

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2013-08

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING SECTIONS 11.3 AND 34.3 OF THE LAND DEVELOPMENT CODE, TO ALLOW CLASS B DOCKS AS PERMITTED ACCESSORY USES AND STRUCTURES IN THE RLM-2 (RESIDENTIAL DISTRICT) AND DCR (DOWNTOWN CORE RESIDENTIAL) ZONING DISTRICTS; AMENDING DIVISION 12 OF THE LAND DEVELOPMENT CODE TO MOVE CLASS B DOCKS FROM SECTION 12.4 (CONDITIONAL USE) TO SECTION 12.3 (PERMITTED ACCESSORY USES AND STRUCTURES); 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 has received an application for text amendments to the Land Development Code; and

WHEREAS, the City's Planning Board, acting as the City's local planning agency, has reviewed this ordinance amending Divisions 11, 12, and 34 of the Land Development Code 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. Divisions 11, 12, and 34 of the City of St. Pete Beach, Florida Land Development Code is hereby 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 All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

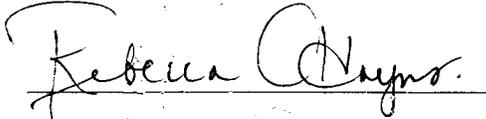
Section 3. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

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


STEVE MCFARLIN, MAYOR

LPA PUBLIC HEARING: 01/15/2013
PUBLISHED: 01/09/2013
FIRST READING: 2/12/2013
PUBLISHED: 01/30/2013
SECOND READING/ADOPTION HEARING:
PUBLISHED:

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 21st day of February, 2013



Rebecca Haynes, City Clerk

“Exhibit A”

DIVISION 11 - RLM-2 RESIDENTIAL DISTRICT

Sec. 11.3. - Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in section 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under section 11.5
- (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- (c) Residential and Class B commercial docks, including tie poles, in conformance with the provisions of section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of section 6.11, Supplemental Regulations of this Code.

DIVISION 12 - RM RESIDENTIAL DISTRICT

Sec. 12.3. - 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, do not involve the conduct of a business, and are not of a nature prohibited under section 12.5
- (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- (c) Residential and Class B commercial docks, including tie poles, in conformance with the provisions of section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of section 6.11

Sec. 12.4. - Allowable conditional uses.

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

- (a) Assisted living facilities.
- (b) Daycare center/kindergarten.
- ~~(c) Docks, commercial—Class B only.~~
- ~~(cd) Recreational—Public parks and/or recreational facilities.~~
- ~~(de) Schools, public or private.~~
- ~~(ef) Utility substations and/or rights-of-way.~~

DIVISION 34 – DOWNTOWN CORE RESIDENTIAL DISTRICT

Sec. 34.3. - 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 33.5.
- (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- (c) Residential and Class B commercial docks, including tie poles, in conformance with the provisions of section 6.23 and other applicable codes and ordinances of the city, county or state.

I. Ordinance Information

Agenda Item 1A. - AN ORDINANCE TO BE ENTITLED, AMENDING THE TEXT OF SECTION 11.3 OF THE LAND DEVELOPMENT CODE TO ALLOW CLASS B DOCKS AS PERMITTED ACCESSORY USES AND STRUCTURES IN THE RLM-2 (RESIDENTIAL DISTRICT) ZONING DISTRICT.

II. Proposed Amendment Provision (Recommended)

DIVISION 11 - RLM-2 RESIDENTIAL DISTRICT

Sec. 11.3. - Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in section 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, do not involve the conduct of a business, and are not of a nature prohibited under section 11.5
- (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- (c) Residential and Class B commercial docks, including tie poles, in conformance with the provisions of section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of section 6.11, Supplemental Regulations of this Code.

III. Background Information

This amendment is brought by Enterprise Marine on behalf of a multi-family residential development at 1505 Pass-A-Grille Way and Heritage Docks on behalf of a multi-family residential development at 1605 Pass-A-Grille. Both of these properties reside in the RLM-2 zoning district, which permit multi-family use. In addition, both sites currently have Class B dock facilities that were damaged by recent weather events. These dock facilities are currently non-conforming as the existing language in the Land Development Code does not permit Class B docks.

IV. Zoning and Comprehensive Plan

The text amendment is applicable to the RLM-2 Residential Zoning District, which permits single-family, two-family, and multi-family uses. The request appears to be consistent with the Comprehensive Plan.

