

RESOLUTION 2008-13

**A RESOLUTION OF THE CITY OF ST. PETE BEACH,
GOVERNING THE IMPLEMENTATION OF THE SETTLEMENT
OF A LAWSUIT AND GOVERNING THE PASSAGE AND
IMPLEMENTATION OF AMENDMENTS TO THE CITY LAND
DEVELOPMENT CODE THROUGH PROPOSED ORDINANCES
2008-11, 2008-12 and 2008-13.**

WHEREAS, the citizens of St. Pete Beach, pursuant to Sections 7.02 and 7.04 of the City Charter, circulated a petition and gathered signatures to require that three ordinances proposing amendments to the city's land development code, since designated Ordinance 2008-11, 2008-12 and 2008-13, be presented to the voters; and

WHEREAS, the signatures on the petitions were verified by the Pinellas County Supervisor of Elections, and it was determined that a sufficient number of qualified electors executed the petition to require that the ordinances be presented to the voters; and

WHEREAS, the City Commission of St. Pete Beach questioned whether the petition conflicted with state law; and

WHEREAS, in subsequent legal action between the petitioning entity and the City of St. Pete Beach, the Circuit Court for the Sixth Judicial Circuit of the State of Florida determined that the petition did not conflict with state law and that the City of St. Pete Beach is required to submit the ordinance to the voters; and

WHEREAS, the City of St. Pete Beach and petitioning entity agreed to resolve the legal dispute by either presenting the ordinance to the voters ; and

WHEREAS, the voters of the City of St. Pete Beach previously enacted Section 3.18 of the City Charter, which requires that all changes to land development regulations that increase the allowable height of structures be submitted to the voters, and whereas approval of the proposed ordinances at the special election would satisfy the requirements of Section 3.18 of the Charter; and

WHEREAS, the City of St. Pete Beach and petitioning entity have agreed that the approval of a Resolution detailing the implementation of the settlement and the later implementation of Ordinances 2008-11, 2008-12, and 2008-13 is in the best interest of both the City and the citizens of St. Pete Beach;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF ST. PETE
BEACH:**

Section 1. The intent of this resolution is to establish and prescribe the processes that the proposed amendments to the City's Land Development Code will be subject to prior to final adoption and effectiveness. While the parties disagree whether all of the provided procedures are required under state law, the parties agree that if the procedures described herein are followed, all requirements of state law and the City Charter will have been met.

Section 2. Notice and Conduct of Planning Board Hearings. The Planning Board of the City of St. Pete Beach shall at least one public hearing to consider the proposed Land Development Code amendments prior to the special election. Any workshops and public hearings shall be noticed according to the applicable requirements of 166.041, the City Charter, and Ordinance 88-36. The public hearing to consider the Land Development Code amendments shall be conducted according to the provisions of Ordinance 88-36. The public shall be limited to three minutes to present their views, but may submit comments in writing.

Section 3. Special Election. The City Commission shall notice the special election scheduled for June 3, 2008, said date to be finalized by the Supervisor of Elections of Pinellas County, as though it were a change to the Land Development Code pursuant to the applicable requirements of §100.342 and §166.041, Florida Statutes. Should a majority of the voters at the special election approve Ordinances 2008-11, 2008-12, and 2008-13, the Ordinances as written shall be deemed approved by the voters of St. Pete Beach for the purpose of Section 3.18 of the City Charter, and shall become effective immediately pursuant to Section 7.04(f)(1) of the City Charter.

Section 4. SOLV, Inc. shall be entitled to receive copies of all documents, emails, comments, and other material related to the review of the Land Development Code amendments and to participate in any meetings conducted by City Staff with any county or state agency regarding the review of these proposed amendments.

Passed and adopted by the City of St. Pete Beach, this 31st day of March 2008.



Mayor/Michael Finnerty

ATTEST:



City Clerk

ORDINANCE No. 2008-11

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR ADOPTION OF DIVISION 35 OF THE CITY OF ST PETE BEACH LAND DEVELOPMENT CODE; PROVIDING FOR THE ESTABLISHMENT OF LAND DEVELOPMENT STANDARDS GOVERNING THE DEVELOPMENT AND USE OF PRIVATE PROPERTY CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN FUTURE LAND USE PLAN AND MAP ESTABLISHING A COMMUNITY REDEVELOPMENT DISTRICT, GULF BOULEVARD REDEVELOPMENT DISTRICT AND LARGE RESORT CHARACTER DISTRICT PLAN; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP TO ESTABLISH A LARGE RESORT DISTRICT CONSISTENT WITH THE BOUNDARIES OF THE LARGE RESORT DISTRICT ESTABLISHED BY THE DISTRICT MAPS CONTAINED IN THE COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the majority of registered voters of the City of St. Pete Beach hereby find that the establishment and implementation of a Large Resort Zoning District will promote orderly development and redevelopment in the Large Resort Character District as established in the City's adopted Community Redevelopment Plan and adopted Comprehensive Plan Future Land Use Plan and Map establishing a Community Redevelopment District governing the use of property and preserving the public interest through the imposition of specific requirements for development; and

WHEREAS, the majority of registered voters of the City of St. Pete Beach hereby find that the establishment and implementation of Division 35 of the Land Development Code establishing a Large Resort Zoning District will promote orderly and managed redevelopment by strictly regulating development and providing for permitted and prohibited uses; establishing densities, intensities and height standards to encourage redevelopment of temporary lodging uses; providing for green redevelopment standards, affordable housing, affordable housing mitigation, and an affordable housing density bonus for temporary lodging uses; providing for public beach access, increased open space and green space; prohibiting variances to increase height or exceed maximum intensity and density standards; prohibiting increased height for residential condominiums; and

WHEREAS, the majority of registered voters of the City of St. Pete Beach have determined that this ordinance is necessary for the preservation of the health, welfare and safety of the community.

NOW, THEREFORE, THE CITIZENS OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAIN:

Section 1. Division 35 of the St. Pete Beach Land Development Code is hereby established in accordance with the following;

See **Attachment A**

Section 2. The Official Zoning Map of the City of St. Pete Beach is amended in accordance with the following;

See **Attachment B**

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

Section 4. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 5. The City Commission is specifically authorized to amend, rescind or replace this Ordinance, consistent with the provisions of the City Charter, including those future amendments that may require approval by voter referendum, the Comprehensive Plan, and the Florida Statutes.

Section 6. This Ordinance shall become effective immediately upon final passage as required by law.

ELECTION DATE:

DATE OF CERTIFICATION OF ELECTION RESULTS:

I, _____, City Clerk of the City of St. Pete Beach, Pinellas County, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of the City Charter this ____ day of _____, 2008.

, CITY CLERK

ORDINANCE 2008-11
ATTACHMENT "A"

Division 35. (LR) Large Resort District.

Section 35.1. Purpose and Intent.

(a) **Location and Character.** The Large Resort District is a .9 mile strip of land located on the west side of Gulf Boulevard from the County park (46th Ave) northward to 64th Avenue, containing 65.16 acres of land or approximately 5% of the total land area of the City. The area is devoted almost exclusively to larger full-service temporary lodging uses; however there are existing high-rise multi-family residential condominiums in the District that likely will not be redeveloped in the foreseeable future. It is anticipated that no more than eight large resort projects potentially could be developed or redeveloped in the Large Resort District, it could be less if parcels are assembled into one unified development scheme.

The Large Resort District is intended to primarily support and encourage full-service integrated resort redevelopment projects to promote economic balance and compatibility of land uses. Large Resort District regulations provide higher density and intensity of temporary lodging use than provided in any other district in the City to support and encourage redevelopment of resort hotels where they primarily exist today and in consideration of the larger size and depth of the parcels that are adjacent to the Gulf beaches and allow greater setbacks from, as well as access to, Gulf Boulevard, a 4-lane State Road and evacuation route.

(b) **Existing Temporary Lodging Use Density Limitations Effect Redevelopment.** Gulf front properties had a significant percent of their property up to 67% and averaging 33%, designated Preservation in 2003 by the City to comply with Countywide Plan rules. The existing temporary lodging properties located within the Large Resort District lost approximately 16.5 acres to the City's implementation of the Countywide Preservation designation in 2003. Prior to 2003, those 16.5 acres were calculated by the City for density purposes at thirty (30) temporary lodging units per acre. As a result, 495 potential temporary lodging units were lost after November 2003.

The result left all of the City's Gulf front hotels non-conforming and therefore unable to build back the existing temporary lodging accommodation units in the event of a natural disaster or catastrophic event. The reduction of acreage by government regulation for every property abutting the Gulf beaches in 2003 created a significant disconnect between the number of units actually built on the ground as compared to the number of units that are potentially allowed under the current land development regulations. This circumstance is referred to as non-conforming density for a permitted land use.

The existing as-built density on the ground in the Large Resort district averages approximately 50 hotel units per acre, some properties are more, some just slightly less. One hotel property is already over 80 units per acre as it is built today. However, the current land use and zoning classifications only allow thirty (30) units per acre, or roughly 60% or less of the number of units actually built. The result is that every single existing hotel and motel along the west side of Gulf Boulevard has a non-conforming density.

Non-conforming density status prohibits the rebuilding of the existing number of units in the event of a natural disaster or catastrophic event; and also precludes or severely limits financing or refinancing needed for reinvestment in these aging properties. Reinvestment into non-conforming properties is not practical or feasible unless a portion of the property is sold off as residential condominiums to raise capital for reinvestment. The nonconforming status of these temporary lodging properties as they continue to age and reach functional obsolescence, only serves to encourage redevelopment as residential condominiums, unless a regulatory remedy is adopted.

(c) **Purpose of Temporary Lodging Unit Density Increase is to Eliminate Non-conforming Density and Economic Disparity.** Density for temporary lodging use in this District has been limited to the minimum that will provide comparatively equal market value between multi-family residential use and temporary lodging use for purposes of redevelopment. Initially, the need to increase temporary lodging use density from 30 units per acre to 50 units per acre is to reconcile the as-built density which averages between 45 -52 units per acre with the City's land use and zoning regulations. The initial base level increase to 50 temporary lodging units per acre primarily allows a property owner the option to rebuild an existing temporary lodging facility in the event of destruction by a catastrophic event.

Any additional increase in density above 50 temporary lodging units per acre are a direct result of market conditions that value land for one beachfront residential condo to be equivalent in value to land for 5-6 beachfront hotel rooms. This creates an enormous economic disparity that is causing high-rise residential development to overtake the beaches in waterfront communities all over the State. Pinellas County alone has seen a loss of 5,000 of its 40,000 hotel rooms and thousands of tourist-related jobs from 2002-2006. The only way to eliminate all or most of that economic disparity with the goal of preserving our heritage as a resort destination with temporary lodging facilities that are the keystone of a tourist-based economy, is to level the economic playing field by increasing density for temporary lodging use only.

Thus, the increase from 50 to 75 temporary lodging units per acre will only be permitted for comprehensive redevelopment that provides full-service large-scale temporary lodging facilities to encourage redevelopment of destination resort facilities as a viable economic alternative long-term. These temporary lodging uses will form the basis of the local economy and work to shifting the current disproportionate tax burden away from residents and back to commercial properties in a healthy sustainable proportionate ratio.

