impair access to a roof.

5.5.8 ILLUMINATION.

5.5.8.1 Residential Uses. Signs shall not be lighted except signs for identification of multi-family buildings and residential developments limited to one ground sign or wall sign per project entrance, not to exceed 32 square feet may be illuminated by a spot light.

5.5.8.2 Non-Residential Uses. Signs on non-residential property may be illuminated with the exception of Spectacular signs (see Prohibited Signs, *Subsection 5.5.5*, above).

- a. No sign including lighting which appears by approximate size and color to be a traffic signal or emergency vehicle light will be permitted within 50 feet of a street or highway paving. Nor shall a rotating or flashing signal lamp similar to those used on emergency vehicles be permitted regardless of location where by reason of position, illumination, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic signal, sign or device; the colors specifically prohibited are: red, amber, yellow, green or blue; nor shall it make use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol or character in such a manner as to interfere with or confuse traffic.
- b. The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. Lighting shall not be directed skyward, nor toward water bodies or water courses.
- c. Illuminated signs shall not interfere with pedestrian or motorist vision. The illumination shall not be reflective or phosphorescent and shall perform in a steady non-fluctuating or non-undulating manner and shall be placed in a manner that will not create a nuisance to other premises or interfere with vehicular movements. Strobe lights and flashing lights are prohibited.
- d. No illuminated signs shall be constructed or maintained within 50 feet of any residential Land Use Atlas district or dwelling.

5.5.9 RESERVED

EXHIBIT 5.5.9 GRAPHIC ILLUSTRATIONS REGARDING SIGN TYPES AND MEASUREMENTS.
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Reserved for Future Standards

5.5.10 VARIANCES. Due to the diversity of the City, it is recognized that the LURs provided herein cannot address all situations pertaining to signs. The Planning Commission is therefore

empowered to grant Variances from the provisions of this Section upon an application being filed with the PCD. A Variance to this Section may be granted as to the physical characteristics of a sign where the Variance is not contrary to the public interest; and, owing to special conditions, a literal enforcement of the provisions of this Section will result in unnecessary hardship; however, no Variance shall be granted by the Planning Commission which has the effect of allowing a sign prohibited by *subsection 5.5.5*. Each Variance application shall include a fee as adopted by resolution of the City Council for administrative expenses incurred in the processing of the application, shall be in writing, and shall state with specificity the hardship and grounds upon which the petitioner bases the claim for a Variance request.

5.5.11 PERMITTING REQUIREMENTS.

5.5.11.1 Building Permit. When required by the Florida Building Code, a building permit shall be obtained to erect those signs or sign structures that are subject to it. The requirement of a building permit is separate from the requirement of a Sign Permit.

5.5.11.2 Sign Permit. Except for exempt signs, it shall be unlawful for any person to install, alter or cause to be installed or altered within the municipal limits of the City any sign otherwise allowed under this Section and visible from a public right-of-way, whether permanent or temporary, without first having obtained a sign permit from the City. The sign permit shall be issued by the City only after determination has been made that the proposed sign fully complies with all conditions of this Section.

5.5.11.3. Fees. No permit shall be issued until the appropriate application has been filed with the Department of Planning and Community Development and the applicable fees have been paid as adopted by the City Council, and as amended from time to time.

5.5.11.4 Sign Permit Application Requirements.

a. Form/Content of Application. A Sign Permit application for a permanent sign shall be made upon a form provided by the City of Bradenton. The Sign Permit application is in addition to any building permit application required by the Florida Building Code. The Sign Permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by this Section or the LURs. The PCD may require additional information on such sketch or print to insure compliance with this Section. The applicant shall furnish the following information on or with the Sign Permit application form:

- i. The legal description of the real property where the sign is proposed to be located;
- ii. The Land Use Atlas district for the real property on which the sign will be located;
- iii. The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located;
- iv. A notarized statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property;
- v. The name, license number, mailing address and telephone number of the sign contractor;
- vi. Type of proposed sign (e.g., attached wall sign, freestanding monument sign, freestanding pole sign, etc.);
- vii. The square footage of the surface area of the proposed sign;

- viii. The setbacks for the proposed sign;
 - ix. The value of the proposed sign including costs for installation;
 - x. If the proposed sign is a freestanding sign:
 - a) The lot frontage on all adjacent street rights-of-way;
 - b) The height of the proposed freestanding sign;
 - c) A detailed survey delineating all easements on the subject property; and
 - d) An engineering certification indicating said sign meets applicable windload requirements as determined by the Building Official.
 - xi. If the proposed sign is an attached sign, the building frontage for the building to which the attached sign shall be affixed;
 - xii. The number, type, location, and surface area for all existing signs on the same parcel and/or building on which the sign will be located; and
 - xiii. Whether the proposed sign will be an illuminated or non-illuminated sign, and details of illumination.
- b. Submittal of Application and Review Deadlines. Each applicant shall submit a completed Sign Permit application to the PCD. The Sign Permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this Section and any applicable zoning law.
- i. Administrative Review of initial application: The review of the Sign Permit application, unless the application requires a Certificate of Appropriateness in accordance with *Section 2.2.13*, or otherwise affects a Historic District, or requires discretionary review and approval shall be completed within 15 calendar days, after the receipt by the PCD of the completed application, and the application shall be granted or denied within that time frame. If the application is denied, the reasons for denial shall be set forth in writing and delivered to the applicant within three working days from the date of the denial. In the event that no decision is rendered within 15 calendar days following submittal, the application is deemed denied and the applicant may appeal to the Planning Commission in accordance with *Section 2.4* and *SCHEDULE 2.3*.
 - ii. Discretionary Review by the ARB for a Certificate of Appropriateness: Except when exempted by the Building Official, consideration of a Sign Permit application or signage plan that affects, or is located within a Historic District pursuant to *Section 2.2.13*, will be scheduled for the next available meeting of the ARB. At that time, the ARB shall review the same and make such final decision regarding a Certificate of Appropriateness, or recommendations (if any) it deems appropriate for consideration by the Planning Commission and City Council, if applicable. Consideration of a Sign Permit application or signage plan by the ARB is considered a final decision in most cases regarding a Certificate of Appropriateness, and may be appealed to the City Council in accordance with *Section 2.4* and *SCHEDULE 2.3*.
 - iii. Discretionary Review by the Planning Commission: Consideration of a signage plan that is part of a Special Use Permit or PDP application will be

scheduled for the next available, regularly scheduled meeting of the ARB or Planning Commission, as applicable, unless a Certificate of Appropriateness is required prior. At that time, the Planning Commission shall review the same and make such recommendations (if any) it deems appropriate for consideration by the City Council.

- iv. City Council, shall then consider the recommendation from the Planning Commission, and the ARB if applicable, for the signage plan at its next available, regularly scheduled meeting held within 35 days after the matter has been heard by the Planning Commission, but in no event later than 65 days after the submittal of the Sign Permit application to the PCD, unless the application has been continued by the ARB, Planning Commission, or City Council for lack of adequate information required to make such a decision, or lack of attendance by the applicant to appear before the City Council to address pertinent issues regarding the application. At that time, the City Council shall consider whether the proposed sign and/or sign structure complies with *Section 5.5* and other applicable provisions set forth in the LURs, and the City Council shall grant, grant with stipulations, or deny the signage plan within seven days after such meeting. If the application is granted with stipulations or if the application is denied, the stipulations or the reasons for denial shall be set forth in writing and delivered to the applicant, within seven days after such meeting.
 - v. Reconsideration of Application after presented to City Council: If the City Council fails to act within the aforesaid time limits, or fails to state the stipulations or reasons for denial in writing, the applicant shall be entitled to make a written request for the City Council to consider or reconsider the application. Such request shall be submitted by the applicant to the City Council within ten days after the City Council's deadline for taking the described action, and the written request for reconsideration shall be heard by the City Council within ten days thereafter. At that time, the City Council shall address the applicant's request and, if appropriate, take up or again consider whether the proposed sign and/or sign structure complies with this Section and the City's other applicable LURs, and the City Council shall grant, grant with stipulations, or deny the Sign Permit application within seven days after such meeting. If the application is granted with stipulations or if the application is denied, the conditions or the reasons for denial shall be set forth in writing and delivered to the applicant. If the City Council fails to take action, the Sign Permit shall be deemed granted.
 - vi. Application Appeals. See *subsection 5.5.12*.
- 5.5.11.5 Inspections. The PCD Director may make or require any inspections to ascertain compliance with the provisions of this Section, other applicable LURs, and other applicable laws and regulations.
- 5.5.11.6 Photographs of Sign(s): If the Sign Permit application is granted, the applicant shall furnish the PCD and/or his or her designees, or such other person as may be designated with photographs of the sign(s) in place within 30 days after the same is erected or constructed, and which shall show compliance with any and all height, size, setback, or other requirements of this Section.
- 5.5.11.7. Duration of Sign Permit. If the work authorized under a Sign Permit has not been completed within six months after the date of issuance, the permit shall become null

and void and a new application for a sign permit shall be required. Issuance of a Sign Permit shall in no way prevent the City from later declaring the sign to be nonconforming or unlawful if, upon further review of available information, the sign is found not to comply with the requirements of this Section.

- 5.5.11.8 Revocation of Sign Permit. If the work under any Sign Permit is proceeding in violation of this Section, any other ordinance of the City, or should it be found that there has been any false statement or misrepresentation of a material fact in the application or plans on which the Sign Permit was based, the permit holder shall be notified of the violation. If the permit holder fails or refuses to make corrections within ten days, it shall be the duty of the PCD Director, or designee to revoke such Sign Permit and serve notice upon such Sign Permit holder. Such notice shall be in writing and signed by the PCD Director or his/her designee. It shall be unlawful for any person to proceed with any work after such notice is issued.
- 5.5.11.9 Maintenance of Sign(s): All visible portions of a sign and its supporting structure shall be maintained in a safe condition, so as not to be detrimental to public health and safety, and in neat appearance according to the following:
- a. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner;
 - b. If the sign is painted, the painted surface shall be kept in good condition;
 - c. Every sign shall be kept in such manner as to constitute a complete or whole sign;
 - d. No trash shall be allowed to accumulate in the area around a sign. Weeds shall be kept out and landscaping maintained in a healthy condition.
- 5.5.11.10 Removal of abandoned sign(s): Any structure formerly used as a sign, but not in use for any other purpose, must be removed by the owner of the property within 30 days after written notification from a City Official, or 60 days after its use as a valid sign has ceased. Signs shall be removed within 60 days after a business has been vacated. The City of Bradenton may remove non-permitted and illegal signage at the sign owner's expense, and the City shall not be held liable for damage or disposal of such sign.
- 5.5.12 APPEALS. Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by the PCD in the enforcement and application of any provision contained within this Section or any other provisions of the LURs pertaining to Sign Permits (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party may complete and submit a completed Appeal application. However, if the decision being appealed was rendered by the City Council, the applicant shall have the right to seek judicial review by the Circuit Court or any other court of competent jurisdiction, within 30 days of the decision and shall file the same in accordance with the requirements of the law, seeking such appropriate remedy as may be available.
- 5.5.12.1 The completed Appeal application shall be filed with the PCD within 30 days of the date of the alleged error. The Appeal application shall include a description of the alleged error and the applicable provisions of this Section or the LURs pertaining to the administrative official's order, action, decision, determination, requirement, or failure to act.
- 5.5.12.2 A fee must be submitted in the amount set forth in the most recently adopted *APPENDIX "A"* of these LURs.

- 5.5.12.3 The Planning Commission shall hold a hearing within 35 days following receipt of the completed Appeal application.
- 5.5.12.4 The Planning Commission shall render a written decision within ten days following the close of the hearing.
- 5.5.12.5 If the Planning Commission does not render a decision within ten days following the hearing, the Sign Permit shall be deemed denied as of that date.

