



PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

April 18, 2017
4:00

Call to Order
Pledge of Allegiance
Roll Call

- 1. Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A notation will be made that those items will be taken out of order.
- 2. Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.
- 3. Approval of Minutes**
- 4. Election of Chair and Vice Chair**
- 5. Agenda Items**
 - a. ORDINANCE 2017-06** – An Ordinance of the City of St. Pete Beach amending chapter 6- Alcoholic Beverages; section 6.2 – Hours of sale and operation.

- b. **ORDINANCE 2017-07** – Amendments to the Land Development Code reflecting changes as a result of Scrivener’s errors and amending conditional uses in the Activity Center (AC) and Bayou Residential(BR) Districts

6. Adjournment

APPEAL

APPEAL: Florida Statutes 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

Electronic media must be submitted a minimum of 24 hours in advance to cityclerk@stpetebeach.org

The public is cordially invited to attend.

All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

MARCH 21, 2017

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Michael Lehman, Vice Chairman
Jack Ohlhaber, Member
Marvin Shavlan, Member

ABSENT:

Linda Chaney, Member

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Mike Clarke, Public Services Director
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

Ms. Bryla, Community Development Director, announced that Item 5a, Development Agreement, will be heard during a second public hearing on April 11, 2017 at 6:00 p.m. in the Commission Chambers.

2. Audience Comments

There were no audience comments.

3. Approval of Minutes

- a. Minutes for Acceptance: January 17, 2017, Joint Meeting between Planning Board & Beach Stewardship Committee

Member Shavlan made a motion to approve the January 17, 2017 meeting minutes. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (4 yeses – 0 nos).

4. Agenda Items

- a. ORDINANCE 2017-04** – An ordinance of the City Of St. Pete Beach amending Chapter 82, Traffic and Vehicles, of the City of St Pete Beach Code of Ordinances, by amending Section 82-244 – “D” Residential Parking Permits.

Ms. Bryla gave a presentation in regard to Ordinance 2017-04 to the Planning Board.

Chairwoman Secka asked for public comment. Hearing none, Chairwoman Secka asked for a motion.

Member Ohlhaber made a motion to recommend approving Ordinance 2017-04. The motion was seconded by Member Shavlan and unanimously approved by a roll call vote (4 yeses – 0 nos).

- b. Case No. 2017-0005:** 5750 Gulf Blvd. - Applicant requests conditional use approval for a temporary lodging use with building height greater than 50 feet and density above 30 units per acre, pursuant to Section 35.3(b)(1), 35.3(d)(2), and Sec. 39.6(p) of the Land Development Code.

City Attorney Dickman made procedural comments to the board in regard to a quasi-judicial hearing.

Mary Jo Murphy, Deputy City Clerk, swore in individuals that were going to give testimony.

City Attorney Dickman asked for disclosures of any ex parte communications from the Planning Board members, and the board members complied.

Ms. Bryla gave a staff presentation to the board in regard to Case No. 2017-0005.

Chairwoman Secka asked the applicant to come forward and speak.

Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, an attorney with Hill Ward Henderson and representing the applicant, spoke in regard to the conditional use request.

Cyndi Tarapani, Florida Design Consultants, Vice President of Planning, submitted three renderings by Phil Graham Landscape Architecture, spoke in regard to her professional credentials and gave an explanation of the request to the Planning Board members.

Chairwoman Secka asked for audience comments.

The following people spoke in regard to Case No. 2017-0005:

Patrick Quinn, 5575 Gulf Boulevard
Steve Lazzari, 5575 Gulf Boulevard
Marie Riley, 370 59th Avenue
William Pyle, 6600 Sunset Way

Mr. Pyle also submitted a one-page document entitled “Sugar Sands at TradeWinds Island Grand Beach Resort, Conditional Use Application.”

The following people spoke in response to questions posed during audience comments:

Cyndi Tarapani, Florida Design Consultants
Tom Knapp, RKM Building Construction
Tim Bogott, CEO of the TradeWinds
Attorney Dickman, City Attorney

Chairwoman Secka asked for further audience comments. Hearing none, Chairwoman Secka closed audience comments.

Attorney Armstrong responded that he waived their right to a closing argument but stated they believed they had met the criteria and was responsive to all the questions posed.

