



PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

*****VIRTUAL PUBLIC MEETING*****

**PURSUANT TO FLORIDA GOVERNOR
EXECUTIVE ORDER 20-69
"LOCAL GOVERNMENT PUBLIC MEETINGS"**

TO PARTICIPATE:

DIAL: +1 929-205-6099; Use Meeting ID: 863 6117 4611

OR USE ZOOM URL

Zoom URL: <https://zoom.us/j/86361174611>

**August 17, 2020
4:00 PM**

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**
- 3. Approval of Minutes**
 - a. 07/08/2020**
- 4. Action Items: Sitting as the Local Planning Agency (LPA)**
 - a. Land Development Code – Residential Accessory Structures Amendment**
Ordinance No. 2020-D, providing for an amendment to modify the Land Development Code (LDC) Division 6, Section 6.13, Residential accessory structures, to allow for ornamental landscape features such as three-dimensional works of art on private property with specified conditions.

5. Discussion Items

6. Adjournment – Next Meeting: 09/21/2020

The public is cordially invited to attend.

APPEAL: Florida Statutes Chapter 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.

CODE OF ORDINANCES, SECTION 1-15: Award of attorney's fees and other costs. In all instances where a lawsuit is instituted or defended on behalf of the city to enforce any provision of the Code of Ordinances, to collect fees, liens, assessments or fines, or otherwise secure compliance with any provision of the Code of Ordinances, the city shall be entitled to recover all costs incurred, including reasonable attorney's fees and court costs through the trial and appellate levels. This section shall apply to all instances where the city is required to defend an appeal from any order, notice or determination by the city or its officials.

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

All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

July 8, 2020

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Mark Grill, Member
Bev Jackson, Member
Tom DeYampert, Member

ABSENT: Marvin Shavlan, Vice Chair

ALSO PRESENT:

Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Brandon Berry, Planner I

1. Changes to the Agenda

There were no changes to the agenda.

2. Audience Comments

There were no audience comments.

3. Approval of Minutes

a. 2/24/2020

Member DeYampert made a motion to approve the 2/24/2020 minutes as presented. The motion was seconded by Member Jackson and approved by a unanimous roll call vote.

4. Election of Officers

Member Jackson made a motion to elect Tiffany Secka as Committee Chair. The motion was seconded by Member DeYampert and approved by a unanimous roll call vote.

Member DeYampert made a motion to elect Marvin Shavlan as Committee

Vice Chair. The motion was seconded by Member Jackson and approved by a unanimous roll call vote.

Chair Secka called the committee to order sitting as the Local Planning Agency.

5. Action Items

a. Comprehensive Plan – Amendments – Density Pool Language

Wesley Wright, Community Development Director, summarized the proposed language changes that were previously discussed during February's meeting.

Member Jackson made a motion to approve Ordinance 2020-A an Ordinance of the City of St. Pete Beach, Florida, amending the Comprehensive Plan to provide clarification on rationale related to awarding units from the City's Density Pools; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Member Grill and approved by a unanimous roll call vote.

b. Land Development Code – Amendment – Density Pool

Mr. Wright summarized the ordinance and explained that it had come before this committee in February and the City Commission in March, where it received positive feedback. Mr. Wright and Brandon Berry, Planner I, answered member questions.

Member Grill made a motion to approve Ordinance 2020-B an Ordinance of the City of St. Pete Beach, Florida amending the Land Development Code, Section 2.1 – Words, Terms and Phrases Defined, Section 4.12 – Criteria for Review of Conditional Use Applications, Section 30.4 – Allowable Conditional Uses, Section 37.5 – Allowable Conditional Uses, Section 38.4 – Allowable Conditional Uses, Section 39.18 – General Residential Unit "RU" Density Pool Reserve, Section 42.4 – Allowable Conditional Uses, Section 46.4 – Allowable Conditional Uses, providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Member DeYampert and approved by a unanimous roll call vote.

c. ROS/SE-3 Designation – 80th Avenue Street-End

Mr. Berry gave a presentation on the proposed change, benefits and staff recommendations. Discussion followed and staff answered questions. Phil Smithies, property owner to the south of the park, provided public comment that the change would allow a higher fence for security purposes.

Member Jackson made a motion to approve Ordinance 2020-C an Ordinance of the City of St. Pete Beach, Florida, amending the Land Development Code to provide for the designation of the street-end described as "80th Avenue East from Boca Ciega Drive to the Intracoastal

Waterway” as ROS/SE-3; removing its designation as ROS/SE-2; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Member DeYampert and approved by a unanimous roll call vote.

d. Land Development Code – Amendment – Residential Accessory Structures

Mr. Wright reviewed a presentation regarding the proposed allowance of ornamental landscape features. The committee discussed the proposal at length and staff answered questions. It was the consensus of the committee that staff review and clarify some of the elements of the proposed ordinance and bring back to the next meeting.

e. Land Development Code – Amendment – Mobile Food Establishment

In his presentation, Mr. Berry explained that the city’s mobile food truck ordinance needs to be amended to become consistent with recently enacted Senate Bill 424. He reviewed the necessary changes and discussion followed.

