

ORDINANCE 2015-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING THE CITY OF ST PETE BEACH LAND DEVELOPMENT CODE TO ADOPT THE REGULATORY MEASURES DESIGNED TO BE CONSISTENT WITH AND IMPLEMENT THE COMPREHENSIVE PLAN AMENDMENTS CONTAINED IN ORDINANCE 2015-05 PURSUANT TO THE COMPLIANCE AGREEMENT APPROVED BY RESOLUTION 2015-02; BY AMENDING SECTION 2.1 OF DIVISION 2, DEFINITIONS, PROVIDING FOR A REVISED DEFINITION OF "HEIGHT" THAT IS COMPLIANT WITH THE COMPREHENSIVE PLAN, AMENDING SECTION 4.7 OF DIVISION 4, CONDITIONAL USE PERMITS, TO ADD PLANNING BOARD REVIEW OF CERTAIN CONDITIONAL USE APPLICATIONS; AMENDING SECTION 4.12 OF DIVISION 4, CONDITIONAL USE PERMITS TO ADD REVIEW CRITERIA FOR TEMPORARY LODGING USES TALLER THAN 50 FEET OR A DENSITY GREATER THAN 30 UNITS PER ACRE; AMENDING SECTION 5.1 OF DIVISION 5 TO REQUIRE A LAND SURVEY COMPLETED WITHIN THE LAST TWELVE MONTHS AS PART OF THE CONTENT OF A SITE PLAN APPLICATION; AMENDING SECTION 6.24 OF DIVISION 6, SUPPLEMENTAL REGULATIONS, PROVIDING FOR THE REQUIREMENT OF A CONDITIONAL USE PERMIT; AMENDING SECTION 29.4 OF DIVISION 29, CONCURRENCY MANAGEMENT, PROVIDING FOR AN INFRASTRUCTURE STUDY UNDER GENERAL REQUIREMENTS FOR A CERTIFICATE OF CONCURRENCY; AMENDING SECTION 35.2 OF DIVISION 35, (LR) LARGE RESORT DISTRICT RELATING TO THE DEFINITION OF LARGE-SCALE DEVELOPMENT; AMENDING SECTION 35.3, (LR) LARGE RESORT DISTRICT, ADDING TEMPORARY LODGING USE MEETING CERTAIN CONDITIONS AS A PRIMARY USE REQUIRING CONDITIONAL USE APPROVAL; AMENDING SECTION 35.7 OF DIVISION 35, (LR) LARGE RESORT DISTRICT TO DELETE PROVISIONS RELATING TO AFFORDABLE HOUSING DENSITY BONUS; AMENDING SECTION 35.8 OF DIVISION 35, (LR) LARGE RESORT DISTRICT, ADJUSTING BUILDING HEIGHT AND SETBACK REQUIREMENTS; AMENDING 36.6 OF DIVISION 36 (UBV) UPHAM BEACH VILLAGE DISTRICT, ADJUSTING MINIMUM ACREAGE REQUIREMENTS; AMENDING 35.13 OF DIVISION 35, (LR) LARGE RESORT DISTRICT TO ADD LANDSCAPE BUFFER REQUIREMENT; AMENDING SECTION 39.6 OF DIVISION 39,

COMMUNITY REDEVELOPMENT DISTRICT GENERAL STANDARDS, ADDING OWNER AFFIDAVIT AND COVENENT RECORDING REQUIREMENTS RELATIVE TO OCCUPANCY RESTRICTIONS ON TEMPORARY LODGING UNITS; AMENDING SECTION 39.9 OF DIVISION 39, COMMUNITY REDEVELOPMENT DISTRICT GENERAL STANDARDS, DELETING IMPACT FEE CREDITS FOR GREEN STANDARDS AND IMPROVEMENTS; AMENDING SECTION 39.17 OF DIVISION 39, COMMUNITY REDEVELOPMENT DISTRICT GENERAL STANDARDS, PROVIDING FOR PUBLIC COMMENT AND RECORDING AT A COMMUNITY MEETING; SECTION 39.18 OF DIVISION 39, CREATING WITHIN THE COMMUNITY REDEVELOPMENT DISTRICT GENERAL RESIDENTIAL UNIT "RU" DENSITY POOL RESERVE; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, requires each local government in the State of Florida to adopt or amend and enforce land development code regulations that are consistent with and implement the adopted Comprehensive Plan; and

WHEREAS, the City Commission adopted Ordinance No. 2015-05 amending the Comprehensive Plan pursuant to a Compliance Agreement approved by Resolution 2015-02 resolving Division of Administrative Hearings Case No. 13-003401-GM; and

WHEREAS, amendments to the Land Development Code are necessary to provide for consistency with the remedial amendments made to the Comprehensive Plan pursuant to the Compliance Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Section 2.1 of Division 2, Words, terms and phrases defined, of the City of St. Pete Beach Land Development Code is hereby amended to provide as follows:

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

Height means the vertical distance above the ~~required-base~~ flood elevation to the highest point of a flat roof, to the deck of a mansard roof or to the average height between the plate and the ridge of gable or hip roofs, not including chimneys, antennas, elevator shafts, mechanical rooms or other non-habitable areas.