(d) **Purpose of Height Increase for Temporary Lodging Use Only.** The height increase for temporary lodging uses only is a direct result of needing additional space to accommodate the increased temporary lodging use density and extensive list of amenities required both by Division 35 as well as current market conditions to create a destination family resort and attract visitors that have choices in a global travel market that were not available just 10 years ago. The increased height will only be allowed for comprehensive redevelopment on parcels that are three acres or greater. The height increase will allow more open space between buildings, more green space, greater setbacks from Gulf Boulevard, wider sidewalks and landscaping, that combined are intended to avoid a "canyon" effect down Gulf Boulevard and preserve access to the beaches for all of our residents.

(e) **Limitations and Restrictions on Residential Condominium Development.** To promote temporary lodging redevelopment and discourage residential condominium development along the Gulf beaches, density for exclusively residential condominiums is reduced from a maximum potential 18 residential dwelling per acre approved in the 1998 Comprehensive Plan to 15 dwelling units per acre in the LR District. In addition, existing height restrictions for multi-family residential use in the LR District remains unchanged.

Section 35.2. Definitions.

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

Large-scale Development. Shall mean development or redevelopment of a buildable site that:

- a. is three acres in size or greater; and
- b. new construction exceeds sixty-seven percent (67%) of the combined aggregate

floor area of new and existing principal buildings, structured parking and accessory structures that constitute the entire unified development scheme on the buildable site.

Section 35.3. Permitted Principal Uses and Structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the LR District are as follows:

(a) **Primary Uses.**

- (1) Temporary Lodging Uses, including hotels, motels, resort condominium hotels, as further defined in Division 2 and this Division 35.
- (2) Multi-Family Residential use.

(b) **Secondary Uses.**

- (1) Small-scale commercial and office uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the project, subject to the limitations contained I section 35.7(d)(6) and further provided, that the project contains a minimum of 200 temporary lodging units and may include:
 - (i) Retail trade establishments.
 - (ii) Eating and drinking establishments, including bars and cocktail lounges.
 - (iii) indoor commercial entertainment facilities.
- (2) multi-family residential use as a secondary use only to a temporary lodging use that contains a minimum of 200 temporary lodging units.

Section 35.4. Permitted Accessory Uses and Structures.

- (a) Uses and structures, as regulated in Sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under Section 35.5. A temporary lodging use may include accessory uses, such as recreational facilities, restaurants, bars, and other eating and drinking establishments, as well as personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, on-site workforce living accommodations and other uses commonly associated with temporary lodging uses.
- (b) Home occupations for residential use only, subject to the conditions set forth in Section 6.5 of this code. Home occupational licensing shall be prohibited for any temporary lodging unit and any affordable workforce living accommodation.
- (c) Temporary structures under the provisions of Section 6.11 of this code.

Section 35.5. Prohibited uses and Structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the LR District. Temporary lodging uses are further restricted and limited by the provisions contained in Division 39.6 relating to operational and occupancy prohibitions, limitations and restrictions that shall include a legally enforceable recordable covenant for use and occupancy prohibitions associated with temporary lodging uses.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to

those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the LR District.

Section 35.6. Easements.

(a) **Sidewalk Easement and Construction.**

(1) **In General.** The City may require construction or reconstruction of sidewalk improvements along Gulf Boulevard if a sidewalk does not exist or the existing sidewalk does not comply with the standards established in Division 39. The sidewalk location, design and construction standards shall be determined during the site plan approval process in accordance with Division 39 and made a condition of site plan approval. All reasonable efforts shall be made to integrate the on-site location with the off-site locations of existing sidewalks to provide a continuous safe pedestrian sidewalk as part of a Gulf Boulevard Improvement Program or Master Boulevard Streetscape Plan, as determined by the City. This easement shall be included in the density or intensity calculations for the development site. Off-site sidewalk construction costs shall be eligible for credits against Community Improvements Impact Fees, as may be required.

(2) **All Large-Scale Development** and all development that exceeds 75% of the buildable site and is adjacent to Boulevard shall be required to dedicate to the City a 10-foot easement generally along the existing front property line of the development site.

(3) **All Other Development Not described in Scenario (a)1 above,** may be required to dedicate sidewalk easements along Gulf Boulevard if the buildable site is adjacent to Gulf Boulevard and existing site conditions and redevelopment plans permit the location of such easements that can be integrated into the redevelopment site plan without undue hardship to the property owner. For example, the property owner shall not be required to demolish existing site improvements or create or expand non-conformities to accommodate the dedication of an easement or construction of a sidewalk.

(b) **Utility Easements.** All development in the LR District, regardless of size or use, may be required to provide a utility easement to accommodate the relocation of above ground utilities to below ground in a location and width determined by the City during the site plan approval process and if required, shall be a condition of site plan and building permit approval. This easement shall be included in the density or intensity calculations for the development site.

(c) **Relocating Utilities Below Ground.** On-site overhead utilities shall be placed underground as part of all development projects and shall be a condition of site plan and building permit approval.

(d) **Public Beach Access Easement.**

(1) **In General.** The design and location of public beach access shall:

- a. Accommodate foot traffic and wheelchair access only and shall be directed to marked paths or dune walkovers in order to protect the dune system; and
- b. Wherever practical and feasible, be located in coordination with existing or future planned trolley stops. Additional width fronting Gulf Boulevard to accommodate a trolley stop may be required; and
- c. Wherever practicable and feasible, be located in coordination with existing or proposed pedestrian crosswalks, pedestrian and bike pathways for Gulf Boulevard; and

d. Any public beach access easements and other design elements required pursuant to 35.6(d) 1-5 shall be a condition of site plan and building permit approval. Any easement required shall be included in the density or intensity calculations for the development site.

(2) **Large-scale Temporary Lodging Use** as defined in Section 35.2 shall provide:

a. At least one functional public beach access a minimum of ten (10) feet average width if:

(i) new construction exceeds 67% or more of the total aggregate floor area located on the buildable site; and

(ii) the buildable site is at least three gross acres in size; and

(iii) the buildable site has a westerly boundary abutting the Gulf beaches or is part of an overall unified development that has a westerly boundary abutting the Gulf beaches.

b. Abutting property owners will be encouraged to combine public beach access on adjacent boundaries in the site design process to maximize the width and meaningful public access to the Gulf beaches wherever possible. Any combined public beach access shall be a minimum average width of fifteen (15) feet.

c. The public beach access area fronting Gulf Boulevard shall be designed to include distinctive sidewalk materials such as pavers or colored imprinted concrete to create a small pedestrian entrance plaza area. A small pavilion or other design element that provides shade and protection from the sun and rain, bicycle racks and other street furniture including but not limited to lighting, benches and trash receptacles, public art or other pedestrian amenities are strongly encouraged in the public beach access entrance area from Gulf Boulevard and at least four such elements shall be required and determined in the site plan review and approval process.

(3) **All Other Development** that does not meet the requirements for Large-scale Development defined in Section 35.2 is subject to the following:

a. A functional public beach access may be required that shall not exceed seven (7) feet average width for temporary lodging use redevelopment projects if:

(i) new construction is less than 67% and 50% or more of the total aggregated floor area located on the buildable site; and

(ii) has a westerly property boundary abutting the Gulf beaches; and

(iii) only if the conditions of site redevelopment permit its location without causing undue hardship on the property owner as a result of existing site conditions that may impede the reasonable location of an easement for the public that can be integrated with the overall site development.

b. Abutting resort owners will be encouraged to combine public beach access on adjacent boundaries in the site design process to maximize the width and

meaningful public access to the Gulf beaches wherever possible but shall not be required to exceed a maximum combined width of ten (10) feet.

c. The public beach access area fronting Gulf Boulevard shall be designed to include distinctive sidewalk materials such as pavers or colored imprinted concrete to create a small pedestrian entrance plaza area. A design element that provides shade and protection from the sun and rain, bicycle racks and other street furniture including but not limited to lighting, benches and trash receptacles, public art or other pedestrian amenities are strongly encouraged in the public beach access entrance area from Gulf Boulevard and at least two such elements shall be required and determined in the site plan review process and made a condition of final site plan approval.

(e) **Gulf Beach Boardwalk Easement.** All development in the LR District, regardless of size or use, may be required to provide a minimum ten (10) foot width easement for the potential development of a trail or boardwalk along the Gulf beach side of the property, westward of the Florida Coastal Construction Control Line through the execution of easements or by other means agreeable to the City. The need for any such easements shall be determined during the site plan review process and such review shall consider whether or not an easement at that location will adversely impact the coastal environment or raise conservation concerns, and whether or not that location provides an opportunity for a continuous uninterrupted boardwalk or trail system that furthers City plans to construct a trail or boardwalk pedestrian beach system.

(f) **Easement Form & Recording.** The location and size of the easements required pursuant to Section 35.6 shall be determined during the administrative site plan approval process and may be a condition of site plan and building permit approval. Any such easements 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.

Section 35.7. Density and Intensity.

(a) **In General, Density & Intensity Calculation.** 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.

(1) **Limitations on Mixed Use Development Density.** 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.

(2) **Limitations on Temporary Lodging Use Density.** 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.

(b) **Density.**

(1) **Existing Development and All Development that does not meet the minimum requirements of Large-scale Development 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; and

c. **Variances to increase density shall be prohibited.**

(2) **Large-Scale Development as defined in Section 35.2 above** shall not exceed the following density:

a. 75 temporary lodging units per acre excluding any affordable housing bonus that may be approved pursuant to 35.7(b) (3) below; 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; and

d. **Variances to increase density shall be prohibited.**

(3) **Affordable Housing Density Bonus.** An affordable housing density bonus shall be permitted for Large-scale temporary lodging use as defined in Section 35.2 as follows:

a. a temporary lodging unit density bonus shall be permitted up to, but shall not exceed, under any circumstances whatsoever, an additional five (5) bonus units per acre and an additional 0.2 floor area ratio to accommodate the additional temporary lodging units for a defined Large-scale resort redevelopment;

b. temporary lodging accommodation density bonus units or on-site affordable workforce living accommodations provided in compliance with the General or Large Resort Affordable Housing Mitigation programs, as applicable, shall not be subject to General or additional Large Resort affordable housing mitigation fees or other program requirements, as may be required in Division 40 of this Code;

c. any on-site affordable workforce living accommodations shall be deemed an accessory or ancillary use to defined Large-scale temporary lodging use and shall be exempt from maximum density and floor area ratio standards and shall be subject to the same hurricane closure and evacuation plan approved for the temporary lodging facility;

d. any on-site affordable workforce living accommodations shall be prohibited from being advertised or otherwise used for guest temporary lodging home occupational licensing purposes; and shall be exclusively used for providing affordable on-site living accommodations for employees eligible for low income or very low income status as defined by the applicable County and City rules and guidelines;

e. A legally enforceable restrictive covenant in a form and content acceptable to the City shall be required as a condition of site plan approval and recorded in the public records of Pinellas County upon issuance of a building permit setting forth the restrictions provided in subsections (i) d above.

(c) **Prohibition on Conversion.** 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; and further, shall be subject to the additional occupancy, operation and use restrictions and prohibitions contained in Division 39.6.

