



NOTICE OF PUBLIC MEETING

The **St. Pete Beach Planning Board** will hold a **Regular Meeting** on Wednesday, **April 14, 2010 at 4:00 p.m.** in the City Commission Chambers in City Hall, 155 Corey Avenue, St. Pete Beach, Florida.

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes
 - 3/10/2010
4. Action Item – Public Hearing

A) 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 MINIMAL HEIGHT TO ALLOW FOR THE CONSTRUCTION OF A GARAGE, AND PROHIBITING AN INCREASE IN THE NUMBER OF UNITS IN A NON-CONFORMING USE; 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.

5. Discussion Items

- A. Division 39 of the Land Development Code: Uses, Height, Setbacks, FAR, and ISR for each Character District In the Community Redevelopment District.
- B. Discussion of date for next workshop to discuss Land Development Code Character district items not discussed at this meeting, including landscaping and parking.
- C. General Discussion

6. Election of Officers - Chair and Vice Chair

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 Services 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.

PLANNING BOARD MEETING

MINUTES

March 10, 2010

The Meeting was called to order by Chairman Jacoby at 4:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Ron Holehouse
Martin Lott
Don Breitweiser
Will Jacoby, Chairman
Sandi Lyman

ALSO PRESENT

Karl Holley, Director of Community Development
Bruce Cooper, Building Code Administrator
Catherine Hartley, Senior Planner
Theresa B. McMaster, City Clerk

Chairman Jacoby introduced Sandi Lyman, who has been appointed by the Mayor to the Planning Board.

Chairman Jacoby suggested that they go out of order and address Section 3.10 (b) 3.A., due to the fact that Bruce Cooper was in attendance. There being no objection, Chairman Jacoby called on Karl Holley to open the discussion.

Mr. Holley reminded those present that this Section pertains to non-conforming structures, specifically the relocation of non-conforming structures and more importantly the vertical relocation of non-conforming structures. This is an issue that still concerns the Commission and the Commission instructed the City Manager to instruct his staff to bring this back to the Planning Board with a solution. Mr. Holley stated that they have brought forth a proposal that would provide for a minimum elevation of an existing non-conforming structure so that there would be an assurance that a standard automobile configuration could be implemented under the structure that is elevated.

Chairman Jacoby asked if there were any questions. Mr. Breitweiser asked for a definition of "existing grade". Bruce Cooper responded by saying that

"grade" is "existing grade" by definition. "Finished grade" is something that is going to be finished and could be higher than what actually existed prior to construction. Using the verbiage of "existing grade" or "grade" is basically the same thing.

Mr. Cooper went on to say that he wanted to clarify that they are not changing the existing part of Sub-Section A of (3), it says that "the lowest floor is elevated no higher than six inches above base flood elevation". If you are in a "B" Zone, if you follow this ordinance and don't put a garage in, you're limited to 6 inches – the finished floor only 6 inches above base flood elevation – you are in violation because the bottom of the structure has to be above the base flood elevation.

Audience Comments:

Thomas Reynolds, 535 Central Avenue – representing Robert & Geraldine Fletcher, 102 6th Avenue, Pass-A-Grille.

Harry Metz, 504 Pass-A-Grill Way, Pass-A-Grille.

Robert Fletcher, 102 – 6th Avenue, Pass-A-Grille.

Ralph Lickton, 706 Pass-A-Grille Way, No. 3.

Bob Manning, 200 First Avenue, Pass-A-Grille.

After discussion, it was decided that this matter would be brought up at the next regular meeting as an ordinance for public hearing.

APPROVAL OF MINUTES

Chairman Jacoby asked if there were any corrections on the Minutes dated 7/29/09, 1/20/10, 2/08/10 on 2/24/10. It was brought to the attention of the Board that there is a typo on page 2 of the Minutes dated 2/08/10 in that there is an incorrect spelling of Robert Pletcher's name.