SECTION 2. Section 4.7 of Division 4, City Commission Review, of the City of St. Pete Beach Land Development Code is hereby amended to provide as follows:

Sec. 4.7. – City commission review.

Upon receipt of the written staff analysis, the city commission shall hold a public hearing to consider the application for conditional use and may grant, grant with conditions or deny the application. Final action of the city commission shall be documented in the form of a development order containing a legal description of the real property to which the conditional use applies, together with the terms of the conditional use and any additional conditions imposed. For conditional use permits required by Section 39.6(p) of this Code, the Planning Board shall hold a public hearing to consider the application and make a recommendation to the city commission.

SECTION 3. Section 4.12 of Division 4, Conditional Use Permits, of the City of St. Pete Beach Land Development Code is hereby amended to provide as follows:

Sec. 4.12. - Criteria for review of conditional use applications.

- (a) Conditional use applications within the community redevelopment district shall be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:
 - (1) Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services;
 - (2) Transportation infrastructure, including ingress and egress from public rights-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways;
 - (3) Hydrological features and storm water management infrastructure;
 - (4) Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas;
 - (5) Site landscaping, open space provision and impervious surface limitations;
 - (6) Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance;
 - (7) Fire suppression and facility security; and
 - (8) Emergency management and hurricane evacuation provisions; and

(9) For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:

- a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and
- b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.

(b) Any of the foregoing elements may be omitted from the conditional use application upon agreement of the city commission.

(c) Content additional to the foregoing may be included in the application, so long as such content is consistent with the applicable requirements of this Code.

SECTION 4. Section 5.1 of Division 5, Site Plan Approval Procedures, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 5.1. - Site plan review.

An application for a development permit requesting approval of a site development plan shall be reviewed and approved, approved with conditions, or denied by the city manager. The purpose of a site plan review is to ensure that development will be carried out in compliance with the City Code of Ordinances and any other federal, state and county regulations. In addition, a site plan describing and portraying both existing and proposed conditions of the development is required in order that the approving authority can make an informed decision.

(1) *Exemption.* No site plan shall be required for work for the maintenance or alteration that does not alter the location or gross square footage of any structure, or alter any required parking area of the site, or if the work affects only the interior of the structure or the exterior color or decoration of the structure.

(a) *Initiation.* An application for site plan review shall only be submitted by the owner, or by other persons having a contractual interest in the land, or their authorized agents.

(b) *Contents of application.* The application shall be in a form established by the city manager and provided for public review. The materials required as part of the application are necessary to provide the city with sufficient information to ensure compliance with this section and the requirements of the land development code. Such materials may include, but are not limited to, the following information:

(1) The name, address, and telephone number of the owner of record of the land proposed for development.

- (2) The name, address, and telephone number of the developer, if different from the owner.
- (3) The name, address, and telephone number of the agent for the application, if applicable.
- (4) The name, address, and telephone number of all land use, environmental and engineering professionals that assisted in the preparation of the application.
- (5) The street address and legal description of the land on which the development is proposed to occur, with attached copies of any legal instruments referenced, such as, but not limited to, deeds, plats, easements, covenants, and restrictions.
- (6) A reference to the zoning district designation and the future land use map designation in the comprehensive plan for the land proposed for development.
- (7) Identification of all existing rights-of-way, water courses, floodplains, wetlands, and other environmentally sensitive areas on or within 200 feet of the land subject to the development plan.
- (8) Topography of the site in specified contour intervals.
- (9) A title block denoting the type of application, tax map sheet, lot, block and subdivision name (if applicable).
- (10) A location map of the land with reference to surrounding lands, subdivisions, streets, and municipal boundaries.
- (11) A boundary survey of the land subject to the development plan prepared by a registered land surveyor, showing the location and material of all permanent reference monuments and benchmarks, a metes and bounds description listing dimensions, bearings, curve data, length of tangents, radii, and central angles of all centerline curves of streets, and the size of the land in acres to the nearest tenth of an acre, or in square feet and an ALTA/ACSM land title survey of the property subject to the development plan completed within the last twelve (12) months.
- (12) A site plan, with north arrow and scale, identifying:
 - a. The proposed land uses, densities, and intensities of use;
 - b. The location of proposed structures, and any existing structures proposed to be retained, showing size, and setbacks;
 - c. Common areas;
 - d. Recreational facilities;
 - e. Ingress and egress to the development, and the internal traffic circulation system and identification of street names;
 - f. Utility location;
 - g. Easements;
 - h. Off-street parking and loading facilities;

