

Ordinance 2017-30

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AN AMENDMENT TO THE ST. PETE BEACH LAND DEVELOPMENT CODE AS FOLLOWS: SECTION 2.1 – DEFINITIONS - TO PROVIDE DEFINITIONS FOR MIXED USE DEVELOPMENT AND SPECIAL EVENTS, SECTION 6.12h – BEACH CONCESSION – TO PROVIDE CLARITY ON HUT PLACEMENT, SECTION 6.22- YARDS AND MEASUREMENTS OF REQUIRED YARDS TO PROVIDE FOR BALCONY ENCROACHMENT, SECTION 6.24 – OUTDOOR DINING AND OUTDOOR DRINKING AREAS TO CLARIFY REQUIREMENTS, SECTION 22.4(f) – GROUNDCOVERS TO CLARIFY PERVIOUS AREA, SECTION 23.4 – GENERAL PARKING REQUIREMENTS TO PROVIDE FOR BACKING OUT ONTO PUBLIC STREETS, SECTION 33.2 CC-2 PERMITTED USES, TO PROVIDE FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN, SECTION 35.3(b) LR PERMITTED CONDITIONAL USES TO ALLOW FOR ADDITIONAL SUPPORTIVE COMMERCIAL USES, SECTION 37.7(a) TC-1 DENSITY AND INTENSITY TO PROVIDE FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN, SECTION 39.8(a) CRD – DESIGN, SCALE AND MASS OF BUILDINGS TO PROVIDE FOR CLARITY, SECTION 39.10 CRD – STREETScape DESIGN REQUIREMENTS TO PROVIDE CLARITY, SECTION 40.9 CRD-EA SETBACKS TO CORRECT A SCRIVENER’S ERROR, SECTIONS 13.4 ROR, SECTION 14.4 RFM, SECTION 15.4 CG-1, SECTION 16.4 CG-2, SECTION 30.4 TC-1, SECTION 32.4 CC-1, SECTION 33.4 CC-2, SECTION 37.5 TC-1, SECTION 38.4 AC TO PROVIDE FOR ADDITIONAL CONDITIONAL USES; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach 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, after due public notice, the Planning Board held a public hearing on November 13, 2017, to consider the proposed Land Development Code changes and provided recommendations to the City Commission as the local planning agency; and

WHEREAS, on January 23, 2018, the City Commission conducted a duly noticed initial public hearing on the proposed Land Development Code amendments; and

WHEREAS, on February 27, 2018, 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:

Sec. 2.1 – Word, terms and phrases defined.

Mixed use development means a development that combines any of the following uses, including but not limited to: residential, transient accommodation, commercial, office, and may consist of one or more buildings.

Special Events shall be regulated in accordance to Chapter 26 of the Code of Ordinances.

Special Event Permit is the official document authorizing the performance of a special event

LDC 6.12.h BEACH CONCESSION STANDARDS

Minor Structures that currently exist as of the date of the adoption of this ordinance may be maintained by a transient lodging business that has beach frontage along the Gulf of Mexico, in accordance with the following, after approval by the Technical Review Committee (TRC), otherwise a conditional use permit must be obtained in accordance with Division 4 of the Land Development Code in addition to a Department of Environmental Protection permit for minor structures.

1. Concession Huts

- i. Concession Huts shall be for the rental of beach equipment, and/or watersports.
- ii. One Concession Hut structure is permitted per transient lodging facility or one for every 200 linear feet of sand beach, or fraction thereof, as measured along the property line adjacent to the sand beach. Huts may be arranged on the sand beach as desired by the property owner.
- iii. Concession Huts shall maintain a minimum side setback of 20' or 10% of the lot width whichever is less. A minimum separation of 200' between Concession Huts must be maintained. For lots with a width less than 200', one hut shall be allowed and shall be located within the center one-third of the lot.

Sec. 6.22 - Yard and measurement requirements

- (a) *Encroachment of open balconies and stairs.* Open balconies may be permitted to encroach into required front or rear yards a distance of three feet. Open stairs, without independent roof or overhang systems, may be permitted to encroach into any required yard a distance of three feet provided that no resulting setback shall be less than 2 feet from any property line.

- (d) *Encroachment of eaves.* Roof eave projections with gutters shall extend no more than two feet into any required side yard.

