CITY OF BRADENTON, FLORIDA, ORDINANCE NO. 2989

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENTS TO THE CITY OF BRADENTON FORM-BASED CODE BY REVISING ARTICLE 1 GENERAL PROVISIONS, ACRONYMS, APPLICABILITY, ADJUSTMENTS, APPEAL OF A DECISION, AND SCHEDULE 1 APPROVALS REQUIRED FOR LAND USE REQUESTS; ARTICLE 4 BUILDING SCALE PLANS AND URBAN STANDARDS, PRE-EXISTING CONDITIONS, BUILDING DISPOSITION, CLASSIFICATION OF USES, TABLE 4.7: SPECIFIC FUNCTION & USE, TABLE 4.15 FAÇADE TRANSPARENCY REQUIREMENTS, AND OVERLAY DISTRICT REGULATIONS; ARTICLE 7 LANDSCAPE STANDARDS; ARTICLE 11 PUBLIC ART APPLICABILITY EXEMPTIONS; AND ARTICLE 12 DEFINITIONS OF TERMS; 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 (FBC) 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 28th day of September 2016.

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

Wayne H. Poston, Mayor

ATTEST: CARL CALLAHAN

City Administrator

Planning Commission Public Hearing: August 16, 2016
First Reading and Public Hearing: September 14, 2016
Second Reading and Public Hearing: September 28, 2016

APPROVED AS TO FORM:

William R. Lisch
City Attorney

ORDINANCE # 2989
ATTACHMENT "A"

1.3 PURPOSE AND INTENT
1.3.5 Acronyms
The following acronyms are used throughout these FBC Regulations 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
DRC Development Review Committee
DRI Development of Regional Impact
FBC Form Based Code
FAC Florida Administrative Code
F.S. Florida Statutes
LUR Land Use Regulations
PCD Department of Planning and Community Development
PPNCD Point Pleasant Neighborhood Conservation District
SF or sf square feet/foot
SFHA Special Flood Hazard Area
TBRPC Tampa Bay Regional Planning Council
TLPB Tree and Land Preservation Board
VAOD Village of the Arts Overlay District

Missing acronyms used in the Code

1.5 APPLICABILITY
1.5.3 The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards except the Comprehensive Plan and Local Health and Safety Codes. The Land Use Regulations shall be used for subjects not covered by this Code with the exception of Permitted Uses and Special District Regulations.

The Code has references to the Land Use Regulations within it. Additionally, numerous subjects are not directly covered by the Code, e. g. Adult Entertainment Establishment, Public Notices, Historic Preservation, Subdivision Plats, Special Use Process, Tree Removals, so this passage needs to be added.

1.10 ADJUSTMENTS
1.10.1 Purpose and Applicability
The regulations of the Form Based Code Zone Districts are designed to implement the City of Bradenton Comprehensive Plan~~, portions of the R1, R2, R3, UCC and all of the UV, UC, UCBD~~ Future Land Use Categories. These regulations apply over a wide area, but because of the City's diversity, some sites may be difficult to develop in compliance with these regulations. The

Adjustment review process provides a mechanism by which the regulations of this division may be modified if the proposed development continues to meet the intended purpose of the Form Based Code. Adjustments may also be used when strict application of the regulations would preclude reasonable development or to relieve a property owner who, because of property characteristics beyond his or her control, is unable to meet a dimensional requirement of the FBC. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the regulation to continue to provide certainty and rapid processing of land use applications. Each Adjustment shall be considered unique and shall not set precedent for others.

The "R" categories mentioned are not Future Land Use categories and the simpler language to use is to make the Form Based Code applicable to all Future Land Use categories.

1.10.5 Appeal of Decision

e. An appeal of a decision of the PCD Director may be made to the City Council. In the event an appeal is filed, the City Council shall conduct a de novo public hearing which shall be advertised and conducted in accord with Section 2.3 of the City of Bradenton LURs. The appeal shall not subject the entire application for development approval to a public hearing unless otherwise required by this Code, but only that portion necessary to rule on the issue under consideration. <u>If the appeal involves a Special Use Permit, then the appeal and the entire application shall be considered by the Planning Commission and recommendation forwarded to the City Council.</u>

ARTICLE 1. GENERAL PROVISIONS

Schedule 1 - Approvals required for Land Use requests.

