

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2010-31

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT OF DIVISION 2 REGARDING THE DEFINITIONS OF POOLS AND SPAS; AMENDING SECTION 31 OF THE LAND DEVELOPMENT CODE AS IT RELATES TO DEVELOPMENT STANDARDS FOR TEMPORARY LODGING ESTABLISHMENTS IN THE TRADITIONAL HOTEL DISTRICT; AMENDING DIVISION 6 OF THE LAND DEVELOPMENT CODE AS IT RELATES TO TEMPORARY LODGING ESTABLISHMENTS; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City wishes to ensure a mix of land uses which are in keeping with the development policy objectives of the City and which are reasonable and beneficial given the circumstances of an individual development; and

WHEREAS, the City's Planning Board, acting as the City's local planning agency, has reviewed this ordinance and found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

WHEREAS, the City Commission has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city; and

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

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

Section 1. Division 2 of the Land Development Code is amended as follows:

Swimming pool means any structure intended for swimming or recreational bathing that contains water a minimum of 24 inches (610 mm) deep. This includes in ground, above-ground and in-ground swimming pools, and fixed in place wading pools.

Spa means a hydro massage pool or tub for recreational or therapeutic use, designed for immersion of users and usually having a filter, heater and motor driven blower, and contains water between 24 and 60 inches deep, and is not larger than 64 square feet.

Section 2: Division 31 of the City of St. Pete Beach, Florida Land Development Code is hereby amended as follows:

Sec. 31.1. Purpose and intent.

The THD ~~Traditional Hotel Transient Accommodation~~ District is intended for, and restricted to, those areas designated within the Residential High (RH) land use category on the city's Future Land Use Plan Map to which the Resort Facilities Overlay (RFO) has been applied. The purpose of this district is to provide for the redevelopment of properties in areas traditionally utilized for small hotels and motels in a manner consistent with the present character of the surrounding area and which minimizes the negative impacts of such facilities on adjacent and nearby residential properties. This district shall only be established on those lots which lie south of 15th Avenue and for which the owner(s) can demonstrate said lots were utilized as temporary lodging facilities with five or more units as of December 31, 2010, and which were at that time, and have since remained, properly permitted and/or licensed by all applicable regulatory authorities. Such authorities shall include the City of St. Pete Beach, the Florida Department of Business and Professional Regulation and the Florida Department of Revenue. Any facility which cannot demonstrate that proper license fees and taxes have been paid throughout the required period of operation to the proper licensing or taxing authority, including the State of Florida and Pinellas County, shall not be eligible for application to this district. with the City of St. Pete Beach and operating as a transient accommodation.

(Ord. No. 2007-51, § 1, 1-8-08; Ord. No. 2008-38, § 1, 10-28-08)

Sec. 31.2. 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 Traditional Hotel District are as follows:

(a) Temporary Lodging Facilities ~~Transient Accommodations~~ -- Density shall not exceed 50 units per acre.

(Ord. No. 2007-51, § 1, 1-8-08)

Sec. 31.3. Permitted accessory uses and structures.

~~1.(a) Uses and structures, as regulated in sections 6.31 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 31.5, and only to the extent that such uses and structures were authorized by the applicable Land Development Regulations in effect at the time such uses and structures were established on the subject properties.~~ The following accessory uses are permitted in the THD district:

1. Retail sales, limited to 100 square feet in area. The sales shall be located inside the principal structure and shall not have signage outside the structure advertising such retail goods for sale.
2. Office space for the administrative use of the accommodation, such as check-in, check-out areas, reservations, and accounting.
3. Meeting or conference rooms for the use of guests.
4. Fitness facilities for the use of guests.

(b) In addition to those commercial accessory structures permitted in 6.12, the following accessory structures are permitted in the THD District:

1. Garages;
2. A storage building
3. Decks and patios
4. Fountains
5. Gazebos
6. Trellises

(c) Temporary structures under the provisions of section 6.11.
(Ord. No. 2007-51, § 1, 1-8-08)

Sec. 31.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the Traditional Hotel District are as follows:

- (a) *Recreational* --Public parks and/or recreational facilities.
- (b) Spas

Sec. 31.6. Minimum zoning lot requirements.

The maximum Temporary Lodging ~~Transient Accommodation~~ density permitted in the Traditional Hotel District shall not exceed 50 units per acre. The minimum lot area and width requirements in the Traditional Hotel District are as follows:

- (a) *Lot area:* 3,500 square feet. Two or more zoning lots shall not be combined for the purposes of development under this division, nor shall existing zoning lots be subdivided in any way which allows additional separate hotel or motel facilities to be developed.
- (b) *Lot width:* 50 feet.

(Ord. No. 2007-51, § 1, 1-8-08)

31.12 Maximum Floor Area - No new structure shall be larger in aggregate square footage than the structures which occupied the site prior to redevelopment, except that the Building Official may allow a 5 % increase in the aggregate square footage overall, plus the minimum necessary increases in aggregate square footage in cases where such

increases are reasonably necessary to implement current Building Code or other statutory requirements.

Sec. 31.13 Additional Requirements for Spas

- 1) All unenclosed spas shall provide a solid screening wall or fence at least six feet in height. This requirement shall be waved in instances where an enclosed structure is positioned between the spa and the adjacent private property.
- 2) No spa shall be located in such a manner as to be separated from the facility it serves by any public right-of-way.
- 3) Any existing facility expanded under this Division which currently has a pool or spa shall not construct a spa unless such existing pool or spa is first removed.

Section 3. Section 6.6 of the Land Development Code is amended as follows:

Sec. 6.6. Temporary Lodging Uses ~~Mixed uses (residential and transient accommodations with other uses).~~

Unless otherwise regulated or restricted in this Land Development Code, Temporary Lodging ~~Transient accommodation uses may that~~ include secondary uses that are customary guest amenities recognized by the hotel industry. Such uses are retail stores, business centers where guests can use computers, fax machines, printers and copiers, etc., conference and meeting room facilities, fitness facilities, ~~centers,~~ day spas, and restaurants with or without a bar or cocktail lounge. Such secondary uses, in total, may be no larger than 20% of the gross floor area of the temporary lodging use before being considered a mixed use, which would then be regulated by the Floor Area Ratio standards in each zoning district or the Future Land Use designation in the Comprehensive Plan, whichever is more restrictive. ~~and other ancillary nonresidential uses which exceed 20 percent of the gross floor area of the project shall be considered mixed uses. Except as provided for above, the density and intensity of mixed uses shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.~~

Section 4. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 5. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 6. This Ordinance shall become effective immediately upon adoption.


Michael Finerty, MAYOR

FIRST READING : 2-8-11
PUBLISHED : 2-12-11

SECOND READING : 2-22-11
PUBLIC HEARING : 2-22-11

I, Pamala Prell, Acting 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 22nd day of February 2011.



Pamela Prell, Acting City Clerk