



**Planning Board
155 Corey Avenue
10/26/2011**

4:00 p.m.

**Call to Order
Pledge of Allegiance
Roll Call**

Regular Meeting

- 1. Acceptance of Minutes:**
 - **8/6/2011**
- 2. Action items:**
 - A. Ordinance 2011- 21 Amending Divisions 3 and 4 of the Land Development Code to add application requirements for variance and conditional use applications.**
 - B. Ordinance 2011-32 - Repealing Divisions 30 and 35 of the Land Development Code as they relate to the TC-1 and Large Resort zoning districts, and adopting new Divisions 30 and 35 for the TC-1 and Large Resort zoning districts.**
 - C. Ordinance 2011-33 Change of Land Use 1307 Gulf Way**
 - D. Ordinance 2011-34 Change of Zoning 1307 Gulf Way**
- 3. Discussion Items:**
 - A. Next Meeting:**
 - 1. Discussion on Signage, landscaping, and parking standards for the CRD.**
 - 2. Comprehensive Plan Amendments**
 - 3. Division 39 Amendments**
 - 4. Amendments to Eighth Avenue Special Area Plan**

5. FLUM/rezoning for 701 Gulf Way from ROR to CRD-EA.

B. General Discussion

3. Adjourn

APPEALS

If a person decides to appeal any decision made at this Meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of Meeting 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.

Agenda Material is available for review at City Hall on the Friday preceding the Meeting. In accordance with the American's with disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact Steve Hallock at (727) 363-2736 no later than four (4) days prior to the meeting for assistance.

PLANNING BOARD MEETING

August 16, 2011

4:00 pm

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

**Will Jacoby
Don Breitweiser
Mike Lehman
Ward Friszolowski, Chairman**

Not Present:

Ron Holehouse – Excused Absence

Also Present:

**Catherine Hartley, Senior Planner
Rebecca C. Haynes, City Clerk**

1. Acceptance of Minutes

Member Jacoby made a motion to approve the Minutes of 12-08-09, 06-21-11 and 07-11-11. The motion was seconded by Member Lehman and unanimously approved.

2. Discussion Items

A. Ordinance 2010-21; Establishing Zoning districts consistent with the Community Redevelopment District, creating the following division in the LDC:

- 32. CC-1 Commercial Corridor Blind Pass**
- 33. CC-2 Commercial Corridor Gulf Boulevard**
- 34. DCR – Downtown Core Residential**
- 36. UBV – Upham Beach Village**

37. TC-2 Corey Circle and Coquina West

38. AC Activity Center

40. BHC Boutique Hotel Condo

42. BR Bayou Residential

Senior Planner Catherine Hartley explained that she attempted to re-format the draft code from the last meeting. She tried to put all of the basic standards into Division 39 which currently exists but at the present time has design standards for the overall District. She would like to address this at a later date because the Community Redevelopment District, with the exception of the large resort district in TC-1, has gone without zoning standards for three (3) years.

Ms. Hartley stated her intention is to get the basics in place, amend the zoning map and after the City Commission reviews it, this Board can go back to Division 39 and incorporate the ideas from their last meeting. There are a few things that need to be adjusted in the Plan and then adjusted in the Code at a later date, but most of this is taken out of the Comprehensive Plan.

Ms. Hartley was asked if the Landscape Policy will have its own section in the ordinance. She responded that each Division will include parking, landscaping, design, etc., thereby assisting a designer who is trying to plan what can be built. As an example she used Section 32. CC-1 where she would add "32.13 Signs".

Chairman Friszolowski suggested they make their comments district by district.

32. CC-1 Ms. Hartley was asked if anything had been done about chopping up the block of 80th Way and 81st Avenue. Ms. Hartley reported this can be done as an amendment to the Comprehensive Plan and Future Land Use Map. She advised that it depends on what the property owners want.

It was suggested that Ms. Hartley contact the property owners and ask if they are in agreement with the plan. If the business owners and residents don't agree, then this Board can make its recommendation to the Commission and they can make the decision.

Under Building Height, in Section 32.8, it states 30' height for single family residential to 28' height for non-residential.

33. CC-2 Under the list of permitted uses, motor bikes and motorcycles were not listed. The Board agreed to add vehicles for hire, sales and service of bikes, mopeds, scooters and motorcycles.

Under Setbacks, Section 33.8, extra protection for where a commercial property backs up against residential will be added similar to Section 32.9.

North of 67th Avenue there are single family lots but south of 67th the Board wanted those parcels on the east side of Gulf Boulevard to aggregate backwards. It was agreed that the back part of the lot should be landscaped with driveway access.

34. DCR Civic uses as permitted uses will be added.

Under Section 34.6 (b), Density, "*single family dwellings*" is replaced with "*residential*".

36. UBV All of this Section is cut and pasted from the Comprehensive Plan except for the setbacks.

Brian Cummings, 650 70th Avenue, asked about height restrictions.

37. TC-2 Ms. Hartley advised the Board that Corey Circle and Coquina West were treated as separate districts in the Comp Plan but because they say the exact same thing, she compressed them into one district.

Under Section 37.7 Ms. Hartley was asked what the Floor Area Ratio (FAR) is for mixed use. She stated there should be a FAR for the mixed use and she will review this and bring it back to the Board.

After discussion regarding Charlie's Garage, Ms. Hartley explained legal non-conforming use, which means the property owner cannot expand, cannot rebuild in a catastrophic loss, cannot electively re-develop; the property owner can continue operations as long as they want however, if they close for six (6) months or more, they lose the legal non-conforming status.

Under Section 37.8 (c) fourth line, a member asked what "all three uses" included. Ms. Hartley responded that the three (3) uses are commercial, residential and temporary lodging. She agreed to eliminate "all three uses" and substitute "*non-residential, residential and temporary lodging*".

Brian Cummings, 650 70th Avenue, questioned the heights shown in Section 37.8, specifically along Corey Avenue.

Ms. Hartley was asked why, with allowable increased building heights, they did not require increased building setbacks. After discussion it was decided that any part of the building that is over 28 feet in height, the setback will be increased by one-half a foot for every foot over 28 feet on the west end only. Prior to this going to the Commission, this matter will be tabled until Ms. Hartley studies it further and advises the Board of her findings.

After a short recess, the meeting was called back to order.

38. AC Under paragraph (n), Ms. Hartley will remove the semi-colon and insert "and grocery stores."

Under (v) after "Vehicle for hire -" the rest of the sentence is deleted.

Section 38.8, third paragraph under "Front yard:" add at the end of the last sentence "except when adjacent to any residential property. If the parcel is adjacent to any residential property then outdoor entertainment cannot be placed in the front yard". Last sentence under "Rear yard" is changed to "Outdoor entertainment areas for permitted businesses may be placed within the rear yard setback if the parcel is not adjacent to any residential property."

It is the general consensus that the additions to front yard and rear yard be added to conditional use.

42. BR The same language added to Section 38.8 (above) will be added to this Section.

Under Section 42.4(a) Ms. Hartley recited the meaning of Class A as any dock used in connection with a hotel, motel, or restaurant and the slips are not rented, leased or sold and are utilized as an enhancement to the principal function of the basic facility.

Class B is any dock used in connection with a social, fraternal club or organization and where the use of the facility is restricted to members only.

Class C is any dock constructed and maintained by the local municipality.

Class D is any dock where the primary function is the collection of revenue for profit. The classification applies to all commercial marinas and commercial boat docks and facilities.

The Board agreed to eliminate Class B under Section 42.4(a).

The Board recommended that "Marine Electronics Sales and Service" be added as a permitted principal use in Section 38.2.

46. BHC Boutique Hotel Condo

Ms. Hartley advised that nothing new was added to this division.

3. Other Discussion

Ms. Hartley advised that the public hearing would be held on September 22, 2011 at 4: 00 p.m.

There being no further business the meeting was adjourned at 7:05 pm.

Rebecca C. Haynes, City Clerk

Ward Friszolowski, Chairman

Minutes approved on: _____

CITY OF ST. PETE BEACH

ORDINANCE NO. 2011-21

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE AS THEY RELATE TO APPLICATION REQUIREMENTS FOR VARAINCE AND CONDITIONAL USE APPLICATIONS AS ILLUSTRATED IN EXHIBIT “A”; 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.

WHEREAS, the City of St. Pete Beach finds that consistent and complete applications assist in the decision making of appointed and elected board members; and

WHEREAS, the Planning Board of the City of St. Pete Beach conducted a public hearing on October 26, 2011 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, City Commission of the City of St. Pete Beach conducted public hearings on _____ 2011 and _____, 2011, 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 text amendment to the Land Development Code to be Consistent with the Goals, Objectives, and Policies of the Comprehensive Plan; and

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

Section 1. The Land Development Regulations are hereby amended as shown in “Exhibit A”.

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. 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 4. This Ordinance shall become effective immediately upon adoption.

STEVE MCFARLIN, MAYOR

LPA NOTICE PUBLISHED: 10/12/2011 and 10/19/2011

LPA PUBLIC HEARING: 10/26/2011

FIRST READING:

PUBLISHED:

SECOND READING/ADOPTION HEARING:

PUBLISHED :

I, Rebecca Haynes, 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 _____, 2011

Rebecca Haynes, City Clerk

Exhibit "A"

Sec. 3.12. Variances.

(c) Application requirements

A. Each application is due no later than 30 days prior to the public hearing and shall contain the following information:

1. A completed application, signed by the property owner. The format of the application shall be determined by the City Manager.
2. Proof of ownership.
3. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
4. A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed and sealed by a surveyor licensed in the State, and shall have been performed not more than two (2) years prior to the date of application. The survey shall accurately depict all improvements on the site.
5. A site plan illustrating the request, drawn to scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than thirty-six inches by forty-eight inches (36 x 48). An electronic version may be required.
6. Any stipulation, condition, or proffer the applicant wishes to offer along with the application.

DIVISION 4 CONDITIONAL USE PERMITS

Sec. 4.2. Applications and administrative review procedures.

(a) *Simultaneous applications.* Applications for conditional uses, site plan review, zoning changes, variances and any other similar applications may be filed simultaneously by the applicant; however, all such applications shall be finalized before any permits or licenses are granted.

(b) *Application submission requirements.* ~~All applications shall be submitted to the city manager in a form specified by the city, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances, as follows:~~

~~(1) All applications shall contain the submittal requirements established by administrative regulation. Each application is due no later than 45 days prior to the public hearing and shall contain the following information:~~

1. A completed application, signed by the property owner. The format of the application shall be determined by the City Manager.
2. Proof of ownership.
3. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
4. A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed and sealed by a surveyor

licensed in the State, and shall have been performed not more than two (2) years prior to the date of application. The survey shall accurately depict all improvements on the site.

5. A site plan illustrating the request, drawn to scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than thirty-six inches by forty-eight inches (36 x 48). An electronic version may be required.

~~(2) 6. Applications-Applicants~~ may be required to submit additional information, such as elevations, photos, and/or product information, when appropriate. ~~after the initial submission.~~

CITY OF ST. PETE BEACH

ORDINANCE NO. 2011-32

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE AS THEY RELATE TO THE COMMUNITY REDEVELOPMENT DISTRICT; REPEALING DIVISION 30 TC-1 AND DIVISION 35 LR, AND ADOPTING NEW DIVISIONS 30 TC-1 AND 35 LR, REGULATING LAND DEVELOPMENT STANDARDS INCLUDING BUT NOT LIMITED TO PERMITTED AND PROHIBITED USES, DENSITY, INTENSITY, HEIGHT, AND OTHER RELATED SITE DESIGN REGULATIONS AS ILLUSTRATED IN EXHIBIT “A”; 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.

WHEREAS, the City Commission of the City St. Pete Beach adopted a large scale comprehensive plan amendment, establishing what is known as the Community Redevelopment District via Ordinance 2011-19; and

WHEREAS, 163.3202 Florida Statutes, requires local governments to adopt land development regulations consistent with its adopted comprehensive plan; and

WHEREAS, the Planning Board of the City of St. Pete Beach conducted a public hearing on October 26, 2011 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, City Commission of the City of St. Pete Beach conducted public hearings on _____ 2011 and _____, 2011, 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 text amendment to the Land Development Code to be Consistent with the Goals, Objectives, and Policies of the Comprehensive Plan; and

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

Section 1. The Land Development Regulations are hereby amended as shown in “Exhibit A”.

