CITY OF BRADENTON, FLORIDA, ORDINANCE NO. 2969

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON FORM-BASED CODE INCLUDING MODIFICATIONS TO SIGNAGE AND FENCE STANDARDS; MODIFICATIONS TO THE VILLAGE ARTS OVERLAY DISTRICT; PROVIDING FOR CORRECTION OF TYPOGRAPHICAL ERRORS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AS FOLLOWS:

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, as revised in 1968, provides for and establishes municipalities and grants to those municipalities governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and authorizes said municipalities to exercise any power for municipal purposes, except as otherwise provided by law: and

WHEREAS, Chapter 166, Florida Statutes, the Municipal Home Rule Powers Act, implements by general law the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes home rule for said municipalities; and,

WHEREAS, pursuant to the provisions of the City's Land Use Regulations (LUR), the Planning Commission has reviewed and considered in a public hearing the advisability of recommending adoption of the Form Based Code Land Use Regulations to the City Council and found the FBC consistent with the Comprehensive Plan, and has forwarded to the City Council the Planning Commission's recommendation that they be approved; and

WHEREAS, the City Council of the City has held the required public hearings with due public notice pursuant to the provisions and the requirements of Florida law,

and the City Council has determined that it is necessary and desirable and in the best interest of the citizens of the City in order to protect the public health, safety and welfare to adopt the said Form Based Code Land Use Regulations.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Bradenton, Florida, as follows:

1. The Form Based Code Land Use Regulations, as attached hereto and incorporated herein as Attachment "A", are hereby adopted as amended.

2. To the extent that these Form Based Code Land Use Regulations are in direct conflict with the existing provisions of the City of Bradenton Land Use Regulations (LUR's), the provisions of this Ordinance shall control. The applicability and effect of the Form Based Code Land Use Regulations and this Ordinance shall be in keeping with the provisions of Florida law.

3. In the event any provision, paragraph, section of chapter, or any other portion of this Ordinance are declared by a court of competent jurisdiction to be void, unconstitutional or unenforceable, then, and in that event, all of the remaining provisions and portions not so affected shall remain in full force and effect.

4. This Ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the City Council, with a quorum present and voting, this 24th day of June 2015.

CITY OF BRADENTON, FLORIDA BY
AND THROUGH THE CITY COUNCIL OF
THE CITY OF BRADENTON

Wayne H. Poston, Mayor

ATTEST: CARL CALLAHAN

City Clerk and Treasurer

Planning Commission Public Hearing: May 20, 2015
First Reading and Public Hearing: June 10, 2015
Second Reading and Public Hearing: June 24, 2015

APPROVED AS TO FORM:

William R. Lisch
City Attorney

LU.15.1832

Attachment "A"

4.12.6 Specific to zones T6

a. Projecting signs, not to exceed 6 square feet for each separate business entrance, may be attached to and should be perpendicular to the Façade, and shall clear 9 feet above the Sidewalk.

b. A single external permanent sign band, or two parallel, horizontal expression lines that run the length of the Façade and that define an upper and lower frame for signs may be applied to the Façade of each building, providing that such sign not exceed 3 feet in height.

c. Wall Signs, maximum of 1 per Façade visible from common travel ways with a maximum area of 2 square feet per linear foot of the side of the building on which the sign is to be placed, not to exceed 60 square feet. Buildings four stories and above, add an additional 20 square feet for each floor lying above the third story, excluding the stories above the location of the sign.

d. Ground (Monument) Signs, maximum 1 per lot that exceeds 100 feet in width. Ground Signs may not exceed 50 square feet and 10 feet in height.

~~d.~~ e. Electronic Message Signs shall be prohibited in this district.

4.13.1 Fences, to include garden walls, hedges, and similar screening devices, shall be subject to the following general standards for ~~General to~~ zones T3, T4-R, T4-O, T5, T6

~~a. Refer to Bradenton Land Development Regulations Section 5.1.2.7 Residential Fences and Hedges and Bradenton Land Development Regulations Section 5.2.2.4 Non-Residential Fences and Hedges. The Form-Based Code Regulations prevail where there may be a conflict with the Bradenton Land Development Regulations.~~

a. A fence not more than 4 feet in height may be located along all property lines (see Figure 4.13.a)

b. A fence not more than 6 feet in height may be allowed on any property line (or lot line, as applicable) that is located at or behind the façade of the primary structure (see Figure 4.13.b).

c. No fence shall be erected that interferes with sight visibility triangles.

d. Fences, or garden walls, of permanent construction may be made of metal, wood, vinyl, masonry, or concrete. Other fences or supporting structure materials may be considered by the PCD Director. Such fences may be subject to review by the Fire Department and the Building & Construction Services Division.

e. Barbed wire is prohibited, unless specifically approval by the City Council for non-residential properties only.

f. Vacant lots cannot be enclosed with a fence without the presence of a permitted primary structure.

g. 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.

h. Temporary fences may be permitted for non-residential uses 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.

