

## ORDINANCE NO. 16-810

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING THE CODE OF THE CITY OF ANNA MARIA AS TO SECTION 114-282 "LOT, YARD, BULK AND PARKING REGULATIONS"; AND SECTION 114-134 "NONCONFORMING STRUCTURES"; TO MAKE SUCH SECTIONS CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF ANNA MARIA; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA:**

**SECTION 1:** Section 114-282, "Lot, yard, bulk and parking regulations", of Division 5. - ROR, Residential/Office/Retail District, Article V. – District Regulations, of Chapter 114, "Zoning", of the Code of the City of Anna Maria, is hereby amended to read as follows:

Sec. 114-282. - Lot, yard, bulk and parking regulations.

Lot, yard, bulk and parking regulations for the ROR district are as follows:

(1) Minimum dimensions. Minimum dimensions are as follows:

	Area (square feet)	Width (feet)	Depth (feet)
For lots platted prior to February 15, 2009	5,000	50	*
For lots platted after February 15, 2009	7,500	75	*

\* Residential lot depth may be adjusted so long as minimum area requirements are complied with and lot width is at least 50 feet of frontage on a public road or approved private access.

(2) Allowable lot coverage and living area ratio (LAR).

a. The LAR shall not exceed 40 percent for any lot or parcel area up to 15,000 square feet, plus 35 percent for that area of the lot or parcel between 15,001 square feet to 21,000 square feet, plus 30 percent for that area of the lot or parcel over 21,000 square feet. For structures 27 feet in height or less, no more than 50 percent of the total living area ratio may be located on a second living level. For structures greater than 27 feet in height, no more than 33 percent of the total living area ratio may be located on a second living level.

b. Maximum impervious surface including building coverage: 40 percent of the lot or parcel. The stormwater provisions of chapter 102 must be met.

c. Minimum open space: Five percent of the lot or parcel (see definitions section).

(3) Height of building and structures. No building or structure or part thereof shall exceed 37 feet as measured from the crown of the road to the highest point of the roof. Where property adjoins two or more streets, the referenced street level shall be the highest street level adjoining the property.

Building and structures are limited to three usable floors and shall be:

- a. One-story ground level office/retail;
- b. One-story elevated office/retail;
- c. One-story ground level office/retail with one or two story residential;
- d. One-story elevated office/retail and one story residential;
- e. One-story ground level residential;
- f. One-story elevated residential; or
- g. Two-story elevated residential.

(4) Setback requirements.

a. Dimensions. Setback requirements are as follows:

Front yard	<u>35</u>	<u>29</u>
Side yard	7(Up to 27')	7(Up to 27')
Side yard	10(+27' to 37')	10(+27' to 37')
Street side yard	20	20

Rear yard:	10	10
Adjacent to alley	10	10
Waterfront (except adjacent to water bodies wholly contained within a lot or parcel)	15	15
Through lots (from each street)	20	20
With Lot Depth at Least 140 Feet (feet)	With Lot Depth Less Than 140 Feet (feet)	

Refer to sections 70-1, setback definition, and 114-422, measurement of setbacks, for additional information.

b. Access for emergency personnel. These side setback areas must be kept clear of any form of obstruction at all times so that safe and convenient passage of police or firefighters or other emergency personnel will be constantly maintained. All fences located within the side yard must contain an unlocked access gate.

c. Walls and fences; landscaping. Approved landscaping pursuant to section 114-420 will be required at the rear of improved properties to screen adjacent residential areas.

d. Swimming pools. Swimming pools and hot tubs permitted after January 1, 2016 shall be counted as impervious surface coverage. Swimming pools and hot tubs permitted prior to January 1, 2016 and swimming pools and hot tubs included within the perimeter of the residence building, enclosed and under a conventional roof shall not be counted as impervious surface coverage. Waterfalls, fountain features and pool slides are prohibited. Permits may be issued for the repair or replacement of existing waterfalls, water features or pool slides. All impervious decking surrounding the pool and hot tub shall be counted as impervious surface coverage. Caged and uncaged swimming pools, hot tubs and the swimming pool and hot tub equipment shall be set back from the lot line or property line the minimum setback required for the particular yard with the exception of the side yard setback which shall be ten feet. Uncaged swimming pools located on through lots shall be set back a minimum of five feet from the adjoining lot line or property line if the pool is located in the street yard which does not contain the structure's main entrance. Pools permitted prior to January 1, 2016, shall be deemed as grandfathered related to the side yard setbacks. There shall be only one swimming pool per lot

containing a residential unit. The swimming pool shall be for the use of the residential unit only and shall not be for any commercial activity.

(5) Off-street parking. See chapter 90 and chapter 91. All off-street parking shall comply with the city's ordinances and the laws of the state and regulations of all applicable governmental agencies.

