

ORDINANCE No. 2008-13

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR ADOPTION OF DIVISION 30 OF THE CITY OF ST PETE BEACH LAND DEVELOPMENT CODE; PROVIDING FOR THE ESTABLISHMENT OF LAND DEVELOPMENT STANDARDS GOVERNING THE DEVELOPMENT AND USE OF PRIVATE PROPERTY CONSISTENT WITH THE ADOPTED COMMUNITY REDEVELOPMENT PLAN AND AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE PLAN AND MAP ESTABLISHING A COMMUNITY REDEVELOPMENT DISTRICT, DOWNTOWN REDEVELOPMENT DISTRICT AND TOWN CENTER CORE CHARACTER DISTRICT PLAN; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP TO ESTABLISH A TOWN CENTER CORE DISTRICT (TC-1) CONSISTENT WITH THE BOUNDARIES OF THE TOWN CENTER CORE DISTRICT ESTABLISHED BY THE DISTRICT MAPS CONTAINED IN THE COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the majority of registered voters of the City of St. Pete Beach hereby find that the establishment and implementation of a Town Center Core (TC-1) Zoning District will promote orderly development and redevelopment in the Town Center Core Character District as established in the City's adopted Community Redevelopment Plan and adopted Comprehensive Plan Future Land Use Plan and Map by establishing a Community Redevelopment District governing the use of property and preserving the public interest through the imposition of specific requirements for development; and

WHEREAS, the majority of registered voters of the City of St. Pete Beach hereby find the establishment and implementation of Division 30 of the Land Development Code establishing a Town Center Core (TC-1) zoning district regulating development; establishing permitted uses, densities, intensities and height standards to encourage redevelopment of neighborhood commercial, downtown residential, mixed use development and limited temporary lodging uses; providing for green redevelopment standards; prohibiting variances to increase height or exceed maximum intensity and density standards; prohibiting increased height for residential condominiums; and

WHEREAS, the majority of registered voters of the City of St. Pete Beach have determined that this ordinance is necessary for the preservation of the health, welfare and safety of the community.

NOW, THEREFORE, THE CITIZENS OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAIN:

Section 1. Division 30 of the St. Pete Beach Land Development Code is hereby established in accordance with the following;

See Attachment A

Section 2. The Official Zoning Map of the City of St. Pete Beach is amended in accordance with the following;

See Attachment B

Section 3. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 5. The City Commission is specifically authorized to amend, rescind or replace this Ordinance, consistent with the provisions of the City Charter, including those future amendments that may require approval by voter referendum, the Comprehensive Plan, and the Florida Statutes.

Section 6. This Ordinance shall become effective immediately upon final passage as required by law.

ELECTION DATE: 6-3-08

DATE OF CERTIFICATION OF ELECTION RESULTS: 6-24-08

I, Theresa McMaster, City Clerk of the City of St. Pete Beach, Pinellas County, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of the City Charter this 24th day of June, 2008.

Theresa McMaster
, CITY CLERK

Attachment A

Division 30. TC-1 Town Center Core District.

Section 30.1. Purpose and intent.

The TC-1 Town Center Core District is established as the government and business center of the City and is intended to support medium to high intensity land uses. The Town Center Core District exists to accommodate neighborhood commercial uses and downtown residential development in a pedestrian-friendly environment. Residential uses will only be permitted as a component of a mixed-use development and shall not be allowed on the ground level of any structure.

Section 30.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the TC-1 Town Center Core District are as follows:

- (a) Financial institutions without drive-through service.
- (b) Government buildings and other public facilities, including parks and recreation facilities.
- (c) General and professional office uses.
- (d) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact.
- (e) Printing and copying.
- (f) Residential uses as a component of mixed-use development only. Residential uses shall not be allowed on the ground level of any structure.
- (g) Eating and drinking establishments, including bars, cocktail lounges, nightclubs or saloons. Drive-through service is not allowed.
- (h) Retail trade establishments.
- (i) Theaters, cinemas and other indoor commercial entertainment facilities.
- (j) Artist studios with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products.

Section 30.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under Section 30.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Temporary structures under the provisions of Section 6.11 of this code.

