



## PLANNING BOARD MEETING CITY OF ST. PETE BEACH

155 Corey Avenue  
St. Pete Beach, FL 33706

Monday, February 22, 2021  
4:00 PM

Call to Order  
Pledge of Allegiance  
Roll Call

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### REGULAR MEETING

1. Changes to the Agenda
2. Audience Comments - **Comments shall be limited to 3 minutes per person**
3. Approval of Minutes
  - a. **Minutes - 12/14/2020**
4. Election of Officers
  - a. **Selection of Vice Chair**
5. Action Items
  - a. **Ordinance 2021-05: Comp Plan Amendment - Upham Beach Village District Temp. Lodging Unit Density Pool** Amending the Purpose and Intent; Redevelopment Incentives and Deterrents and Permitted Uses and Standards of the Upham Beach Village District in the Comprehensive Plan to permit the awarding of surplus temporary lodging units from the district temporary lodging unit pool to existing temporary lodging properties under a merit-based review and public hearing process.
  - b. **Ordinance 2021-06: LDC Amendment - Upham Beach Village District Temp. Lodging Unit Density Pool** Amending DIVISION 36 – UPHAM BEACH VILLAGE DISTRICT to permit the awarding of surplus temporary lodging units from the district temporary lodging unit pool to existing temporary lodging properties under a merit-based review and public hearing process.
6. Adjournment - Next Meeting 3/15/2021

**APPEAL:** In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this 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 (ADA):** In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.  
All agenda material is available for review at City Hall or [www.stpetebeach.org](http://www.stpetebeach.org).**

## **DRAFT PLANNING BOARD MEETING MINUTES**

**December 14, 2020 4:00 P.M.**

**PRESENT:** Tiffany Secka, Chair  
Tom DeYampert, Member  
Mark Grill, Member  
Bev Jackson, Member  
Greg Premier, Member

**STAFF PRESENT:** Matthew McConnell, Dickman Law Firm  
Alex Rey, City Manager  
Ginny Keeter-Bodkin, Deputy City Clerk  
Wesley Wright, Community Development Director  
Lynn Rosetti, Senior Planner  
Brandon Berry, Planner II  
Mike Clarke, Public Works Director  
Bill Palmer, Building Official

**ALSO PRESENT:** Selby Hughes, P.E., Kimley-Horn and Associates

Chair Secka called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance.

1. **Changes to the Agenda** – Mr. Wright asked to move items 4.c. and d. before item 4b.
2. **Audience Comments** - There were no audience comments.
3. **Approval of Minutes a. 11/23/2020**

**Motion:** Member DeYampert moved and Member Grill seconded the approval of the minutes from the November 23, 2020 meeting as presented; the motion carried 5-0.

### **4. Action Items**

#### **a. Approval of 2021 Meeting Dates**

**Motion:** Member Premier moved and Member DeYampert seconded the approval of 2021 meeting dates as presented; the motion carried 5-0.

- c. **Ordinance 2021-A Seawall Height** (*moved in order*) – amending the City's seawall measurement standards to utilize the North American Vertical datum mean sea level employed by FEMA.

Prior to her presentation, Ms. Rosetti explained that this proposed amendment to the City's Code of Ordinances, Sections 98-100 and 101, would replace the outdated USCGS datum with the FEMA endorsed North American Vertical Datum 88 (NAVD 88) measure for seawalls, bulkheads, and retaining walls. As mean sea-level has risen, this would result in improved resiliency. As the Planning Board is the City's land planning agency, their input is requested prior to the City Commission's action on this ordinance. Staff recommended approval.

Ms. Hughes and Mr. Clarke provided additional information and answered Board questions regarding fill behind new walls, timeline for meaningful completion, impact on adjoining properties, and the consideration of incentives for property owners. Mr. Clarke indicated there will be no grandfathering; all properties will need to comply, but the completion date is a moving target.

Mr. Rey provided additional comments on the PACE (Property Assessed Clean Energy) loan program, FEMA and stormwater management. The Ordinance will come before the City Commission in January.

Board discussion followed on home sales and compliance for any new permits. There was no additional public comment.