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 or as outlined within each zoning district. If an outdoor drinking and/or dining area is required to obtain conditional use approval as outlined in the zoning districts herein, 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.

Sec. 22.4(f)

(f) Ground covers. Ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall stone or gravel be utilized for more than 20 percent of the minimum required pervious area. A recommended list of ground covers to be used includes but is not limited to, the following:

Sec. 23.4 – General Parking Requirements

All off-street parking shall be provided in accordance with the following general requirements:

(h) Be so arranged that no vehicle shall be required to back from such facilities directly onto arterial or collector streets as defined by the ITE Manual.

Sec. 33.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CC2 Commercial Corridor Gulf Blvd are as follows.

- (a)) Clinics;
- (b) Eating and drinking establishments with or without outdoor seating;
- (c) Financial institutions with or without drive-through service;
- (d) Laundries, self-service;
- (e)) Office uses;
- (f)) Printing and copying services;
- (g) Retail uses;
- (h) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact;
- (i) Veterinarians, dog grooming establishments;

- (j) Multi-family residential uses as a component of mixed-use development only. Multi-family residential uses shall not be allowed on the ground level of any structure;
- (k) Artist studios and galleries with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products;
- (l) Grocery stores, pharmacies, markets;
- (m) Commercial recreation, public parks and/or recreational facilities;
- (n) Sales, rentals, and/or service of bicycles, mopeds, motorcycles, Segway's, and scooters;
- (o) Other commercial uses similar in character, nature and impact to permitted uses listed above.

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:

(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.
- (2) Eating and drinking establishments, full-service restaurant only, subject to section 6.24 of this Code as may be applicable.
- (3) Commercial Parking lot/structure.

Sec. 37.7. - Density and intensity.

(a) Residential densities of 24 units per acre as a component of mixed-use projects. Commercial, office retail, or non-habitable portions of temporary lodging uses shall only be located on the first floor accessible at street level.

(b) Maximum Floor Area Ratio for exclusively commercial/office/retail projects shall be limited to 0.55.

(c) Temporary Lodging Use - Density and Intensity shall be approved by Conditional use only and shall not exceed fifty (50) temporary lodging units per acre located on a minimum ~~two~~ 1.8 acre buildable site and shall also not exceed a cumulative total of 150 units per project subject to the requirements, restrictions and limitations for the TLU Density Pool for the Town Center Corey Circle and Coquina West Districts. Temporary lodging uses shall not exceed an aggregate floor area of 750 square feet per temporary lodging unit allocated by Ordinance, excluding indoor amenities, common areas and structured parking. Indoor amenities and common areas shall not exceed an additional 0.2 floor area ratio combined. For example: 50 units × 750 square feet = 38,500 square feet plus 0.2 × total parcel square feet for common areas and indoor amenities = total building square footage, excluding structured parking.

Sec. 39.8.a - Design, scale and mass of buildings.

(a) No plane of a building may continue uninterrupted for greater than 100 linear feet. For the purpose of this standard, interrupted means an offset of greater than five feet.

(b) At least 60 percent of any elevation will be covered with windows or architectural decoration. For the purpose of this standard, an elevation is that portion of a building that is visible from a particular point outside the parcel proposed for development.

(c) The height and mass of buildings will be correlated to: (1) the dimensional aspects of the parcel proposed for development and (2) adjacent public spaces such as streets and parks.

(d) Buildings may be designed for a vertical or horizontal mix of permitted uses.

Sec. 39.10. - Streetscape design required elements.

(a) A ten-foot sidewalk shall be constructed that will allow for safe, unobstructed and efficient pedestrian flow and the potential for sidewalk cafes and outdoor eating areas, as appropriate, in front of all development projects within the Community Redevelopment District along Gulf Boulevard or Blind Pass Road and within the Town Center Core areas. This requirement may be reduced to six feet when warranted through TRC site plan review. This is imperative to ensure pedestrians feel comfortable on the sidewalk as well as important to meet the current American with Disabilities Act standards. Distinctive and visually interesting paving patterns are encouraged, particularly to define an entrance, a gathering place, a pedestrian crosswalk link, or a sidewalk cafe area. Patterns, cooler, materials and constructions standards shall be coordinated with the city manager and his staff to ensure a cohesive and unified streetscape.

