



**Planning Board
155 Corey Avenue
5/15/2012**

4:00 p.m.

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

Regular Meeting

1. Acceptance of Minutes:

- 4/17/2012

2. Action Items:

AN ORDINANCE TO BE ENTITLED: AMENDING THE TEXT OF SECTION 34.2 OF THE LAND DEVELOPMENT CODE TO ADD CLASS B DOCKS (DOCKS FOR MULTIFAMILY RESIDENTIAL) AS A PERMITTED USE IN THE DCR (DOWNTOWN CORE RESIDENTIAL) ZONING DISTRICT.

AN ORDINANCE TO BE ENTITLED, AMENDING THE TEXT OF SECTION 3.10 OF THE LAND DEVELOPMENT CODE AS IT RELATES TO EXPANSION AND/OR ENLARGEMENT OF NON-CONFORMING PRINCIPAL AND ACCESSORY USES AND STRUCTURES.

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.

ADA

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

PLANNING BOARD

MINUTES

April 17, 2012

4:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Ward Friszolowski, Chairman
Don Breitweiser, Vice Chairman
Mike Lehman, Member
Tom DeYampert, Member

ABSENT:

Ron Holehouse, Member

ALSO PRESENT:

Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk, MMC

1. Approval of Minutes

Member Breitweiser made a motion to approve the minutes of February 21, 2012, as written. The motion was seconded by Member Lehman and unanimously approved by a voice vote.

2. Discussion Items

a. An Ordinance to be entitled: Amending the text of Section 34.2 of the Land Development Code to add Class B docks (docks for multifamily residential) as a permitted use in the DCR Downtown Core Residential zoning district.

Senior Planner Catherine Hartley pointed out that this section was inadvertently left out of the Land Development Code during the revision

process and asked the Board if they would like to include docks for multifamily dwellings. There were no objections from the members.

Member Breitweiser asked for a definition of Class B docks. Ms. Hartley defined Class B docks to include multifamily residential dwellings and exclude public marinas.

Senior Planner Hartley advised that she would prepare the ordinance for a public hearing at the next meeting.

b. Traditional Hotel District (THD)

Member DeYampert asked for an update on the Board's recent discussions regarding the THD regulations.

Chairman Friszolowski reported that, at a previous meeting, a gentleman who owned property at 1307 Gulf Way requested the zoning be changed from THD to Single Family Residential because it was not economically feasible for him to build a tourist lodging facility under the THD regulations.

Member Lehman pointed out that the Board agreed to hold a joint meeting with the historic board and invite professionals to attend to give their input regarding the type of tourist lodging facilities that they felt would be economically feasible in Pass-a-Grille.

Senior Planner Hartley advised that the City Manager is in the process of receiving input from the City Commission regarding what type of regulations they desire for the THD. Ms. Hartley stated that after they get input from the City Commission the Board will review the regulations at a future meeting.

3. Adjournment

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

Attest:

Rebecca C. Haynes, City Clerk

Ward J. Friszolowski, Chairman

Minutes approved on: _____

DIVISION 2 - DEFINITIONS

Dock means any structure, including a pier, wharf, loading platform, tie poles, dolphins, accessory structures, or a boat lift which is constructed on piles, over open water, or which is supported by flotation on the waters of the county. Docks are further classified as follows:

(1)

Residential dock means a dock that is permitted as an accessory to a one- or two-family residential use which is built on pilings over water or supported by flotation devices, and is designed or used to provide moorage for one or more boats without charge.

(2)

Commercial dock means a structure on piles over water or a structure that is defined as a commercial dock by the county environmental resources management division and which is designed or used to provide a berth for and access to one or more private, charter, commercial or party boats further classified and defined, as follows:

a.

Class A means any dock used in connection with a hotel, motel, restaurant and where the slips are not rented, leased or sold, but utilized as an enhancement to the principal function of the basic facility.

b.

Class B means any dock used in connection with a social, fraternal club or organization, and where use of the facility is restricted to members only or multiuse private docks owned individually or in common by the residents of any residential development with three or more residential units.

c.

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

d.

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

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2012- ____

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA PROVIDING FOR AMENDMENTS TO DIVISION 34.2 OF THE LAND DEVELOPMENT CODE AS IT RELATES TO PERMITTED USES; PROVIDING FOR AMENDMENTS TO THE DEFINITIONS; ALLOWING CLASS B DOCKS AS A PERMITTED USE IN THE DOWNTOWN CORE RESIDENTIAL ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City amended the Land Development Code to add 9 new zoning districts consistent with the character districts established in the Comprehensive Plan in 2011; and

WHEREAS, The DCR (downtown core residential) district allows for multifamily residential as a permitted use; and

WHEREAS, residential docks are permitted for single family residential; and

WHEREAS, docks for multifamily residential are treated as commercial docks in the Land Development Code and were inadvertently left out of the DCR district; and

WHEREAS, the City's Planning Board, acting as the City's local planning agency, has reviewed this ordinance amending Division 34 and 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 of the health, 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. Division 34 of the City of St. Pete Beach, Florida Land Development Code is hereby amended as illustrated 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: May 9, 2012

LPA PUBLIC HEARING: May 15, 2012

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 _____, 2012

Rebecca Haynes, City Clerk

“Exhibit A”

Sec. 34.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the Downtown Residential District are as follows.

(a)

Residential dwellings—Attached and detached single family, two-family and multifamily.