5.5.13 SEVERABILITY.

- 5.5.13.1 Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of *Section 5.5* is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of *Section 5.5*.
- 5.5.13.2 Severability Where Less Speech Results. Without diminishing or limiting in any way the declaration of severability set forth in these LURs, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of *Section 5.5* is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of *Section 5.5*, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- 5.5.13.3 Severability of Provisions Pertaining to Prohibited Signs. Without diminishing or limiting in any way the declaration of severability set forth above in these LURs, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of *subsection 5.5.5* or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of *subsection 5.5.5* that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under *subsection 5.5.5* of this Section. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of *subsection 5.5.5* is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of *subsection 5.5.5*.

CHAPTER 6.0 DESIGN GUIDELINES

Development proposals inclusive of any of the following attributes require Design Review (Architectural Review) by the City's Design Review Committee:

- A. All new development located within the Urban Central Business (UCBD), Urban Core (UC) and Urban Village (UV) districts excluding detached single family dwellings
- B. Any new development or redevelopment of buildings with two (2) or more living units within any district.
- C. Additions and exterior changes to all structures providing for non-residential uses and all structures with over three dwelling units existing prior to adoption of these Land Use Regulations.
- D. All Mixed Use Developments.
- E. New construction on property contiguous to a Historic Resource, excluding single family detached structures.
- F. New Civic Buildings or additions and exterior alterations to Civic Buildings.

Standard Design Review requests are processed according to the procedural requirements of Chapter 600, Land Use Regulations (Architectural Review Procedure).

6.1 STANDARD GUIDELINES

6.1.1 CONTEXT AND ARCHITECTURAL CHARACTER

Proposed buildings should relate to the architectural characteristics of surrounding buildings, especially historic buildings, in order to be more compatible with their neighbors. The intent is not necessarily to replicate or emulate historic buildings, but to allow for a range of architectural expressions that complement the existing urban fabric. Therefore, proposed building designs should be based on and reflect thorough analysis of their surrounding patterns with regard to the following:

- Building orientation;
- Horizontal and vertical building articulation;
- Architectural style;
- Building scale and proportion;
- Roof line and form;
- Fenestration pattern and detailing;
- Architectural detailing;
- Exterior finish materials and colors; and
- Lighting and landscape patterns.

Even where there is no consistent architectural character or pattern found in the surrounding area, building design and massing can be used to complement architectural characteristics of neighboring buildings. In some cases, where the existing context is not so well-defined, or

may be undesirable, a proposed project can establish an architectural character and pattern from which future development can take its cues.

6.1.2 BUILDING MASSING AND ARTICULATION

- 6.1.2.1 Each building should have at minimum a distinctive: horizontal base; occupied middle; and eave, cornice and/or parapet line that complement and balance one another. Horizontal articulations can be produced by material changes or applied facade elements.
- 6.1.2.2 Each building should have a clear and harmonious pattern of vertically-oriented façade openings including entries, windows, and bays and columns or other exposed vertical supports. Vertical articulations can be produced by variations in rooflines; window groupings; applied facade elements such as piers or pilasters, bay windows and balconies; entrance stoops and porches; and subtle changes in materials and vertical planes that create shadow lines and textural differences. Vertical elements break up long, monolithic building facades along the street. In the UCDB and UC areas, major vertical elements should be a maximum of 50 ft apart measured center-to-center, which reflects the historic parcel increment of much of Downtown. In all other zones, major vertical elements should be a maximum of 40 ft apart measured center-to-center.
- 6.1.2.3 In all districts other than UCBD, UC and UV, buildings should generally be designed to the scale and form of single-family houses.
- 6.1.2.4 Building Base - This may be as simple as a small projection of the wall surface and/or a different material or color. It may be created by a heavier or thicker design treatment of the entire ground floor for a building of two or more floors, or by a setback of the upper floors.
- 6.1.2.5 Pattern of Features - Windows, wall panels, pilasters, building bays, and storefronts should be based on a module derived from the building's structural bay spacing. Features based on this module should be carried across windowless walls to relieve blank, uninteresting surfaces.
- 6.1.2.6 Building Entrances to Upper Floors – should be directly visible from the street and easy to identify.
- a. For buildings in the UV, UCBD and UC:
 - ii. Main building entrances - should be easily identifiable and distinguishable from first floor storefronts. At least one of the following treatments is recommended:
 - a) Marked by a taller mass above, such as a tower, or within a volume that protrudes from the rest of the building surface;
 - b) Located in the center of the facade, as part of a symmetrical overall composition;
 - c) Accented by architectural elements, such as columns, overhanging roofs, awnings, and ornamental light fixtures;
 - d) Marked or accented by a change in the roofline or change in the roof type.
 - e) Entries to shops or lobbies should be spaced a maximum of fifty (50) feet apart.

- ii. Corner buildings - should provide prominent corner entrances for shops and other activity-generating uses. Walls should be designed to be parallel to the right-of-way.
- b. For buildings in other zones:
 - i. A clear entry sequence should lead from the sidewalk to the front door. The following elements are recommended:
 - a) Low Hedges, Fences and/or Entry Gates - to define the edge between the public street and private property.
 - b) Stairs, Stoops, and Open Porches - are recommended to create attractive semi-public spaces.
 - (1) Stairs - All stairs should be boxed and framed by attractive stepped bulkheads walls or balustrade railings. Bullnose treads are recommended. Open or “floating” exterior stairs should not be used.
 - (2) Open porches – should have attractive bulkheads or balustrade railings and a roof that complements the pitch and materials of the main roof.
 - (3) Ornamental Lighting - for porches and walks to add attractiveness, safety, and security.
 - (4) Freestanding Landscape Elements - such as trellises, arbors, and special landscape materials that add character to yard spaces and / or accent the entry sequence.
 - (5) Pedestrian Access to Subsurface Parking Garages - should be provided along the building frontages to increase streetside pedestrian activity. Access ways could link directly to the main entrance stoop/porch, or be provided in a separate location. In either case, they should be designed as a prominent, visible element in the overall façade composition.

6.1.3 BUILDING WALLS

6.1.3.1 Configuration

- a. Two or more wall materials may be combined on one façade only with one above the other - lighter materials above those more substantial (e.g. wood above stucco or masonry, or stucco above masonry); dependent, however, upon the chosen style.
- b. All building elements that project from the building wall by more than 16 inches, including but not limited to decks, balconies, porch roofs and bays, shall be visibly supported by pilasters, piers, brackets, posts, columns, or beams that are sized proportionally to the structure above. This requirement does not apply to cantilevered elements that are typical for a specific style.

6.1.3.2 Wall Surface Materials

- a. If the building mass and pattern of windows and doors is complex, simple wall surfaces are preferable (e.g. stucco); if the building volume and the pattern of wall

openings are simple, additional wall texture and articulation should be employed (e.g. bricks or blocks, rusticated stucco, ornamental reliefs). In both cases, pilasters, columns, and cornices should be used to add visual interest and pedestrian scale.

- b. The palette of wall materials should be kept to a minimum, preferably two (e.g. stucco and tile, brick and stone) or less. Using the same wall materials as adjacent or nearby buildings helps strengthen the district character.
 - i. Brick - Brick veneers should be mortared to give the appearance of structural brick. If used, brick tile applications should use wraparound corner and bullnose pieces to minimize a veneer appearance.
 - ii. Stone and Stone Veneers - are appropriate as a basic building material or as special material for wall panels or sills in combination with other materials, such as brick or concrete.
 - iii. Poured-in-Place Concrete - options in terms of formwork, pigments, and aggregates should be explored to create rich surfaces. When used, include accents such as ceramic tile or stone for decorative effect.
 - c. Ceramic Tile - is recommended as an accent material.
 - d. Stucco - and/or painted stucco may be used in order to reduce maintenance and increase wear. All stucco surfaces should be smooth to prevent the collection of dirt and surface pollutants, and the deterioration of painted surfaces.
 - e. Wood Siding - Painted horizontal lap wood or cementitious siding with detailed trim is the only recommended "Main Street" use of wood. For residential application other wood siding configurations are acceptable.
 - f. Curtain Wall Systems - Should only be used for limited areas, such as connections between buildings, entrance lobbies, etc.
 - g. Parapet and Cornice Cap Flashings – *Note:* Sheet metal parapet cap flashings should be painted to match wall or trim color.
 - h. Inappropriate Wall Surface Materials:
 - i. Simulated finishes - such as artificial or manmade stone.
 - ii. Wood shingles and shakes – Vertical board and batten, shingles, or shakes are not recommended in the UCBD and UC districts; they have a residential character.
 - iii. Plywood siding.
- 6.1.3.3 Side and Rear Building Facades - should have a level of trim and finish compatible with the front facade, particularly if they are visible from streets, adjacent parking areas or residential buildings.

- 6.1.3.4 Blank Wall Areas - without windows or doors are only permitted on internal-block side-property line walls. Such blank walls should reflect the Ground Level Building Increment, Building Massing & Organization, and Facade Compositions guidelines, A through D above. Surface reliefs, decorative vines, and/or architectural murals and other surface enhancements should also be considered. Any blank exterior wall should also be treated with a graffiti-resistant coating.
- 6.1.3.5 Color - In general, drab earth tones should not be used. Building walls should contrast trim colors; for example, neutral or light walls with dark colors and saturated hues for accent and ornamental colors; white or light window and door trim on a medium or dark building wall. Colors of adjacent buildings should be taken into consideration.
- a. Secondary Color - can be used to give additional emphasis to architectural features such as building bases (like a wainscot), plasters, cornices, capitals, and bands.
 - b. Bright Colors - should be used sparingly. Typical applications are fabric awnings. A restrained use of bright colors allows display windows and merchandise to catch the eye and stand out in the visual field.

6.1.4 WALL OPENINGS

- 6.1.4.1 Windows - are an important element of building composition and an indicator of overall building quality:
- a. All windows within a building, large or small, should be related in operating type, proportions, and trim. Other unifying elements should be used, such as common sill or header lines.
 - b. For storefront buildings: Window-to-Wall Proportion - In general, upper stories should have a window to wall area proportion (typically 30 — 50%) that is smaller than that of ground floor storefronts.
 - c. Window Inset - Glass should be inset a minimum of three (3) inches from the exterior wall surface to add relief to the wall surface; this is especially important for stucco buildings.
 - d. Shaped Frames and Sills -should be used to enhance openings and add additional relief. They should be proportional to the glass area framed; e.g. a larger window should have thicker framing members.
 - e. Mullions - “true divided light” windows or sectional windows are recommended where a divided window design is desired; “snap-in” grilles or mullions should not be used.
 - f. Glazing - Clear glazing is strongly recommended. Reflective glazing should not be used. If tinted glazing is used, the tint should be kept as light as possible; green, gray, and blue are recommended.

- g. Replacement/Renovation - Wood windows should be replaced with wood windows of the same operating type (e.g. double-hung, casement, etc.; vinyl-covered wood windows are available for lower maintenance). If aluminum replacement windows or doors are used, they should be:
 - i. Same operating type - and orientation as the original windows (e.g. do not replace a double hung window with a horizontal sliding window).
 - a) Factory painted - or fluorocoated to match the original; color anodized is also acceptable.
 - b) Similar in size - and thickness to the original frame and mullions.

