CITY OF BRADENTON, FLORIDA, ORDINANCE NO. 2948

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 PRE-APPLICATION PROCESS, WAIVER/ADJUSTMENT PROCESS AND CRITERIA; DEFINITION OF TERMS; PROVIDING FOR INCLUSION OF HISTORIC, ANTIQUE, AND VILLAGE OF THE ARTS DISTRICTS; 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.

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 April 2013.

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

First Reading and Public Hearing: April 10, 2013
Advertised March 31 and April 14, 2013
Second Reading and Public Hearing: April 24, 2013

APPROVED AS TO FORM:

William R. Lisch
City Attorney

bradenton
The Friendly City

EVALUATION AND REPORT
Department of Planning & Community Development

TO:	Planning Commission
FROM:	Brady M. Woods, Development Services Manager
DATE:	March 21, 2013; REVISED April 4, 2013; **REVISED April 17, 2013**
APPLICANT:	City of Bradenton – Planning and Community Development
REQUEST:	Form-Based Code Text Amendment LU.13.00051

SUMMARY OVERVIEW:
Staff has updated and made minor revisions to the Form-Based Code to address several issues regarding application requirements, review processes, special district regulations, and typographical errors. This amendment only pertains to the transects regulated by the Form-Based Code. No map changes are proposed with this amendment.

The proposed text amendments to the Form-Based Code Table of Contents; Article 1-General Provisions; Article 4-Building Scale Plans and Urban Standards; and Article 12-Definition of Terms 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 signage, fencing, and marina development, and adopted by City Council Ordinance 2935 on February 27, 2012.

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

STAFF EVALUATION:
The proposed text amendments seek to allow more flexibility in land use while modifying the review processes and criteria required for administrative or legislative approval. This request will also add the city's special districts that are wholly located within the Form-Based Code regulating area and their district-specific development regulations. Along with minor modifications to land use definitions and typographical corrections, Staff believes these changes will help adjust Form-Based Code regulations to development realities of the built environment as well as provide greater clarification and readability for a more user-friendly document.

STAFF RECOMMENDATION: APPROVAL as submitted

PLANNING COMMISSION SPECIAL WORKSHOP: (April 3, 2013) Reviewed as Information Only. No action taken.

CITY COUNCIL FIRST READING: (April 10, 2013) Ordinance 2948 read into record and forwarded to April 24, 2013 City Council hearing for second reading and final determination.

PLANNING COMMISSION RECOMMENDATION: (April 17, 2013) **APPROVAL** as submitted.

CITY COUNCIL SECOND READING/ADOPTION: (April 24, 2013)

ATTACHMENT A
FORM-BASED CODE TEXT AMENDMENT
LU.13.00051

SECTION 1.8 ADMINISTRATIVE INTERPRETATION

b. Procedure

ii. The request shall specifically identify the particular provision or regulation for which an interpretation is requested and shall further identify the real property and the proposed development or redevelopment thereon to which the interpretation will be applied. The PCD Director shall issue a written opinion on the request and shall forward same to the person who requested the interpretation. ~~The PCD Director shall send a copy of the written opinion 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's 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.~~

SECTION 1.9 DEVELOPMENT APPROVAL AND SITE PLAN PROCESS

1.9.1 Pre-Application Conference ~~(optional)~~

a. Request and Scheduling. An applicant for development approval within a FBC Zone District ~~may, at their option,~~ shall file with the PCD Department to request an informal conference with ~~a representative of the PCD Department or~~ the Development Review Committee (DRC) prior to filing an application for development approval.

SECTION 1.9 DEVELOPMENT APPROVAL AND SITE PLAN PROCESS

1.9.2 Application Submission Requirement

a. All applications for development approval within the FBC Zone Districts shall be processed administratively except those that require Adjustments or Special Use that fall within the scope of the Architectural Review Board/Planning Commission. All applications within the FBC Zone Districts shall be submitted to the PCD Department in a form specified by the PCD Director. All applications for development approval, except for City-initiated applications, shall be accompanied by the payment of a fee in accordance with the provisions of Section 2.3.2 of the City of Bradenton LURs. All applicants for development approval, other than the City of Bradenton shall be required to submit such information with the application as required by the "Development Approval Application" package utilized by the City and may be required to submit such additional information as the City may deem necessary to review the proposed development. A physical and/or digital massing model of a proposed project may be required by the PCD Director to evaluate the effect of a proposed project on the surrounding area and better understand the project's characteristics.

