PLANNING BOARD MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, April 19, 2021
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

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 3/15/2021**
4. Action Items
   - **a. Ordinance 2021-08 Modifying the Basis for Height Measurement**
     Ordinance 2021-08, amending Land Development Code DIVISION 2 - DEFINITIONS Section 2.1 – Words, terms, and phrases defined by modifying the basis for height measurements for residential structures in the RU-1, RU-2, RLM-1, RLM-2, RM, And PAG Districts as well as accessory structures, and adding a definition for Design Flood Elevation and Freeboard; Amending DIVISION 20 – PAG PASS-A-GRILLE OVERLAY DISTRICT, Section 20.02 – Definitions, Section 20.15 – Permitted building types, and Section 20.17 – Building height to reflect new height measurements.
   - **b. Ordinance 2021-12 Accessory Structure Amendments**
     Ordinance 2021-12, amending Land Development Code Division 2 – DEFINITIONS, Section 2.1 – Words, terms and phrases defined to provide a definition for patio and deck; amending Division 6 – SUPPLEMENTAL REGULATIONS, Section 6.13 – Residential Accessory Structures to reduce rear and waterfront setbacks to pools and spas, prohibit rear setback variances for pool screen enclosures, and partition and specify setbacks for decks and patios.
5. Discussion Items

a. St. Pete Beach Public Library

b. Community Rating System (CRS) 5-Year Cycle Preliminary Rating

c. Comprehensive Plan Review - Overview

6. Adjournment - Next Meeting 05/17/2021

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.

DRAFT PLANNING BOARD MEETING MINUTES

March 15, 2021 4:00 P.M.

PRESENT: Tiffany Secka, Chair
Rachel Ciliberti, Member
Tom DeYampert, Member
Bev Jackson, Member
Greg Premer, Vice Chair

STAFF PRESENT: Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Brandon Berry, Planner II

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

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. 2/22/2021

In item 6, FEMA Flood Maps, the decrease of Base Flood Elevation should read from 11 to 9 feet.

Motion: Member Ciliberti moved and Vice Chair Premer seconded the approval of the minutes from the February 22, 2021 with the change to Item 6; the motion carried 5-0.

4. Discussion Items

a. Bicycles on the Beach: In a continuation from last month's meeting, Mr. Wright directed the Board members to the meeting packet page which included the Land Development Code definition of "vehicle", the Code of Ordinances section on "skateboards and motorized vehicles" and criteria for permitted operation of vehicles (public works and safety, commercial activities, special events, and mechanical beach cleaning) on the beach. There are some discrepancies in the verbiage of both documents that need to be made uniform. At their November meeting, the Beach Stewardship Committee voted to recommend to the City Commission that bicycles and all wheeled conveyances, including motorized, be prohibited from the beach; this will be on the next Commission agenda.

Board discussion followed regarding vehicles on the beach and safety, including partially motorized e-bicycles and Onewheels. Electric scooter and e-bike use are increasing rapidly within the City. The City's Transportation Director is working with other cities to see what policies they have planned. The City Attorney added that a bill passed the Florida Senate which subjects e-bikes to all of the rights and duties of regular bicycles but does not preempt local governments from regulating them.

John Kurzman of Bahia Honda Way gave public comment on being respectful of pedestrians while e-bike riding on the beach and provided handouts to the Board on motorized bicycles and

public beach access. The City Attorney added comment that local police have powers to regulate municipal areas for public health and safety.

Motion: Member DeYampert moved and Member Jackson seconded a recommendation to the City Commission that beach policing be kept simple for the Sheriff's Office and all bicycles and Onewheels, motorized or not, be eliminated from the beach. The motion carried 4-1 with Member Premer voting No.

b. Fishing on the Beach: Mr. Wright could not find, in his research, any local beaches that prohibit fishing on the shore. Our City's ordinances only prohibit fishing on the Vina del Mar and Boca Ciega Isle bridges. The Florida Fish and Wildlife Conservation Commission regulates fishing on the shores. Board discussion followed on safety issues of shore fishing in proximity to swimmers; the City Attorney's office is researching the legalities of designating certain areas.