Chairwoman Secka closed public comment and asked for board deliberation.

Chairwoman Secka reviewed the following language for the motion with the board members: make a motion for recommendation, but in respect to Condition No. 4, that instead of being within 5 years, that the unified site sidewalk will be completed at the time of the CO, Certificate of Occupancy.

Member Shavlan made a motion to recommend approval of Case 2017-0005, 5750 Gulf Boulevard, with the amended Condition No. 4 as discussed previously. The motion was seconded by Vice Chairman Lehman and unanimously approved by a roll call vote (4 yeses – 0 nos.)

Chairwoman Secka closed the Planning Board meeting. Chairwoman Secka announced there would be a five-minute recess, and the Planning Board would reconvene as the LPA, Local Planning Agency.

5. Planning Board Adjourns and Re-convenes as the LPA

- a. DEVELOPMENT AGREEMENT** – An Agreement between the City of St. Pete Beach, Florida, authorized by Sections 163.3220-163.3243, Florida

Statutes and the City's Land Development Code, Section 45.1-45.12, and the RIA Coral Reef, Inc., will be considered for the improvement of the City's wastewater system.

Deputy City Clerk Murphy gave roll call. Four members were present with Member Chaney being absent.

City Attorney Dickman gave a presentation to the board in regard to the Development Agreement and reviewed the following changes with the board:

- Page 2 and the exhibit cover sheet, Exhibit "B": ~~Proposed~~ Approved Conditional Use Permit for Sugar Sands
- Page 2 and the exhibit cover sheet, Exhibit "D": Unified Site Description ("Covenant running with the land in lieu of Unity of Title")
- Page 2 and the exhibit cover sheet, Exhibit "G": Certificate of Concurrency ~~Determination Letter~~
- Page 2 and the exhibit cover sheet, Exhibit "I": Current Sewer Connection Fee Schedule ~~as of "Effective Date"~~
- Page 5, Section 6.1, c.: Certificate of Concurrency ~~determination~~ from the City in Exhibit "~~H~~ G" which reflects the timing of necessary concurrency requirements.

City Attorney Dickman noted he would submit a list of the changes to the Deputy City Clerk.

Attorney Ed Armstrong, 600 Cleveland Street, Suite 800, Clearwater, Florida, Attorney with Hill Ward Henderson and representing the applicant, spoke in regard to the draft Development Agreement and the developer.

Wayne Saunders, City Manager of the City of St. Pete Beach, spoke about the city sewer system analysis, I&I repair work, system surcharges, overflows, and the developer subsidizing the project.

Attorney Armstrong spoke about Development Agreements pursuant to Chapter 163, Florida Statutes.

Mr. Bogott reviewed and submitted a document entitled "Summary of Benefits of Public/Private Partnership for St. Pete Beach North Project Sewer Improvements" and the 6-million dollar subject project.

Chairwoman Secka asked for audience comments.

Bill Pyle, President of the Silver Sands Master Association and the Building B Association, reviewed and submitted a document entitled "9.4.1 Owner's Connections and Credits..."

Mr. Saunders spoke about the fee schedule applying only to new construction.

Chairwoman Secka asked for further audience comments. Hearing none, Chairwoman Secka closed audience comments.

City Attorney Dickman asked that a motion be made with the changes he previously stated.

Chairwoman Secka asked for a motion of recommendation, including the changes outlined by the City Attorney.

Member Ohlhaber made a motion to recommend the agreement with the changes by the City Attorney. The motion was seconded by Member Shavlan and unanimously approved by a roll call vote (4 yeses – 0 nos).

6. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 5:50 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____

	St. Pete Beach Planning Board 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
4/18/2016	
Item Number Ordinance #2017-06 Type of Application Chapter 6 – Alcoholic Beverage of the Code of Ordinances. Applicant City of St. Pete Beach Location City wide Project Planner Jennifer Bryla, AICP, Requested Action Approval of Ordinance 2017-06 Staff Recommendation Approval Planning Board 4/18/2017 City Commission First Reading anticipated (5/09/2017) Final Reading (5/23/2017)	ITEM SUMMARY: Chapter 6 of the City Code of Ordinances restricts when the public can consume or possess alcoholic beverages. Ordinance 2017-09 was adopted by the Board of County Commissioners to allow sale of alcohol prior to noon on Sundays. In order for consistency between County laws and the City, Staff is bringing forth an amendment to the City’s Code of Ordinances that would mirror the County’s. The intent of the Ordinance is to support our tourist community that often would like to takes advantage of our many outdoor activities on Sundays. PUBLIC NOTICE: Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no oral or written comments have been received. Oral and written comments may be presented at the public hearing. COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE: The proposed Ordinance is consistent with the City of St. Pete Beach’s Comprehensive Plan, specifically: GOAL 2: 

