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3 *RESIDENTIAL CONSTRUCTION PERMIT MORATORIUM*
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5 **ORDINANCE NO. 16-464**
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CITY CLERK

8 **AN ORDINANCE BY THE CITY OF BRADENTON BEACH, FLORIDA**
9 **ESTABLISHING A SIX MONTH MORATORIUM ON THE**
10 **ACCEPTANCE, REVIEW AND ISSUANCE OF BUILDING PERMIT**
11 **APPLICATIONS FOR ALL RESIDENTIAL UNITS IN THE R-1 AND R-2**
12 **ZONING DISTRICTS OF BRADENTON BEACH THAT CONTAIN MORE**
13 **THAN FOUR ROOMS THAT WILL BE OR CAN BE USED FOR**
14 **BEDROOMS OR SLEEPING AREAS, AND DUPLEXES LIMITED TO**
15 **TWO ROOMS PER SIDE/LEVEL THAT WILL BE OR CAN BE USED**
16 **FOR BEDROOMS OR SLEEPING AREAS; PROVIDING FOR FINDINGS**
17 **OF FACT; PROVIDING FOR ESTABLISHMENT OF A MORATORIUM;**
18 **PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT;**
19 **PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN**
20 **EFFECTIVE DATE.**

21
22 **WHEREAS,** the City of Bradenton Beach is located on Anna Maria Island in Manatee County,
23 Florida; and
24

25 **WHEREAS,** the City's Comprehensive Plan states that cities are about people and the quality of
26 their lives. Past and present growth trends are critical to the development of responsive growth
27 management policies and
28

29 **WHEREAS,** Policy 1.1.6 of the City's Comprehensive Plan requires that residential
30 development shall be designed to protect life and property from natural and man-made hazards
31 such as flooding, excessive traffic, subsidence, noxious odors and noise; and
32

33 **WHEREAS,** Policy 1.1.7 of the City's Comprehensive Plan requires that residential land uses
34 shall be encouraged in a manner which is compatible with the type and scale of surrounding
35 land use densities consistent with its policies; and
36

37 **WHEREAS,** Goal One of the Future Land Use Element of the City's Comprehensive Plan
38 requires that the City of Bradenton Beach maintain and protect the residential/family character
39 of the City while maximizing the enjoyment of natural and man-made resources by residents
40 and visitors alike and minimizing the threat to health safety, and welfare posed by hazards,
41 nuisances, incompatible land uses, and environmental degradation; and
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43 **WHEREAS,** the City Electors of the City of Bradenton Beach recognize that the nature of the
44 community is shifting away from owner-occupied residential units to units intended for other
45 than owner-occupied; and
46

47 **WHEREAS**, in the last decade, the number of homesteaded properties in the City has
48 significantly decreased; and

49
50 **WHEREAS**, the trend is construction of large houses containing a large number of bedrooms
51 and rooms that are or can be used as bedrooms and sleeping areas; and

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53 **WHEREAS**, houses with a large number of bedrooms and sleeping areas impacts the traditional
54 existing residential neighborhoods; and

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56 **WHEREAS**, the Electors of the City of Bradenton Beach deem protection of its residential
57 neighborhoods and the residential character of the City as paramount; and

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59 **WHEREAS**, the Electors of the City of Bradenton Beach are encouraging the adoption of
60 amendments to its land use and other building regulations to further protect its existing
61 residential neighborhoods and the residential character of the City; and

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63 **WHEREAS**, the Electors of the City of Bradenton Beach deem it important that it set aside
64 sufficient time to consider testimony and evidence necessary to formulate new policies,
65 regulations, and ordinances addressing the issues facing the City; and

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67 **WHEREAS**, the Electors of the City of Bradenton Beach deem it important and necessary to
68 have a moratorium on building permits for certain types of construction in the R-1, and R-2
69 zoning districts while it considers appropriate and necessary changes to its policies, regulations,
70 and ordinances; and

71
72 **WHEREAS**, the Electors of the City of Bradenton Beach find that the need to consider and
73 adopt additional regulations and ordinances to address the matters related herein constitutes
74 unusual circumstances as that term is used in Section 553.79, Florida Statutes and that
75 accordingly, the City may hold pending building permit applications for more than thirty (30)
76 business days; and