John Kurzman of Bahia Honda Way provided public comment suggesting signage vs. laws.

c. St. Pete Beach Height Standards: Mr. Wright explained that work is being done on how to regulate height in the Land Development Code as related to Base Flood Elevation which is changing with the new FEMA maps and must be adopted by August 24, 2021. The Base Flood Elevation of most areas of the City will be decreasing by two to three feet; the City can use the most restrictive elevation in regulating height. Mr. Berry reviewed a presentation on some of the elevation updates since the last meeting. He reviewed the current definition of "height" in the Land Development Code and two proposed additions to that verbiage for the purposes of standardization, as well as two new definitions – "Design Flood Elevation" and "Freeboard". The proposed definitions are made part of these minutes. He continued to review examples, using recent site plans, of the two height standardization proposals in Vina del Mar, Brightwater Estates, and Pass-a-Grille. Other examples will be brought to future meetings.

The Board discussed the two proposals and the consensus was that basing height from grade makes the changes equitable across the City. Mr. Berry added that Pass-a-Grille has its own height standards and appropriate care would be paid to that.

At the Chair's request, Mr. Wright gave an update on the Substantial Improvement Ordinance that has passed and ways in which the City will work to inform the public, realtors, builders, and architects on these changes.

Mr. John Kurzman of Bahia Honda Way provided public comment on the Ordinance and when it takes effect. He provided a print-out on a scale of water levels.

5. Adjournment – Next Meeting 4/19/2021

There being no further business, Chair Secka adjourned the meeting at 5:20 PM.

These minutes will be presented for approval at the April 19, 2021 Planning Board meeting.

St. Pete Beach City Commission
Agenda Report

Issue Considered: Ordinance 2021-08 Modifying the Basis for Height Measurement

Date: April 19, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Community Development Director

Summary of Issue: Staff are proposing that the definition of "Height", for residential structures in the five named core residential districts as well as the Pass-a-Grille Overlay, be amended to provide the option to start measuring from eight (8) feet above natural grade when habitable space begins at or higher than eight feet above natural grade. This is an additional provision above the ability to measure from the required Design Flood Elevation, which will be formalized within the Land Development Code but otherwise remain in place. All other primary structures, including residential structures outside these six districts, will remain measured from the required Design Flood Elevation. Staff are also proposing that the height of accessory structures be measured from the natural grade unless otherwise specified in the regulations found elsewhere in the Code.

Funding: N/A

Requested Motion: Motion: Recommend approval of Ordinance No. 2021-08 and find it consistent with the city's Comprehensive Plan as stated in the staff report.

Attachments:
1. Staff Report - Ord 2021-08 Height Amendment
2. Ordinance 2021-08

CITY OF ST. PETE BEACH
PLANNING BOARD STAFF REPORT

TO: Planning Board

FROM: Wesley Wright, Community Development Director

DATE: April 19, 2021

SUBJECT: Ordinance 2021-08, amending Land Development Code DIVISION 2 - DEFINITIONS Section 2.1 – Words, terms, and phrases defined by modifying the basis for height measurements for residential structures in the RU-1, RU-2, RLM-1, RLM-2, RM, And PAG Districts as well as accessory structures, and adding a definition for Design Flood Elevation and Freeboard; Amending DIVISION 20 – PAG PASS-A-GRILLE OVERLAY DISTRICT, Section 20.02 – Definitions, Section 20.15 – Permitted building types, and Section 20.17 – Building height to reflect new height measurements

BACKGROUND:

On February 24, 2021 the City became subject to the 2021 Flood Insurance Rate Maps (FIRM). The 2021 FIRM specify the flood zone and location of Base Flood Elevation for all properties in St. Pete Beach's Special Flood Hazard Area (SFHA), which comprises the entirety of the City. The 2021 FIRM supersedes the 2003 FIRM which the City has been subject to since August of 2003, and has significant impacts on select properties in the City. Many properties that were formerly located in an "AE" zone are being placed in a "Coastal A" zone, which carries building requirements akin to a "Coastal V" zone. Furthermore, the location of Base Flood Elevation for many properties is changing, generally by dropping one to three feet.