(d) **Intensity.**

(1) **Existing Temporary Lodging Use and Development of Temporary Lodging Use**

that does not satisfy the requirements of a Large-scale Development as defined in Section 35.2., shall calculate intensity as follows: Floor area ratio shall include indoor amenities and shall exclude structured parking, approved on-site affordable workforce living accommodations and outdoor amenities such as tennis courts, pools, and the like; and subject to the foregoing, intensity shall not exceed the following:

a. floor area ratio of 1.8; and

b. the preceding intensities may include the normal ancillary residential area for on-site security, maintenance and management and normal ancillary non-residential guest facilities; and

c. freestanding nonresidential uses shall be prohibited; and

d. **Variances to exceed the maximum floor area ratio above as established in this Future Land Use Plan shall be prohibited.**

(2) **Large-scale Temporary Lodging Use.** Floor area ratio shall include indoor amenities and exclude structured parking, approved on-site affordable workforce living accommodations, and outdoor amenities including but not limited to: tennis courts, pools, and the like. Subject to the foregoing, intensity shall not exceed the following:

a. floor area ratio of 2.6; and

b. as a bonus, secondary commercial uses provided in Section 35.3(b)(1) that serve the general public may be constructed but shall not exceed an additional floor area ratio of 0.15 of the building site, subject to the restrictions and limitations contained in 35.7(d)(6); and

c. the preceding intensities may include the normal ancillary residential area for on-site security, maintenance and management and normal ancillary non-residential guest facilities; and

d. **Variances to exceed the maximum floor area ratio above as established in this Future Land Use Plan shall be prohibited.**

(3) **Density/ Intensity Standards for Large-scale Mixed Use Development.** A development that provides a minimum of 200 temporary lodging units may include a secondary residential use component for a mixed use development project; density and intensity shall be determined on a pro rata basis per acre allocated to each use based on the preceding densities and intensities.

(4) **Building Mass Limitations on Temporary Lodging Use or Mixed Use Development.** The area of each of the first three (3) stories of any building in all

temporary lodging use or mixed use development shall not exceed eighty-five (85) percent of the buildable area of the development site. Buildable area shall be defined as total lot area minus any areas excluded by building setback requirements or other development controls, such as the applicable Florida Coastal Construction Control Line.

- (5) **Building Mass Limitations on Residential Use.** The building footprint area for any building developed exclusively for residential use shall not exceed seventy (70) percent of the buildable area of the site. Buildable area shall be defined as total lot area minus any areas excluded by building setback requirements or other development controls, such as the applicable Florida Coastal Construction Control Line.
- (6) **Building Limitations on Bonus Secondary Commercial Uses.** Secondary uses defined in Section 35.3(b)(1) shall not be located within the principal temporary lodging building(s) and shall be located facing and adjacent to Gulf Boulevard in a building that is accessible primarily by the pedestrian at street level. Secondary commercial uses may be contained in a freestanding nonresidential building or may be located within a liner retail building facing and accessible to Gulf Boulevard and connected to a parking structure designed to conceal the parking facility from Gulf Boulevard. The parking structure with liner retail may or may not be connected to a main principal building located on-site with pedestrian bridges or other structured walkways.

Section 35.8. Building Height

- (a) **Restrictions and Limitations.** The maximum height for each use within the LR District, subject to the height limitations set forth in Section 7.2(k) of this Code, shall not exceed:
 - (1) **Residential Use Only.** Building height shall not exceed fifty (50) feet above base flood elevation regardless of development site size for any building containing residential units only.
 - (2) **Mixed Temporary Lodging /Residential Uses in Same Building.** Building height shall not exceed fifty (50) feet above base flood elevation regardless of development site size for any building containing temporary lodging units and residential units.
 - (3) **Temporary Lodging Use Only.**
 - a. **Development of a Temporary Lodging Use** that does not exceed 50 units per acre shall not exceed eight (8) stories or 100 feet above base flood elevation.
 - b. **Large-scale Development of a Temporary Lodging Use** that exceeds 50 units per acre shall not exceed twelve (12) stories maximum or 146 feet above base flood elevation.
 - (4) **Secondary Small-scale Commercial Uses.** Buildings containing the secondary commercial uses described in Section 35.3(b)(1) and subject to the limitations and restrictions in Section 35.7(d)(6), shall not exceed a maximum height of two (2) stories or twenty-eight (28) feet. Notwithstanding the foregoing, if such uses are contained within a liner retail building facing Gulf Boulevard and designed to conceal a parking garage from the view along Gulf Boulevard, architectural features and façade treatments only shall be used to extend above the roof deck elevation to conceal the parking structure located behind the liner retail building provided in accordance with the provisions of Section 7.2(k) of the LDC.
- (b) **Any increases to, including variances to increase, the maximum height set forth**

above for this Large Resort character district shall be prohibited unless approved by voter referendum, if required by the City Charter.

Section 35.9. Setbacks.

(a) **Large-Scale Development defined in Section 35.2 and Entire Site Demolition** shall provide the following building and structure setbacks:

(1) Gulf
Boulevard:

a. **Large- Scale Development.** The setback for any building from Gulf Boulevard, excluding any secondary small-scale bonus commercial uses facing and adjacent to Gulf Boulevard and structured parking, shall be a minimum of 100 feet or 1/3 of the average depth of buildable site, measured from the Gulf Boulevard right-of-way line to the Florida Coastal Construction Control Line, as may be amended from time to time, whichever is less. However, in no event shall the front setback from Gulf Boulevard be less than 75 feet, subject to Section 35.9(b) below for existing buildings to remain on-site as part of the overall unified development site plan.

b. **Entire Site Demolition.** All other development that is not Large-scale Development as defined in Section 35.2 or any buildable site that is entirely demolished, shall provide a minimum setback from Gulf Boulevard of 75 feet, or ¼ of the average depth of the buildable site, measured from the Gulf Boulevard right-of-way line to the Florida Coastal Construction Control Line, as may be amended from time to time, whichever is less. However, in no event shall the front setback from Gulf Boulevard be less than 60 feet.

c. **Secondary Small-scale Commercial** Any building containing small-scale bonus commercial uses shall be setback a minimum of twenty (20) feet from Gulf Boulevard. Building frontage shall occupy no less than 75% of the street frontage along Gulf Boulevard. Main building entrances shall be visible and directly accessible by the pedestrian from Gulf Boulevard and shall have a street-level storefront character in compliance with the General Redevelopment design standards contained in Division 39.

(2) Side yard:

All Development shall provide a combined minimum side yard setback equal to at least thirty (30) percent of the lot width, with a minimum of twenty (20) feet on one side, not to exceed sixty (60) feet combined for both side setbacks, subject to Section 35.9(b) below for existing buildings to remain on-site as part of the overall unified development site plan.

All Temporary Lodging Use Development abutting beaches. For the purposes of this Division only, any non-structural, active or passive recreational facilities shall be allowed to be placed within any portion of the side yard setback provided that if public beach access is located within the side yard setback, such access is maintained and integrated into the design and location of the active or passive recreational facilities provided. Such facilities may include, but are not limited to, swimming pools, tennis courts, playgrounds and parks.

(3) Rear yard

All Development. The rear yard setback for all development abutting the Gulf beaches shall be the Florida Coastal Construction Control Line or St

Pete Beach Coastal Construction Control Line, whichever is more restrictive.

Buildable sites that do not abut the Gulf beaches shall provide a minimum rear setback of 20 feet.

(4) Side Street **All Development** that has parcel boundaries abutting a side street shall provide a minimum side street setback of thirty (30) feet. For all buildable sites abutting Gulf Boulevard, all streets except Gulf Boulevard shall be defined as a Side Street for purposes of this Division 35.

(b) **Partial Site Redevelopment.** All development that does not involve entire site demolition shall conform to the required setbacks set forth in Section 35.9(a) above to the maximum extent practical and feasible. Non-conforming setbacks that exist on only those portions of the site where existing building(s) will remain as part of the overall redevelopment site plan shall be permitted; however, setback nonconformities shall not be increased, including by variance, for any new construction. In the case of side yard setbacks, if one side yard is adjacent to an existing building with a nonconforming setback, the minimum side yard setback for only that portion of the site immediately parallel to the location of the existing building or portion thereof resulting in the nonconforming setback, shall be increased from a minimum side yard setback of twenty (20) feet to a minimum side yard setback of thirty (30) feet. This minimum side yard setback of thirty (30) feet shall not include the nonconforming side yard setback distance; and further, all other areas of the site not affected by any existing building that may or may not comply with the setbacks provided herein, shall comply with all setbacks provided in Section 35.9(a) above. Compliance with setback requirements shall not cause undue hardship upon the owner and/or applicant. For example, the owner and/or applicant shall not be required to remove, reconstruct, or otherwise alter existing paved surfaces or structures to comply with these setback requirements.

Section 35.10. Temporary Lodging Amenity Requirements and Restrictions. Within the LR Large Resort District, temporary lodging uses shall, at a minimum, comply with the following:

(a) **Temporary Lodging Operational and Occupancy Restrictions, Limitations and Prohibitions.** All temporary lodging uses shall be subject to the operational and occupancy restrictions, limitations and prohibitions provided in Section 39.6 contained in Division 39 of the LDC.

(b) **Temporary Lodging Services and Amenity Requirements**

1. The following guest amenities are the minimum required for all new development of Temporary Lodging Uses regardless of size or density:

- a. Housekeeping Services;
- b. Swimming pool¹ or spa;
- c. Fitness facility; and
- d. Business Center.

2. The following guest amenities are the minimum required for all Large-scale Development of temporary lodging use and one or more of these amenities are strongly encouraged for all other temporary lodging uses:

- a. Concierge Services;
- b. Restaurants and other food services that include full service of a minimum of two meals daily open to the public as well as hotel guests;
- c. Retail space serving hotel guests and the public; and
- d. Meeting rooms or conference facilities available to serve the public and hotel guests.

¹ Outdoor swimming pool(s) shall not be calculated as part of the floor area ratio permitted.

3. Temporary Lodging Uses permitted prior to the adoption of these regulations are exempt from the requirements of this Section 35.10(b).

Section 35.11. Maximum impervious surface ratio (ISR).

(a) **In General.** The maximum impervious surface ratio for any new development or redevelopment project regardless of size shall be as follows:

- (i) **Temporary Lodging Use** shall not exceed 0.85; or
- (ii) **Residential Use** shall not exceed 0.70; or
- (iii) **Combined Temporary Lodging and Residential Uses.** In the event a portion of a development site is redeveloped in part as temporary lodging use and in part as residential use subject to the limitations and restrictions set forth in this Division, the impervious surface ratio shall be provided for each use as required above on a pro rated basis per acre dedicated to each use; and
- (iv) **Variances to exceed impervious surface ratio (ISR) requirements shall be prohibited.**

Section 35.12. Energy and Environmental Building & Site Design Standards. All Development in the Large Resort District shall comply with a minimum of two (2) of the eight (8) standards contained in Section 39.9 relating to Energy & Environmental Design for– New Construction and Major Renovation. Any project that exceeds the minimum requirements of this Section 35.12 and any minimum standards required to obtain two or more of the Green building and green development certifications listed in Section 39.9 located in Division 39 of this Code, shall be eligible for, and receive credits against, Community Improvement Impact Fees provided for in Division 41 and pursuant to Section 39.9 of this Code.

Section 35.13 Community Involvement. All development within the Large Resort District shall be subject to the Community Involvement requirements contained in Division 39.

Section 35.14. Other development standards and administrative site plan approval.

All other development, design, and landscape standards applicable to the use permitted in Division 35, shall be required as part of the administrative site plan review and approval process provided in Division 5, Sections 5.1 and 5.2 of the Land Development Code. Such requirements and standards include, but are not limited to, those set forth in:

- (a) Division 7, General Zoning Regulations; and
- (b) Division 22, Landscape and Tree Protection; and
- (c) Division 39, Community Redevelopment District General Standards; and
- (d) Division 40, Affordable Housing; and
- (e) Division 41 Impact Fees.

