

Ordinance 2020-14

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE, DIVISION 2 – DEFINITIONS; DIVISION 4 – CONDITIONAL USE PERMITS, SECTION 4.12; DIVISION 30 - TC-1 TOWN CENTER CORE DISTRICT, SECTION 30.4 AND SECTION 30.6; DIVISION 32 - CC1 COMMERCIAL CORRIDOR BLIND PASS ROAD DISTRICT, SECTION 32.7; DIVISION 33 – CC2 COMMERCIAL CORRIDOR GULF BLVD DISTRICT, SECTION 33.7; DIVISION 34 – DOWNTOWN CORE RESIDENTIAL DISTRICT, SECTION 34.7; DIVISION 35 – (LR) LARGE RESORT DISTRICT, SECTION 35.7; DIVISION 36 – UPHAM BEACH VILLAGE DISTRICT, SECTION 36.6; DIVISION 37 - TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS, SECTION 37.5 AND SECTION 37.7; DIVISION 38 – AC ACTIVITY CENTER DISTRICT, SECTION 38.4 AND SECTION 38.7; DIVISION 39 – COMMUNITY REDEVELOPMENT DISTRICT GENERAL STANDARDS, SECTION 39.18; DIVISION 42 – BR BAYOU RESIDENTIAL DISTRICT, SECTION 42.4 AND SECTION 42.6; DIVISION 46 – B/HC BOUTIQUE HOTEL/CONDO DISTRICT, SECTION 46.4 AND 46.6; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach periodically finds sections in its Land Development Code which require clarification, updating, and/or amending; and

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

WHEREAS, on February 24, 2020, the Planning Board viewed two of these proposed changes as a discussion item and made recommendations to staff; and

WHEREAS, on June 15, 2020, the City's Planning Board sitting as the Local Planning Agency held a public hearing to consider the proposed Land Development Code changes and provided recommendations to the City Commission; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the citizens of the City, and preserves safety and welfare and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law.

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

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

SECTION 2. The provisions in this Section pertaining to the City's Land Development Code are amended as follows:

Division 2 (DEFINITIONS), Sec. 2.1 (Words, terms and phrases defined) shall be amended as follows:

Density pool means a finite quantity of temporary lodging or residential units allocated for specified districts in the Comprehensive Plan that may allow a property to be developed with additional units than would be otherwise permitted or conditionally permitted under the property's district regulations.

Division 4 (CONDITIONAL USE PERMITS), Sec. 4.12 (Criteria for review of conditional use applications) shall be amended as follows:

(d) The allocation of temporary lodging or residential units from a density pool established in the Comprehensive Plan shall be by ordinance. In cases where a property is required to obtain a conditional use permit to be awarded units from a density pool, evaluation shall be by the City Commission on a case-by-case basis, with review of relevant criteria specified in this division and Code generally. In addition to these criteria, the Commission may consider any proposal requiring a conditional use permit to draw from a density pool on a merit basis to include, but not be limited to, the provision of public benefits such as the following:

- (1) Surplus on-site parking to be reserved for the public, and/or public or private multimodal transportation enhancements;
- (2) Public beach access with an easement made to the City for beachfront properties that are not otherwise required to provide access, or wider or multiple public beach accesses for properties required to provide access;
- (3) Additional public art or amenities;
- (4) Public boat slips;
- (5) Workforce housing;
- (6) Integration of additional green building principles, or other principles such as wellness, into new development or redevelopment projects;
- (7) For Gulf-front properties not otherwise required to provide such, an unimproved public access easement landward of the mean high water line;
- (8) Additional landscaping above and beyond existing Land Development Code requirements;

- (9) Other public benefits proposed by citizens or the applicant at community meetings, which may be considered by the City Commission.

It is the intent of the city that requests for public benefits such as those listed above be considered within the contexts of the scale of the development proposal, the local and citywide impact of the proposal, the size and proportion of the density pool request, and the degree to which the benefits proposed and development itself advance the goals, objectives and/or policies of the district specifically and the Community Redevelopment District generally. This list is not considered to be exhaustive, nor is any one benefit or set of benefits required to be included in a proposal unless said benefit(s) are made condition(s) of development approval by the City Commission.