6.1.4.2 Storefronts - are like small buildings with their own base, "roofline," and pattern of window and door openings.

- a. Base - a panel of tile or other special material is recommended below display windows. Materials recommended for walls (next section) are generally suitable. Base materials should be the same or "heavier" materials visually than walls.
 - i. Brick and wood - should only be used if the rest of the wall surface is the same material; neither material should be used exclusively.
 - ii. Ceramic tile - is frequently used as a storefront base. Dark tile with light stucco is an effective combination. Different colors and sizes of tile may be used for decorative effect.
- a. Display Windows - Large pane windows encompassing a minimum of 60% of the storefront surface area are recommended. Where privacy is desired for restaurants, professional services, etc., windows should be divided into smaller panes.
- b. Clerestory Windows - are horizontal panels of glass between the storefront and the second floor. They are a traditional element of "main street" buildings, and are recommended for all new or renovated storefronts. Clerestory windows can be good locations for neon, painted-window, and other relatively non-obtrusive types of signs.
- c. Recessed Entries - are recommended as another traditional element of the main street storefront. Recommended treatments include:
 - i. Special paving materials -such as ceramic tile;
 - ii. Ornamental ceilings – such as coffering;
 - iii. Decorative light fixtures.
- d. Doors - should be substantial and well detailed. They are the one part of the storefront that patrons will invariably touch and feel. They should match the materials, design and character of the display window framing. "Narrowline" aluminum frame doors are not recommended.

- e. Cornices - should be provided at the second floor (or roofline for a one-story building) to differentiate the storefront from upper levels of the building and to add visual interest; this also allows the storefront to function as the base for the rest of the building.
- g. New or Renovated Storefronts within Historic Buildings —should emulate or recreate a previous storefront (from historic photos or drawings) in order to harmonize with the overall building architecture. This can be flexibly interpreted, for example when the general form of a new storefront is like the original but the materials are contemporary.

6.1.5 ROOFS

- 6.1.5.1 Forms - Roof forms should complement the building mass and match the principal building in terms of style, detailing and materials. Double-pitched roofs (such as gable, hip, pyramid), dormer windows, and chimneys are recommended to add variety and visual interest. Roofs of historic buildings in Bradenton and neighboring areas should be used as an inspiration for new designs. Flat roofs are acceptable in the UCBD and UC districts if a strong, attractively detailed cornice and/or parapet wall is provided. Single-pitched - or “shed” roofs should not be used for the principal building.
- 6.1.5.2 Parapet walls - are recommended; they should have a distinct shape or profile (e.g. a gable, arc, or raised center).
- 6.1.5.3 “Commercial Mansards” - i.e. wraparound roofing panels that do not enclose a habitable floor or rooftop mechanical equipment, should not be used.
- 6.1.5.4 Mansards - should only be used when emulating a traditional building style that typically employs mansard roofs, (e.g. Beaux Arts, Victorian, etc). The following guidelines should apply:
 - a. Buildings are three (3) stories or greater height;
 - b. They enclose no more and no less than one (1) floor of habitable space; and
 - c. Dormer windows and other architectural features should occupy a minimum of twenty-five percent (25%) of the roof length.
- 6.1.5.5 Accent elements - such as flags, cut-out openings, grilles and latticework, ornamental medallions or building numbers are recommended.
- 6.1.5.6 Mechanical equipment - on rooftops should be screened, preferably behind a parapet roof. Latticework, louvered panels, and other treatments that are compatible with the building’s architecture may also be appropriate.
- 6.1.5.7 Materials – Encouraged roof surface materials are identified as follows:
 - a. Clay, Ceramic or Concrete Tile – Colorful glazed ceramic tiles are recommended for decorative roof shapes, such as parapets, domes, and turrets.

- b. Metal Seam Roofing - should be anodized, fluorocoated or painted. Copper and lead roofs should be natural or oxidized.

6.1.6 MISCELLANEOUS BUILDING ELEMENTS

6.1.6.1 Trellises, Canopies, Awnings and Other Building-Mounted Accessories.

- a. Awnings - are recommended. They should be a colorful fabric mounted over a metal structure that is framed and attractive in design. Fabric awnings are generally preferable to permanent canopies. Backlit awnings are strongly discouraged.
- b. Trellises and Canopies - Materials, colors, and form should be derived from the building architecture.
- c. Height and Projection - trellises, canopies and awnings should be a minimum of nine (9) feet above the sidewalk, and project no more than seven (7) feet out from the building wall.
- d. Placement - of trellises, canopies and awnings should be above the display windows and below the storefront cornice or sign panel. They should not cover piers, pilasters, clerestory windows or other architectural features. An individual awning or canopy for each storefront or building bay complements the building more effectively than one continuous awning does.
- e. Accessories - Ornamental brackets and poles should be used to add variety to the street. Hanging flower or plant baskets suspended from ornamental brackets of metal or wood are recommended for storefronts.

6.1.6.2 Accessory Buildings

- a. General - Outbuildings of all types should have architectural treatments derived from the main building: surface materials, trim, fenestration, roof materials, and colors.
- b. Freestanding Garages - should be unobtrusive, preferably located at the rear of properties to minimize visual impact.
- c. Single-Car Garage Doors - are strongly recommended, with windows, surface panels, trim, and other forms of architectural detailing to reduce their impact and scale.
- d. Built-in Garages - should blend with the form of the residence.

6.1.7 SITE IMPROVEMENTS

- 6.1.7.1 Public and Semi-Public Open Space – where provided as part of new development; e.g. pedestrian spaces, arcades, malls, courtyards, etc.
 - a. Spatial Definition – Spaces should be defined by buildings or landscape elements on a minimum of two sides.

- b. Linkage - Spaces should be publicly accessible during daylight hours and linked to adjacent streets and sidewalks.
 - c. Sequence - Gateways, trellises, special lighting, planting, etc., should be used to create a sequence for pedestrians; for example, an ornamental gate at the sidewalk, a passage lined with columns, and arrival at a courtyard.
- 6.1.7.2 Walls, Fences and Piers - should be used to define public and private boundaries and spaces.
- a. Design - Walls, fences, and piers should be designed to be compatible with the character of the principal building(s).
 - i. Walls and fences should be open and/or low along street frontages – to maintain both a public character and sight distance for driveways where they occur.
 - ii. Fence and wall panels - should be divided into regular modules that reflect the module of the principal building.
 - iii. Thick and thin elements - should be used, with thicker pieces for supports and panel divisions. Fence posts and support columns should be emphasized and/or built-up.
 - iv. Walls - should have a base and coping.
 - b. Materials - should be compatible with the principal building. Post or pier materials may differ from fence materials, such as metal fences with masonry piers.
 - c. Fences - Wrought iron, cast iron, aluminum, or welded steel ornamental fences; wood or PVC picket fences of substantial design. Metal fences also may be mounted on a low masonry wall, and/or spanning masonry piers. Wooden fences in non-residential areas should be painted, preferably a light color.
 - d. Walls - recommended are brick, stone, concrete, precast concrete, and stucco-faced concrete or concrete block.
 - e. Piers - For spatial separation, a line of piers is acceptable. A continuous chain suspended between piers can be an effective and attractive device for creating a separation.
 - i. Spacing: no more than eight (8) feet on center.
 - ii. Thickness: at least sixteen (16) inches per side or diameter.
 - iii. Height: at least three (3) feet, no more than six (6) feet.
 - iv. Materials: should be the same as or complementary to the principal building.

f. Not Recommended:

- i. Chain link fences - If used, chain link should be coated with nylon, preferably of a dark color. Chain link fences can be made more attractive by using masonry or heavy wood posts.
- ii. Unfinished or unsurfaced concrete block walls - should not be used; block walls should be coated with stucco or a similar surface.
- iii. Rustic wood fences - should not be used.
- iv. Barbed wire/plaza wire - should not be used.

6.1.7.3 Paving Materials - recommended for pedestrian surfaces are listed below. In general, a maximum of two materials should be combined in a particular application:

- a. Stone - such as slate or granite.
- b. Brick Pavers.
- c. Concrete Unit Pavers.
- d. Poured-in-Place Concrete - with any of the following treatments: integral pigment color, special aggregate, special scoring pattern, ornamental insets such as tile, pattern- stamped.
- e. Not Recommended - asphalt, with the exception of bike paths.

6.1.7.4 Furnishings, Art Work, and Special Features - are recommended for public and/or common outdoor spaces.

- a. Permanent Outdoor Seating - is recommended in all publicly-accessible ways and spaces. Seating should be either:
 - i. Incorporated — as part of the design of the building base, or;
 - ii. Custom designed — in a style related to the architecture of the building (permanent benches of stone, brick or precast concrete), or;
 - iii. Catalog items — of substantial materials appropriate for the center of the City;
- b. Portable Seating – movable chairs, tables for cafes and other furniture should be of substantial materials: preferably metal or wood rather than plastic. Tables used for outdoor dining within the public right-of-way (i.e. in sidewalk areas) shall be a maximum of three (3) feet in diameter if round and three (3) along the longest side if rectangular.
- c. Street Clocks, Directory Kiosks, and Permanent Freestanding Showcase Displays – are encouraged for commercial buildings, subject to City review for adequate

clearances, safety, and design. Designs should reflect the architecture of the sponsoring building or storefront

- d. Fountains – are recommended in open courtyard and passage spaces. The design and materials should be related to the principal building.
 - e. Public Art – such as sculpture, wall murals and other paintings, lighting displays and special public open spaces are encouraged.
 - i. Location – of public art should be in highly visible places specifically designed or modified for the purpose of accommodating it; public art should not be located in semi-private areas such as the rear of buildings or in courtyards.
 - ii. Symbolic content – of public art should relate to and represent the rich history of the City where appropriate; abstract as well as literal representative elements are appropriate.
 - iii. Murals – should reflect the color and architectural composition of the buildings on which they are painted, and, to the extent appropriate, that of neighboring buildings. Murals are strongly recommended for exposed firewalls and other windowless wall areas that extend two (2) or more floors above neighboring buildings. See Section 4.3.14 for Specific Use Standards for Public Art Murals.
 - f. Surface Parking Lots – should be included in space defining elements, such as, arcades, trellises, columns, light standards, walls and railings, stairs and ramps, trees, climbing vines, arbors, and hedges to provide visual interest; use of these elements should be consistent with the principal building and other site features.
- 6.1.7.5 Plant Material and Landscaping – should contribute to a comfortable, yet urban, downtown environment. Drought tolerant plant materials should be used as appropriate.
- a. Plant materials along street frontages should contribute to a harmonious and civic character.
 - i. Street trees – shall be planted along all streets at a spacing of approximately thirty (30) feet on center to create a buffer between pedestrian and automobiles. Consistency in tree species, tree size, and spacing should be used to establish a strong street identity.
 - ii. Trees with open branching structures – should be used. Deciduous trees are recommended to create shade in the summer
 - iii. Curb side planting strips - shall be drought-tolerant grasses or low-growing ground cover; materials that might cause pedestrians to trip shall not be used.
 - iv. Streetside planting areas – should have a simple palette of plant species. Drought-tolerant and/or native plants should be used. Common non-native species may be approved by the Director of Planning and Community Development.

- v. Plant materials that exhibit annual or seasonal color – recommended to highlight special locations (e.g. flanking main building entries and driveways).
- b. Plant Materials in Other Locations – should be selected and placed to reflect both ornamental and functional characteristics.
 - i. Deciduous trees - should be the predominant large plant material used. They should be located adjacent to buildings and within parking areas to provide shade in summer and allow sun in winter. Species should be selected to be drought-tolerant, provide fall color and minimize litter and other maintenance problems.
 - ii. Evergreen shrubs and trees – should be used as a screening device, for example, along rear property lines, around mechanical appurtenances~.
 - iii. Flowering shrubs and trees – should be used where they can be most appreciated: adjacent to walks and recreational areas, or framing building entries, stairs, and walks.
 - iv. Plants with annual or seasonal color - are recommended to highlight special locations, such as courtyards, building entrances, or access drives.
 - v. Decorative vines - should be considered for use along fences, property boundaries, perimeter walls, and on blank building elevations.
 - vi. Palm trees - should be used sparingly, and only used to establish an identification of certain streets. Palms planted in other locations should be singular or in tight groupings so as not to compete with the visual importance of these streets.
 - vii. Drought-tolerant - and/or native plants should generally be used.
- c. Mounding Earth — freestanding earth berms and/or earth berms against buildings are a suburban landscape approach that are not appropriate in the Downtown Planning Areas.