ORDINANCE 2008-11
ATTACHMENT "B"

Gulf Boulevard Redevelopment District

District Names

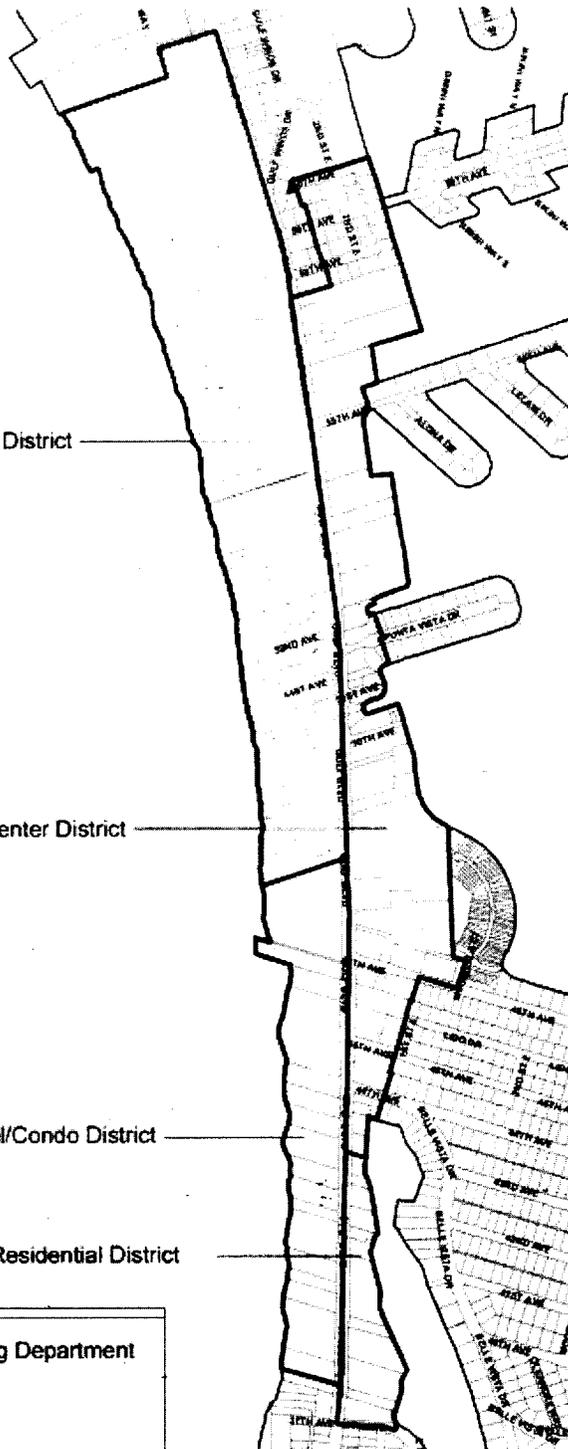
Large Resort District

Activity Center District

Boutique Hotel/Condo District

Bayou Residential District

City of St. Pete Beach Planning Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735



ORDINANCE No. 2008-12

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR ADOPTION OF DIVISION 39 OF THE CITY OF ST. PETE BEACH LAND DEVELOPMENT CODE; PROVIDING FOR THE ESTABLISHMENT OF LAND DEVELOPMENT STANDARDS GOVERNING THE DEVELOPMENT AND USE OF PRIVATE PROPERTY CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN FUTURE LAND USE PLAN AND MAP ESTABLISHING A COMMUNITY REDEVELOPMENT DISTRICT; PROVIDING FOR REDEVELOPMENT AREA GENERAL STANDARDS REGULATING DEVELOPMENT IN THE COMMUNITY REDEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the majority of registered voters of the City of St. Pete Beach hereby find the establishment and implementation of General Redevelopment Area standards will promote orderly development and redevelopment in the Community Redevelopment District as established in the Community Redevelopment Plan and amended Comprehensive Plan Future Land Use Plan and Map contained in Attachment "A", governing the use of property and preserving the public interest through the imposition of specific requirements for development; and

WHEREAS, the majority of registered voters of the City of St. Pete Beach hereby find the establishment and implementation of Division 39 of the Land Development Code establishing Redevelopment Area General Standards regulating development in the Community Redevelopment District; providing for architectural and site design standards; providing for general height standards and prohibiting variances to increase height or exceed maximum density and intensity standards; providing for architectural and site design standards; controlling design, scale and massing of buildings; providing for green building, landscape, streetscape, lighting and irrigation design standards; requiring compatibility criteria to buffer residential from non-residential development, and governing the use of property and preserving the public interest through the imposition of specific requirements for development; and

WHEREAS, the majority of registered voters of the City of St. Pete Beach have determined that this ordinance is necessary for the preservation of the health, welfare and safety of the community.

NOW, THEREFORE, THE CITIZENS OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAIN:

Section 1. Division 39 of the St. Pete Beach Land Development Code is hereby established in accordance with the following:

See **Attachment A**

Section 2. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 5. The City Commission is specifically authorized to amend, rescind or replace this Ordinance, consistent with the provisions of the City Charter, including those future amendments that may require approval by voter referendum, the Comprehensive Plan, and the Florida Statutes.

Section 6. This Ordinance shall become effective immediately upon final passage as required by law.

ELECTION DATE:

DATE OF CERTIFICATION OF ELECTION RESULTS:

I, _____, City Clerk of the City of St. Pete Beach, Pinellas County, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of the City Charter this ____ day of _____, 2008.

, CITY CLERK

ORDINANCE 2008-12
ATTACHMENT "A"

Division 39. Community Redevelopment District General Standards

Section 39.1. General standards.

These general standards shall apply to all Districts within the Downtown and Gulf Boulevard Redevelopment Districts, unless otherwise specified.

Section 39.2. Classification of district streets.

The following table designates existing streets within the Downtown Redevelopment District only as "Main Street" or "A" street. Streets not identified shall be designated "B" streets.

Street Name	Designation
Corey Avenue	Main Street
Blind Pass RD from 82 nd Ave. south	A
75 th Avenue	A
Gulf Blvd, from 75 th Ave. south to 64 th Avenue	A
Sunset Way, from 75 th Ave. south to 64 th Avenue	A

Section 39.3. Site Design for the Downtown Redevelopment District.

- (a) Buildings shall form a consistent, distinct edge, spatially delineating the public street through maximum building setbacks that vary by no more than ten feet from those of the adjacent building.
- (b) Building frontages shall occupy no less than 75% of a "Main Street" street and 50% of an "A" street facing entrance. If site constraints exist, a knee wall may be constructed with the following provisions:
 - (1) Only 25% of the required frontage may be credited as part of a knee wall.
 - (2) A knee wall must be constructed in accordance with the design criteria specified herein.
 - (3) The knee wall should be the length of the primary building frontage.
- (c) Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functionally be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to the entrances. The primary building entrances shall be visible and directly accessible from a public street. Building massing such as tower elements shall be used to call-out the location of building entries.
- (d) Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line or awning from 12' to 16' above Base Flood Elevation or grade, whichever applies to the proposed development. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. All buildings excluding single-family detached homes shall utilize at least three of the following design features to provide visual relief along all elevations of the building:
 - (1) Divisions or breaks in materials (materials should be drawn from a common palette).
 - (2) Window bays

- (3) Separate entrances and entry treatments, porticoes
 - (4) Variation in rooflines
 - (5) Awnings
 - (6) Dormers
 - (7) Gables
 - (8) Recessed entries
 - (9) Covered porch entries
 - (10) Cupolas
- (e) Commercial and mixed-use buildings shall express a "storefront character". This guideline is met by providing all of the following architectural features along the building frontage as applicable:
- (1) Corner building entrances on corner lots.
 - (2) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories)
 - (3) Large display windows on the ground floor. All street-facing, park-facing and plaza-facing structures shall have windows covering a minimum of 50% and a maximum 80% of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over 50% of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement if the first floor has not been design as a flood proof first floor.
- (f) The use of black or fluorescent colors, or pure primary and secondary colors, unless mixed in combination of three or more, or mixed with white, is prohibited as the predominant exterior building color(s). Building trim and accent areas may feature any color(s) limited to ten (10) percent of the affected façade segment, with a maximum trim height of twenty four (24) inches total for its shortest distance.
- (g) The first twenty feet of depth of the first floor of any multifamily structure's primary building frontage facing a street shall be constructed as commercial space.
- (h) Garages are required for attached and detached homes subject to the following provisions:
- (1) Front garages must be set back a minimum of five (5) feet from the primary structure.
 - (2) Rear garages must be setback a minimum of four (4) feet from an alley or rear access drive.
 - (3) Side garages may have an access from the street, and are required, at a minimum, to be setback in line with the primary structures side setback.
 - (4) Ground floor parking, including garages that are located inside the internal block are permitted on the first floor of a structure provided that the street facing side view of the garage must blend in with the primary building frontage by incorporating the same design elements.
- (j) Front driveway's are required to have a shared driveway and shall be located along the centerline on the common side lot line

Section 39.4. Use of prototypes.

Development prototypes are intended to provide general guidance for the physical design of new projects within the Community Redevelopment District. These prototypes indicate general patterns for building placement, landscape configuration and the location of parking facilities and access points. The prototypes provide for consistency of site layout within a flexible framework which addresses the individual features of specific sites.

Permitted block types are described within a single-use prototype for illustrative purposes. Development applications for specific sites are required to assemble structures into blocks when the development is over two (2) acres. Each site plan shall be required to identify how the proposed development including buildings and structures are assembled within a context that conforms to the design standards for the block or partial block within which the building occurs.

(a) ***Development prototype structure.***

The development prototype structures are a series of figures that highlight some of the regulations. The prototypes are shown in a block format and individual parcel development may not be able to build to the form of a block. However, all development, at a minimum, will be expected to build to the building design, site design and lot layout. If development of an entire block occurs, the prototype shall be used as a development tool.

The mixed-use development prototypes are designed to accommodate a range of retail, office and mixed-use building types including "anchor" retail, "liner" retail, and "main street" retail buildings. The Multi-Family Development Block is designed to accommodate a range of multi-family building types including apartment buildings, condominiums and town homes.

(b) ***Specific development prototype standards.***

"Main Street" Retail. The Main Street Retail building type permits multi-story, mixed-use buildings with retail and office uses on the ground floor.

"Liner" Retail. The Liner Retail building type permits single-story retail uses along "A" Street frontages.