Since at least 2003, the City has based height on the location of Base Flood Elevation. For all properties in the City's five core residential districts of RU-1, RU-2, RLM-1, RLM-2, and RM, height has been measured as 30 feet (35 feet for RM) above the Base Flood Elevation. In Pass-a-Grille residential structure height is limited to 28 feet, with an overall roof height not to exceed 32 feet, above the Base Flood Elevation. With the City requiring one foot of freeboard for all residential development, Staff have interpreted this height measurement to start at Base Flood Elevation plus one foot (also known as the required Design Flood Elevation) since 2019.

Staff are proposing that the definition of "Height", for residential structures in the five named core residential districts as well as the Pass-a-Grille Overlay, be amended to provide the option to start measuring from eight (8) feet above natural grade when habitable space begins at or higher than eight feet above natural grade. This is an additional provision above the ability to measure from the required Design Flood

Elevation, which will be formalized within the Land Development Code but otherwise remain in place. All other primary structures, including residential structures outside these six districts, will remain measured from the required Design Flood Elevation. Staff are also proposing that the height of accessory structures be measured from the natural grade unless otherwise specified in the regulations found elsewhere in the Code.

Staff's chief objective with this ordinance is to create relative consistency in residential home height, both within districts and across neighborhoods, without dramatically altering from-grade residential redevelopment height from that available under the 2003 FIRM and existing "Height" definition. Borrowing an existing Code standard applicable to nonconforming properties, which allows for any nonconforming home to be raised up to eight feet for the purposes of establishing a garage underneath (provided that garage does not elevate the home above allowable overall height), this option would afford property owners the option to measure the starting point of home height from eight feet above grade if chosen.

Upon review, given the general drop in allowable home height under the current definition due to the change in location of Base Flood Elevation for many properties across the City as of the 2021 FIRM, the buildable home height under the change proposed here will allow homes in some neighborhoods to be built as much as three feet higher than permitted under the 2003 FIRM maps and existing definition when measured from natural grade, while many neighborhoods will see an impact of +/- one foot from natural grade. This change will allow consistency in built home height from natural grade within districts across City neighborhoods, allowing for any residential property in the RU-1, RU-2, RLM-1, and RLM-2 districts to be built at 38 feet from natural grade, and any property in the RM district to be built at 43 feet above natural grade. Homes in Pass-a-Grille may be constructed to 36 feet to the roof midpoint, and 40 feet overall, from natural grade.

This amendment is specific to the Land Development Code and addresses height from a zoning perspective. Nothing in this ordinance should be construed to abrogate any requirement of FEMA, the Florida Building Code, or any other relevant code as it applies to residential construction.

PLANNING BOARD:

The Planning Board, sitting as the LPA, will review proposed Ordinances 2021-08 on April 19, 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 2.1

The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained through the enforcement of the land development regulations and shall be encouraged to be improved, and for those properties experiencing blighting conditions such as deterioration, degradation, and distress shall be encouraged to redevelop through the use of land development regulations and other incentives, in accordance with the Future Land Use Element.

Policy 2.1.4

The City will continue to encourage the construction of residential units suitable for families with children.

Objective 2.4

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

Policy 2.4.3

The City shall, while emphasizing residential uses in residential neighborhoods, encourage the creative redevelopment of non-viable properties by allowing for a mixture of compatible residential and non-residential uses within a single development site.

Policy 2.4.4

In order to ensure the continued maintenance of its beach residential character, the City, through administration of its LDC shall encourage the rehabilitation and/or revitalization of existing residential structures.

HOUSING PLAN ELEMENT

GOAL 1:

The City shall provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the City, free from arbitrary discrimination because of race, sex, handicap, ethnic background, age, marital status or household composition.

Objective 1.1

In accordance with this Comprehensive Plan the City shall continue to provide technical assistance to the private sector so that they will be able to provide a suitable mix of housing types and numbers to meet the City's housing needs as well as making all housing sites in the City available to low and moderate income families.

Policy 1.1.2

The City shall periodically review ordinances, codes, regulations and permitting processes in order to increase the efficiency and economy of meeting the housing needs of the City, while continuing to ensure the health, welfare and safety of the residents.

Policy 1.1.3

The City shall continue to allow a variety of residential densities and housing types in order to enhance the opportunity for the private sector to provide housing in a wide range of types and costs.

Objective 1.4

In accordance with this comprehensive plan the City shall work to extend the useful life of the existing housing stock while maintaining the neighborhood quality through land development regulations.

