

R-3, Multiple-family Dwelling District

307.4. R-3, Multiple-family Dwelling District.

307.4.1. Permitted Uses: One family dwelling unit, two family dwelling unit (duplex), multi family dwelling unit, group home/foster care facilities (provided such uses shall not be located closer than 1,000 feet to another group home or foster care facility), family day care home

307.4.2. Accessory Uses: Accessory building, open shelters including chickees less than 150 square feet, home occupations, and private parks including playgrounds. Non-commercial boat docks and piers may be permitted as provided in Section 308.15.

307.4.3. Special Permit Uses: Non-commercial (private) boat docks/piers over 500 sq. ft. in area or over 65 feet in projected length from the mean high waterline, open shelters including chickees more than 150 square feet, sale or rental of beach related items except any boat or watercraft, coffee shops, restaurants, cocktail lounges, retail shops and services and other similar accessory uses (e.g., sale of beach related items) normally customary and incidental to hotels, motels and time sharing uses, commercial docks/piers, rental of motorized boats or watercraft, rental of non-motorized boats or watercraft not greater than 21 feet in length.

307.4.4. Prohibited Uses: Any use not specifically permitted. Stand-alone or multi-level parking structures/facilities.

307.4.5. Density, Lot, Yard and Bulk Limitations:

Maximum Standard Density: 18 units/acre

Maximum Hotel/Motel Units: 18 units/acre

Maximum One and Two Bedroom Units: 18 units/acre

Maximum Three Bedroom Units: 16 units/acre

Minimum Lot (Street) Frontage: 50 feet

Minimum Existing Lot Area: 5,000 square feet

Minimum New Lot Area: 7,500 square feet

Maximum Lot Coverage: 35%

Minimum Open Space: 30%

Maximum Lot Coverage Plus Impervious Surface Coverage: 40%

Maximum Habitable Stories: 2

Maximum Building Height: 29 feet above Flood Protection Elevation

Building Plan Requirement: All rooms on the building plans shall be labeled

Minimum Ground Floor Elevation: not less than 12 inches and no more than 24 inches above

Minimum Floor Area:

One Family Dwelling: 1,000 square feet

Duplex: 700 square feet each unit (1,400 square feet total)

Additional square feet for each bedroom over one: 125 square feet

Multi-family Unit: 700 square feet

Efficiency Unit: 400 square feet

Hotel/Motel Room: 300 square feet

Building Setbacks: See notes 1,2,3 and 4 below

Minimum Street Front Yard: 25 feet.

Minimum Side Yard: 10 feet
Minimum Street Side Yard: 15 feet
Minimum Rear Yard: 10 feet
From Sound: 25 feet
From Gulf: 50 feet
From Canal: 15 feet

Notes

1) Sound or canal setback is measured from mean high water line as established by Chapter 177, Florida Statutes. Gulf front setback is measured from the State approved mean high water line. Where new construction, reconstruction or additions to principal structures are proposed along the Gulf or Sound, and there are existing structures set back further than the minimum setback set forth above, the minimum required setback shall be as follows:

The setbacks from either the Gulf or Sound, from the mean high water line to the principal structures of three structures both north and south of the proposed subject structure shall be determined. If any of the six referenced structures are set back less than the minimum setback set forth above, the minimum setback shall be utilized. If the average setback of the six referenced structures is greater than the setback set forth above, the minimum setback required shall become the average setback. In no case shall the required setback be less than the minimum setback set forth above.

2) Corner lots – Technical standards and review criteria are provided in Section 308.9

3) An existing single-family dwelling or existing duplex dwelling on an existing lot of record in any R Zoning District, that does not meet current yard setbacks, may be elevated to enable the existing habitable story to meet the base flood elevation (BFE) thereby increasing public safety in the event of a storm event or hurricane without requiring a variance provided that any additions, whether vertical or lateral, to the existing elevated structure shall meet all applicable setbacks.

4) Storage sheds not exceeding 120 square feet in area only requires a 6 foot setback if located in a rear yard or non-street side yard.

307.4.6 Off-street parking: See Section 604 Traffic Circulation, Access and Off-Street Parking. The minimum required number of spaces for various uses shall be as follows:

1. One-family residential dwellings and two-family residential dwellings (for each dwelling): Two parking spaces for the first 1,000 square feet of gross square footage of habitable floors, plus one-parking space for each additional, or portion of, 600 square feet of gross floor area
2. Multiple family residential dwellings: (For each dwelling) : Two parking spaces for the first 1,200 square feet of gross square footage of habitable floors, plus one-parking space for each additional, or portion of, 600 square feet of gross floor area.
3. Group homes:
 - a. Group homes/foster care facilities housing less than five (5) residents shall have the same parking requirement as one-family residential dwellings.
 - b. The parking requirement for group homes/foster care facilities housing five or more residents shall be determined by the City Commission after review and recommendation by the Planning and Zoning Board based on the number of residents, staff and frequency of deliveries.