V. Analysis/Summary

Staff recognizes that multi-family uses are permissible in the RLM-2 Zoning Category and supports the request for Class B docks as a permitted accessory structure.

Note 1: Staff notes that the RM (Residential Medium) District currently permits Class B docks as a Conditional Use. Staff would recommend that the Board reassess this additional approval requirement (conditional use) and make Class B docks a permitted accessory use.

Note 2: Staff also reviewed the remaining zoning districts to see if similar provisions should apply and would note that the DCR (Downtown Core Residential) zoning district should be assessed for the inclusion of Class B docks.

Photos

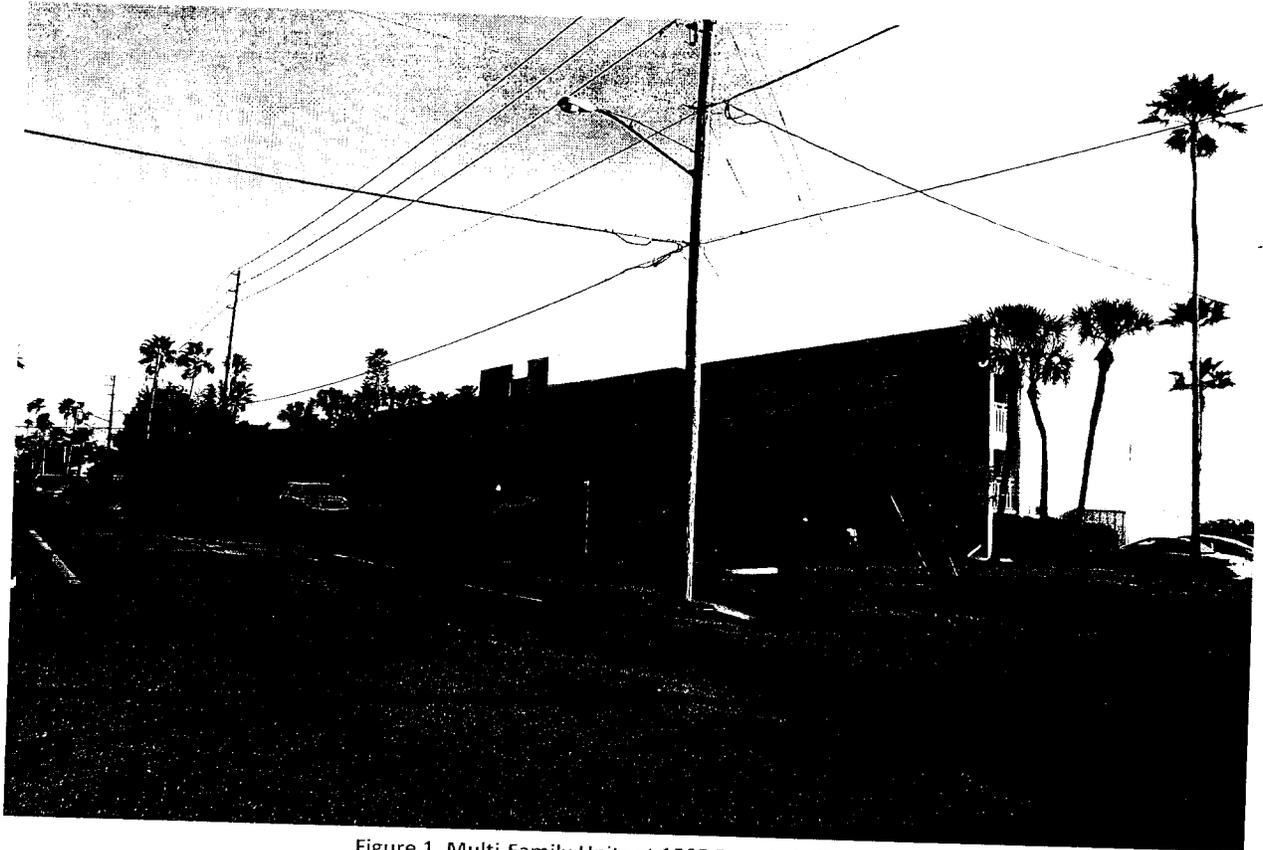


Figure 1. Multi-Family Units at 1505 Pass-A-Grille Way



Figure 2. Storm Damaged Dock at 1505 Pass-A-Grille Way

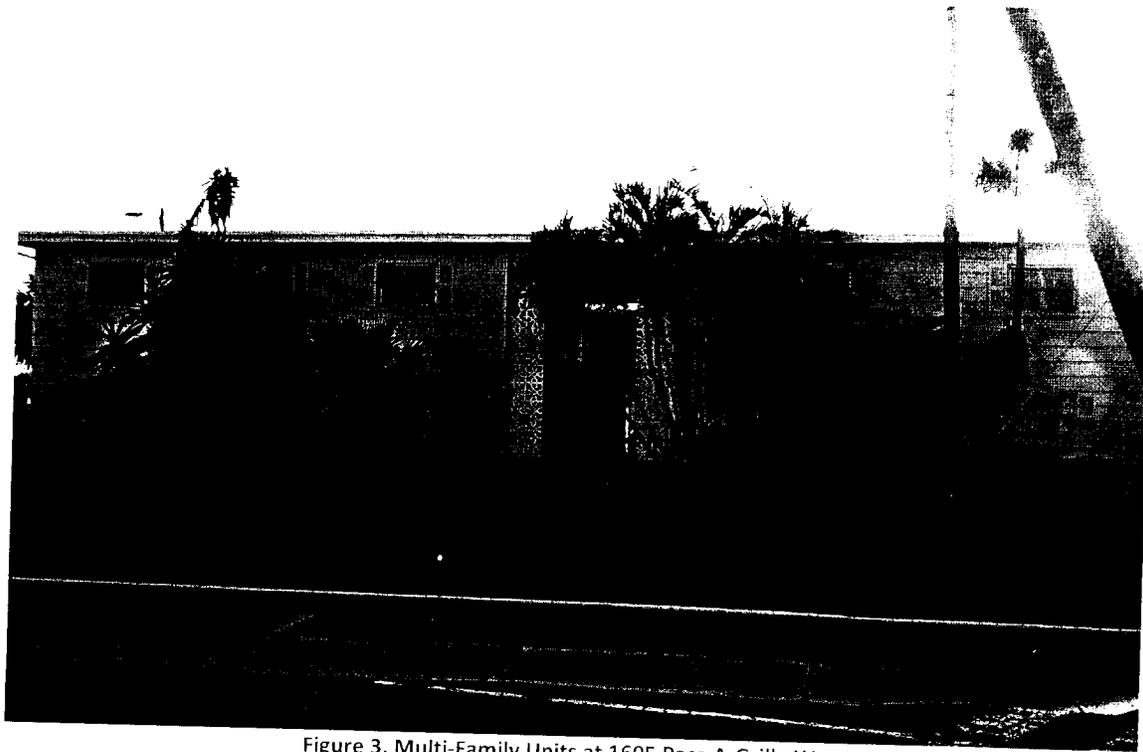


Figure 3. Multi-Family Units at 1605 Pass-A-Grille Way



Figure 4. Storm Damaged Dock at 1605 Pass-A-Grille Way

Relevant Code Provisions

Division 2 - Definitions

Sec. 2.1. - Words, terms and phrases defined.

Dock means any structure, including a pier, wharf, loading platform, tie poles, dolphins, accessory structures, or a boat lift which is constructed on piles, over open water, or which is supported by flotation on the waters of the county. Docks are further classified as follows:

- (1) Residential dock means a dock that is permitted as an accessory to a one- or two-family residential use which is built on pilings over water or supported by flotation devices, and is designed or used to provide moorage for one or more boats without charge.
- (2) Commercial dock means a structure on piles over water or a structure that is defined as a commercial dock by the county environmental resources management division and which is designed or used to provide a berth for and access to one or more private, charter, commercial or party boats further classified and defined, as follows:
 - b. Class B means any dock used in connection with a social, fraternal club or organization, and where use of the facility is restricted to members only or multiuse private docks owned individually or in common by the residents of any residential development with three or more residential units.

Division 11 - RLM-2 Residential District

Sec. 11.2. - 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 RLM-2 Residential District are as follows:

- (a) Residential dwellings—Detached single-family, multifamily and two-family. Such dwellings shall not be used for transient occupancy.

Division 12 - RM Residential District

Sec. 12.2. - 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 RM Residential District are as follows:

- (a) Residential dwellings—Attached and detached single-family, multifamily and two-family. Such dwellings may be used for transient occupancy, so long as any transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.

Sec. 12.4. - Allowable conditional uses.

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

- (c) Docks, commercial—Class B only.

Division 34 - Downtown Core Residential District

Sec. 34.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the Downtown Residential District are as follows.

- (a) Residential dwellings—Attached and detached single family, two-family and multifamily.
- (b) Residential docks.