Division 30 (TC-1 TOWN CENTER CORE DISTRICT), Sec. 30.4 (Allowable conditional uses) shall be amended as follows:

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

Sec. 30.6 (Density and intensity) shall be amended as follows:

- (b) The residential density of mixed-use developments shall not exceed 15 units per acre, except as may be provided for in section 39.18 of this code.

Division 32 (CC1 COMMERCIAL CORRIDOR BLIND PASS ROAD DISTRICT), Sec. 32.7 (Density and intensity), shall be amended as follows:

- (b) The residential density of mixed-use developments shall not exceed 12 units per acre, except as may be provided for in section 39.18 of this code. Residential uses

may only be established on lots that are a minimum of one-half acre in area, with commercial or office on the first floor at street level and residential use permitted on the second and third floors only. Non-residential uses are limited to a FAR of 0.90.

Division 33 (CC2 COMMERCIAL CORRIDOR GULF BLVD DISTRICT), Sec. 33.7 (Density and intensity), shall be amended as follows:

- (b) The multi-family residential density of mixed-use developments shall not exceed 12 units per acre, except as may be provided for in section 39.18 of this code. Residential uses may only be established on lots that are a minimum of one-half acre in area, with commercial or office on the first floor at street level and residential use permitted on the second and third floors only shall not exceed a FAR of 0.90.

Division 34 (DOWNTOWN CORE RESIDENTIAL DISTRICT), Sec. 34.7 (Density), shall be amended as follows:

- (a) The maximum residential density shall be ten units per acre, except as may be provided for in section 39.18 of this code.

DIVISION 35 ((LR) LARGE RESORT DISTRICT), Sec. 35.7 (Density and intensity), shall be amended as follows:

(c) *Density*.

- (1) Existing and/or small scale development, as defined in section 35.2 above, shall not exceed the following density:
- a. 50 temporary lodging accommodation units per acre; or
 - b. 15 residential units per acre, except as may be provided for in section 39.18 of this code.
- (2) Large-scale development as defined in section 35.2 above shall not exceed the following density:
- a. 75 temporary lodging units per acre; or
 - b. 15 residential units per acre, except as may be provided for in section 39.18 of this code; 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.

Division 36 (UPHAM BEACH VILLAGE DISTRICT), Sec. 36.6 (Density and intensity), shall be amended as follows:

- (a) One and Two Family Residential uses shall not exceed 7.5 units per acre, except as may be provided for in section 39.18 of this code. Minimum lot area shall be 5,808 square feet. Existing lots of record that do not meet the minimum lot size prescribed by density shall be permitted one (1) single family dwelling unit.
- (b) Multi Family Residential:
 - (1) 18 dwelling units per acre for multi-family residential use on a minimum 1/3 acre buildable site, except as may be provided for in section 39.18 of this code; or
 - (2) 21 dwelling units per acre for multi-family residential use on a minimum 1/2 acre buildable site, except as may be provided for in section 39.18 of this code; or
 - (3) 24 dwelling units per acre for multi-family residential use on a minimum 3/4 acre buildable site-, except as may be provided for in section 39.18 of this code.

Division 37 (TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS), Sec. 37.5 (Allowable conditional uses) shall be amended as follows:

- (a) Temporary lodging facilities hotel, motel and resort condominium, awarded on a case-by-case basis, to come from the density pool established in the Comprehensive Plan, with evaluation through criteria specified in this Code.

Sec. 37.7 (Density and intensity) shall be amended as follows:

- (a) Residential densities of 24 units per acre as a component of mixed-use projects, except as may be provided for in section 39.18 of this code. Commercial, office retail, or non-habitable portions of temporary lodging uses shall only be located on the first floor accessible at street level.

Division 38 (AC ACTIVITY CENTER DISTRICT), Sec. 38.4 (Allowable conditional uses) shall be amended as follows:

- (l) Subject to the provisions or restrictions contained in this section and elsewhere in this Code, temporary lodging units may be allocated from a density pool via a conditional use as follows:

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

Sec. 38.7 (Density and intensity) shall be amended as follows:

- (b) Residential density of up to 15 dwelling units per acre combined, except as may be provided for in section 39.18 of this code, or 40 temporary lodging uses per acre, not to exceed a total of 50 units per project nor the density pool allocated, with a maximum 1.0 floor area ratio on a minimum one (1) acre buildable site. To qualify for mixed use densities and intensities, a minimum of four (4) residential units, or 10 temporary lodging units, mixed with a minimum of 0.35 floor area ratio for commercial or office uses shall be required; or
- (c) Mixed-use projects may have up to 18 units per acre combined with 1.0 FAR if the project site is a minimum of four (4) acres, except as may be provided for in section 39.18 of this code. Projects must have a residential density of at least four (4) units per acre to be defined as mixed-use for the purposes of this standard.