A motion was made that the Minutes of 7/29/09, 1/20/10, 2/08/10 (corrected) and 2/24/10 be approved. The motion was seconded and approved by a majority vote.

ACTION ITEM – Public Hearing

After a brief recess, the Board resumed and Chairman Jacoby called on Catherine Hartley to address the next item on the agenda.

A) ORDINANCE 2010-03

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA PROVIDING FOR AN AMENDMENT TO CHAPTER 22, ARTICLE 7 OF THE CODE OF ORDINANCES, RELATED TO THE POWERS AND DUTIES OF THE HISTORIC PRESERVATION BOARD; AMENDING DIVISION 20 OF THE LAND DEVELOPMENT CODE, ESTABLISHING REQUIRED YARDS AND LOT SIZES FOR CONTRIBUTING HISTORIC STRUCTURES WITHIN THE PASS-A-GRILLE OVERLAY AND REQUIRING PROPERTIES THAT REQUEST A REDUCTION IN REQUIRED YARDS TO SUBMIT PROPOSED ALTERATIONS TO THE EXTERIOR OF THE CONTRUBUTING STRUCTURE TO THE APPROPRIATE BOARD OF AUTHORITY FOR REVIEW FOR CONSISTENCY WITH THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES; AMENDING DIVISION 28 OF THE LAND DEVELOPMENT CODE REGARDING HISTORIC PRESERVATION, DELETING THE LIMITATION OF ADDITIONS TO 1,000 SQUARE FEET, AND REQUIRING MINIMUM STANDARDS FOR THE CONTENTS OF APPLICATION FOR CERTIFICATES OF APPROPRIATENESS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Hartley briefly explained the purpose and intent of Ordinance 2010-03.

After discussion, the Meeting was opened to the public.

Chairman Jacoby asked if there was anyone present who wanted to speak on Ordinance 2010-003; seeing none, the Public Hearing was closed.

A motion was made to approve Ordinance 2010-03. The motion was seconded and approved by unanimous roll call vote.

Chairman Jacoby asked Ms. Hartley to run through the workshops again. There is a Workshop scheduled for March 24, 2010, at 4:00 pm, to go over five districts, if they can be fit in. She also explained that the regular Meetings of the Board will now be held on the second Wednesday of every month at 4:00 pm. The next regular Meeting will be April 14, 2010, at 4:00 pm.

A motion was made to adjourn the Meeting. The motion was seconded and approved by a majority vote.

Theresa B. McMaster, City Clerk

Will Jacoby, Chairman

Minutes approved on: _____

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 MINIMAL HEIGHT TO ALLOW FOR THE CONSTRUCTION OF A GARAGE, AND PROHIBITING AN INCREASE IN THE NUMBER OF UNITS IN A NON-CONFORMING USE; 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 City also recognizes that it is necessary to regulate uses and densities where the Comprehensive Plan and Land Development Code has prescribed limitations; 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 a structure in order to add a garage 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 finished 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. Section 3.10 (c)(1) d. is established as follows:

d. Nonconforming uses which, when conforming, are otherwise regulated by this Code by unit density, shall not increase the number of units within the nonconforming use through alteration, reconfiguration, or other modification of the structure in which such nonconforming use is located.

Section 4. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 5. 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 6. This Ordinance shall become effective immediately upon adoption.

Michael Finnerty, MAYOR

FIRST READING : _____

PUBLISHED : _____

SECOND READING : _____

PUBLIC HEARING : _____

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 _____ day of _____, 2010.

Theresa B. McMaster, City Clerk

CITY OF ST. PETE BEACH NOTICE OF PUBLIC HEARING

The City of St. Pete Beach Planning Board will conduct a public hearing on **Wednesday, April 14th, 2010, at 4:00 P.M.** at City Hall, 155 Corey Avenue, to receive comments on the following ordinance:

1) 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 MINIMAL HEIGHT TO ALLOW FOR THE CONSTRUCTION OF A GARAGE, AND PROVIDING FOR THE PROHIBITION OF AN INCREASED NUMBER OF UNITS IN A NON-CONFORMING USE; 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.