(b) On all streets not designated a Main street or a street type "A" in section 39.2, a minimum eight-foot wide private landscape zone shall be installed along the property between the sidewalk and the building face; minimum building setbacks may be increased in accordance with the width of the landscape zone. The landscape zone proposal shall be reviewed for compliance during the design review/site plan approval process by the TRC and may be reduced to five feet during that process when warranted, in order to coordinate and integrate new development into an overall streetscape plan.

(6) Pedestrian-scale decorative lighting fixtures are required every 30 feet on the main commercial corridor within the landscape/pedestrian zone. Where there are physical restrictions, spacing of lighting standards shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction. An adequate easement shall be dedicated to the City, adjacent to the public right-of-way to allow adequate maintenance by the city of the lighting fixtures. Energy efficient or solar lighting is required.

Sec. 40.9. - Setbacks.

For structures that front 8th, 9th or Gulf Way:

ROR - Sec. 13.4. - Allowable conditional uses.

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

- (a) Assisted living facilities.
- (b) Places of worship.
- (c) Commercial developments with a gross square footage of greater than 25,000.
- (d) Communications facilities.
- (e) Daycare centers/kindergartens.
- (f) Docks, commercial—Class C only.
- (g) Eating and drinking establishment—Bar (cocktail lounge, saloon); restaurant, outdoor.
- (h) Laundries, dry cleaning.
- (i) Parking lots, off-premise.
- (j) Recreational—Public parks and/or recreational facilities.

RFM - Sec. 14.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the RFM Resort Facilities Medium District are as follows:

- (a) Assisted living facilities.
- (b) Places of worship.
- (c) Commercial developments with a gross square footage of greater than 25,000.
- (d) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (e) Communications facilities.
- (f) Daycare centers/kindergartens.
- (g) Docks, commercial—Classes A, B and C.
- (h) Eating and drinking establishment—fast food, beach bar and outdoor restaurant.
- (i) Financial institutions with drive-through service.
- (j) Laundry, dry cleaning.
- (k) Parking lots, commercial and/or off-premise.
- (l) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (m) Recycling centers.
- (n) Schools—Public, private and/or commercial.
- (o) Utility substations and/or rights-of-way.
- (p) Vessel for hire businesses.

CG-1 - Sec. 15.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-1 Commercial District are as follows:

- (a) Assisted living facilities.
- (b) Adult entertainment establishments—See also Chapter 10, St. Pete Beach Code of Ordinances.
- (c) Automotive rental agencies.
- (d) Automotive sales lots.
- (e) Automotive services and repairs.
- (f) Automotive service stations.
- (g) Boat sales and repair facilities.
- (h) Car wash facilities.

- (i) Commercial boat docking facilities.
- (j) Commercial developments with a gross square footage of greater than 25,000.
- (k) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (l) Communication facilities.
- (m) Docks, commercial—Classes A, B, C, and D.
- (n) Eating and drinking establishment—fast food restaurant, nightclub or outdoor restaurant.
- (o) Financial institutions with drive-through services.
- (p) Kennels with outdoor runs.
- (q) Laundries, dry cleaning.
- (r) Marinas.
- (s) Parking lots, commercial and/or off-premise.
- (t) Printing, general.
- (u) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (v) Recycling centers.
- (w) Schools, public or private and/or commercial.
- (x) Services, commercial/business.
- (y) Storage facilities with outdoor storage.
- (z) Storage, self-
- service. (aa) Theatres.
- (bb) Utility substations and/or rights-of-way.
- (cc) Vehicle for hire businesses.
- (dd) Vessel for hire businesses.

CG-2 - Sec. 16.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-2 Commercial District are as follows:

- (a) Adult entertainment establishments—See also Chapter 10, St. Pete Beach Code of Ordinances.
- (b) Automotive service stations.
- (c) Commercial boat docking facilities.
- (d) Commercial developments with a gross square footage of greater than 25,000.
- (e) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (f) Communications facilities.
- (g) Commercial docks—Classes A, B and C only.
- (h) Eating and drinking establishments restaurant with drive-through service, take-out only restaurant, bar/lounge, subject to Section 6.24 of this Code as may be applicable.
- (i) Mortuaries.