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. 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 4. This Ordinance shall become effective 30 days from the date of adoption.

STEVE MCFARLIN, MAYOR

LPA NOTICE PUBLISHED: 10/12/2011 and 10/19/2011

LPA PUBLIC HEARING: 10/26/2011

FIRST READING:

PUBLISHED:

SECOND READING/ADOPTION HEARING:

PUBLISHED :

I, Rebecca Haynes, 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 _____, 2011

Rebecca Haynes, City Clerk

Exhibit "A"

DIVISION 30 TC-1 TOWN CENTER CORE DISTRICT

~~Sec. 30.1. Purpose and intent.~~

~~The TC-1 Town Center Core District is established as the government and business center of the city and is intended to support medium to high intensity land uses. The Town Center Core District exists to accommodate neighborhood commercial uses and downtown residential development in a pedestrian-friendly environment. Residential uses will only be permitted as a component of a mixed-use development and shall not be allowed on the ground level of any structure.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.2. Permitted principal uses and structures.~~

~~Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the TC-1 Town Center Core District are as follows:~~

- ~~(a) Financial institutions without drive-through service.~~
- ~~(b) Government buildings and other public facilities, including parks and recreation facilities.~~
- ~~(c) General and professional office uses.~~
- ~~(d) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact.~~
- ~~(e) Printing and copying.~~
- ~~(f) Residential uses as a component of mixed-use development only. Residential uses shall not be allowed on the ground level of any structure.~~
- ~~(g) Eating and drinking establishments, including bars, cocktail lounges, nightclubs or saloons. Drive-through service is not allowed.~~
- ~~(h) Retail trade establishments.~~
- ~~(i) Theaters, cinemas and other indoor commercial entertainment facilities.~~
- ~~(j) Artist studios with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.3. Permitted accessory uses and structures.~~

- ~~(a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under section 30.5.~~
- ~~(b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.~~
- ~~(c) Temporary structures under the provisions of section 6.11 of this Code.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.4. Allowable conditional uses.~~

~~Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the TC-1 Town Center Core District are as follows:~~

~~(a) Automobile service stations with related services. Such uses shall only be allowed on lots which front directly on 75th Avenue.~~

~~(b) Financial institutions with drive-through service.~~

~~(c) Pharmacies with drive-through service.~~

~~(d) Outdoor restaurant seating.~~

~~(e) Public or private parking structures.~~

~~(f) Public transit facilities.~~

~~(g) Bed and breakfast inns subject to the following:~~

~~1. In addition to any density and intensity which may be allowed, the city shall also establish a reserve of units, not to exceed 50 total temporary lodging units for the entire Town Center Core District, which shall be allocated by ordinance of the city commission upon request of an individual property owner. Such allocation shall not exceed ten units per acre, or a total of ten units per redevelopment project. The remaining number of available reserve temporary lodging units shall be specified in each city commission ordinance allocating such units and each such ordinance shall provide that no units beyond those remaining available shall be allocated to any subsequent project. This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation. Such units shall be established exclusive of any other use provided for in the district.~~

~~2. All bed and breakfast inns shall comply with the provisions of sections 2.1 and 6.2, of this Code. In addition, all bed and breakfast shall comply with the temporary lodging use operational and occupancy restrictions, limitations and prohibitions contained in division 39.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.5. Prohibited uses and structures.~~

~~All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the TC-1 Town Center Core District.~~

~~Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways, or are likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the TC-1 Town Center Core District. Uses which are not listed as permitted shall be prohibited, including the following:~~

~~(a) Automatic food and drink vending machines, newspaper vending machines at frontage lines.~~

~~(b) Any commercial use, which encourages patrons to remain in their automobiles while receiving goods or services.~~

~~(c) Manufacturing, storage or distribution as a primary use, except artisanal uses.~~

~~(d) Enameling, painting, or plating, except as an artist's studio. Such use must be limited exclusively to the interior of the structure.~~

~~(e) General advertising signs or billboards.~~

~~(f) Carting, moving or hauling yards.~~

~~(g) Prisons, detention centers or halfway houses.~~

~~(h) The manufacture, storage, or disposal of any hazardous wastes or materials.~~

~~(i) Scrap yards.~~

~~(j) Kennels, except as an ancillary use to police station.
(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.6. General requirements.~~

- ~~(a) Street level uses shall consist exclusively of commercial floor area and internal parking. Functional retail street frontage shall be required for the entire length of any site abutting a "Main" street or "A" street.~~
 - ~~(b) Residential uses are permitted only above the street level and only as part of a mixed-use project consisting of a non-residential component (exclusive of parking). Only one story of residential occupancy may be established in any structure and is limited to the second level of two-story mixed-use retail/residential project; or the third level of mixed-use project.~~
 - ~~(c) The second level of a nonresidential use or three-story mixed-use project may provide retail or office uses.~~
 - ~~(d) The street face of the second and third stories of all structures shall provide a minimum six-foot depth of unenclosed porch or balcony.~~
 - ~~(e) A functional arcade overhanging the public sidewalk shall be established along "Mainstreet" frontage consistent with the physical design of existing "Mainstreet" properties.~~
- ~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.7. Density and intensity.~~

- ~~(a) Single use or multi-tenant non-residential uses shall not exceed a FAR of 1.00, exclusive of the area of any structured parking.~~
 - ~~(b) The residential density of mixed-use developments shall not exceed 15 units per acre.~~
 - ~~(c) Mixed-use developments with at least one level of residential use shall receive an additional FAR of 0.45, for a total allowable FAR of 1.45.~~
 - ~~(d) Both maximum commercial FAR and maximum residential density shall be available based upon the entire site area, and the presence of one shall not limit the density or intensity of the other.~~
- ~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.8. Building height.~~

- ~~(a) A two-story mixed-use development with a residential or office use on the second level, shall not exceed 28 feet in height, subject to the restrictions and limitations set forth in division 39 and section 7.2(k) of this Code.~~
 - ~~(b) A three-story mixed-use development with a residential component on the third level, shall not exceed three stories or 40 feet in height, subject to the restrictions and limitations set forth in division 39 and section 7.2(k) of this Code.~~
 - ~~(c) Single use or multi-tenant non-residential structures shall not exceed two stories or 28 feet in height, subject to the restrictions and limitations set forth in division 39 and section 7.2(k) of this Code.~~
- ~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.9. Setbacks.~~

TABLE INSET:

Front yard:—	0 feet minimum; 5 feet maximum on "Mainstreet"—
—	5 feet minimum; 15 feet maximum on all other streets.—
Side yard:—	0 feet on "Mainstreet"—
—	10 percent of lot width on each side on all other streets.—
Rear yard—	5 feet on "Mainstreet"—
—	10 feet on all other streets.—

(Ord. No. 2008-13, § 1, 6-3-08)

~~Sec. 30.10. Maximum impervious surface ratio.~~

~~Maximum impervious surface ratio (ISR) for all uses shall not exceed 0.90.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~Sec. 30.11. Other development standards.~~

~~All other development standards are contained in division 39 providing for Redevelopment Area General Standards.~~

~~(Ord. No. 2008-13, § 1, 6-3-08)~~

~~DIVISION 35 (LR) LARGE RESORT DISTRICT~~

~~Sec. 35.1. Purpose and intent.~~

~~Sec. 35.2. Definitions.~~

~~Sec. 35.3. Permitted principal uses and structures.~~

~~Sec. 35.4. Permitted accessory uses and structures.~~

~~Sec. 35.5. Prohibited uses and structures.~~

~~Sec. 35.6. Easements.~~

~~Sec. 35.7. Density and intensity.~~

~~Sec. 35.8. Building height.~~

~~Sec. 35.9. Setbacks.~~

~~Sec. 35.10. Temporary lodging amenity requirements and restrictions.~~

~~Sec. 35.11. Maximum impervious surface ratio (ISR).~~

~~Sec. 35.12. Energy and environmental building and site design standards.~~

~~Sec. 35.13. Community involvement.~~

~~Sec. 35.14. Other development standards and administrative site plan approval.~~

~~Sec. 35.1. Purpose and intent.~~

~~(a) Location and character. The Large Resort District is a nine-mile strip of land located on the west side of Gulf Boulevard from the County park (46th Ave) northward to 64th Avenue, containing 65.16 acres of land or approximately five percent of the total land area of the city. The area is devoted almost exclusively to larger full-service temporary lodging uses; however there are existing high-rise multi-family residential condominiums in the district that likely will not be redeveloped in the foreseeable future. It is anticipated that no more than eight large resort projects potentially could be~~

developed or redeveloped in the Large Resort District, it could be less if parcels are assembled into one unified development scheme.

The Large Resort District is intended to primarily support and encourage full-service integrated resort redevelopment projects to promote economic balance and compatibility of land uses. Large Resort District regulations provide higher density and intensity of temporary lodging use than provided in any other district in the city to support and encourage redevelopment of resort hotels where they primarily exist today and in consideration of the larger size and depth of the parcels that are adjacent to the Gulf beaches and allow greater setbacks from, as well as access to, Gulf Boulevard, a 4-lane State Road and evacuation route.

(b) Existing temporary lodging use density limitations effect redevelopment. Gulf front properties had a significant percent of their property up to 67 percent and averaging 33 percent, designated preservation in 2003 by the city to comply with Countywide Plan rules. The existing temporary lodging properties located within the Large Resort District lost approximately 16.5 acres to the city's implementation of the countywide preservation designation in 2003. Prior to 2003, those 16.5 acres were calculated by the city for density purposes at 30 temporary lodging units per acre. As a result, 495 potential temporary lodging units were lost after November 2003.

The result left all of the city's Gulf front hotels non-conforming and therefore unable to build back the existing temporary lodging accommodation units in the event of a natural disaster or catastrophic event. The reduction of acreage by government regulation for every property abutting the Gulf beaches in 2003 created a significant disconnect between the number of units actually built on the ground as compared to the number of units that are potentially allowed under the current land development regulations. This circumstance is referred to as non-conforming density for a permitted land use.

The existing as-built density on the ground in the Large Resort District averages approximately 50 hotel units per acre, some properties are more, some just slightly less. One hotel property is already over 80 units per acre as it is built today. However, the current land use and zoning classifications only allow 30 units per acre, or roughly 60 percent or less of the number of units actually built. The result is that every single existing hotel and motel along the west side of Gulf Boulevard has a non-conforming density.

Non-conforming density status prohibits the rebuilding of the existing number of units in the event of a natural disaster or catastrophic event; and also precludes or severely limits financing or refinancing needed for reinvestment in these aging properties. Reinvestment into non-conforming properties is not practical or feasible unless a portion of the property is sold off as residential condominiums to raise capital for reinvestment. The non-conforming status of these temporary lodging properties as they continue to age and reach functional obsolescence, only serves to encourage redevelopment as residential condominiums, unless a regulatory remedy is adopted

(c) Purpose of temporary lodging unit density increase is to eliminate non-conforming density and economic disparity. Density for temporary lodging use in this district has been limited to the minimum that will provide comparatively equal market value between multi-family residential use and temporary lodging use for purposes of redevelopment. Initially, the need to increase temporary lodging use density from 30 units per acre to 50

units per acre is to reconcile the as-built density which averages between 45-52 units per acre with the city's land use and zoning regulations. The initial base level increase to 50 temporary lodging units per acre primarily allows a property owner the option to rebuild an existing temporary lodging facility in the event of destruction by a catastrophic event.

Any additional increase in density above 50 temporary lodging units per acre are a direct result of market conditions that value land for one beachfront residential condo to be equivalent in value to land for 5-6 beachfront hotel rooms. This creates an enormous economic disparity that is causing high-rise residential development to overtake the beaches in waterfront communities all over the State. Pinellas County alone has seen a loss of 5,000 of its 40,000 hotel rooms and thousands of tourist-related jobs from 2002-2006. The only way to eliminate all or most of that economic disparity with the goal of preserving our heritage as a resort destination with temporary lodging facilities that are the keystone of a tourist-based economy, is to level the economic playing field by increasing density for temporary lodging use only.

