

ORDINANCE # 2015-16

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE; AMENDING DIVISION 40, SECTION 40.9 PERTAINING TO SETBACKS FOR THE EIGHTH AVENUE COMMUNITY REDEVELOPMENT DISTRICT; 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 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 comprehensive plan; and,

WHEREAS, City Commission of the City of St. Pete Beach conducted public hearings on Tuesday, August 11, 2015 and August 25, 2015, 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

WHEREAS, the City Commission finds this text amendment to the Land Development Code 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.** Section 40.9 of Division 40 of the City of St. Pete Beach Land Development Code is hereby amended to provide as follows:

**Section 40.9 – Setbacks**

**For structures that front 8<sup>th</sup>, 9<sup>th</sup> or Gulf Winds Avenue:**

Front Yard: A minimum of 75 percent of the building frontage shall be built in line with the buildings adjacent to it, or set back no greater than two(2) feet, whichever distance from the front property line is less. In cases where vacant lots are adjacent to the lot which is proposed for development, no more than 75 percent of the building frontage shall be set back more than two (2) feet from the front property line. 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.

Marquees, canopies, colonnades, arcades, or fixed awnings may project over the public right of way, provided such projection does not extend over the back of curb line. Foundational structures, that support such projections, may be placed in the public right of way provided that such items and overhangs are subject to a development and public right of way use agreement with the City. The second story of the primary structure may extend over the public right of way, provided such projection does not extend over the back of curb line. That portion of the second story which projects over the public right of way may not be enclosed but may be roofed and screened as a porch or open balcony. A third story shall extend no more than the second floor structural face and may provide an open balcony. A third story shall not be enclosed by solid walls or windows and may not contain a roof, but may contain a pergola structure which does not provide more than 50% opacity. Structures may not project over alleys.

Structural face, as it used in this section, is defined as those portions of the principal structure and accoutrements which protrude toward the lot line and are most closely parallel to the front lot line. Pergola as defined herein is garden feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice.

Secondary front yard: No secondary front yard setback for primary structure; Marquees, canopies, colonnades, arcades, or fixed awnings may project over the public right of way provided such projection does not extend over the back of curb line. Foundational structures, that support such projections, may be placed in the public right of way provided that such items and overhangs are subject to a development and public right of way use agreement with the City. Structures may not project over alleys.

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 Sideyard: 5 feet

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

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

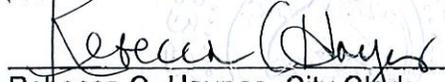
**SECTION 3.** This Ordinance shall be published in accordance with the requirements of law.

**SECTION 4.** This Ordinance shall become effective immediately upon final passage and adoption.

  
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Maria Lowe, Mayor

**First Reading: August 11, 2015**  
**Published: August 14, 2015**  
**Second Reading: August 25, 2015**  
**Public Hearing: August 25, 2015**

I, Rebecca C. 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 25<sup>th</sup> day of August, 2015.

  
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Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FOR AND CORRECTNESS:

  
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Andrew Dickman, City Attorney