TYPE OF REQUEST SECTION REFERENCE	**APPROVALS REQUIRED** (PH-Public Hearing, O-Ordinance)					
	ADMINISTRATIVE	**PLANNING COMMISSION (PC)**	**CITY COUNCIL**	**~~TREE & LAND PRESERVATION BOARD~~**	**ARCHITECTURAL REVIEW BOARD (ARB)**	**CIRCUIT COURT**
ITEMS BELOW CITY OF BRADENTON FBC:						
FBC Site Plan	<u>X</u>					

The Tree & Land Preservation Board makes no approvals for Land Use requests, so the column should be deleted. Form Based Code Site Plan approvals are done administratively per the Code.

4.2 PRE-EXISTING CONDITIONS

4.2.3 Where building<u>(s)</u> exist on adjacent lot<u>(s)</u>, the PCD Director ~~may~~ <u>should</u> require that a proposed building<u>:</u> ~~match one or the other of the adjacent setbacks and heights rather than the provisions of this Code.~~

a. Meet the minimum side and front setbacks of an adjacent building or that which is predominant on the block.
b. Not exceed the maximum existing or allowable height without height bonuses of an adjacent building or that which is predominant on the block.

Previous wording was awkward and not clear enough.

4.5 BUILDING DISPOSITION
4.5.1 Specific to zones T3, T4-R, T4-O, T5, T6
4.5.1.g. Setbacks for Principal Buildings shall be as shown in Table 4.11g and Table 4.12. In the case of an Infill Lot, ~~Setbacks shall match one of the existing adjacent Setbacks.~~ the PCD Director should require that a proposed building:

a. Meet the minimum side and front setbacks of an adjacent building or that which is predominant on the block.
b. Not exceed the maximum existing or allowable height without height bonuses of an adjacent building or that which is predominant on the block.

Previous wording was awkward and not clear enough. The use of "shall" in this passage is too strong. Asterisk to be added to Table 4.11 Code Summary & 4.12 Form-Based Code Graphics for item g. Setbacks.

4.7.3 Classification of Uses
a. Considerations

i. Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in Subsection b below. Accessory uses are addressed in Subsection c below.

ii. The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

1. The description of the activity(ies) in relationship to the characteristics of each use category;
2. The relative amount of site or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. Signs;
11. How the use advertises itself; and

12. Whether the activity would be likely to be found independent of the other activities on the site.

b. Developments With Multiple Primary Uses. When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the "Retail Sales and Service" category because all of the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

c. Accessory Uses. Accessory uses are allowed by right in conjunction with the primary use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with each use categories.

d. Use of Examples. The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to general public, would be included in the Retail Sales And Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales And Service category.

e. Unlisted Uses. When a use cannot be clearly placed into a category, and it is not prohibited by the FBC, LUR or Comprehensive Plan; the PCD Director may allow an applicant to seek approval through a Special Use application.

There have been uses proposed by applicants that do not fit into any of the Special Function and Use categories. The existing language does not provide guidance for when this occurs. By adding this clause, the PCD Director may allow a proposed use that cannot be clearly classified to be processed as a Special Use.

TABLE 4.7: Specific Function & Use. This table delegates specific Functions and uses within Transect Zones.

e. CIVIC

	T3	T4-R	T4-O	T5	T6	SD
Convention Center				SU	SU	P
Conference Center				SU	P	P
Exhibition Center			SU	SU	SU	P
Fountain or Public Art	P	P	P	P	P	P
Library		P	P	P	P	P
Live Theater			P	P	P	P
Movie Theater			P	P	P	P
Museum			SU	P	P	P
Indoor Amusement Center			SU	SU	SU	SU
Outdoor Amusement Center			SU	SU	SU	SU
Outdoor Auditorium			SU	P	P	P
Passenger Terminal			SU	SU	SU	P
Playground	P	P	P	P	P	P
Sports Stadium			SU	SU	SU	P
Surface Parking Lot		P	P	P	P	P
Club		SU	SU			SU
Religious Assembly[3]	SU	~~SU~~ P	~~SU~~ P	P	P	~~SU~~ P

P=PERMITTED **SU=SPECIAL USE** **BLANK=NOT ALLOWED**

1. City Council approval may be required. Refer to LUR Sections ~~2.2.9~~ 2.2.10 and 4.3.1 for alcoholic beverage sales and approval requirements. Establishments with alcoholic beverage sales are exempt from distance separation requirements from Religious Assembly uses.

2. Adult and child day care centers with six or fewer clients and "Family Day Care Home" as defined and licensed by HRS are exempt from zoning requirements.

3. ~~Day care centers, schools, churches, and other religious establishments cannot be located within 500 feet of any Adult Entertainment Establishment.~~ Adult Entertainment Establishments cannot be located within 500 feet of any day care center, school, or religious assembly use.