Thus, the increase from 50 to 75 temporary lodging units per acre will only be permitted for comprehensive redevelopment that provides full-service large-scale temporary lodging facilities to encourage redevelopment of destination resort facilities as a viable economic alternative long-term. These temporary lodging uses will form the basis of the local economy and work to shifting the current disproportionate tax burden away from residents and back to commercial properties in a healthy sustainable proportionate ratio.

(d) Purpose of height increase for temporary lodging use only. The height increase for temporary lodging uses only is a direct result of needing additional space to accommodate the increased temporary lodging use density and extensive list of amenities required both by division 35 as well as current market conditions to create a destination family resort and attract visitors that have choices in a global travel market that were not available just ten years ago. The increased height will only be allowed for comprehensive redevelopment on parcels that are three acres or greater. The height increase will allow more open space between buildings, more green space, greater setbacks from Gulf Boulevard, wider sidewalks and landscaping, that combined are intended to avoid a "canyon" effect down Gulf Boulevard and preserve access to the beaches for all of our residents.

(e) Limitations and restrictions on residential condominium development. To promote temporary lodging redevelopment and discourage residential condominium development along the Gulf beaches, density for exclusively residential condominiums is reduced from a maximum potential 18 residential dwelling per acre approved in the 1998 Comprehensive Plan to 15 dwelling units per acre in the LR District. In addition, existing height restrictions for multi-family residential use in the LR District remains unchanged. (Ord. No. 2008-11, § 1, 6-3-08)

Sec. 35.2. Definitions.

The following term is defined and shall apply to development and redevelopment within the Large Resort District only:

Large-scale development. Shall mean development or redevelopment of a buildable site that:

a. Is three acres in size or greater; and

~~b. New construction exceeds 67 percent of the combined aggregate floor area of new and existing principal buildings, structured parking and accessory structures that constitute the entire unified development scheme on the buildable site.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 35.3. Permitted principal uses and structures.

~~Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the LR District are as follows:~~

~~(a) Primary uses.—~~

~~(1) Temporary lodging uses, including hotels, motels, resort condominium hotels, as further defined in division 2 and this division 35.~~

~~(2) Multi-family residential use.~~

~~(b) Secondary uses.—~~

~~(1) Small-scale commercial and office uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the project, subject to the limitations contained in section 35.7(d)(6) and further provided, that the project contains a minimum of 200 temporary lodging units and may include:~~

~~(i) Retail trade establishments.~~

~~(ii) Eating and drinking establishments, including bars and cocktail lounges.~~

~~(iii) Indoor commercial entertainment facilities.~~

~~(2) Multi-family residential use as a secondary use only to a temporary lodging use that contains a minimum of 200 temporary lodging units.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 35.4. Permitted accessory uses and structures.

~~(a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under section 35.5. A temporary lodging use may include accessory uses, such as recreational facilities, restaurants, bars, and other eating and drinking establishments, as well as personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, on-site workforce living accommodations and other uses commonly associated with temporary lodging uses.~~

~~(b) Home occupations for residential use only, subject to the conditions set forth in section 6.5 of this Code. Home occupational licensing shall be prohibited for any temporary lodging unit and any affordable workforce living accommodation.~~

~~(c) Temporary structures under the provisions of section 6.11 of this Code.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 35.5. Prohibited uses and structures.

~~All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the LR District. Temporary lodging uses are further restricted and limited by the provisions contained in division 39.6 relating to operational and occupancy prohibitions, limitations and restrictions that shall include a legally enforceable recordable covenant for use and occupancy prohibitions associated with temporary lodging uses.~~

~~Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the LR District.~~
(Ord. No. 2008-11, § 1, 6-3-08)

~~Sec. 35.6. Easements.~~

~~(a) Sidewalk easement and construction.—~~

~~(1) In general. The city may require construction or reconstruction of sidewalk improvements along Gulf Boulevard if a sidewalk does not exist or the existing sidewalk does not comply with the standards established in division 39. The sidewalk location, design and construction standards shall be determined during the site plan approval process in accordance with division 39 and made a condition of site plan approval. All reasonable efforts shall be made to integrate the on-site location with the off-site locations of existing sidewalks to provide a continuous safe pedestrian sidewalk as part of a Gulf Boulevard Improvement Program or Master Boulevard Streetscape Plan, as determined by the city. This easement shall be included in the density or intensity calculations for the development site. Off-site sidewalk construction costs shall be eligible for credits against community improvements impact fees, as may be required.~~

~~(2) All large-scale development and all development that exceeds 75 percent of the buildable site and is adjacent to boulevard shall be required to dedicate to the city a ten-foot easement generally along the existing front property line of the development site.~~

~~(3) All other development not described in scenario (a)1. above, may be required to dedicate sidewalk easements along Gulf Boulevard if the buildable site is adjacent to Gulf Boulevard and existing site conditions and redevelopment plans permit the location of such easements that can be integrated into the redevelopment site plan without undue hardship to the property owner. For example, the property owner shall not be required to demolish existing site improvements or create or expand non-conformities to accommodate the dedication of an easement or construction of a sidewalk.~~

~~(b) Utility easements. All development in the LR District, regardless of size or use, may be required to provide a utility easement to accommodate the relocation of above-ground utilities to below ground in a location and width determined by the city during the site plan approval process and if required, shall be a condition of site plan and building permit approval. This easement shall be included in the density or intensity calculations for the development site.~~

~~(c) Relocating utilities below ground. On-site overhead utilities shall be placed underground as part of all development projects and shall be a condition of site plan and building permit approval.~~

~~(d) Public beach access easement.—~~

~~(1) In general. The design and location of public beach access shall:~~

- ~~a. Accommodate foot traffic and wheelchair access only and shall be directed to marked paths or dune walkovers in order to protect the dune system; and~~
- ~~b. Wherever practical and feasible, be located in coordination with existing or future planned trolley stops. Additional width fronting Gulf Boulevard to accommodate a trolley stop may be required; and~~

~~c. Wherever practicable and feasible, be located in coordination with existing or proposed pedestrian crosswalks, pedestrian and bike pathways for Gulf Boulevard; and~~

~~d. Any public beach access easements and other design elements required pursuant to 35.6(d)1.-5. shall be a condition of site plan and building permit approval. Any easement required shall be included in the density or intensity calculations for the development site.~~

~~(2) Large-scale temporary lodging use as defined in section 35.2 shall provide:~~

~~a. At least one functional public beach access a minimum of ten feet average width if:~~

~~(i) New construction exceeds 67 percent or more of the total aggregate floor area located on the buildable site; and~~

~~(ii) The buildable site is at least three gross acres in size; and~~

~~(ii) The buildable site has a westerly boundary abutting the Gulf beaches or is part of an overall unified development that has a westerly boundary abutting the Gulf beaches.~~

~~b. Abutting property owners will be encouraged to combine public beach access on adjacent boundaries in the site design process to maximize the width and meaningful public access to the Gulf beaches wherever possible. Any combined public beach access shall be a minimum average width of 15 feet.~~

~~c. The public beach access area fronting Gulf Boulevard shall be designed to include distinctive sidewalk materials such as pavers or colored imprinted concrete to create a small pedestrian entrance plaza area. A small pavilion or other design element that provides shade and protection from the sun and rain, bicycle racks and other street furniture including but not limited to lighting, benches and trash receptacles, public art or other pedestrian amenities are strongly encouraged in the public beach access entrance area from Gulf Boulevard and at least four such elements shall be required and determined in the site plan review and approval process.~~

~~(3) All other development that does not meet the requirements for large-scale development defined in section 35.2 is subject to the following:~~

~~a. A functional public beach access may be required that shall not exceed seven feet average width for temporary lodging use redevelopment projects if:~~

~~(i) New construction is less than 67 percent and 50 percent or more of the total aggregated floor area located on the buildable site; and~~

~~(ii) Has a westerly property boundary abutting the Gulf beaches; and~~

~~(iii) Only if the conditions of site redevelopment permit its location without causing undue hardship on the property owner as a result of existing site conditions that may impede the reasonable location of an easement for the public that can be integrated with the overall site development.~~

~~b. Abutting resort owners will be encouraged to combine public beach access on adjacent boundaries in the site design process to maximize the width and meaningful public access to the Gulf beaches wherever possible but shall not be required to exceed a maximum combined width of ten feet.~~

~~c. The public beach access area fronting Gulf Boulevard shall be designed to include distinctive sidewalk materials such as pavers or colored imprinted concrete to create a small pedestrian entrance plaza area. A design element that provides shade and protection from the sun and rain, bicycle racks and other street furniture including but not limited to lighting, benches and trash receptacles, public art or other pedestrian amenities are strongly encouraged in the public beach access entrance area from Gulf Boulevard and at~~

~~least two such elements shall be required and determined in the site plan review process and made a condition of final site plan approval.~~

~~(e) *Gulf beach boardwalk easement.* All development in the LR District, regardless of size or use, may be required to provide a minimum ten-foot width easement for the potential development of a trail or boardwalk along the Gulf beach side of the property, westward of the Florida Coastal Construction Control Line through the execution of easements or by other means agreeable to the city. The need for any such easements shall be determined during the site plan review process and such review shall consider whether or not an easement at that location will adversely impact the coastal environment or raise conservation concerns, and whether or not that location provides an opportunity for a continuous uninterrupted boardwalk or trail system that furthers city plans to construct a trail or boardwalk pedestrian beach system.~~

~~(f) *Easement form and recording.* The location and size of the easements required pursuant to section 35.6 shall be determined during the administrative site plan approval process and may be a condition of site plan and building permit approval. Any such easements 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. 2008-11, § 1, 6-3-08)~~

~~Sec. 35.7. Density and intensity.~~

~~(a) *In general, density and intensity calculation.* Density and intensity shall be calculated on the basis of those portions of the site which are landward of the Florida Coastal Construction Control Line.~~

~~(1) *Limitations on mixed use development density.* Residential and temporary lodging units are permitted to be developed as separate buildings within the same development site; or combined within one building provided that a minimum of 200 temporary lodging units shall be constructed on the development site subject to the height limitations provided in section 35.8. Density shall be calculated based upon the pro rata acreage allocated to each land use.~~

~~(2) *Limitations on temporary lodging use density.* For the purposes of this division, lockout temporary lodging units shall count against specified density limitations. A lockout unit shall be defined as a room or rooms with sanitary facilities, with or without cooking facilities, which is attached and has access to a temporary lodging unit by means of a door or doors that are lockable from within the lockout unit, and that has a separate lockable access to the public areas or corridors. A lockout unit is capable of being functionally separated from the temporary lodging unit to which it is attached and rented as a separate room.~~

~~(b) *Density.*~~

~~(1) Existing development and all development that does not meet the minimum requirements of large-scale development defined in section 35.2 above shall not exceed the following density:~~

~~a. 50 temporary lodging accommodation units per acre; or~~

~~b. 15 residential units per acre; and~~

~~c. Variances to increase density shall be prohibited.~~

~~(2) Large-scale development as defined in section 35.2 above shall not exceed the following density:~~

~~a. 75 temporary lodging units per acre excluding any affordable housing bonus that may be approved pursuant to 35.7(b)(3) below; or~~

~~b. 15 residential units per acre; or~~

~~c. A combination of residential and temporary lodging units which shall be prorated on an acreage basis allocated to each use, provided that a minimum of 200 temporary lodging units will be constructed on the development site; and~~

~~d. Variances to increase density shall be prohibited.~~

~~(3) Affordable housing density bonus. An affordable housing density bonus shall be permitted for large scale temporary lodging use as defined in section 35.2 as follows:-~~

~~a. A temporary lodging unit density bonus shall be permitted up to, but shall not exceed, under any circumstances whatsoever, an additional five bonus units per acre and an additional 0.2 floor area ratio to accommodate the additional temporary lodging units for a defined large scale resort redevelopment;~~

~~b. Temporary lodging accommodation density bonus units or on-site affordable workforce living accommodations provided in compliance with the general or large resort affordable housing mitigation programs, as applicable, shall not be subject to general or additional large resort affordable housing mitigation fees or other program requirements, as may be required in division 40 of this Code;~~

~~c. Any on-site affordable workforce living accommodations shall be deemed an accessory or ancillary use to defined large-scale temporary lodging use and shall be exempt from maximum density and floor area ratio standards and shall be subject to the same hurricane closure and evacuation plan approved for the temporary lodging facility;~~