4.15.4 Village of the Arts Overlay District (VAOD)

The purpose of the VAOD is to encourage a desired mix of appropriate retail, entertainment, eateries, and 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.~~ an increased presence and integration of the arts and related cultural and arts-related ancillary uses. Subject separately to the requirement of the Florida Building Code and The Florida Fire Prevention Code, any proposed home occupation ~~or~~ / home business use or adaptive reuse of older buildings in combination with new buildings 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~~ Review of construction, fire safety, and utilities may be required at permitting. ~~for approval, depending on the type of home occupation or home business proposed.~~

4.15.3 (c) (2)

Gateway Signage. The purpose of a gateway sign is to identify a major entrance to the VAOD. These signs promote the branding of a district and also serve as a wayfinding tool. A Gateway Sign requires a permit like any other signage, such as a business identification sign. These signs must comply with zoning code and building code regulations. Gateway signage must adhere to the following zoning standards:

a) Must be located at or near district boundaries and placed to clearly convey entry to the district;

b) Must be placed on private property with owner's written consent;

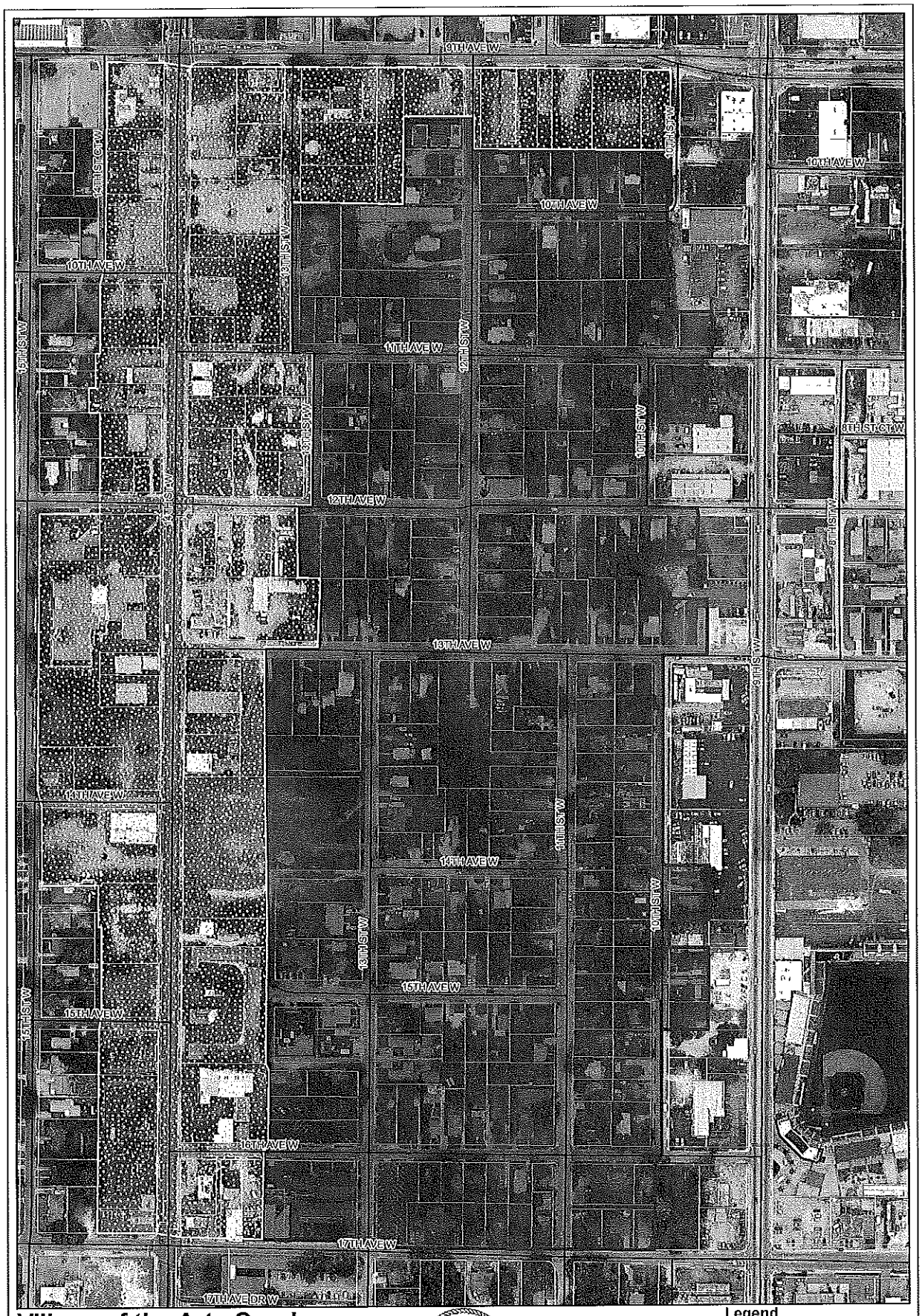
c) May not contain advertising matter attached to or integrated with or as part of the sign;

