



NOTICE OF PUBLIC MEETING

The **Historic Preservation Board** will be conducting a public meeting on **Thursday June 7th 2012, at 2:00 PM** in City Hall, 155 Corey Avenue, St. Pete Beach, Florida in the City Commission Chambers.

Agenda

Call to Order

Roll Call

Pledge of Allegiance

Acceptance of Minutes:

- 5/1/12 Regular meeting
- 5/24/12 workshop

Discussion Items:

1. Section 3.10 of the Land Development Code regarding non-conforming situations
2. General Discussion

Adjourn

In accordance with the Americans with Disabilities Act and Florida Statutes 186.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the Public Works Department no later than seven days prior to the proceedings at (727) 363-9248 for assistance; if hearing impaired, contact the Florida Relay Service Number (800) 955-8771 (TDD).

If any person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.

HISTORIC PRESERVATION BOARD

MINUTES

May 1, 2012

3:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Melinda Pletcher, Chairman
Ingrid Jacobus, Member
Martin Lott, Vice Chairman

ABSENT:

Bill Thompson, Member (Excused)
Frank T. Hurley, Member (Excused)

ALSO PRESENT:

George Kinney, Community Development Director
Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk, MMC

1. Acceptance of Minutes of April 3, 2012

Member Jacobus made a motion to approve the April 3, 2012 minutes, as written. The motion was seconded by Member Lott and unanimously approved by a voice vote.

2. Discussion Items

a. Board members present photographs of architecture they think is appropriate and inappropriate for Pass-a-Grille, if any, and articulate why.

Member Jacobus provided several photos of homes that she did not think were appropriate in Pass-a-Grille and explained what she did not like about each home.

Chairman Pletcher provided several photos of homes that she thought were appropriate in Pass-a-Grille and explained what she liked about each home. She also provided several photos that were submitted by residents of Pass-a-Grille that they thought were some of the best homes in Pass-a-Grille.

The board held a general discussion regarding homes having front porches, garages off the alleys, pitched roofs, appropriate window styles and nice landscaping.

Senior Planner Hartley stated that the board needs to make a decision on what type of homes they want in Pass-a-Grille so she can prepare the proper documents and then get the resident's input.

The board held a general discussion regarding the lack of funding to hire someone to prepare graphic photos of the types of homes they desire in Pass-a-Grille.

Senior Planner Hartley suggested that the board focus on educating the public this year and hopefully next year there will be funding to provide a large production for the residents.

Senior Planner Hartley suggested that they send out newsletters to the residents educating them on the issues the board has been discussing. Ms. Hartley pointed out that she would prepare and mail the newsletter and the costs would be her time and postage. The board agreed that sending out a newsletter with photos of different styles of homes to the residents would be helpful.

Chairman Pletcher expressed her displeasure that there was no funding budgeted for historic preservation issues when other projects such as the "couplet" get funded. She also stated that waiting another year, to make a decision, would only result in the loss of more homes in the Historic District.

Senior Planner Hartley advised that she will draft the first edition of the newsletter and provide it to the members for discussion at their next meeting.

The board agreed to hold a workshop meeting on May 24, 2012 at 2:00 p.m. to discuss the newsletter. Chairman Pletcher stated that she would like to invite an architect to the meeting to participate in the discussion.

3. Adjournment

There being no further business to come before the board, the meeting was adjourned at 4:05 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Melinda Pletcher, Chairman

Minutes approved on: _____

HISTORIC PRESERVATION BOARD

WORKSHOP

MINUTES

May 24, 2012

3:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Melinda Pletcher, Chairman
Martin Lott, Vice Chairman
Ingrid Jacobus, Member (3:15 p.m.)
Bill Thompson, Member (3:50 p.m.)

ABSENT:

Frank T. Hurley, Member (Excused)

ALSO PRESENT:

George Kinney, Community Development Director
Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk, MMC

1. Discussion Items

a. Mock up of Educational Material

Senior Planner Catherine Hartley provided a draft newsletter regarding historic windows. A copy is attached to these minutes.

The Board agreed to send the newsletter by regular mail to the residents in Pass-a-Grille and to email the newsletter to the City Commission.