Policy 1.4.1

The City shall periodically review and amend, where necessary, the housing and health codes and other standards relating to care and maintenance of residential and neighborhood environments and facilities.

STAFF RECOMMENDATION:
Staff recommends the Planning Board, sitting as the LPA, recommend approval of Ordinances No. 2021-08 and find it consistent with the city’s Comprehensive Plan as stated in the staff report.

Ordinance 2021-08

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING LAND DEVELOPMENT CODE DIVISION 2 – DEFINITIONS, SECTION 2.1 – WORDS, TERMS, AND PHRASES DEFINED BY MODIFYING THE BASIS FOR HEIGHT MEASUREMENTS FOR RESIDENTIAL STRUCTURES IN THE RU-1, RU-2, RLM-1, RLM-2, RM, AND PAG DISTRICTS AS WELL AS ACCESSORY STRUCTURES, AND ADDING A DEFINITION FOR DESIGN FLOOD ELEVATION AND FREEBOARD; AMENDING DIVISION 20 – PAG PASS-A-GRILLE OVERLAY DISTRICT, SECTION 20.02 – DEFINITIONS, SECTION 20.15 – PERMITTED BUILDING TYPES, AND SECTION 20.17 – BUILDING HEIGHT TO REFLECT NEW HEIGHT MEASUREMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach encourages the construction of residential units suitable for families with children.

WHEREAS, on February 24, 2021 the City became subject to the 2021 Flood Insurance Rate Maps (FIRM), which altered the flood zone and location of Base Flood Elevation relative to grade for a significant number of properties across the City.

WHEREAS, the City Commission wishes to maintain relative consistency in the buildable rights for residential properties within and across its core residential districts.

WHEREAS, the City Commission accepts that amending height in its core residential districts preserves the ability of homeowners to construct their residences to the height standard afforded under the 2003 Land Development Code, while providing an option to begin height measurements at up to eight feet above natural grade, provides relative height consistency with allowable home height under the 2003 FIRM while maintaining intended consistency across neighborhoods.

WHEREAS, on April 19, 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 2 – DEFINITIONS

Sec. 2.1. - Words, terms and phrases defined.

***

Density pool means a finite quantity of temporary lodging or residential units allocated for specified districts in the Comprehensive Plan that may allow a property to be developed with additional units than would be otherwise permitted or conditionally permitted under the property's district regulations.

Design Flood Elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. For purposes of measuring height, this term shall refer to the Base Flood Elevation plus required freeboard.

Development means the excavation or alteration of existing ground elevations, the carrying out of any building activity, the making of any change in the use or appearance of any structure or land, the dividing of land, rezoning, conditional use, variance, commercial dock, or any other request for official action of the city having the effect of development of land.

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Guest room. See: "Transient accommodation unit."

Height means the vertical distance ~~above the base flood elevation to the highest point of a flat roof, to the deck of a mansard roof or to the average height between the plate and the ridge of gable or hip roofs, not including chimneys, antennas, elevator shafts, mechanical rooms or other non-habitable areas.~~as specified below:

(a) When the structure is a residence located in the RU-1, RU-2, RLM-1, RLM-2, RM, or Pass-a-Grille Overlay Districts, this measurement shall be taken from a starting point as follows:
    a. For any structure with habitable space located less than eight feet above natural grade, height shall be measured from the property's required Design Flood Elevation.
    b. For any structure with habitable space beginning at or higher than eight feet above natural grade, height shall be measured from eight feet above natural grade.
(b) When the structure is an accessory structure, this measurement shall be taken from natural grade to the highest point of the roof unless otherwise specified in this Code;

(c) For all other structures, height is measured from the structure's required Design Flood Elevation to the highest point of the roof.

The highest point of the roof is as follows:

1. The highest point of a flat roof.
2. The deck of a mansard roof.
3. The average height between the plate and ridge of gable or hip roofs.

This measurement shall not be inclusive of elevator shafts, chimneys, mechanical rooms or other non-habitable areas except for properties located in the Pass-a-Grille Overlay District.

Historic building or site means a property, site, zoning lot, building, or structure that has been designated as "historic" by the city commission or that is listed on the National Register of Historic Places as being worthy of protection, enhancement and perpetuation because of its cultural, historic, architectural, or archaeological significance and integrity.