- i. Landscaping and buffering; and
 - j. Signage.
- (13) If applicable, the preliminary subdivision plat, which includes the subdivision name in bold legible letters under which the location of the plat by government survey lot, section, township, and range shall appear.
- (14) Location and area of all property to be dedicated for public use or reserved by deed or covenant for use by all land owners in the development of a statement of the conditions of such dedication or reservation.
- (15) A schedule showing the lot area, width, depth, dimensional standards, building coverage, landscaping and parking of the development plan, and how they comply with the requirements of the Land Development Code.
- (16) A traffic study prepared by a professional transportation planner or engineer, if required. The necessity for a traffic study shall be determined by an adopted administrative policy assessing the significance of the anticipated impact of the project upon traffic volume, intersection signalization, turning movements, internal vehicle circulation, pedestrian movement, or other significant traffic concerns.
- (17) Proposed utility infrastructure plans, including sanitary sewer, potable water, a stormwater management plan with supporting data and an electric plan with accurate indication of locations of points of connection to public systems.
- (18) Spot and finished elevations at all property corners, corners of all structures or dwellings, existing and proposed first floor elevations, and appropriate locations in and around vehicle use areas.
- (19) Site utility and construction details, including a cross-connection control plan.
- (20) Roadway and paving cross-sections and profiles.
- (21) Lighting plan and details.
- (22) Landscape plan and details.
- (23) Provisions for solid waste management.
- (24) Plans for signs, if any.
- (25) Sight triangles at the intersections of roadways and curb cuts with roadways.
- (26) Vehicular and pedestrian circulation patterns.
- (27) Off-street parking and loading plans showing spaces, size and type, aisle widths, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.
- (28) Preliminary architectural plans and elevations.
- (29) Demonstration of compliance with concurrency requirements.
- (c) *Determination of sufficiency.* The city manager shall determine if the application is sufficient within ten days of its receipt.

- (1) If the city manager determines the application is not sufficient, a written notice shall be provided to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied.
 - (2) When the application is determined sufficient, the city manager shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section.
- (d) *Review and decision.* Within 30 days of the application being determined sufficient, the city manager shall review the application, and prepare a staff report on whether the application complies with administrative standards, the requirements of this section and other applicable requirements of the City Code of Ordinances. The city manager shall inform the applicant of the application's approval, approval with conditions, or disapproval. Upon approval of the site plan, the city manager shall issue a development order for the project.
- (e) *Appeal.* An applicant may appeal a decision of the city manager on a site development plan review by filing an appeal with the city manager within ten days of the decision. A hearing officer designated by the city commission shall hear the appeal within 30 days of its filing, and consider only the record before the city manager at the time of the decision. The hearing officer shall reverse the decision of the city manager only if there is substantial and compelling evidence in the record that the application complies with the standards of this section.
- (f) *Minor revisions to site plan.* Any request for modification to an approved site plan shall be subject to review and approval in the same manner as a new application, except that the city manager may approve minor modifications, provided that the basic purpose and intent of the ordinances of the city are met. A minor revision is one which:
- (1) Does not alter the location of any points of access to the site;
 - (2) Does not change the use of the property;
 - (3) Does not increase the density or intensity of the development to occur on the property;
 - (4) Does not result in a reduction or change of open space, setback or previously required landscaping;
 - (5) Is consistent with the general intent and purpose of these regulations and does not have any effect whatsoever on the initial determination of consistency of the site plan with the comprehensive plan;
 - (6) Does not result in a substantial change to the location of a structure previously approved or add structures to the site;
 - (7) Does not result in a material modification or the cancellation of any condition placed upon the site plan as originally approved;
 - (8) Does not change the internal or external traffic pattern;
 - (9) Does not alter the land area of the site;

(10) Does not increase the impervious area of the site; and

(11) Does not increase the height of the building(s).

(g) *Amendments to the site development plan.* A development plan may be amended only pursuant to the procedures established for its original approval, or as are otherwise set forth in this section.