Copies of the ordinance are available at City Hall in the Offices of the City Clerk and the Community Development Department. Written comments on the proposed ordinance may also be submitted to the above City departments. For further information, please contact the Community Development staff at (727) 363-9266.

All interested parties will be heard. The foregoing hearings may be continued to another meeting. If a person decides to appeal any decision made at this hearing, they will need a record of the proceedings and, for such purpose, 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 to be based (F.S. 286.0105). The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than four days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).

Karl Holley, Director of Community Development

DIVISION 39 COMMUNITY REDEVELOPMENT DISTRICT GENERAL STANDARDS

Sec. 39.1. General standards.

Sec. 39.2. Classification of district streets.

Sec. 39.3. Site design for the Downtown Redevelopment District.

Sec. 39.4. Use of prototypes.

Sec. 39.5. General operational and aesthetic requirements.

Sec. 39.6. Temporary lodging use operational and occupancy restrictions, limitations and prohibitions.

Sec. 39.7. Street-level facades.

Sec. 39.8. Design, scale and mass of buildings.

Sec. 39.9. Energy and environmental design--New construction and major renovation.

Sec. 39.10. Streetscape design required elements.

Sec. 39.11. Walkways and pedestrian connections.

Sec. 39.12. Site utilities and waste management.

Sec. 39.13. Irrigation and maintenance.

Sec. 39.14. Garden walls, fences, and hedges.

Sec. 39.15. Compatibility with low density residential.

Sec. 39.16. Story standards.

Sec. 39.17. Community involvement.

Sec. 39.1. General standards.

These general standards shall apply to all districts within the Community Redevelopment District ~~Downtown~~ and Gulf Boulevard Redevelopment Districts, unless otherwise specified.
(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 39.2. Classification of district streets.

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

TABLE INSET:

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

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 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 percent of a "Main Street" street and 50 percent of an "A" street facing entrance. If site constraints exist, a knee wall may be constructed with the following provisions:

- (1) Only 25 percent 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 feet to 16 feet 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 percent and a maximum 80 percent of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over 50 percent 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 percent of the affected facade segment, with a maximum trim height of 24 inches total for its shortest distance.

(g) The first 20 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 feet from the primary structure.

(2) Rear garages must be setback a minimum of four 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.

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 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 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

GRAPHIC LINK:[Click here](#)

Office Mixed-Use Prototype

GRAPHIC LINK:[Click here](#)

Mixed Use Commercial Prototype

GRAPHIC LINK:[Click here](#)

Mixed Use Development Block with Structured Parking

GRAPHIC LINK:[Click here](#)

Gas Station Prototype

GRAPHIC LINK:[Click here](#)

Multifamily Prototype

GRAPHIC LINK:[Click here](#)

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 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.
- (Ord. No. 2008-12, § 1, 6-3-08)

Sec. 39.6. Temporary lodging use operational and 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 30 consecutive days or less for temporary lodging guests and no more than 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.

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 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 50 percent 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 facade 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 15 feet 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 ten percent 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.

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 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 100 feet will be constructed so that no more than two of the three 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 40 percent of the shorter of the two lengths. The horizontal plane measurements relate to the footprint of the building.~~

~~(ab)~~ No plane of a building may continue uninterrupted for greater than 100 linear feet. For the purpose of this standard, interrupted means an offset of greater than five feet.

- (be) At least 60 percent 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.
- (cd) 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.
- (de) Buildings may be designed for a vertical or horizontal mix of permitted uses.
- (Ord. No. 2008-12, § 1, 6-3-08)

Sec. 39.9. Energy and environmental design--New construction and major renovation.

(a) All development and redevelopment projects in the Community Redevelopment District that take advantage of the density pool allocation or that take advantage of development rights with heights that exceed 80 feet 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 and 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 stories in height.
4. Certification by the Florida Green Building Coalition -- Residential Standard Certification for all new residential construction three 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.~~

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 39.10. Streetscape design required elements.