CHAPTER 7.0 LIGHTING

7.1. This section contains information and standards used for all development where lighting may be necessary.

7.1.1 Intent. These outdoor lighting regulations intend to protect people and property values from the nuisance and harm of excessive outdoor lighting that:

- a. Hinders or decreases visibility.
- b. Glares into the eyes of drivers looking for safe nighttime visibility.
- c. Creates a blinding brightness that leaves high-contrast, unsafely dark, shadowed areas.
- d. Creates an artificial atmospheric glow that prevents residents from enjoying the night sky around their homes.
- e. Spills into the yards, homes and streets of neighborhoods trying to maintain a visually calm residential character.

7.1.2 . Applicability. Unless exempted in *Exemptions Section*, these lighting regulations apply to and require a Lighting Plan for:

- a. Development and redevelopment of nonresidential projects, multi-family dwelling residential projects, and common improvements in other residential projects, e.g., recreational facilities.
- b. Outdoor lighting fixtures added to or intensified in nonresidential projects, multi-family projects, and common improvements in single-family residential projects, e.g. vehicle use areas and recreational facilities. Routine maintenance, e.g., cleaning and changing bulbs, ballast, starter, housing, lenses and other similar components, shall not constitute intensification provided such changes do not result in a higher lumen output compared to the fixture when new, i.e., a light brighter than the intensity of the original installation as determined by the lumen rating printed on the bulb, the shipping package, or the specification sheet.

7.1.3 Exemptions:

- a. Low Intensity. Lighting to safely illuminate street address numbers, residential building entries, residential driveways, and residential yards with light sources rated less than 800 lumens or with fixtures shielded to block direct illumination beyond these areas.
- b. Streets. Lighting to safely illuminate streets, including but not limited to their driving lanes, sidewalks, roadside recovery shoulders, and emergency lanes. Such fixtures shall have full horizontal shielding to prevent direct illumination above the fixture and to minimize direct illumination of residences nearby.
- c. Emergency. Lighting for emergency safety repairs or natural disaster recovery.

- d. Construction. Lighting for building or site construction not exceeding ten days during any consecutive twelve months.
- e. Road and Utility Repairs. Lighting for construction, renovation, or repair of roads and utilities.
- f. Signs. Lighting for signs permitted by the Land Use Regulations, under the following conditions:
 - I. Externally illuminated signs shall have full oblique shielding aiming the light down onto the sign.
 - II. Internally illuminated signs shall comply with the Driver Vision Impairment requirements of this Section unless the signs serve only to provide driver directions without interfering with safe driver vision or traffic controls.
 - III. The light from a sign shall not exceed the Measurable Spill Illumination Limits of this Section or violate the Driver Vision Impairment requirements of this Section.
 - IV. The extensive illuminated area of the background shall count toward the maximum sign area permitted by sign regulations.

7.1.4 Religious or National Symbols and Flags. Lighting for religious or national symbols and flags permitted by this Land Development Code, under the following conditions:

- a. Symbols and flags that need illumination should have full oblique shielding but may have spot lights aimed up only to illuminate the symbol or flag.
- b. Internally illuminated symbols shall comply with the Driver Vision Impairment requirements of this Section.
- c. The light for a symbol or flag shall not exceed the Measurable Spill Illumination Limits of this Section or violate the Driver Vision Impairment requirements of this Section.

7.1.5 Underwater Lamps. Underwater lamps in swimming pools and other water bodies for safety.

7.1.6 Safety. Lighting required by government law for safety as follows:

- a. Lamps for exit signs, traffic control, waterway navigation, and aviation navigation shall have no restriction.
- b. Lamps for ramps, stairs, handicap access, boat dock decks, and other safety purposes shall have fully shielded fixtures aiming the light down onto the area requiring illumination by law.

7.2. Illumination Limits

7.2.1. Direct Illumination. Unless otherwise exempted, all outdoor lighting fixtures shall have full oblique shielding so that a property's light sources do not directly illuminate another property that has an outdoor lighting protected area.

7.2.2 Driver Vision Impairment. Lights shall not impair the vision of drivers and interfere with safe driving. A light source shall have shields to prevent it from glaring into the eyes of

drivers where drivers need to see structures, signs, other vehicles, and overhead clearances to a height of sixteen (16) feet. Affected driving areas include streets, driveways, parking lots, and other vehicle use areas on-site or off-site.

7.2.3. Measurable Spill Illumination Limits. The total illumination caused by all of a property's outdoor lighting, including light sources, diffraction, and reflections from on-site objects, shall not illuminate another property in excess of the following limits:

- a. 0.2 foot-candles on property with outdoor lighting protected areas but not including the street rights-of-way.
- b. 1.5 foot-candles on street rights-of-way because such limited coincidental illumination of a street will not constitute a nuisance to people using the street.

7.3 Fixture Height

7.3.1. Fixture height, measured from finished grade at ground level to the bottom of the light source, determines the vertical point from which the light projects downward. Regardless of height limits, below, prevention of spill illumination may require lower heights according to calculations and plots in the Lighting Plan.

7.4. Limits

7.4.1. All light fixtures located within 100 feet of any other property that has an outdoor lighting protected area shall not exceed 20 feet in height.

7.4.3. All light fixtures elsewhere shall not exceed 35 feet in height.

7.5 Controllers, Timers and Sensors

7.5.1. Lights shall not illuminate when not needed. Unnecessary light constitutes a nuisance and a harm that timers, light sensors, switches, motion detectors, and occupancy sensors may prevent.

7.5.2. All electrical circuits for outdoor lighting shall have manually controlled switches conveniently located for manual operation.

7.5.2. Light sensors shall automatically turn off lights when they sense adequate daylight.

7.5.4. Timers shall automatically turn off and turn on lights when their clocks arrive at pre-set times corresponding to the times needing the lights. Alternatively, the controller may dim lights or allow fewer lights to remain on for security and safety. Motion detectors and occupancy sensors may interrupt to turn on lights for timed durations.

7.6 Special Lights

7.6.1. Aerial Lights. No fixture shall aim light upward to search, sweep, or move through the sky.

7.6.2. Accent Lights. Light used to accent architectural features, fascia, landscaping, art, or similar objects shall not directly illuminate outdoor lighting protected areas. All such light shall terminate on opaque surfaces within the property.

7.6.3. Boat Dock & Marina Lights

- a. All lighting for boat docks and marinas, public or private, shall provide shields to prevent spill illumination beyond the property and beyond the permitted boat docking and turning areas.
- b. If required by government law for safe navigation, then red and green navigation lights may mark channels in the waterways.
- c. If required by government law for safe navigation, then lamps for boat dock decks shall have fully shielded fixtures aiming the light down onto the area requiring illumination by law.

7.6.4. Canopy Lights. An opaque canopy, soffit, or overhang may serve as the required horizontal cut off and fixture shielding for lights fully recessed into the underside of the canopy. Such shielding shall appear as part of the Fixture Detail required on a Lighting Plan.

7.6.5. Fascia Lights. Fascia on a canopy shall not include fixtures for outdoor lighting of the site or buildings. A sign on the fascia may include lights to illuminate the sign, but the illuminated area of the fascia shall count toward the maximum sign area permitted by sign regulations.

7.6.6. Gas Pump, Convenience Business, Automatic Teller Machine, and other Required Security Lights. Whenever state or federal law requires certain intense illumination levels for security, then the location, intensity, quantity, height, shielding, and aim of such lights shall satisfy such requirement while still complying with these regulations, e.g. preventing direct illumination off-site, to the maximum extent possible.

7.6.7. Outline Lights. Illuminated tubing, strings of lights, back-lighted objectives, or similar fixtures that outline structures, sales areas, roofs, doors, windows, plants, or similar areas shall not light upward.

7.6.8. Projection Lights. All projected light, laser or otherwise, shall terminate on an opaque surface.

7.6.9. Required Lights. Whenever state or federal law requires certain illumination, e.g., safe access, then the location, intensity, quantity, height, shielding, and aim of such lights shall satisfy such requirements while still complying with these regulations, e.g., preventing direct illumination off-site, to the maximum extent possible.

7.7. Commercial Stadium and Public Recreation Lights

7.7.1. Whenever players in sporting events and recreational activities require certain intense illumination levels for safety, then the location, intensity, quantity, height, shielding, and aim of such lights shall satisfy such requirements while still complying with these regulations, e.g., preventing direct illumination off-site, to the maximum extent possible.

7.7.2. With the exception of Commercial Stadiums, the illumination of outdoor public recreational activities shall stop at 11:00 PM for the remainder of the night. An activity

should begin earlier if it will normally exceed this time limit. Regardless, an activity already in progress from an earlier starting time may continue with illumination until no later than 11:30 PM. Other lower level illumination may remain for safe spectator departure and security.

7.8. Lighting Plan

- 7.8.1. Purpose. A lighting plan shall serve to prevent excessive lighting prior to installation of the fixtures and to avoid costly compliance remedies later.
- 7.8.2. Submittal. A Lighting Plan shall accompany all applications for Site Improvement Permits or Parking Lot Permits, or for approval of development and redevelopment of nonresidential projects, multi-family dwelling residential projects, and common improvements in other residential projects, e.g., recreational facilities. The lighting plan shall accompany the application information to determine the potential for direct illumination of outdoor lighting protected areas, spill illumination, and compliance with this Section for all lighting not listed in *Exemptions*.
- 7.8.3. Fixture Locations. A lighting plan shall show the horizontal position of the fixtures on the site.
- 7.8.4. Fixture Detail. An inset drawing of a typical fixture shall show the directional controls, e.g., shields, reflectors, refractors, and lenses, that will aim and limit the angle of illumination. The detail shall show the vertical angle of illumination that will determine the shielding angle.
- 7.8.5. Fixture Height and Mounts. The plan shall show the height of the fixtures and describe the mounts, e.g., wall, pole, or canopy.
- 7.8.6. Direct Illumination Plots. For each and every fixture, the lighting plan shall use the fixture shielding angle and fixture height in calculations to plot the edge of the projection of the expected direct illumination onto the areas, both on-site and off-site, shown on the plan. The calculations and horizontal plots for each and every fixture shall appear on the plan.
- 7.8.7. Legend for symbols in illustration and calculation:

a	Shielding angle of fixture
LG	Line along the oblique boundary between the illumination cone and the shielded area above it, i.e., also the sight line between the light source and ground level at the edge of direct illumination
P	Projection of the line LG onto the ground level, i.e., also the edge of direct illumination
D	Distance horizontally from light source to P
H	Height vertically from ground to bottom of light source
E	Elevation difference vertically between ground level below light source and ground level at P
/	Divided by
tan	Trigonometric tangent function

Calculation of the distance to the edge of direct illumination: $D = (H + E) / \tan \alpha$

7.9. Photometric Diagram

7.9.1. Any of the following conditions may, at the discretion of the PCD Director, require that the Lighting Plan include a Photometric Diagram:

- a. A projection of direct illumination within 10 horizontal feet of the property line of outdoor lighting protected areas or a street.
- b. A fixture within 80 horizontal feet of the property line of outdoor lighting protected areas or a street.
- c. A fixture higher than 20 vertical feet above ground level within 600 horizontal feet of the property line of outdoor lighting protected areas.

7.9.2. A lighting engineer shall prepare the diagram.

7.9.3. The diagram shall plot foot-candles of illumination calculated:

- a. For the direction of the most illumination from the light sources;
- b. For a height of five (5) feet above ground level;
- c. To the nearest tenth (0.1) foot-candle; and
- d. At horizontal grid intervals of ten (10) feet.

7.9.4. The diagram shall cover a certain part of the affected street or property having the outdoor lighting protected area. Such part shall include the area within the circle formed with the light fixture at the center and the radius extending one hundred (100) feet into the affected street right-of-way or property of the protected area.