SECTION 5. Section 6.24 of Division 6, Supplemental Regulations, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 6.24. - Outdoor dining and outdoor drinking areas.

A full or limited service restaurant may establish an outdoor dining area and a bar/lounge may establish an outdoor drinking area pursuant to the requirements of this Section and as outlined within each zoning district. If an outdoor drinking and/or dining area is required to obtain conditional use approval, it shall be pursuant to the review and approval procedures provided under Division 4 of this Code. If public consumption of alcohol is proposed to occur on any public street, sidewalk or private sand beach area in connection with the outdoor dining or outdoor drinking area, approval by the City Commission is required pursuant to Chapter 6 of the City Code of Ordinances.

SECTION 6 Section 29.4 of Division 29, Concurrency Management, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 29.4. - General requirements.

(a) A certificate of concurrency shall be required prior to the issuance of any development permit for a non-exempt development project. The City of St. Pete Beach shall not issue any development order (excluding future land use or zoning map amendments) or building permit for any project that results in a reduction of the level of service requirements established and adopted in the City of St. Pete Beach Comprehensive Plan. An applicant must prepare and complete an application for a certificate of concurrency including an infrastructure study as determined to be necessary by the Technical Review Committee. If a development will require more than one development permit, the issuance of a certificate of concurrency shall occur prior to the issuance of the initial permit. Upon request by applicants, a preliminary concurrency review shall be performed and a conditional certificate of concurrency may be issued. This conditional certificate shall not be binding upon the city and shall only be effective for the year in which the annual concurrency monitoring report was issued. Only those certificates of concurrency issued for development permits shall be binding. Applicants may be charged a fee established by the city commission for certificates of concurrency.

(1) Application for development. The property owner, or authorized representative, must provide a complete application for development containing the required documentation for the specific development order or permit. The Technical Review Committee shall then review the application for completeness in a

timely manner to ensure that the required information is sufficient to accept the application and continue its review.

- (2) Development review. When the application for development has been accepted, it shall be processed and reviewed for impacts of the development on the public facilities and services identified in this division.
- (3) Concurrency review. The concurrency review shall compare the available and reserved capacity of the facility or service to the demand projected for the proposed development. The available capacity shall be determined by adding the total of the existing excess capacity and the total future capacity of any proposed construction or expansion that meets the requirements of section 29.6. The levels of service (LOS) of all facilities and services must be sufficient before a development permit can be issued.
 - a. Traffic restriction and traffic concern areas. Traffic restriction and concern areas shall be designated on an annual basis at the time the annual concurrency monitoring report is issued. These areas will be designated based on the criteria defined in section 29.2. Applications for development permits within these areas may require detailed traffic studies.
 1. If the development is found to be in a traffic restriction area, a traffic study shall be required. If the traffic study indicates that the affected roadway is not significantly degraded, the project will be found concurrent for traffic.
 2. If the development is found to be in a traffic concern area, a traffic study may be required. If the traffic study indicates that the affected roadway LOS may be lowered below the adopted LOS, the project will be found concurrent for traffic only if provisions and measures are attached as conditions to prevent the reduction of the LOS.
 3. If the development is found to be in a traffic restriction or traffic concern area and the traffic study indicates that the affected roadway is significantly degraded, the project will be found concurrent for traffic only if provisions and measures are attached as conditions to prevent the significant degradation of the affected roadway.
 4. If the development is not found to be in a traffic restriction or traffic concern area but the estimated traffic volumes resulting from the development degrade the peak hour LOS below the adopted LOS standard, the project will be found concurrent for traffic only if mitigation provisions are attached as conditions to prevent the degradation of the affected roadway below the adopted LOS standard.
- (4) Certificate of concurrency.
 - a. The certificate of concurrency shall indicate the date of issuance and shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that a time extension is requested prior to the expiration of the development permit, then the accompanying certificate of concurrency may be renewed upon determination by the

Technical Review Committee that the conditions of concurrency will still be met.

- b. Any development order or permit that is issued within the effective period of a validly issued certificate of concurrency shall be vested for the purposes of concurrency until the expiration of that development order or permit, provided that development commences within the validity period of the development order or permit and continues in good faith.

(5) Development order or development permit compliance.