**SECTION 2:** Section 114-134, "Nonconforming structures", of Article III. — Nonconformities, of Chapter 114, "Zoning", of the Code of the City of Anna Maria, is hereby amended to read as follows:

Sec. 114-134. - Nonconforming structures.

(a) Definition. For the purposes of this section, a structure, other than a sign, is nonconforming if the structure, or any physical characteristic thereof, is not in full compliance with all regulations of this chapter applicable to the zoning district in which the structure is located.

(b) Nonconforming structures that are also nonconforming uses. Nonconforming structures which are also nonconforming with respect to use as provided under section 114-133 shall be governed by the provisions of section 114-133.

(c) Extension or expansion. No nonconforming structure shall be enlarged, increased or extended to occupy a greater area than it occupied at the effective date of the ordinance from which this chapter is derived; except that a nonconforming structure may be enlarged provided the extent of nonconformity is not increased and the enlargement meets all requirements of this chapter applicable to the zoning district in which such structure is located.

(d) Relocation. Any nonconforming structure may be relocated to any portion of the lot or parcel upon which it is situated provided the relocation results in a lesser extent of nonconformity than existed prior to its relocation.

(e) Conversion to conforming structure. Any existing structure in which a nonconformity of the structure is altered, changed or replaced by a conforming structure shall thereafter conform to the regulations of the zoning district in which such structure is located, and the terminated nonconformity shall not thereafter be resumed, nor shall any additional nonconformity be permitted.

(f) Alteration and repairs. Normal maintenance and repair, including but not limited to roof replacement, of a nonconforming structure is allowed, provided the roof replacement does not increase the degree of nonconformity or extend the total habitable floor area occupied by the nonconforming structure.

(g) Change in tenancy or ownership. There may be a change in tenancy, ownership or management of a nonconforming structure provided there is no change in the nature or character of the structure that would increase the degree of nonconformity.

(h) Nonconforming accessory structures. No nonconforming accessory structure shall continue after the principal use shall have been terminated unless such accessory use shall fully conform to all applicable provisions of the zoning district in which it is located.

(i) Damage or destruction.

(1) Any nonconforming structure which has been damaged by natural disasters (destroyed by any cause other than the owner's voluntary action or abandonment), to not more than 50 percent of its fair market value as it existed immediately prior to the time of its damage or destruction may be restored and used as existing upon the date of the adoption of the ordinance from which this chapter is derived, provided that the floor area of such use shall not exceed the floor area which existed prior to such damage. All repairs shall be completed within one year after the damage occurs, unless a request for extension for good cause is submitted to and approved by the city commission, or such structure shall not be rebuilt except as a conforming structure.

(2) When a nonconforming structure has been damaged by natural disasters (destroyed by any cause other than the owner's voluntary action or abandonment), to an extent greater than 50 percent of the fair market value as it existed immediately prior to the time of its destruction, such structure may be restored provided that the floor area shall not exceed the floor area which existed prior to such damage and provided that the applicable City of Anna Maria Flood Damage Prevention regulations are met. All repairs shall be completed within one year after the damage occurs, unless a request for extension for good cause is submitted to and approved by the city commission, or such structure shall not be rebuilt except as a conforming structure.

(3) Fair market value shall be determined by an independent MAI appraiser, or, lacking that, the value as shown on the most recent tax assessment rolls.

**SECTION 3. CONFLICTS.** All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

**SECTION 4. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Anna Maria. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 5. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED,** by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this 28 day of January, 2016.

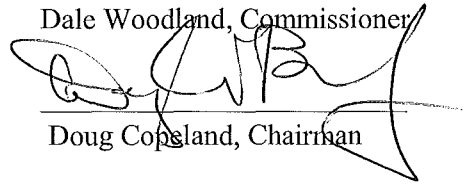
Doug Copeland, Commissioner

Nancy Yetter, Commissioner

Charles Webb, Commissioner

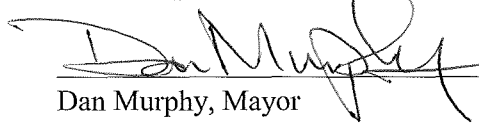
Carol Carter, Commissioner

Dale Woodland, Commissioner



Doug Copeland, Chairman

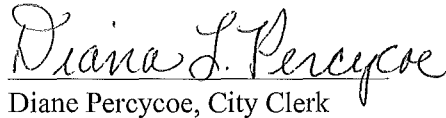
I hereby approve this Ordinance:



Dan Murphy, Mayor

02.01, 2016

ATTEST:



Diane Percycoc, City Clerk

Approved as to form and legality for  
the use and reliance of the City of

Anna Maria only



Gretchen R. H. "Becky" Vose  
City Attorney