Findings In its review of the proposed application, staff has determined: 1. The proposed application is consistent with Florida Statutes. 2. The proposed application is consistent with the Pinellas County Regional Policy Plan. 3. The proposed application is consistent with the St. Pete Beach Comprehensive Plan. 4. The proposed application is consistent with the intent of the LDC.	The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while: • Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike. • Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation. • Maintaining the community's recreation, open space and beaches. The proposed Ordinance is consistent with the intent of the Land Development Code and further augments the ability for tourist commercial facilities to attract and retain business. STAFF RECOMMENDATION: Upon review of the above guiding documents, staff recommends approval of Ordinance 2017-06.
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Ordinance 2017-06

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR HOURS OF SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach recognizes that regulations on the hours of sale of alcoholic beverages are necessary to public health and welfare; and

WHEREAS, the City Commission wishes to be consistent with existing Pinellas County regulations.

WHEREAS, on _____, 2017 the Planning Board conducted a duly noticed public hearing on the proposed amendments and recommended _____.

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

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. Code of Ordinances Sec. 6-2 Hours of sale and operation is hereby amended as follows:

(a) The prohibited hours for establishments dealing in alcoholic beverages shall be as follows:

(1) Alcoholic beverages in sealed containers for consumption off the premises shall not be sold from 3:00~~1~~ a.m. to 8:00 any day of the week ~~except Sunday~~.

~~(2) Alcoholic beverages in sealed containers for consumption off the premises shall not be sold on Sunday from 12:01 a.m. to 11:00 a.m.~~

~~(3) Alcoholic beverages for consumption on the premises shall not be sold or served from 3:00~~1~~ a.m. to 8:00 a.m. any day of the week except Sunday.~~

~~(4) Alcoholic beverages for consumption on the premises shall not be sold or served on Sunday from 3:01 a.m. to 11:00 a.m.~~

(Ord. No. 82-34, § 1; Code 1983, § 3-2; Ord. No. 03-19, § 1, 10-7-03; Ord. No. 10-20, § 1, 7-27-10)

Editor's note— Laws of Fla., ch. 63-1790, § 3, as amended, Laws of Fla., ch. 71-808, § 1, provides as follows:

(1) All business establishments in Pinellas County, licensed or unlicensed, dealing in alcoholic beverages, public or private, either directly or indirectly, shall remain closed from the hour of 23:00 a.m. to 8:00 a.m. on each day of the week except Sunday.

(2) All such business establishments shall remain closed on each Sunday from the hour of 23:00 a.m. to 1:00 p.m. 11:00 a.m.

Laws of Fla., ch. 63-1790, § 4, as amended, Laws of Fla., ch. 76-474, § 1, provides as follows:

(1) Drugstores or prescription shops dealing only in medicines and drugs dispensed for medical purposes shall not be within the prohibitions of this chapter.

(2) Vendors licensed under F.S. §§ 563.02(1)(a), 564.02(1)(a) and 565.02(1)(a) are specifically included in the provisions of this act [article] with the exception that said vendors shall not dispense:

(a) Beer, ~~or~~ wine, or liquor between the hours of 12:00 ~~p~~a.m. midnight and 8:00 a.m. each weekday, and between the hours of 12:00 ~~p~~a.m. midnight Saturday and ~~1:00 p.m.~~11:00 a.m. Sunday; or

~~(b) Liquor between the hours of 12:00 p.m. midnight and 8:00 a.m. each weekday, and between the hours of 12:00 p.m. midnight Saturday and 8:00 a.m. Monday.~~

(3) All business establishments coming under this act [article] which are engaged in a business primarily outside the purview of this act [article] but which maintain a separate department or section within such establishment for the sale of alcoholic beverages shall close only that department or section in conformance with this chapter.