**Motion:**        **Member Premier moved to recommend the approval of Ordinance of 2021-A, AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE CODE OF ORDINANCES, ARTICLE IV – SEAWALLS, BULKHEADS, AND RETAINING WALLS, SECTION 98-100 – STANDARDS FOR SEAWALLS, BULKHEADS, AND RETAINING WALLS NOT ON THE GULF OF MEXICO, SUB-SECTION (1) CONCRETE SEAWALLS, PARAGRAPH H, PERTAINING TO ELEVATION DATUM FOR SEAWALLS; SECTION 98-101 – STANDARDS FOR SEAWALLS, BULKHEADS AND RETAINING WALLS ON GULF OF MEXICO; SUB-SECTION (8) PERTAINING TO ELEVATION DATUM FOR SEAWALLS, BULKHEADS AND RETAINING WALLS FRONTING THE GULF OF MEXICO; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE. Member DeYampert seconded and the motion carried 5-0.**

- d. Ordinance 2021-B Substantial Improvement Limit & Living Space Below BFE** *(moved in order)* – Ordinance No. 2021-B, providing for an amendment to add the FEMA limit on livable square footage below the Base Flood Elevation and addressing Substantial Improvement and Substantial Damage determinations pertaining to the time frame required between permits.

Ms. Rosetti's presentation detailed the addition of language to the City's Code of Ordinances, which would specify a maximum of 299 square feet below the design flood elevation for living space, and changing the substantial improvement and substantial damage determinations cost to a cumulative amount over a five-year period; there is currently no time limit between permits.

Board discussion followed on effects to home sales, the determination of a structure's value, and what other cities have done in this regard. There was no public comment.

**Motion:**        **Chair Secka moved to recommend the approval of Ordinance of 2021-B, AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE CODE OF ORDINANCES, ARTICLE I – IN GENERAL, SECTION 98-33 – FLORIDA BUILDING CODE, RESIDENTIAL; AMENDMENTS; SUB-SECTION (5) PERTAINING TO ELEVATION OF BUILDINGS AND ADDITION OF THE FEMA LIMIT ON LIVABLE SQUARE FOOTAGE**

**BELOW THE BASE FLOOD ELEVATION; REVISING SECTION 98-122.4 - SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS, PERTAINING TO THE TIME FRAME REQUIRED BETWEEN PERMITS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE. Member Premier seconded and the motion carried 5-0.**

- a. **Conditional Use Permit – Miramar Beach Resort** (*moved in order*) – The Miramar Beach Resort is requesting approval to demolish and redevelopment the site to construct a new seven story transient accommodation hotel. The request requires a Conditional Use Permit for the new temporary lodging use to exceed 50 feet in height, a density greater than 30 units per acre and to allocate additional units from the B/HC density pool, pursuant to Section 39.6(p) and Section 46.4(c) of the Land Development Code (LDC). The new temporary lodging use proposed is a 54-room hotel, with 78 parking spaces (21 of which are valet), interior lobby, amenity and dining area, and a rooftop bar and pool. The maximum height of the proposed structure is 76 feet.

In opening the quasi-judicial hearing portion of the meeting, Mr. McConnell confirmed that no Board members has any ex-parte communication with the applicant. The Deputy Clerk performed the oath for all attendees and staff intending to speak.

Mr. Wright explained that because the property lies in the Gulf Boulevard Redevelopment District, the Land Development Code requires that temporary lodging use applications within certain parameters require a Planning Board recommendation to the City Commission. He reviewed a detailed presentation of exhibits including a timeline, photos, site plan, zoning standards, and density pools. Mr. Wright also reviewed a list of items that will be required prior to issuance of a Conditional Use Permit. Staff found the application to compliant with the City's standards for review; it meets the goals and objections outlined in the staff report.

Kevin Bowden, Managing Partner of the Miramar Resort appeared and provided details of the project to the Board. Q&A followed on matters that included public beach access/easements/deeds, curb cuts, condo-tel vs. hotel, landscaping, and parking for events. Mr. McConnell reminded the Board that they may add conditions to their recommendation to the Commission.

There was no public comment and that portion of the meeting was closed.

**Motion: Member DeYampert moved and Member Grill seconded the recommendation of approval of the Conditional Use Permit for Case 20090 for 4200 Gulf Blvd. to the City Commission with the condition that there is adequate bicycle and scooter parking on site; the motion carried 5-0.**

## **6. Adjournment – Next Meeting 12/14/2020**

There being no further business, Chair Secka adjourned the meeting at 5:50 PM.