77
78 **WHEREAS**, the Electors of the City of Bradenton Beach recognize how important housing and
79 real property is to its citizens and residents and how important it is to balance the competing
80 interests of those who live and own property in the City with the interests of those who desire to
81 live and own property in the City; and

82
83 **WHEREAS**, the City has previously heard complaints from City residents related to the
84 decrease of owner-occupied housing and the diminishing residential character of the City in
85 earlier Bradenton Beach City Commission meetings; and

86
87 **WHEREAS**, the Electors of the City of Bradenton Beach desire to review whether the City's
88 existing and future regulations and ordinances will successfully address the issues faced by the
89 City; and

90
91 **WHEREAS**, balancing competing interests, especially in light of the complex web of laws that
92 effect these decisions takes time; and

93
94 **WHEREAS**, a moratorium as set forth herein creates the time needed to receive information,
95 weigh all factors and craft appropriate policies; and

96
97 **WHEREAS**, the Electors of the City of Bradenton Beach desire to hear from as many affected

persons who are willing to offer their comments to the City Commission as is practicable; and

WHEREAS, a moratorium is otherwise in the best interests of the City, its residents and citizens and is otherwise in the best interest of the public's health, safety and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE ELECTORS OF THE CITY OF
BRADENTON BEACH, FLORIDA AS FOLLOWS:**

SECTION ONE. Findings of Fact. The above "whereas" clauses are deemed findings of fact and are adopted herein.

SECTION TWO. Enactment of a Moratorium.

(a) The City of Bradenton Beach hereby establishes a moratorium on the acceptance, processing and issuance of applications for building permits for residential units that contain or will result in the creation of more than four (4) rooms that will be or can be used for bedrooms or sleeping areas, and duplexes limited to two (2) bedrooms or sleeping areas per side/level.. This moratorium is effective towards both construction of new residential units and the remodeling or expansion of existing residential units in the R-1 and R-2 zoning districts. This moratorium affects all applications received by the City after the date of passage of this Ordinance. All building permits which had been issued by the City prior to that date are unaffected by the moratorium.

(b) For purposes of this moratorium, the phrase "rooms that will be or can be used for bedrooms or sleeping areas" includes rooms designated on building plans as bedrooms (which are rooms primarily used for sleeping, are no less than 70 square feet, contain a window in a wall, have a closet, and have a door to physically separate the room from primary living area) or sleeping areas or rooms which can be converted to bedrooms or sleeping areas by simple means such as replacing furniture. Rooms which have a designated purpose and which cannot be converted to bedrooms or sleeping areas without an additional building permit, such as kitchens and bathrooms, are not counted as bedrooms or sleeping areas.

(c) Building permit applications for residential units in the R-1 and R-2 zoning districts containing or resulting in four or fewer rooms that can or will be used for bedrooms or sleeping areas and duplexes resulting in two or less rooms per side/level that can or will be used for bedrooms or sleeping areas are unaffected by this moratorium and will be processed by the City in the normal course of business.

Section 3. Duration. Subject to need, this moratorium shall remain in effect for six (6) months from the date of passage of this ordinance.

Section 4. Repeal of Ordinances in Conflict. All ordinances in direct conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. If any word, portion, clause or other part of this ordinance is deemed

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149 unconstitutional or unenforceable for any reason, such portion shall be severed from this
150 ordinance and the remaining portions thereof shall be unaffected thereby.
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153 **Section 6. Effective Date.** The effective date of this ordinance shall be the date of passage of
154 this ordinance by adoption by the City Commission of the City of Bradenton Beach or by
155 passage of this ordinance in a general election, November 8, 2016.
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157
158 **PASSED AND ADOPTED by the City Commission of the City of Bradenton Beach.**
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161

162 _____
163 **Jacob Spooner**
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165 _____
166 **Edward Straight**
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168 _____
169 **Ralph Cole**
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171 _____
172 **Jan Vosburgh**
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174 _____
175 **Approved by me this ____ day of _____, 2016**
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177 _____
178 **William Shearon, Mayor**
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186 **ATTEST:** _____
187 **Terri Sanclemente, City Clerk**
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