- (j) Parking lots—Commercial and/or off-premise.
- (k) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (l) School, commercial.
- (m) Theaters.
- (n) Utility substations and/or rights-of-way.
- (o) Vessel for hire businesses.

TC-1 - Sec. 30.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the TC-1 Town Center Core District are as follows:

- (a) Automotive retail stores and automotive service stations with related services. Such uses shall only be allowed on lots which front directly on 75th Avenue.
- (b) Car washes.
- (c) Commercial developments with a gross square footage of greater than 25,000.
- (d) Convenience stores without the sale of gasoline or other fuels.
- (e)) Cigar shops and cigar bars
- (f) Financial institutions with drive-through service.
- (g) Pharmacies with drive-through service.
- (h) Public or private parking structures.
- (i) Bed and breakfast inns, subject to the following:

(1) In addition to any density and intensity which may be allowed, the city shall also establish a reserve of units, not to exceed 50 total temporary lodging units for the entire Town Center Core District, which shall be allocated by ordinance of the city commission upon request of an individual property owner on a first come, first serve basis. Such allocation shall not exceed ten units per acre, or a total of ten units per redevelopment project. The remaining number of available reserve temporary lodging units shall be specified in each city commission ordinance allocating such units and each such ordinance shall provide that no units beyond those remaining available shall be allocated to any subsequent project. This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation.

- (j) Class I Mobile Food Trucks, subject to the criteria found in Division 6, herein.

CC-1 - Sec. 32.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the CC1 Commercial Corridor Blind Pass Road Districts are as follows.

- (a) Automotive rental agencies;
- (b) Automobile services—repair;
- (c) Automotive service stations, with or without a carwash and/or a convenience store;
- (d) Commercial developments with a gross square footage of greater than 25,000;
- (e)) Communication facilities;
- (f)) Parking lots, commercial and/or off-premise.
- (g) Class I Mobile Food Trucks, subject to the criteria found in Division 6, herein.

CC-2 - Sec. 33.4. - Conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the CC2 Commercial Corridor Gulf Boulevard District are as follows.

- (a) Automotive rental agencies;
- (b) Automobile services—repair;
- (c) Automotive service stations, with or without a carwash and/or a convenience store;
- (d) Commercial developments with a gross square footage of greater than 25,000;
- (e)) Communication facilities;
- (f)) Parking lots, commercial and/or off-premise;
- (g) Class I Mobile Food Trucks, subject to the criteria found in Division 6, herein.

TC-2 - Sec. 37.5. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the TC-2 Town Center Corey Circle and Coquina West Districts are as follows.

- (a) Temporary lodging facilities hotel, motel and resort condominium, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan.
- (b) Commercial developments with a gross square footage of greater than 25,000.
- (c)) Commercial kitchen.
- (d) Commercial docks-Class A, B, C and D.
- (e) Eating and drinking establishment — take-out only restaurant.
- (f)) Vessel for hire (water taxis).
- (g) Class I Mobile Food Trucks, subject to the criteria found in Division 6, herein.

AC - Sec. 38.4. - Allowable conditional uses.

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) Commercial developments with a gross square footage of greater than 25,000;
- (d) Communication facilities;
- (e) Docks, commercial-Classes A, B, C, and D;
- (f) Eating and drinking establishments with outdoor seating;
- (g) Kennels with outdoor runs;
- (h) Off-premise parking lot and/or structure;
- (i) Commercial parking structure;
- (j) Theatres;
- (k) Vessel for hire businesses; 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.

SECTION 6. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 7. 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 8. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 9. Publication. This Ordinance shall be published in accordance with the requirements of law.

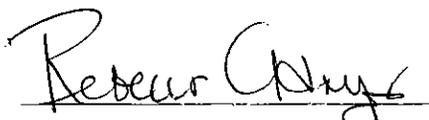
SECTION 10. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING:	01/23/2018
PUBLISHED:	01/12/2018
FINAL READING:	02/27/2018
PUBLISHED:	02/16/2018
PUBLIC HEARING:	02/27/2018



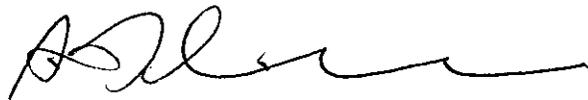
Alan Johnson, Mayor

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 27th of February, 2018.



Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:



Andrew Dickman, City Attorney