*These minutes will be considered for approval at the January 25, 2021 Planning Board meeting.*

**St. Pete Beach City Commission  
Agenda Report**

**Issue Considered:** Ordinance 2021-05: Comp Plan Amendment - Upham Beach Village District Temp. Lodging Unit Density Pool

**Date:** February 22, 2021

**Prepared By:** Brandon Berry, Planner II

**Through:** Wesley Wright, Community Development Director

**Summary of Issue:** Amending the Purpose and Intent; Redevelopment Incentives and Deterrents and Permitted Uses and Standards of the Upham Beach Village District in the Comprehensive Plan to permit the awarding of surplus temporary lodging units from the district temporary lodging unit pool to existing temporary lodging properties under a merit-based review and public hearing process.

**Funding:**

**Requested Motion:** I move to find Ordinance 2021-05 consistent with the Comprehensive Plan, and recommend approval of Ordinance 2021-05 to the City Commission.

**Attachments:**

1. Agenda Staff Report UBV Density Pool
2. Ordinance 2021-05 Comp Plan Density Pool Amendments for UBV

# **CITY OF ST. PETE BEACH PLANNING BOARD STAFF REPORT**

**TO:** Planning Board

**FROM:** Wesley Wright, Community Development Director

**DATE:** February 23, 2021

**SUBJECT:** Ordinance 2021-05, amending the Purpose and Intent; Redevelopment Incentives and Deterrents and Permitted Uses and Standards of the Upham Beach Village District in the Comprehensive Plan, and Ordinance 2021-06, amending DIVISION 36 – UPHAM BEACH VILLAGE DISTRICT of the Land Development Code, to permit the awarding of surplus temporary lodging units from the district temporary lodging unit pool to existing temporary lodging properties under a merit-based review and public hearing process.

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## **BACKGROUND:**

In Fall 2020, the City Commission adopted amendments to the Comprehensive Plan and Land Development Code (Ords. 2020-13 & 2020-14) that primarily amended the awarding of units from all but one of the City's density pools from a "first-come, first-serve" basis to a "case-by-case" basis, and adopted procedures and non-exhaustive standards for consideration in the awarding of said units. These amendments applied to temporary lodging unit density pools available to the Activity Center, Town Center Corey Circle and Coquina West, Bayou Residential, Boutique Hotel/Condo, and Town Center Core Districts, along with the residential density pool available to all properties in the Community Redevelopment District.

Unlike the density pools impacted by the Fall 2020 amendments, which all require that applicants request units through a conditional use permit, the Upham Beach Village (UBV) District Temporary Lodging Unit Density Pool currently requires City Commission review in a procedural manner but does not require a conditional use permit. Whereas the other district density pools are constructed in a manner to allow for bonus units to be awarded to projects on a merit basis, only existing properties in the UBV District that currently contain a temporary lodging use are permitted to redevelop as temporary lodging uses, and only at their existing density. Unlike any other district in the City, temporary lodging uses in the UBV District are considered permitted at their existing density as of the zone's creation in 2011.

The City commissioned a density study in 2015 and found that, of the 175 temporary lodging units available in the UBV pool, only 99 temporary lodging units exist in the district and therefore only 99 can be awarded based on currently-adopted standards. While significant redevelopment of the district was not anticipated when the City adopted the

UBV district in 2011, City Staff have been contacted by property owners in the district requesting to redevelop their temporary lodging properties at a higher density.

The proposed amendments which are the subject of this staff report involve preserving 99 of the temporary lodging units in the 175 unit pool for existing temporary lodging properties to redevelop at their existing density, while allowing for the 76 unit surplus to be requested by a redeveloping temporary lodging property owner on a “case-by-case” basis in tandem with a conditional use permit. This ensures that property owners in the UBV district do not lose any of their current redevelopment rights, while allowing for temporary lodging projects that propose additional public benefits in their redevelopment to request additional density. This will not increase the available density to the district as established in the Comprehensive Plan, but instead allow for all 175 temporary lodging units to be realized.

The proposed amendments allow for any existing temporary lodging use in the UBV district to redevelop as a permitted use at its existing density, while requiring any temporary lodging property owner who proposes to redevelop at a higher density to pursue a conditional use permit and ordinance to draw from the 76 unit remainder. The procedures required will be identical to those adopted in Ordinances 2020-14 which encourage the applicant to show public benefits relative to the significance of their request. There will also be a hard cap of 76 units established on this bonus density which ensures that existing temporary lodging properties remain vested with their density, and the overall density established for the district is not exceeded.