(a) A ten-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 abutting the public sidewalk~~ along Gulf Boulevard and within the Town Center Core areas. On Corey Avenue, the additional sidewalk abutting the public sidewalk shall be 5 feet. The city manager may reduce this requirement to six 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 cafe 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-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 shall be broken by a minimum of 6 feet and a maximum of 10 feet to incorporate direct pedestrian access from the sidewalk to the building entrance. The landscape zone proposal shall be reviewed for compliance during the design review/site plan approval process, and may be reduced to five 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 30 feet apart within the landscape zone. Drought tolerant ~~or~~ and native shade trees to reduce urban heat and offer protection to the pedestrian from the sun ~~are required~~ 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 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 is required.

(5) Within the landscape zone on the main commercial corridor the developer shall provide at least two 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 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 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.

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 39.11 Walkways and pedestrian connections.

(a) Pedestrian walkways shall be landscaped with additional shade or ornamental trees equal to an average of one shade tree per 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(1) and 39.10(2) above.

(b) A minimum of one shade tree shall be planted for each 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.

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 39.12. Site utilities and waste management.

(a) All solid waste areas shall be designed with a six-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 24-inch high planted hedge that shall reach 36 inches to 42 inches height and 90 percent opacity within one 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 inches to 42 inches height and 90 percent opacity within one 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.
- (Ord. No. 2008-12, § 1, 6-3-08)

Sec. 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 three-quarter inch 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 percent irrigated coverage.
- (Ord. No. 2008-12, § 1, 6-3-08)

Sec. 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 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 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 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 feet in height.

(b) *Commercial districts.* All garden walls, fences, or hedges located in a commercial or industrial district shall not exceed eight 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 and 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 non-residential 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 non-residential 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.

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 39.15. Compatibility with low density residential.

External compatibility. Non-residential development and multi-family or Temporary Lodging 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 facade 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.

(Ord. No. 2008-12, § 1, 6-3-08)

Sec. 39.16. Story standards. Permitted and Prohibited Uses in the CRD

The following table represents permitted, prohibited, and uses with additional design or performance requirements. "P" means the use is permitted by right, "S" means the use is permitted with additional requirements, and a blank cell means the use is prohibited.

~~(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.~~

TABLE INSET:

District	Floor	Desired-Finished	Interstitial-Space	Total-Story
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		Height—		Height—
TC-1—	1st floor—	12 feet—	4 feet—	16 feet—
—	2nd & 3rd floors—	10 feet—	2 feet—	12 feet—
—	Garage floor—	9 feet—	1 foot—	10 feet—
TC-2—	1st 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—	1st floor—	12 feet—	4 feet—	16 feet—
—	All other floors—	10 feet—	2 feet—	12 feet—
CC-2—	1st 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—
—	1st 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—
—	1st 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 first 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.