The footnote reference to direct the reader to the LURs was missing and the code section referenced needed correction. Additionally, the existing alcoholic beverage sales separation requirements are not required by Florida Statutes and are local regulations. These regulations have on a number of occasions, stopped new establishments from entering the downtown.

Religious Assembly uses should not be prohibited from the T5 and T6 transects pursuant to the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). In T4-R, T4-O, and SD transects, there are permitted uses that allow people to assemble in buildings such as a club house for a condominium, a library, or a live theater that do not require a Special Use.

Requiring a Special Use for Religious Assembly can be viewed as placing an undue burden on an applicant for having to seek Council approval when other assembly uses are permitted. Additionally, requiring Religious Assemblies to seek a Special Use can also be viewed as treating the Religious Assembly use on less than equal terms as a non-religious institution which is expressly prohibited by RLUIPA.

"The land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws....

Religious assemblies, especially, new, small, or unfamiliar ones, may be illegally discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes and landmarking laws may illegally exclude religious assemblies in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes. Or the zoning codes or landmarking laws may permit religious assemblies only with individualized permission from the zoning board or landmarking commission, and zoning boards or landmarking commission may use that authority in illegally discriminatory ways.

To address these concerns, RLUIPA prohibits zoning and landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest. This prohibition applies in any situation where: (i) the state or local government entity imposing the substantial burden receives federal funding; (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses. In addition, RLUIPA prohibits zoning and landmarking laws that:

(1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions;

(2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;

(3) totally exclude religious assemblies from a jurisdiction; or

(4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

The Department of Justice can investigate alleged RLUIPA violations and bring a lawsuit to enforce the statute. The Department can obtain injunctive, but not monetary, relief. Individuals, houses of worship, and other religious institutions can also bring a lawsuit in federal or state court to enforce RLUIPA." Source: *https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act*

TABLE 4.8: Parking Regulations. This table categorizes Building Functions within Transect Zones. Parking requirements are correlated to functional intensity. For Specific Function and Use permitted By Right or by Special Use, see Table 4.7.

	T3	**T4-R**	**T4-O T5 T6**
CIVIC	See ~~Table 4.7~~ 4.10	See ~~Table 4.7~~ 4.10	See ~~Table 4.7~~ 4.10
OTHER	See ~~Table 4.7~~ 4.10	See ~~Table 4.7~~ 4.10	See ~~Table 4.7~~ 4.10

TABLE 4.15: Facade Transparency Requirements

*****These requirements apply in full with new construction or Substantial Improvements and shall only be modified by Adjustment. The elevations of buildings undergoing renovations shall comply with these requirements to the extent feasible as determined by the PCD Director.

The existing language elsewhere in the FBC calls for the façade transparency requirements to be administered in this fashion; however this addition is needed to make the regulations easier to read.

4.15.3 Antiques Overlay District (AOD).
a. 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.

4.15.4 Village of the Arts Overlay District (VAOD)
a. 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.

This change is removing a barrier that has prevented entrepreneurs from investing in these overlay districts.

7. LANDSCAPE STANDARDS

7.3.2 General to zones T3, T4-R, T4-O, T5, T6
c. Landscape Maintenance
vii. ~~Any native tree removed must be replaced with an equal amount (100%) of native tree canopy. Removal of specimen-sized trees is allowed only at the discretion of the PCD Department. Native State, County, or City champion Trees (largest in Florida, Manatee County, or Bradenton for that particular species), may not be removed, unless dead or diseased, and only at the discretion of the PCD Department. Palms may not be used to replace canopy of shade trees. Palms may be used to replace canopy lost by destruction or removal of palm trees. If there is insufficient space to replace canopy lost on development site, canopy may be replaced by planting trees in a mitigation area, public park, or other parcel if the City and the owner of parcel agree to the number, placement, and species selected for that parcel. In lieu of on site or off site replacement, applicant shall make payment into the tree fund.~~

~~viii. Any non-invasive, healthy, fruit tree greater than 6" DBH that is removed must be replaced with an equal amount of fruit tree canopy or native tree canopy.~~

~~ix. Any species of any size or DBH, if listed on "Invasive Species Prohibited Trees" of Section 2.2.3.1 of City of Bradenton's LURs or on Table 7.4 and Table 7.5, may be removed without a tree removal permit and may be removed without replacing the tree or plant. If replacement occurs, a native or fruit-bearing non-invasive tree or plant shall be selected.~~

~~x. Any species, if listed on "Invasive Species Prohibited Trees" of Section 2.2.3.1 of City of Bradenton's LURs is not creditable toward tree replacement or landscaping requirements.~~

The Land Use Regulations shall apply to tree Protection, tree Removal Permits, tree replacements, and construction barricades around trees.

