

CITY OF ST. PETE BEACH

ORDINANCE NO. 2011-32

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE AS THEY RELATE TO THE COMMUNITY REDEVELOPMENT DISTRICT; REPEALING DIVISION 30 TC-1 AND DIVISION 35 LR, AND ADOPTING NEW DIVISIONS 30 TC-1 AND 35 LR, REGULATING LAND DEVELOPMENT STANDARDS INCLUDING BUT NOT LIMITED TO PERMITTED AND PROHIBITED USES, DENSITY, INTENSITY, HEIGHT, AND OTHER RELATED SITE DESIGN REGULATIONS AS ILLUSTRATED IN EXHIBIT "A"; 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 Commission of the City St. Pete Beach adopted a large scale comprehensive plan amendment, establishing what is known as the Community Redevelopment District via Ordinance 2011-19; and

WHEREAS, 163.3202 Florida Statutes, requires local governments to adopt land development regulations consistent with its adopted comprehensive plan; and

WHEREAS, the Planning Board of the City of St. Pete Beach conducted a public hearing on October 26, 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, City Commission of the City of St. Pete Beach conducted public hearings on November 8 2011 and November 22, 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 to be Consistent with the Goals, Objectives, and Policies of the Comprehensive Plan; and

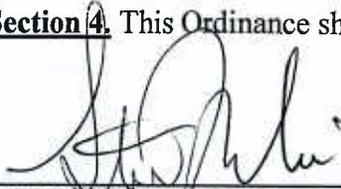
NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 1. The Land Development Regulations are hereby amended as shown in "Exhibit A".

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. 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.

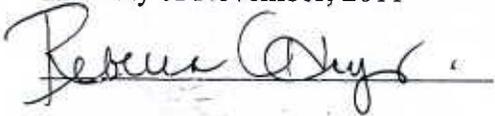
Section 4. This Ordinance shall become effective 30 days from the date of adoption.



STEVE MCFARLIN, MAYOR

LPA NOTICE PUBLISHED: 10/12/2011 and 10/19/2011
LPA PUBLIC HEARING: 10/26/2011
FIRST READING: 11/8/2011
PUBLISHED: 11/2/2011
SECOND READING/ADOPTION HEARING: 11/22/2011
PUBLISHED : 11/13/2011

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 22nd day of November, 2011



Rebecca Haynes, City Clerk

Exhibit "A"

~~DIVISION 30 TC 1 TOWN CENTER CORE DISTRICT~~

~~Sec. 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.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 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.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 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.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 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 units per acre, or a total of ten 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.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 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.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 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 six-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.~~
- (Ord. No. 2008-13, § 1, 6-3-08)

~~Sec. 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.~~
- (Ord. No. 2008-13, § 1, 6-3-08)

~~Sec. 30.8. Building height.~~

- (a) ~~A two-story mixed-use development with a residential or office use on the second level, shall not exceed 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 stories or 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 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.~~
- (Ord. No. 2008-13, § 1, 6-3-08)

~~Sec. 30.9. Setbacks.~~

~~TABLE INSET:~~

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.—

(Ord. No. 2008-13, § 1, 6-3-08)

~~Sec. 30.10. Maximum impervious surface ratio:~~

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

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.11. Other development standards:~~

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

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~DIVISION 35 (LR) LARGE RESORT DISTRICT~~

~~Sec. 35.1. Purpose and intent.~~

~~Sec. 35.2. Definitions.~~

~~Sec. 35.3. Permitted principal uses and structures.~~

~~Sec. 35.4. Permitted accessory uses and structures.~~

~~Sec. 35.5. Prohibited uses and structures.~~

~~Sec. 35.6. Easements.~~

~~Sec. 35.7. Density and intensity.~~

~~Sec. 35.8. Building height.~~

~~Sec. 35.9. Setbacks.~~

~~Sec. 35.10. Temporary lodging amenity requirements and restrictions.~~

~~Sec. 35.11. Maximum impervious surface ratio (ISR).~~

~~Sec. 35.12. Energy and environmental building and site design standards.~~

~~Sec. 35.13. Community involvement.~~

~~Sec. 35.14. Other development standards and administrative site plan approval.~~