#### **PLANNING BOARD:**

The Planning Board, sitting as the LPA, will review proposed Ordinances 2021-05 and 2021-06 on February 22, 2021 for consistency with St. Pete Beach’s Comprehensive Plan.

#### **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:

- 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.

### **Objective 2.13**

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

#### **Policy 2.13.1**

The City shall implement an on-going process of assessing the status of the City's temporary lodging unit inventory through review of zoning and permitting activities.

#### **Policy 2.13.2**

The City shall, where appropriate, establish a Community Redevelopment District with standards that facilitate re-investment in temporary lodging/ temporary lodging use development on the west side of Gulf Boulevard, within the Town Center Core as small bed and breakfast inns, within the Upham Beach area where the existing small motels are located, and at either end of Corey Avenue as a catalytic waterfront project that may also include marina facilities.

#### **Policy 2.13.3**

The City shall adopt provisions in its LDC which are designed to ensure the continued operation of all temporary lodging/ temporary lodging uses with mandated operational characteristics as temporary lodging facilities principally serving tourists and business travelers, and providing for guest amenities, without regard to ownership scheme as in accordance with State law. Such operational provisions shall include limitations on the continuous duration of guest stays, and if owned as a resort condominium, an additional limitation on the annual cumulative duration of owner stays.

### **FUTURE LAND USE ELEMENT – Special Designation – Community Redevelopment District (CRD) – D. Downtown Redevelopment District – Upham Beach Village District – (b) Purpose and Intent; Redevelopment Incentives and Deterrents**

[...]

#### **Policy 3:**

A mixture of residential and temporary lodging uses throughout the district shall be encouraged to be preserved and redeveloped.

#### **Policy 4:**

Redevelopment of existing temporary lodging uses shall provide the minimum necessary vehicular curb cuts and driveways to provide reasonable, adequate and safe ingress and egress to the development site and ensure a pedestrian-friendly and safe environment by minimizing pedestrian-vehicular conflict.

**Policy 5:**

Structured parking that can be integrated into the principal building and hidden from public view will be encouraged and pursued.

**Policy 6:**

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site where any development will occur, with particular emphasis on screening and buffering from adjacent residential uses that may include landscaping and privacy walls.

**Policy 7:**

Development and redevelopment shall be compatible with the existing neighboring residential uses that immediately surround the development site.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Board, sitting as the LPA, recommend approval of Ordinances No. 2021-5 and 2021-6 and find them consistent with the city's Comprehensive Plan as stated in the staff report.

## **Ordinance 2021-05**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE PURPOSE AND INTENT; REDEVELOPMENT INCENTIVES AND DETERRENTS AND PERMITTED USES AND STANDARDS OF THE UPHAM BEACH VILLAGE DISTRICT IN THE COMPREHENSIVE PLAN TO PERMIT THE AWARDING OF SURPLUS TEMPORARY LODGING UNITS FROM THE DISTRICT TEMPORARY LODGING UNIT POOL TO EXISTING TEMPORARY LODGING PROPERTIES UNDER A MERIT-BASED REVIEW AND PUBLIC HEARING PROCESS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of St. Pete Beach supports the preservation and redevelopment of temporary lodging uses.

**WHEREAS**, the City's Comprehensive Plan requires an on-going process of assessing the status of the City's temporary lodging unit inventory through review of zoning and permitting activities.

**WHEREAS**, on February 22, 2021, the City's Planning Board, sitting as the Local Planning Agency, will hold a public hearing to consider the proposed Comprehensive Plan changes and provided recommendations to the City Commission.

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

**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. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. Language in the City's Comprehensive Plan is to be amended as follows:

**II. Future Land Use Plan Element – Special Designation – Community Redevelopment District (CRD) – D. Downtown Redevelopment District**

**Upham Beach Village District (UBV)**

[...]