~~(4) Vendors licensed to sell alcoholic beverages for consumption on the premises shall not dispense liquor between the hours of 1:00 p.m. Sundays and 2:00 a.m. Mondays for consumption off the premises. However, such vendors may dispense packaged beer or wine during such hours for consumption off the premises.~~

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

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

Alan Johnson, Mayor

I, Rebecca C. 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 _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 9, 2017

Honorable Ken Burke
Clerk of the Board of County Commissioners
Pinellas County Courthouse
315 Court Street, 5th Floor
Clearwater, Florida 33756

Attention: James Bachteler, Deputy Clerk

Dear Mr. Burke:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pinellas County Ordinance No. 17-09, which was filed in this office on March 9, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED
MAR 9 2017
2017 MAR -9 AM 11:10
PINELLAS COUNTY FLORIDA

Bachteler, James J

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Thursday, March 09, 2017 11:03 AM
To: Bachteler, James J
Cc: County Ordinances
Subject: Emailing - Pinellas20170309_Ordinance2017_17_09_Ack.pdf
Attachments: Pinellas20170309_Ordinance2017_17_09_Ack.pdf

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RECEIVED
BOARD OF
2017 MAR -9 AM 11:10
BRYANT & COMPANY
ADMINISTRATIVE
PINELLAS COUNTY FLORIDA

ORDINANCE NO. 17- 09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING SECTION 6-29 OF THE PINELLAS COUNTY CODE RELATING TO THE CLOSING HOURS OF BUSINESS ESTABLISHMENTS IN PINELLAS COUNTY DEALING IN ALCOHOLIC BEVERAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pinellas County Board of County Commissioners (Board) adopted Ordinance No. 10-39, codified in Section 6-29 of the Pinellas County Code (Code), which authorizes the hours of sale for alcoholic beverages; and

WHEREAS, the hours of sale are currently consistent across all days of the week except for Sunday; and

WHEREAS, municipalities, through the Pinellas County Mayors' Council, have expressed interest consistency across all days of the week;

WHEREAS, the Board adopted Ordinance No. 03-68, codified in Section 6-30 of the Code creating exceptions to the hours of sale; and

WHEREAS, these exceptions create confusion and inequities for the public and operators of establishments dealing in alcohol; and

WHEREAS, providing standard hours of operation for all establishments dealing in alcoholic beverages county-wide is beneficial to business operators and public customers.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this 7th day of March, 2017, that:

SECTION 1. Section 6-29 (a) and (b), of the Pinellas County Code is hereby amended to read as follows:

Sec. 6-29. Closing hours.

All business establishments in Pinellas County, licensed or unlicensed, dealing in alcoholic beverages, public or private, either directly or indirectly, shall remain closed from the hours of 3:00 a.m. to 8:00 a.m. on each day of the week unless any municipality in Pinellas County establishes shorter opening hours as provided in Section 6-31 of this article.

SECTION 2. Section 6-30 of the Pinellas County Code is hereby amended to read as follows:

Sec. 6-30. Exceptions to article.

(a) Drugstores or prescription shops dealing only in medicines and drugs dispensed for medical purposes shall not be subject to the prohibitions of this article.

(b) Vendors licensed under F.S. §§ 563.02(1)(a), 564.02(1)(a) and 565.02(1)(a) shall be subject to the provisions of this article.

(c) All business establishments coming under this article which are engaged in a business primarily outside the purview of this article but which maintain a separate department or section within such establishment for the sale of alcoholic beverages shall close only that department or section in conformance with this article.

(d) Vendors licensed to sell alcoholic beverages for consumption on the premises shall be subject to the provisions of this article.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional

SECTION 4. Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately renumbered to conform to the uniform system of the Code.