~~(Ord. No. 2008-12, § 1, 6-3-08)~~

<u>Zoning Districts:</u>	<u>TC-1</u>	<u>TC-2</u>	<u>DCR</u>	<u>UBV</u>	<u>CC-1</u>	<u>CC-2</u>	<u>LR</u>	<u>B-HC</u>	<u>AC</u>	<u>BR</u>
<u>P – Permissible</u>										
<u>S – Permissible as a Secondary Use and Subject to Supplemental Standards</u>										
<u>Blank-Prohibited</u>										
<u>Land Uses:</u>										
<u>Animal Hospital or Veterinary Clinic</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Automobile Repair</u>					<u>P</u>	<u>P</u>	<u>S</u>		<u>P</u>	
<u>Automotive Rental Agencies</u>					<u>P</u>	<u>P</u>	<u>S</u>		<u>P</u>	<u>P</u>
<u>Barber and Beauty Shops, Salons, Day Spas</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Bed and Breakfast Inns</u>										
<u>Book and Stationery Stores</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>Bus/Trolley Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Business Services such as Copying, Mailing, or Printing</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>				
<u>Clubs, Public or Private; Community and Recreation Centers</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>				
<u>Cocktail Lounge, Bar</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>S</u>		<u>P</u>	<u>P</u>
<u>Drug Store or Pharmacy</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>Essential Public Services, such as Transmission Lines and Lift Stations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Financial Institutions, Banks, and Credit Unions, with drive-through</u>					<u>P</u>	<u>P</u>			<u>P</u>	
<u>Financial Institutions, Banks, and Credit Unions, without drive through</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Funeral Home and Mortuary</u>	<u>P</u>									
<u>Gasoline Station, with or without a Convenience Store</u>	<u>P</u>				<u>P</u>	<u>P</u>			<u>P</u>	
<u>Grocery Store</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Group Homes</u>										
<u>Government and Civic Buildings, including Library and Museum</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>				
<u>Health Clubs, Gyms, Yoga Studios, etc.</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>Laundry and Dry Cleaning, On-Site, including Self-Service Laundry</u>	<u>P</u>				<u>P</u>	<u>P</u>			<u>P</u>	
<u>Laundry and Dry Cleaning, Pick-Up Only</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>Liquor Store (retail sales)</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Marina</u>		<u>P</u>							<u>P</u>	
<u>Marine recreation, such as kayak or boat rentals, sailing schools, etc.</u>		<u>P</u>							<u>P</u>	
<u>Medical and Dental Clinics</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Music, Dancing, Photography, or Art Studios and Galleries</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Parking Lots and Parking Garages</u>	<u>P</u>	<u>P</u>				<u>P</u>			<u>P</u>	
<u>Parks, Public, including beach and boat access</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Piers, Docks, Types I, II, III, IV</u>		<u>P</u>							<u>P</u>	<u>P</u>

<u>Zoning Districts:</u>	<u>TC-1</u>	<u>TC-2</u>	<u>DCR</u>	<u>UBV</u>	<u>CC-1</u>	<u>CC-2</u>	<u>LR</u>	<u>B-HC</u>	<u>AC</u>	<u>BR</u>
<u>P – Permissible</u>										
<u>S – Permissible as a Secondary Use and Subject to Supplemental Standards</u>										
<u>Blank-Prohibited</u>										
<u>Professional Offices</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>Public Recreation Buildings</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Radio, Television, and Telecommunication Towers</u>					<u>S</u>	<u>S</u>			<u>S</u>	
<u>Recreation, Outdoor Amusements, such as Miniature Golf or Fishing Piers</u>						<u>P</u>			<u>P</u>	
<u>Religious Facilities</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Residential: Single-Family</u>			<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>				<u>P</u>
<u>Residential: Duplex</u>			<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>				<u>P</u>
<u>Residential: Multifamily (3 or more units)</u>			<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>		<u>P</u>
<u>Residential: Mixed Use (with non-residential)</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>S</u>	<u>S</u>			<u>P</u>	<u>P</u>
<u>Residential: Group Home</u>			<u>P</u>							<u>P</u>
<u>Restaurant, With Drive- Through Window</u>					<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>Restaurant, Without Drive- Through Window, with or without outdoor seating</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>Retail Stores</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>S</u>		<u>P</u>	<u>P</u>
<u>Schools, Elementary, Junior, or Senior High</u>		<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	
<u>Scooter and Moped Rentals</u>					<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>Specialty Food and Beverage Stores, such as Bakeries, Coffee Shops, Ethnic or Organic Grocers, Etc.</u>	<u>P</u>				<u>P</u>	<u>P</u>			<u>P</u>	
<u>Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>S</u>		<u>P</u>	
<u>Temporary Lodging – Hotel, Motel, Resort Condominium</u>		<u>P</u>		<u>S</u>			<u>P</u>	<u>P</u>	<u>P</u>	
<u>Theaters, Movie or Performing Arts</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>			<u>P</u>	

39.17 Density, Floor Area Ratio, Impervious Surface, and Height limitations
Height standards. Total height of any structure shall be determined by each character district standards in the table below. Variances to increase density, intensity, or height beyond the limits established in the Comprehensive Plan are prohibited.