Section 30.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the TC-1 Town Center Core District are as follows:

- (a) Automobile service stations with related services. Such uses shall only be allowed on lots which front directly on 75th Avenue.
- (b) Financial institutions with drive-through service.
- (c) Pharmacies with drive-through service.
- (d) Outdoor restaurant seating.
- (e) Public or private parking structures.
- (f) Public transit facilities.
- (g) Bed and breakfast inns subject to the following:

1. In addition to any density and intensity which may be allowed, the City shall also establish a reserve of units, not to exceed 50 total temporary lodging units for the entire Town Center Core District, which shall be allocated by ordinance of the City Commission upon request of an individual property owner. Such allocation shall not exceed ten (10) units per acre, or a total of 10 units per redevelopment project. The remaining number of available reserve temporary lodging units shall be specified in each City Commission ordinance allocating such units and each such ordinance shall provide that no units beyond those remaining available shall be allocated to any subsequent project. This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation. Such units shall be established exclusive of any other use provided for in the District.

2. All bed and breakfast inns shall comply with the provisions of Sections 2.1 and 6.2, of this Code. In addition, all bed and breakfast shall comply with the temporary lodging use operational and occupancy restrictions, limitations and prohibitions contained in Division 39.

Section 30.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the TC-1 Town Center Core District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways, or are likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the TC-1 Town Center Core District. Uses which are not listed as permitted shall be prohibited, including the following:

- (a) Automatic food and drink vending machines, newspaper vending machines at frontage lines.
- (b) Any commercial use, which encourages patrons to remain in their automobiles while receiving goods or services.
- (c) Manufacturing, storage or distribution as a primary use, except artisanal uses.
- (d) Enameling, painting, or plating, except as an artist's studio. Such use must be limited exclusively to the interior of the structure.
- (e) General advertising signs or billboards.
- (f) Carting, moving or hauling yards.

- (g) Prisons, detention centers or halfway houses.
- (h) The manufacture, storage, or disposal of any hazardous wastes or materials.
- (i) Scrap yards.
- (j) Kennels, except as an ancillary use to police station.

Section 30.6. General requirements.

- (a) Street level uses shall consist exclusively of commercial floor area and internal parking. Functional retail street frontage shall be required for the entire length of any site abutting a "Main" street or "A" street.
- (b) Residential uses are permitted only above the street level and only as part of a mixed-use project consisting of a non-residential component (exclusive of parking). Only one story of residential occupancy may be established in any structure and is limited to the second level of two story mixed use retail/residential project; or the third level of mixed-use project.
- (c) The second level of a nonresidential use or three-story mixed-use project may provide retail or office uses.
- (d) The street face of the second and third stories of all structures shall provide a minimum 6 foot depth of unenclosed porch or balcony.
- (e) A functional arcade overhanging the public sidewalk shall be established along "Mainstreet" frontage consistent with the physical design of existing "Mainstreet" properties.

Section 30.7. Density and intensity.

- (a) Single use or multi-tenant non-residential uses shall not exceed a FAR of 1.00, exclusive of the area of any structured parking.
- (b) The residential density of mixed-use developments shall not exceed 15 units per acre.
- (c) Mixed-use developments with at least one level of residential use shall receive an additional FAR of 0.45, for a total allowable FAR of 1.45.
- (d) Both maximum commercial FAR and maximum residential density shall be available based upon the entire site area, and the presence of one shall not limit the density or intensity of the other.

Section 30.8. Building height.

- (a) A two-story mixed use development with a residential or office use on the second level, shall not exceed twenty-eight (28) feet in height, subject to the restrictions and limitations set forth in Division 39 and Section 7.2(k) of this Code.
- (b) A three story mixed-use development with a residential component on the third level, shall not exceed three (3) stories or forty (40) feet in height, subject to the restrictions and limitations set forth in Division 39 and Section 7.2(k) of this Code.
- (c) Single use or multi-tenant non-residential structures shall not exceed two (2) stories or 28 feet in height, subject to the restrictions and limitations set forth in Division 39 and Section 7.2(k) of this Code.

Section 30.9. Setbacks.

Front yard: 0 feet minimum; 5 feet maximum on "Mainstreet"
 5 feet minimum; 15 feet maximum on all other streets.

Side yard: 0 feet on "Mainstreet"
 10 percent of lot width on each side on all other streets.

Rear yard 5 feet on "Mainstreet"
 10 feet on all other streets.

Section 30.10. Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR) for all uses shall not exceed 0.90.

Section 30.11. Other development standards.

All other development standards are contained in Division 39 providing for Redevelopment Area General Standards.

Attachment B