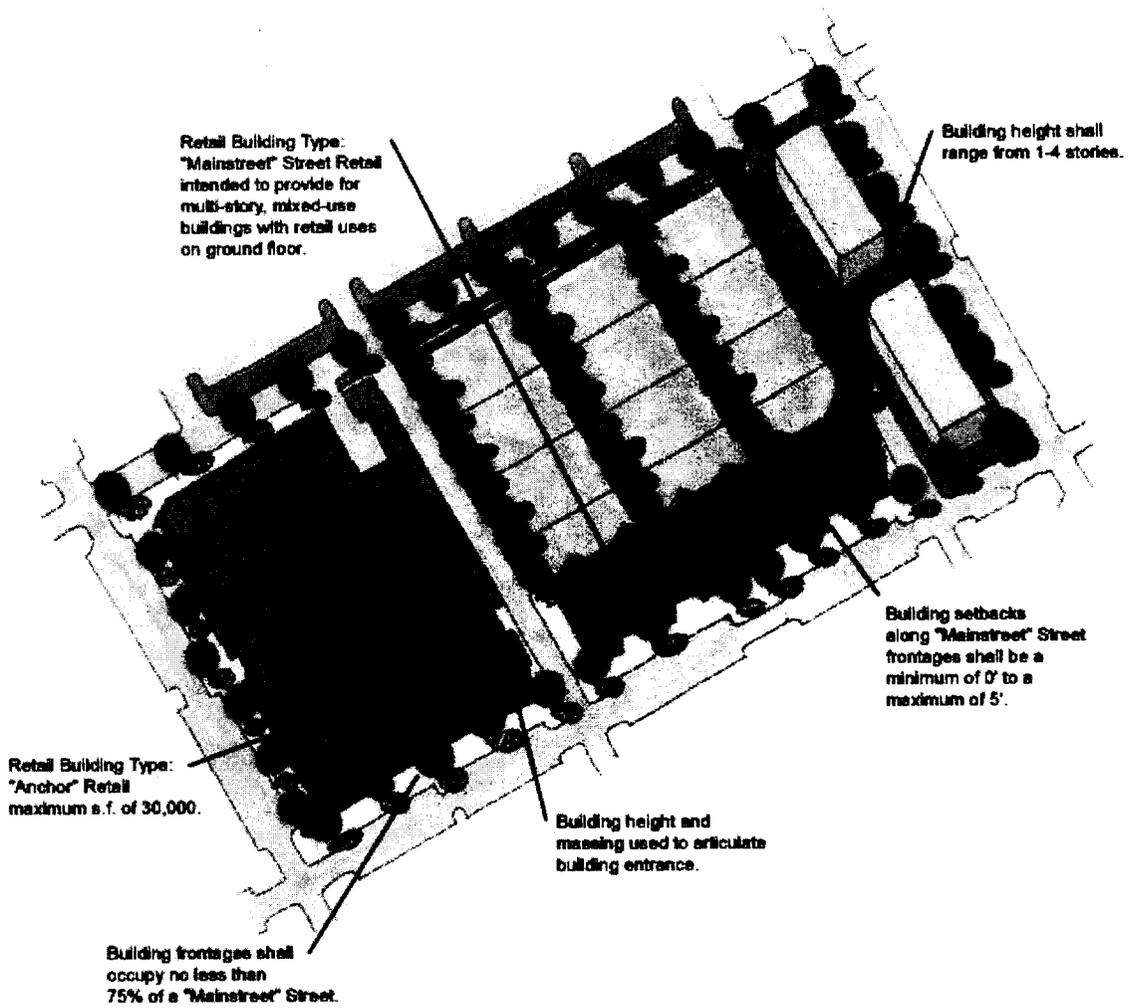
"Anchor" Retail. The Anchor Retail building type permits grocery stores and larger format retail within the retail development block. The maximum size of an "anchor" retail use is 30,000 square feet. At least one building entrance shall face a public street and shall be articulated with additional height and massing.

Shelter. Buildings shall incorporate arcades, roofs, alcoves, porticos or awnings that protect pedestrians from the rain and sun.

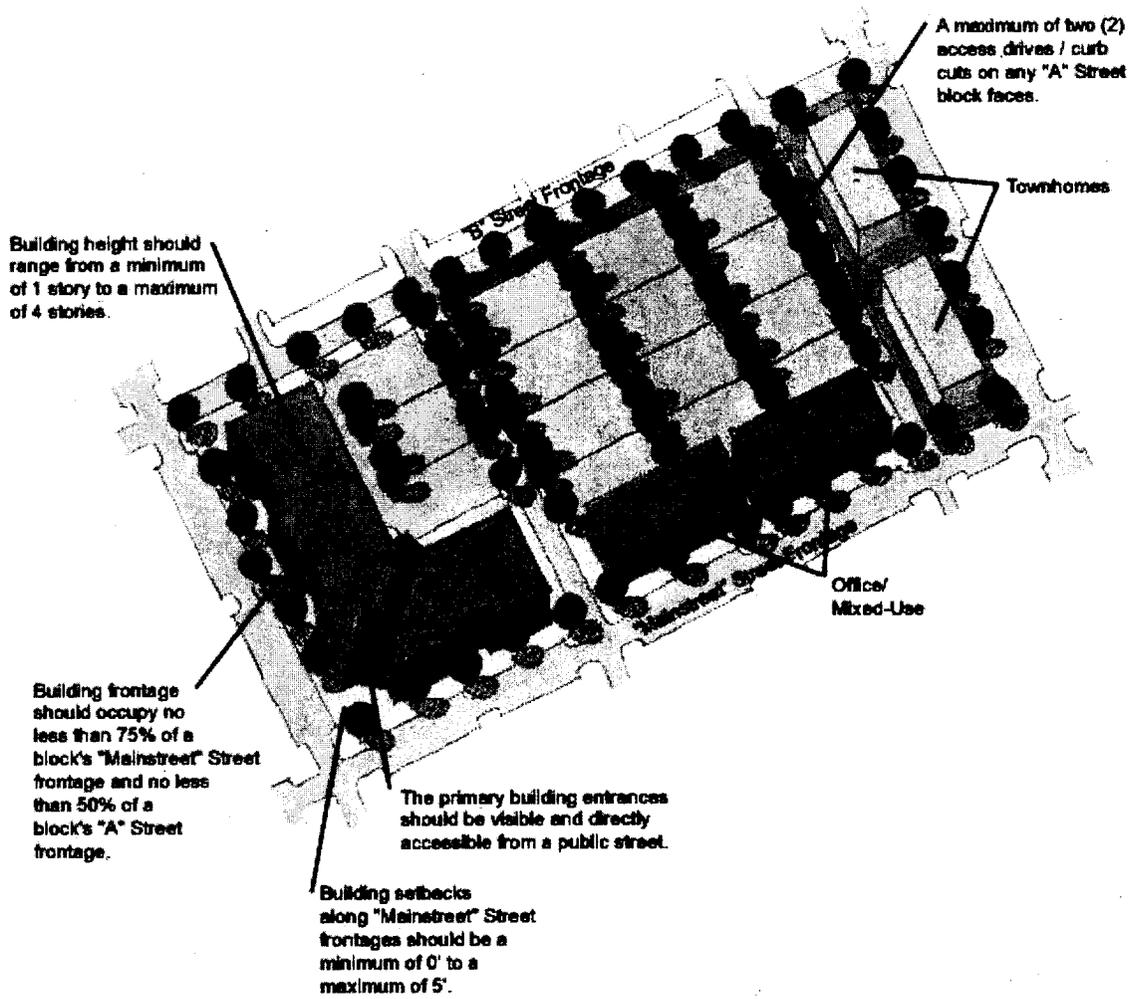
Setback Encroachment. Special architectural features, such as balconies, bay windows, arcades, awnings, etc. may project into front setbacks and public right-of-ways on streets provided they are eight feet above the sidewalk and leave a minimum five foot wide unobstructed sidewalk. Support structures for these features shall be located such that they do not affect the clear sight triangle for travel lanes or the on-street parking. Prior to new encroachment into the public right-of-way, a permit shall be obtained from the City Manager or designee.

Garages. Street-facing ground floor parking, including garages, is not permitted on the first floor of a multifamily structure on an "A" street. Parking shall occur underneath the multifamily structure, within parking garages, or within surface lots that do not front on a "Main street" Street.

