

ORDINANCE 2013-06

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE TEXT OF SECTION 40 OF THE LAND DEVELOPMENT CODE TO INCREASE THE TEMPORARY LODGING DENSITY FROM 30 TO 50 UNITS PER ACRE AND TO ALLOW STAND ALONE RESIDENTIAL USES THAT ARE HISTORIC STRUCTURES AS A CONDITIONAL USE IN THE CRD-EA (COMMUNITY REDEVELOPMENT DISTRICT-EIGHTH AVENUE) ZONING DISTRICT; 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 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, The City Commission amended the Special Area Plan via Ordinance 2011-39, adopted on August 28, 2012, to allow for single family residential and increase the temporary lodging density from 30 to 50 units per acre; and

WHEREAS, The City Commission amended the Comprehensive Plan via Ordinance 2011-40, adopted on August 28, 2012, to increase the temporary lodging density from 30 to 50 units per acre;

WHEREAS, the Planning Board of the City of St. Pete Beach conducted a public hearing on December 18, 2012, and voted 4-1 to approve Ordinance 2013-06, noticed pursuant to Florida law and conducted pursuant to Section 3.4 of the Land Development Code; and

WHEREAS, City Commission of the City of St. Pete Beach conducted public hearings on Tuesday January 8, 2013 and ~~1-22-13~~, 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 these amendments to the Land Development Code to be consistent with the Goals, Objectives, and Policies of the Comprehensive Plan and the 8th Avenue Special Area Plan.

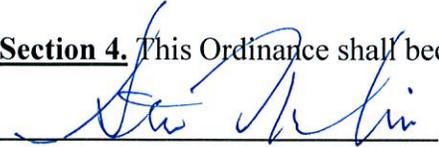
NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 1. Division 40 of the Land Development Code is amended as illustrated 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 immediately upon adoption.



STEVE MCFARLIN, MAYOR

LPA PUBLIC HEARING: 12/18/2012

PUBLISHED: 12/2/2012

FIRST READING: 01/08/2013

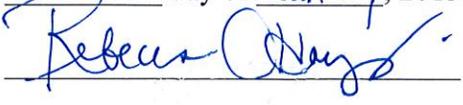
PUBLISHED : 12/23/2012

SECOND READING/ADOPTION HEARING: 1-22-2013

PUBLISHED: 1-12-2013

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 January, 2013.



Rebecca Haynes, City Clerk

“Exhibit A”

Sec. 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.

Sec. 40.2. - Permitted principal uses and structures.

-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) Temporary Lodging; 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.

Sec. 40.3. - Permitted secondary uses and structures.

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

Sec. 40.4 Permitted Conditional Uses and structures:

The purpose of this section is to allow for single family and two-family residential uses and structures for only saving and/or moving locally designated historic structures. In no case shall a new construction single family home be allowed in the 8th Avenue CRD.

(a) Single Family residential, subject to the following conditions:

1. The structure is eligible for local historic designation pursuant to Section 28.22 of the Land Development Code;
2. The applicant applies for designation of the structure as historic and the Historic Preservation Board approves the request;
3. The applicant applies for and is granted a Certificate of Appropriateness for any alterations to the exterior of the structure and moving the structure if a structure is proposed to be moved to the 8th Ave District, consistent with the Secretary of the Interior's Standards and Guidelines for Rehabilitation or Preservation of Historic Structures and Division 28 of the Land Development Code;
~~The Historic Preservation Board makes a recommendation to the City Commission regarding the Conditional Use Application;~~
4. The applicant applies for and is granted the Conditional Use pursuant to Section 4.4 of the Land Development Code;

Sec. 40.54. - 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.

Sec. 40.65. - 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.~~
Existing non-historic sSingle family residences currently located in the 8th Avenue district may

continue as legal non-conforming uses or can be adaptively reused as uses permitted in Sections 40.2 and 40.3. ~~transient accommodation or commercial uses.~~

Sec. 40.76. - 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 5030 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.

Sec. 40.87. - Building height.

Height shall not exceed 35 feet.

Sec. 40.98. - 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.

Note: With Planning Board recommended changed at Public Hearing 12/18/2012

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.

| Sec. 40.109. - Maximum impervious surface ratio.

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

| Sec. 40.110. - 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.

| Sec. 40.124. - 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.