(b)

1. Residential docks.

2. Commercial Docks- Class B

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2012- ____

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA PROVIDING FOR AMENDMENTS TO DIVISION 3.10 OF THE LAND DEVELOPMENT CODE AS IT RELATES TO NON-CONFORMITIES; CLARIFYING THE LANGUAGE REGARDING NON-CONFORMING USES, STRCUTRES, DENSITY, AND ACCESSORY STRCUTRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3.10 of the land Development Code addresses non-conforming situations; and

WHEREAS, The City wishes to clarify the language regarding how non-forming uses, structures, and densities are treated with regard to expansion, redevelopment, and repairs and maintenance; and

WHEREAS, the City's Planning Board, acting as the City's local planning agency, has reviewed this ordinance amending Division 3.10 and 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 of the health, 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. Division 3.10 of the City of St. Pete Beach, Florida Land Development Code is hereby amended as illustrated 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

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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 _____, 2012

“Exhibit A”

Sec. 3.10. - Vested rights and nonconformities.

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

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

(a)

Nonconforming lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Code, except as provided below, a single-family dwelling and customary accessory buildings may be erected on any lot of record as of the adoption date of this Code. This provision shall apply even though such lot fails to meet the requirements for lot width or area, or both, that are generally applicable to the district, provided that the building setbacks and other requirements shall conform to the regulations for the district in which the lot is located.

(b)

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

(1)

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

(2)

Any nonconforming structure which suffers substantial damage, as defined in this Code, shall only be repaired, restored or reconstructed in a manner which brings the entire structure into

compliance with all requirements of this Code and other applicable codes of the city.

(3)

Should ~~such a~~ nonconforming structure be moved, either vertically or horizontally, it shall comply with the following:

A.

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

B.

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

C.

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

(c)

Nonconforming uses. Nonconforming principle or accessory uses ~~of land, structures and premises~~ which were lawfully established prior to the adoption of this Code, but which are not permitted or are otherwise currently prohibited by this Code, may continue to operate at their present location until such time as such use has been discontinued. If the use is discontinued for more than 90 consecutive days or a total of 180 calendar days within a one-year period, subsequent use of the premises shall conform to the district regulations. ~~Continuance of nonconforming uses are subject to the following provisions:~~ Uses nonconforming by the type of use are regulated as follows:

(1)

~~Uses nonconforming by the type of use are regulated as follows:~~

~~a.~~

~~There shall be no increase of a~~A nonconforming use may not be by expansion of the use by constructing additional principle or accessory structures on the zoning lot, -expanded on to adjacent zoning lots, properties, expanded to other structures on the -zoning lot property, or within to other portions of a multi-tenant structure within which the nonconforming use is located. No multi-tenant structure may be converted into a single-tenant structure for the purpose of expanding a nonconforming use. Further, no new structure may be constructed, erected or affixed on property housing a non-conforming use, including but not limited to signage, fencing, accessory structures, swimming pools, and spas. structures associated with an accessory use.

2. b.

No structure in which a nonconforming use is located shall be enlarged, altered, improved or relocated to occupy other portions of the zoning lot upon which it is located or to increase the size of the structure. No new structure or structures shall be constructed to house a non-conforming use.

3e. No accessory structures shall be constructed to support a non-conforming use. The addition of accessory structures shall be considered the expansion of a non-conforming use.

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

(2)(d) Non-conforming densities

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

1. a.

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

2.b.

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

3.e.

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

4. Uses and structures that are non-conforming by reason of density that are substantially damaged due to catastrophic loss may either rebuild in the same footprint as the original structure or meet the adopted setbacks or required yards for the district. The replacement structure shall be no greater in square footage or taller than the original structure unless the zoning district permits a taller or larger structure. If the structure height was taller than the zoning district permits, the building except that structure height may be increased only by the height of the base flood elevation where necessary to comply with flood hazard mitigation requirements;

5. The replacement structure(s) shall meet all other local, state and federal building codes, life safety codes, ADA and costal construction requirements in place at the time of replacement; and

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

(d)

~~*Grandfathered nonconforming residential uses.* Notwithstanding the provisions of paragraph (c)(2) above and paragraph (e) following, nonconforming residential properties having a greater number of units than currently allowed under the provisions of the comprehensive plan and this Code that are lost through a catastrophic event may be reconstructed~~

with the same number of units as they had prior to the loss under the following conditions:

(1)

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

(2)

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

(3)

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

(4)

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

(5)

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

(6)

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

(e)

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

(1) Demolition of principle structure – No nonconforming accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, demolition, or destruction.

(1)(2) Substantial improvements to accessory structures

Any nonconforming accessory structure shall be brought into conformity with these regulations whenever a substantial improvement to the structure or the principal structure on the property is proposed and approved. ~~Notwithstanding the foregoing,~~

any accessory structure which is designated and constructed as a garage, the principle purpose of which is the storage of motor vehicles for single family residential purposes, which is substantially damaged as the result of a catastrophic event as defined in the Code of Ordinances, may be reconstructed in accordance with the criteria set forth in subsection (d) hereof.

(32) Catastrophic loss of non-conforming accessory structures.

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

(f)

Repairs and maintenance; maintaining safe condition. Repairs and maintenance of nonconforming principle or accessory structures or structures housing a non-conforming use are permitted. ~~Any part of a nonconforming principle or accessory structure or principle or accessory use which is destroyed or damaged to less than 50 percent of the value of such accessory structure may be repaired or restored if a permit for the repair or restoration is issued within 12 months of the date of the damage.~~