Division 39 (COMMUNITY REDEVELOPMENT DISTRICT GENERAL STANDARDS), Sec. 39.18 (General Residential Unit "RU" Density Pool Reserve) shall be amended as follows:

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

plan. Residential units will be available on a case-by-case basis, with evaluation through criteria established in this Code.

(b) Intent. It is the intent of the city that these units be distributed to promote quality land management, with emphasis given to proposals that may act in catalytic revitalization of the area. Along with factors considered in the typical conditional use process, consideration shall be given to the local and city-wide impact of the proposal, and the size and proportion of the density pool request in relation to any public benefits included in the proposal.

(c) Allocation Procedures. Units from the residential density pool shall be allocated by ordinance of the City Commission on a case-by-case basis to ensure that the overall density cap is not exceeded. The final version of any ordinance in which residential density pool units are awarded shall state, at a minimum, the number of units available in the density pool prior to any allocation to the subject property, as well as the number of units remaining in the density pool following any allocation to the subject property. The accompanying conditional use application shall be considered at the final reading of the ordinance.

(d) Project Availability and Considerations. These 195 residential density pool units are made available without setting a maximum project, acreage, or district cap other than that established by density pool availability at the time of awarding one or more units to a project. The number of units awarded to a project shall be at the discretion of the City Commission upon consideration of criteria listed in this Code.

(e) Prohibitions. The awarding of one or more residential density pool units to a project shall not be construed to permit variation to the maximum height, impervious surface ratio, or any other district standard to which variances are prohibited in the Comprehensive Plan.

Division 42 (BR BAYOU RESIDENTIAL DISTRICT), Sec. 42.4 (Allowable conditional uses) shall be amended as follows:

- (d) Temporary Lodging with or without a commercial component, awarded on a case-by-case basis, with evaluation through criteria specified in this Code, to come from the density pool established in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts).

Sec. 42.6 (Density and intensity) shall be amended as follows:

- (a) Exclusive residential uses shall not exceed 15 units per acre, except as may be provided for in section 39.18 of this code.
- (b) Reserved.
- (c) Residential density of up to 18 units per acre, except as may be provided for in section 39.18 of this code, mixed with a commercial use component with a maximum Floor Area Ratio of 0.3.

Division 46 (B/HC BOUTIQUE HOTEL/CONDO DISTRICT), Sec. 46.4 (Allowable conditional uses) shall be amended as follows:

- (c) Subject to the provisions or restrictions contained in this section and elsewhere in this Code, additional temporary lodging units may be allocated from a density pool via a conditional use as follows:

In addition to any transient accommodation units which may be allowed on a per acre basis, there are hereby 125 total transient accommodation units for the entire Boutique Hotel/Condo district, which shall be allocated to individual projects by ordinance of the city commission upon request of an individual property owner on a case-by-case basis, with evaluation of the request through criteria specified in this Code. Such allocation shall not exceed an additional twenty (20) units per acre, nor a total of 60 units per redevelopment project, irrespective of total project acreage.

Section 46.6 (Density and intensity) shall be amended as follows:

Density and intensity shall be calculated on the basis of those portions of the site which are landward of the Florida Coastal Construction Control Line and shall be permitted as follows:

- (a) Residential uses shall not exceed 18 units per acre, except as may be provided for in section 39.18 of this code.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance

but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

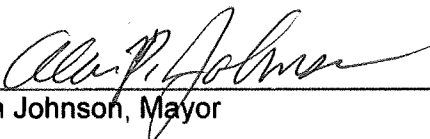
SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

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

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

PUBLISHED: 08/12/2020
FIRST READING: 08/25/2020
PUBLISHED: 09/23/2020
SECOND READING: 09/28/2020
PUBLIC HEARING: 09/28/2020

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




Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 28 day of September 2020.



Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Andrew Dickman, City Attorney