

Ordinance 2021-08

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING LAND DEVELOPMENT CODE DIVISION 2 – DEFINITIONS, SECTION 2.1 – WORDS, TERMS, AND PHRASES DEFINED BY MODIFYING THE BASIS FOR HEIGHT MEASUREMENTS FOR RESIDENTIAL STRUCTURES IN THE RU-1, RU-2, RLM-1, RLM-2, RM, AND PAG DISTRICTS AS WELL AS ACCESSORY STRUCTURES, AND ADDING A DEFINITION FOR DESIGN FLOOD ELEVATION AND FREEBOARD; AMENDING DIVISION 20 – PAG PASS-A-GRILLE OVERLAY DISTRICT, SECTION 20.02 – DEFINITIONS, SECTION 20.15 – PERMITTED BUILDING TYPES, AND SECTION 20.17 – BUILDING HEIGHT TO REFLECT NEW HEIGHT MEASUREMENTS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach encourages the construction of residential units suitable for families with children.

WHEREAS, on February 24, 2021 the City became subject to the 2021 Flood Insurance Rate Maps (FIRM), which altered the flood zone and location of Base Flood Elevation relative to grade for a significant number of properties across the City.

WHEREAS, the City Commission wishes to maintain relative consistency in the buildable rights for residential properties within and across its core residential districts.

WHEREAS, the City Commission accepts that amending height in its core residential districts preserves the ability of homeowners to construct their residences to the height standard afforded under the 2003 Land Development Code, while providing an option to begin height measurements at up to eight feet above natural grade, provides relative height consistency with allowable home height under the 2003 FIRM while maintaining intended consistency across neighborhoods.

WHEREAS, on April 19, 2021, the City’s Planning Board, sitting as the Local Planning Agency, held a public hearing to consider the proposed Land Development Code changes and provide recommendations to the City Commission.

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

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:

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

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

SECTION 2. Language in the City's Land Development Code is to be amended as follows:

DIVISION 2 – DEFINITIONS

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

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.

Design Flood Elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. For purposes of measuring height, this term shall refer to the Base Flood Elevation plus required freeboard.

Development means the excavation or alteration of existing ground elevations, the carrying out of any building activity, the making of any change in the use or appearance of any structure or land, the dividing of land, rezoning, conditional use, variance, commercial dock, or any other request for official action of the city having the effect of development of land.

Floor area ratio (FAR) means the total amount of gross floor area of all buildings on a zoning lot in relation to the total square footage of zoning lot area, expressed as a ratio. The calculation of the floor area ratio excludes land devoted to public rights-of-way, submerged lands and lands seaward of the State of Florida Coastal Control Line.

Freeboard means an additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., one foot above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

Front yard. See "Yard - Front yard."

Guest room. See: "Transient accommodation unit."

Height means the vertical distance as specified below;

- (a) When the structure is a residence located in the RU-1, RU-2, RLM-1, RLM-2, RM, or Pass-a-Grille Overlay Districts, this measurement shall be taken from a starting point as follows:
 - a. For any structure with habitable space located less than eight feet above natural grade, height shall be measured from the property's required Design Flood Elevation.
 - b. For any structure with habitable space beginning at or higher than eight feet above natural grade, height shall be measured from eight feet above natural grade.
- (b) When the structure is an accessory structure, this measurement shall be taken from natural grade to the highest point of the roof unless otherwise specified in this Code;
- (c) For all other structures, height is measured from the structure's required Design Flood Elevation to the highest point of the roof.

The highest point of the roof is as follows:

1. The highest point of a flat roof.
2. The deck of a mansard roof.
3. The average height between the plate and ridge of gable or hip roofs.

This measurement shall not be inclusive of elevator shafts, chimneys, mechanical rooms or other non-habitable areas except for properties located in the Pass-a-Grille Overlay District.

Historic building or site means a property, site, zoning lot, building, or structure that has been designated as "historic" by the city commission or that is listed on the National Register of Historic Places as being worthy of protection, enhancement and perpetuation because of its cultural, historic, architectural, or archaeological significance and integrity.

DIVISION 20 - PAG PASS-A-GRILLE OVERLAY DISTRICT

Sec. 20.02. - Definitions.