SECTION 5. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

APPROVED AS TO FORM

By: 

Office of the County Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on March 7, 2017 relative to:

ORDINANCE NO. 17-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING SECTION 6-29 OF THE PINELLAS COUNTY CODE RELATING TO THE CLOSING HOURS OF BUSINESS ESTABLISHMENTS IN PINELLAS COUNTY DEALING IN ALCOHOLIC BEVERAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this March 9, 2017



KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Arlene L. Smitke, Deputy Clerk

Bachteler, James J

From: Bachteler, James J on behalf of BoardRecords
Sent: Thursday, March 09, 2017 9:00 AM
To: 'County Ordinances'
Subject: RE: Pinellas County Ordinance - PIN20170309_Ordinance2017_17-09
Attachments: PIN20170309_Ordinance2017_17-09.pdf

Sender Full Name:	Ken Burke, Clerk of the Circuit Court and Comptroller Norman D. Loy, Deputy Clerk, Board Records Department
Sender Phone number:	(727) 464-3458
County Name:	Pinellas
Ordinance Number:	PIN20170309Ordinance2017_17-09

James J. Bachteler

Deputy Clerk / Notary Public / Records Specialist

Documents Management Group

Pinellas County Board Records Department
Office of Ken Burke, Clerk of the Circuit Court and Comptroller
315 Court St., 5th Floor, Clearwater, FL 33756
(727) 464-4749 | Fax (727) 464-4716
www.mypinellasclerk.org

	St. Pete Beach Planning Board 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
4/18/17	
Item Number Ordinance #2017-07 Type of Application Amendment to the Land Development Code Applicant City of St. Pete Beach Location City wide Project Planner Jennifer Bryla, AICP Requested Action Approval of "Ordinance 2017-07" Staff Recommendation Approval Planning Board April 18, 2017 City Commission First Reading anticipated (05/9/2017) Final Reading/Adoption anticipated (05/23/2017)	ITEM SUMMARY: This City-initiated amendment to the Land Development Code is in response to scrivener's errors and consistent citizen requests for deviations from the code. These requested changes are consistent with the City's Comprehensive Plan as required by FS 163.3201. PUBLIC NOTICE: Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no written comments have been received. Oral and written comments may be presented at the public hearing. COMPREHENSIVE PLAN and LAND DEVELOPMENT CODE: The proposed amendment is consistent with the City of St. Pete Beach's Comprehensive Plan. Specifically the proposed Ordinance brings the Comprehensive Plan and the Land Development Code into compliance with one another. JUSTIFICATION / TECHNICAL REVIEW: The Community Development Department consistently receives requests from citizens to allow deviations from the performance standards in the Land Development Code. These requests are then addressed through the variance 

Findings In its review of the proposed amendments, staff has determined: 1. The proposed amendments are consistent with Florida Statutes. 2. The proposed amendments are consistent with the Pinellas County Regional Policy Plan. 3. The proposed amendments are consistent with the St. Pete Beach Comprehensive Plan. 4. The proposed amendments are consistent with the intent of the LDC.	process by the Board of Adjustment. However, the Land Development Code is intended to respond to the needs and desires of the community in which it serves and although it must be consistent with the City’s Comprehensive Plan, the code may be changed from time to time as a request becomes apparently repetitive. This is the case with the changes represented in Ordinance 2017-07. These changes are either because of inconsistencies with the Comprehensive Plan, Sriver’s error or those requests that Community Development has had repetitive requests for. Wanting to be receptive to citizen needs and evolving development patterns, the Community Development Department recommends the changes to the code. STAFF RECOMMENDATION: Upon review of the above guiding documents for the City of St. Pete Beach, staff recommends approval of Ordinance 2017-07.
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Q:Community development/boards and committees/planning board/staff reports/Ord 2017-07

- **LDC 2.1 – Definitions.** (General Definitions for LDC)

[Demolition means the removal of a building, structure or portions thereof from a site.](#)

[Historic Preservation See Division 28 herein.](#)

- Public Notice

LDC Sec. 3.4.b.3 – Public Notice.

(3) A notice shall be mailed at least fourteen days prior to the public hearing to owners of property located within 500 feet of any part of the property that is the subject of an application for a Future Land Use change, rezoning or Conditional Use. Notice for all other required public hearings shall be mailed at least fourteen days prior to the public hearing to owners of property located within 300 feet of any part of the property that is the subject of an application [unless otherwise regulated herein](#). Property owners shall be determined from the latest Pinellas County real property tax records available to the city.

- Conditional Uses requiring a resolution

Sec. 4.7. - City commission review.

Upon receipt of the written staff analysis, the city commission shall hold a public hearing to consider the application for conditional use and may grant, grant with conditions or deny the application. Final action of the city commission shall be [by resolution and](#) documented in the form of a development order containing a legal description of the real property to which the conditional use applies, together with the terms of the conditional use and any additional conditions imposed. For conditional use permits required by section 39.6(p) of this Code, the planning board shall hold a public hearing to consider the application and make a recommendation to the city commission.