7.9.5. The plotted levels of calculated illumination shall determine if the lighting will comply with the Measurable Spill Illumination Limits of this Section.

CHAPTER 8.0 – RESERVED PUBLIC ART

CHAPTER 9.0 – RESERVED GREEN BUILDING STANDARDS

CHAPTER 10 - DEFINITIONS

Accessory Dwelling Unit: A residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family dwelling it accompanies.

Accessory Structure: A building or other structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building.

Accessory Use: A use of land or of a structure customarily incidental and subordinate to the principal use and carried out on the same land as the principal use.

Adequate Capacity: Sufficient levels of service for public services and infrastructure such that the approval of a development permit or development order does not significantly impact such services.

Adult Entertainment Establishment/Use: A use which is distinguished or characterized by an emphasis on materials depicting, describing or relating to specified sexual activities or specified anatomical areas either by observation or participation by the patrons or employees of that use and includes adult arcades, adult bookstores, adult entertainment establishments, adult motels\hotels, adult photographic studios, adult theaters (including motion picture theaters, drive-in or live performances upon stage), adult physical culture establishments and adult special cabarets. A place will not be considered an adult entertainment use if it is an "incidental adult materials vendor." The following additional definitions are included pursuant to this category:

Adult: a human being who has attained the age of eighteen (18) years; a human being who is not a minor.

Adult Arcades: any establishment or place in or to which the public is permitted or invited, which excludes minors by virtue of age, wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to one or more persons per machine at any one time, and where the images so displayed have as their primary or dominant theme the depicting or describing of specified sexual activities or specified anatomical areas.

Adult Bookstores: any establishment, which excludes minors by virtue of age, having as a substantial or significant portion of its stock in trade such as books, magazines, films, newspapers, photographs, paintings, drawings, or other publications or graphic media, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such materials and from which segment or section minors are excluded by virtue of age; however, a place will not be considered an adult bookstore if it is an "incidental adult materials vendor."

Adult Motels\Hotels: any motel, hotel, boarding house, rooming house or other lodging place which includes the term "adult" in any name it uses and otherwise advertises the presenting of closed circuit television transmissions, films, videos, motion pictures, or other visual materials having as its primary or dominant theme the depicting or describing of specified sexual activities or specified anatomical areas, for observation by patrons of such establishment and where the renting, letting, leasing or providing of such establishment is for pecuniary gain and for a period of short duration not normally or customarily equated to the renting, letting, leasing or providing of such accommodations by other motels\hotels which is typically for a 24-hour period less the time for cleaning and maintenance after checkout by a patron.

Adult Photographic Studios: any establishment, which excludes minors by virtue of age, which offers or advertises the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas.

Adult Physical Culture Establishments: any establishment, which excludes minors by virtue of age, which offers or advertises massage, body rubs or physical contact with specified anatomical areas, whether or not licensed. Establishments which routinely provide medical services by state licensed medical practitioners or technicians licensed by the state to operate medical or electrolysis equipment shall be excluded from the definition of adult physical culture establishments.

Adult Special Cabarets: any bar, lounge, bottle club (“bring your own” or bottle provided), dance hall, restaurant, or other place of business which features dancers, “go go” dancers, exotic dancers, strippers, male or female impersonators, or other entertainers, waiters or waitresses, that either engage in specified sexually activities or display specified anatomical areas, or any such establishment which advertises for, or has a sign or signs identifying or using the words “topless,” “nude,” “bottomless,” or other such works of a similar import, and which establishments excludes minors by virtue of age.

Adult Theaters: any establishment, which excludes minors by virtue of age, located in an enclosed theater, building or an enclosed space within a building or an open air theater whether designed to permit viewing by patrons seated in or on vehicles, or on chairs, benches, stools or other like items, which presents either filmed or live plays, dances, or other performances, either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation or participation by patrons or employees therein.

Incidental Adult Materials Vendor: applies to an establishment or a place if, and only if:

1. at all times, not more than ten percent (10%) of the business stock, as measured in relation to total gross floor area of the business, is devoted to books, magazines, films, newspapers, photographs, paintings, drawings, or other publications or graphic media, which are distinguished or characterized by other emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, which materials will hereinafter be referred to as “adult materials”; and
2. such establishment, place or business provides to the PCD within three working days of the request therefore, such information as may be required to determine whether more than 10% of the business stock is devoted to such adult materials; and,
3. all adult materials are kept in a location where no portion is visible to the public and said materials are not available to the patrons of such place as a self-service item; and no adult materials are sold, rented or displayed to minors, but only to adults.

Specified Anatomical Areas: the term shall mean:

1. less than completely and opaquely covered human genitals or pubic region, human buttocks, human female breasts below a point immediately above the top of the areola, and shall include the entire lower portion of the female breast, but shall not be interpreted to include any portion of the cleavage of the breast normally exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areola is not also exposed; and
2. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: this term shall mean and include:

1. human genitals in a state of sexual stimulation or arousal; and

2. lagellation, frottage, homosexuality (including lesbianism), masochism, masturbation, necrophilia, pederasty, sodomy, urolagnia, or zoerasty; and,
3. acts of human adamitism, analingus, bestiality, cunnilingus, coprophagy, coprophilia, erotic bondage, fellatio (fellation), fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Alcove: A recessed space within a Shopfront frontage where the façade is aligned with the frontage line thereby creating a covered functional space.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as, bearing walls, columns, beams, girders, or interior partitions as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amenity Development Option: A proposed special development option to be incorporated into the zoning revision. This alternative development option will provide a broader range of development alternatives (beyond underlying zone requirements of height, bulk, setback, etc. requirements) to land developers in exchange for provisions of additional community benefits (added parkland, open space, etc.), over and above what is regulated.

Amusement Establishment – Indoor: An establishment which provides indoor amusement or entertainment including such activities as dance halls; studios; theatrical productions; bands, orchestras, and other musical entertainment; bowling alleys and billiards and pool establishments; commercial sports arenas; game parlors and expositions.

Amusement Establishment – Outdoor: An establishment which provides outdoor amusement or entertainment including such activities as theatrical productions; bands, orchestras and other musical entertainment; commercial sports such as arenas, rings, racetracks, public golf courses; amusement parks, swimming pools and drive-in theatres

Annexation: The incorporation of land into an existing community with a resulting change in the boundary of that community.

Artisan Workshop/Gallery: A workspace principally used for the preparation and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

Auction House: A retail business engaged in the public sale of property to the highest bidder.

Automotive Parking Establishment: A premises which provides parking facilities for automobiles for short periods of time normally for a fee.

Automotive Sales/Rental Establishment: Any building, land area or other premises used for the display and sale or rental of new or used automobiles, panel trucks or vans and including any repair service conducted as an accessory use.

Automotive Service Station: A retail business for the dispensing or sale of vehicular fuels; and including the sale and installation of lubricants, tires, batteries, and similar accessories; maintenance, servicing, repair and painting of vehicles.

Automotive Specialty Establishment: A retail business engaged in selling new or used travel trailers, mobile homes, motorcycles and similar products and related new parts and accessories.

Base Flood: The flood having a one percent chance of being equalled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation for which there is a one-percent chance in any given year that flood levels will equal or exceed it. The BFE is determined through statistical analysis for each local area and designated on the Flood Insurance Rate Maps.

Bed and Breakfast Establishment: A residential dwelling which is tourist-oriented, in which overnight lodging and breakfast is provided by the resident owner or operator.

Berm: A mound of earth, or the act of pushing earth into a mound, and typically utilized to control the direction of water flow and provide a shield or buffer.

Block: The aggregate of private lots, passages, rearlanes and alleys, circumscribed by thoroughfares.

Block Face: The aggregate of all the building facades on one side of a block. The Block Face provides the context for establishing architectural harmony.

Boarding House: A dwelling or part thereof in which lodging is provided by the owner or resident manager.

Bottle Club: See Lounge

Buffer: A strip of land that physically separates two or more different land uses or lots by providing space between the two uses or lots. A screen may or may not be located on a buffer.

Build-to Line, Street: Building setback distance varying by zone (district) designation that is measured from the property line abutting a street at which point a building must be placed. For corner lot scenarios, the Director shall have the authority to determine the applicability of a Street Build-to Line and/or Side Street Build-to Line.

Build-to Line, Side Street: Building setback distance applying to corner lots that varies by zone (district) designation and that is measured from the property line abutting a street at which point a building must be placed. The Director shall have the authority to determine the applicability of a Street Build-to Line and/or Side Street Building.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Building Configuration: The form of a building, based on its massing, private frontage and height.

Building Disposition: The placement of a building on its lot.

Building Function: The uses accommodated by a building and its lot. Building functions (uses) are categorized.

Building Height: The vertical distance measured from the required first floor elevation to the highest point of the building. Generalized building heights shall be categorized as follows:

High-rise 75.1 feet and higher

Mid-rise 45 feet to 75 feet

Building Line: A line drawn parallel to the front lot line extending from side lot line to side lot line and touching the principal building at the point where the building is closest to the front lot line.

Building Material Establishment: A retail business selling building materials such as lumber, paint, tools, electrical supplies and other hardware items.

Building Official: An agent of the City of Bradenton authorized to permit, inspect, approve or deny construction within the City.

Building Type: A structure category commonly determined by function, disposition on the lot, and configuration, including frontage, height.

Business Frontage: The length of the front of a building devoted to a particular business.

Business Service: See Domestic Service.

Business and Training School: An establishment primarily engaged in furnishing non-academic instruction and trade courses including, but not limited to, secretarial, beauty, dance, martial arts, gymnastic and music schools.

Carwash: A retail establishment which washes, waxes and/or polishes automobiles. For the purpose of these LURs this category includes automobile detailing.

Catering Establishment: A premises where food or drink is prepared for retail sale elsewhere.

Cemetery: A burial place or grounds.

Christmas Tree Lot: A temporary outdoor sale which is held on private property and does not use public property or right-of-way for sale of Christmas trees.

Club: A premises used by an organization or membership for activities including assemblies, parties, sports, recreation, games, and eating and drinking.

Commercial Vehicle: Any vehicle larger than three-quarter ton which may or may not display advertising signage.

Common Pet: Any animal other than domesticated live stock, endangered, dangerous or exotic "species", commonly kept at a residence for non-commercial enjoyment.

Community Impact Report (CIR): Where required by these Land Use Regulations, a CIR shall be submitted as part of an application. Depending upon the specific circumstances of an applicant's proposal, as determined by the PCD Director, a CIR may include any or all of the following studies: 1) Visual Impact Analysis; 2) Land Use Assessment; 3) Traffic Study; 4) Environmental Impact Assessment; 5) Archaeological/Historical Assessment; 6) Area Impact Assessment; or 7) Hurricane Evacuation Analysis.

Comparison Goods Store: An establishment primarily engaged in the retail sales of merchandise not including food, beverages or drugs directly to ultimate consumers.

Compatible: Being similar, well balanced or harmonious, capable of being in accord with others.

Compatibility Standards: Development regulations established to minimize the effects of commercial, industrial, or intense residential development on nearby residential property.

These standards usually include:

- Regulation of building height
- Minimum and maximum building setbacks
- Buffers Building design
- Controls to limit the impact of lighting on adjacent properties

Congregate Living Facility: A group care facility which provides for periods exceeding 24 hours, one or more personal services for seven or more adults.

Congregate Living Home: A group care home which provides for periods exceeding 24 hours, one or more personal services for up to six adults.

Context: Surroundings, including a combination of architectural, natural and civic elements that define specific neighborhood or block character.

Construction Service Establishment: The office of a business engaged in the fabrication, construction, addition, alteration, repair or development of land or structures. The business may include the storage of equipment and materials used in that business. This category includes building contractors such as plumbers, electricians, mechanical contractors, and similar businesses.

Convenience Store: An establishment primarily engaged in the retail selling of merchandise including food, beverages or drugs not consumed on the premises and sold directly to ultimate consumers. Included in this category are stores selling groceries, drugs, alcoholic beverages, toiletries and sundries.