308.1. Height of Buildings and Structures.

308.1.1 Maximum height of any building shall be measured from the Flood Protection Elevation as determined by floodplain review by the City Staff for the property involved.

308.1.2. Maximum height of any structure (other than a building) including a fence, wall, hedge or shed shall be measured from the crown of the road.

308.2. Height of Floors and Buildings; Minimum and Maximum Permitted.

308.2.1. No building or structure shall contain more than two stories and a loft.

308.2.2. The height of garage floors and the height of the lowest floor shall be determined using the criteria provided in the Code of Ordinances and the Florida Building Code as amended by the City.

1. Minimum lowest floor elevation in an "A" zone shall be four (4) feet above base flood elevation (BFE).
2. Minimum lowest floor elevation in "A" and "V" zones seaward of the Coastal Construction Control Line shall be determined as the elevation of the lowest horizontal support beam pursuant to Section 3109 of the Florida Building Code, Building.

308.2.3. The maximum height of any building shall be 29 feet. Building height shall be the vertical distance between the elevation required by the Florida Building Code as amended by the City, to the highest point of the roof structure (ridge or parapet). Normal projections such as chimneys, spires, vents, mechanical equipment and elevator shafts that do not protrude above the roof more than four feet are excluded.

308.3. Maximum Lot Coverage Plus Impervious Surface Coverage.

308.3.1. The maximum standard lot coverage is included in each individual zoning district description.

308.3.2. Lot coverage by buildings and structures shall be that area of a building or structure contained within the perimeter of the exterior walls and posts, whether vertical or canted, and any attached or detached structure projecting vertically over three feet above ground level, except for lot perimeter fencing.

308.3.3. An open staircase, open deck or balcony, whether cantilevered or not, shall not be considered as lot coverage.

308.3.4. A roof overhang less than 36 inches in projected length shall not be considered lot coverage.

308.3.5. A tennis court shall be considered as land coverage.

308.3.6. Open swimming pools and hot tubs/spas shall not be counted as lot coverage.

308.3.7. Enclosed swimming pools under a roof structure shall be considered lot coverage

308.6. Swimming Pools and Hot Tubs/Spas.

308.6.1. Enclosed or under roof swimming pools, hot tubs/spas and open swimming pools, hot tubs/spas more than 18 inches above the crown of the adjacent road shall be subject to the building setback requirements of the zoning district involved. Setbacks shall be measured from the adjacent property line to the inside of the nearest pool wall.

308.6.2. Open swimming pools, hot tubs/spas (no walls, posts or roof, either screen or other) less than 18 inches above the crown of the adjacent road shall maintain a minimum ten-foot setback from all property lines in all zone districts. Setbacks shall be measured from the adjacent property line to the inside of the nearest pool wall. Swimming pools, hot tubs/spas permitted prior to January 23, 2018, in the R-1 and R-2 zone districts which do not comply with the ten-foot setback shall be nonconforming to the yard setbacks and permits may be issued for the repair and maintenance of such swimming pools, hot tubs/spas.

308.6.3 Waterfalls, fountain features, diving platforms and slides more than 18 inches higher than the swimming pool or hot tub/spa coping are prohibited. Existing waterfalls, fountain features, diving platforms and slides may be maintained until such time as determined by the City Building Official as damaged or deteriorated to the extent that they are unsafe or no longer structurally viable. Permits may not be issued for repair or replacement of existing waterfalls, fountain features, diving platforms or slides.

308.6.4 The surrounding pool, hot tub/spa decking shall be no more than 18 inches higher than the swimming pool, hot tub/spa coping.

308.7. Exterior Stairways and Decks.

308.7.1. Exterior stairways over three feet high shall be considered to be part of the building they serve and shall be subject to applicable building setback requirements.

Exception: An open, unenclosed stairway may project up to four feet into the side or rear yard setback. Landing size within the setback shall not exceed 4' X 4'.

308.7.2. Decks over 12 inches in height above design finished grade shall be subject to applicable setback requirements.

308.7.3. Decks under 12 inches in height above design finished grade shall be exempt from setback requirements.

308.8. Open Yard Encroachments.

308.8.1. Except for landscape materials (plants, trees, shrubbery, etc.), every part of every required yard setback shall be unobstructed to ensure a safe exit leading to and from a public way.

308.8.2. The following structures and items are permitted in the setback area

308.8.2.1. Mechanical and pool equipment may encroach and project up to four feet into the side and rear yard.

308.8.2.2. Poles, radio and television antennas (not including satellite disks over 24 inches in diameter) mounted on the roof or to the side of the structure near the roofline.