~~Sec. 35.1. Purpose and intent.~~

~~(a) Location and character. The Large Resort District is a nine-mile strip of land located on the west side of Gulf Boulevard from the County park (46th Ave) northward to 64th Avenue, containing 65.16 acres of land or approximately five percent of the total land area of the city. The area is devoted almost exclusively to larger full service temporary lodging uses; however there are existing high rise multi-family residential condominiums in the district that likely will not be redeveloped in the foreseeable future. It is anticipated that no more than eight large resort projects potentially could be developed or redeveloped in the Large Resort District, it could be less if parcels are assembled into one unified development scheme.~~

~~The Large Resort District is intended to primarily support and encourage full service integrated resort redevelopment projects to promote economic balance and compatibility of land uses. Large Resort District regulations provide higher density and intensity of temporary lodging use than provided in any other district in the city to support and encourage redevelopment of resort hotels where they primarily exist today and in consideration of the larger size and depth of the parcels that are adjacent to the Gulf beaches and allow greater setbacks from, as well as access to, Gulf Boulevard, a 4-lane State Road and evacuation route.~~

~~(b) Existing temporary lodging use density limitations effect redevelopment. Gulf front properties had a significant percent of their property up to 67 percent and averaging 33 percent, designated preservation in 2003 by the city to comply with Countywide Plan rules. The existing temporary lodging properties located within the Large Resort District lost approximately 16.5 acres to the city's implementation of the countywide preservation designation in 2003. Prior to 2003, those 16.5 acres were calculated by the city for density purposes at 30 temporary lodging units per acre. As a result, 495 potential temporary lodging units were lost after November 2003.~~

~~The result left all of the city's Gulf front hotels non-conforming and therefore unable to build back the existing temporary lodging accommodation units in the event of a natural disaster or catastrophic event. The reduction of acreage by government regulation for every property abutting the Gulf beaches in 2003 created a significant disconnect between the number of units actually built on the ground as compared to the number of units that are potentially allowed under the current land development regulations. This circumstance is referred to as non-conforming density for a permitted land use.~~

~~The existing as-built density on the ground in the Large Resort District averages approximately 50 hotel units per acre, some properties are more, some just slightly less. One hotel property is already over 80 units per acre as it is built today. However, the current land use and zoning classifications only allow 30 units per acre, or roughly 60 percent or less of the number of units actually built. The result is that every single existing hotel and motel along the west side of Gulf Boulevard has a non-conforming density.~~

~~Non-conforming density status prohibits the rebuilding of the existing number of units in the event of a natural disaster or catastrophic event; and also precludes or severely limits financing or refinancing needed for reinvestment in these aging properties. Reinvestment into non-conforming properties is not practical or feasible unless a portion of the property is sold off as residential condominiums to raise capital for reinvestment. The non-conforming status of these temporary lodging properties as they continue to age and reach functional obsolescence, only serves to encourage redevelopment as residential condominiums, unless a regulatory remedy is adopted~~

~~(c) Purpose of temporary lodging unit density increase is to eliminate non-conforming density and economic disparity. Density for temporary lodging use in this district has been limited to the minimum that will provide comparatively equal market value between multi-family residential use and temporary lodging use for purposes of redevelopment. Initially, the need to increase temporary lodging use density from 30 units per acre to 50 units per acre is to reconcile the as-built density which averages between 45-52 units per acre with the city's land use and zoning regulations. The initial base level increase to 50 temporary lodging units per acre primarily allows a property owner the option to rebuild an existing temporary lodging facility in the event of destruction by a catastrophic event.~~

~~Any additional increase in density above 50 temporary lodging units per acre are a direct result of market conditions that value land for one beachfront residential condo to be equivalent in value to land for 5-6 beachfront hotel rooms. This creates an enormous economic disparity that is causing high rise residential development to overtake the beaches in waterfront communities all over the State. Pinellas County alone has seen a loss of 5,000 of its 40,000 hotel rooms and thousands of tourist-related jobs from 2002-2006. The only way to eliminate all or most of that economic disparity with the goal of preserving our heritage as a resort destination with temporary lodging facilities that are the keystone of a tourist-based economy, is to level the economic playing field by increasing density for temporary lodging use only.~~

Thus, the increase from 50 to 75 temporary lodging units per acre will only be permitted for comprehensive redevelopment that provides full service large scale temporary lodging facilities to encourage redevelopment of destination resort facilities as a viable economic alternative long term. These temporary lodging uses will form the basis of the local economy and work to shifting the current disproportionate tax burden away from residents and back to commercial properties in a healthy sustainable proportionate ratio.