Corridor: A linear geographic system incorporating transportation and/or greenway elements.

Crematory: See Mortuary.

Cultural Facility: Establishments such as museums, art galleries, botanical and zoological gardens of an historic educational or cultural interest.

Day: As used in these LURs refers to a working day, unless otherwise indicated.

Day Care Center: An establishment licensed by the State of Florida which provides care and supervision for 11 or more children or seven or more adults for periods not to exceed 24 hours.

Day Care Home: A family Day Care Home, licensed by the State of Florida, as described in FS 402.302(5), allowing up to 10 children, exempt from zoning requirements.

Density: The number of dwelling units within a standard measure of land area, usually units per acre.

Design Speed: is the velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are generally four ranges of speed: Very Low (below 20 MPH); Low (20 – 25 MPH); Moderate (25 – 35 MPH); and High (above 35 MPH). Lane width is determined by desired design speed.

Development: Any man made change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or permanent storage of materials.

Development of Regional Impact (DRI): A large development requiring regional review pursuant to Chapter 380 of the Florida Statutes.

Domestic/Business Service: An establishment which is engaged in service, repair or rental of equipment or merchandise used by individuals or businesses or which provides a service to individuals or businesses. This category includes, but is not limited to, appliance repair, reupholstery, repair of bicycles, locks, guns, musical instruments; repair and service of business machines, disinfecting and exterminating, and janitorial services, or rental of the above.

Dormitory: A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school or other similar institutional use.

Downtown Pedestrian Area: The recognized urban pedestrian boundary of Downtown Bradenton consisting of those areas between 9th Avenue West to the south, the Manatee River to the north,

10th Street West to the east, and 12th Street West to the west, inclusive of both sides of the street, and including all of Barcarrota Boulevard.

Drive-in Theater: An open lot with facilities for the showing of motion pictures to patrons seated in automobiles.

Driveway: A vehicle lane within a lot, usually leading to a garage.

Dry Cleaning Plant: See Laundry and Dry Cleaning Plant.

Duplex: See Dwelling, Two-family.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling, Single Family: A building containing one dwelling unit and occupied by not more than one family.

Dwelling, Attached: A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached: A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Multifamily: A dwelling containing more than two dwelling units.

Dwelling, Semidetached: A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot.

Dwelling, Townhouse: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Dwelling, Triplex: A dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.

Dwelling, Two-family: A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement: A grant of one or more of the property rights by the property owner and/or for use by the public, a corporation or another person or entity.

Educational Facility: An establishment primarily engaged in furnishing academic courses and technical instruction.

Elevated Building: A non-basement 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) or sheer walls.

Emergency Shelter: A group care facility which provides, for an average maximum period of 30 days per person, room, board, protection and supervision, preplacement screening or counseling for three or more abused, abandoned or neglected persons. Services provided shall not include intensive medical or psychological treatment.

Emergency Shelter Home: An owner-occupied group care home which provides, for an average maximum period of 30 days per person, room, board, protection and supervision, preplacement screening or counseling for no more than 2 abused, abandoned or neglected persons. Services provided shall not include intensive medical or psychological treatment.

Enfront: To place an element along a frontage line, as in “porches enfront the street.”

Entrance, Principal: the main point of pedestrian address into a building.

Façade: . The exterior wall of a building that is set along a Street Build-to Line or Side Street Build-to Line.

Farm Supplies and Equipment Establishment: A retail business selling hardware, machinery and materials used in farming industries.

Flat(s): Dwelling unit(s) that consists of a single-floor level.

Flood or Flooding: 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 usual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Area and the risk premium zones applicable to the community.

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

Floodway: 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.

Floor: The top surface of an enclosed area in a building (including the basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area Ratio (FAR): Floor area ratio is defined as the total building floor area divided by the total land area of the site and is limited to non-residential uses not including parking, public atriums, and/or indoor plazas and courtyards.

Florida Nomination Proposal: A preliminary proposal list of historic or archaeological sites for obtaining National Register status.

Form Based Zoning: A method of land use regulation characterized by 1) emphasis on form regulations (building size, location, appearance) and 2) prescriptive rules (what a community does want to see built). Form based zoning focuses on established bulk regulations to solve the Euclidian “problem” of use separation. Form codes are designed to provide more flexibility than conventional codes to promote development in largely built out communities. These codes work well in established communities because they effectively define and codify a neighborhood's existing characteristics or they can implement new building types when a radical change is desired.

Fraternity House: See Boarding House.

Free standing ice vending machine: An automated, free standing modular unit which produces, stores, and dispenses ice to a consumer for a fee.

Frontage Type: Site and/or building design feature that interfaces between public (or semi-public) and private spaces. The interface occurs physically according to horizontal and vertical parameters with a principal purpose of identifying and mediating access to a building entry point. (discuss developing frontage types)

Funeral Home: See Mortuary.

Garbage: Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods, and any unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

Grade: The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Group Care Facility: A facility housing seven (7) or more persons for the purpose of providing care and frequently health care and counseling. This category includes congregate living facilities, emergency shelters, recovery homes and residential treatment facilities as defined herein and licensed by the State of Florida Department of Health and Rehabilitative Services.

Group Care Home: A home housing six (6) or less persons for the purpose of providing care and frequently health care and counseling. This category includes congregate living homes and emergency shelters as defined herein and licensed by the State of Florida Department of Health and Rehabilitative Services.

Hazardous Material: Substances which may pose danger such as combustion, explosion or emission of noxious fumes, radioactivity or electromagnetic interference. This category includes, but is not limited to the following: inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids such as phenol and cresols and their salts and all radioactive materials.

Health Services Establishment: Primarily engaged in furnishing medical, surgical, or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

Heating and Fuel Establishments: A retail business selling fuel, such as oil, bottled gas or wood.

Heliport: An area, either at ground level or elevated on a structure, licensed or approved for the loading and take off of helicopters and including auxiliary facilities such as parking, waiting room, fueling and maintenance facilities.

Historic Structure: Any building or structure originally constructed 65 or more years prior.

Home Business: An accessory use of a single-family residential structure that consists of more intense uses than a home occupation, including, but not limited to client visitation, commercial deliveries, intensity of use, and activities that occur that are not typical of residential-only districts.

Home Occupation: A business which is carried out in a residence which does not have any outward appearance or indication of business activity, including, but not limited to client visitation, signs, deliveries, noise or fumes, etc.

Hospital: An institution providing health services and medical and surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical and mental conditions and frequently including related facilities such as laboratories, outpatient facilities or training facilities.

Hotel: A building containing rooms intended or designed to be used or that are used, rented or hired out to be occupied or that are occupied for sleeping purposes by guests, and may include restaurants, meeting rooms, recreation facilities, laundry and maid services.

Household, item(s): Furniture, appliances, floor coverings, bedding or other goods and materials commonly associated with residential living.

Ice Plant: A retail business of manufacturing and selling ice.

Impervious Surface: A surface that does not permit the absorption of fluids. As a land use term, impervious surface means any surface such as roads, rooftops, patios, or parking lots that does not allow water to soak into the ground. Impervious surfaces result in runoff from the surface in greater quantities and/or an increased rate when compared to natural conditions prior to development.

Independent Unit: A dwelling unit within a group care facility.

Infill: Developing on an empty lot(s) of land within an otherwise developed area of the City. Infill development fills a void between two existing structures.

Junkyard: Any area, lot, land, parcel, or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

Kennels, Animal Boarding: Any structure or premises in which animals are kept, boarded or trained for commercial gain, excluding Veterinary services for ill dogs, cats, or other domestic animals.

Laundry and Dry Cleaning Plant: A business which launders and cleans clothing, linens, draperies and other fabric and leather goods and which may have retail facilities, but primarily services other businesses on a contract basis.

Level of Service (LOS): An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on the operational capacity of the facility.

Level of Service D: A roadway condition where 75 to 90 percent of the roadway capacity is used at peak hour.

Liner Building: A building designed to mask a parking lot or a parking garage from a frontage.

Loft: Dwelling unit that contains the volume of two stories but where the second floor typically consists of less floor area than the first; as in a mezzanine.

Lot: A parcel of land under one ownership occupied by or to be occupied by one principal building and its accessory structures and including the open spaces and yards required under these LURs.

- A. Lot Line A boundary dividing a lot from a right-of-way, adjoining lot or other adjoining tract of land:
 1. Front lot line The lot line abutting a street right-of-way line.
 2. Rear lot line The lot line opposite the front lot line.
 3. Side lot line Lot lines other than the front or rear lot lines.
- B. Corner Lot A lot which abuts on two (2) or more intersecting streets at their intersection. Corner lots shall have two front and two side yards.
- C. Double Frontage Lot Any lot other than a corner lot which abuts on two streets.
- D. Lot of Record A lot which is duly recorded in the office of the Clerk of the Circuit Court.

Lot Width: The length of the principle frontage lot line.

Lounge: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquor may be served or sold only as accessory to the primary use.

Mangrove Stand: An assemblage of mangrove trees which is mostly low trees noted for copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia germinans*); red mangrove (*Rhizophora mangle*); white mangrove (*Laguncularia racemosa*); and buttonwood (*Conocarpus erecta*).

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent foundation when connected to the required utilities

Manufacturing-Light: Establishments which are engaged in the mechanical or chemical transformation of non-hazardous material or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors, and which do not engage in any outdoor or open storage. For the purpose of these LURs, this category includes publishing and printing plants.

Manufacturing-Heavy: Establishments which are engaged in the mechanical or chemical transformation of hazardous or non-hazardous material or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors, and which may engage in outdoor or open storage.

Marina: A facility for storing, servicing, fueling, berthing and securing of pleasure boats and which may include eating, sleeping and retail facilities for owners, crews and guests.

Marine Establishment: A retail business selling boats, parts and accessories and/or providing repair and service.

Marine Supplies and Equipment Establishment: A retail business selling hardware, machinery and materials used in marine industries.

Mean Sea Level: The average height of the sea for all stages of the tide as established by The National Geodetic Vertical Datum of 1929.

Medical Offices: See Health Services Establishment.

Mixed Use Development: The development of a tract of land or building or structure with two or more different uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile Home: A transportable structure, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities that does not conform to the United States Department of Housing and Urban Development Code (HUD Code) or the local building code..

Mortuary: An establishment primarily engaged in preparing the dead for burial, conducting funerals and cremating the dead and including emergency ambulance service.

Motel: A building or group of detached, semidetached, or attached buildings on a lot containing guest dwellings, each of which has a separate outside entrance leading directly to rooms, with a garage or parking space conveniently located with each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

Motor Freight Terminal: A premises used as a base for the transportation of goods by truck and including merchandise storage facilities and vehicle maintenance facilities incidental to the business.

National Register of Historic Places: The official list, established by the National Historic Preservation Act, of sites, districts, building, structures and objects significant in the nation's history or whose artistic or architectural value is unique.

New Construction: Structures for which the "start of construction" commenced on-or after the effective date of these LURs.

Newsrack: Any stand-alone, self-service, or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale or free dispensing of newspapers or other periodicals.

Newsrack, Modular: A self-service distribution system for newspapers or other periodicals, designed to allow individual pockets to be attached in uniform fashion, and stacked vertically or horizontally.

Neighborhood: An urbanized area at least one acre that is primarily residential. A neighborhood shall be based upon a partial or entire *Standard Pedestrian Shed*. The physical center of the Neighborhood should be located at an important traffic intersection associated with a Civic or Commercial institution.

Nonconforming Development Standard: The dimensions of a lot, or a building, structure, or other lot feature (such as, but not limited to, parking, lot coverage, green space, etc.) located on the lot that was lawful when established but no longer conforms to the requirements of the zone in which it is located as set forth in the Zoning Ordinance, because of adoption of a zoning amendment or comprehensive zoning revision. The term "nonconforming development standard" is a broad category and can apply to 1) a nonconforming lot, 2) a nonconforming structure, and 3) a nonconforming lot feature. There are particular considerations with regard to each type of development standards.