- (b) **Purpose and Intent; Redevelopment Incentives and Deterrents.** The following policies shall govern development in the Upham Beach Village District and are intended to allow redevelopment of residential uses as well as allow existing motel temporary lodging uses that are part of the heritage of this Upham neighborhood to redevelop as temporary lodging uses at the same density as exists, or at a higher density when the redevelopment is found by the City Commission to contribute to public goals for the district and/or does not exceed the district temporary lodging pool density cap. Such redevelopment shall be subject to height limitations and design standards that protect existing and future neighborhood residential uses as well as improve safety, circulation and drainage:

[...]

### **Permitted Uses and Standards**

- (a) **Primary uses** - Residential; Temporary lodging uses - hotel, motel, resort condominium, bed & breakfast inn.

[...]

- (c) **Density/Intensity and Height Standards.**

[...]

2. **Temporary Lodging use** - motel and bed & breakfast inn - Temporary lodging units for temporary lodging uses that are sought to be redeveloped at or below their existing density shall be allocated on a first come first serve basis utilizing the Temporary Lodging Unit Density Pool established below. Temporary lodging units that exceed a property's existing density shall be allocated on a case-by-case basis utilizing the Temporary Lodging Unit Density Pool established below, as well as subject to any procedures established in the Land Development Code.
3. **Temporary Lodging Unit Density Pool ("TLU Density Pool"):** Density for temporary lodging uses in the Upham Beach Village District shall be regulated as follows:
  - a. The City shall establish a TLU Density Pool not to exceed 175 total units for the entire Upham Beach Village District; and
  - b. The TLU Density Pool shall be allocated by ordinance of the City Commission upon request of an individual property owner for requests to redevelop a temporary lodging property at or below its current density, and shall be allocated by ordinance if approved in conjunction with the conditional use permit procedures established in the Land Development Code for a temporary lodging property sought to be developed above its existing density; and
  - c. Any TLU Density Pool allocation by ordinance per project shall not exceed the number of existing licensed temporary lodging units located on the development site, except as provided for in the Land Development Code; and

[...]

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.

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

CITY COMMISSION, CITY OF ST. PETE  
BEACH, FLORIDA.

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Alan Johnson, Mayor

I, Amber LaRowe, 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 \_\_\_\_\_, 2021.

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Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Andrew Dickman, City Attorney

**St. Pete Beach City Commission  
Agenda Report**

**Issue Considered:** Ordinance 2021-06: LDC Amendment - Upham Beach Village District Temp. Lodging Unit Density Pool

**Date:** February 22, 2021

**Prepared By:** Brandon Berry, Planner II

**Through:** Wesley Wright, Community Development Director

**Summary of Issue:** Amending DIVISION 36 – UPHAM BEACH VILLAGE DISTRICT to permit the awarding of surplus temporary lodging units from the district temporary lodging unit pool to existing temporary lodging properties under a merit-based review and public hearing process.

**Funding:** N/A

**Requested Motion:** I move to find Ordinance 2021-06 consistent with the Comprehensive Plan, and recommend approval of Ordinance 2021-06 to the City Commission.

**Attachments:**

1. Ordinance 2021-06 LDC Density Pool Amendments for UBV

## **Ordinance 2021-06**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING LAND DEVELOPMENT CODE DIVISION 36 – UPHAM BEACH VILLAGE DISTRICT TO PERMIT THE AWARDDING OF SURPLUS TEMPORARY LODGING UNITS FROM THE DISTRICT TEMPORARY LODGING UNIT POOL TO EXISTING TEMPORARY LODGING PROPERTIES UNDER A MERIT-BASED REVIEW AND PUBLIC HEARING PROCESS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of St. Pete Beach supports the preservation and redevelopment of temporary lodging uses.

**WHEREAS**, the City's Comprehensive Plan requires an on-going process of assessing the status of the City's temporary lodging unit inventory through review of zoning and permitting activities.

**WHEREAS**, on February 22, 2021, the City's Planning Board, sitting as the Local Planning Agency, will hold a public hearing to consider the proposed Land Development Code changes and provide recommendations to the City Commission.

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

**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. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. Language in the City's Land Development Code is to be amended as follows:

### **DIVISION 36 - UPHAM BEACH VILLAGE DISTRICT**

[...]

#### **Sec. 36.2. - Permitted uses.**

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

[...]

- (b) Temporary lodging use; Only existing temporary lodging uses may be redeveloped and new temporary lodging uses shall be strictly prohibited. Any temporary lodging use which is sought to be redeveloped above its existing density as of the date of the adoption of this district shall have the additional density request reviewed as a conditional use as specified Sec. 36.4, below. All bed and breakfast inns shall comply with the provisions of sections 2.1 and 6.2 of this Code.