- a. Any development orders and development permits approved and issued after the effective date of this division shall be based upon and in compliance with the certificate of concurrency issued for that application.
- (b) The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. For non-exempt development orders or projects, the applicant shall prepare and submit an infrastructure study that determines the extent of any degradation of the infrastructure below the adopted levels of service unless determined unnecessary by the City's Technical Review Committee based on an evaluation of potential impact relative to the nature, size, type, and location of the proposed development project or land use amendment application. Mitigation fees and/or physical or operational improvements determined to be reasonably required in proportion to the impacts caused by the increased density and/or intensity of new development in consideration of the long-term concurrency management plan of the local government who owns and operates the facility or system, shall be stipulated as conditions of approval as part of the development order. The Technical Review Committee shall document its findings pertaining to its review.

SECTION 7. Section 35.2 of Division 35, (LR) Large Resort District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 35.2. - Definitions.

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

- (a) *Large-scale development.* Shall mean development or redevelopment of a buildable site that:
 - (1) Is three acres in size or greater; and
 - (2) Large scale development may also include secondary commercial uses pursuant to section 35.3
- (b) Small-scale development shall mean all other developments that fall below the thresholds of Large-scale development.

SECTION 8. Section 35.3 of Division 35, (LR) Large Resort District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 35.3. - Permitted principal and secondary 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 50 feet or less in building height or a density of 30 temporary lodging units per acre or lower;
 - (2) Multi-family residential.

- (b) *Primary uses requiring conditional use approval.* Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable primary uses requiring conditional use approval in the LR District are as follows.
 - (1) Temporary lodging uses, including hotels, motels, resort condominium hotels greater than 50 feet in building height or a density above 30 temporary lodging units per acre.

- (c) *Secondary uses.* Secondary commercial uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the secondary commercial development is constructed with a minimum of 200 temporary lodging units. Secondary commercial uses located within one-hundred and fifty (150) feet of the westerly right-of-way line of Gulf Boulevard may be under separate ownership from the primary use when approved by the City as part of an overall site plan incorporating the primary and secondary uses as an integrated project. Secondary commercial uses include:
 - (1) Retail;
 - (2) Eating and drinking establishments, full-service restaurant, limited-service restaurant, bar/lounge, subject to Sec. 6.24 of this Code as may be applicable;
 - (3) Indoor commercial entertainment facilities;
 - (4) Vehicles for hire.

- (d) *Secondary uses requiring conditional use approval.* Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable secondary uses requiring conditional use approval in the LR District are as follows.
 - (1) Commercial kitchen;
 - (2) Commercial parking structure
 - (3) Eating and drinking establishment – take-out restaurant only.
 - (4) Off premise parking lot and/or structure

SECTION 9. Section 35.7 of Division 35, (LR) Large Resort District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 35.7. - Density and intensity.

- (a) *Density limitations on temporary lodging uses mixed with residential uses.* 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. 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 based on the pro-rata acreage.
- (b) *Density limitations on temporary lodging lockout units.* 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.
- (c) *Density.*
 - (1) Existing and/or small scale development, as 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.
 - (2) Large-scale development as defined in section 35.2 above shall not exceed the following density:
 - a. 75 temporary lodging units per acre; 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.
- (d) *Intensity.*
 - (1) Existing and small scale development. Floor area ratio shall not exceed 1.8

- (2) Large-scale development floor area ratio shall not exceed 2.6.
- (3) Secondary commercial as part of a large scale development: Secondary commercial uses permitted in section 35.3(b) shall not exceed an additional floor area ratio of 0.15 of the buildings site.
- (4) On-site parking structures are exempt from the floor area ratio limits.

SECTION 10. Section 35.8 of Division 35, (LR) Large Resort District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 35.8. - Building height.

- (a) *Restrictions and limitations.* The maximum height for each use within the LR District shall not exceed:
 - (1) Residential use only or any temporary lodging use mixed with residential in the same building. Building height shall not exceed 50 feet above base flood elevation.
 - (2) Any temporary lodging or commercial use building located within 200 feet of a property occupied by an existing residential use located outside the Community Redevelopment District. Building height shall not exceed 50 feet above base flood elevation or the height of the adjacent residential building located outside the Large Resort District, whichever is greater.
 - (3) Temporary lodging use only. Building height shall not exceed 116 feet above base flood elevation not including any decorative features or rooftop amenities extending twelve feet or less in height above the roofline.
 - (4) Secondary bonus commercial uses. Buildings containing the secondary commercial uses described in section 35.3(b) shall not exceed a maximum height of 28 feet.

SECTION 11. Section 35.9 of Division 35, (LR) Large Resort District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 35.9. - Setbacks.