~~d. Any on-site affordable workforce living accommodations shall be prohibited from being advertised or otherwise used for guest temporary lodging or home occupational licensing purposes; and shall be exclusively used for providing affordable on-site living accommodations for employees eligible for low income or very low income status as defined by the applicable county and city rules and guidelines;~~

~~e. A legally enforceable restrictive covenant in a form and content acceptable to the city shall be required as a condition of site plan approval and recorded in the public records of Pinellas County upon issuance of a building permit setting forth the restrictions provided in subsections (i)d. above.~~

~~(c) Prohibition on conversion. Temporary lodging units existing, or approved to be developed or redeveloped in the LR District shall be prohibited from converting to residential dwelling units that exceed the density limitation of 15 residential dwelling units per acre; and further, shall be subject to the additional occupancy, operation and use restrictions and prohibitions contained in division 39.6.-~~

~~(d) Intensity.-~~

~~(1) Existing temporary lodging use and development of temporary lodging use that does not satisfy the requirements of a large scale development as defined in section 35.2, shall calculate intensity as follows: Floor area ratio shall include indoor amenities and shall exclude structured parking, approved on-site affordable workforce living accommodations and outdoor amenities such as tennis courts, pools, and the like; and subject to the foregoing, intensity shall not exceed the following:-~~

~~a. Floor area ratio of 1.8; and~~

~~b. The preceding intensities may include the normal ancillary residential area for on-site security, maintenance and management and normal ancillary non-residential guest facilities; and~~

~~c. Freestanding nonresidential uses shall be prohibited; and~~

~~d. Variances to exceed the maximum floor area ratio above as established in this future land use plan shall be prohibited.~~

~~(2) *Large-scale temporary lodging use.* Floor area ratio shall include indoor amenities and exclude structured parking, approved on-site affordable workforce living accommodations, and outdoor amenities including but not limited to: tennis courts, pools, and the like. Subject to the foregoing, intensity shall not exceed the following:~~

~~a. Floor area ratio of 2.6; and~~

~~b. As a bonus, secondary commercial uses provided in section 35.3(b)(1) that serve the general public may be constructed but shall not exceed an additional floor area ratio of 0.15 of the buildings site, subject to the restrictions and limitations contained in 35.7(d)(6); and~~

~~c. The preceding intensities may include the normal ancillary residential area for on-site security, maintenance and management and normal ancillary non-residential guest facilities; and~~

~~d. Variances to exceed the maximum floor area ratio above as established in this future land use plan shall be prohibited.~~

~~(3) *Density/intensity standards for large-scale mixed use development.* A development that provides a minimum of 200 temporary lodging units may include a secondary residential use component for a mixed use development project; density and intensity shall be determined on a pro-rata basis per acre allocated to each use based on the preceding densities and intensities.~~

~~(4) *Building mass limitations on temporary lodging use or mixed use development.* The area of each of the first three stories of any building in all temporary lodging use or mixed use development shall not exceed 85 percent of the buildable area of the development site. Buildable area shall be defined as total lot area minus any areas excluded by building setback requirements or other development controls, such as the applicable Florida Coastal Construction Control Line.~~

~~(5) *Building mass limitations on residential use.* The building footprint area for any building developed exclusively for residential use shall not exceed 70 percent of the buildable area of the site. Buildable area shall be defined as total lot area minus any areas excluded by building setback requirements or other development controls, such as the applicable Florida Coastal Construction Control Line.~~

~~(6) *Building limitations on bonus secondary commercial uses.* Secondary uses defined in section 35.3(b)(1) shall not be located within the principal temporary lodging building(s) and shall be located facing and adjacent to Gulf Boulevard in a building that is accessible primarily by the pedestrian at street level. Secondary commercial uses may be contained in a freestanding nonresidential building or may be located within a liner retail building facing and accessible to Gulf Boulevard and connected to a parking structure designed to conceal the parking facility from Gulf Boulevard. The parking structure with liner retail may or may not be connected to a main principal building located on-site with pedestrian bridges or other structured walkways.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 35.8. Building height.

~~(a) Restrictions and limitations. The maximum height for each use within the LR District, subject to the height limitations set forth in section 7.2(k) of this Code, shall not exceed:~~

~~(1) Residential use only. Building height shall not exceed 50 feet above base flood elevation regardless of development site size for any building containing residential units only.~~

~~(2) Mixed temporary lodging/residential uses in same building. Building height shall not exceed 50 feet above base flood elevation regardless of development site size for any building containing temporary lodging units and residential units.~~

~~(3) Temporary lodging use only.—~~

~~a. Development of a temporary lodging use that does not exceed 50 units per acre shall not exceed eight stories or 100 feet above base flood elevation.~~

~~b. Large-scale development of a temporary lodging use that exceeds 50 units per acre shall not exceed 12 stories maximum or 146 feet above base flood elevation.~~

~~(4) Secondary small-scale commercial uses. Buildings containing the secondary commercial uses described in section 35.3(b)(1) and subject to the limitations and restrictions in section 35.7(d)(6), shall not exceed a maximum height of two stories or 28 feet. Notwithstanding the foregoing, if such uses are contained within a liner retail building facing Gulf Boulevard and designed to conceal a parking garage from the view along Gulf Boulevard, architectural features and facade treatments only shall be used to extend above the roof deck elevation to conceal the parking structure located behind the liner retail building provided in accordance with the provisions of section 7.2(k) of the LDC.~~

~~(b) Any increases to, including variances to increase, the maximum height set forth above for this large resort character district shall be prohibited unless approved by voter referendum, if required by the City Charter.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 35.9. Setbacks.

~~(a) Large-scale development defined in section 35.2 and entire site demolition shall provide the following building and structure setbacks:~~

~~(1) Gulf Boulevard:—~~

~~a. Large-scale development. The setback for any building from Gulf Boulevard, excluding any secondary small-scale bonus commercial uses facing and adjacent to Gulf Boulevard and structured parking, shall be a minimum of 100 feet or one-third of the average depth of buildable site, measured from the Gulf Boulevard right-of-way line to the Florida Coastal Construction Control Line, as may be amended from time to time, whichever is less. However, in no event shall the front setback from Gulf Boulevard be less than 75 feet, subject to section 35.9(b) below for existing buildings to remain on-site as part of the overall unified development site plan.~~

~~b. Entire site demolition. All other development that is not large-scale development as defined in section 35.2 or any buildable site that is entirely demolished, shall provide a minimum setback from Gulf Boulevard of 75 feet, or one-quarter of the average depth of the buildable site, measured from the Gulf Boulevard right-of-way line to the Florida~~

Coastal Construction Control Line, as may be amended from time to time, whichever is less. However, in no event shall the front setback from Gulf Boulevard be less than 60 feet.

~~c. Secondary small-scale commercial any building containing small-scale bonus commercial uses shall be setback a minimum of 20 feet from Gulf Boulevard. Building frontage shall occupy no less than 75 percent of the street frontage along Gulf Boulevard. Main building entrances shall be visible and directly accessible by the pedestrian from Gulf Boulevard and shall have a street-level storefront character in compliance with the General Redevelopment design standards contained in division 39.~~

~~(2) Side yard: All development shall provide a combined minimum side yard setback equal to at least 30 percent of the lot width, with a minimum of 20 feet on one side, not to exceed 60 feet combined for both side setbacks, subject to section 35.9(b) below for existing buildings to remain on-site as part of the overall unified development site plan.~~

~~All temporary lodging use development abutting beaches. For the purposes of this division only, any non-structural, active or passive recreational facilities shall be allowed to be placed within any portion of the side yard setback provided that if public beach access is located within the side yard setback, such access is maintained and integrated into the design and location of the active or passive recreational facilities provided. Such facilities may include, but are not limited to, swimming pools, tennis courts, playgrounds and parks.~~

~~(3) Rear yard all development. The rear yard setback for all development abutting the Gulf beaches shall be the Florida Coastal Construction Control Line or St. Pete Beach Coastal Construction Control Line, whichever is more restrictive.~~

~~Buildable sites that do not abut the Gulf beaches shall provide a minimum rear setback of 20 feet.~~

~~(4) Side street. All development that has parcel boundaries abutting a side street shall provide a minimum side street setback of 30 feet. For all buildable sites abutting Gulf Boulevard, all streets except Gulf Boulevard shall be defined as a side street for purposes of this division 35.~~

~~(b) Partial site redevelopment. All development that does not involve entire site demolition shall conform to the required setbacks set forth in section 35.9(a) above to the maximum extent practical and feasible. Non-conforming setbacks that exist on only those portions of the site where existing building(s) will remain as part of the overall redevelopment site plan shall be permitted; however, setback non-conformities shall not be increased, including by variance, for any new construction. In the case of side yard setbacks, if one side yard is adjacent to an existing building with a non-conforming setback, the minimum side yard setback for only that portion of the site immediately parallel to the location of the existing building or portion thereof resulting in the non-conforming setback, shall be increased from a minimum side yard setback of 20 feet to a minimum side yard setback of 30 feet. This minimum side yard setback of 30 feet shall not include the non-conforming side yard setback distance; and further, all other areas of the site not affected by any existing building that may or may not comply with the setbacks provided herein, shall comply with all setbacks provided in section 35.9(a) above. Compliance with setback requirements shall not cause undue hardship upon the owner and/or applicant. For example, the owner and/or applicant shall not be required to~~

~~remove, reconstruct, other otherwise alter existing paved surfaces or structures to comply with these setback requirements.~~
(Ord. No. 2008-11, § 1, 6-3-08)

Sec. 35.10. Temporary lodging amenity requirements and restrictions.

Within the LR Large Resort District, temporary lodging uses shall, at a minimum, comply with the following:

~~(a) Temporary lodging operational and occupancy restrictions, limitations and prohibitions. All temporary lodging uses shall be subject to the operational and occupancy restrictions, limitations and prohibitions provided in section 39.6 contained in division 39 of the LDC.~~

~~(b) Temporary lodging services and amenity requirements.~~

~~1. The following guest amenities are the minimum required for all new development of temporary lodging uses regardless of size or density:~~

~~a. Housekeeping services;~~

~~b. Swimming pool or spa;~~

~~1 Outdoor swimming pool(s) shall not be calculated as part of the floor area ratio permitted.~~

~~c. Fitness facility; and~~

~~d. Business center.~~

~~2. The following guest amenities are the minimum required for all large-scale development of temporary lodging use and one or more of these amenities are strongly encouraged for all other temporary lodging uses:~~

~~a. Concierge services;~~

~~b. Restaurants and other food services that include full service of a minimum of two meals daily open to the public as well as hotel guests;~~

~~c. Retail space serving hotel guests and the public; and~~

~~d. Meeting rooms or conference facilities available to serve the public and hotel guests.~~

~~3. Temporary lodging uses permitted prior to the adoption of these regulations are exempt from the requirements of this section 35.10(b).~~

(Ord. No. 2008-11, § 1, 6-3-08)

Sec. 35.11. Maximum impervious surface ratio (ISR).

~~(a) In general. The maximum impervious surface ratio for any new development or redevelopment project regardless of size shall be as follows:~~

~~(i) Temporary lodging use shall not exceed 0.85; or~~

~~(ii) Residential use shall not exceed 0.70; or~~

~~(iii) Combined temporary lodging and residential uses. In the event a portion of a development site is redeveloped in part as temporary lodging use and in part as residential use subject to the limitations and restrictions set forth in this division, the impervious surface ratio shall be provided for each use as required above on a pro-rated basis per acre dedicated to each use; and~~

~~(iv) Variances to exceed impervious surface ratio (ISR) requirements shall be prohibited.~~

(Ord. No. 2008-11, § 1, 6-3-08)

~~Sec. 35.12. Energy and environmental building and site design standards.~~

~~All development in the Large Resort District shall comply with a minimum of two of the eight standards contained in section 39.9 relating to energy and environmental design for new construction and major renovation. Any project that exceeds the minimum requirements of this section 35.12 and any minimum standards required to obtain two or more of the green building and green development certifications listed in section 39.9 located in division 39 of this Code, shall be eligible for, and receive credits against, community improvement impact fees provided for in division 41 and pursuant to section 39.9 of this Code.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

~~Sec. 35.13. Community involvement.~~

~~All development within the Large Resort District shall be subject to the community involvement requirements contained in division 39.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

~~Sec. 35.14. Other development standards and administrative site plan approval.~~

~~All other development, design, and landscape standards applicable to the use permitted in division 35, shall be required as part of the administrative site plan review and approval process provided in division 5, sections 5.1 and 5.2 of the Land Development Code. Such requirements and standards include, but are not limited to, those set forth in:~~

- ~~(a) Division 7, General Zoning Regulations; and~~
- ~~(b) Division 22, Landscape and Tree Protection; and~~
- ~~(c) Division 39, Community Redevelopment District General Standards; and~~
- ~~(d) Division 40, Affordable Housing; and~~
- ~~(e) Division 41 Impact Fees.~~

~~(Ord. No. 2008-11, § 1, 6-3-08)~~

Sec. 30.1. Purpose and intent.