1.9.3 Enforcement

Should a violation, as deemed by the PCD Director, of an approved design occur during construction, the PCD Director has the authority to require the developer to stop, remove, and/or alter the violation or to require the developer to secure an ~~Waiver or~~ Adjustment in accord with section 1.10.

SECTION 1.10 ~~WAVIERS AND~~ 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 ~~Waiver and~~ 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. ~~Waivers and~~ 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 ~~Waiver or~~ Adjustment shall be considered unique and shall not set precedent for others.

1.10.2 Authority to Adjust Regulations ~~That May and May Not Be Waived or Adjusted~~

a. ~~Eligible Regulations~~ PCD Director. Unless listed below in subsection b, all regulations in the Form Based Code Zone Districts may be modified by the PCD Director using the ~~Waiver or Adjustment review process.~~ procedure set forth in Section 1.10.3 and the criteria set forth in Section 1.10.6.

b. ~~Ineligible Regulations.~~ Architectural Review Board or Planning Commission. ~~No Waivers or~~ Adjustments ~~shall be granted~~ for the following items shall require approval in conformance with Sections 1.10.3 and 1.10.4 and using criteria set forth in Section 1.10.6:

   ~~Allowed uses~~

   i. Maximum residential densities. Exception: An Adjustment to the maximum density may be considered by the PCD Director when the zoning lot size is insufficient to permit one dwelling unit.

   ~~iv. Location of Parking in the A-grid.~~

   iv. Requirements applicable to bonus height.

   ~~vi. Frontage types prohibited under Table 4.11.~~

   v~~i~~. Signs prohibited under Section 4.12 "Signage Standards" and Section 5.5. City of Bradenton LURs.

1.10.3 Authority and Procedure

a. Application Requirements. An application for an ~~Waiver or~~ Adjustment shall be accompanied by documentation that establishes how the applicant meets the criteria of an Adjustment ~~Article 4~~ and other relevant sections of the FBC.

b. Staff Review and Report

   i. The Department of Planning and Community Development shall review the application for the ~~Waiver~~ Adjustment and may request comments of members of the Development Review Committee (DRC), and shall prepare a written staff analysis of the issues raised by the application.

   ii. In conjunction with final project approval, the PCD Director is authorized to grant ~~Waivers~~ Adjustments from the following standards.

      ~~1. Dimensional Standards. Except for the preservation of trees, no Waiver to a dimensional standard shall be granted by the PCD Director which would result in a reduction of a code requirement or an increase in a code limitation by more than twenty-five percent (25%). For example, a 12-foot minimum recess may be reduced to 9 feet or a maximum sign area of 4 square feet may be increased to 5 square feet.~~

      ~~2~~1. Placement of Signs.

~~3~~2. Building Design Standards for street walls, windows, shape of openings, roofs and exterior finish standards.

iii. All other ~~Waivers and~~ Adjustments require approval from the ARB for ~~Waivers or~~ Adjustments related to buildings or the Planning Commission for those regarding site plan elements. The PCD Director shall make a recommendation based on review criteria.

1.10.4 Architectural Review Board or Planning Commission Action

a. ~~Waiver may be appealed to the ARB (buildings/architecture) or the Planning Commission (site plans).~~ If a request for an Adjustment ~~Waiver~~ exceeds the authority of the PCD Director (defined in 1.10.2.a ~~b. ii above~~), then the request shall be referred to the ARB or Planning Commission for initial consideration. In either event, the ARB or Planning Commission 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 ARB or Planning Commission shall review the proposed ~~Waiver or~~ Adjustment, shall consider the written staff analysis and the testimony at the public hearing, and shall grant with conditions, or deny the application. The request for an ~~Waiver or~~ Adjustment 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.

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.

