

ORDINANCE NO. 15-793

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, ADOPTING A TEMPORARY MORATORIUM ON THE PROCESSING OF BUILDING PERMIT AND DEMOLITION PERMIT APPLICATIONS PENDING A COMPREHENSIVE REVIEW OF PARTICULAR LAND DEVELOPMENT REGULATIONS AND THE ADOPTION OF ORDINANCES ADDRESSING SUCH REGULATIONS; PROVIDING EXCEPTIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AN EXPIRATION DATE, AND AN EFFECTIVE DATE.

WHEREAS, the City of Anna Maria is in the process of a comprehensive review of its regulations and the revising of its land use regulations as they relate to development in the City; and

WHEREAS, in furtherance of its process of review and revision, the City of Anna Maria is working with the Mayor and all members of the City Commission, George McKay, Public Works Director, the City Attorney, the Planning and Zoning Board, and will welcome input from Anna Maria citizens and all others with an interest in the subject; and

WHEREAS, the City of Anna Maria finds it in the best interests of its citizens to enact a temporary moratorium on the processing of building permit and demolition permit applications with certain exceptions, as a land-use tool to promote effective planning and to preserve the status quo during this review and revision process; and

WHEREAS, the City of Anna Maria anticipates that it will take six (6) months from the date of the enactment of this ordinance to complete the review and revision process.

WHEREAS, the City of Anna Maria finds that using this planning tool will prevent development inconsistent with its pending changes in development regulation and zoning in progress;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ANNA MARIA THAT:

SECTION 1. MORATORIUM. The City of Anna Maria, Florida, hereby enacts a temporary moratorium for a period of six (6) months from the date of enactment of this ordinance on the processing of building permit and demolition permit applications, pending the comprehensive review and revision of its land use regulations, as relates to the following subjects:

1. Bedroom minimum size; bedroom total square foot ratio to lot size.
2. Operation / Clarification of LAR;
3. Impervious surface; whether to include pools or not;
4. Impact fees for such things as water, sewer, parks/recreation, storm water, roads, and fire safety;
5. Building Code / Fire Code amendments to provide for fire safety for non-single family residential use structures;
6. Building permit fees based on square feet or number of bedrooms;
7. Separation of building permit from other development permits, and establish separate zoning/land use permit;
8. No lot clearing or demolition until building permit issued;
9. Procedure for determination of legal nonconforming use, and conformance of zoning code;
10. Consistency of zoning code to applicable sections of the Comprehensive Plan; and
11. Renovation of non-elevated structures – improvement limit, and time period for restart of improvement limit.

If the review and revisions of the city's land use regulations are completed before the passage of the said six month period, the City of Anna Maria will repeal the Moratorium, and if the review and revisions are not completed by the end of such six month period, the City of Anna Maria may extend such Moratorium as needed until such review and revisions are complete.

The following building permits and demolition permits may be reviewed and issued during the period of the Moratorium, and are exceptions to the Moratorium:

1. Demolition permits for unsafe structures, as determined by the City of Anna Maria building department, and confirmed by the Mayor;
2. Residences with lot coverage not to exceed 40%, and with **three (3)** or less bedrooms, or rooms that could be used as bedrooms;
3. Permits for renovations of existing structures so long as such renovations do not create lot coverage exceeding 40%, and, if the existing structure is a residence, the renovation does not increase the number of bedrooms, or rooms that could be used as bedrooms, so as to exceed three (3); and
4. Commercial structures.

SECTION 2. Severability. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, or application thereof, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this ordinance as expressed herein.

SECTION 3. 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.

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this _____ day of _____, 2015.

Doug Copeland, Commissioner
Nancy Yetter, Commissioner
Charles Webb, Commissioner
Carol Carter, Commissioner
Dale Woodland, Commissioner

Charles Webb, Chairman

I hereby approve this Ordinance:

Dan Murphy, Mayor

_____, 2015

ATTEST:

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

Diane Percycoe, City Clerk

Gretchen R. H. "Becky" Vose
City Attorney