The TC-1 Town Center Core District is established as the government and business center of the city and is intended to support medium to high intensity land uses. The Town Center Core District exists to accommodate neighborhood commercial uses and downtown residential development in a pedestrian-friendly environment. Residential uses will only be permitted as a component of a mixed-use development and shall not be allowed on the ground level of any structure.

Sec. 30.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the TC-1 Town Center Core District are as follows:

- (a) Financial institutions without drive-through service.
- (b) Government buildings and other public or civic facilities, including parks and recreation facilities and transit stations and stops.
- (c) Office uses.
- (d) Personal service businesses such as barbershops, beauty shops, day spas, tailoring, garment alteration and repair, shoe repair, pet grooming, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact.
- (e) Printing and copying.
- (f) Residential uses as a component of mixed-use development only. Residential uses shall not be allowed on the ground floor level of any structure.
- (g) Eating and drinking establishments with or without outdoor seating. Drive-through service is not permitted.
- (h) Retail
- (i) Theaters, cinemas and other indoor commercial entertainment facilities.
- (j) Artist studios.
- (k) Grocery stores and pharmacies without drive through service.

Sec. 30.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under section 30.5.
- (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- (c) Temporary structures under the provisions of section 6.11 of this Code.

Sec. 30.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the TC-1 Town Center Core District are as follows:

- (a) Automobile service stations with related services. Such uses shall only be allowed on lots which front directly on 75th Avenue.
- (b) Financial institutions with drive-through service.

(c) Pharmacies with drive-through service.

(d) Public or private parking structures.

(e) Bed and Breakfast Inns, subject to the following:

1. In addition to any density and intensity which may be allowed, the city shall also establish a reserve of units, not to exceed 50 total temporary lodging units for the entire Town Center Core District, which shall be allocated by ordinance of the city commission upon request of an individual property owner on a first come, first serve basis. Such allocation shall not exceed ten units per acre, or a total of ten units per redevelopment project. The remaining number of available reserve temporary lodging units shall be specified in each city commission ordinance allocating such units and each such ordinance shall provide that no units beyond those remaining available shall be allocated to any subsequent project. This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation.

Sec. 30.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the TC-1 Town Center Core District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways, or are likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the TC-1 Town Center Core District. Uses which are not listed as permitted shall be prohibited, including the following:

(a) Manufacturing, storage or distribution as a primary use, except artisanal uses.

(b) Enameling, painting, or plating, except as an artist's studio. Such use must be limited exclusively to the interior of the structure.

(c) General advertising signs or billboards.

(d) Carting, moving or hauling yards.

(e) Prisons or halfway houses.

(f) The manufacture, storage, or disposal of any hazardous wastes or materials.

(g) Scrap yards.

(h) Kennels, except as an ancillary use to a police station, veterinary office, or dog grooming facility.

Sec. 30.6. Density and intensity.

(a) Single use or multi-tenant non-residential uses shall not exceed a FAR of 1.00, exclusive of the area of any structured parking.

(b) The residential density of mixed-use developments shall not exceed 15 units per acre.

(c) Mixed-use developments with at least one level of residential use shall receive an additional FAR of 0.45, for a total allowable FAR of 1.45.

(d) Both maximum commercial FAR and maximum residential density shall be available based upon the entire site area, and the presence of one shall not limit the density or intensity of the other.

Sec. 30.7. Building height.

a. Twenty-eight (28) feet for an exclusively nonresidential development;
or

b. Forty (40) feet for bed and breakfasts and buildings containing
nonresidential uses mixed with residential uses.

Sec. 30.8. Setbacks.

TABLE INSET:

<u>Front yard:</u>	<u>0 feet minimum; 5 feet maximum on "Mainstreet"</u>
<u>—</u>	<u>5 feet minimum; 15 feet maximum on all other streets.</u>
<u>Side yard:</u>	<u>0 feet on "Mainstreet"</u>
<u>—</u>	<u>10 percent of lot width on each side on all other streets.</u>
<u>Rear yard</u>	<u>5 feet on "Mainstreet"</u>
<u>—</u>	<u>10 feet on all other streets.</u>

Sec. 30.9. Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR) for all uses shall not exceed 0.90.

Section 30.10. Minimum Off-Street Parking Requirements

Shall be in accordance with the requirements of Division 23 of the Land Development Code, Off Street Parking and Loading.

Section 30.11 Landscaping

Shall be in accordance with the requirements of Division 22 of the Land Development Code, Landscaping and Tree Protection.

30.12 Design Requirements

Shall be in accordance with the requirements of Division 39.

34.12 Signs

Shall be in accordance with Division 26.

DIVISION 35 (LR) LARGE RESORT DISTRICT

Sec. 35.1. Purpose and intent.

(a)

The Large Resort District is intended to primarily support and encourage full-service integrated resort redevelopment projects to promote economic balance and compatibility of land uses. Large Resort District regulations provide higher density and intensity of temporary lodging use than provided in any other district in the city to support and encourage redevelopment of resort hotels and in consideration of the larger size and depth of the parcels that are adjacent to the Gulf beaches.

Sec. 35.2. Definitions.

The following term is defined and shall apply to development and redevelopment within the Large Resort District only:

Large-scale development. Shall mean development or redevelopment of a buildable site that:

- a. Is three acres in size or greater; and
- b. New construction exceeds 67 percent of the combined aggregate floor area of new and existing principal buildings, structured parking and accessory structures that constitute the entire unified development scheme on the buildable site.

Small-scale development shall mean all projects that fall below the thresholds of Large-scale development.

Sec. 35.3. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the LR District are as follows:

(a) Primary uses.

- (1) Temporary lodging uses, including hotels, motels, resort condominium hotels;
- (2) Multi-family residential.

(b) Secondary uses.

- (1) Small-scale commercial and office uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the project, subject to the limitations contained in section 35.7(d)(6) and further provided, that the project contains a minimum of 200 temporary lodging units and may include:

(a) Retail;

(b) Eating and drinking establishments, including bars and cocktail lounges, with or without outdoor seating.

(c) Indoor commercial entertainment facilities.

(d) Vehicles for hire.

(e) Commercial Water Sports

Sec. 35.4. Permitted accessory uses and structures.

(a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and

structures and are not of a nature prohibited under section 35.5. A temporary lodging use may include accessory uses, such as recreational facilities, restaurants, bars, and other eating and drinking establishments, as well as personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, on-site workforce living accommodations and other uses commonly associated with temporary lodging uses.

(b) Home occupations for residential use only, subject to the conditions set forth in section 6.5 of this Code. Home occupational licensing shall be prohibited for any temporary lodging unit and any affordable workforce living accommodation.

(c) Temporary structures under the provisions of section 6.11 of this Code.

Sec. 35.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the LR District.

Sec. 35.7. Density and intensity.

(1) Limitations on mixed use development density. Residential and temporary lodging units are permitted to be developed as separate buildings within the same development site; or combined within one building provided that a minimum of 200 temporary lodging units shall be constructed on the development site subject to the height limitations provided in section 35.8. Density shall be calculated based upon the pro rata acreage allocated to each land use.

(2) Limitations on temporary lodging use density. For the purposes of this division, lockout temporary lodging units shall count against specified density limitations. A lockout unit shall be defined as a room or rooms with sanitary facilities, with or without cooking facilities, which is attached and has access to a temporary lodging unit by means of a door or doors that are lockable from within the lockout unit, and that has a separate lockable access to the public areas or corridors. A lockout unit is capable of being functionally separated from the temporary lodging unit to which it is attached and rented as a separate room.

(b) Density.

(1) Existing development and all development that does not meet the minimum requirements of large-scale development defined in section 35.2 above shall not exceed the following density:

a. 50 temporary lodging accommodation units per acre; or

b. 15 residential units per acre;

(2) Large-scale development as defined in section 35.2 above shall not exceed the following density:

a. 75 temporary lodging units per acre excluding any affordable housing bonus that may be approved pursuant to 35.7(b)(3) below; or

b. 15 residential units per acre; or

c. A combination of residential and temporary lodging units which shall be prorated on an acreage basis allocated to each use, provided that a minimum of 200 temporary lodging units will be constructed on the development site; and

(3) Affordable housing density bonus. An affordable housing density bonus shall be permitted for large-scale temporary lodging use as defined in section 35.2 as follows:

a. A temporary lodging unit density bonus shall be permitted up to, but shall not exceed, under any circumstances whatsoever, an additional five bonus units per acre and an additional 0.2 floor area ratio to accommodate the additional temporary lodging units for a defined large-scale resort redevelopment;

b. Temporary lodging accommodation density bonus units or on-site affordable workforce living accommodations provided in compliance with the general or large resort affordable housing mitigation programs, as applicable, shall not be subject to general or additional large resort affordable housing mitigation fees or other program requirements, as may be required in division 40 of this Code;

c. Any on-site affordable workforce living accommodations shall be deemed an accessory or ancillary use to defined large-scale temporary lodging use and shall be exempt from maximum density and floor area ratio standards and shall be subject to the same hurricane closure and evacuation plan approved for the temporary lodging facility;

d. Any on-site affordable workforce living accommodations shall be prohibited from being advertised or otherwise used for guest temporary lodging or home occupational licensing purposes; and shall be exclusively used for providing affordable on-site living accommodations for employees eligible for low income or very low income status as defined by the applicable county and city rules and guidelines;

e. A legally enforceable restrictive covenant in a form and content acceptable to the city shall be required as a condition of site plan approval and recorded in the public records of Pinellas County upon issuance of a building permit setting forth the restrictions provided in subsections (i)d. above.

(c) Prohibition on conversion. Temporary lodging units existing, or approved to be developed or redeveloped in the LR District shall be prohibited from converting to residential dwelling units that exceed the density limitation of 15 residential dwelling units per acre; and further, shall be subject to the additional occupancy, operation and use restrictions and prohibitions contained in division 39.6.

(d) Intensity.

(1) Existing temporary lodging use and development of temporary lodging use that does not satisfy the requirements of a large-scale development as defined in section 35.2., shall calculate intensity as follows: Floor area ratio shall include indoor amenities and shall exclude structured parking, approved on-site affordable workforce living accommodations and outdoor amenities such as tennis courts, pools, and the like; and subject to the foregoing, intensity shall not exceed the following:

a. Floor area ratio of 1.8; and

b. The preceding intensities may include the normal ancillary residential area for on-site security, maintenance and management and normal ancillary non-residential guest facilities; and

c. Freestanding nonresidential uses shall be prohibited; and

d. Variances to exceed the maximum floor area ratio above as established in this future land use plan shall be prohibited.

(2) Large-scale temporary lodging use. Floor area ratio shall include indoor amenities and exclude structured parking, approved on-site affordable workforce living accommodations, and outdoor amenities including but not limited to: tennis courts, pools, and the like. Subject to the foregoing, intensity shall not exceed the following:

a. Floor area ratio of 2.6; and

b. As a bonus, secondary commercial uses provided in section 35.3(b)(1) that serve the general public may be constructed but shall not exceed an additional floor area ratio of 0.15 of the buildings site, subject to the restrictions and limitations contained in 35.7(d)(6); and

c. The preceding intensities may include the normal ancillary residential area for on-site security, maintenance and management and normal ancillary non-residential guest facilities; and

d. Variances to exceed the maximum floor area ratio above as established in this future land use plan shall be prohibited.

(3) *Density/intensity standards for large-scale mixed use development.* A development that provides a minimum of 200 temporary lodging units may include a secondary residential use component for a mixed use development project; density and intensity shall be determined on a pro rata basis per acre allocated to each use based on the preceding densities and intensities.