(Ord. No. 2005-44, § 1, 12-13-05; Ord. No. 2015-22, § 2, 12-15-15)

- **Sec. 6.13. – [Residential A](#)ccessory ~~residential~~ structures.**
- **Sec. 6.14. - Encroachment of certain specified ancillary residential equipment into required yards.**

Ancillary residential equipment, such as but not limited to air conditioning compressors, swimming pool and spa filters and pumps, ~~etc. and lawn irrigation pumps~~ shall be allowed to encroach ~~only~~ into ~~the rear or front~~ any required yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall and no resulting setback shall be less than 3 feet from any property line. Equipment that is not at grade shall not encroach into any required front or side yard setback. New elevated equipment on any new or substantially improved structures shall not encroach into any required yard setback. This shall apply to any equipment installed for new or substantially improved structures or to such items being installed for existing structures the first time. Change-outs of existing equipment shall be exempt as long as they do not encroach further into any required yard.

(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 03-15, § 1, 9-2-03)

- **Sec. 6.15. - Fences and walls.**

Fences and walls are permitted, provided fences and walls shall not exceed four feet in height in required front yards and eight feet in height elsewhere. Secondary front yards shall also be considered as front yards for the purposes of this section; provided, however, fences and walls in waterfront yards shall not exceed four feet in height. See also Section 6.21 for visibility requirements at street intersections.

- Sec. 14.6 RFM -- limits resort/condo rooms to 600 sq. ft. Should look at deleting/changing this.

Sec. 14.6. - Minimum zoning lot requirements.

The maximum residential density permitted in the RFM Resort Facilities Medium District shall not exceed 15 units per acre. The maximum transient accommodation density permitted shall not exceed 30 transient units. The minimum lot area and width requirements in the RFM Resort Facilities Medium District are as follows:

(a) Multi-family dwellings.

(1) Lot area: 2,904 square feet for each dwelling unit, pursuant to section 6.6 of this Code.

(2) Lot width: 50 feet.

(b) Transient accommodations.

Hotels and motels:

(1) Lot area: 1,452 square feet for each hotel or motel unit, plus the required lot area determined under the requirements of section 14.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to section 6.6 of this Code.

(2) Lot width: 50 feet.

Bed and breakfast inns: See section 6.2 of this Code.

Resort condominiums:

~~(1) Maximum size: Each unit within a resort condominium shall be no larger than 600 square feet in area. Units larger than 600 square feet shall be counted as one unit for each 600 square feet therein or portion thereof.~~

(12) Lot area: 1,452 square feet for each resort condominium unit, plus the required lot area determined under the requirements of section 14.11 for portions of the development allocated to retail sales, office space, restaurants, meeting or conference rooms, fitness facilities and other support facilities pursuant to section 6.6 of this Code.

(23) Lot width: 50 feet.

(c) All other uses. The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

(1) Lot area: 5,000 square feet, pursuant to section 6.6 of this Code.

(2) Lot width: 50 feet.

(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 2008-33, § 1, 8-26-08)

- “Sec. 28.8 Change COA app deadline to 30 days

Sec. 28.8. - Certificate of appropriateness required; criteria for issuance; application requirements.

(d) A minimum of [4530](#) days prior to the date of the historic preservation board meeting at which the hearing shall be conducted, the applicant for a certificate of appropriateness shall submit to the city a completed application for certificate of appropriateness on a form provided by the city, which application shall include the following:

1. A recent survey of the property;
2. Elevations, drawn to scale, of the proposed addition(s), signed and sealed by a registered architect or engineer. The elevations shall include detailed information regarding the materials to be used.
3. A site plan, drawn to scale, of the proposed addition(s), signed and sealed by a registered architect or engineer. The plans shall include existing and proposed square footage, proposed landscaping, paving, and existing and proposed amounts of impervious surface.
4. Digital photographs of each existing elevation of the subject property.
5. Digital photos of the adjacent properties.

This material shall remain with the building permit application. Additional illustrations can be brought to the historic preservation board meeting, but the illustrations filed with the city shall clearly demonstrate the applicant's intent.