TC-1					
	Non-Residential only	28 feet	N/A	1.0	.90
	Mixed Use (Residential vertically mixed with non-residential)	40 feet	15 UPA	1.45	.90
TC-2					
	Non-Residential only	28 feet	N/A	.55	.70
	Temporary Lodging Mixed Use * (approved by conditional use only) with street level non-residential use.	76 feet	50 UPA Not to Exceed 150 units;	Common Areas and Amenities=.20 Aggregate Floor area for transient units shall not exceed 750 square feet per unit.	.70
	Mixed Use: Street level non-residential mixed with residential above; Or a minimum of 50 transient units above non-residential; Or a combination of all three uses. *(temporary lodging units approved by conditional use only)	86 feet	24 UPA (residential) 50 UPA (transient)	Common Areas and Amenities=.20 Aggregate Floor area for transient units shall not exceed 750 square feet per unit.	.70
DCR					
	Residential	35 feet	10 UPA	N/A	.70
UBV					
—	Residential- Single Family or duplex;	35 feet	7.5 UPA	N/A	.70
	Residential – Multifamily on minimum 1/3 acre site	35 feet	18 UPA	N/A	.70
	Residential – Multifamily on	45 feet	21 UPA	N/A	.70

	<u>minimum 1/2 acre site</u>				
	<u>Residential – Multifamily on minimum 3/4 Acre Site</u>	<u>45 feet</u>	<u>24 UPA</u>	<u>N/A</u>	<u>.70</u>
	<u>Temporary Lodging</u>	<u>45 feet</u>	<u>Density awarded by ordinance on a per project basis for existing transient accommodations, not to exceed 175 units for the district</u>	<u>N/A</u>	<u>.85</u>
<u>CC-1</u>					
<u>—</u>	<u>Single Family and Duplex that do not directly access Blind Pass Road</u>	<u>30 feet</u>	<u>7.5 UPA</u>	<u>N/A</u>	<u>.70</u>
	<u>Non-Residential only</u>	<u>28 feet</u>	<u>N/A</u>	<u>.70</u>	<u>.70</u>
	<u>Mixed use – ground floor non-residential, residential above, 1/2 acre minimum site area</u>	<u>40 feet</u>	<u>12 UPA</u>	<u>.70</u>	<u>.70</u>
<u>CC-2</u>					
	<u>Single Family and Duplex that do not directly access Gulf Blvd</u>	<u>30 feet</u>	<u>7.5 UPA</u>	<u>.70</u>	<u>.70</u>
	<u>Non-Residential only</u>	<u>28 feet</u>	<u>N/A</u>	<u>.70</u>	<u>.70</u>
	<u>Mixed use – ground floor non-residential, residential above, 1/2 acre minimum site area.</u>	<u>40 feet</u>	<u>12 UPA</u>	<u>.70</u>	<u>.70</u>
<u>LR</u>					
	<u>Small Scale Temporary Lodging</u>	<u>100 feet</u>	<u>50 UPA</u>	<u>1.8 (excludes parking)</u>	<u>.85</u>
	<u>Small Scale Residential</u>	<u>50 feet</u>	<u>15 UPA</u>	<u>N/A</u>	<u>.70</u>
	<u>Large Scale Temporary Lodging</u>	<u>146 feet</u>	<u>75 UPA</u>	<u>2.6 (excludes parking)</u>	<u>.85</u>
	<u>Large Scale Residential or Residential mixed with Temporary Lodging</u>	<u>50 feet</u>	<u>15 UPA</u>	<u>N/A</u>	<u>.70</u>
	<u>Large Scale Retail and Restaurant mixed with Temporary Lodging</u>	<u>28 feet</u>	<u>N/A</u>	<u>.15</u>	<u>.85</u>