~~(d) Purpose of height increase for temporary lodging use only.~~ The height increase for temporary lodging uses only is a direct result of needing additional space to accommodate the increased temporary lodging use density and extensive list of amenities required both by division 35 as well as current market conditions to create a destination family resort and attract visitors that have choices in a global travel market that were not available just ten years ago. The increased height will only be allowed for comprehensive redevelopment on parcels that are three acres or greater. The height increase will allow more open space between buildings, more green space, greater setbacks from Gulf Boulevard, wider sidewalks and landscaping, that combined are intended to avoid a "canyon" effect down Gulf Boulevard and preserve access to the beaches for all of our residents.

~~(e) Limitations and restrictions on residential condominium development.~~ To promote temporary lodging redevelopment and discourage residential condominium development along the Gulf beaches, density for exclusively residential condominiums is reduced from a maximum potential 18 residential dwelling per acre approved in the 1998 Comprehensive Plan to 15 dwelling units per acre in the LR District. In addition, existing height restrictions for multi-family residential use in the LR District remains unchanged.

(Ord. No. 2008-11, § 1, 6-3-08)

Sec. 35.2. Definitions.

The following term is defined and shall apply to development and redevelopment within the Large Resort District only:

~~Large scale development.~~ Shall mean development or redevelopment of a buildable site that:

- a. Is three acres in size or greater; and
- b. New construction exceeds 67 percent of the combined aggregate floor area of new and existing principal buildings, structured parking and accessory structures that constitute the entire unified development scheme on the buildable site.

(Ord. No. 2008-11, § 1, 6-3-08)

Sec. 35.3. 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 LR District are as follows:

~~(a) Primary uses.—~~

~~(1) Temporary lodging uses, including hotels, motels, resort condominium hotels, as further defined in division 2 and this division 35.~~

~~(2) Multi-family residential use.~~

~~(b) Secondary uses.—~~

~~(1) Small scale commercial and office uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the project,~~

subject to the limitations contained in section 35.7(d)(6) and further provided, that the project contains a minimum of 200 temporary lodging units and may include:

~~(i) Retail trade establishments.~~

~~(ii) Eating and drinking establishments, including bars and cocktail lounges.~~

~~(iii) Indoor commercial entertainment facilities.~~

~~(2) Multi-family residential use as a secondary use only to a temporary lodging use that contains a minimum of 200 temporary lodging units.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 35.4. 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 and are not of a nature prohibited under section 35.5. A temporary lodging use may include accessory uses, such as recreational facilities, restaurants, bars, and other eating and drinking establishments, as well as personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, on-site workforce living accommodations and other uses commonly associated with temporary lodging uses.~~

~~(b) Home occupations for residential use only, subject to the conditions set forth in section 6.5 of this Code. Home occupational licensing shall be prohibited for any temporary lodging unit and any affordable workforce living accommodation.~~

~~(c) Temporary structures under the provisions of section 6.11 of this Code.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 35.5. Prohibited uses and structures.

~~All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the LR District. Temporary lodging uses are further restricted and limited by the provisions contained in division 39.6 relating to operational and occupancy prohibitions, limitations and restrictions that shall include a legally enforceable recordable covenant for use and occupancy prohibitions associated with temporary lodging uses.~~

~~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 likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the LR District.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 35.6. Easements.

~~(a) Sidewalk easement and construction.—~~

~~(1) In general. The city may require construction or reconstruction of sidewalk improvements along Gulf Boulevard if a sidewalk does not exist or the existing sidewalk does not comply with the standards established in division 39. The sidewalk location, design and construction standards shall be determined during the site plan approval process in accordance with division 39 and made a condition of site plan approval. All reasonable efforts shall be made to integrate the on-site location with the off-site locations of existing sidewalks to provide a continuous safe pedestrian sidewalk as part of a Gulf Boulevard Improvement Program or Master Boulevard Streetscape Plan, as determined by the city. This easement shall be included in the density or~~

intensity calculations for the development site. Off-site sidewalk construction costs shall be eligible for credits against community improvements impact fees, as may be required.

(2) All large scale development and all development that exceeds 75 percent of the buildable site and is adjacent to boulevard shall be required to dedicate to the city a ten foot easement generally along the existing front property line of the development site.

(3) All other development not described in scenario (a)1. above, may be required to dedicate sidewalk easements along Gulf Boulevard if the buildable site is adjacent to Gulf Boulevard and existing site conditions and redevelopment plans permit the location of such easements that can be integrated into the redevelopment site plan without undue hardship to the property owner. For example, the property owner shall not be required to demolish existing site improvements or create or expand non-conformities to accommodate the dedication of an easement or construction of a sidewalk.