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Floor area ratio (FAR) means the total amount of gross floor area of all buildings on a zoning lot in relation to the total square footage of zoning lot area, expressed as a ratio. The calculation of the floor are ratio excludes land devoted to public rights-of-way, submerged lands and lands seaward of the State of Florida Coastal Control Line.

Freeboard means an additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., one feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

Front yard. See "Yard - Front yard."

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DIVISION 20 - PAG PASS-A-GRILLE OVERLAY DISTRICT

Sec. 20.02. - Definitions.

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(d) *Balanced, symmetrically* means the shapes on one side of the centerline match the shapes on the other side. The two halves are visually equally.

(e) *Building height*: Provisions for permitted heights in feet (ft). The maximum height for first floor residential development shall be fourteen (14) feet and twenty (20)

feet for non-residential. The maximum height for second story and higher shall not exceed fourteen (14) feet. Each building lot typology provides the range of height appropriate for the building type. No new or substantially improved building within the PAG Overlay District and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed ~~not~~ to exceed twenty-eight (28) feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, or thirty-two (32) feet overall, as defined below:

a. For any structure with habitable space located less than eight feet above natural grade, height shall be measured from the property's required Design Flood Elevation.
b. For any structure with habitable space beginning at or higher than eight feet above natural grade, height shall be measured from eight feet above natural grade.

~~and measured from the base flood elevation determined under the most restrictive applicable standard for the building site, further provided that the overall roof height shall not exceed thirty-two (32) feet.~~ Base flood elevation requirements are outlined in section 98-33 of the City's Code of Ordinances.

(f) *Building envelope*: Provisions for the minimum and maximum setbacks permitted by front, side, and rear yards. There is a minimum and maximum setback for each lot type. The maximum and minimum frontage refers to the proportion of the lot width along which the primary building façade must be within the minimum and maximum front setback.

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Sec. 20.15. - Permitted building types.

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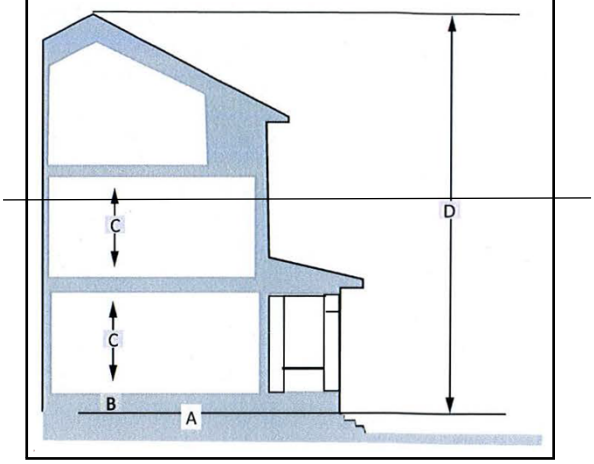
~~H~~	~~BUILDING HEIGHT~~
~~Pass-A-Grille is located in a flood zone and has special requirements that shall be met in section 98-33 of the City's Code of Ordinances for base flood elevations (BFE). The graphic below provides overall guidance on the design of floors, the measuring of the finished floor.~~	

-

	~~MIN~~	~~MAX~~
~~Building facade requirements:~~		

~~A - Base Flood Elevation (BFE) refer to Sec. 98-33~~		
~~B - Finished Grade (FG)~~	~~Determined by the BFE & FG~~	
~~C - Height of Floors (liveable)~~	~~8~~	~~14~~
~~D - Total Height (Measurement from the BFE)~~	~~—~~	~~—~~
~~Residential *~~	~~—~~	~~28-32 *~~
~~Commercial (non-residential)~~	~~—~~	~~Refer to Underlying Zoning District .~~
~~* Not to exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the base flood elevation determined under the most restrictive applicable standard for the building site, further provided that the overall roof height shall not exceed 32 feet.~~		

~~HEIGHT~~



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Sec. 20.17. - Building height.

