

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2008-33

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE TO ADDRESS ISSUES OF CONSISTENCY WITH THE COUNTY-WIDE PLAN AS REQUIRED BY THE PINELLAS PLANNING COUNCIL; PROVIDING FOR AMENDMENT OF DIVISIONS 2, 8, 9, 10, 12, 13, 14, 15 AND 21 OF THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the City Commission has determined that the specified amendments to the Land Development Regulations are necessary to protect and promote the public interest;

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:**

**Section 1.** The Land Development Code of the City of St. Pete Beach is hereby amended in accordance with the following:

Division 2. Definitions

*Density* means a measurement (ratio) of the number of dwelling or transient accommodation units allowable to a specified amount of land. As used in this ordinance, the calculation of density does not include land devoted to public rights-of-way, submerged lands and lands seaward of the State of Florida Coastal Control Line. (See also "Intensity" and "Floor area ratio.")

*Floor area ratio (FAR)* means the total amount of gross floor area of all buildings on a zoning lot in relation to the total square footage of zoning lot area, expressed as a ratio. The calculation of the floor are ratio excludes land devoted to public rights-of-way, submerged lands and lands seaward of the State of Florida Coastal Control Line.

*Transient occupancy* means occupancy that is intended to be temporary, or which is offered or advertised as being available for a term of less than ~~90 days~~ one (1) month, more than three (3) times in any consecutive twelve (12) month period. Any occupancy of less than ~~90 days~~ one (1) month shall be deemed a transient occupancy unless such occupancy results from, the early termination of a rental agreement having a term of at least ~~90 days~~ one (1) month, or the termination of a month-to-month tenancy as defined by law. In determining whether a property is used as a transient occupancy, such determination shall be made without regard to the form of ownership of the property or unit, whether the occupant has a direct or indirect ownership interest in the property or

unit, and without regard to whether the right of occupancy arises from a rental agreement, other agreement or the payment of consideration.

**Sec. 8.6. Minimum zoning lot requirements.**

The maximum residential density permitted in the RU-1 Residential District shall not exceed 7.5 units per acre. The minimum lot area and width requirements in the RU-1 Residential District are as follows:

(a) *Detached single-family dwellings.*

(1) *Lot area:* 7,000 square feet.

(2) *Lot width:* 70 feet.

(b) *All other uses.* The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

(1) *Lot area:* 7,000 square feet.

(2) *Lot width:* 70 feet.

**Sec. 9.6. Minimum zoning lot requirements.**

The maximum residential density permitted in the RU-2 Residential District shall not exceed 7.5 units per acre. The minimum lot area and width requirements in the RU-2 Residential District are as follows:

(a) *Detached single-family dwellings.*

(1) *Lot area:* 6,000 square feet.

(2) *Lot width:* 60 feet.

(b) *All other uses.* The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

(1) *Lot area:* 6,000 square feet.

(2) *Lot width:* 60 feet

**Sec. 10.6. Minimum zoning lot requirements.**

The maximum residential density in the RLM-1 Residential District shall not exceed 10 units per acre. The minimum lot area and width requirements in the RLM-1 Residential District are as follows:

(a) *Detached single-family dwellings.*

(1) *Lot area:* 5,000 square feet.

(2) *Lot width:* 50 feet.

(b) *All other uses.* The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

(1) *Lot area:* 5,000 square feet.

(2) *Lot width:* 50 feet

#### **Section 12.13 Other Standards**

Residential equivalent uses shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 15 units per acre.

#### **Sec. 13.6. Minimum zoning lot requirements.**

The maximum residential or transient accommodation densities permitted in the ROR Residential/Office/ Retail District shall not exceed 15 units per acre. The minimum lot area and width requirements in the ROR Residential/Office/Retail District are as follows:

(a) *Detached single-family dwellings.*

(1) *Lot area:* 5,000 square feet.

(2) *Lot width:* 50 feet.

(b) *Attached single-family, multifamily and two-family dwellings and transient accommodation facilities.*

(1) *Lot area:* 2,904 square feet for each dwelling unit or transient accommodation unit, pursuant to Section 6.6 of this Code.

(2) *Lot width:* 50 feet

(c) *All other uses.* The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

(1) *Lot area:* 5,000 square feet, pursuant to Section 6.6 of this Code.

(2) *Lot width:* 50 feet.

### **Section 13.13 Other Standards**

Residential equivalent uses shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 15 units per acre.

### **Sec. 14.4. Allowable conditional uses.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the RFM Resort Facilities Medium District are as follows:

- (a) Assisted living facilities.
- ~~(b) Automotive rental agencies.~~
- ~~(c) Automotive service stations.~~
- ~~(d)~~ (b) Places of worship.
- ~~(e)~~ (c) Commercial water sports.
- ~~(f)~~ (d) Communications facilities.
- ~~(g)~~ (e) Daycare centers/kindergartens.
- ~~(h)~~ (f) Docks, commercial--Classes A, B and C.
- (i) (g) Eating and drinking establishment--Fast food, beach bar and outdoor restaurant.
- (j) (h) Financial institutions with drive-through service.
- ~~(k) Kennels with outdoor runs.~~
- (l) (i) Laundry, dry cleaning.
- ~~(m)~~ (j) Parking lots, commercial and/or off-premise.
- ~~(n)~~ (k) Recreational--Commercial recreation; public parks and/or recreational facilities.