All tree protection, removal, replacements, and construction barricades in the City should be governed by the same set of regulations. Administering two (2) sets of regulations has proven to be problematic, and as written the tree removal provisions of the FBC are not clear enough.

~~xi.~~ viii. Food gardens that include one or more of the following: fruits, vegetables, herbs, vines, tubers, rhizomes, grasses shall be planted in bordered planting beds if located in the First Layer. If located in the First or Second Lot Layers, planting beds shall be kept weed-free, with the exception of crop cover species such as rye. If located in the Third Lot Layer, there is no restriction on configuration, shape, or maintenance of food gardens.

7.4.1 Specific to zone T3

b. Turfgrass lawn is allowed. ~~provided that it does not occupy more than 25% of the lot area. Exception: There is no restriction on the amount of turfgrass if composed of Native grasses listed on Table 7.2. Furthermore, PCD Director may authorize a greater percentage of turfgrass lawn provided that turfgrass does not occupy lot area needed to carry out planting requirements specified in 7.4.1 a,b.~~

In implementing this requirement it has proven to be impractical; lawns are desired and needed for areas used for recreation and special permission from the PCD Director should not be required to be sought to have a lawn in a backyard.

7.4.2 Specific to zone T4-R <u>and T4-O</u>

This is apparently a drafting error that requires correction; other than parking lots, there are no landscape requirements in T4-O. With a front setback of 4 feet min. to 12 ft. maximum some materials can be placed. Single family dwellings are permitted in this transect and they need to be landscaped.

c. Turfgrass lawn is allowed ~~provided that it does not occupy more than 25% of the lot area. Exception: There is no restriction on the amount of turfgrass if composed of Native grasses listed on Table 7.2. Furthermore, PCD Director may authorize a greater percentage of turfgrass lawn provided that turfgrass does not occupy lot area needed to carry out planting requirements specified in 7.4.2 a,b.~~

In implementing this requirement it has proven to be impractical; lawns are desired and needed for areas used for recreation and special permission from the PCD Director should not be required to be sought to have a lawn in a backyard.

11. PUBLIC ART

11.3 APPLICABILITY

11.3.1 Any property owner or developer who applies to the City for a building permit to construct or make improvements to a property within Zones T4-O, T5, or T6 that exceed $250,000 in construction value and whose property falls within one of the following categories:

a. Residential development consisting of 4 or more units.

b. All commercial or mixed-use development

c. All public facilities designed for use by the general public constructed by the city or by any other government entity such as Manatee County, State of Florida, or Federal Government within the city's jurisdiction

11.3.2 Exemptions

a. Utilities and communications facilities including but not limited to substations, cellular transmission towers, and transformers.

b. Safety improvements including street and/or sidewalk repair.

c. Public Works projects initiated by the Public Works Department.

d. Projects wherein public art expenditure is not legally permissible due to the constraints imposed by the funding mechanism.
e. Religious Assembly uses

This is apparently a drafting error that requires correction.

12. DEFINITIONS OF TERMS

Dooryard (DY): a Private Frontage type with a shallow Setback and front garden or patio, usually with a low wall at the Frontage Line. (Variant: Lightwell, light court.)

The abbreviation needs to be added to improve usability of the code.

Forecourt (FC): a Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back.

The abbreviation needs to be added to improve usability of the code.

~~**Lightwell**~~ **Lightcourt (LC):** a Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. (Syn: ~~light court~~ lightwell.)

The abbreviation needs to be added to improve usability of the code; the LC abbreviation is used 18 times on Table(s) 6.2. Thoroughfare Assemblies and it is a simpler fix to switch the synonym in the definition rather than change all of the tables.

Layer: a range of depth of a Lot within which certain elements are permitted. The depth of the First Layer is the distance from the front property line of a Lot to the plane of the prominent front building façade. The depth of the Second Layer is a distance further back from the front façade, set within Section 4. The depth of the Third Layer is the remaining distance to the rear property line(s).

This is expanded definition improves the usability of the code.

Public Frontage: the area between the Curb of the vehicular lanes and the Frontage Line.

a. Types: The following abbreviations are used in Table 6.2 Thoroughfare Assemblies.