- (d) *Balanced, symmetrically* means the shapes on one side of the centerline match the shapes on the other side. The two halves are visually equally.

- (e) *Building height*: Provisions for permitted heights in feet (ft). The maximum height for first floor residential development shall be fourteen (14) feet and twenty (20) feet for non-residential. The maximum height for second story and higher shall not exceed fourteen (14) feet. Each building lot typology provides the range of height appropriate for the building type. No new or substantially improved building within the PAG Overlay District and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed ~~not~~ to exceed twenty-eight (28) feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, or thirty-two (32) feet overall, as defined below:
 - a. For any structure with habitable space located less than eight feet above natural grade, height shall be measured from the property's required Design Flood Elevation.
 - b. For any structure with habitable space beginning at or higher than eight feet above natural grade, height shall be measured from eight feet above natural grade.

Base flood elevation requirements are outlined in section 98-33 of the City's Code of Ordinances.

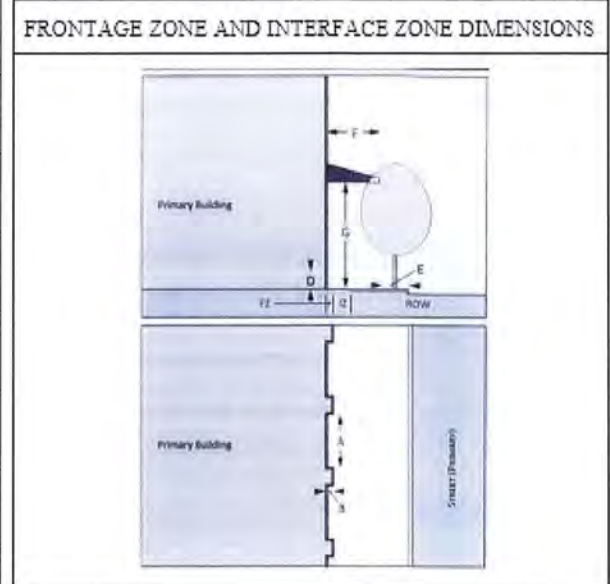
- (f) *Building envelope*: Provisions for the minimum and maximum setbacks permitted by front, side, and rear yards. There is a minimum and maximum setback for each lot type. The maximum and minimum frontage refers to the proportion of the lot width along which the primary building façade must be within the minimum and maximum front setback.

Sec. 20.15. - Permitted building types.

	COMMERCIAL
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The façade is setback from the front lot line per applicable street setback requirements, typically at or near the front lot line with the entrance at sidewalk grade. The façade may include an awning, shed roof, or gallery (a lightweight colonnade with no habitable building space above it) that covers the sidewalk and may extend into the right-of-way. The façade has a substantial amount of glazing at the sidewalk level. Recessed entrances are acceptable.

FRONTAGE ZONE (FZ)	MIN	MAX
Building facade requirements:		
A - Distance between openings (ft)	10	20
B - Door recess (ft)	—	5
C - Ground floor transparency (%)	60	—
D - Height to bottom of window (ft)	—	2.5
INTERFACE ZONE		
Extended sidewalk from right-of-way edge to structure		
OPTIONAL ELEMENTS	MIN	MAX
AWNING or GALLERY		
E - Setback from curb (ft)	2	—
F - Depth (clear) (ft) (Gallery min 8')	4	10
G - Height (clear) (ft)	8	—
OTHER REQUIREMENTS		
None		



(Ord. No. 2016-19, § 2(Exh. A), 2-28-17)

Sec. 20.17. - Building height.

Each building lot typology in section 20.15 provides the range of height appropriate for the building type. No new or substantially improved building within the PAG Overlay District and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed not to exceed twenty-eight (28) feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, or thirty-two (32) feet overall, as defined below:

- a. For any structure with habitable space located less than eight feet above natural grade, height shall be measured from the property's required Design Flood Elevation.
- b. For any structure with habitable space beginning at or higher than eight feet above natural grade, height shall be measured from eight feet above natural grade.

Base flood elevation requirements are outlined in section 98-33 of the City's Code of Ordinances.