- (a) Any conforming use or structure built prior to the adoption of these regulations is exempt from the setback requirements of [section] 35.9. Additions to existing structures and all new construction shall comply with the required setbacks below:
 - (1) Front Yard. The minimum front yard setback for buildings 50 feet in height or lower shall be 25 feet. The minimum front yard setback for that portion of a building rising above 50 feet in height shall be equal to the height of the building. The City Commission, through the conditional use process, may reduce the required front yard setback to provide for increased compatibility with adjoining properties.

- (2) Side yards. The minimum side yard setback shall equal ten (10) percent of the lot width of the subject property, or thirty (30) feet on one side, whichever is less, not to exceed sixty (60) feet combined for both setbacks. Provided, however, when the subject property is adjacent to an existing residential use located outside the Large Resort District, the minimum side yard setback shall equal twenty (20) percent of the lot width of the subject property or 60 feet, whichever is less, provided that in no event shall the setback be less than 30 feet, for that side yard abutting the existing residential use. The City Commission may increase the minimum side yard setback for that portion of a proposed building rising above 50 feet in height when determined to be in the public interest upon evaluating a conditional use permit request.
- (3) Rear yards. For non-waterfront parcels, the minimum rear yard setback shall be 20 feet. For waterfront parcels, the minimum rear yard setback shall be the Florida Coastal Construction Control Line, provided, however, when the subject property is adjacent to an existing residential use located outside the Large Resort District, the minimum rear yard setback as follows:
 - (a). 50 feet landward of the Florida Coastal Construction Control Line or in alignment with the existing rear yard setback of the adjacent residential use, whichever is less, for buildings 50 feet in height or lower.
 - (b). 50 feet landward of the Florida Coastal Construction Control Line plus an additional one-half foot of rear yard setback for every one-foot in building height for that portion of the building above 50 feet.

SECTION 12. Section 35.13 of Division 35, (LR) Large Resort District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 35.13. - Landscaping.

Shall be in accordance with the requirements of Division 22 of the Land Development Code, Landscaping and Tree Protection. In cases where new construction of a temporary lodging or commercial use exceeds 50 feet in building height or adjoins an existing residential property located outside the Large Resort District, the applicant shall provide a minimum 30 foot wide landscape buffer along the entire length of a required side yard with the specific landscape plan to be reviewed and approved as part of the conditional use permitting process. The landscape buffer may contain any required public access to the beach, but no accessory uses. New construction of a temporary lodging or commercial use adjoining an existing residential property located outside the Large Resort District shall include the same buffer for rear yard along the adjoining residential property line, if applicable. The City Commission may reduce the width of the required buffer by up to 50 percent based upon its design and compatibility review of the project and any superior alternatives presented unless it adjoins an existing residential use located outside the Large Resort District, in which case there shall be no reduction to the required buffer width.

SECTION 13. Section 36.6 of Division 36, (UBV) Upham Beach village District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 36.6.Density and Intensity

b) Multi Family Residential:

- (1) 18 dwelling units per acre for multi-family residential use on a minimum $\frac{1}{2}$ 1/3 acre buildable site; or

SECTION 14. Section 39.6 of Division 39, Community Redevelopment District General Standards, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 39.6. - Temporary lodging use operational and occupancy restrictions, limitations and prohibitions.

To ensure that temporary lodging use development authorized and approved within the Community Redevelopment District are built, function, operate, and are occupied exclusively as temporary lodging and adhere to mandatory closure and evacuation procedures, the following restrictions shall apply to temporary lodging use:

- (a) No temporary lodging unit shall be occupied as a permanent residential dwelling unit.
- (b) All temporary lodging units must be offered, advertised and occupied on a temporary basis for 30 consecutive days or less for temporary lodging guests and no more than 30 days cumulatively on an annual basis for a resort condominium unit owner to ensure that any temporary lodging use does not function as a permanent residential use. The thirty days is measured beginning on the first day of any occupancy until 365 days from that date. The City may require affidavits of compliance with this requirement from each temporary lodging use and/or unit owner. Seller of temporary lodging unit shall be responsible for advising the purchaser of this requirement. Any seller of a resort condominium project or temporary lodging unit shall record a covenant in the public records of Pinellas County, Florida, agreeing to said restriction prior to conveyance.
- (c) Temporary lodging units shall not qualify or be used for homesteading purposes or home occupational licensing.
- (d) All temporary lodging units must be included in the inventory of units that are available within a temporary lodging use.
- (e) Conversion of a temporary lodging unit to permanent residential unit shall be prohibited unless the conversion is in compliance with the density and intensity standards and regulations applicable to the property and all other required city approvals are obtained prior to the conversion and provided said conversion

does not violate any other legally enforceable agreement or restriction, law or local ordinance prohibiting such conversion.

