

**Ordinance 2017-07**

**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 REGULATORY MEASURES DESIGNED TO BE CONSISTENT WITH AND IMPLEMENT THE COMPREHENSIVE PLAN AND TO CORRECT SCRIVENER'S ERRORS; BY AMENDING SECTION 2.1 OF DIVISION 2, DEFINITIONS, PROVIDING FOR A DEFINITION OF "DEMOLITION" THAT IS COMPLIANT WITH DIVISION 28, HISTORIC PRESERVATION; AMENDING DIVISION 3.4(b).3 OF DIVISION 3, ADMINISTRATION, PROVIDING FOR CONSISTENCY WITH OTHER SECTIONS OF THE CODE; AMENDING SECTION 4.7 OF DIVISION 4, CONDITIONAL USE PERMITS, TO ADD FINAL ACTIONS BY THE CITY COMMISSION SHALL BE BY RESOLUTION; AMENDING DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.13 TO PROVIDE GREATER CLARITY; AMENDING SECTION 6.14 TO ALLOW ENCROACHMENT OF ANCILLARY RESIDENTIAL EQUIPEMENT, SECTION 6.15, FENCES AND WALLS TO PROVIDE GREATER CLARITY; AMENDING SECTION 14.6 OF DIVISION 14 TO REMOVE THE MAXIMUM TRANSIENT LODGING ROOM SIZE; AMENDING SECTION 28.2 OF DIVISION 28 TO REMOVE INCONSISTENT DEFINITION OF DEMOLITION; AMENDING SECTION 38.4 OF DIVISION 38 TO ALLOW NON-MOTORIZED WATER SPORTS AS A CONDITIONAL USE; AMENDING SECTION 42.4 OF DIVISION 42 TO ALLOW NON-MOTORIZED WATER SPORTS AS A CONDITIONAL USE; AMENDING DIVISION 46, SECTION 46.6(b) AND SECTION 46.7(c) and (d) TO CORRECT SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND 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 Regulations that are consistent with and implement the adopted Comprehensive Plan; and

**WHEREAS**, The City has an adopted Comprehensive Plan and Land Development Regulations (a/k/a "Land Development Code") pursuant to state law; and

**WHEREAS**, The City periodically finds sections in its Land Development Code which require clarification, updating and/or amending; and

**WHEREAS**, the City's Land Development Code also serves to maintain an environment conducive to the health, safety, welfare of the City's residents, and preserves and enhances property values within the City; and

**WHEREAS**, the City Commission seeks to amend the Land Development Code to correct Scrivener's errors, to clarify ambiguous provisions, and to update code consistent with provisions of the Comprehensive Plan; and

**WHEREAS**, after due public notice, the Planning Board held a public hearing on April 18, 2017, to consider the proposed Land Development Code changes and provided recommendations to the City Commission as the local planning agency; and

**WHEREAS**, on May 23, 2017, the City Commission conducted a duly noticed initial public hearing on the proposed Land Development Code amendments; and

**WHEREAS**, on June 12, 2017, the City Commission conducted a duly noticed second public hearing on the proposed Land Development Code amendments and the City Commission approved the amendments.

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

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The listed sections of the City's Land Development Code are hereby amended as follows:

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Sec. 2.1. -- Definitions. (General Definitions for LDC) shall be amended as follows:

*Demolition* means the removal of a building, structure or portions thereof from a site.  
*Historic Preservation* See Division 28 herein.

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Sec. 3.4.b.3. -- Public Notice shall be amended as follows:

(3) A notice shall be mailed at least fourteen days prior to the public hearing to owners of property located within 500 feet of any part of the property that is the subject of an application for a Future Land Use change, rezoning or Conditional Use. Notice for all other required public hearings shall be mailed at least fourteen days prior to the public hearing to owners of property located within 300 feet of any part of the property that is the subject of an application unless otherwise regulated herein. Property owners shall be determined from the latest Pinellas County real property tax records available to the city.

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Sec. 4.7. – City commission Review shall be amended as follows:

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 by resolution and 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.

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Sec. 6.13. – Accessory structures shall be amended to read Residential accessory structures.

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Sec. 6.14. – Encroachment of certain specified ancillary residential equipment into require yards shall be amended as follows:

Ancillary residential equipment, such as but not limited to air conditioning compressors, swimming pool and spa filters and pumps, etc. shall be allowed to encroach into any required yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall and no resulting setback shall be less than 3 feet from any property line. Equipment that is not at grade shall not encroach into any required front or side yard setback. New elevated equipment on any new or substantially improved structures shall not encroach into any required yard setback. This shall apply to any equipment installed for new or substantially improved structures or to such items being installed for existing structures the first time. Change-outs of existing equipment shall be exempt as long as they do not encroach into any required yard.

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Sec. 6.15. – Fences and walls shall be amended as follows:

Fences and walls are permitted, provided fences and walls shall not exceed four feet in height in required front yards and eight feet in height elsewhere. Secondary front yards shall also be considered as front yards for the purposes of this section; provided, however, fences and walls in waterfront yards shall not exceed four feet in height. See also Section 6.21 for visibility requirements at street intersections.

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Sec. 14.6. – Minimum zoning lot requirements shall be amended as follows:

The maximum residential density permitted in the RFM Resort Facilities Medium District shall not exceed 15 units per acre. The maximum transient accommodation density permitted shall not exceed 30 transient units. The minimum lot area and width requirements in the RFM Resort Facilities Medium District are as follows:

(a) Multi-family dwellings.

(1) Lot area: 2,904 square feet for each dwelling unit, pursuant to section 6.6 of this Code.

(2) Lot width: 50 feet.

