

ORDINANCE # 2010-18

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE; ADDING A NEW DIVISION 40 AND AMENDING DIVISIONS 23 AND 26 TO IMPLEMENT THE EIGHTH AVENUE COMMUNITY REDEVELOPMENT DISTRICT, AS WRITTEN IN EXHIBIT "A" ATTACHED HERETO; AMENDING THE OFFICIAL ZONING MAP AS ILLUSTRATED IN EXHIBIT "B" ATTACHED HERETO AND ADOPTED HEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OF PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 2008-24 on August 26, 2008, establishing a special Future Land Use designation for Eighth Avenue, known as the Community Redevelopment District- Eighth Avenue: and

WHEREAS, the Citizens of St. Pete Beach validated the adoption of this comprehensive plan amendment via public referendum in 2009; and

WHEREAS, pursuant to Section 163.3202 Florida Statutes, the City must adopt Land Development regulations consistent with the land use plan; and

WHEREAS, the Planning Board of the City of St. Pete Beach conducted a public hearing on August 17, 2010, noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, City Commission of the City of St. Pete Beach conducted public hearings on Wednesday, September 14, 2011 and November 8, 2011, noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, the City Commission finds this text amendment to the Land Development Code and change to the official zoning map to be Consistent with the Goals, Objectives, and Policies of the Comprehensive Plan; and

WHEREAS, the City Commission finds this text amendment to the Land Development Code and change to the official zoning map to be in the best interest of the citizens of the City of St. Pete Beach.

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

Section 1. Division 40 of the Land Development Code, establishing the Eighth Avenue Zoning district, and Divisions 23 and 26 related to parking and signage in the Eighth Avenue District, are hereby amended as identified in "Exhibit A".

Section 2. The zoning map is hereby amended to rezone the properties illustrated in "Exhibit B" from ROR to CRD-EA.

Section 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. 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 5. This Ordinance shall become effective immediately upon adoption.



STEVE MCFARLIN, MAYOR

LPA NOTICE MAILED: 7/15/2010

LPA PUBLIC HEARING: 8/17/2010

FIRST READING: 9/14/2011

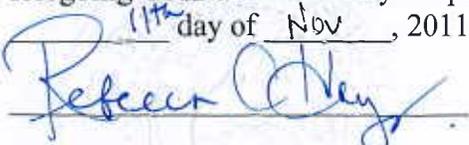
NOTICE MAILED: 8/12/2011

PUBLISHED : 8/24/2011

SECOND READING/ADOPTION HEARING: 11/8/2011

PUBLISHED : 10/12/2011

I, Rebecca Haynes, 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

11th day of Nov, 2011


Rebecca Haynes, City Clerk

“Exhibit A”

Division 40. Community Redevelopment District - Eighth Avenue (CRD – EA)

Section 40.1. Purpose and intent.

The CRD-EA district is intended to encourage and promote the continuance of the existing mixed use development pattern and architectural aesthetic of the area, as well as encourage the infill of vacant or under-developed lots.

Section 40.2. Permitted principal uses

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses in the CRD-EA district are as follows:

- (a) Residential uses are permitted only as a component of a vertically mixed-use development;
- (b) Transient accommodations;
- (c) Eating and drinking establishments, specialty food such as gourmet take out, catering, coffee shops, etc. and sit-down restaurants;
- (d) Offices;
- (e) Retail sales;
- (f) Private, specialized instruction, such as computer training, real estate courses, self-improvement classes, career training or fitness instruction;
- (g) Artist studios, art galleries, and museums;
- (h) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning drop-off and pick-up and other personal service uses similar in character and impact;
- (i) Vehicle for hire – limited to rental of bicycles and individual motorized vehicles such as segways, mopeds/scooters;
- (j) On-site parking facilities;
- (k) Other uses similar in character, nature and impact to permitted uses listed above.

Section 40.3. Permitted Secondary Uses

- (a) Transit facilities;
- (b) Public recreation and other governmental or civic uses.

Section 40.4. 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. Where setbacks of accessory uses in sections 6.12 and 6.13 conflict with this section, the standards in this section shall apply;
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Temporary uses under the provisions of Section 6.11 of this code.

Section 40.5. Prohibited uses and structures.