The Board agreed that the newsletter should contain Senior Planner Hartley's email and mailing addresses so the residents can provide comments regarding the newsletters.

b. General Discussion

The Board agreed to change their regular meeting date to the first Thursday of each month at 2:00 p.m., beginning on June 7, 2012, and scheduled a Workshop Meeting on June 21, 2012, at 2:00 p.m., to review the next issue of the newsletter.

2. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 4:25 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Melinda Pletcher, Chairman

Sec. 3.10. - Vested rights and nonconformities.

The purpose of this section is to regulate the continued existence of certain uses and structures established prior to the effective date of this Code that do not conform to these regulations. It is the intent of this ~~Code section~~ to permit legally nonconforming uses and structures to continue in existence until they are substantially damaged, removed, or abandoned/discontinued.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Code, or amendment thereto, and upon which actual building construction has continued unabated since inception of such construction, pursuant to valid building permits ~~issued therefor~~.

(a)

Nonconforming lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Code, except as provided below, a single-family dwelling and customary accessory buildings may be erected on any lot of record as of the adoption date of this Code. Such lot must be in separate ownership and not of continuous frontage with other lots under the same ownership – or – Such lot may be of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements for lot width or area, or both, that are generally applicable to the district, provided that the building setbacks and other requirements shall conform to the regulations for the district in which the lot is located.

(b)

Nonconforming structures. Where a lawful structure exists at the time of adoption or amendment of this Code which could no longer be built under the terms of this Code by reason of restrictions on lot area, impervious surface, height, setbacks, or other such development characteristics, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

(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.

(2)

Any non-residential nonconforming structure, except for temporary lodging uses within a nonconforming structure, which suffers substantial damage, as defined in this Code, shall only be repaired,

restored or reconstructed in a manner which brings the entire structure into compliance with all requirements of this Code and other applicable codes of the city. A nonconforming structure that contains a permitted temporary lodging use may be reconstructed within the same footprint provided the replacement structure does not contain any additional units and is not taller or larger in square footage than the original structure. This provision shall only apply if permits for such reconstruction have been obtained within 6-months of the event causing the substantial damage.

(3)

Should such a 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 nine 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.

B.

The structure shall be moved, horizontally only, such that no additional non-conformities are created, and no existing non-conformities are increased, by such relocation; and

C.

The structure shall be located on the property so that there is a setback of at least three feet from the nearest property line on all sides of the structure.

(c)

Nonconforming uses. Nonconforming ~~principle or accessory uses~~ uses of land, structures and premises, which were lawfully established prior to the adoption of this Code, but which are not permitted or are otherwise currently prohibited by this Code, may continue to operate at their present location until such time as such use has been discontinued. If the use is discontinued

for more than 90 consecutive days or a total of 180 calendar days within a one-year period, subsequent use of the premises shall conform to the district regulations. Continuance of ~~n~~Nonconforming uses are subject to the following provisions:

(1)

Uses nonconforming by the type of use ~~are~~shall be regulated as follows:
a(1).

~~There shall be no increase of a~~A nonconforming use shall not be expanded in any manner including expansion of the use within an existing structure, expansion of the use to other structures on a zoning lot, ~~by expansion of the use to adjacent properties~~zoning lots, to other structures on the property, or to other portions of a multi-tenant structure within which the nonconforming use is located. No multi-tenant structure may be converted into a single-tenant structure for the purpose of expanding a nonconforming use.

b(2).

~~No s~~Structures in which a nonconforming use is located shall not be enlarged, altered, or substantially improved ~~or~~and shall not be relocated to occupy other portions of the zoning lot upon which it is located ~~or to increase the size of the structure.~~

(3).

No new primary or accessory structures shall be constructed or otherwise permitted on a zoning lot that supports a nonconforming use. Any such request shall be deemed an expansion of the existing nonconforming use. Accessory structures for this purpose shall include but not be limited to detached garages, storage sheds, docks, signs, pools, gazebos, spas, fences and other similar structures.

e(4).

