

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE 2010-10

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO DIVISION 3 OF THE LAND DEVELOPMENT CODE, AMENDING SECTION 3.10 REGARDING VESTED RIGHTS AND NON-CONFORMITIES TO ALLOW FOR THE RAISING OF NON-CONFORMING STRUCTURES TO A MINIMUM HEIGHT TO ALLOW FOR THE CONSTRUCTION OF A GARAGE; PROVIDING FOR THE REPEAL OF ORDINANCES OF PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS** the city recognizes that lots were platted or subdivided prior to the adoption of the existing Land Development Code; and

**WHEREAS** minimum lot, required yard, and use regulations in the Land Development Code have rendered many older structures non-conforming by use, density, and/or building placement, and

**WHEREAS** the City recognizes that the City lies within an area of special flood hazard and has an interest in allowing structures to minimize the risk to flood damage; and

**WHEREAS** the Planning Board of the City of St. Pete Beach and the City Commission of the City of St. Pete Beach conducted public hearings noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

**WHEREAS**, the City Commission finds this Land Development Code amendment to be in the best interest of the citizens of the City of St. Pete Beach and consistent with the general provisions outlined in the Comprehensive Plan.

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

**Section 1.** Section 3.10 (b)(1) is hereby amended as follows:

(1) No such structure may be enlarged, altered or improved in a manner which increases its non-conformity, except for the conditions set forth for elevating an existing structure in Section (3)A. below.

**Section 2.** Section 3.10 (b)(1) 3 A. is amended as follows:

(3) Should such nonconforming structure be moved, either vertically or horizontally, it shall comply with the following:

A. The structure shall be moved, vertically only, such that the lowest floor is elevated no higher than six inches above the base flood elevation, as defined and established in the city's flood damage prevention regulations set forth in Chapter 98 of the Code of Ordinances, except that minimum necessary additional height shall be allowed to provide for the construction of a garage underneath any structure which is so moved. The maximum height of the new construction for the garage shall not exceed 9 feet from the existing grade of the lot to the bottom of the existing horizontal structural member of the lowest floor. Under no circumstances shall the resulting structure exceed the maximum height allowed by the zoning district.

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

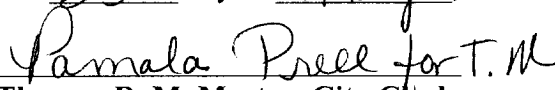
**Section 4.** If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

**Section 5.** This Ordinance shall become effective immediately upon adoption.

  
Michael Finnerty, MAYOR

FIRST READING : 5-11-10  
PUBLISHED : 5-15-10  
SECOND READING : 5-25-10  
PUBLIC HEARING : 5-25-10

I, Theresa B. McMaster, 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 25<sup>th</sup> day of May, 2010.

  
Theresa B. McMaster, City Clerk