308.8.2.3. Children's play equipment.

308.8.3. Utility wires, lights and mailboxes are exempt from setback requirements.

308.8.4 Bay or bow windows may protrude from the structure no more than 24 inches into the required setbacks and shall not be considered an encroachment. Bay or bow windows within a setback area shall not exceed eight feet in width and shall be a minimum of 18 inches above the finished habitable floor level. There shall be no more than one exempt bay window in any horizontal lineal 25 feet of exterior wall.

308.8.5. Decorative trim of not more than 12 inches thick shall be exempt from setback requirements.

308.8.6. Roof overhangs extending from the main roof system shall not project more than 36 inches into a setback area.

308.8.7. Entry door stoop roof overhangs provided solely for protection of the entry doors from rain exposure shall not project more than 36 inches into a setback area and shall be supported by cantilevered beams, corbels, or brackets.

Section 604.3.3, Vehicular Access Standards

604.3.3. The number and location of driveway connections shall be as follows:

1. Corner parcels on Gulf Drive shall provide access by way of the intersecting collector or local street. Internal parcels located on Gulf Drive shall provide access so as not to back directly onto Gulf Drive.

2. Driveways for single family or duplex dwellings shall be at least ten feet in width. Driveways for multifamily or commercial uses shall be at least 12 feet in width. No driveway shall exceed 24 feet in width at the property line, nor be located closer than three feet to a property line unless an agreement for a shared driveway is provided. There shall be one driveway access point per street frontage with the exception of curved driveways.

3. Curved driveways beginning and ending at the right-of-way are allowed on all lots provided sufficient maneuvering space is provided. Curved driveways shall have a maximum of two driveway access points per street frontage. No driveway shall exceed 12 feet in width at the property line, nor located closer than three feet to a property line unless an agreement for a shared access driveway is provided.

604.6. City Right-of-Way.

604.6.1. No permanent structures shall be placed in a City right-of-way, except as specifically approved by the City Commission, with exceptions for utilities, traffic signs and the like.

604.6.2. The first three feet of public rights-of-way adjacent to a paved street shall constitute a clear zone containing only sod or other ground cover approved by City Staff.

604.6.3. Placement of any item within a public right-of-way shall be allowed only after approval by the City Staff and issuance of a right-of-way use permit with the exception of sod as allowed by Section 604.6.2.

604.6.4. Prior to issuing a right-of-way use permit, the City Staff shall determine that the proposed use to be located in the right-of-way does not pose a safety hazard nor a hindrance to the normal use or maintenance of the public right-of-way.

604.7. Off-Street Parking Requirements.

604.7.1. Every building, structure or other land use shall be provided with off-street parking facilities for the use of occupants, employees, visitors and patrons as described in this section.

604.7.2. Existing conforming buildings may be expanded, altered or repaired in conformity with this chapter, provided required parking spaces are provided and designated.

604.7.3. When an existing building, structure or use is enlarged in floor area more than 10 percent within a 24-month period, it shall be subject to minimum off-street parking requirements with the exception of restaurants and bars. Restaurants and bars shall be subject to providing parking for increased seating capacity for any expansion.

604.7.4. Off-street parking facilities required by this chapter shall be located on the same lot or parcel of land they are intended to serve, except as otherwise permitted by special permit.

604.7.5. All required off-street parking spaces, except for single family uses and individual two-family units, shall have access from the street.

1. Standard parking spaces shall be a minimum of nine feet wide by 18 feet long.

Parallel parking spaces shall be nine feet wide by 23 feet long.

2. Angled or 90 degree handicapped parking spaces shall be 12 feet wide by 18 feet long and parallel handicapped parking spaces shall be 12 feet wide by 23 feet long. Every handicapped parking space shall have a 5 foot wide handicapped access aisle adjacent to it.

3. All parking shall provide sufficient room for easy ingress and egress. All parking lots in excess of ten parking spaces shall provide a minimum 20 feet of driveway/reservoir space, measured from the pavement to the closest point of the nearest parking space, except that along Gulf Drive such measurement shall be from the property line.

604.7.6. Standard car parking spaces shall have the following minimum dimensions in accordance with the standard parking layout diagram included herein and shall comply with the following:

604.7.7 Dimensions are for one-way directional movement shall be a minimum aisle width of 16 feet. Two-way directional movement requires a minimum aisle width of 24 feet regardless of parking angle.

604.7.7. The number, design and location of marked handicap parking spaces shall be consistent with the requirements of Florida Statutes, Chapter 553, but in no case shall be less than the following:

1. One space for the first 25 parking spaces or fraction thereof.

2. One additional space for each 25 spaces, or fraction thereof, up to 100 spaces.

3. Where more than six spaces are required, at least one van space shall be included.

4. All spaces shall be adjacent to a curb ramp or curb cut, to allow access to the building, structure or use served, and shall be so located that users are not compelled to wheel behind parked vehicles.