Non-conforming Lot: A lot which met the dimensional requirements for the zone in which it is located at the time of subdivision but which does not meet the current regulations for lot area, width, depth or access.

Nonconforming Lot Feature: One type of nonconforming development standard, which includes development regulations outside of structural requirements. Examples of lot features include, but are not limited to, parking, landscaping, screening, access, and lighting.

Nonconforming Structure: A building located on a lot which does not conform to bulk regulations established in the zoning ordinance, such as setback, height, encroachment, in addition to any applicable architectural requirements.

Nonconforming Use: Any use lawfully existing at the time of adoption of this Code, or any subsequent amendment thereto, which does not conform to one (1) or more provisions of this Code.

Non-substantial Text Change: A revision or update to existing language in these LURs that does not affect the adopted intent or meaning of a word, sentence, paragraph, or section, create less or additional requirements for a standard, rule, section or other requirement, or creates new standards or requirements within any section. Such changes may include scrivener's errors, formatting, updates, text clarification, and abbreviations.

Nursing Home: Any facility which is licensed according to Chapter 400.011-400.34 Florida Statutes; including, but not limited to, skilled nursing facilities and intermediate care facilities.

Occupancy: Any one business, activity or professional office.

Office: A room or group of rooms used for conducting the affairs of a business, professional, service, industry or government. (For medical office see Health Services Establishment.)

Open Space: A portion of a lot that is set aside for public or private use and will not be developed. The space may be used for passive or active recreation, or may be reserved to protect or buffer natural areas.

Outdoor Display: The keeping, in an unroofed area of any goods, junk material, merchandise or vehicles in the same place for less than 24 hours.

Outdoor Sales: The retail sale of merchandise which is not consumed on the premises and which is not within a building and is on a permanent basis. This category includes, but is not limited to, vegetable markets, flea markets.

Outdoor Storage: The keeping, in an unroofed area of any goods, junk material, merchandise or vehicles in the same place for more than 24 hours.

Out-Parcel: A lot which is created by division, by subdivision or sale of a larger parcel containing a shopping center or other integrated development and which is intended for independent ownership and/or development.

Overlay District: An area of a City where additional regulations are applied to the underlying zoning regulations in order to protect certain features or to encourage a particular type of development. (Imagine a blanket covering a couch. The couch is still there but you also have the blanket too.) Overlay districts may cover all or part of one or several traditional zones. Districts are designated on a zoning map. Where there is a conflict between overlay and underlying zoning standards, the overlay standards will apply because they are stricter

Parapet: A vertical false front or wall extension above the roof line.

Parcel: (See Lot)

Park: A tract of land designed for active or passive recreational use.

Parking Garage: An establishment or facility [two (2) stories or more] for the temporary parking or storage of motor vehicles. Parking structures are encouraged to have liner buildings at the first story, or higher as applicable.

Passage: An at-grade pedestrian connector passing between buildings, providing shortcuts through long blocks and connecting rear parking areas to frontages.

PCD Director: The governmental officer charged with administering the City's Comprehensive Plan, LURs, growth management strategy, development permitting, public housing and grant assistance programs, and other land development initiatives. The PCD Director is also the Director of the Department of Planning and Community Development, or designee.

Peak Hour: The hour having the largest traffic volume occurring during a 24 hour period based upon annual averages.

Pedestrian-Scaled: Development designed so a person can comfortably walk from one location to another, encourages strolling, window-shopping, and other pedestrian activities, provides a mix of commercial and civic uses (offices, a mix of different retail types, libraries and other government and social service outlets), and provides visually interesting and useful details such as:

- Public clocks
- Benches
- Public art such as murals and sculptures
- Shade structures such as canopies and covered walkways

- Decorative water fountains
- Drinking fountains
- Textured pavement such as bricks or cobblestones
- Shade trees
- Interesting light poles
- Trash bins
- Covered transit stops
- Street-level retail with storefront windows.

Pedestrian Shed: An area, approximately circular, that is centered on a Common Destination. A Pedestrian Shed is applied to determine the approximate size of a Neighborhood. The outline of the shed must be refined according to the actual site conditions, particularly along Thoroughfares. The Common Destination should have the present or future capacity to allow future intensity of uses.

Pedestrian Shed, Linear: A Pedestrian Shed that is elongated along an important Commercial Corridor.

Pedestrian Shed, Long: A Pedestrian Shed of ½ miles radius is used for mapping community types when a transit stop is present or proposed as the Common Destination.

Pedestrian Shed, Standard: A Pedestrian Shed of ¼ mile radius, or 1320 feet, about the distance of a five- minute walk at a leisurely pace.

Personal Service Establishment: An establishment primarily engaged in providing services involving the care of a person or his or her apparel. This category includes, but is not limited to, beauty and barber shops, tailors, laundry and dry cleaning pick up establishments, self-service laundries, shoe repair shops, jewelry repair shops, photo studios, gyms and spas.

Plant Nursery: Land or greenhouses used to raise flowers, shrubs and plants for sale.

Planter: The element of the public streetscape that accommodates landscaping, including street trees. Planters may be continuous, or individual and/or above ground.

Principal Building: A building in which is conducted the principal use of the lot on which it is located. The principal building is usually located toward the frontage.

Principal Use: The primary or predominant use of any lot.

Private Frontage: The privately held layer between the frontage line and the principal building façade. The structures and landscaping within the Private Frontage may be held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, and porches.

Procedures Manual: A set of instructions and forms for conducting business; specifically a book maintained by the PCD Director detailing processes for carrying out the requirements of the Land Use and Development Regulations.

Public Art Mural: A hand-produced work of visual art which is tiled or painted by hand directly upon or affixed directly to an exterior wall of a building. Public Art Mural does not include:

1. Murals containing mechanical components, or
2. Changing image murals.

Public Art Mural Definitions:

- a. Alteration:** Any change to the Public Art Mural, including but not limited to any change to the images, materials, colors or size of the Public Art Mural. "Alteration" does not include natural occurring changes to the Art Mural caused by exposure to the elements or the passage of time. Minor changes to the Public Art Mural which result from the maintenance or repair of the Public Art Mural shall not constitute "alteration" of the Public Art Mural within the meaning of this title. This can include slight and unintended deviations from the original image, colors or materials that occur when the Public Art Mural is repaired due to the passage of time, or as a result of vandalism such as graffiti.
- b. Changing Image Mural.** A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.
- c. Compensation.** The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt.
- d. Conservation Landmark.** A structure, site tree, landscape or other object that is of historic or cultural interest at the local or neighborhood level, as identified through an inventory and designation process.
- e. Design Standard Districts.** These are areas where design and neighborhood character are of special concern, specifically the UC, UCBD and UV districts.
- f. Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.
- g. Historic District.** A collection of individual resources that is of historic or cultural significance at the local, state or national level, as identified through an inventory and designation process and mapped on the Land Use Atlas, and appendix to these Land Use Regulations.
- h. Historic Landmark:** A structure, site, tree, landscape or other object that is of historic or cultural significance at the local, state or national level, as identified through an inventory and designation process.
- i. Permitted Public Art Mural.** An original art mural for which a permit has been issued by the City of Bradenton pursuant to these Land Use Regulations.
- j. Public Right-of-way.** An area that allows for the passage of people or goods, that has been dedicated or deeded to the public for public use. Public rights-of-way include passageways such as freeways, pedestrian connections, alleys, and all streets.

Public Frontage: The area between the curb of the vehicular lanes and the Frontage Line. Physical elements of the Public Frontage include the type of curb, sidewalk, planter, street tree and streetlight.

Public Areas: Land that is owned and controlled by a government agency (i.e. federal, state, regional, county or municipal jurisdiction) and that is available for use by the general public. This includes publicly owned parkland.

Public Event: A festival, street fair, farmer's market or similar event open to the general public or a segment of the general public and proposed on public property on a temporary or periodic basis. An event held outdoors on private property serving alcoholic beverages shall be considered a Public Event for permitting purposes.

Private Event: A festival, street fair, farmer's market or similar event held outdoors, solely on private property, which may have a limited effect on public property, facilities, and/or services and not serving alcoholic beverages. An administrative permit for a Private Event shall be required. An event which is private, and held solely indoors on private property and does not affect public property, facilities, and/or services shall not require a permit.

Public Facility: Any plant or structure owned or proposed by a public agency, government body or public utility, but not including offices.

Public Transportation Terminal: An establishment engaged in passenger transportation by railway, highway, water or air, including ancillary vehicle maintenance facilities.

Publishing and Printing Plant: See Manufacturing - Light.

Rear Alley: A vehicular driveway located to the rear of lots providing access to service areas and parking, and containing utility easements. Alleys may be paved from building face to building face, with drainage.

Recovery Home: A group care facility licensed by the State of Florida which provides for a limited period of time, board, lodging, supervision, medication and other treatment and counseling for persons progressing from intensive treatment for crime, delinquency, mental or physical illness or persons otherwise in need of a structured environment to deal with personal problems.

Recreational Vehicle: A vehicular type portable structure without a permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recycling Center: An establishment where waste products are collected, sorted and/or stored and where such products may be reduced to raw materials or transformed into new products. For the purpose of these LURs recycling center shall be considered a manufacturing establishment.

Religious Establishment: A structure or place in which worship ceremonies, rituals and education pertaining to a particular system of beliefs are held.

Residential Treatment Facility: A group care facility licensed by the State of Florida which provides intensive diagnostic and therapeutic services for its residents for alcoholism, drug abuse, mental illness and similar conditions. Although they provide medical treatment, residential treatment facilities are distinguished from nursing homes and hospitals for the purposes of these LURs.

Restaurant: An establishment where food and drink is prepared, served and consumed on the premises.

Right-of-Way: (1.) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, and/or gas pipeline, water line, sanitary storm sewer or other similar facility. (2.) Generally, the right of a party to pass over the property of another.

Riparian Rights: Rights of a land owner to the water on or bordering his property, including the right to make use of such waters and to prevent diversion or misuse of upstream water.

Roadway Capacity Available: The amount of traffic a roadway could handle above the current and committed traffic volume, calculated as follows: Theoretical roadway capacity minus (current traffic volume plus committed traffic volume).

School, Public/Private: An establishment which meets state requirements for primary, secondary or higher education

Secondhand Store: A retail establishment selling used goods. This category does not include auction houses, but includes pawn shops and all establishments dealing in secondhand merchandise with the exception of clothing and books.

Shopping center: Five or more commercial establishments, planned, developed, owned and managed as an integral unit, with off street parking provided on the property, and having individual entries with individually demised areas.

Sign-related Definitions:

- **Abandoned or discontinued sign or sign structure.** A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of 60 days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed or has ceased operating at that location; or (2) a sign which is blank.
- **Advertising.** Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.
- **Animated sign.** A sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.
- **Bandit sign.** See Snipe sign.
- **Banner.** Any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabric of any kind, not including District Theme or event signs affixed to light poles Signs approved by the City. The word "banner" shall also include pennant or any animated, rotating and/or fluttering device, with or without lettering for design, and manufactured and placed for the purpose of attracting attention. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.
- **Beacon.** A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.
- **Building sign.** A sign whose entire portion is displayed upon or attached to any part of the exterior of a building, including walls, parapets and marquees. A building sign shall include a cabinet or box sign, an under-canopy sign, and a nameplate identification sign, but does not include a window sign.
- **Cabinet or Box sign.** Any sign, the face of which is enclosed, bordered or contained within a box-like structure.