B-HC

-	Temporary Lodging	76 feet with 100 foot front yard setback; or 65 feet with 75 foot front yard setback; or 50 feet with 50 foot front yard setback	50 UPA	Common Areas and Amenities= .20 Aggregate Floor area for transient units shall not exceed 750 square feet per unit.	.85
	Residential	50	18 UPA	N/A	.70

AC

	Non-residential	28	N/A	.75	.85
—	Mixed Use – 1 acre minimum site	40	15 UPA with a minimum of 4 units	Minimum .35 - 1.0 Maximum	.70
	Mixed Use- 4 Acre Minimum Site	86	18 UPA	1.0	.70

BR

—	Residential on less than 2 acres	35 feet with a minimum setback of 20 feet from Gulf Blvd.	15 UPA	N/A	.70
	Residential on 2 acres or greater	45 feet with a minimum setback of 30 feet from Gulf Boulevard	18 UPA	N/A	.70
	Mixed Use on 2 acres or greater	54 feet with a minimum setback of 40 feet from Gulf Boulevard	18 UPA	.20 Minimum - .30 Maximum	.70

39.18 Setbacks

The following table outlines required yards for each character district. Variances to reduce setbacks less than those established in the Comprehensive Plan are prohibited.

District	Use	Front Yard	Side Yard	Back Yard	Front Yard
TC-1					
	Non-Residential only	10 feet Maximum	5 Feet	0	10 Feet
	Mixed Use (Residential vertically mixed with non-residential)	10 feet Maximum	5 Feet	0	10 Feet
TC-2					
	Non-Residential only	10 feet Maximum	5 Feet	10% of lot width	10 Feet
	Temporary Lodging Mixed Use * (approved by conditional use only) with street level non-residential use.	10 Feet	5 Feet	10% of lot width	10 Feet
	Mixed Use: Street level non-residential mixed with residential above; Or a minimum of 50 transient units above non-residential; Or a combination of all three uses. *(temporary lodging units approved by conditional use only)	10 Feet	5 Feet	10% of lot width	10 Feet
DCR					
	Residential	15 feet	5 Feet	10% of lot width	20 Feet (docks and other water dependent structures are exempt)
UBV					
—	Residential- Single Family or duplex;	10 feet	10 feet	10% of lot width	20 feet
	Residential – Multifamily on minimum 1/3 acre site	10 feet	10 feet	10% of lot width	20 feet
	Residential – Multifamily on minimum 1/2 acre site	10 feet	10 feet	10% of lot width	20 feet
	Residential – Multifamily on minimum 3/4 Acre Site	10 feet	10 feet	10% of lot width	20 feet
	Temporary Lodging	10 feet	10 feet	10% of lot width	20 feet

CC-1					
—	Single Family and Duplex that do not directly access Blind Pass Road	<u>20 feet</u>	<u>10 feet</u>	<u>10 % of lot width</u>	<u>20 feet</u>
	Non-Residential only	<u>20 feet</u>	<u>10 feet</u>	<u>10 % of lot width</u>	<u>20 feet</u>
	Mixed use – ground floor non-residential, residential above, ½ acre minimum site area	<u>20 feet</u>	<u>10 feet</u>	<u>10 % of lot width- minimum of 10 feet if abutting single family residential</u>	<u>20 feet; additional 10 feet if abutting single family residential</u>
CC-2					
	Single Family and Duplex that do not directly access Gulf Blvd	<u>240 feet</u>	<u>10 feet</u>	<u>10 % of lot width</u>	<u>20 feet</u>
	Non-Residential only	<u>240 feet</u>	<u>10 feet</u>	<u>10 % of lot width</u>	<u>20 feet</u>
	Mixed use – ground floor non-residential, residential above, ½ acre minimum site area.	<u>240 feet</u>	<u>10 feet</u>	<u>10 % of lot width</u>	<u>20 feet</u>
LR					
	<u>Small Scale Temporary Lodging</u>	<u>50 feet</u>	<u>20 feet</u>	<u>10% of Lot Width</u>	<u>Lots abutting Gulf of Mexico: CCCI or CCESL; whichever is more restrictive; Lots not abutting Gulf of Mexico: 20 feet</u>
	<u>Small Scale Residential</u>	<u>50 feet</u>	<u>20 feet</u>	<u>10 % of Lot Width</u>	<u>Lots abutting Gulf of Mexico: CCCI or CCESL; whichever is more restrictive; Lots not abutting Gulf of Mexico: 20 feet</u>
	<u>Large Scale Temporary Lodging</u>	<u>100 feet</u>	<u>30 feet</u>	<u>15 % of lot width or 20 feet, whichever is greater, not to exceed 60</u>	<u>Lots abutting Gulf of Mexico: CCCI or CCESL; whichever is</u>