- (f) A temporary lodging use may include accessory uses, such as recreational facilities, restaurants, bars, personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, affordable housing or other workforce living accommodations, and other uses commonly associated with temporary lodging uses.
- (g) Proper licensing, including occupational licensing, by the state, county and local government and agencies, shall be required of all temporary lodging uses through all applicable agencies that license hotels and motels prior to any certificate of occupancy being issued. All licenses must be kept current.
- (h) Temporary lodging uses shall be subject to all applicable tourist development tax collections.
- (i) All temporary lodging uses shall include a reservation system and a lobby/front desk area that is necessary to operate the temporary lodging facility and service its guests.
- (j) Temporary lodging uses must have sufficient signage viewable by the public designating the use as a temporary lodging use that also complies with local codes.
- (k) The applicable local government may require affidavits of compliance with this section that includes reasonable supporting documentation that does not violate privacy laws for each temporary lodging use, guests and/or unit owners.
- (l) All temporary lodging uses shall comply with all county and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents. The restrictions and procedures contained within the hurricane closure and evacuation plan shall apply to all on-site workforce living accommodations, as applicable.
- (m) The restrictions set forth above shall be made a condition of site plan approval.
- (n) The restrictions set forth in subsections (a), (b), and (d) relating to prohibitions on conversion or use of a temporary lodging unit as a permanent residential dwelling shall be contained in a covenant or other legally enforceable recordable instrument that 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.
- (o) All large scale development and redevelopment projects approved under Scenario 2 as defined under Permitted Uses & Standards for the Large Resort character district category may be required to provide an easement to the City for unimproved public access landward of the mean high water line to provide a continuous, uninterrupted pedestrian beach system along the Gulf of Mexico prior to a building permit being issued.

- (p) All new temporary lodging uses that exceed 50 feet in height or a density greater than 30 units per acre shall be required to obtain a conditional use permit pursuant to Division 4 of this Code.

SECTION 15. Section 39.9 of Division 39, Community Redevelopment District General Standards, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 39.9. - Energy and environmental design—New construction and major renovation.

- (a) All development and redevelopment projects in the Community Redevelopment District shall be required to obtain certification for at least two of the eight standards listed below, as appropriate and applicable to the type of construction:
1. Certification by the Florida Green Building Coalition provided the site consists of more than one building and will meet the qualifications of a development. For more information go to www.floridagreenbuilding.org.
 2. Certification by the U.S. Green Building Council, LEED-NC (Leadership in Energy and Environmental Design — New Construction), Green Building Rating System for New Construction and Major Renovation. For more information go to www.leadbuilding.org.
 3. Certification by the Florida Green Building Coalition — High Rise Residential Standard for all new residential construction exceeding three stories in height.
 4. Certification by the Florida Green Building Coalition — Residential Standard Certification for all new residential construction three stories or less in height.
 5. Certification by the U.S. Green Building Council, LEED-hotels and Green Building Rating System for all new temporary lodging use construction.
 6. Certification by the U.S. Green Building Council, LEED-EB (Leadership in Energy and Environmental Design — Existing Buildings), or Green Building Rating System for Existing Buildings for existing buildings that are located on a buildable site that is partially being redeveloped. For more information go to www.usgbc.org.
 7. Certification by the U.S. Green Building Council, LEED-CS (Leadership in Energy and Environmental Design — Commercial Interiors), Green Building Rating System for Commercial Interiors for commercial interior space. For more information go to www.usgbc.org.
 8. Designated by the Florida Department of Environmental Protection as a Florida Green Lodge for all temporary lodging construction that is existing, new or undergoes a major renovation. For more information, go to <http://www.dep.state.fl.us/greenlodging/>.

SECTION 16. Section 39.17 of Division 39, Community Redevelopment District General Standards, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 39.17. - Community involvement.