1.10.6 Approval Criteria

a. Civic/Government Uses. ~~Waiver or~~ Adjustment requests for uses that are uniquely governmental such as city hall/administration centers, court houses, public safety/public works facilities, public mass transit terminals, post offices, public libraries, public museums, or public schools/colleges will be approved with changes, or approved with conditions if the PCD Director or applicable review body finds that the applicant has shown that approval criteria "i" through "iv" below have been met. ~~Waiver or~~ Adjustment requests will be denied if the applicant has not demonstrated to the satisfaction of the review body that all the criteria have been met.

   iv. The ~~Waiver or~~ Adjustment will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

b. Other "Non-Government" Uses. ~~Waiver or~~ Adjustment requests for uses that are not uniquely governmental such as apartments/condominiums, hotels/motels, retail/service shops, or office buildings (regardless of ownership) will be approved with changes, or approved with conditions if the PCD Director or applicable review body finds that the applicant has shown that ~~either~~ approval criteria "i" through ~~"v" or approval criteria "vi" through "viii" below,~~ "iii" have been met. ~~However, in making findings of fact the review body shall hold buildings fronting the A Grid to a higher standard in support of pedestrian activity than buildings fronting the B Grid.~~ ~~Waiver or~~ Adjustment requests will be denied if the applicant has not demonstrated to the satisfaction of the PCD Director or applicable review body that the criteria have been met.

   ~~i. Granting the Waiver or Adjustment will equally or better meet the purpose of the regulation to be adjusted; and~~

~~ii. The proposal will not significantly detract from the livability or appearance of the Form Based Code zone district or the proposal will be consistent with the desired character of T3, T4-R, T4-O, T5 and T6; and~~

~~iii. If more than one Waiver or Adjustment is being requested, the cumulative effect of the Waivers or Adjustments results in a project which is still consistent with the overall purpose of the zone; and~~

~~iv. City designated historic resources (if applicable) are preserved; and~~

~~v. Any impacts resulting from the Waiver or Adjustment are mitigated to the maximum extent practical;~~

~~vi. Application of the regulation in question would preclude all reasonable economic use of the site; and~~

~~vii. Granting the Waiver or Adjustment is the minimum necessary to allow the use of the site; and~~

~~viii. Any impacts resulting from the Waiver or Adjustment are mitigated to the extent practical.~~

i. Granting the Adjustment will promote the same general level of land use compatibility as the otherwise applicable standards;

ii. Granting the Adjustment will not materially affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setback and other land use considerations, and;

iii. Granting the Adjustment will be generally consistent with the purpose and intent of the Form-Based Code and the existing LURs, where applicable.

c. Preservation of Trees. It is the intent of this section to permit the applicant to receive an ~~Waiver or~~ Adjustment equal to the decrease in the buildable area caused by the modification required to the structure to preserve trees protected by Article 7 of this Code. An application for an ~~Waiver or~~ Adjustment shall demonstrate all of the following three (3) requirements are met.

i. The ~~Waiver or~~ Adjustment is for the purpose of preserving a tree or trees protected by Article 7; and,

1.10.7 Conditions

In granting any ~~Waiver or~~ Adjustment, the approving body shall prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the ~~Waiver or~~ Adjustment is granted, shall be deemed a violation of these regulations.

1.10.8 Enforcement

Should a violation of an approved design occur during construction, the PCD Director or designee has the authority to require the developer to stop, remove, and/or alter the violation or to require the developer to secure an amendment to the approved ~~Waiver or~~ Adjustment in accord with Section 1.10.

1.10.9 Expiration of Approval & Amendments

An ~~Waiver or~~ Adjustment shall expire upon the expiration of the site plan into which the Adjustment has been incorporated. An ~~Waiver or~~ Adjustment may be amended, only by following the procedures outlined in Article 1.10.

SCHEDULE 1 – APPROVALS REQUIRED FOR LAND USE REQUESTS.

Updates to table

SECTION 4.7 BUILDING FUNCTION

4.7.2 Category Titles

b. The following use categories are defined in this Division:

i. Residential Use Categories

~~6. Group Living~~

~~7. Household Living~~

~~9. Congregate Facility~~

viii. Civil Support

7. Marinas

SECTION 4.10 TRANSECT PARKING STANDARDS

4.10.2 Transect Parking Ratios For T4-R, T~~5~~4-O, T5, and T6

4.10.4 Transect Parking Ratios For T4-R, T~~5~~4-O, T5, and T6

TABLE 4.7 SPECIFIC FUNCTION & USE

~~Open and filled squares representing Permitted and Special Use~~ "P" and "SU" representing Permitted and Special Use, respectively.

j. Other Industrial

Warehouse allowed by Special Use in T4-O and T5

SECTION 4.15 OVERLAY DISTRICT REGULATIONS

4.15.1 Historic Overlay District. There are two Historic Overlay Districts and scattered historic buildings 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 Overlay Districts, buildings, and resources. Applications for a Certificate of Appropriateness shall require approval by the PCD Director, as indicated in Section 4.15.2.