[...]

[...]

#### **Sec. 36.4 – Conditional uses.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, conditional uses and structures in the Upham Beach Village District are as follows.

- (a) Temporary lodging use; Any temporary lodging use which is sought to be redeveloped above its existing density shall have the additional density request reviewed as a conditional use permit subject to Division 4 of this Code as well as any other relevant standard of this District.

#### **Sec. 36.45. - Prohibited uses and structures.**

[...]

#### **Sec. 36.56. - General requirements.**

[...]

#### **Sec. 36.67. - Density and intensity.**

[...]

- (c) Temporary Lodging Unit Density Pool ("TLU Density Pool"): The Upham Beach Village TLU Density Pool is intended to allow for properties recognized as containing a temporary lodging use as of the date of the adoption of this District to redevelop at their existing density. The TLU pool also provides a small surplus of TLUs which may be allocated at the discretion of the City Commission on a case-by-case basis upon recognition that the project advances the goals and/or policies of the District. Density for temporary lodging uses in the Upham Beach Village District shall be regulated as follows:

- (1) Temporary lodging units shall be allocated to uses which are presently licensed with the City of St. Pete Beach and operating as a transient accommodation.
- (2) ~~Temporary lodging units shall be allocated on a first come first serve basis utilizing the Temporary Lodging Unit Density Pool.~~

- (32) The TLU Density Pool shall not exceed 175 total units for the entire Upham Beach Village District. The City recognizes that the district contained ninety-nine (99) TLUs as of the date of the adoption of the Upham Beach Village District, which provides for a seventy-six (76) TLU surplus.
- (3) TLU Density Pool allocations to individual properties shall be based on the type of redevelopment requested by the property owner, as provided below.
- (i) Existing temporary lodging uses which are sought to be redeveloped at or below their existing density as of the date of the adoption of this District shall be allocated TLUs utilizing the Temporary Lodging Unit Density Pool. The TLU Density Pool shall be allocated by ordinance of the city commission upon request of an individual property owner. The remaining number of available TLU Density Pool units shall be specified in each city commission ordinance allocating such units and each such ordinance shall provide that no units beyond those remaining in the TLU Density Pool shall be allocated to any subsequent temporary lodging use project in the Upham Beach Village District.
- (ii) Existing temporary lodging uses which are sought to be redeveloped above their existing density as of the date of the adoption of this District shall have any additional density requested reviewed on a case-by-case basis under a conditional use permit. The remaining number of available TLU Density Pool units shall be specified in each city commission ordinance allocating such units and each such ordinance shall provide that no units beyond those remaining in the TLU Density Pool shall be allocated to any subsequent temporary lodging use project in the Upham Beach Village District. The number of TLUs awarded that exceed the existing developed density of temporary lodging properties shall not exceed seventy-six (76) TLUs or the total district TLU Density Pool.
- ~~(4) The TLU Density Pool shall be allocated by ordinance of the city commission upon request of an individual property owner.~~
- ~~(5) Any TLU Density Pool allocation by ordinance per project shall not exceed the number of existing temporary lodging units located on the development site.~~
- ~~(6) The remaining number of available TLU Density Pool units shall be specified in each city commission ordinance allocating such units and each such ordinance shall provide that no units beyond those remaining in the TLU Density Pool shall be allocated to any subsequent temporary lodging use project in the Upham Beach Village District.~~

**Sec. 36.78. - Building height.**

[...]

**Sec. 36.89. - Setbacks.**

[...]

**Sec. 36.910. - Maximum impervious surface ratio.**

[...]

**Sec. 36.101. - Minimum off-street parking requirements.**

[...]

**Sec. 36.112. - Landscaping.**

[...]

**Sec. 36.123. - Design requirements.**

[...]

**Sec. 36.134. - Signs.**

[...]

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.

PUBLISHED: \_\_\_\_\_  
FIRST READING: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_  
PUBLIC HEARING: \_\_\_\_\_

CITY COMMISSION, CITY OF ST. PETE  
BEACH, FLORIDA.

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Alan Johnson, Mayor

I, Amber LaRowe, 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 \_\_\_\_\_, 2021.

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Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Andrew Dickman, City Attorney