Each building lot typology in section 20.15 provides the range of height appropriate for the building type. No new or substantially improved building within the PAG Overlay District and having the underlying zoning designation of THD, RU-2 Residential, RLM-2 Residential, or RM Residential shall be constructed ~~not~~ to exceed twenty-eight (28) feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, or thirty-two (32) feet overall, as defined below:

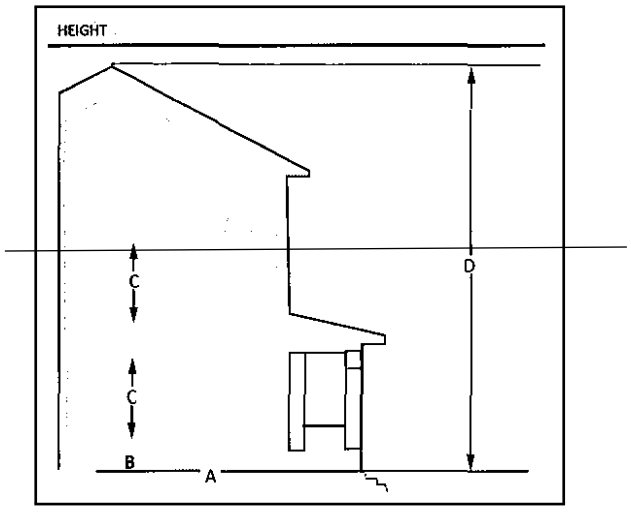
Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

a. For any structure with habitable space located less than eight feet above natural grade, height shall be measured from the property's required Design Flood Elevation.
b. For any structure with habitable space beginning at or higher than eight feet above natural grade, height shall be measured from eight feet above natural grade.

~~and measured from the base flood elevation determined under the most restrictive applicable standard for the building site, further provided that the overall roof height shall not exceed thirty-two(32) feet.~~ Base flood elevation requirements are outlined in section 98-33 of the City's Code of Ordinances.

	MIN	MAX
Building facade requirements:		
A - Base Flood Elevation (BFE) refer to Sec. 98-33		
B - Finished Grade (FG)	Determined by the BFE & FG	
C - Height of Floors (liveable)	8	14
D - Total Height (Measurement from the ~~B~~required DFE)	—	—
Residential *	—	28-32*
Commercial (non-residential)	—	Refer to Underlying Zoning District
* Not to exceed 28 feet in height to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and measured from the ~~base flood elevation determined under the most restrictive applicable standard for the building site~~ location specified above, further provided that the overall roof height shall not exceed 32 feet.		

~~HEIGHT~~



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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.

Words ~~stricken~~ through shall be deleted. Words <u>underscored</u> constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

_____
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.

_____
Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Andrew Dickman, City Attorney

Words ~~stricken~~ through shall be deleted. Words <u>underscored</u> constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

St. Pete Beach City Commission
Agenda Report

Issue Considered: Ordinance 2021-12 Accessory Structure Amendments

Date: April 19, 2021

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: Pool setback variances are among the most common requested in the City of St. Pete Beach, representing 12 out of the 29 variances applied for between March 2019 and March 2021. The Land Development Code prescribes different rear setbacks for pools depending on their height above grade, with pools set two feet or less above grade required to meet a nine-foot rear setback and those above two feet generally required to meet a twenty-foot rear setback. All pools are required to meet the same front, secondary front, and side setbacks as the setbacks required for the principal structure in the district.

Due to the frequency of variance requests for reduced pool setbacks, and the limited visual impact of inground pools on adjacent properties, Staff are proposing reduced rear and waterfront setbacks for pools and spas that are elevated no more than two feet above grade. The rear yard setback on non-waterfront lots is proposed to be 5', and the waterfront yard setback is proposed at 3'. One foot of coping is permitted to encroach into the required rear or waterfront yard beyond that setback. An existing requirement that any pool and spa proposed closer than twenty feet to the seawall be accompanied by stamped and sealed plans and specifications showing how the seawall is to be protected will remain unchanged.

The accompanying Ordinance 2021-B also provides a definition for a "deck" and a "patio", specifies separate setbacks for each to reflect how Staff have interpreted their distinction in the past, and prohibits rear setback variances for pool screen enclosures beyond the existing standard in place.

