

ORDINANCE NO. 16-824

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, MAKING MISCELLANEOUS CHANGES TO LAND DEVELOPMENT CODE OF THE CITY OF ANNA MARIA BY AMENDING SECTION 70-1(B) DEFINING NATIONAL GEODETIC VERTICAL DATUM, SETBACK, AND YARD; BY AMENDING SECTION 74-63 TO ADD SUBSECTION (J) REQUIRING THE FILING OF A NOTICE OF COMMENCEMENT WHEN AN APPLICATION FOR A BUILDING PERMIT IS MADE; BY AMENDING SECTION 74-96(c) REGARDING TEMPORARY UTILITY SERVICE DURING CONSTRUCTION; BY AMENDING SECTIONS 74-41(c) AND 82-234 BOTH CONTAINING THE DEFINITION OF "SUBSTANTIAL DEMOLITION;" BY AMENDING SECTIONS 114-222(7), 114-302(5) AND 114-262(5) RELATED TO PARKING REQUIREMENT IN THE R-1, PSP AND PRA ZONING DISTRICTS; BY AMENDING SECTION 114-134 TO ADD A NEW SUBSECTION (J) TO ALLOW CONSTRUCTION OF A SWIMMING POOL ON A LOT WHERE THE STRUCTURE DOES NOT MEET THE YARD OR SETBACK REQUIREMENTS WITH CONDITIONS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

SECTION 1: Section 70-1(b), "Definitions and rules of construction, of Chapter 70 – General Provisions of the Code of the City of Anna Maria, is hereby amended to read as follows:

Sec. 70-1. – Definitions and rules of construction.

(b) The following words, terms and phrases, when used in subpart B, Land Development Regulations, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

National Geodetic Vertical Datum (NGVD), as corrected in 1929, means a vertical control used as a reference for establishing varying elevations within the floodplain. Effective December 1, 2016, documents containing the term *National Geodetic Vertical Datum (NGVD)* shall be interpreted as intending vertical datum as defined by the North American Vertical Datum of 1988 (NAVD).

* * *

Setback means required minimum distance between the street right of way line or any other lot or property line in the outer most vertical plane of any building or structure which is over 12 inches in height. It is intended that a setback is a clear zone void of any structures or mechanical devices over 12-inches in height. Notwithstanding the foregoing, roof over hangs and minor, non-structural protrusions such as lighting fixtures and shutters, may intrude into a required setback no more than 24 inches. ~~Swimming pools, including their surrounding decks, cannot be placed into a required setback~~

* * *

Yard means a required open space unoccupied by any structure or portion of a structure ~~from 48 inches~~ above the ground upward, except as otherwise permitted in this subpart.

SECTION 2: Section 74-63 entitled Development Permit Application, of the Code of the City of Anna Maria, is hereby amended to add subsection (j) to read as follows:

(j) A copy of the Notice of Commencement recorded in the Official Records of Manatee County, Florida, shall be filed with the City at the time the initial application for a building permit is made prior to beginning of construction.

SECTION 3: Subsection (c) of Section 74-96 entitled Service Utilities, of the Code of the City of Anna Maria, is hereby amended to read as follows:

Sec. 74-96. - Service utilities.

(c) Temporary connection. Temporary utility service, which is GFIC protected by telephone pole or limited receptacles, must be available on all construction sites unless the construction is of a nature that no power is required. The building official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy. Temporary power consisting of a T-pole or limited receptacles; GFIC protected, shall be supplied to all construction sites by the contractor. The specific type of required temporary power is at the discretion of the building official. A permanent power for temporary use (PPTU) agreement must be executed prior to the issuance of a certificate of occupancy for all construction requiring utility power within a structure or building. All construction sites require utilizing utility power within the structure/building prior to issuance of a certificate of occupancy requires an executed permanent power for temporary use (PPTU) agreement.

SECTION 4: Sections 74-41(c) and 82-234, both containing the definition of “*substantial demolition*,” are amended to read as follows:

Section 74-41(c) *Florida Building Code, Existing*. The Florida Building Code, Existing, is hereby amended by the following technical amendments:

Section 202 General Definitions

Substantial demolition. For floodplain management purposes means the demolition of fifty (50) percent or more of the aggregate components of a building ~~creating a non-viable structure and triggering a substantial improvement~~. Each component may be prorated; the components are given the value of:

Thirty (30) percent for the roof system in square feet

Thirty (30) percent for the foundation in linear feet

Thirty (30) percent for the exterior perimeter walls in linear feet

Ten (10) percent for windows and doors

Ten (10) percent for non-bearing interior partitions in linear feet

Ten (10) percent for bearing interior partitions in linear feet

Thirty (30) percent total for utility systems broken out as

- Mechanical, (10%)
- Electrical (10%) including low voltage and
- Plumbing (10%)

Ten (10) percent for built in features such as appliances, bookshelves, etc.

