

**CITY OF BRADENTON BEACH  
ORDINANCE NO. 23-547**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AMENDING THE BRADENTON BEACH CODE OF ORDINANCES, SPECIFICALLY THE LAND DEVELOPMENT CODE SO AS TO AMEND SECTION 308.20, OPEN-AIR DINING AREAS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

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

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

**SECTION ONE. Findings of Fact**

The above “whereas” clauses are deemed findings of fact.

**SECTION TWO. Amend Section 308.20, Open-Air Dining Areas**

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

308.20. Open-air Dining Areas.

308.20.1. A special use permit is required for all open-air dining areas with the exception of open-air dining areas on lots abutting Bridge Street where open-air dining is a permitted use.

308.20.2. Open-air dining areas shall be buffered from all adjoining residential uses by part of a principal structure or by a fence, wall or hedge not less than five feet high and not less than 50

percent opaque. ~~Buffering shall not be required if the open-air dining area is separated from the residential use by a right-of-way.~~ Additional buffering may be required by the City Commission for site plan approval as set forth in 308.20.11.

308.20.3. Except for lots abutting Bridge Street, any awning or similar type of roof area utilized for open-air dining, along with open-air dining seats shall meet the required setback for the zoning district and the setbacks shall be measured consistent with section 308.5.

308.20.4. Open-air dining areas may be covered by an awning, or a roofed structure or umbrellas. For purpose of clarification tents are not considered awnings nor roofed structures.

308.20.5. No heating or cooking of food is permitted in open-air dining areas unless a special permit for such activity is granted in conformance with the requirements of this Chapter.

308.20.6. Open-air dining areas seats and covered or uncovered tables shall not:

1. Encroach on public rights-of-way;
2. Interfere with on-site vehicular and pedestrian circulation, parking and loading areas; and
3. Block or restrict doors or other means of required egress for emergency purposes.

308.20.7. Open-air dining areas located under awnings or roofed structures shall be subject to the minimum setback requirements for the structure. ~~Open-air dining areas not located under awnings or roofed structures shall require seats, covered and uncovered tables shall comply with required setbacks, with the exception of uncovered open-air dining areas on lots abutting Bridge Street which do not have to comply with the front or side yard setbacks and only requires a five-foot setback from all property lines, including from Anna Maria Sound and Sarasota Bay, including chairs, tables, umbrellas and other equipment.~~

308.20.8. Additional signage or outdoor advertising shall not be permitted.

308.20.9. Open-air dining seats shall provide parking per Section 604.7.9(12), with the exception of open-air dining on lots abutting Bridge Street which requires no parking.

308.20.10. Open-air dining seats that were permitted prior to the effective date of this Section shall continue to be allowed and not subject to this Section unless an application is submitted to increase the number of open-air seats.

308.20.11. Where open-air seating is approved, the number of permitted seats shall be included ~~in calculated fees for Business Tax Receipts~~ documented on a site plan approved and maintained by the city.

308.20.12. All outdoor lighting must be fully shielded so as to not impact rights-of-way or neighboring properties and shall comply with Marine Sea Turtle Lighting Ordinances. The owner and operator shall be responsible to ensure compliance at all times.

308.20.13. All tables and chairs used for open-air dining areas shall be stored inside the principal structure upon notice of a hurricane warning by Manatee County Emergency Operations.

308.20.14. This Section does not authorize any construction, renovation or expansion of any structures, nor does it authorize any other site development. Additional safety measures and or improvements may be required for site plan approval of open-air dining.

308.20.15. No separate bar service shall be provided as part of the outdoor dining area, except in conjunction with meal service.

308.20.16. No fixed or permanent heating or air conditioning systems shall be employed in the open-air dining area.

### **SECTION THREE. APPLICABILITY.**

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

### **SECTION FOUR. REPEAL OF ORDINANCES IN CONFLICT.**

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

### **SECTION FIVE SEVERABILITY.**

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


### **SECTION SIX. EFFECTIVE DATE.**

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

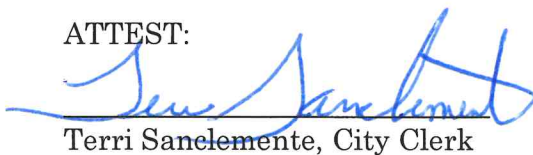
**PASSED and ADOPTED** in regular session, with a quorum present and voting, by the City Commissioners of the City of Bradenton Beach, upon the second and final reading this 20th day of April, 2023.

John Chappie, Mayor  
Marilyn Maro, Vice Mayor  
Ralph Cole, Commissioner  
Jacob Spooner, Commissioner  
Jan Vosburgh, Commissioner

I hereby approve this Ordinance:

  
\_\_\_\_\_  
John Chappie, Mayor

ATTEST:

  
\_\_\_\_\_  
Terri Sanelemente, City Clerk

4/20, 2023