Retail Prototype

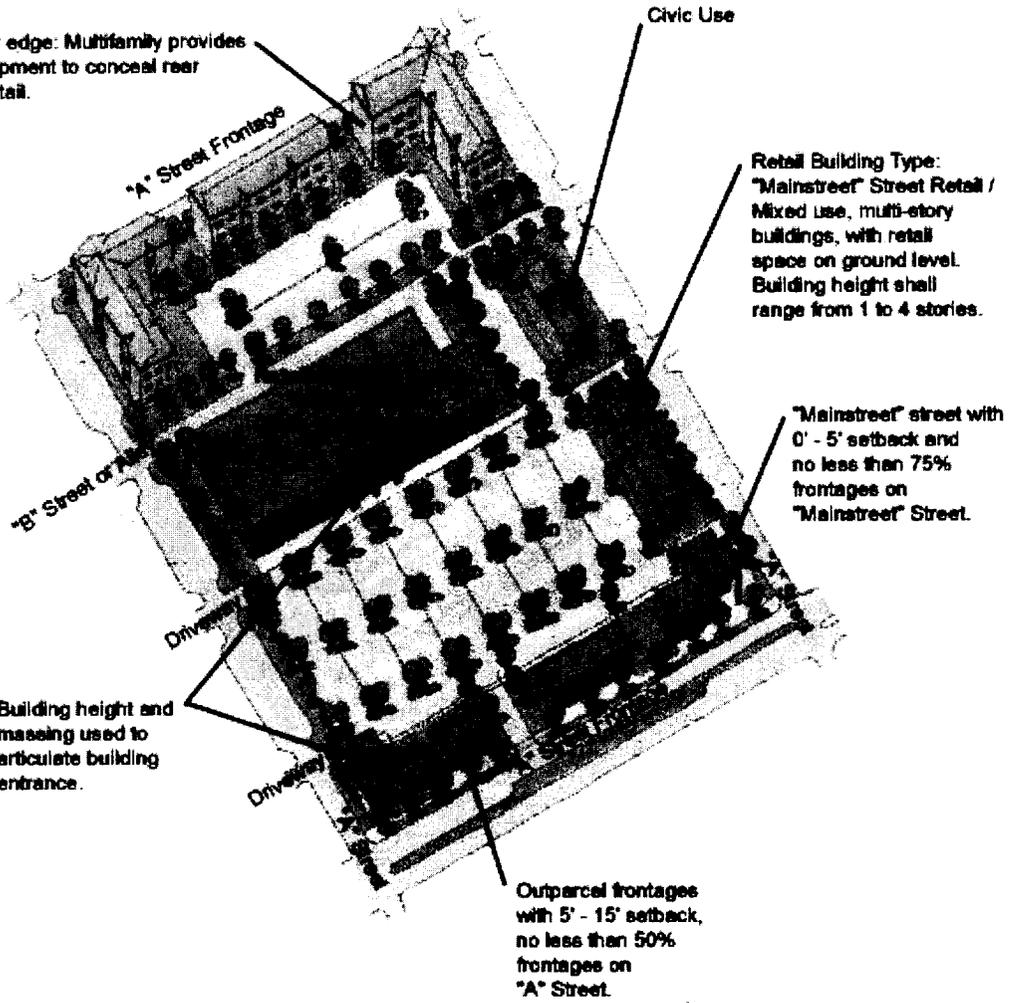


Office Mixed-Use Prototype



Mixed Use Commercial Prototype

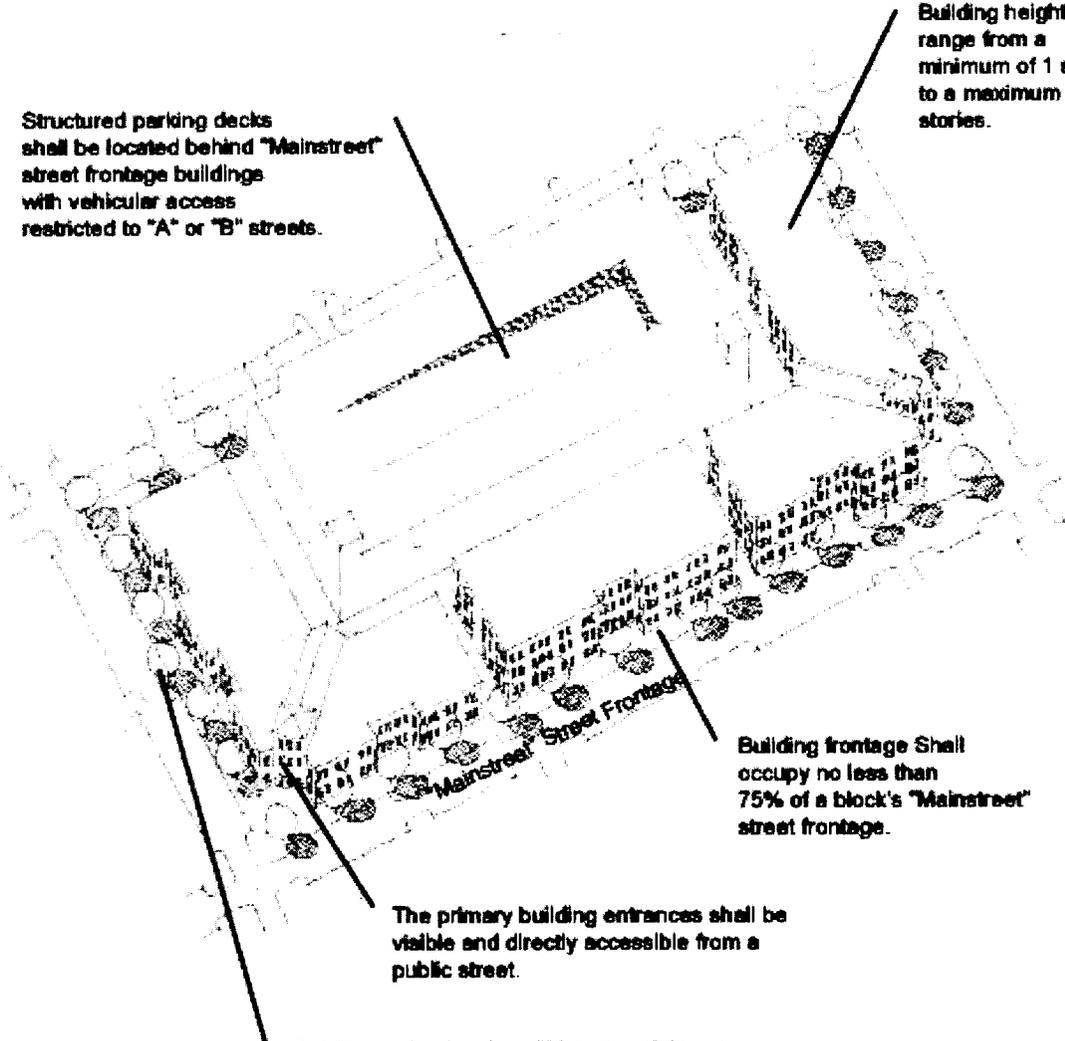
Example rear edge: Multifamily provides "liner" development to conceal rear of Anchor Retail.



Mixed Use Development Block with Structured Parking

Structured parking decks shall be located behind "Mainstreet" street frontage buildings with vehicular access restricted to "A" or "B" streets.

Building height shall range from a minimum of 1 stories to a maximum of 3 stories.

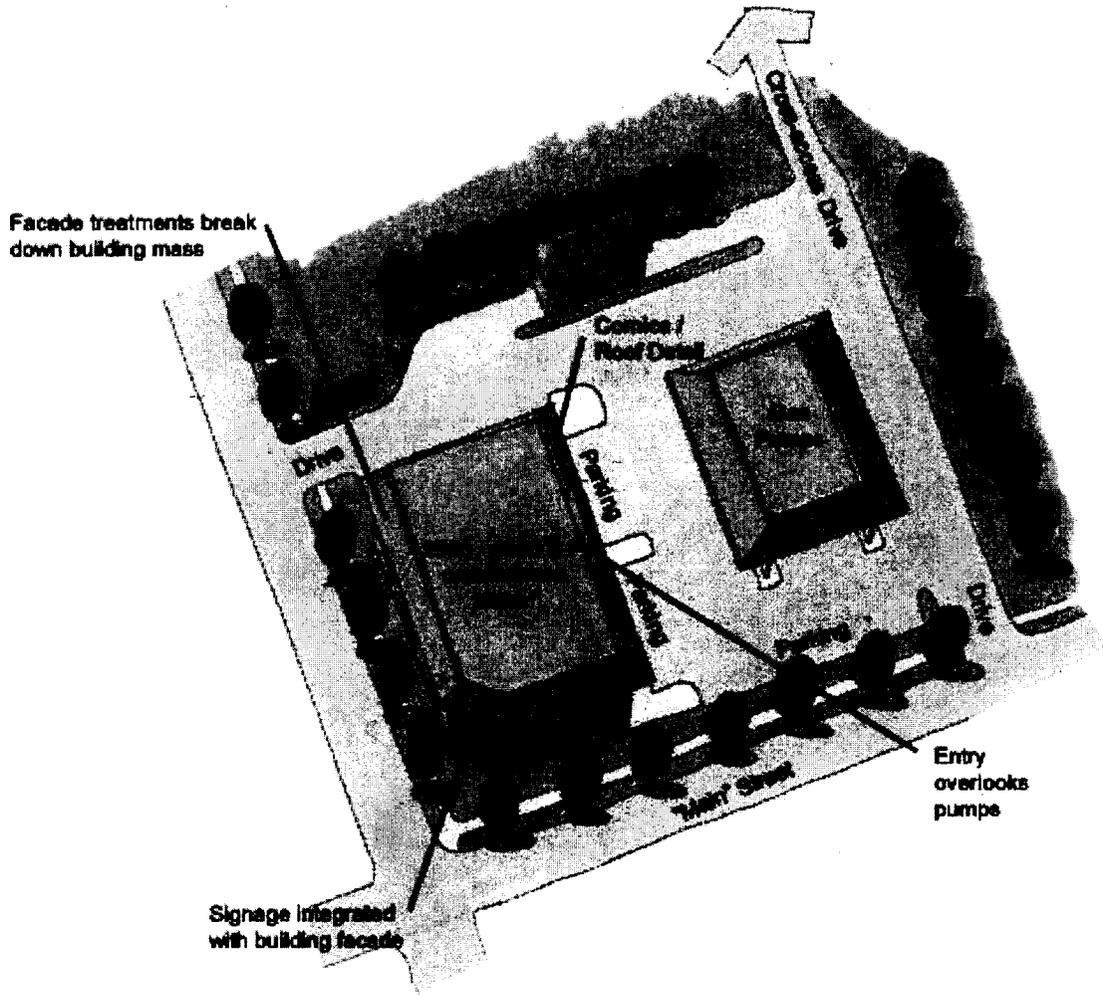


Building frontage shall occupy no less than 75% of a block's "Mainstreet" street frontage.

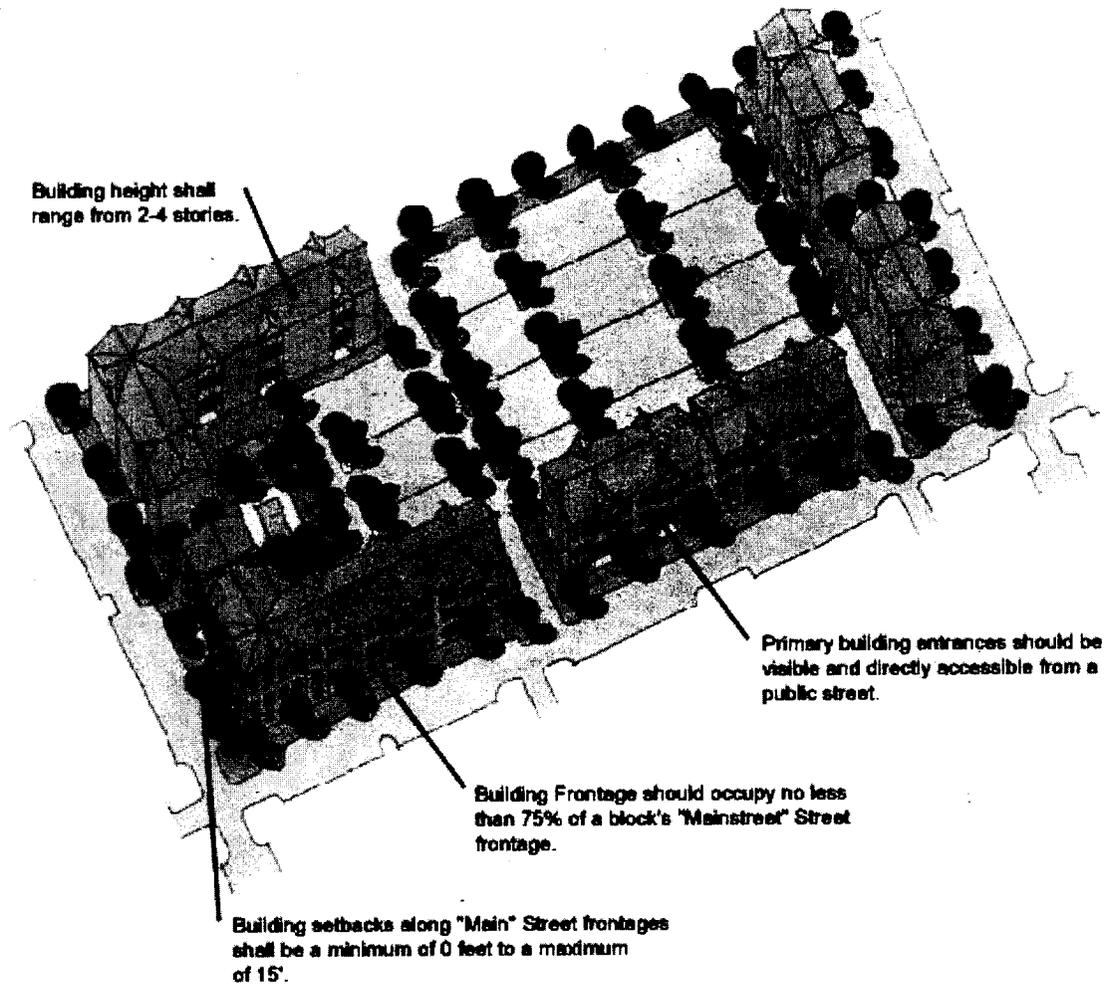
The primary building entrances shall be visible and directly accessible from a public street.

Building setbacks along "Mainstreet" Street frontages shall be a minimum of 0' to a maximum of 5' or a minimum of 5' to a maximum of 15' along "A" Street frontages.

Gas Station Prototype



Multifamily Prototype



Section 39.5. General Operational and Aesthetic Requirements

- (a) Commercial and temporary lodging uses shall be designed and operated so that neighboring residents are not exposed to offensive noise, especially from late-night activity. No amplified music shall be audible to neighboring residents. Common walls between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration.
- (b) All outdoor lighting associated with commercial and temporary lodging uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.
- (c) Loading or service areas, including refuse and recycling, must be out of public view and must not front onto Gulf Boulevard.
- (d) No commercial use shall be designated or operated so as to expose residents to offensive odors, dust, electrical interference, and/or vibration.
- (e) Residential, commercial, and temporary lodging uses in a mixed-use development shall provide combined and private bulk sanitation service for the entire development.
- (f) Electric and communications transformers shall be screened from public view through below grade installation, a hedge, or similar measure.
- (g) All other mechanical equipment must be behind or on top of the building and screened from public view through use of a parapet wall or through landscaping.
- (h) Any roof area above the highest allowed story may be utilized for active or passive recreational uses or other similar uses which require no permanent structures. Such roof areas must be enclosed by a parapet wall no less than four feet nor greater than five feet in height.