- (a) *Community meeting.* Applicant shall have a minimum of one community meeting at least 30 days prior to submitting its application for administrative approval of a development or redevelopment site plan proposed to be built within the Community Redevelopment District. Single-family home, duplex construction or any development on buildable site that is less than one-half acre in size are exempt from this meeting requirement.
- (b) *Notice requirements.* The following are the notice requirements for all development projects within the Community Redevelopment District except single-family home, duplex construction or any development on a buildable site that is less than one-half acre in size. Proof of publication shall be provided to the city clerk prior to the community meeting.
 - (1) Notice of the community meeting shall be published in a local newspaper at least seven days and no more than 21 days prior to the community meeting for all development within the community redevelopment district.
 - (2) Additionally, the applicant, at its sole expense, shall be required to mail notices of the community meeting via first class U.S. mail to each property owner at the last known mailing address registered with the county property appraiser's office and each association registered with the city clerk as follows:
 - (i) Within a one mile radius of any property boundary of the subject property for any development on a buildable site of three acres in size or greater; or
 - (ii) Within a one-half mile radius for any development on buildable site greater than one acre in size but less than three acres; or
 - (iii) Within 1,000 feet for any development on a buildable site one-half acre in size or greater but less than one acre.
 - (3) Notice shall be mailed no later than 15 days and no earlier than 30 days prior to the meeting date. Notice shall state the date, time, location and purpose of the meeting and shall include the physical address and parcel identification numbers that will be the subject of the application. The notice shall include an eight and one-half x 11 copy of the proposed site plan.
 - (4) Within three business days of mailing said notice, applicant shall file with the city clerk a copy of the notice including the reduced size site plan and two full size copies of the site plan. The city clerk shall file one full-size copy in the official public record files and maintain one copy for public inspection. The applicant shall provide the city clerk an affidavit of mailing signed by the applicant or authorized agent for the applicant attaching a copy of the mailing

list, certifying the date notice was mailed, the contents of the notice and the mailing list as being current and in compliance with the requirements in this section.

- (5) Any defects or deficiencies in these notice requirements shall be identified by the city clerk and the city clerk shall notify the applicant in writing of any defects or deficiencies identified within five business days of the clerk's receipt of the notice affidavit. The applicant shall have three business days to cure said defects or deficiencies and notify the city clerk with evidence of such cure. In the event applicant fails to timely cure any such defects or deficiencies, the applicant shall be required to provide notice in accordance with the requirements in this section as if the first notice was never mailed.
- (6) The property which is the subject of the application shall also be posted with a notice of the community meeting at least 15 days prior to the date of the meeting and said notice shall remain posted up to and including the community meeting date and time. The applicant shall provide proof of posting to the city clerk by affidavit attaching a photo of the posted sign and an affidavit of compliance certifying the date of posting.
- (7) Upon receipt of said notice, the city clerk shall be responsible for posting said notice of the community meeting on Channel 15 up to and including the date and time of the meeting.
 - (i) *Purpose.* The purpose of the community meeting shall be to present the development project site plan to interested city residents and business owners, answer questions and solicit comments. All attendees shall be given at least three minutes to comment or ask questions on the subject matter under consideration. The public shall be allowed to take notes and video record the community meeting. At least one city staff person from the community development services department shall attend the community meeting.
 - (ii) *Citizen comments.* A sign-in sheet and comment cards shall be provided to all attendees and one copy shall be provided to the city clerk and one copy shall be provided to the director of community development within three business days after the community meeting. The city shall consider the written comments submitted by attendees during an administrative site plan review process, and may implement such public comment as appropriate that are consistent with and not contrary to law and local land development regulations, and are in the best interests of the public health, safety and welfare of the community.

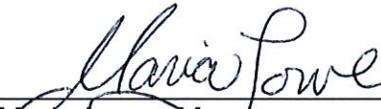
SECTION 17. Section 39.18 of Division 39, Community Redevelopment District General Standards, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 39.18. – General Residential Unit "RU" Density Pool Reserve.

The residential density pool is established for the entire Community Redevelopment District by reducing the previously allowed maximum residential density of 18 dwelling units per acre in the Large Resort character district by three dwelling units per acre to a maximum of 15 dwelling units per acre over the entire 65.16 acres. The total residential density reduction in the Large Resort district equals 195 residential dwelling units. These 195 residential dwelling units shall automatically become available as a residential density reserve for any property located within the boundaries of the Community Redevelopment District that permits residential use without further need to amend the Future Land Use Plan and Map through the conditional use process in conjunction with a unified site plan. Residential units will be available on a first come first serve basis.

SECTION 18. This Ordinance shall be published in accordance with the requirements of law.

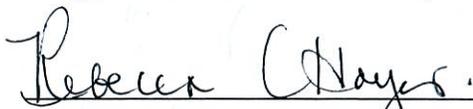
SECTION 19. This Ordinance shall become effective immediately upon final passage and adoption.



Maria Lowe, Mayor

First Reading: 12/01/2015
Published: 11/20/2015
Final Reading: 12/15/2015
Published: 12/04/2015
Adoption: 12/15/2015

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 15th day of December, 2015.



Rebecca C. Haynes, City Clerk

APPROVED AS TO FORM AND CONTENT:



Andrew Dickman, City Attorney