

CITY OF ANNA MARIA
ORDINANCE NO. 12-732

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANNA MARIA; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF SECTION 114-222, LOT, YARD, BULK AND PARKING REGULATIONS. (4) SWIMMING POOLS OF THE R-1 AND R-2 RESIDENTIAL DISTRICT; PROVIDING FOR AMENDMENT OF SECTION 114-222, LOT, YARD, BULK AND PARKING REGULATIONS (6) HEIGHT OF BUILDING AND STRUCTURES OF THE R-1 AND R-2 RESIDENTIAL DISTRICT; PROVIDING FOR THE ADDITION OF SECTION 114-222, LOT, YARD, BULK AND PARKING REGULATIONS. (10) STORMWATER MANAGEMENT OF THE R-1 AND R-2 RESIDENTIAL DISTRICT; PROVIDING FOR THE ADDITION OF SECTION 114-429 COMBINATION OF LOTS AUTHORIZED, (4) UNITY OF TITLE OF ARTICLE VI, SUPPLEMENTAL REGULATIONS; PROVIDING FOR AMENDMENT OF SECTION 114-423 WALLS AND FENCES (C) GENERAL REGULATIONS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Anna Maria 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 City of Anna Maria is primarily residential in character with its residents and citizens enjoying an island lifestyle; and

WHEREAS, the City of Anna Maria is proposing the amendments to better clarify residential development; and

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

NOW, THEREFORE, be it ordained by the City Commission of the City of Anna Maria, the following:

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48 **Section One. Findings of Fact**
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50 The above “whereas” clauses are deemed findings of fact.
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52 **Section Two. Amendment to Section 114-222, Lot, yard, bulk and parking**
53 **regulations (4) Swimming Pools**

54 Section 114-222, Lot, yard, bulk and parking regulations, (4) Swimming pools, of the Code of
55 ordinances of the City of Anna Maria, is hereby amended by adding all language shown as
56 underscored and deleting all language shown as strikethrough, so as to read in its entirety as
57 follows:

58 (4) *Swimming pools.* Swimming pools, shell or hole, shall not be counted as ~~ground~~
59 impervious surface coverage, unless included within the perimeter of the residence
60 building, enclosed and under a conventional roof, or unless enclosed and roofed
61 separately. All impervious decking surrounding the pool, shell or hole, shall be counted
62 as ~~ground~~ impervious surface coverage. Caged and uncaged ~~The swimming pools and the~~
63 swimming pool equipment ~~its deck~~ shall be set back from the lot line or property line the
64 minimum setback required for the particular yard. Uncaged swimming pools located on
65 through lots ~~may~~ shall be set back ~~ten~~ a minimum of five feet from the adjoining lot line
66 or property line if the pool is located in the street yard which does not contain the
67 structure's main entrance.
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69 **Section Three. Amendment to Section 114-222, Lot, yard, bulk and parking**
70 **regulations (6) Height of building and structures**

71 Section 114-222, Lot, yard, bulk and parking regulations, (6) Height of building and structures, of
72 the Code of ordinances of the City of Anna Maria, is hereby amended by adding all language
73 shown as underscored and deleting all language shown as strikethrough, so as to read in its
74 entirety as follows:

75 (6) *Height of building and structures.* No building or structure or part thereof shall
76 exceed 37 feet as measured from the crown of the road to the highest point of the roof.
77 Where property adjoins two or more streets, the referenced street level shall be the
78 highest street level adjoining the property. Where the adjoining street is paved, the
79 reference level shall be the crown of the pavement. If the adjoining street or streets are
80 unpaved, the reference point shall be a level four inches higher than the highest unpaved
81 street surface. ~~No structure shall contain more than two habitable floors of living area.~~
82 No lot or parcel shall contain more than a total of two habitable floors for all structures
83 combined whether structures are connected or separated.
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88 **Section Four. Amendment to Section 114-222, Lot, yard, bulk and parking**
89 **regulations (10) Stormwater management**

90 Section 114-222, Lot, yard, bulk and parking regulations, (10) Stormwater management, of the
91 Code of ordinances of the City of Anna Maria, is hereby amended by adding all language shown
92 as underscored, so as to read in its entirety as follows:

(10) Stormwater management. Dwellings shall be constructed in such a manner as to prevent flooding from stormwater exiting the site to adjacent property, including roadways. Sites shall be graded in such a manner as to provide runoff rates, volumes and pollutant loads not exceeding predevelopment conditions. Retention and detention areas shall be placed along front, side or rear lot lines to meet Chapter 102, Stormwater requirements and shall incorporate steps to control erosion and sedimentation. See Chapter 102 for Stormwater regulations.