604.7.8. Where a combination of uses is developed, parking shall be provided for each of the uses individually, as prescribed below, unless a reduction is granted by the City Commission as provided for by a special permit as set forth under the provisions of Section 310.

604.7.9. Tandem parking shall be in the same direction

604.7.10. When determination of the number of off-street parking spaces required by this section results in a fractional space, an additional space shall be required. The minimum required number of spaces for various uses shall be as follows:

1. Retail stores, office and service establishments: One space per each 250 square feet of gross floor area; a minimum of two spaces shall be provided.

2. One-family and two-family residential:

Two parking spaces for the first 1,200 square feet of gross square footage of habitable floors, plus one-parking space for each additional, or portion of, 600 square feet of gross floor area.

3. Group homes:

a. Group homes/foster care facilities housing less than six residents shall have the same parking requirement as one-family and two-family dwellings.

b. The parking requirement for group homes/foster care facilities housing six or more residents shall be determined by the City Commission after review and recommendation by the Planning and Zoning Board based on the number of residents, staff and frequency of deliveries.

5. Multiple family residential dwellings: (for each dwelling): Two parking spaces for the first 1,200 square feet of gross square footage of habitable floors, plus one- parking space for each additional, or portion of, 600 square feet of gross floor area.

6. Hotel and motel units: One space per unit, plus an additional ten percent of the number required; plus additional parking as required for accessory restaurants and shops.

7. Time-share uses: 1½ spaces per unit.

8. Bed and breakfast: One space per guest room, plus two spaces per residential unit.

10. Restaurants and bars with indoor and open-air seating (food and beverage establishments): All business establishments wherein food or beverages are served shall provide one space for each four seats, as determined by the occupancy load assigned by the Fire Marshall in addition to one space per two employees on the largest shift.

11. Rental of motorized or non-motorized boats or watercraft from locations other than marinas or commercial docks/piers: One space per each five boats or watercraft.

12. For any uses not listed, the parking requirement shall be determined by the City Commission based upon a parking analysis provided by the applicant and a recommendation by the Planning and Zoning Board.

13. Combined or shared on-site/off-street parking: Nothing in this section shall be construed to prevent collective provisions for, or joint use of, on-site/off-street parking facilities for two or more buildings or uses by two or more owners or operators; provided that the total of such parking spaces shall not be less than the sum of the requirements of the individual uses computed separately. Where combined usage is proposed, a joint parking agreement which includes joint and several liability of each party for access and maintenance shall be executed and filed with the City Clerk prior to approval. Special Permit authorization, pursuant to Section 416.3, shall be required prior to filing of any joint parking agreement.

14. Use of required off-street parking for another building or use: No part of an off-street parking area required for any building or use shall be included as part of an off-street parking area required for another building or use, unless the type of use indicates that the periods of usage will not overlap with each other as determined and approved by the City Staff. The use of combined or shared off-street parking shall be allowed only after approval of a special permit as set forth under the provisions of Chapter 4 Special Permits, Special Permit Uses, and shall run

with the land. A joint parking agreement shall be executed and filed with the City Clerk and in the Public Records of Manatee County.

15. A developer proposing to reduce the number of required off-street parking spaces, proposing to develop an unlisted use, proposing to locate required parking other than on the same lot as the business which it will serve or proposing to reduce the number of spaces through providing bicycle parking shall be allowed to do so only after review and approval of a special permit as set forth under the provisions of Chapter 4 Special Permits.

604.7.11. Except for single and two-family dwellings and related uses, every off-street parking area, including all areas for maneuvering, shall be surfaced with a permeable material such as turf block, stone or gravel or asphaltic or cement pavement or an equivalent improvement. Parking for seasonal uses or uses not active on a daily basis may be exempted as determined by the City Staff. All off-street parking lots shall be graded and drained in accordance with applicable stormwater management requirements. All lots shall be maintained to be reasonably free of dust.

604.7.12. All off-street parking areas, including all areas for maneuvering, shall be located solely on the subject property; shall not use public rights-of-way; and shall be designed to provide safe and convenient circulation in accordance with commonly accepted traffic engineering practices.

604.7.13. All off-street parking areas, service roads, walkways and other common use exterior areas open to use by the public shall have lighting pursuant to Section 609 of this Chapter7. Lighting, when provided, shall be directed away from public streets and residential areas and shall not be a hazard or distraction to motorists traveling on a street and shall comply with the Sea Turtle Lighting Ordinance.

604.7.14. Off-street parking facilities established for the purpose of complying with this section shall be maintained as originally permitted as long as the primary use is continued.

604.7.15. There shall be no encroachment into any parking space. When a parking space is adjacent to a building or like structure, a minimum of four feet is required between the parking space and the building. When parking spaces abut walkways, ramps, paths of egress or exit discharge, a car wheel stop is required to ensure the vehicle does not encroach upon said area.