4.15.2 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.

4.15.3 Antiques Overlay District (AOD). The purpose of the AOD 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 AOD 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.		✓
ART & CRAFTS: Fine arts and jewelry, crafts creation and sales (i.e. painting, sculpture, stained glass, 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.	✓	
OTHER USES		
Other similar non-intensive, low traffic-generating non-residential uses	*	*
Day Care		✓
Public Event	*	

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

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.

b. 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 AOD theme in general. In all cases, extensive landscaping may be required to mitigate the impacts of excessive parking in residential neighborhoods.

c. 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 AOD theme.

d. 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 AOD 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.

e. Special Events. Special events may be permitted within a specifically identified area of the AOD, 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 AOD 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.

4.15.4 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.	✓	
ART & CRAFTS: Fine arts and jewelry, crafts creation and sales (i.e. painting, sculpture, stained glass, gallery).	✓	
EATING/DRINKING ESTABLISHMENT: Café, restaurant, coffee shop, bakery.	*	
OTHER USES		
Other similar non-intensive, low traffic-generating non-residential uses	*	*
Day Care		✓
Public Event	*	

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

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.
b. 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.
c. 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.

d. 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.

e. 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.

f. 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 of the city LURs. Within the VAOD, the accessory dwelling unit can exceed the height of the principal building by one story if the principal structure is primarily commercial in nature and the second level of the accessory dwelling unit is a designated living space for the owner or tenant.

   i. Approval Process. One accessory dwelling unit is permitted per eligible lot, provided the PCD Director first approves the proposed accessory dwelling unit and a standard building permit is issued.

   ii. 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.

   iii. Lot Standards:

      1. The lot proposed for an accessory dwelling unit shall contain an existing single-family dwelling unit.
      2. The lot must meet or exceed the minimum dimensional and area standards set forth in the specific FBC zoning transect for one dwelling unit to be eligible for an accessory dwelling unit.
      3. The accessory dwelling unit shall meet or exceed minimum side and rear yard setbacks set forth in the specific FBC zoning transect.
      4. Total Lot Coverage shall not exceed 70 percent.

   iv. 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.

v. Accessory Dwelling Unit Building Standards:
   1. Accessory dwelling units must be permanent structures that reflect the architectural style and character of the principal dwelling unit.
   2. 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.
   3. Accessory dwelling unit can exceed the height of the principal building by one story if the principal structure is primarily commercial in nature and the second level of the accessory dwelling unit is a designated living space for the owner or tenant.
   4. 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.
   5. 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.
   6. The accessory dwelling unit shall not contain more than one bedroom.
   7. The accessory dwelling unit shall not be intended for sale and may be rented.

vi. 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.

vii. Public Health:
   1. Applicants must supply the PCD Director with certification by the Public Works Department that the water supply and sewage disposal facilities are adequate for the projected number of residents.
   2. Only one electrical and one water meter shall be allowed to serve the principal dwelling unit and the accessory dwelling unit.

viii. Public Safety. Applicants must supply the PCD Director with certification by the City of Bradenton Fire Department that the proposed accessory dwelling unit will comply with the Florida Fire Prevention Code.

g. 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 district development standards 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 purposes. It is intended for the owner or resident of the premises to prepare individually crafted artwork.

SECTION 12.1 INTENT

Adjustment: a ruling that would permit an alternative to ~~practice that is not consistent with~~ a specific provision of this Code~~, but~~ that is justified by its Intent.

Special Function & Use:

d. Retail

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, ~~cocktail lounges, taverns~~, 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, coinoperated or self-service laundry, farm and garden supplies excluding farm machinery and equipment, pet shops, and similar uses.

~~Waiver: any dimensional change 25% or less than the stated requirements.~~