(b) Transient accommodations.

Hotels and motels:

(1) Lot area: 1,452 square feet for each hotel or motel unit, plus the required lot area determined under the requirements of section 14.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to section 6.6 of this Code.

(2) Lot width: 50 feet.

Bed and breakfast inns: See section 6.2 of this Code.

Resort condominiums:

(1) Lot area: 1,452 square feet for each resort condominium unit, plus the required lot area determined under the requirements of section 14.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to section 6.6 of this Code.

(2) Lot width: 50 feet.

(c) All other uses. The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the

city under the site plan review process to fit the specific use.

(1) Lot area: 5,000 square feet, pursuant to section 6.6 of this Code.

(2) Lot width: 50 feet.

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Sec. 28.8. – Certificate of appropriateness required; criteria for issuance; application requirements shall be amended as follows:

(d) A minimum of 30 days prior to the date of the historic preservation board meeting at which the hearing shall be conducted, the applicant for a certificate of appropriateness shall submit to the city a completed application for certificate of appropriateness on a form provided by the city, which application shall include the following:

1. A recent survey of the property;
2. Elevations, drawn to scale, of the proposed addition(s), signed and sealed by a registered architect or engineer. The elevations shall include detailed information regarding the materials to be used.
3. A site plan, drawn to scale, of the proposed addition(s), signed and sealed by a registered architect or engineer. The plans shall include existing and proposed square footage, proposed landscaping, paving, and existing and proposed amounts of impervious surface.
4. Digital photographs of each existing elevation of the subject property.
5. Digital photos of the adjacent properties.

This material shall remain with the building permit application. Additional illustrations can be brought to the historic preservation board meeting, but the illustrations filed with the city shall clearly demonstrate the applicant's intent.

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AC - Sec. 38.4 – Allowable conditional uses shall be amended as follows:

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the AC Activity Center District are as follows.

- (a) Assisted living facilities;
  - (b) Charter and tour boat operations;
  - (c) Communication facilities;
  - (d) Docks, commercial-Classes A, B, C, and D;
  - (e) Eating and drinking establishments with outdoor seating;
  - (f) Kennels with outdoor runs;
  - (g) Off-premise parking lot and/or structure;
  - (h) Commercial parking structure;
  - (j) Vessel for hire businesses; and
  - (k) Commercial rental of non-motorized water sports equipment; and
- (l) Subject to the provisions or restrictions contained in this section and elsewhere in this Code, temporary lodging units may be allocated from a density pool via a conditional use as follows:

40 temporary lodging uses per acre, not to exceed a total of either 50 units per project or the density pool allocated in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts), with a maximum 1.0 floor area ratio on a minimum one (1) acre buildable site. To qualify for mixed use densities and intensities, a minimum of 10 temporary lodging units, mixed with a minimum of 0.35 floor area ratio for commercial or office uses, is required.

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BR – Sec. 42.4 – Allowable conditional uses shall be amended as follows:

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the Bayou Residential District are as follows.

- (a) Residential docks
- (b) Docks, commercial: Class A
- (c) Docks, commercial: Class B
- (d) Temporary Lodging with or without a commercial component, awarded on a first come, first serve basis, to come from the density pool established in the

Comprehensive Plan (325 available units for potential use in the Town Center Core  
Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts).

(e) Off-premise parking lot.

(f) Commercial parking lot.

(g) Commercial rental of non-motorized water sports equipment.

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Sec. 46.6 – Density and intensity shall be amended as follows:

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 and shall be permitted  
as follows:

(b) Transient accommodation uses shall not exceed 50 units per acre, except as  
provided for in section 46.4.

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Sec. 46.7 – Building height and front yard setbacks shall be amended as follows:

The maximum height shall be regulated by front setback as follows:

(a) Seventy-six (76) feet for any building that exclusively contains only temporary  
lodging uses with a minimum setback of one hundred (100) feet from Gulf Boulevard;  
or

(b) Sixty-five (65) feet for any building that exclusively contains only temporary  
lodging uses with a minimum setback of seventy-five (75) feet from Gulf Boulevard;  
or

(c) Fifty (50) feet above base flood elevation, for any buildings containing multi-family  
residential dwelling units, or any temporary lodging facility that does not comply with  
the minimum setbacks required for additional height established in sections 46.7.(a)  
and 46.7.(b) above, subject to a minimum setback of fifty (50) feet from Gulf

Boulevard; or

(d) Fifty (50) feet for temporary lodging with or without accessory uses as described in Section 46.3-and residential uses are required to have a minimum front setback of twenty (20) feet.

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Sec. 46.8 – Secondary, rear, and side yard setbacks shall be amended as follows:

Secondary front yard	10 feet
Side yard	Minimum combined side yards of 30 percent of lot width, with a minimum of 10 percent on each side. No single side yard setback shall be less than 10 feet.
Rear yard	10 feet landward of the Florida Coastal Construction Control Line.

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SECTION 3. Repeal of Ordinances in Conflict. All other ordinances of the City of St. Pete Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

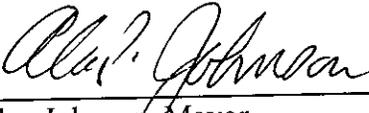
SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

FIRST READING:           **05/23/2017**  
PUBLISHED:               **06/02/2017**  
SECOND READING:       **06/13/2017**  
PUBLIC HEARING:       **06/13/2017**

CITY COMMISSION, CITY OF ST. PETE  
BEACH, FLORIDA.



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Alan Johnson, Mayor

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 13<sup>th</sup> day of **June, 2017**.



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Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:



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City Attorney  
Andrew Dickman, Esq.