- **Canopy sign.** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- **Changeable Copy sign.** A sign on which the message copy is changed either manually, electronically, or by any other method through the utilization of attachable letters, numbers, symbols, or changeable pictorial panels, and other similar characters, or internal rotating or moveable parts which change the visual message.
- **Commercial Message.** Any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.
- **Copy.** The linguistic or graphic content of a sign.
- **Credit Card sign.** A sign signifying that goods or services may be purchased on credit by means of an established credit line (Visa, Mastercard, American Express, Discover, etc.).
- **Directory sign.** A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.
- **District Theme or Event sign.** A two-sided sign, no larger than 12sf. and 72 inches in height, allowable only in the UC, UCBD and UV Districts. District theme or Event signs affixed to light poles can not exceed 8 square feet and 48 inches in height.
- **Election sign.** A temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the City shall vote.
- **Flag.** Any fabric, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or other entity.
- **Flashing sign.** A sign which permits lights to be turned on or off intermittently more frequently than once per minute.
- **Free Expression sign.** A sign that expresses a personal or subjective message or graphic not necessarily related to business advertising or other typical use of signage. Free expression signs shall not contain profanity, pornographic images or messages, or be otherwise offensive to the general public or found to be a nuisance pursuant to the City Code of Ordinances, Chapter 38, Article II. Also, see subsection 550.D.14.
- **Freestanding sign.** A sign supported by a sign structure secured to the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure, for support.
- **Freestanding Monument sign.** A freestanding sign whose ratio of width of sign to width of support is less than 3 to 1.
- **Freestanding Pole sign.** A freestanding sign whose ratio of width of sign to width of support is greater than 3 to 1.
- **Frontage.** The distance along the property line which abuts the public right-of-way line.
- **Garage or Yard Sale sign.** Any sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the City. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or the offering to make any sale, whether made under any name such as garage sale,

lawn sale, yard sale, front yard sale, back yard sale, home sale, attic sale, rummage sale, patio sale, flea market sale, moving sale, sample sale, or any similar designation.

- **Grand Opening sign.** An on-premise temporary sign announcing the opening of a newly licensed business, that does not exceed 16 square feet in size and that is not displayed for longer than 30 days after the issuance date of the occupational license for the new business.
- **Ground sign.** Any sign in which the entire base or support is in contact with the ground, and is independent of any other structure.
- **Height of sign.** The vertical distance measured perpendicular from the closest adjacent average crown of road to the top of the sign face or sign structure, whichever is greater.
- **Identification and Informational sign.** Any sign of an identification or informational nature bearing no advertising.
- **Illuminated sign.** Any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.
- **Logo.** A word, or part of a word, or character used to signify an organization, corporation or the like.
- **Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- **Marquee sign.** Any sign attached to, in any manner, or made a part of a marquee.
- **Nameplate sign.** A flat, thin piece of material inscribed with the name, and/or profession or address of a person or persons residing on the premises or legally occupying the premises.
- **Neon sign.** Any sign formed by luminous or gaseous tubes in any configuration.
- **Non-commercial Message.** A non-commercial message is any message, which is not a commercial message.
- **Nonconforming sign.** Any sign that does not conform to the provisions of this Section.
- **On-premise Directional or Informational sign.** A sign located on a lot or parcel designed to direct the public to any facility or service located on the premises of said lot or parcel or to direct and control traffic thereon, and which does not contain any advertising copy, logos or graphic display symbols.
- **Panel.** The primary surface of a sign upon which the message of the sign is carried.
- **Parapet.** A vertical false front or wall extension above the roof line.
- **Permanent sign.** Any sign which, when installed, is intended for permanent use. For the purposes of this Section, any sign with an intended use in excess of six months from the date of installation shall be deemed a permanent sign.
- **Pole Sign** (See Ground Sign)
- **Portable sign.** Any mobile or portable sign or sign structure that is not permanently attached to the ground or to any other structure. This definition shall include trailer signs, A-frame signs, sandwich signs and vehicles whose primary purpose is advertising. A sign mounted on a vehicle normally licensed by the State of Florida including trailers and used for advertising or promotional purposes shall be considered a portable sign.

- **Projecting sign.** Any sign which is affixed to any building wall or structure and extends more than 12 inches horizontally from the plane of the building wall.
- **Public Information sign:** Any sign which promotes a community-oriented benefit or interest such as the date, time and temperature, publicly-sponsored events and news, openings and closings of public buildings, rights-of-way and lands, or other similar messages.
- **Real Estate sign.** A temporary sign erected by the owner, or his agent, indicating property, which is for rent, sale or lease.
- **Revolving or Rotating sign.** A sign that revolves or rotates.
- **Roof Line.** Highest continuous horizontal line of a roof. On a sloping roof, the roof line is the principal ridge line, or the highest line common to one or more principal slopes of the roof. On a flat roof, the roof line is the highest continuous line of the roof or parapet, whichever is higher.
- **Roof sign.** A sign erected over or on the roof, or extending above the roof line, which is dependent upon the roof, parapet or upper walls of any building, or portion thereof, for support.
- **Sidewalk sign:** Any foldable, moveable sign intended to be displayed adjacent to a business to promote daily menus, sales, events, or other similar information. Sidewalk signs include signs mounted on single poles or stems, easels, bi-fold boards, etc.
- **Sign.** The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light. Also, the above, when placed within two feet of the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information.
- **Sign, Area of.** The square foot area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, "sign area" is the sum of the individual areas of the smallest contiguous rectangle, capable of containing such symbol(s), letter(s), illustration(s), message(s), forms(s) or panels.
- **Sign Face.** The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation, which attracts the attention of the public for any purpose. "Sign face" includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.
- **Sign Structure.** Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.
- **Snipe sign (Bandit sign).** A sign of any material, including paper, cardboard, wood and metal, when tacked, nailed or attached in any way to trees, telephone poles, utility poles, stakes, fences, or other objects where such sign may or may not apply to the premises. This definition includes cardboard signs on sticks.

- **Temporary sign.** Any sign intended for a use not permanent in nature. For the purposes of these LURs, any sign with an intended use of six months or less shall be deemed a temporary sign.
- **Traffic Control Device sign.** Any sign located within the right-of-way and that is used as a traffic control device and described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).
- **Vehicle sign or signs.** Any sign or signs where the total sign area covers more than ten square feet of the vehicle.
- **Window sign.** A sign located on a window or within two feet inside a building or other enclosed structure, which is visible from the exterior through a window or other opening intended to attract the attention of or convey information to the general public.
- **Wind sign.** A sign, with or without copy, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind. This shall include but not be limited to banners, flags, pennants, ribbons, spinners, streamers or captive balloons.

Sleeping Unit: A single room used for living purposes but without cooking facilities or other amenities for separate and independent housekeeping.

Social Services Establishment: An establishment providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning disabilities, physical disabilities, and includes persons with limited ability for self-care but for whom medical care is not a major element. This also includes organizations soliciting funds for these and related services.

Sorority House: See Boarding House.

Special Flood Hazard Area: The land in a flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Special Sale: A temporary outdoor sale such as a sidewalk sale or tent sale or Christmas tree lot, which sale is held on private property and does not use public property or right-of-way.

Start of Construction: The first placement of a permanent construction of a building (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a building. Permanent construction does not 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. For manufactured homes not within a manufactured home park or manufactured home subdivision, "start of construction" means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Storage Establishment: A building used primarily for the storage of goods and materials.

Street: A local urban thoroughfare of low speed and capacity. Its public frontage consists of raised curbs defined by inlets and sidewalks separated from the vehicular lanes by a planter and parking. The landscaping consists of regularly placed street trees.

Street Setback: The distance between property line and any structure requiring a building permit.

Streetscape: The urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees, and plantings, benches and streetlights, etc.).

Streetscreen (streetwall): A freestanding wall built along the frontage linear or coplanar with the façade, often for the purpose of masking a parking lot for the thoroughfare. Streetscreens should be between 3.5 to 6 feet in height and constructed of a material matching the adjacent building façade. The streetscreen may be a hedge or fence as approved by the Director of Planning and Community Development. Streetscreens shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all streetscreens over 4 feet in height should be articulated to avoid blank walls.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water, and including all buildings.

Subdivision: The division of a parcel of land into 3 or more lots or parcels of land less than 5 acres each, for the purpose, whether immediate or future, of transfer of ownership; or any division of land regardless of the size of parcels if the establishment of a new street is involved.

Subdivision Plat: A plan of a subdivision, recorded or intended to be recorded, with the Clerk of Court, showing existing and/or proposed boundary lines.

Subject Property: A property, or multiple properties being considered for an individual permit or discretionary approval.

Substantial Improvement: For a structure built prior to these LURs, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either (1) before the improvements or repair is started, or (2) if the structure has been damaged and is being restored, 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 structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Survey: The process of precisely determining the area, dimensions and location of a piece of land performed by a registered land surveyor.

Swale: A depression in the ground which channels runoff.

Swimming Pool: A water-filled enclosure, permanently constructed or portable having depth of 24 inches or more, designed, used and maintained for swimming and bathing.

Testing Laboratory: An establishment or other facility for the examination and testing of devices, systems and materials to determine their relation to life, fire, casualty hazards and crime prevention.

Transfer of Development Rights (TDR): The removal of the right to develop or build, expressed in dwelling units per acre, from land in one zoning district to land in another district where such transfer is permitted.

Transition Line: A horizontal line spanning the full width of a façade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Transition Zone: A zoning district permitting transitional uses.

Transitional Area: (1) An area in the process of changing from one use to another or changing from one racial or ethnic occupancy to another; (2) An area which acts as a buffer between two land uses of different intensity.

Transitional Use: A land use of an intermediate intensity between a more intensive and less intensive use.

Unimproved (street): A platted street which has not been constructed and which may not be cleared or graded and which is not maintained by the City.

Unpaved: A street which is maintained by the City but has a shell rather than asphalt surface.

Urban Design: The process of providing a design vision for the City or portions of the City. Urban design encompasses architectural treatments, landscaping, pedestrian circulation and traffic controls to provide a pleasant, harmonious, and livable public realm.

Vacation: The release of an easement or right-of-way by those who have been granted use.

Variance: Permission to depart from a dimensional requirement of these LURs. A dimensional requirement shall mean length, width, depth, square feet, floor area ratio, impervious surface ration, or height. A Variance from a use permission is prohibited under this definition.

Veterinarian or Animal Hospital: A facility providing medical or surgical treatment for animals and short-term boarding of animals as necessary for medical purposes.

Visibility triangle or vision triangle: A triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, this triangle is measured 35 feet in length from the intersection along the abutting right-of-way lines to form a triangle; and for driveway intersections, this triangle is measured ten feet from the intersection along the right-of-way line and along the driveway line to form a triangle.

Wholesale Establishment: Place of business primarily engaged in stockpiling and selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies.

Yard: The open area surrounding the principal building on a lot which must be unobstructed from the lowest level to the sky, except for certain permitted obstructions. Yard regulations ensure light and air between structures. Further defined as follows:

Front Yard, Primary That portion of a yard between the front lot line and a line drawn along the front line of the principal building and extending from side lot line to side lot line.

Front Yard, Secondary. A technical front yard that is located at the side or rear of a structure on a corner or double frontage lot.

Rear Yard That portion of a yard between the rear lot line and a line drawn along the rear line of the principal building and extending from side lot line to side lot line.

Side Yard That portion of a yard between the front and rear yards.

Yard Sale: A temporary outdoor sale in which the sale is held on private property in a residential zoning district by the owner of the property. Commercial vendors cannot operate from residential homes.

Zone: A geographical region of a City characterized by some distinctive feature(s) or characteristics as determined through the City's land use regulations; also known as a district.

Zoning: The division of the city into areas (zones) regulating the character of the development allowable in each zone. Common zoning regulations include, but are not limited to, those for the 1) use of the land or building on the land, 2) shape of a building, 3) location of a building on a lot, 4) landscaping requirements, 5) signage regulations, and 6) parking regulations.