Single Family Residential uses are prohibited in the CRD-EA District. All other uses and structures not of a nature specifically permitted herein are prohibited in the CRD-EA District. Single family residences may continue as legal non-conforming uses or can be adaptively re-used as transient accomodation or commercial uses.

Section 40.6. Density and intensity.

Density and Intensity of use for commercial and residential components shall be inclusive, i.e. the same land area on a zoning lot may be used to support both use types without proration. For the purpose of determining mixed uses, transient accommodations shall be considered residential uses and may be combined with ground floor commercial within a mixed-use project. The intensity of the commercial use shall be determined by Floor Area Ratio and the density of the transient accommodation shall be determined by units per acre.

Residential use - Shall not exceed 24 dwelling units per acre.

Transient accommodation use - Shall not exceed 30 units per acre.

Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.50 for mixed-use development. Projects that consist of a non-residential uses mixed with a transient accommodation or residential use shall provide a minimum FAR of .40 for the non-residential use.

Section 40.7. Building height.

Height shall not exceed 35 feet.

Section 40.8. Setbacks

For structures that front 8th Avenue:

Front Yard: When new construction is proposed and no structures exist on either side (east or west of) of the proposed structure, the structure can be set back between 0 and 2 feet from the front property line. A maximum of 15 feet of the frontage can be set back up to 7 feet in order to accommodate recessed doorways.

When there is an existing structure on one side of the proposed structure, then the proposed building frontage shall be in line with the adjacent building. In the event there are existing buildings on both sides of the proposed building, and the adjacent buildings are not set back the same distance from the front property line, then the proposed structure may be built to the average frontage of the two adjacent buildings. For the purposes of this section, adjacent shall mean those properties abutting one another and not separated by any street or alley. No more than 15 feet of the frontage may be set back up to 7 feet to accommodate recessed doorways.

Secondary front yard: None

Side yard: None

Rear yard: 10 feet minimum. Parking may be placed in the rear setback.

For structures that front Pass-a-Grille Way:

Front yard: 10 feet

Secondary front yard: 5 feet

Side yard: 5 feet

Rear Yard: 10 feet. Parking can be placed in the rear yard setback.

For structures that front Gulf Way or 9th Avenue:

Front yard: 0' minimum, 7' maximum

Secondary front yard: None

Side yard: None

Rear yard: 10 feet minimum. Parking may be placed in the rear yard setback.

40.9 Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR) for all uses: 0.90

Section 40.10. Minimum Off-Street Parking Requirements and Access Requirements

1. Number of parking spaces required: Subject to Division 23 of the Land Development Code.
2. Access to and location of parking areas:
 - a. Parcels abutting an alley shall not place parking in the front yard of the zoning lot, nor will be provided driveway access from the main thoroughfare. Parking may be placed in the rear or side yard. Access shall be provided via the alley.
 - b. Parcels without alley access shall be granted a curb cut from the main thoroughfare and may provide parking in the front yard.

Section 40.11 Landscaping and buffering

In order to accommodate the form and scale of historic development patterns on 8th Avenue, the CRD-EA District shall be exempt from the buffering and landscaping requirements in Division 22 of this Code.

Parking

Sec. 23.5. Number of parking spaces required.

(e) For commercially zoned properties abutting 7th, 8th, and 9th Avenues in Pass-a-Grille, additional parking shall be required for a change of use only if there is an increase in the floor area of an existing building or construction of additional buildings.

For properties zoned CRD-EA, permitted non-residential and transient accommodation uses are exempt from the minimum parking standards above. Residential uses shall provide the required off-street parking in the table above.

Signage

Sec. 26.35. Severability. CRD-EA District

Each business with its own exterior entrance may have up two signs per frontage from the following list:

- (a) One (1) Projecting sign not to exceed 12 square feet and shall have a minimum clearance from the sidewalk of 7.5 feet.

- (b) One (1) attached sign, which may include a wall sign, a canopy, or a marquee sign; the attached sign may not be larger than 1 square foot for every linear foot of building frontage.
- (c) One sandwich board sign or one designer sign, subject to the following:
- (1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and will not be placed in the right of way such that the sidewalk width would be less than 48", not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five (5) feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.
 - (2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than (5) feet tall by three (3) feet wide by three (3) feet deep.
- (d) All other signs are prohibited.

Sec. 26.35, 36 Severability

“Exhibit B”

Change of Zoning from ROR to CRD-EA