Section Five. Amendment to Section 114-429, Combination of lots authorized

Section 114-429, Combination of lots authorized, (4) Unity of title, of the Code of ordinances of the City of Anna Maria, is hereby amended by adding all language shown as underscored, so as to read in its entirety as follows:

Sec. 114-429. Combination of lots authorized.

(a) Two or more lots, parcels, or a combination thereof, may be combined for use as a single building site pursuant to the following conditions:

(1) The lots or parcels shall be adjoining and under single ownership.

(2) The owner of the combined lots or parcels shall cause the Manatee County Property Appraiser and the Manatee County Tax Collector to place the combined lots under a single parcel identification number for assessment and taxation purposes.

(3) If the combined lots or parcels include are made up of parcels described by metes and bounds, the owner shall cause a new legal description of the combined parcel to be created. The new legal description shall be placed on file with the city with a copy provided to the Manatee County Property Appraiser and Manatee County Tax Collector.

(4) Unity of title. When more than one lot is utilized to satisfy yard setbacks, building coverage, lot coverage, or residential docking facilities, a unity of title shall be recorded. The unity of title shall state that said lots shall be considered as one parcel of land and no portion of said parcel of land shall be sold, transferred, devised, or assigned separately, except in its entirety as one parcel of land. A copy of the recorded unity of title shall be provided to the City prior to the issuance of any permits.

(b) Upon completion of the above steps, the parcel shall be considered a single building site and available for all uses allowed single building sites under the zoning category for the zoning district in which it is located. As a single building site, the internal lot line may be ignored for setback purposes. All setbacks shall be measured from the outside boundary lines of the combined parcel. If there are public easements located along the centerline of the parcels within the combined parcel, the applicant must apply for and obtain a vacation of these easements. The parcel may not be considered a single building site unless any public easement is properly vacated.

(c) Combining of the parcels does not affect private easements.

(d) Building sites consisting of two or more lots or parcels which predate the date of this section shall come into compliance with this section at the time of the next issuance of a city permit for activities on the property.

Section Six. Amendment to Section 114-423, Walls and fences (c) General regulations

Section 114-423, Walls and fences, (c) General regulations of the Code of ordinances of the City of Anna Maria, is hereby amended by adding all language shown as underscored, so as to read in its entirety as follows:

(4) *Maximum height in residential zoned property including single-family residential property in the ROR zone district.* Except as otherwise provided in this section, fences located within the front yard adjoining Gulf Front Park or waterfront setbacks shall not exceed a height of four feet above the existing ground grade prior to site alteration. Fences located within the side and rear setbacks shall not exceed a height of six feet above the existing ground grade prior to any site alteration. Pergola, trellis, arbor exempt from the height limits but cannot exceed 8 feet in height and 8 feet in width and requires a building permit and cannot be located within the visibility triangle and limited to one on each lot or parcel. (For setbacks refer to section 114-222.)

(5) *Maximum height in commercial, residential/office/retail, conservation, public recreation, and public/semi-public zoned property.* Fences located within a side and rear setbacks shall not exceed a height of six feet above the existing ground grade, except that such fence, if located within the front or waterfront setbacks shall not exceed the height of four feet above the existing ground grade. Pergolas, trellises, and arbors are exempt from the above height limits but cannot exceed 8 feet in height and 8 feet in width, requires a building permit and cannot be located within the visibility triangle and are limited to one on each lot or parcel.

Section Seven. Repeal of Ordinances in Conflict. All Ordinances of the City of Anna Maria in direct conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section Eight. 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 Anna Maria

Section Nine. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not effect the remaining portions hereof.

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PASSED AND ADOPTED, by the City Commission of the City of Anna Maria,
Florida, in regular session assembled, this ____ day of _____, 2012.

Charles Webb, Chairman
SueLynn, Commissioner
Jo Ann Mattick, Commissioner
John Quam, Commissioner
Dale Woodland, Commissioner

Charles Webb, Chairman

I hereby approve this Ordinance:

Michael S. Selby, Mayor

ATTEST:

Alice Baird, City Clerk

_____, 2012