Funding:	N/A
Requested Motion:	Motion: Recommend approval of Ordinance No. 2021-12 and find it consistent with the city's Comprehensive Plan as stated in the staff report.
Attachments:	1. Staff Report: 2021-12 Accessory Structure Amendments 2. Ordinance 2021-12

CITY OF ST. PETE BEACH
PLANNING BOARD STAFF REPORT

TO: Planning Board

FROM: Wesley Wright, Community Development Director

DATE: April 19, 2021

SUBJECT: Ordinance 2021-12, amending Land Development Code Division 2 – DEFINITIONS, Section 2.1 – Words, terms and phrases defined to provide a definition for patio and deck; amending Division 6 – SUPPLEMENTAL REGULATIONS, Section 6.13 – Residential Accessory Structures to reduce rear and waterfront setbacks to pools and spas, prohibit rear setback variances for pool screen enclosures, and partition and specify setbacks for decks and patios.

BACKGROUND:

Pool setback variances are among the most common requested in the City of St. Pete Beach, representing 12 out of the 29 variances applied for between March 2019 and March 2021. The Land Development Code prescribes different rear setbacks for pools depending on their height above grade, with pools set two feet or less above grade required to meet a nine-foot rear setback and those above two feet generally required to meet a twenty-foot rear setback. All pools are required to meet the same front, secondary front, and side setbacks as the setbacks required for the principal structure in the district.

Due to the frequency of variance requests for reduced pool setbacks, and the limited visual impact of inground pools on adjacent properties, Staff are proposing reduced rear and waterfront setbacks for pools and spas that are elevated no more than two feet above grade. The rear yard setback on non-waterfront lots is proposed to be 5', and the waterfront yard setback is proposed at 3'. One foot of coping is permitted to encroach into the required rear or waterfront yard beyond that setback. An existing requirement that any pool and spa proposed closer than twenty feet to the seawall be accompanied by stamped and sealed plans and specifications showing how the seawall is to be protected will remain unchanged.

The accompanying Ordinance 2021-12 also provides a definition for a "deck" and a "patio", specifies separate setbacks for each to reflect how Staff have interpreted their distinction in the past, and prohibits rear setback variances for pool screen enclosures beyond the existing standard in place.

PLANNING BOARD:

The Planning Board, sitting as the LPA, will review proposed Ordinances 2021-12 on April 19, 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 2.1

The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained through the enforcement of the land development regulations and shall be encouraged to be improved, and for those properties experiencing blighting conditions such as deterioration, degradation, and distress shall be encouraged to redevelop through the use of land development regulations and other incentives, in accordance with the Future Land Use Element.

Policy 2.1.4

The City will continue to encourage the construction of residential units suitable for families with children.

Objective 2.4

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

Policy 2.4.4

In order to ensure the continued maintenance of its beach residential character, the City, through administration of its LDC shall encourage the rehabilitation and/or revitalization of existing residential structures.

HOUSING PLAN ELEMENT

GOAL 1:

The City shall provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the City, free from arbitrary discrimination because of race, sex, handicap, ethnic background, age, marital status or household composition.

Objective 1.1

In accordance with this Comprehensive Plan the City shall continue to provide technical assistance to the private sector so that they will be able to provide a suitable mix of housing types and numbers to meet the City's housing needs as well as making all housing sites in the City available to low and moderate income families.

Policy 1.1.2

The City shall periodically review ordinances, codes, regulations and permitting processes in order to increase the efficiency and economy of meeting the housing needs of the City, while continuing to ensure the health, welfare and safety of the residents.

Objective 1.4

In accordance with this comprehensive plan the City shall work to extend the useful life of the existing housing stock while maintaining the neighborhood quality through land development regulations.

Policy 1.4.1

The City shall periodically review and amend, where necessary, the housing and health codes and other standards relating to care and maintenance of residential and neighborhood environments and facilities.

STAFF RECOMMENDATION:
Staff recommends the Planning Board, sitting as the LPA, recommend approval of Ordinances No. 2021-12 and find them consistent with the city’s Comprehensive Plan as stated in the staff report.

Ordinance 2021-12

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 2 – DEFINITIONS, SECTION 2.1 – WORDS, TERMS AND PHRASES DEFINED TO PROVIDE A DEFINITION FOR PATIO AND DECK; AMENDING DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.13 – RESIDENTIAL ACCESSORY STRUCTURES TO REDUCE REAR AND WATERFRONT SETBACKS FOR POOLS AND SPAS, PROHIBIT REAR SETBACK VARIANCES FOR POOL SCREEN ENCLOSURES, AND PARTITION AND SPECIFY SETBACKS FOR DECKS AND PATIOS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach encourages the construction of residential units suitable for families with children.