(b) *Utility easements.* All development in the LR District, regardless of size or use, may be required to provide a utility easement to accommodate the relocation of above ground utilities to below ground in a location and width determined by the city during the site plan approval process and if required, shall be a condition of site plan and building permit approval. This easement shall be included in the density or intensity calculations for the development site.

(c) *Relocating utilities below ground.* On site overhead utilities shall be placed underground as part of all development projects and shall be a condition of site plan and building permit approval.

(d) *Public beach access easement.*

(1) *In general.* The design and location of public beach access shall:

a. Accommodate foot traffic and wheelchair access only and shall be directed to marked paths or dune walkovers in order to protect the dune system; and

b. Wherever practical and feasible, be located in coordination with existing or future planned trolley stops. Additional width fronting Gulf Boulevard to accommodate a trolley stop may be required; and

c. Wherever practicable and feasible, be located in coordination with existing or proposed pedestrian crosswalks, pedestrian and bike pathways for Gulf Boulevard; and

d. Any public beach access easements and other design elements required pursuant to 35.6(d)1.-5. shall be a condition of site plan and building permit approval. Any easement required shall be included in the density or intensity calculations for the development site.

(2) *Large scale temporary lodging use* as defined in section 35.2 shall provide:

a. At least one functional public beach access a minimum of ten feet average width if:

(i) New construction exceeds 67 percent or more of the total aggregate floor area located on the buildable site; and

(ii) The buildable site is at least three gross acres in size; and

(ii) The buildable site has a westerly boundary abutting the Gulf beaches or is part of an overall unified development that has a westerly boundary abutting the Gulf beaches.

b. Abutting property owners will be encouraged to combine public beach access on adjacent boundaries in the site design process to maximize the width and meaningful public access to the Gulf beaches wherever possible. Any combined public beach access shall be a minimum average width of 15 feet.

c. The public beach access area fronting Gulf Boulevard shall be designed to include distinctive sidewalk materials such as pavers or colored imprinted concrete to create a small pedestrian entrance plaza area. A small pavilion or other design element that provides shade and protection

~~from the sun and rain, bicycle racks and other street furniture including but not limited to lighting, benches and trash receptacles, public art or other pedestrian amenities are strongly encouraged in the public beach access entrance area from Gulf Boulevard and at least four such elements shall be required and determined in the site plan review and approval process.~~

~~(3) All other development that does not meet the requirements for large-scale development defined in section 35.2 is subject to the following:~~

~~a. A functional public beach access may be required that shall not exceed seven feet average width for temporary lodging use redevelopment projects if:~~

~~(i) New construction is less than 67 percent and 50 percent or more of the total aggregated floor area located on the buildable site; and~~

~~(ii) Has a westerly property boundary abutting the Gulf beaches; and~~

~~(iii) Only if the conditions of site redevelopment permit its location without causing undue hardship on the property owner as a result of existing site conditions that may impede the reasonable location of an easement for the public that can be integrated with the overall site development.~~

~~b. Abutting resort owners will be encouraged to combine public beach access on adjacent boundaries in the site design process to maximize the width and meaningful public access to the Gulf beaches wherever possible but shall not be required to exceed a maximum combined width of ten feet.~~

~~e. The public beach access area fronting Gulf Boulevard shall be designed to include distinctive sidewalk materials such as pavers or colored imprinted concrete to create a small pedestrian entrance plaza area. A design element that provides shade and protection from the sun and rain, bicycle racks and other street furniture including but not limited to lighting, benches and trash receptacles, public art or other pedestrian amenities are strongly encouraged in the public beach access entrance area from Gulf Boulevard and at least two such elements shall be required and determined in the site plan review process and made a condition of final site plan approval.~~

~~(e) *Gulf beach boardwalk easement.* All development in the LR District, regardless of size or use, may be required to provide a minimum ten-foot width easement for the potential development of a trail or boardwalk along the Gulf beach side of the property, westward of the Florida Coastal Construction Control Line through the execution of easements or by other means agreeable to the city. The need for any such easements shall be determined during the site plan review process and such review shall consider whether or not an easement at that location will adversely impact the coastal environment or raise conservation concerns, and whether or not that location provides an opportunity for a continuous uninterrupted boardwalk or trail system that furthers city plans to construct a trail or boardwalk pedestrian beach system.~~

~~(f) *Easement form and recording.* The location and size of the easements required pursuant to section 35.6 shall be determined during the administrative site plan approval process and may be a condition of site plan and building permit approval. Any such easements shall be approved as to content, form and legality by the city and shall be recorded in the public records of Pinellas County at the time of building permit approval.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 35.7. Density and intensity.