Section 39.6. Temporary Lodging Use Operational & 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 thirty (30) consecutive days or less for temporary lodging guests and no more than thirty (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.
- (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 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.

Section 39.7. Street-Level Facades

The human scale and aesthetic appeal of street-level facades, and their relationship to the sidewalk, are essential to a pedestrian-friendly environment. Accordingly, at least fifty percent (50%) of the street level facades of buildings used for nonresidential purposes which abut a public street or pedestrian access way, will be transparent. For the purpose of this standard:

- (a) Street level facade means that portion of a building façade from ground level to the allowable first story height;
- (b) Transparent means windows or doors that allow pedestrians to see into:
 - (1) the building, or

(2) landscaped or hardscaped courtyard or plazas, where street level facades are set back at least fifteen feet (15') from the edge of the sidewalk and the area between the sidewalk and the facade is a landscaped or hardscaped courtyard or plaza.

- (c) Parking structures should utilize architectural details and design elements such as false recessed windows, arches, planter boxes, metal grillwork, etc. instead of transparent alternatives. When a parking garage abuts a public road or other public place, it will be designed such that the function of the building is not readily apparent except at points of ingress and egress.
- (d) Window coverings and other opaque materials may cover no more than 10% of the area of any street-level window in a nonresidential building that fronts on a public right-of-way.
- (e) Building entrances should be aesthetically inviting, easily identified, preferably with a recessed entrance and also distinctive and visually interesting paving pattern.
- (f) Goods for sale will not be displayed outside of a building, except as a permitted temporary use. This standard does not apply to outdoor food service establishments.
- (g) Awnings and other structures that offer pedestrians cover from the elements are recommended. Awnings help define entryways and provide storefront identity to both pedestrians and drivers.

Section 39.8. Design, Scale and Mass of Buildings

- (a) Buildings with a footprint of greater than 5,000 square feet or a single dimension of greater than one hundred (100) feet will be constructed so that no more than two (2) of the three (3) building dimensions in the vertical or horizontal planes are equal in length. For purposes of this section, equal in length means that the two lengths vary by less than forty percent (40%) of the shorter of the two (2) lengths. The horizontal plane measurements relate to the footprint of the building.
- (b) No plane of a building may continue uninterrupted for greater than one hundred linear feet (100'). For the purpose of this standard, interrupted means an offset of greater than five feet (5').
- (c) At least sixty percent (60%) 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.
- (d) 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.
- (e) Buildings may be designed for a vertical or horizontal mix of permitted uses.

Section 39.9. Energy & 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 & Major Renovation. For more information go to www.leedbuilding.org.

3. Certification by the Florida Green Building Coalition – High Rise Residential Standard for all new residential construction exceeding three (3) stories in height.
4. Certification by the Florida Green Building Coalition – Residential Standard Certification for all new residential construction 3 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/>.

(b) Any new or partial redevelopment project that is subject to payment of Community Improvement impact fees pursuant to Division 41 of this Code shall be eligible for and receive a credit against those impact fees owed in accordance with the rating and scoring system for credits established as part of the Community Improvement Impact Fee Ordinance. Such impact fees, the types of green standards and green improvements eligible for credits and the amount or percent of such credits shall be established in accordance with the principles and parameters established in Goal 1 and Section (j)3 of the Community Redevelopment District General Redevelopment Guidelines, Standards and Initiatives contained in the Future Land Use Element of the Comprehensive Plan.

Section 39.10. Streetscape Design Required Elements

- (a) A ten (10) 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 along Gulf Boulevard and within the Town Center Core areas. The City Manager may reduce this requirement to six (6) feet when warranted. 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 café 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 (8) 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, and may be reduced to five (5) feet by the City Manager when warranted to coordinate and integrate new development into an overall streetscape plan.
 - (1) Trees shall be placed in the landscape zone using the following specifications:

- (i) Trees shall be placed not more than thirty (30) feet apart within the landscape zone. Drought tolerant and native shade trees to reduce urban heat and offer protection to the pedestrian from the sun are encouraged.
 - (ii) Where there are physical restrictions, spacing of street trees shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction.
 - (iii) Tree spacing can be adjusted so as not to block, obscure, or interfere with the operation of traffic signals, utilities, or any existing sign, awning, or other public infrastructure that was placed prior to the planting of the landscape zone, provided the adjustment is the minimum required for such avoidance.
 - (iv) Street trees shall not be planted in a manner that will diminish adequate sight distance.
 - (v) No street tree shall be planted within ten (10) feet of a light standard or utility pole.
 - (vi) Tree species should be selected with root growth habits that will not cause damage to sidewalks or anything contained within the public right-of-way, or such tree species should be sited away from such hard-surfaced areas.
- (2) Landscaping plans shall show all obstructions that may affect plant placement and installation limitations including all underground utilities.
- (3) All exposed dirt areas shall be covered with bark, mulch, or other weed control measures included as part of the final landscape plan. The use of non-cypress mulch is strongly encouraged in support of "green" practices for a sustainable community.
- (4) The property owner shall ensure the upkeep, health, and aesthetics of the landscape zone through the use of proper reclaimed irrigation of plant species in the landscape zone, regular maintenance of the landscape zone and replacement of items located within the landscape zone. Waterwise Florida friendly landscapes are encouraged and use of drought tolerant plant material and turf.
- (5) Within the landscape zone on the main commercial corridor the developer shall provide at least two (2) of the following pedestrian amenities for each 200 feet of street frontage that shall be accessible to the sidewalk:
- (i) Benches;
 - (ii) Trash receptacles;
 - (iii) A design element that offers protection from the weather;
 - (iv) Secured bicycle storage;
 - (v) Public art;
 - (vi) Or other similar design feature integrated into the overall design of the building or portion of the landscape zone in order to enhance the pedestrian environment.
- (6) Pedestrian-scale decorative lighting fixtures are required every thirty (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, subject to approval by the City Manager. The lighting shall be a style approved by the City Manager as part of an overall Master Boulevard or Master Streetscape Plan and Program. In addition to providing the pedestrian-scale decorative lighting, a two-foot by two-foot (2' x 2') dedicated easement adjacent to the public right-of-way shall be provided to allow adequate maintenance by the City of the lighting fixtures. Energy Efficient or solar lighting is required.

Section 39.11 Walkways and pedestrian connections.

- (a) Pedestrian walkways shall be landscaped with additional shade or ornamental trees equal to an average of one (1) shade tree per thirty (30) linear feet of walkway, unless the walkway is adjacent or included within an existing compliant buffer or frontage planting. Adjustments to tree spacing may be approved by the City Manager in accordance with the provisions of Sections 39.10() and 39.10(2) above.
- (b) A minimum of one (1) shade tree shall be planted for each two-hundred (200) square feet of separate additional landscaped area.
- (c) Shade trees shall be drought tolerant and the species and location shall be approved by the City Manager to ensure proper implementation of the overall streetscape plan.

Section 39.12. Site Utilities & Waste Management.

- (a) All solid waste areas shall be designed with a six (6) foot decorative masonry wall. The wall shall be of the same material as the primary structure or concrete masonry, decorative brick or standard concrete masonry clad with painted stucco or other masonry veneer. The wall shall include a continuous cap feature and closing gate.
- (b) In addition to the masonry enclosure, storage and dumpster/solid waste areas shall be treated with a twenty-four (24) inch high planted hedge that shall reach 36"-42" height and ninety (90) percent opacity within one (1) year.
- (c) Other above-ground utility elements such as pull boxes, transformers, and backflow preventers shall be located and designed to permit convenient maintenance access, painted dark green and screened with a 24" inch planted hedge that shall reach 36"-42" height and ninety (90) percent opacity within one (1) year.
- (d) Long-term storage containers are prohibited unless located on a parcel with a fully screened masonry or brick enclosure designed and constructed for that purpose.
- (e) There shall be no open storage of materials or equipment.
- (f) On-site utilities shall be located underground.
- (g) Participation in a waste recycling program will be required.

Section 39.13. Irrigation and Maintenance

- (a) All landscaped areas within the City of St. Pete Beach shall be designed, installed and maintained at a high level of quality, following best management practices for landscaping. Broken lines or damaged spray heads shall be repaired to minimize wasted water.
- (b) All landscaped areas shall be irrigated with a timed, automatic underground system utilizing pop-up heads and/or tree bubblers and providing coverage of not more than one and one half inches of water per week. (Use of xeric plant materials may require only ¾" water per week).
- (c) The automatic irrigation system shall include a rain gauge or other water saving features to conserve water and minimize waste.

- (d) All landscape areas shall use reclaimed water and shall provide 100% irrigated coverage.

Section 39.14. Garden Walls, Fences, and Hedges

All garden walls, fences or hedges located or constructed within the required yard area shall conform to the following regulations, except where special requirements are set forth for specific screening purposes elsewhere in this chapter.

(a) **Residential Districts**

(1) Front yard in a residential district. All garden walls, fences or hedges located within the required front yard shall not exceed four (4) feet in height.

(2) Side and rear yards in a residential district. All garden walls, fences or hedges located within the required side or rear yards shall not exceed six (6) feet in height.

(3) Side yard of corner lot in a residential district. All garden walls, fences, or hedges located in the side-yard abutting the secondary street of a corner lot must not exceed four (4) feet in height.

(4) Rear yard abutting water in a residential district. All garden walls, fences, or hedges located in the required rear yard abutting a body of water shall not exceed four (4) feet in height.

- (b) **Commercial districts.** All garden walls, fences, or hedges located in a commercial or industrial district shall not exceed eight (8) feet in height and must be constructed to allow an unobstructed view of the front yard of the property from adjacent property or a public street.

- (c) **Buffering & Screening Between Non-Compatible Uses.** Where a RU-1 or RU-2 residential district or existing single family or duplex home abuts a non-residential district, the nonresidential development shall provide an opaque to semi-opaque screen consisting of landscaping, wall, fence or a combination of any of those elements adequate to buffer the nonresidential development from the adjacent residential property in accordance with the height and location requirements set forth above in sections 39.14(a) and 39.14(b) except that no such screen shall be required in the front yard of the non-residential development.

Section 39.15. Compatibility With Low Density Residential

External Compatibility. Nonresidential development and multi-family development must provide additional buffers and screening from RU-1 and RU-2 residentially zoned properties or parcels of land developed with existing single family or duplex homes as follows:

- (a) **Lighting Restrictions.** Any development shall control the effects of lights from automobiles or other sources to prevent lighting spillover so that lights do not illuminate adjacent residential property or shine into any residential window.

- (b) **Setback.** When a commercial retail, restaurant, drinking establishments or multi-family use is abutting any existing single family or duplex use or a RU-1 or RU-2 residentially-zoned property, there shall be an additional setback required for the boundary line(s) abutting the residential property, as follows:

- (1) Any structure 25 feet in height or less shall be set back at a minimum 20 feet from the abutting residential property.
- (2) Any structure greater than 25 feet in height shall be set back at a minimum 35 feet from the abutting residential property.

- (3) Trash receptacles and loading facilities may not be permitted in the rear of the property. Service areas shall be located on the side yard.
- (4) Building Design. The side of the building that is facing or backing up to any residential development shall not be a blank façade and shall have a quality architectural finish that contains the same articulated architectural features as the front of the building except that windows shall not be required.