Five (5) percent for attached extensions such as decks or carports

Sec. 82-234. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Substantial demolition. For floodplain management purposes means the demolition of 50 percent or more of the aggregate components of a building ~~creating a non-viable structure and triggering a substantial improvement~~. Each component may be prorated; the components are given the value of:

Thirty percent for the roof system in square feet.

Thirty percent for the foundation in linear feet.

Thirty percent for the exterior perimeter walls in linear feet.

Ten percent for windows and doors.

Ten percent for non-bearing interior partitions in linear feet.

Ten percent for bearing interior partitions in linear feet.

Thirty percent total for utility systems broken out as:

- Mechanical, (ten percent).
- Electrical (ten percent) including low voltage and.
- Plumbing (ten percent).

Ten percent for built in features such as appliances, bookshelves, etc.

Five percent for attached extensions such as decks or carports.

SECTION 5: Sections 114-222(7), 114-302(5) and 114-262(5), related to parking requirements in the R1/R2, PSP and PRA zoning districts are amended as follows:

Section 114-222. – Lot, yard, bulk and parking regulations.

Lot, yard, buld and parking regulations for the R1/R2 district are as follows:

(7) Off-street parking. ~~In addition to a covered garage or carport or uncovered space provided for the parking of household automobiles, provision shall be made for at least one off-street parking space with a minimum area of 200 square feet. 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.~~

Sec. 114-302. - Lot, yard, bulk and parking regulations.

(5) Off-street parking.

~~a. For churches, theaters or other activities in connection with which auditorium facilities are utilized, the following shall apply:~~

~~1. One parking space shall be provided for every three seats in the auditorium.~~

~~2. Such required parking must be provided within 300 feet of the building involved.~~

~~b. All other facilities must provide parking accommodations adequate for visitors, members or participants as may be necessary.~~

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.

Sec. 114-322. - Lot, yard, bulk and parking regulations.

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

(5) Off-street parking.

~~a. For activities in connection with which auditorium facilities are utilized, the following shall apply:~~

~~1. One parking space shall be provided for every three seats in the auditorium.~~

~~2. Such required parking must be provided within 300 feet of the building involved.~~

~~b. All other facilities must provide parking accommodations adequate for visitors, members or participants as may be necessary.~~

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 6. Section 114-134 of Article III entitled Nonconforming structures, is hereby amended to add Subsection (j):

Sec. 114-134. - Nonconforming structures.

(j) Construction of a swimming pool on a lot where the structure does not meet the yard or setback requirements in the zoning district may be permitted if 1) the neighboring

property owner formally consents to the construction; or 2) the property owner can demonstrate to city staff by means of a construction staging and management plan that the construction of the pool will not create a nuisance to adjacent property owners.

SECTION 7. 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.

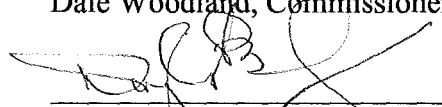
SECTION 8. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Anna Maria. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 9. 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 10. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

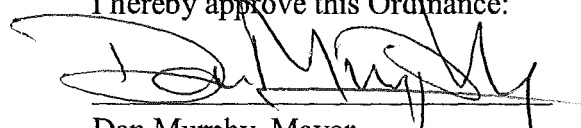
PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this 8 day of December, 2016.

Doug Copeland, Commissioner
Nancy Yetter, Commissioner
Brian Seymour, Commissioner
Carol Carter, Commissioner
Dale Woodland, Commissioner



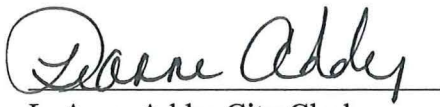
Doug Copeland, Chairman

I hereby approve this Ordinance:



Dan Murphy, Mayor
12.9, 2016

ATTEST:

A handwritten signature in black ink, appearing to read "LeAnne Addy", written over a horizontal line.

LeAnne Addy, City Clerk

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

Anna Maria only

A handwritten signature in blue ink, appearing to read "Gretchen R. H. Vose", written over a horizontal line.

Gretchen R. H. "Becky" Vose
City Attorney