d) May not be an Electronic Messaging Sign; and

e) May not exceed 16 square feet in total sign face area and 10 feet in height.

4.15.3 (d)

Storage/Display of Art. Outdoor storage is generally prohibited; however, temporary display and limited activities ~~pertinent to the home occupation or home business~~ that directly contribute to the character and purpose 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.~~ For temporary outdoor display on vacant private property, a Temporary Art Display Permit may be applied for and submitted to the PCD Department allowing display for up to 30 days. Permits may be renewed for a maximum duration of 90 consecutive days within a 6 month period. Temporary Art Display Permit applications shall be reviewed administratively by the PCD Director; and at a minimum shall contain the following material and information: Property Owner(s) Authorization and Maintenance Affidavit; narrative describing proposed display; color renderings or photographs of work (if applicable); site plan showing location of proposed display on property; and application fee. Additional review and/or inspections by the Building & Construction Service Division and the Fire Department may be required for approval depending on the type of display proposed. After permit issuance, displays not in compliance with the applicant's approved permit will be found in violation and subject to code enforcement action.



Village of the Arts Overlay Proposed Expansion Area

City of Bradenton
Prepared by Department of
Planning and Community Development

N

Legend

- Proposed Expansion
- Village Of The Arts Overlay
- Parcels
- City Limits

0 200 400 Feet

Printed: 6/12/2015 8:45:52 AM
Path: G:\GIS\MXDs\VAOD Expansion.mxd
GIS Data: Manatee GIS, City of Bradenton

CITY OF BRADENTON, FLORIDA
PROPOSED AMENDMENTS TO THE CITY OF BRADENTON FORM-BASED CODE

NOTICE OF PUBLIC HEARINGS

The City of Bradenton City Council will hold two public hearings for review and comments of Form-Based Code Text Amendment in City Council Chambers, 101 Old Main Street, Bradenton, FL on the following dates:

WEDNESDAY, JUNE 10, 2015 at 8:30 am
WEDNESDAY, JUNE 24, 2015 at 6:00 pm

ORDINANCE NO. 2969

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON FORM-BASED CODE INCLUDING MODIFICATIONS TO SIGNAGE AND FENCE STANDARDS; MODIFICATIONS TO THE VILLAGE ARTS OVERLAY DISTRICT; PROVIDING FOR CORRECTION OF TYPOGRAPHICAL ERRORS; AND PROVIDING AN EFFECTIVE DATE.

All interested persons and parties may appear either in person or submit written comments regarding the above matter, and they will be heard and considered. Copies of the proposed amendments are on file at the City of Bradenton City Hall and may be reviewed by the public between the hours of 9:00 a.m. to 5:00 p.m. Monday through Thursday, exclusive of holidays. Further information may be obtained from Brady M. Woods, Development Services & Zoning Manager, Planning and Community Development, 101 Old Main Street, Bradenton, Florida, 34205 or by calling (941) 932-9400.

Be advised that, in accordance with the Americans with disabilities act, persons needing a reasonable accommodation to participate in this proceeding should contact the city clerk & treasurer of the city of Bradenton at 101 Old Main Street, Bradenton, Florida 34205, telephone (941) 932-9445, not later than seven (7) days prior to the proceeding.

101095

City of Bradenton, Florida

City Council Agenda Memorandum

Agenda Item:	ORD 2969 LU.15.1832	**Agenda Date:**	Jun 10, 2015
Originated by:	BRADY M. WOODS	**Agenda Placement:**	NEW BUSINESS/HEARINGS
Authorized by:	TIM POLK		

Explanation

ORDINANCE 2969 FIRST READING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON FORM-BASED CODE INCLUDING MODIFICATIONS TO SIGNAGE AND FENCE STANDARDS; MODIFICATIONS TO THE VILLAGE ARTS OVERLAY DISTRICT; PROVIDING FOR CORRECTION OF TYPOGRAPHICAL ERRORS; AND PROVIDING AN EFFECTIVE DATE.