Section 39.16. Story Standards

(a) Definitions

Story means that portion of a building included between the surface of any floor and the bottom surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Interstitial space means that area between the bottom surface of a floor above and the functional ceiling of the floor below, which usually contains the sprinkler system, recessed room lighting, duct work and other common items installed above drop ceilings.

(b) **Height Standards.** Total height of any structure shall be determined by land use category, the number of stories and height for each story allowed by the Table below, or the maximum height allowed for each use in each specific District as established in the Special Designation Community Redevelopment District of the Future Land Use Element of The Comprehensive Plan, whichever is greater. **Variances to increase height are prohibited.**

District	Floor	Desired Finished Height	Interstitial Space	Total Story Height
TC-1	1 st Floor	12 feet	4 feet	16 feet
	2 nd & 3 rd Floors	10 feet	2 feet	12 feet
	Garage floor	9 feet	1 foot	10 feet
TC-2	1 st Floor	12 feet	4 feet	16 feet
	All other floors	10 feet	2 feet	12 feet
	Garage floor	9 feet	1 foot	10 feet
DCR	Garage floor	9 feet	1 foot	10 feet
	All other floors	9 feet	2 feet	11 feet
UBV	Garage floor	9 feet	1 foot	10 feet
	All other floors	9 feet	2 feet	11 feet
CC-1	1 st floor	12 feet	4 feet	16 feet
	All other floors	10 feet	2 feet	12 feet
CC-2	1 st floor	12 feet	4 feet	16 feet
	All other floors	10 feet	2 feet	12 feet
LR	Structured parking – All	9 feet	1 foot	10 feet
	1 st floor & 2nd	14 feet	4 feet	18 feet
	All other floors	9 feet	2 feet	11 feet
B-HC	Structured parking – All	9 feet	1 foot	10 feet
	All other floors	9 feet	2 feet	11 feet
AC	Structured parking - All	9 feet	1 foot	10 feet
	1 st Floor	12 feet	4 feet	16 feet
	All other floors	10 feet	2 feet	12 feet
BR	Structured parking – All	9 feet	1 foot	10 feet
	All other floors	9 feet	2 feet	11 feet

(c) In instances where structured parking is developed adjacent to, or at the same level with, enclosed first story space, the allowable height of the parking structure shall be the allowable height of the 1st story. In addition, in instances where parking is developed adjacent to multiple enclosed stories of the building, as many levels of parking as possible may be developed so long as such parking levels do not exceed the total height allowed for the adjacent stories.

Section 39.17. Community Involvement.

(a) **Community Meeting.** Applicant shall have a minimum of one (1) community meeting at least thirty (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 ½ 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 ½ 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 (7) days and no more than twenty-one (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 (1) mile radius of any property boundary of the subject property for any development on a buildable site of three (3) acres in size or greater; or
- (ii) within a ½ mile radius for any development on buildable site greater than one (1) acre in size but less than three (3) acres; or
- (iii) within 1000 feet for any development on a buildable site ½ acre in size or greater but less than one (1) acre.

(3) Notice shall be mailed no later than fifteen (15) days and no earlier than thirty (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 8-1/2 x 11 copy of the proposed site plan.

(4) Within three (3) 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 (5) business days of the Clerk's receipt of the Notice Affidavit. The applicant shall have three (3) 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 fifteen (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.

- (c) **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. At least one City Staff person from the Community Development Services Department shall attend the community meeting.
- (d) **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 no later within three (3) business days after of the Community Meeting. The City shall consider the written comments submitted by attendees during its a 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.

ORDINANCE No. 2008-13

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR ADOPTION OF DIVISION 30 OF THE CITY OF ST PETE BEACH LAND DEVELOPMENT CODE; PROVIDING FOR THE ESTABLISHMENT OF LAND DEVELOPMENT STANDARDS GOVERNING THE DEVELOPMENT AND USE OF PRIVATE PROPERTY CONSISTENT WITH THE ADOPTED COMMUNITY REDEVELOPMENT PLAN AND AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE PLAN AND MAP ESTABLISHING A COMMUNITY REDEVELOPMENT DISTRICT, DOWNTOWN REDEVELOPMENT DISTRICT AND TOWN CENTER CORE CHARACTER DISTRICT PLAN; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP TO ESTABLISH A TOWN CENTER CORE DISTRICT (TC-1) CONSISTENT WITH THE BOUNDARIES OF THE TOWN CENTER CORE DISTRICT ESTABLISHED BY THE DISTRICT MAPS CONTAINED IN THE COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the majority of registered voters of the City of St. Pete Beach hereby find that the establishment and implementation of a Town Center Core (TC-1) Zoning District will promote orderly development and redevelopment in the Town Center Core Character District as established in the City's adopted Community Redevelopment Plan and adopted Comprehensive Plan Future Land Use Plan and Map by establishing a Community Redevelopment District governing the use of property and preserving the public interest through the imposition of specific requirements for development; and

WHEREAS, the majority of registered voters of the City of St. Pete Beach hereby find the establishment and implementation of Division 30 of the Land Development Code establishing a Town Center Core (TC-1) zoning district regulating development; establishing permitted uses, densities, intensities and height standards to encourage redevelopment of neighborhood commercial, downtown residential, mixed use development and limited temporary lodging uses; providing for green redevelopment standards; prohibiting variances to increase height or exceed maximum intensity and density standards; prohibiting increased height for residential condominiums; and

WHEREAS, the majority of registered voters of the City of St. Pete Beach have determined that this ordinance is necessary for the preservation of the health, welfare and safety of the community.

NOW, THEREFORE, THE CITIZENS OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAIN:

Section 1. Division 30 of the St. Pete Beach Land Development Code is hereby established in accordance with the following;

See **Attachment A**

Section 2. The Official Zoning Map of the City of St. Pete Beach is amended in accordance with the following;

See **Attachment B**

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

Section 4. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 5. The City Commission is specifically authorized to amend, rescind or replace this Ordinance, consistent with the provisions of the City Charter, including those future amendments that may require approval by voter referendum, the Comprehensive Plan, and the Florida Statutes.

Section 6. This Ordinance shall become effective immediately upon final passage as required by law.

ELECTION DATE:

DATE OF CERTIFICATION OF ELECTION RESULTS:

I, _____, City Clerk of the City of St. Pete Beach, Pinellas County, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of the City Charter this ____ day of _____, 2008.

, CITY CLERK

ORDINANCE 2008-13
ATTACHMENT "A"

Division 30. TC-1 Town Center Core District.

Section 30.1. Purpose and intent.

The TC-1 Town Center Core District is established as the government and business center of the City and is intended to support medium to high intensity land uses. The Town Center Core District exists to accommodate neighborhood commercial uses and downtown residential development in a pedestrian-friendly environment. Residential uses will only be permitted as a component of a mixed-use development and shall not be allowed on the ground level of any structure.

Section 30.2. Permitted principal uses and structures.

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

- (a) Financial institutions without drive-through service.
- (b) Government buildings and other public facilities, including parks and recreation facilities.
- (c) General and professional office uses.
- (d) 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.
- (e) Printing and copying.
- (f) Residential uses as a component of mixed-use development only. Residential uses shall not be allowed on the ground level of any structure.
- (g) Eating and drinking establishments, including bars, cocktail lounges, nightclubs or saloons. Drive-through service is not allowed.
- (h) Retail trade establishments.
- (i) Theaters, cinemas and other indoor commercial entertainment facilities.
- (j) Artist studios with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products.

Section 30.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in Sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under Section 30.5.
- (b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.
- (c) Temporary structures under the provisions of Section 6.11 of this code.

Section 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) Automobile service stations with related services. Such uses shall only be allowed on lots which front directly on 75th Avenue.
- (b) Financial institutions with drive-through service.
- (c) Pharmacies with drive-through service.
- (d) Outdoor restaurant seating.
- (e) Public or private parking structures.
- (f) Public transit facilities.
- (g) 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. Such allocation shall not exceed ten (10) units per acre, or a total of 10 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. Such units shall be established exclusive of any other use provided for in the District.

2. All bed and breakfast inns shall comply with the provisions of Sections 2.1 and 6.2, of this Code. In addition, all bed and breakfast shall comply with the temporary lodging use operational and occupancy restrictions, limitations and prohibitions contained in Division 39.

Section 30.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the TC-1 Town Center Core District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways, or are likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the TC-1 Town Center Core District. Uses which are not listed as permitted shall be prohibited, including the following:

- (a) Automatic food and drink vending machines, newspaper vending machines at frontage lines.
- (b) Any commercial use, which encourages patrons to remain in their automobiles while receiving goods or services.
- (c) Manufacturing, storage or distribution as a primary use, except artisanal uses.
- (d) Enameling, painting, or plating, except as an artist's studio. Such use must be limited exclusively to the interior of the structure.
- (e) General advertising signs or billboards.
- (f) Carting, moving or hauling yards.

- (g) Prisons, detention centers or halfway houses.
- (h) The manufacture, storage, or disposal of any hazardous wastes or materials.
- (i) Scrap yards.
- (j) Kennels, except as an ancillary use to police station.

Section 30.6. General requirements.

- (a) Street level uses shall consist exclusively of commercial floor area and internal parking. Functional retail street frontage shall be required for the entire length of any site abutting a "Main" street or "A" street.
- (b) Residential uses are permitted only above the street level and only as part of a mixed-use project consisting of a non-residential component (exclusive of parking). Only one story of residential occupancy may be established in any structure and is limited to the second level of two story mixed use retail/residential project; or the third level of mixed-use project.
- (c) The second level of a nonresidential use or three-story mixed-use project may provide retail or office uses.
- (d) The street face of the second and third stories of all structures shall provide a minimum 6 foot depth of unenclosed porch or balcony.
- (e) A functional arcade overhanging the public sidewalk shall be established along "Mainstreet" frontage consistent with the physical design of existing "Mainstreet" properties.

Section 30.7. Density and intensity.

- (a) Single use or multi-tenant non-residential uses shall not exceed a FAR of 1.00, exclusive of the area of any structured parking.
- (b) The residential density of mixed-use developments shall not exceed 15 units per acre.
- (c) Mixed-use developments with at least one level of residential use shall receive an additional FAR of 0.45, for a total allowable FAR of 1.45.
- (d) Both maximum commercial FAR and maximum residential density shall be available based upon the entire site area, and the presence of one shall not limit the density or intensity of the other.

Section 30.8. Building height.

- (a) A two-story mixed use development with a residential or office use on the second level, shall not exceed twenty-eight (28) feet in height, subject to the restrictions and limitations set forth in Division 39 and Section 7.2(k) of this Code.
- (b) A three story mixed-use development with a residential component on the third level, shall not exceed three (3) stories or forty (40) feet in height, subject to the restrictions and limitations set forth in Division 39 and Section 7.2(k) of this Code.
- (c) Single use or multi-tenant non-residential structures shall not exceed two (2) stories or 28 feet in height, subject to the restrictions and limitations set forth in Division 39 and Section 7.2(k) of this Code.

Section 30.9. Setbacks.

- Front yard: 0 feet minimum; 5 feet maximum on "Mainstreet"
 5 feet minimum; 15 feet maximum on all other streets.
- Side yard: 0 feet on "Mainstreet"
 10 percent of lot width on each side on all other streets.
- Rear yard 5 feet on "Mainstreet"
 10 feet on all other streets.

Section 30.10. Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR) for all uses shall not exceed 0.90.

Section 30.11. Other development standards.

All other development standards are contained in Division 39 providing for Redevelopment Area General Standards.

Attachment B

Attachment B