Member Jackson made a motion to approve Ordinance 2020-E an Ordinance of the City of St. Pete Beach, Florida, amending the Land Development Code as it relates to the licensing and permitting of mobile food establishments; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Member DeYampert and approved by a unanimous roll call vote.

Chair Secka adjourned the meeting as the Local Planning Agency and convened as the Planning Board.

6. Discussion Items

a. Outdoor Eating and Drinking Establishment Discussion

Mr. Wright explained that the city has opened the ability, through Temporary Use Permits, to allow outdoor dining during the pandemic. Following discussion, it was the consensus of the board that a change to the Land Development Code be considered to create a streamlined standard for Use by Right to some of the Zoning Districts.

7. Adjournment – Next Meeting: 08/17/2020

There being no further business to come before the Board, the meeting was adjourned at 5:29 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____

CITY OF ST. PETE BEACH PLANNING BOARD STAFF REPORT

TO: Planning Board

FROM: Lynn M. Rosetti, AICP, CFM, Senior Planner, Community Development Department

DATE: August 5, 2020

SUBJECT: **Ordinance No. 2020-XX** providing for an amendment to modify the Land Development Code (LDC) Division 6, Section 6.13, *Residential accessory structures*, to allow for ornamental features such as three-dimensional works of art on private property with specified conditions.

BACKGROUND:

Within the LDC there are numerous supplemental regulations enumerated in Division 6. Within Division 6, Section 6.13, includes specific regulations for residential accessory structures. Such structures include sheds, swimming pools, decks and patios including their related covers, gazebos, as well as features not regulated by the Florida Building Code such as children's playground equipment, fountains, waterfalls and the like. Recently, a question has arisen regarding the allowance of ornamental landscape features such as three-dimensional works of art on private property.

Ordinance No. 2020-XX amends DIVISION 6 – SUPPLEMENTAL REGULATIONS, to modify Section 6.13, *Residential accessory structures*, to add “ornamental landscape features such as statues” to the section pertaining to fountains and waterfalls being permitted as a decorative element with certain stipulations. Such requirements relate to height and placement for safety reasons. Regulations also limit the number of such features within the front yard area.

PLANNING BOARD:

The Planning Board, sitting as the LPA, will reviewed the proposed Ordinance 2020-XX on July 8, 2020 for consistency with St. Pete Beach's Comprehensive Plan. The purpose of this proposed change to the Land Development Regulations stems from a recent request to place three-dimensional works of art within front yards in close proximity to the street.

The concerns of the City include the size and placement of these features, and proper storage of these features during major storm events. The City's comprehensive plan also calls for minimizing the threats to health, safety and welfare posed in part by nuisances.

For these reasons, staff finds that such features should be properly regulated to meet basic standards including the requirement to obtain a zoning permit to ensure such compliance.

Based on the Planning Board's review and comments at their July 8th, meeting, staff has revised proposed Ordinance accordingly by eliminating references to landscape and pottery. The revised ordinance is attached for the Planning Board's review.

CONSISTENCY WITH THE COMPREHENSIVE PLAN – STAFF REVIEW

Staff has reviewed the proposed Ordinance and finds it to be consistent with the City of St. Pete Beach's Comprehensive Plan specifically as follows:

FUTURE LAND USE ELEMENT

FUTURE LAND USE POLICIES – GREEN PRACTICES, RESIDENTIAL CHARACTER AND INTRODUCTION TO LAND USE CATEGORIES

GOAL 2:

The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while:

[...]

- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.

[...]

STAFF RECOMMENDATION:

Staff recommends the Planning Board, sitting as the LPA, recommend approval of Ordinance No. 2020-XX and find it consistent with the City's Comprehensive Plan as described in the staff report.

Attachment: Draft Ordinance 2020-XX

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE LAND DEVELOPMENT CODE, SECTION 6.13 – RESIDENTIAL ACCESSORY STRUCTURES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Commission of the City of St. Pete Beach has determined that these amendments are consistent with the Future Land Use Element of the Comprehensive Plan with respect to ensuring that the residential character of St. Pete Beach is maintained specifically while minimizing the threats to health, safety, and welfare especially during major storm events.

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

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

SECTION 2. The provisions in this Section pertaining to the City’s Land Development Code are amended as follows:

Sec. 2.1 – Words, terms and phrases defined.

Ornamental feature means a freestanding three-dimensional object or assemblage of objects such as statues, sculpture or metalwork or pottery that is used as aesthetic adornment for a property rather than a practical use purpose.

Sec. 6.13. - Residential accessory structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:...

(6) *Fountains, ~~and~~ waterfalls and other ornamental features such as statues* may be permitted by the city as a decorative element ~~of~~ and shall be regulated as follows:

- a. *Maximum height:* Five feet above grade for fountains and waterfalls, and four feet above grade for other ornamental features.
- b. *Required yards:* Ornamental features shall not encroach into any required rear or side yard more than 15 feet. Ornamental features shall

not encroach into any required front or secondary front yard more than 10 feet.

- c. *Number of ornamental landscape features:* Within the front yard area, a limit of two such ornamental landscape features shall be allowed.
- d. *Storage:* Upon the issuance of a tropical storm or hurricane warning, ornamental features not required to be properly anchored shall be securely stored inside.