~~(a) *In general, density and intensity calculation.* Density and intensity shall be calculated on the basis of those portions of the site which are landward of the Florida Coastal Construction Control Line.~~

~~(1) *Limitations on mixed use development density.* Residential and temporary lodging units are permitted to be developed as separate buildings within the same development site; or combined within one building provided that a minimum of 200 temporary lodging units shall be constructed on the development site subject to the height limitations provided in section 35.8. Density shall be calculated based upon the pro rata acreage allocated to each land use.~~

~~(2) *Limitations on temporary lodging use density.* For the purposes of this division, lockout temporary lodging units shall count against specified density limitations. A lockout unit shall be defined as a room or rooms with sanitary facilities, with or without cooking facilities, which is attached and has access to a temporary lodging unit by means of a door or doors that are lockable from within the lockout unit, and that has a separate lockable access to the public areas or corridors. A lockout unit is capable of being functionally separated from the temporary lodging unit to which it is attached and rented as a separate room.~~

~~(b) *Density.*~~

~~(1) Existing development and all development that does not meet the minimum requirements of large scale development defined in section 35.2 above shall not exceed the following density:~~

~~a. 50 temporary lodging accommodation units per acre; or~~

~~b. 15 residential units per acre; and~~

~~c. Variances to increase density shall be prohibited.~~

~~(2) Large scale development as defined in section 35.2 above shall not exceed the following density:~~

~~a. 75 temporary lodging units per acre excluding any affordable housing bonus that may be approved pursuant to 35.7(b)(3) below; or~~

~~b. 15 residential units per acre; or~~

~~c. A combination of residential and temporary lodging units which shall be prorated on an acreage basis allocated to each use, provided that a minimum of 200 temporary lodging units will be constructed on the development site; and~~

~~d. Variances to increase density shall be prohibited.~~

~~(3) *Affordable housing density bonus.* An affordable housing density bonus shall be permitted for large scale temporary lodging use as defined in section 35.2 as follows:~~

~~a. A temporary lodging unit density bonus shall be permitted up to, but shall not exceed, under any circumstances whatsoever, an additional five bonus units per acre and an additional 0.2 floor area ratio to accommodate the additional temporary lodging units for a defined large scale resort redevelopment;~~

~~b. Temporary lodging accommodation density bonus units or on site affordable workforce living accommodations provided in compliance with the general or large resort affordable housing mitigation programs, as applicable, shall not be subject to general or additional large resort affordable housing mitigation fees or other program requirements, as may be required in division 40 of this Code;~~

~~c. Any on site affordable workforce living accommodations shall be deemed an accessory or ancillary use to defined large scale temporary lodging use and shall be exempt from maximum density and floor area ratio standards and shall be subject to the same hurricane closure and evacuation plan approved for the temporary lodging facility;~~

~~d. Any on site affordable workforce living accommodations shall be prohibited from being advertised or otherwise used for guest temporary lodging or home occupational licensing purposes; and shall be exclusively used for providing affordable on site living accommodations~~

for employees eligible for low income or very low income status as defined by the applicable county and city rules and guidelines;

e. A legally enforceable restrictive covenant in a form and content acceptable to the city shall be required as a condition of site plan approval and recorded in the public records of Pinellas County upon issuance of a building permit setting forth the restrictions provided in subsections (i)d. above.

(c) *Prohibition on conversion.* Temporary lodging units existing, or approved to be developed or redeveloped in the LR District shall be prohibited from converting to residential dwelling units that exceed the density limitation of 15 residential dwelling units per acre; and further, shall be subject to the additional occupancy, operation and use restrictions and prohibitions contained in division 39.6.

(d) *Intensity.*—

(1) *Existing temporary lodging use and development of temporary lodging use that does not satisfy the requirements of a large scale development as defined in section 35.2., shall calculate intensity as follows:* Floor area ratio shall include indoor amenities and shall exclude structured parking, approved on-site affordable workforce living accommodations and outdoor amenities such as tennis courts, pools, and the like; and subject to the foregoing, intensity shall not exceed the following:—

a. Floor area ratio of 1.8; and

b. The preceding intensities may include the normal ancillary residential area for on-site security, maintenance and management and normal ancillary non-residential guest facilities; and

c. Freestanding nonresidential uses shall be prohibited; and

d. Variances to exceed the maximum floor area ratio above as established in this future land use plan shall be prohibited.