				feet combined.	more restrictive; Lots not abutting Gulf of Mexico: 20 feet
	Large Scale Residential or Residential mixed with Temporary Lodging	100 feet	30 feet	15 % of lot width or 20 feet, whichever is greater, not to exceed 60 feet combined.	Lots abutting Gulf of Mexico: CCCI or CCESL; whichever is more restrictive; Lots not abutting Gulf of Mexico: 20 feet
	Large Scale Retail and Restaurant mixed with Temporary Lodging (secondary building along Gulf Boulevard	20 feet	30 feet	15 % of lot width or 20 feet, whichever is greater, not to exceed 60 feet combined.	N/A
B-HC					
	Temporary Lodging	Based on height- see Table X	20 feet	10 % of lot width	20 Feet (docks and other water dependent structures are exempt)
	Residential	Based on height- see Table X	20 feet	10 % of lot width	20 Feet (docks and other water dependent structures are exempt)
AC					
	Non-residential	20 feet	20 feet	10 % of lot width	20 Feet (docks and other water dependent structures are exempt)
	Mixed Use – 1 acre minimum site	20 feet	20 feet	10 % of lot width	20 Feet (docks and other water dependent structures are exempt)
	Mixed Use- 4 Acre Minimum Site	20 feet	20 feet	10 % of lot	20 Feet (docks

				<u>width</u>	<u>and other water dependent structures are exempt)</u>
<u>BR</u>					
—	<u>Residential on less than 2 acres</u>	<u>Based on height- see Table X</u>	<u>20 Feet</u>	<u>10 % of lot width</u>	<u>20 Feet (docks and other water dependent structures are exempt)</u>
	<u>Residential on 2 acres or greater</u>	<u>Based on height- see Table X</u>	<u>20 Feet</u>	<u>10 % of lot width</u>	<u>20 Feet (docks and other water dependent structures are exempt)</u>
	<u>Mixed Use on 2 acres or greater</u>	<u>Based on height- see Table X</u>	<u>20 Feet</u>	<u>10 % of lot width</u>	<u>20 Feet (docks and other water dependent structures are exempt)</u>

3.19 Parking within the Community Redevelopment District

TBD

3.20 Landscaping Within the Community Redevelopment District

TBD

Sec. 39.2147. Community involvement.

(a) *Community meeting.* Applicant shall have a minimum of one community meeting at least 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 one-half 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 one-half 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 days and no more than 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 mile radius of any property boundary of the subject property for any development on a buildable site of three acres in size or greater; or

(ii) Within a one-half mile radius for any development on buildable site greater than one acre in size but less than three acres; or

(iii) Within 1,000 feet for any development on a buildable site one-half acre in size or greater but less than one acre.

(3) Notice shall be mailed no later than 15 days and no earlier than 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 eight and one-half $\times$ 11 copy of the proposed site plan.

(4) Within three 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 business days of the clerk's receipt of the notice affidavit. The applicant shall have three 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 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 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.

(Ord. No. 2008-12, § 1, 6-3-08)