(4) *Building limitations on bonus secondary commercial uses.* Secondary uses defined in section 35.3(b)(1) shall not be located within the principal temporary lodging building(s) and shall be located facing and adjacent to Gulf Boulevard in a building that is accessible primarily by the pedestrian at street level. Secondary commercial uses may be contained in a freestanding nonresidential building or may be located within a liner retail building facing and accessible to Gulf Boulevard and connected to a parking structure designed to conceal the parking facility from Gulf Boulevard.

(Ord. No. 2008-11, § 1, 6-3-08)

Sec. 35.8. Building height.

(a) *Restrictions and limitations.* The maximum height for each use within the LR District shall not exceed:

(1) *Residential use only.* Building height shall not exceed 50 feet.

(2) *Mixed temporary lodging/residential uses in same building.* Building height shall not exceed 50 feet above base flood elevation regardless of development site size for any building containing temporary lodging units and residential units.

(3) *Temporary lodging use only.*

a. Development of a temporary lodging use that does not exceed 50 units per acre shall not exceed eight stories or 100 feet above base flood elevation.

b. Large-scale development of a temporary lodging use that exceeds 50 units per acre shall not exceed 146 feet.

(4) *Secondary small-scale commercial uses.* Buildings containing the secondary commercial uses described in section 35.3(b)(1) and subject to the limitations and restrictions in section 35.7(d)(6), shall not exceed a maximum height 28 feet. Notwithstanding the foregoing, if such uses are contained within a liner building facing Gulf Boulevard and designed to conceal a parking garage from the view along Gulf Boulevard, architectural features and facade treatments only shall be used to extend above the roof deck elevation to conceal the parking structure located behind the liner building.

Sec. 35.9. Setbacks.

(a) Large-scale development defined in section 35.2 and entire site demolition shall provide the following building and structure setbacks:

(1) Gulf Boulevard:

a. Large-scale development. The setback for any building from Gulf Boulevard, excluding any secondary small-scale bonus commercial uses facing and adjacent to Gulf Boulevard shall be a minimum of 100 feet or one-third of the average depth of buildable site, measured from the Gulf Boulevard right-of-way line to the Florida Coastal Construction Control Line, as may be amended from time to time, whichever is less. However, in no event shall the front setback from Gulf Boulevard be less than 75 feet.

b. Small Scale development. All other development that is not large-scale development as defined in section 35.2 shall provide a minimum setback from Gulf Boulevard of 75 feet, or one-quarter of the average depth of the buildable site, measured from the Gulf Boulevard right-of-way line to the Florida Coastal Construction Control Line, as may be amended from time to time, whichever is less. However, in no event shall the front setback from Gulf Boulevard be less than 60 feet.

c. Secondary small-scale commercial. Any building containing small-scale bonus commercial uses shall be setback a maximum of 20 feet from Gulf Boulevard. Main building entrances shall be visible and directly accessible by the pedestrian from Gulf Boulevard and shall have a street-level storefront character in compliance with the General Redevelopment design standards contained in division 39.

(2) Side yard: All development, excluding any secondary small-scale bonus commercial uses facing and adjacent to Gulf Boulevard, shall provide a combined minimum side yard setback equal to at least 30 percent of the lot width, with a minimum of 20 feet on one side, not to exceed 60 feet combined for both side setbacks, subject to section 35.9(b) below for existing buildings to remain on-site as part of the overall unified development site plan. Secondary commercial uses shall have a minimum 15 foot side yard setback.

(3) Rear yard all development. The rear yard setback for all development abutting the Gulf beaches shall be the Florida Coastal Construction Control Line or St. Pete Beach Coastal Construction Control Line, whichever is more restrictive. Buildable sites that do not abut the Gulf beaches shall provide a minimum rear setback of 20 feet.

(4) Secondary front yard. All development that has parcel boundaries abutting a side street shall provide a minimum secondary front yard setback of 30 feet.

Sec. 35.10. Temporary lodging amenity requirements and restrictions.

Within the LR Large Resort District, temporary lodging uses shall, at a minimum, comply with the following:

(a) Temporary lodging operational and occupancy restrictions, limitations and prohibitions. All temporary lodging uses shall be subject to the operational and occupancy restrictions, limitations and prohibitions provided in section 39.6 contained in division 39 of the LDC.

(b) Temporary lodging services and amenity requirements.

1. The following guest amenities are the minimum required for all new development of temporary lodging uses regardless of size or density:

- a. Housekeeping services;
 - b. Swimming pool or spa;
 - c. Fitness facility; and
 - d. Business center.
2. The following guest amenities are the minimum required for all large-scale development of temporary lodging use and one or more of these amenities are strongly encouraged for all other temporary lodging uses:
- a. Concierge services;
 - b. Restaurants and other food services that include full service of a minimum of two meals daily open to the public as well as hotel guests;
 - c. Retail space serving hotel guests and the public; and
 - d. Meeting rooms or conference facilities available to serve the public and hotel guests.
3. Temporary lodging uses constructed prior to the adoption of these regulations are exempt from the requirements of this section 35.10(b).

Sec. 35.11. Maximum impervious surface ratio (ISR).

- (a) In general. The maximum impervious surface ratio for any new development or redevelopment project regardless of size shall be as follows:
- (i) Temporary lodging use shall not exceed 0.85; or
 - (ii) Residential use shall not exceed 0.70; or
 - (iii) Combined temporary lodging and residential uses. In the event a portion of a development site is redeveloped in part as temporary lodging use and in part as residential use subject to the limitations and restrictions set forth in this division, the impervious surface ratio shall be provided for each use as required above on a pro rated basis per acre dedicated to each use; and
 - (iv) Variances to exceed impervious surface ratio (ISR) requirements shall be prohibited.

Section 35.12. Minimum Off-Street Parking Requirements

Shall be in accordance with the requirements of Division 23 of the Land Development Code, Off Street Parking and Loading.

Section 35.13 Landscaping

Shall be in accordance with the requirements of Division 22 of the Land Development Code, Landscaping and Tree Protection.

35.14 Design Requirements

Shall be in accordance with the requirements of Division 39.

35.15 Signs

Shall be in accordance with Division 26.

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE 2011-33

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF THE COMPREHENSIVE PLAN OF THE CITY BY AMENDING THE FUTURE LAND USE PLAN MAP AS ILLUSTRATED IN EXHIBIT A; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE PLAN MAP DESIGNATION OF PROPERTY GENERALLY LOCATED AT 1307 GULF WAY; PROVIDING FOR A CHANGE IN THE DESIGNATION OF SAID PARCEL FROM RESIDENTIAL HIGH WITH THE RESORT FACILITIES OVERLAY TO RESIDENTIAL LOW MEDIUM ON THE CITY'S FUTURE LAND USE PLAN MAP; 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.

WHEREAS, the City has received an application for the amendment of the Future Land Use Designation of the property described herein from the owner thereof; and

WHEREAS, the City's Planning Board, acting as the City's Local Planning Agency, has reviewed this ordinance, found it to be consistent with the City's adopted Comprehensive Plan and has recommended approval thereof; and

WHEREAS, the City Commission has found this ordinance to be consistent with the City's adopted comprehensive plan; and

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

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

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

Section 1. The Comprehensive Plan of the City of St. Pete Beach, Florida is hereby amended by amending the Future Land Use Plan Map incorporated therein by changing the future land use designation of the property generally located at 1307 Gulf Way and more particularly described as Lots 133, 134, and the North 35 feet of lot 135, Block B, Warren Webster's Map, together with a parcel of land lying west of and adjacent to said lots 133, 134, and the north 35 feet of lot 135 described as follows: From a point of beginning at the northwest corner of lot 133, run South 00°31'21" East, 135 feet, thence South 89°31'16" West 22.24 feet; thence North 00°00'36" East 135 feet; Thence North

89°31'16" East, 20.98 feet to the Point of Beginning, from Residential High with the Resort Facilities Overlay to Residential Low Medium.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. 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 4. This ordinance shall become effective 30 days from adoption.

STEVE MCFARLIN, MAYOR

LPA NOTICE PUBLISHED: 10/12/2011 and 10/19/2011

LPA PUBLIC HEARING: 10/26/2011

FIRST READING:

PUBLISHED:

SECOND READING/ADOPTION HEARING:

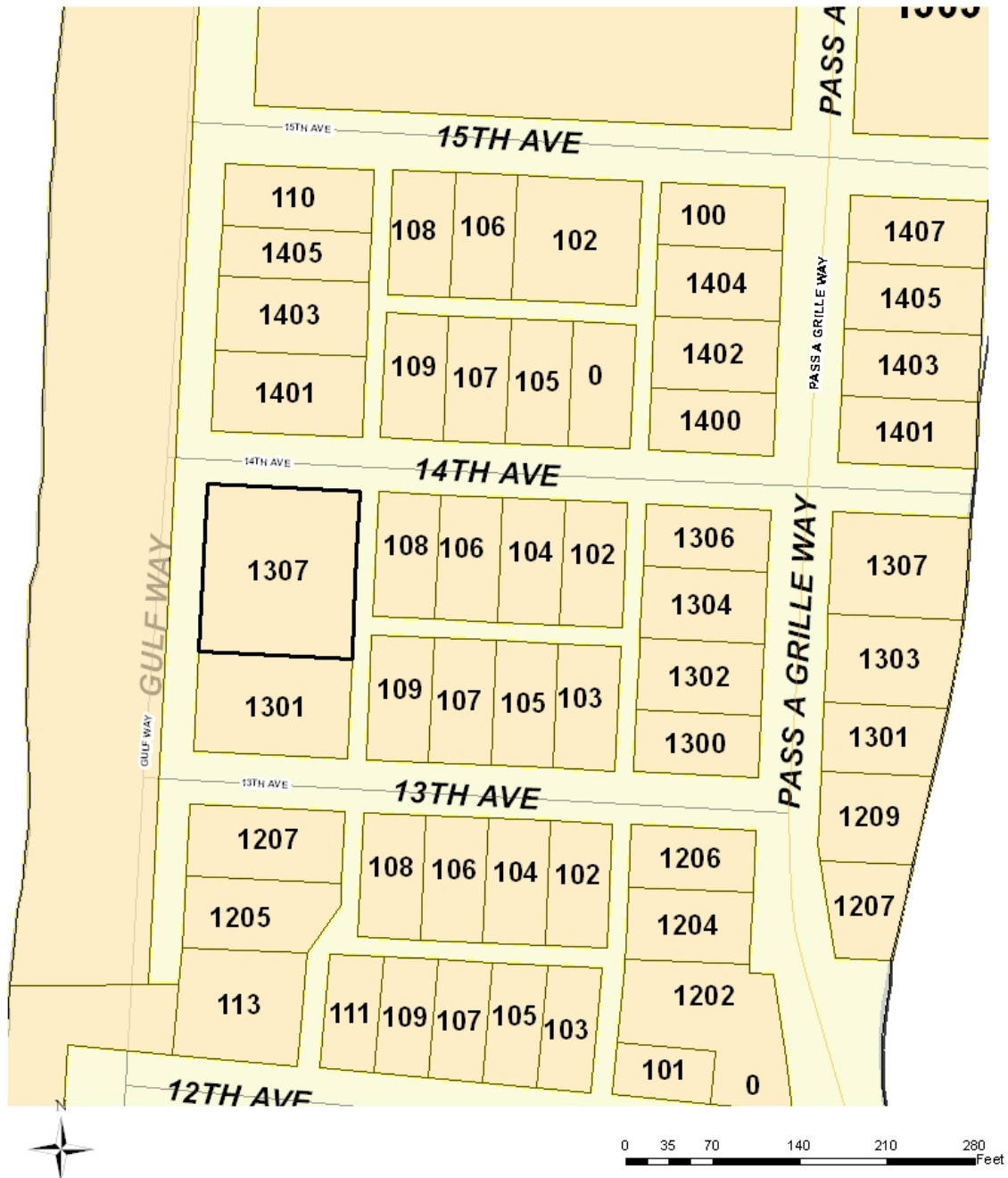
PUBLISHED ;

I, Rebecca Haynes, 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 _____, 2011

Rebecca Haynes, City Clerk

Exhibit "A"

Ordinance 2011-33 Change to the Future Land Use Map
Ordinance 2011-34 Change to the Official Zoning Map
1307 Gulf Way



CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE 2011-34

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP AS ILLUSTRATED IN EXHIBIT A; PROVIDING FOR AMENDMENT OF THE ZONING DESIGNATION OF PROPERTY GENERALLY LOCATED AT 1307 GULF WAY; PROVIDING FOR A CHANGE IN THE DESIGNATION OF SAID PARCEL FROM THD TO RLM-2 ON THE CITY'S OFFICIAL ZONING MAP; 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.