	MIN	MAX
Building facade requirements:		
A - Base Flood Elevation (BFE) refer to Sec. 98-33		
B - Finished Grade (FG)	Determined by the BFE & FG	
C - Height of Floors (liveable)	8	14
D - Total Height (Measurement from the required DFE)	—	—
Residential *	—	28-32*
Commercial (non-residential)	—	Refer to Underlying Zoning District

* Not to exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the location specified above, further provided that the overall roof height shall not exceed 32 feet.

SECTION 6. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 7. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 8. 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 9. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

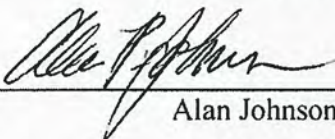
SECTION 10. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 11. Publication. This Ordinance shall be published in accordance with the requirements of law.

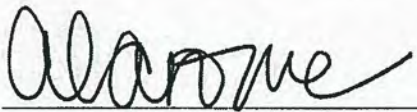
SECTION 12. Effective Date. This Ordinance shall take effect immediately upon adoption.

FIRST READING: 05/25/2021
PUBLISHED: 06/09/2021
SECOND READING: 06/23/2021
PUBLIC HEARING: 06/23/2021

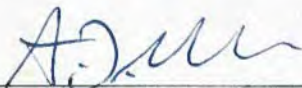
CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.


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 23 day of June, 2021.


Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Andrew Dickman, City Attorney

LEGAL NOTICE

CITY OF ST. PETE BEACH NOTICE OF PUBLIC HEARING

The City of St. Pete Beach City Commission will consider adoption of the following ordinances upon final reading on June 22, 2021 at 6:00 P.M. or as soon thereafter in the St. Pete Beach City Commission Chambers, 155 Corey Ave., St. Pete Beach, FL 33706:

ORDINANCE 2021-08

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING LAND DEVELOPMENT CODE DIVISION 2 - DEFINITIONS, SECTION 2.1 - WORDS, TERMS, AND PHRASES DEFINED BY MODIFYING THE BASIS FOR HEIGHT MEASUREMENTS FOR RESIDENTIAL STRUCTURES IN THE RU-1, RU-2, RLM-1, RLM-2, RM, AND PAG DISTRICTS AS WELL AS ACCESSORY STRUCTURES, AND ADDING A DEFINITION FOR DESIGN FLOOD ELEVATION AND FREEBOARD; AMENDING DIVISION 20 - PAG PASS-A-GRILLE OVERLAY DISTRICT, SECTION 20.02 - DEFINITIONS, SECTION 20.15 - PERMITTED BUILDING TYPES, AND SECTION 20.17 - BUILDING HEIGHT TO REFLECT NEW HEIGHT MEASUREMENTS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

ORDINANCE 2021-12

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 2 - DEFINITIONS, SECTION 2.1 - WORDS, TERMS AND PHRASES DEFINED TO PROVIDE A DEFINITION FOR PATIO AND DECK; AMENDING DIVISION 6 - SUPPLEMENTAL REGULATIONS, SECTION 6.13 - RESIDENTIAL ACCESSORY STRUCTURES TO REDUCE REAR AND WATERFRONT SETBACKS TO POOLS AND SPAS, PROHIBIT REAR SETBACK VARIANCES FOR POOL SCREEN ENCLOSURES, AND PARTITION AND SPECIFY SETBACKS FOR DECKS AND PATIOS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

ORDINANCE 2021-11

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING APPENDIX "A" OF THE CODE OF ORDINANCES, PERTAINING TO THE FEE SCHEDULE TO SET FLAT FEES FOR CERTAIN PROJECT TYPES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

NOTE: The above-scheduled public hearing may be continued from time to time pending adjournment. Any written comments that are received on the subject matter will become part of the official record. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this hearing will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. American with Disabilities Act: Florida Statutes Chapter 286.26. Accessibility of public hearings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a hearing should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the hearing for assistance. A copy of this ordinance is on file in the City Clerk's Office and may be inspected by the public.

FOR MORE INFORMATION OR TO VIEW THE FILE ON THIS REQUEST, PLEASE CONTACT: City of St. Pete Beach, Community Development Department, 155 Corey Avenue, St. Pete Beach, Florida 33706 - (727) 363-9256.

6/9/2021

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