Financial Impact

Requested action to be taken by Council

APPROVAL

Staff Recommendation

APPROVAL

Attachments

PCD STF RPT; ORDINANCE 2969; ATTACHMENT A

bradenton
The Friendly City

PCD STAFF REPORT

Department of Planning & Community Development

PROJECT: LU.15.1832
TO: Planning Commission
FROM: Brady M. Woods, Development Services & Zoning Manager
DATE: 4/25/15; **REVISED 5/20/15**
APPLICANT: City of Bradenton

PROJECT SYNOPSIS:

Applicant's Request:	*Form-Based Code Text Amendment Fence standards, Sign Standards, Village of the Arts Overlay*
PCD Staff Recommendation:	*Approval*
Planning Commission Recommendation:	*Approval*
City Council Action-1st Reading:	*TBD – June 10, 2015*
City Council Action-2nd Reading:	*TBD – June 24, 2015*

SUMMARY OVERVIEW:
PCD Staff is requesting updates to the Form-Based Code to address fence standards, signage standards specific to T6 Urban Core, the Village of the Arts Overlay District, and correct any typographical errors as needed. This amendment only pertains to transects regulated by the Form-Based Code. No zoning change is proposed with this amendment.

The proposed text amendments to the Form-Based Code Section are shown in Attachment A in underline = addition, strikethrough = ~~deletion~~ format.

ANALYSIS

HISTORY OF PREVIOUS ACTION RELEVANT TO THIS REQUEST:
Bradenton City Council adopted Form-Based Code design and development regulations for the general downtown Bradenton area by City Council Ordinance 2930 on June 8, 2011. The Form-Based Code was most recently amended to modify regulations regarding overall signage specific to the Village of the Art Overlay District by adopting Ordinance 2966 on November 19, 2014.

COMPREHENSIVE PLAN CONSISTENCY:
The proposed request for text amendments to the Form-Based Code is consistent with the City's adopted Comprehensive Plan.

STAFF EVALUATION:
The proposed amendment formalizes fencing standards for more consistency with Form-Based Code regulations as opposed to standards found within the Land Use Regulations which are not applicable. Signage standards specific to the T6 Urban Core have amended to allow for monument signage on lots of a certain size (minimum 100 feet in width). The lot width minimum ensures that ground signs will not proliferate within the transect. Lastly, the request makes modifications to the Village of the Art Overlay District as it pertains to the

general description, gateway/identification signage, regulations for outdoor displays of art, and the expansion of the boundaries to include areas west of 14th Street.

SUMMARY OF OUTSIDE AGENCY/PUBLIC NOTIFICATION RESPONSE:
A letter from Scott McKay of the McKay Law Firm was received on May 12, 2015 written on behalf of Roy's Automotive Clinic (1219 14th Street West) expressing concerns of perceived changes to zoning and land use entitlements as a result of the proposed Village of the Arts Overlay District expansion. On multiple occasions, Staff has conveyed to Roy's Automotive Clinic that the proposed text amendment does, in no way, effect existing zoning designations nor does in alter or invalidate any previously approved development and use entitlements.

STAFF RECOMMENDATION:
APPROVAL of LU.15.1832 as submitted

PLANNING COMMISSION RECOMMENDATION (May 20, 2015):
APPROVAL of LU.15.1832 as submitted

CITY COUNCIL ACTION-1st READING OF ORDINANCE (June 10, 2015):

CITY COUNCIL ACTION-2nd READING OF ORDINANCE (June 24, 2015):

THE ARTISTS GUILD OF MANATEE
VOTA VILLAGE OF THE ARTS
PO BOX 729 • BRADENTON, FL 34206-0729
WWW.VILLAGEOFTHEARTS.COM • 941.747.8056

June 13, 2015

Dear Councilman Roff,

The Artists Guild of Manatee, which represents more than 50 homeowners, residents and business owners in the Village of the Arts would like to express support for the proposed expansion of the Village Overlay District as read at the June 10th city council meeting.

Our membership believes the expansion will create increased visibility for the district as well as open up new, exciting development opportunities along the 14th St. corridor leading to downtown Bradenton, which will benefit not only the Village of the Arts but the entire downtown urban core.

It has been the privilege of the Artists Guild and the entire Village of the Arts community to have the opportunity to work closely with many representatives from the City of Bradenton during the past several months as the expansion and related ordinances have been developed.

Sincerely,
Don Cosgrove
President, Artists Guild of Manatee, Village of the Arts.