WHEREAS, the City has received application for rezoning of the subject property from the owner of said property; and

WHEREAS, the City's Planning Board, acting as the City's Local Planning Agency, has reviewed this ordinance, found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

WHEREAS, the City Commission has found this ordinance to be consistent with the City's adopted comprehensive plan; and

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

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

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

Section 1. The Official Zoning Map of the City of St. Pete Beach, Florida is hereby amended by changing the zoning designation of the property generally located at 1307 Gulf Way and more particularly described as Lots 133, 134, and the North 35 feet of lot 135, Block B, Warren Webster's Map, together with a parcel of land lying west of and adjacent to said lots 133, 134, and the north 35 feet of lot 135 described as follows: From a point of beginning at the northwest corner of lot 133, run South 00°31'21" East, 135 feet, thence South 89°31'16" West 22.24 feet; thence North 00°00'36" East 135 feet; Thence North 89°31'16" East, 20.98 feet to the Point of Beginning, from THD to RLM-2.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. 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 4. This ordinance shall become effective upon adoption of the amendment of the Future Land Use designation for the subject property on the Future Land Use Plan Map of the City of the St. Pete Beach Comprehensive Plan from Residential High with the Resort Facilities Overlay to Residential Low Medium in accordance with all applicable requirements of State, County and local law.

STEVE MCFARLIN, MAYOR

LPA NOTICE PUBLISHED: 10/12/2011 and 10/19/2011

LPA PUBLIC HEARING: 10/26/2011

FIRST READING:

PUBLISHED:

SECOND READING/ADOPTION HEARING:

PUBLISHED :

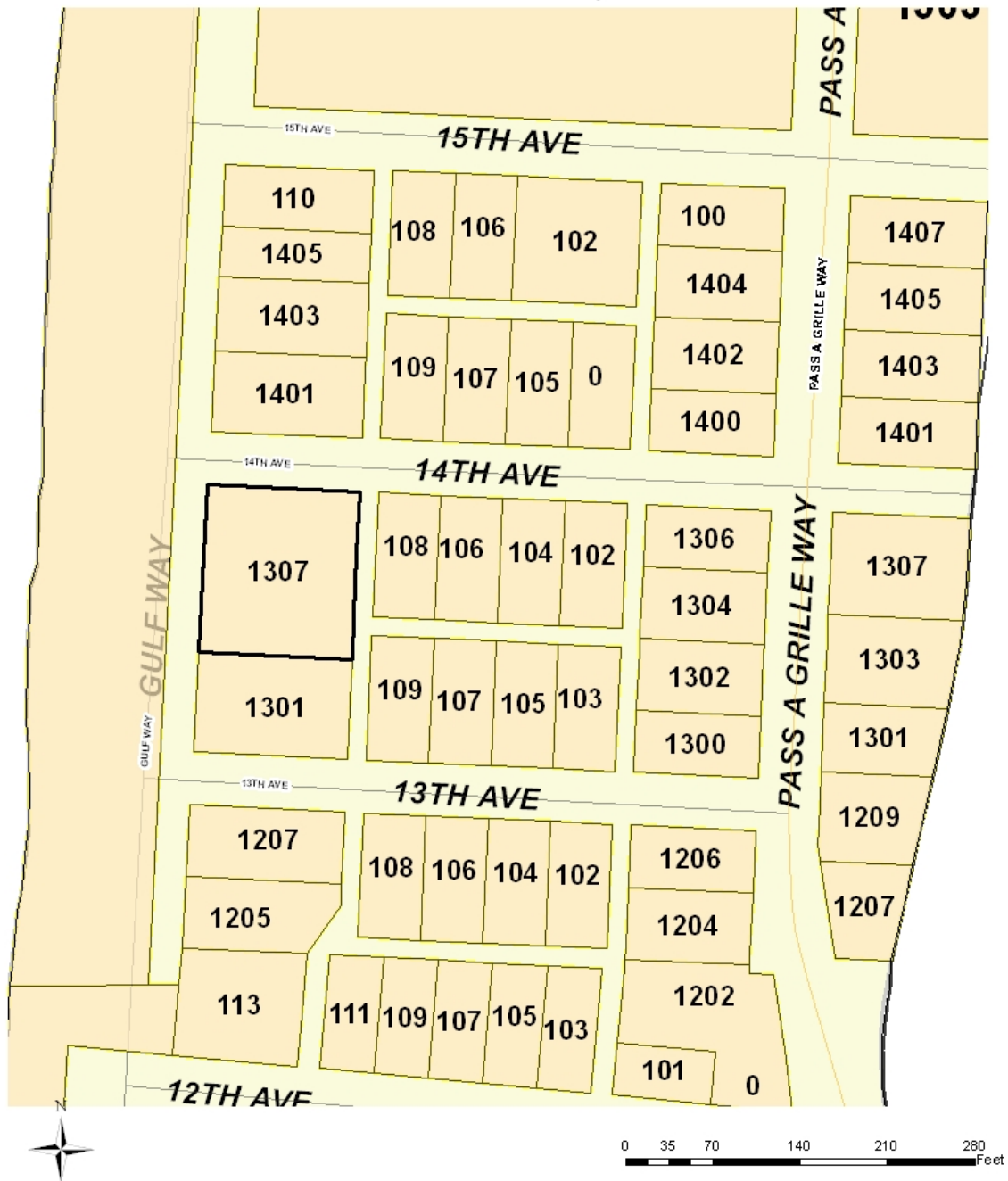
I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this

_____ day of _____, 2011

Rebecca Haynes, City Clerk

Exhibit "A"

Ordinance 2011-33 Change to the Future Land Use Map
Ordinance 2011-34 Change to the Official Zoning Map
1307 Gulf Way



City of St. Pete Beach
Planning Board
Public Hearing
Case # 2011-32
Case # 2011-33
October 26, 2011

Property Information

Address: 1307 Gulf Way

Owner: 1307 LLLP

Agent: David Bacon

Existing Use: Temporary Lodging

Proposed Use: Residential

Parcel Size: 16,605 square feet or .38 acres

Requests: Change of Future Land Use Designation from Residential High with the Resort Facilities Overlay to Residential Low-Medium.

Change of Zoning from Traditional Hotel District (THD) to Residential Medium (RLM-2).

Background Information:

In 2009, the Future Land Use designation was changed from Residential Low Medium to Residential High with the Resort Facilities Overlay. The zoning was concurrently changed from RLM-2 to THD. The purpose of the applications, according to the owner of the property of that time, was to redevelop the existing hotel into an updated temporary lodging facility.

Since the rezoning in 2009, the Land Development Regulations regarding the Traditional Hotel District have been modified to limit the redevelopment of hotels in the THD. Specifically, the LDC was amended to only permit the rebuilding of the same square footage as the former transient use, with the allowance of a 5% increase in square footage for accessibility requirements. Additionally, swimming pools became a prohibited use in the THD. The property has since changed hands and the new owner has requested the property be re-designated and rezoned to a residential use.

Staff Analysis

Consistency of the request with the Comprehensive Plan:

The following goals, objectives, and policies are germane to the application:

Citywide Land Use Goals, Objectives and Policies. In furtherance of the overall goals, objectives, and policies contained in the Comprehensive Plan, the land use categories and their descriptions, beginning on the next page, are hereby adopted for the purpose of

serving as the guide for the City of St. Pete Beach in continuing its heritage of quality residential living complemented by resort facilities that support a tourist-based economy by creating a vision for the City's future that ensures that the City will remain a desirable place to live and visit that includes overall quality land management and emphasis on strict management of redevelopment in designated strategic core areas of the City.

Objective 2.13

The City shall promote the preservation and redevelopment of temporary lodging uses.

Policy 2.1.5

Through the enforcement of the land development regulations, existing residential areas shall be protected from the encroachment of incompatible uses; likewise, other land use areas shall be protected from the encroachment of incompatible residential uses.

Policy 2.1.6

The conservation, maintenance and rehabilitation of existing residential areas shall be encouraged through provisions contained in the land development regulations and other applicable City codes.

Policy 2.3.5

The City shall encourage the maintenance of tourist lodging facilities in keeping with the character of the community.

Objective 2.4

Consistent with this comprehensive plan, as amended, the City of St. Pete Beach shall enhance and protect the City's character through the encouragement of redevelopment which ensures an orderly and aesthetic mixture of land uses.

Policy 2.4.1

The City shall, through administration of the LDC, encourage the redevelopment or rehabilitation of existing non-residential areas and uses.

Future Land Use Map amendments are a legislative function of local government under Florida law, which holds the governing authority to a general standard of reasonableness in making the determination. In addition, Land Use Map changes should be broadly consistent with relevant Comprehensive Plan policies. Beyond this, there are no decision making criteria specified in State statute or local ordinance beyond ensuring that Level of Service Standards shall not be degraded.

Section 3.9 of the Land Development Code sets forth the standards for review of requests for re-zonings:

Standards for review. In reviewing the application for a rezoning, the staff, the planning board and the city commission shall consider whether the proposed rezoning is consistent with and furthers the goals, policies and action strategies of the comprehensive plan.

In addition, the planning board and city commission shall consider the following:

- a. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan. The planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;*
- b. Compatibility with adjacent properties and the existing land use pattern;*
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts;*
- d. The population density pattern and increase in demand for public utilities or services, including potable water supply, sanitary sewer capacity, law enforcement or fire suppression;*
- e. Any increase in use of city infrastructure, including stormwater management facilities, streets and roads, water lines, sewer lines or lift stations;*
- f. Whether existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;*
- g. Whether changed or changing conditions make the passage of the proposed amendment necessary;*
- h. Whether the proposed change will adversely affect drainage.*
- i. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;*
- j. Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare; and*
- k. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

Although not reflected on the zoning map, Pass-a-Grille is a mixed-use district containing a variety of land uses including single family residential, multifamily residential, temporary lodging, office, retail, restaurants and other commercial uses, recreational uses, and institutional uses such as churches and clubs. Although the zoning map represents a strict separation of land uses, the actual uses on the ground are considerably more mixed.

The change in zoning would not be inconsistent with the Land Use Plan Map if the request for a change to the Future Land Use Map is granted. There are goals, objectives, and policies in the comprehensive plan that support both the maintenance of residential areas and temporary lodging uses.

The property immediately adjacent to the subject property is a conforming temporary lodging use in terms of both the Comprehensive Plan and the Land Development Code. It could be argued that the change from a temporary lodging use to a residential use would be incompatible with the abutting property. However, the property would not be an isolated residential district, as the properties within the surrounding blocks are designated residential.

There is no significant impact on public facilities anticipated by the change in land use or zoning.

The existing boundary of the Traditional Hotel district is logical in that the existing use on the subject property and the property abutting the subject property are temporary lodging uses.

The applicant has not identified any changes in conditions that would warrant the change in future land use or zoning.

Impacts to drainage are not anticipated, as any new construction will be compelled to follow any regulations regarding drainage and stormwater mitigation.