- **Watersports, allowable conditional uses in AC & BR, change in RFM**
AC - **Sec. 38.4.** - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the AC Activity Center District are as follows.

- (a) Assisted living facilities;
- (b) Charter and tour boat operations;
- (c) Communication facilities;
- (d) Docks, commercial-Classes A, B, C, and D;
- (e) Eating and drinking establishments with outdoor seating;
- (f) Kennels with outdoor runs;
- (g) Off-premise parking lot and/or structure;
- (h) Commercial parking structure;
- (i) Theatres;
- (j) Vessel for hire businesses; ~~and~~

(k) Commercial rental of non-motorized water sports equipment; and

(k) Subject to the provisions or restrictions contained in this section and elsewhere in this Code, temporary lodging units may be allocated from a density pool via a conditional use as follows:

40 temporary lodging uses per acre, not to exceed a total of either 50 units per project or the density pool allocated in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts), with a maximum 1.0 floor area ratio on a minimum one (1) acre buildable site. To qualify for mixed use densities and intensities, a minimum of 10 temporary lodging units, mixed with a minimum of 0.35 floor area ratio for commercial or office uses, is required.

(Ord. No. 2010-21, § 1(Exh. A), 11-22-11; Ord. No. 2015-03, § 8, 5-26-15)

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- BR - Sec. 42.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the Bayou Residential District are as follows.

- (a) Residential docks

(b) Docks, commercial: Class A

(c) Docks, commercial: Class B

(d) Temporary Lodging with or without a commercial component, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts).

(e) Off-premise parking lot.

(f) Commercial parking lot.

[\(g\) Commercial rental of non-motorized water sports equipment.](#)

(Ord. No. 2010-21, § 1(Exh. A), 11-22-11; Ord. No. 2012-22, § 1(Exh. A), 11-13-12; Ord. No. 2015-03, § 9, 5-26-15)

- Sec. 46.6 – makes reference to 36.4; should be 46.4
- Sec. 46.6. - Density and intensity.

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 and shall be permitted as follows:

(b) Transient accommodation uses shall not exceed 50 units per acre, except as provided for in section [346.4](#).

- Sec. 46.7(c) – makes reference to 36.7(b); should be 46.7(b)

Sec. 46.7. - Building height and front yard setbacks.

The maximum height shall be regulated by front setback as follows:

(a) Seventy-six (76) feet for any building that exclusively contains only temporary lodging uses with a minimum setback of one hundred (100) feet from Gulf Boulevard; or

(b) Sixty-five (65) feet for any building that exclusively contains only temporary lodging uses with a minimum setback of seventy-five (75) feet from Gulf Boulevard; or

(c) Fifty (50) feet above base flood elevation, for any buildings containing multi-family residential dwelling units, or any temporary lodging facility that does not comply with the minimum setbacks required for additional height established in sections [346.8.\(a\)](#) and [346.8.\(b\)](#) above, subject to a minimum setback of fifty (50) feet from Gulf Boulevard; or

(d) Fifty (50) feet for temporary lodging with or without accessory uses as described in Section [346.32-\(b\)](#) and residential uses are required to have a minimum front setback of twenty (20) feet.

- BH/C Rear yard setback: delete reference to SPB Control Line

Sec. 46.8. - Secondary, rear, and sideyard setbacks.

Secondary front yard	10 feet
Side yard	Minimum combined side yards of 30 percent of lot width, with a minimum of 10 percent on each side. No single side yard setback shall be less than 10 feet.
Rear yard	10 feet landward of the Florida Coastal Construction Control Line, or St. Pete Beach Coastal Control Line, whichever is more restrictive.

(Ord. No. 2010-21, § 1(Exh. A), 11-22-11)

BR - Sec. 42.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the Bayou Residential District are as follows.

(a) Residential docks

(b) Docks, commercial: Class A

(c) Docks, commercial: Class B

(d) Temporary Lodging with or without a commercial component, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive

Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts).

(e) Off-premise parking lot.

(f) Commercial parking lot.

(g) Commercial rental of non-motorized water sports equipment.

(Ord. No. 2010-21, § 1(Exh. A), 11-22-11; Ord. No. 2012-22, § 1(Exh. A), 11-13-12; Ord. No. 2015-03, § 9, 5-26-15)