WHEREAS, the City periodically reviews ordinances, codes regulations and permitting processes in order to increase the efficiency and economy of meeting the housing needs of the City, while continuing to ensure the health, welfare and safety of the residents.

WHEREAS, on April 19, 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 2 – DEFINITIONS

Sec. 2.1. - Words, terms and phrases defined.

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Day care center/kindergarten means a use, with no facilities for overnight stays, which provides child care and/or training for pre-school children and may provide after-school care for older children, including any child care arrangement which provides child care for more than five children unrelated to the operator and which receives payment, fee or grant for any of the children receiving care, wherever operated, and whether or not for profit, as defined and regulated by F.S. Ch. 402.

Deck means a platform, often elevated and featuring open railings, that is typically constructed of wood and is attached to or otherwise found adjoining a structure.

Demolition means the removal of a building, structure or portions thereof from a site.

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Parking structure (off-premise) means a structured parking facility with two or more levels that is not on the same property as the principal use it is designed and intended to serve.

Patio means a paved area adjoining a structure used for recreation and/or leisure, which often contains a pool.

Pawn shop means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property including metals, such as gold, silver, and copper.

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DIVISION 6 – SUPPLEMENTAL REGULATIONS

Sec. 6.13. - Residential accessory structures.

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(c) *Special accessory structures.* Special accessory structures include, but are not limited to, swimming pools, pool enclosures, decks and patios, patio covers, gazebos, fountains, garden trellises and children's playground equipment. Tree houses are specifically excluded as special accessory structures.

(1) *Swimming pools and spas* may be permitted by the city and shall be regulated as follows:

a. Pool setbacks shall be measured from the edge of the water.

b. Swimming pools, and spas ~~and their accessory decks~~ that ~~will~~ exceed two feet above grade shall meet all yard requirements for the district within which they are located. ~~Other swimming pools and spas shall be regulated by paragraph c. below.~~

c. ~~*Required yards:* Front, secondary front and side yards shall be as required within the district for a principal structure~~

~~The required rear yard shall be nine feet;~~

Swimming pools and spas of two feet or less in height above grade shall have the following setbacks:

1. Front, secondary front, and side yards: As required for the principal structure

2. Rear yard: Five feet to pool water's edge, four feet to coping

3. Waterfront yard: Three feet to pool water's edge, two feet to coping; however, on a waterfront property when the pool is proposed closer than 20 feet to the seawall, the application shall be accompanied by plans and specifications prepared and sealed by a registered engineer showing how the seawall will be protected.

(2) *Screened pool enclosures* may be permitted by the city and shall be regulated as follows:

a. Pool enclosures for swimming pools, spas and their accessory decks that will have a finished floor elevation in excess of two feet above grade shall meet all yard requirements for the district within which they are located. Other pool enclosures shall be regulated as follows:

b. *Required yards:* Front and side yards shall be as required within the district for a principal structure. The minimum rear yard shall be eight feet. No variance to this standard may be permitted.

c. *Maximum height:* Pool enclosures within the setbacks required for principal structures may be constructed to the height allowed for the principal structure. For other pool enclosures, the maximum permitted height shall be 14 feet to the highest point of the enclosure

(3) *Decks and patios* ~~with a finished floor elevation no higher than two feet above grade, other than those associated with swimming pools as regulated in paragraph (1) preceding,~~ shall be regulated as follows:

~~a. *Required yards:* Shall not encroach into any required front, secondary front or side yard and shall not encroach more than ten feet into any required rear yard~~

a. Decks and patios that exceed two feet above grade shall meet all yard requirements for the district within which they are located.

b. Decks of two feet or less in height above grade shall have the following setbacks:

1. Front, secondary front, and side yards: As required for the principal structure
2. Rear yard: Ten feet

c. Patios of two feet or less in height above grade shall have the following setbacks:

1. Front and secondary front yards: As required for the principal structure
2. Side and rear yards: Two feet
3. Waterfront yards: No required setback

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SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. 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 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication**.** This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption.

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

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

_____
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.

_____
Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Andrew Dickman, City Attorney

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.