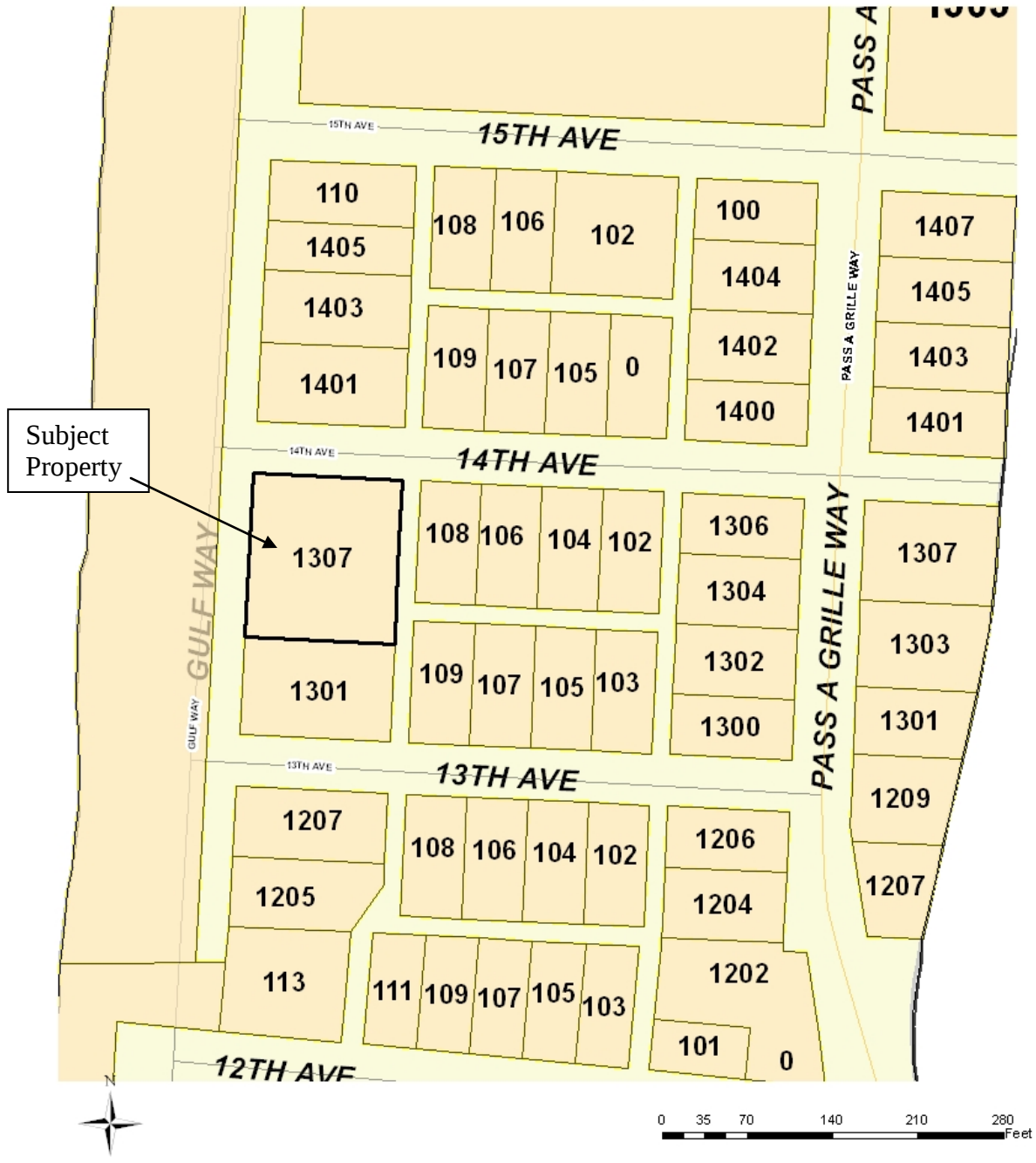
It could be argued that the change in zoning to the subject property could impede the redevelopment of the abutting property, as an additional buffer would be required on the adjacent property if redevelopment next to a residential use.

Development allowed under the proposed zoning is generally consistent in size and mass to that allowed under the present zoning. The “needs” of the community as expressed in economic terms have not been clearly defined and are therefore difficult to assess. No studies have been conducted which clearly establish the economic value of the tourist lodging facilities in Pass-a-Grille as opposed to residential uses.

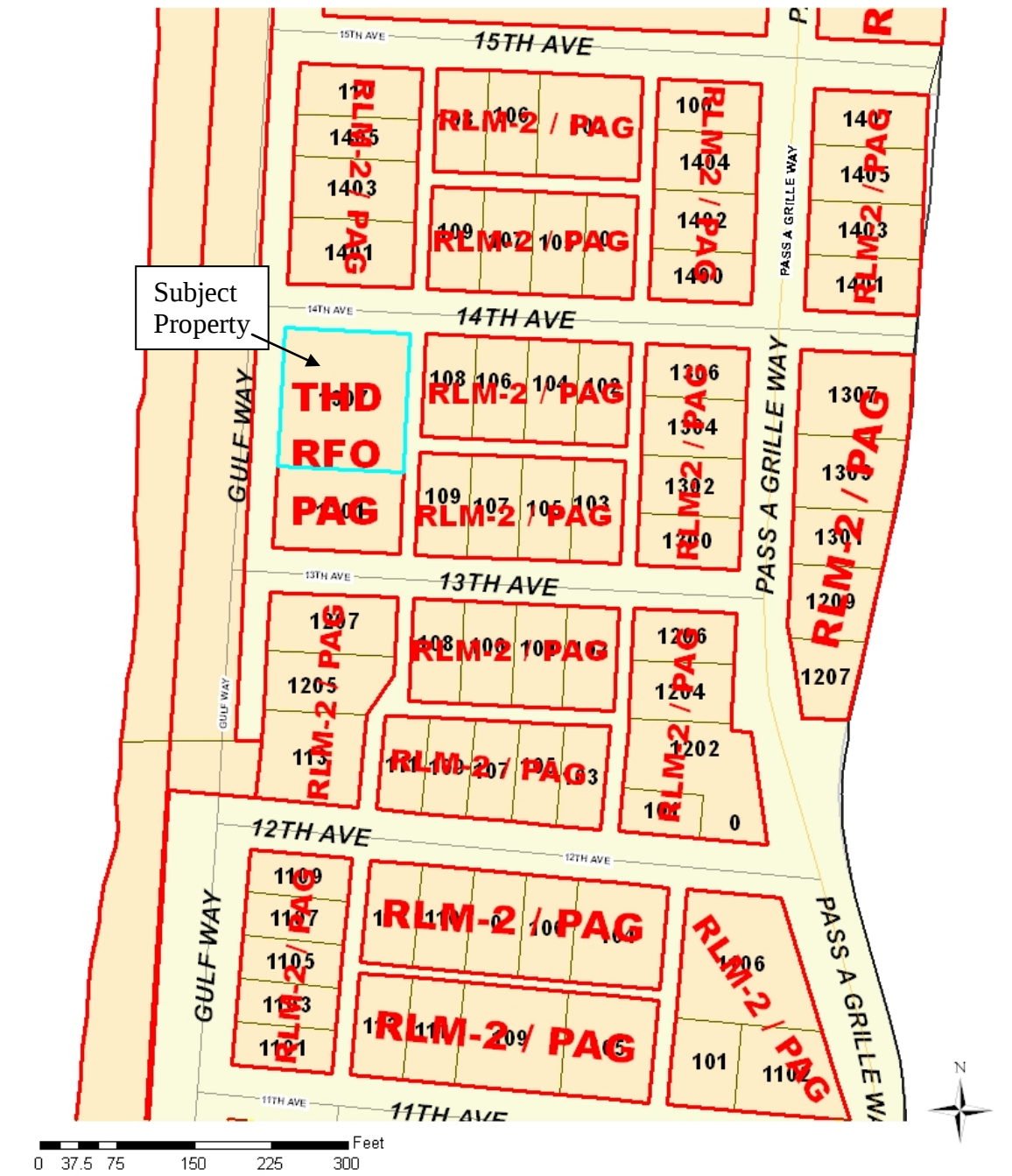
Summary and Conclusion

Certainly, there are policies in the Comprehensive Plan that support both the maintenance of the temporary lodging use and the maintenance of single family neighborhoods; However, there are more policies that lean towards maintaining the temporary lodging use. Multiple public meetings have been conducted over the last year in which both the public and elected officials have stated that the preferred location of temporary lodging uses are on Gulf Way and Pass-a-Grille Way versus the interior streets where single family residences are the predominate uses. However, the restrictions recently adopted that limit the redevelopment of temporary lodging uses in the traditional hotel district would also lend to the argument that temporary lodging uses are not the preferred use for the Pass-a-Grille area.

Ordinance 2011-33 Change to the Future Land Use Map
Ordinance 2011-34 Change to the Official Zoning Map
1307 Gulf Way



1307 Gulf Way and Surrounding Properties Current Zoning



LAW OFFICES
OF
Bacon & Bacon, P.A.
A Professional Association

2959 FIRST AVENUE NORTH
ST. PETERSBURG, FLORIDA 33713

BACON & BACON, P.A.
ADRIAN S. BACON (19242001)
DAVID A. BACON

TELEPHONE: 727-327-3935
FACSIMILE: 727-323-4936

September 16, 2011

City of St. Pete Beach, Florida
Attn: Catherine Hartley, Zoning Dept.
155 Corey Avenue
St. Pete Beach, FL 33706

IN RE: Rezoning Application
Property Owner: 1307 Gulf Way, LLLP
Property Address: 1307 Gulf Way, St. Pete Beach

Dear Catherine:

I am enclosing herewith the following document in reference to the above application:

1. Rezoning Application;
2. Authorization Form;
3. Survey prepared by George F. Young; and
4. A check made payable to the City in the amount of \$2,043.44, representing the following:

a.	Zoning Application Fee -	\$500.00
b.	Flume (Land Use Map Change) Fee -	\$1,000.00
c.	Mailing Costs -	\$230.40
d.	Mailing Costs - repealing of Development Agr. -	\$313.04

Should you require any additional information or documentation at the present time, please advise me accordingly. Thanking you for your attention to the foregoing, I am

Sincerely,
BACON & BACON, P.A.

Jodilynn Furlong,
Florida Registered Paralegal
Enclosure

cc: Client

PLEASE TYPE OR
PRINT LEGIBLY



APPLICATION
(Check appropriate boxes)

Complete the information required below, read and initial the caveats on PAGE 2 of this form, sign below where indicated and attach a recent survey of the subject property and any supporting drawings and documents you think will enhance your application.

☐ Plan change ☒ Rezoning

APPLICANT/AGENT:

Name: Bacon & Bacon, P.A.-David Bacon Esq.

Address: 2959 First Avenue North

City: St. Petersburg State: FL

Zip: 33713 Telephone: 727-327-3935

PROPERTY OWNER:

Name: 1307 Gulf Way, LLLP

Address: 1324 S. Lakeshore Drive

City: Sarasota State: FL

Zip: 34231 Telephone: 941-358-6868

PROPERTY:

Address: 1307 Gulf Way, St. Pete Beach, FL

Parcel ID: 18-32-16-95454-004-1330

Current Zoning: THD Proposed Zoning: RLM-2 Current Land Use: Residential High Proposed land use: RLM

Lot area: _____

DETAILS OF THE REQUEST (Add additional sheets if necessary):

Property is currently zoned THD and improved with a dilapidated, non-operational building formerly operated as the Gulf Way Inn. Property owner intends to cause the existing building to be demolished and desires to change the zoning to allow the property to be three (3) single family lots for eventual improvement with single family dwellings.

1307 Gulf Way, LLLP
By: [Signature] - Howard A. Jacobs 7-21-11
Signature of Applicant & Date

For office use only:

Case Number: _____ Scheduled PB Meeting: _____ Fees: _____

PB Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied

Forwarded to City Commission: Date Sent: _____ Scheduled for: _____

City Commission Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied

File Closed: _____

Property address 1307 GULF WAY (continued)

THE FOLLOWING ITEMS MUST BE INITIALED BY APPLICANT OR AGENT:

- ☒ I understand that the Board's action is not final. It must be approved by the City Commission, and I further understand that the Commission may modify the conditions of approval or deny the application.
 - ☒ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 days after the Commission decision, otherwise, the decision shall be final.
 - ☒ I understand that I, as the applicant, or an authorized representative must be present at all scheduled public meetings on the application.
-



Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE 1307 GULF WAY, LLLP
(print name of property owner)

hereby authorize BACON + BACON, P.A. - DAVID BACON
(print name of agent)

to represent me/us in an application for RE-ZONING
(type of application: variance, land use, zoning, special event, etc)

1307 GULF WAY, LLLP
BY: [Signature] - President
Signature of owner

HOWARD A. JACOBS - President
Print name of owner

[Signature]
Signature of owner
[Signature]
Print name of owner

The foregoing instrument was acknowledged before me this 21 day
of July, 2011, by HOWARD A. JACOBS who
is personally known X or produced _____ as
identification.

[Signature: Denise M. Nigginton] 7/21/11
(Notary Signature) (Date)

My commission expires 1/31/15