(2) *Large scale temporary lodging use.* Floor area ratio shall include indoor amenities and exclude structured parking, approved on-site affordable workforce living accommodations, and outdoor amenities including but not limited to: tennis courts, pools, and the like. Subject to the foregoing, intensity shall not exceed the following:—

a. Floor area ratio of 2.6; and

b. As a bonus, secondary commercial uses provided in section 35.3(b)(1) that serve the general public may be constructed but shall not exceed an additional floor area ratio of 0.15 of the buildings site, subject to the restrictions and limitations contained in 35.7(d)(6); and

c. The preceding intensities may include the normal ancillary residential area for on-site security, maintenance and management and normal ancillary non-residential guest facilities; and

d. Variances to exceed the maximum floor area ratio above as established in this future land use plan shall be prohibited.

(3) *Density/intensity standards for large scale mixed use development.* A development that provides a minimum of 200 temporary lodging units may include a secondary residential use component for a mixed use development project; density and intensity shall be determined on a pro-rata basis per acre allocated to each use based on the preceding densities and intensities.

(4) *Building mass limitations on temporary lodging use or mixed use development.* The area of each of the first three stories of any building in all temporary lodging use or mixed use development shall not exceed 85 percent of the buildable area of the development site. Buildable area shall be defined as total lot area minus any areas excluded by building setback requirements or other development controls, such as the applicable Florida Coastal Construction Control Line.

~~(5) *Building mass limitations on residential use.* The building footprint area for any building developed exclusively for residential use shall not exceed 70 percent of the buildable area of the site. Buildable area shall be defined as total lot area minus any areas excluded by building setback requirements or other development controls, such as the applicable Florida Coastal Construction Control Line.~~

~~(6) *Building limitations on bonus secondary commercial uses.* Secondary uses defined in section 35.3(b)(1) shall not be located within the principal temporary lodging building(s) and shall be located facing and adjacent to Gulf Boulevard in a building that is accessible primarily by the pedestrian at street level. Secondary commercial uses may be contained in a freestanding nonresidential building or may be located within a liner retail building facing and accessible to Gulf Boulevard and connected to a parking structure designed to conceal the parking facility from Gulf Boulevard. The parking structure with liner retail may or may not be connected to a main principal building located on site with pedestrian bridges or other structured walkways.~~
(Ord. No. 2008-11, § 1, 6-3-08)

Sec. 35.8. Building height.

~~(a) *Restrictions and limitations.* The maximum height for each use within the LR District, subject to the height limitations set forth in section 7.2(k) of this Code, shall not exceed:~~

~~(1) *Residential use only.* Building height shall not exceed 50 feet above base flood elevation regardless of development site size for any building containing residential units only.~~

~~(2) *Mixed temporary lodging/residential uses in same building.* Building height shall not exceed 50 feet above base flood elevation regardless of development site size for any building containing temporary lodging units and residential units.~~

~~(3) *Temporary lodging use only.*~~

~~a. Development of a temporary lodging use that does not exceed 50 units per acre shall not exceed eight stories or 100 feet above base flood elevation.~~

~~b. Large-scale development of a temporary lodging use that exceeds 50 units per acre shall not exceed 12 stories maximum or 146 feet above base flood elevation.~~

~~(4) *Secondary small-scale commercial uses.* Buildings containing the secondary commercial uses described in section 35.3(b)(1) and subject to the limitations and restrictions in section 35.7(d)(6), shall not exceed a maximum height of two stories or 28 feet. Notwithstanding the foregoing, if such uses are contained within a liner retail building facing Gulf Boulevard and designed to conceal a parking garage from the view along Gulf Boulevard, architectural features and facade treatments only shall be used to extend above the roof deck elevation to conceal the parking structure located behind the liner retail building provided in accordance with the provisions of section 7.2(k) of the LDC.~~

~~(b) Any increases to, including variances to increase, the maximum height set forth above for this large resort character district shall be prohibited unless approved by voter referendum, if required by the City Charter.~~

(Ord. No. 2008-11, § 1, 6-3-08)

Sec. 35.9. Setbacks.

~~(a) Large-scale development defined in section 35.2 and entire-site demolition shall provide the following building and structure setbacks:~~

~~(1) *Gulf Boulevard:*~~