DY is Dooryard
FC is Forecourt
LC is Lightcourt
PF is Porch and Fence
ST is Stoop

The meaning of the abbreviations was missing from Table 6.2 and there is no room on the table to place this key.

Special Function & Use:

d. Retail: these uses involve the sale of goods to consumers, or the sale of merchandise to end users.

ii. Retail Building: a building in which the business activities customarily provide retail convenience goods. Typical uses include department stores, variety stores, drug and sundry stores, restaurants, delicatessens, cafeterias, grocery and markets, gift shops, wearing apparel, home and auto supply, furniture and appliances, hardware, package stores, newsstands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops (provided that products made on the premises are sold on the premises), camera and photo supply shops, radio and television sales and services, floor coverings, sporting goods, florists, jewelers, music and piano sales and service, art shops, electrical and lighting, laundry and dry cleaning, coin-operated or self-service laundry, farm and garden supplies excluding farm machinery and equipment, pet shops, and similar uses. Also included are personal services serving individual necessities, including but not limited to barber shops, beauty salons and spas, clothing rental, State Licensed massage, photographic studios, tailors, tattoo parlors, and travel agencies.

For further guidance personal service uses need to be added to the definition of what can occur in a retail building.

e. Civic Uses

xviii. Religious Assembly: any place of worship including any church, synagogue, temple, mosque, or other building or facility or place primarily engaged in religious worship. The term "church" does ~~may~~ include uses such as schools, recreational facilities, day care or child care facilities, kindergartens, dormitories or other facilities for temporary or permanent residences which are connected or related to the church however, these accessory uses may have additional use criteria as identified in Table 4.7.

This is apparently a drafting error that requires correction.

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.

This definition of a use that is not permitted needs to be added.

Stoop (ST): a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance.

The abbreviation needs to be added to improve usability of the code.

EVALUATION AND REPORT

Department of Planning & Community Development

PROJECT:	**LU.16.1180 Form-Based Code Amendments**
TO:	City Council
FROM:	Christopher M. Gratz, AICP, Development Services & Zoning Manager
DATE:	8/16/2016, revised for 9/14/2016
APPLICANT:	City of Bradenton

PROJECT SYNOPSIS:

Applicant's Request:	*Form-Based Code Amendments*
PCD Staff Recommendation:	*Approval*
Planning Commission Recommendation:	*Approval, August 16, 2016*
City Council Action-1st Reading:	*TBD, September 14, 2016*
City Council Action-2nd Reading:	*TBD, September 28, 2016*

SUMMARY OVERVIEW:

The Form-Based Code (FBC), like any book of regulations, can always be improved and is therefore going to require revisions from time to time. Staff has compiled several changes to the FBC that we believe are necessary. Most of the changes have been presented in workshops with the Planning Commission and City Council and are now being formally brought forward for adoption.

The intent of the amendments is to improve the FBC by:

- Making it more user-friendly by fixing references and providing clearer wording
- Having consistency with the Land Use Regulations
- Providing additional and expanded definitions

The substantial changes include:

- Allowing Religious Assembly uses by right in T-4R, T4-O, T5, T6 and SD transects
- Exempting establishments with alcoholic beverage sales from distance separation requirements with Religious Assembly Uses
- Removing the prohibition of live/work eating/drinking establishments in the Village of the Arts and Antiques Overlay District

The proposed text amendments to the Form-Based Code Section are shown in "Attachment A" to Ordinance #2989 in underline = addition, strikethrough = ~~deletion~~ format. Staff commentary regarding the changes is presented below each section in ***bold italics***.

ANALYSIS

HISTORY OF PREVIOUS ACTION RELEVANT TO THIS REQUEST:

The Form-Based Code was adopted by City Council on June 8, 2011, and has been revised five (5) times since then.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed amendment to the Form-Based Code is consistent with the City's adopted Comprehensive Plan.

STAFF EVALUATION:

Staff believes the proposed regulations represent small but important changes to the FBC and should be adopted as submitted.

SUMMARY OF OUTSIDE AGENCY/PUBLIC NOTIFICATION RESPONSE:

None received at the date of publication of the staff report.

ATTACHMENTS

Ordinance #2989

STAFF RECOMMENDATION:

APPROVAL of LU.16.1180 as submitted.

PLANNING COMMISSION RECOMMENDATION (August 16, 2016):

APPROVAL with changes as presented, 5-0.

CITY COUNCIL ACTION-1st READING OF ORDINANCE (September 14, 2016):

CITY COUNCIL ACTION-2nd READING OF ORDINANCE (September 28, 2016):