- (⊖) (l) Recycling centers.
- (Ⓟ) (m) Schools--Public, private and/or commercial.
- (Ⓠ) ~~Services, commercial/business.~~
- (Ⓡ) (n) Utility substations and/or rights-of-way.
- (Ⓢ) ~~Vehicle for hire businesses.~~
- (Ⓣ) (o) Vessel for hire businesses.

**Sec. 14.6. Minimum zoning lot requirements.**

The maximum residential density permitted in the RFM Resort Facilities Medium District shall not exceed 15 units per acre. The maximum transient accommodation density permitted shall not exceed 30 transient units. The minimum lot area and width requirements in the RFM Resort Facilities Medium District are as follows:

(a) *Multi-family dwellings.*

(1) *Lot area:* 2,904 square feet for each dwelling unit, pursuant to Section 6.6 of this Code.

(2) *Lot width:* 50 feet.

(b) *Transient accommodations.*

Hotels and Motels:

(1) *Lot area:* 1,452 square feet for each hotel or motel unit, plus the required lot area determined under the requirements of section 14.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to Section 6.6 of this Code.

(2) *Lot width:* 50 feet.

Bed and breakfast inns: See section 6.2 of this Code.

Resort condominiums:

(1) *Maximum size:* Each unit within a resort condominium shall be no larger than 600 square feet in area. Units larger than 600 square feet shall be counted as one unit for each 600 square feet therein or portion thereof.

(2) *Lot area:* 1,452 square feet for each resort condominium unit, plus the required lot area determined under the requirements of section 14.11 for

portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to Section 6.6 of this Code.

(3) *Lot width:* 50 feet.

(c) *All other uses.* The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

(1) *Lot area:* 5,000 sq. ft., pursuant to Section 6.6 of this Code.

(2) *Lot width:* 50 feet.

### **Section 14.13 Other Standards**

Residential equivalent uses shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 15 units per acre.

### **Sec. 15.6. Minimum zoning lot requirements.**

The maximum transient accommodation density permitted shall not exceed 30 transient units. The minimum lot area and width requirements in the CG-1 Commercial District are as follows:

(a) *Transient accommodations.*

Hotels and motels:

(1) *Lot area:* 1,452 square feet for each transient accommodation unit, plus the required lot area determined under the requirements of section 15.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to section 6.6 of this Code.

(2) *Lot width:* 100 feet.

Resort condominiums:

(1) *Maximum size:* Each unit within a resort condominium shall be no larger than 600 square feet in area. Units larger than 600 square feet shall be counted as one unit for each 600 square feet therein or portion thereof.

(2) *Lot area:* 1,452 square feet for each resort condominium unit, plus the required lot area determined under the requirements of section 15.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to section 6.6 of this Code.

(3) *Lot width:* 50 feet.

(b) *All other uses.* As determined by the appropriate board of authority.

(1) *Lot area:* 5,000 sq. ft., pursuant to section 6.6 of this Code.

(2) *Lot width:* 50 feet.

### **Section 15.13 Other Standards**

Assisted living facility - Residential equivalent uses shall not exceed an equivalent of 2.0 to 3.0 beds per dwelling unit at 24 units per acre.

### **Sec. 21.6. Minimum zoning lot requirements.**

The maximum residential density permitted in the RFO Resort Facilities Overlay District shall not exceed ~~10 units per acre~~ the maximum number of dwelling units per acre determined by the underlying residential category. ~~The maximum transient accommodation density permitted shall not exceed 16.7 units per acre.~~ Transient Accommodation use shall not exceed a ratio of 1.67 transient accommodation units to the permitted number of the underlying residential units. The minimum lot area and width requirements in the RFO Resort Facilities Overlay District are as follows:

(a) *Detached single-family, two-family and multifamily dwellings.*

(1) *Lot area:* As required by the underlying district regulations.

(2) *Lot width:* As required by the underlying district regulations.

(b) *Transient accommodation uses.*

(1) *Lot area:* 2,609 square feet for each transient accommodation unit other than bed and breakfast inns which shall be developed in accordance with the requirements of section 6.2.

(2) *Lot width:* 50 feet.

(c) *All other uses.* The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

(1) *Lot area:* As required by the underlying district regulations.

(2) *Lot width:* As required by the underlying district regulations.

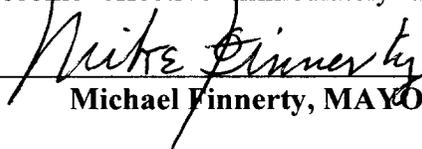
**Sec. 21.12. Maximum impervious surface ratio.**

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying seaward of the city's coastal construction and excavation setback line.

*Maximum impervious surface ratio (ISR) for residential and transient accommodation uses: 0.70*

*Maximum impervious surface ratio (ISR) for non-residential uses: ~~0.75~~ Underlying district requirements.*

**Section 2.** This ordinance shall become effective immediately upon final passage as required by law.

  
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Michael Finnerty, MAYOR

FIRST READING : 08-12-2008  
PUBLISHED : 08-16-2008  
SECOND READING : 08-26-2008  
PUBLIC HEARING : 08-26-2008

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 21<sup>st</sup> day of August, 2008.

  
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Theresa B. McMaster, City Clerk