When a structure which is occupied by a nonconforming use suffers substantial damage, said structure, if repaired, restored or reconstructed, shall only be occupied, upon completion, by uses which are allowed in the zoning district in which the structure is located.

(2d)

Uses ~~Nonconforming density~~. Residential and temporary lodging uses that are nonconforming by reason of development density are regulated as follows:

a(1).

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The recognized number of units on such property shall be determined by the number shown in the ~~property~~ records on file with the city as of the date of adoption of this section.

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b(2).

There shall be no increase in the number of units ~~by expansion or alteration of the use.~~

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e(3).

Except as provided for elsewhere in this Code, any property, upon which there are one or more buildings having such pre-existing nonconforming number of units shall be brought into conformity with the density requirements of this ordinance when any building is proposed to be substantially improved or the property is redeveloped.

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(4).

Residential and Temporary lodging uses that are nonconforming by reason of density and that are substantially damaged due to a catastrophic event may rebuild the same number of units that were in place at the time of the catastrophic event provided permits to rebuild have been obtained within one-year of the catastrophic loss. An extension of this time frame may be granted by the BOA.

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(e)

Grandfathered nonconforming residential uses. Notwithstanding the provisions of paragraph (c)(2) above and paragraph (e) following, nonconforming residential properties having a greater number of units than currently allowed under the provisions of the comprehensive plan and this Code that are lost through a catastrophic event may be reconstructed with the same number of units as they had prior to the loss under the following conditions:

(1)

For the purposes of this subsection only, transient accommodations shall be considered to be residential properties.

(2)

The applicant can verify to the satisfaction of the city that the property contained the number of units, square footage and height that are proposed for replacement;

(3)

The replacement structure(s) shall be no larger in square footage, nor taller than the original structure, except that structure height may be increased by the height of the base flood elevation where necessary to comply with flood hazard mitigation requirements;

(4)

Provided there are no conflicts with other codes and that no adverse impacts on adjacent properties will be created, the replacement structure(s) may be permitted to be constructed with the same footprint as the original structure(s);

(5)

The replacement structure(s) shall meet all other local, state and federal requirements in place at the time of replacement; and

(6)

Permits to rebuild under these provisions shall be obtained within one year of the catastrophic loss unless a general extension of time has been granted by the city commission.

(e)

Nonconforming accessory structures. No nonconforming accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction. In addition to the other provisions of this section applicable to nonconforming structures, the following additional conditions shall apply to nonconforming accessory structures:

(1)

Any accessory structure associated to a primary structure that has been demolished, substantially damaged, or otherwise destroyed, shall be removed simultaneously with or immediately following the destruction of the primary structure. Accessory structures for this purpose shall include but not be limited to detached garages, storage sheds, docks, signs, pools, gazebos, spas, fences and other similar structures.

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(12)

Any nonconforming accessory structure shall be brought into conformity with these regulations whenever a substantial improvement to the structure or the principal structure on the property is proposed and approved. Notwithstanding the foregoing, any accessory structure which is designated and constructed as a garage, the principle purpose of which is the storage of motor vehicles for single-family residential purposes, which is substantially damaged as the result of a catastrophic event as defined in the Code of Ordinances, may be reconstructed in accordance with the criteria set forth in subsection (d) hereof.

(2)

Any nonconforming accessory structure which is destroyed or substantially damaged due to a catastrophic event may be reconstructed within the same footprint provided the replacement structure is not taller or larger in square footage than the original accessory structure. This provision shall only apply if permits for such reconstruction have been obtained within 12-months of the catastrophic event, shall, upon replacement, conform to all requirements of this Code and other applicable codes of the city. Any part of a nonconforming accessory structure which is destroyed or damaged to less than 50 percent of the value of such accessory structure may be repaired or restored if a permit for the repair or restoration is issued within 12 months of the date of the damage.

(f)

Repairs and maintenance; maintaining safe condition. Ordinary Repairs repairs and maintenance of nonconforming principle or accessory structures or structures containing a nonconforming use are permitted provided the nonconformity is not increased, the structure has not been substantially damaged, and permits for repair or restoration have been issued within 12-months from the date of the damage.